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DOCKET NUMBER  
PROPOSED RULE PR 30, 40, 50, 70 & 72  
(58 FR 6730)

'93 APR -1 P 4 27



AEP:NRC:0508W

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Donald C. Cook Nuclear Plant Units 1 and 2  
Docket Nos. 50-315 and 50-316  
License Nos. DPR-58 and DPR-74  
PROPOSED RULE CHANGE ON SITE STORAGE OF  
LOW LEVEL RADIOACTIVE WASTE

The Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attn: Docketing and Service Branch

March 26, 1993

Dear Mr. Secretary:

On February 2, 1993, the NRC published a proposed rule on "The Procedures and Criteria for On-Site Storage of Low Level Radioactive Waste." For reasons given below, I urge you not to adopt the proposed rule. The rule is not likely to meet its goal of encouraging the States and compacts to move forward with the development of low level waste (LLW) disposal facilities, and it will not increase the protection of the health and safety of the public or the environment.

Indiana Michigan Power Company operates the Donald C. Cook Nuclear Plant in Bridgman, Michigan. As a result of the slow development of low level radioactive waste disposal sites, we are storing our waste on-site. The States and compact regions should be encouraged to fulfill their obligations regarding waste storage. However, the indirect incentives placed on the licensee are neither equitable nor effective. The Low Level Waste Policy Act and its amendments set milestones and penalties in this indirect manner.

In the discussion of the new rule in the Federal Register Notice, to show compliance with the proposed rules, the NRC would expect each waste generator to make an annual request for access to each operating commercial LLW disposal facility. The documented annual access requests and replies to these requests would have to be retained by the waste generator for three years. If an operating disposal facility has a stated restriction to receiving wastes from a generator, an annual access request requirement on the generator would serve no purpose and would be an unnecessary administrative burden and expense. For example, since the State

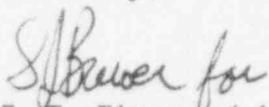
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of Michigan has 54 waste generators, each operating disposal site should expect 54 requests from Michigan. Nationally, the number of requests could easily be greater than 1,000 for each disposal site. It would be a burden for an operating disposal facility to reply to each request. These disposal facilities will be in States and compact regions that have met the law. The States that need to be encouraged to fulfill their waste storage obligations will not be affected by the proposed rule.

The status of waste generator access to an operating disposal facility will continue to be known by both the regulators and the waste generators. The NRC has established a policy discouraging waste storage that can be effectively implemented. Licensees are committed to ensuring that waste storage will neither compromise safe operations nor decrease the level of safety. This commitment can be met without the additional administrative burdens the proposed rule would add.

Sincerely,



E. E. Fitzpatrick  
Vice President

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