

PROPOSED RULE PR 50  
(57 FR 15034)

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OFFICE OF SECRETARY  
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BRANCH

July 2, 1992  
NRC-92-0073

Secretary, U.S. Nuclear Regulatory Commission  
Attention: Docketing and Service Branch  
Washington, DC 20555

- References:
- 1) Fermi 2  
NRC Docket No. 50-341  
NRC License No. NPF-43
  - 2) NRC Proposed Rulemaking to Amend 10CFR50.54 to Allow Receipt Back of Low Level Radioactive Waste; Federal Register Notice 57 FR 15034, dated April 24, 1992.
  - 3) NRC Commission "Policy Statement on Low-Level Radioactive Waste Volume Reduction"; Federal Register Notice 46 FR 51100, dated 10/16/81.

Subject: Detroit Edison Comments Endorsing the NRC's Proposed Rulemaking to Amend 10 CFR 50.54 to Allow Receipt Back of Low Level Radwaste

Per Reference 2, the NRC is proposing to amend its regulations governing the "Conditions of Licenses" to allow a reactor licensee to receive back Low Level Radioactive Waste (LLRW) that is produced by the operating reactor after that waste has been shipped offsite to be processed. The purpose of this letter is to provide Detroit Edison's endorsement of the proposed Rulemaking to so amend 10 CFR 50.54 of the Commission's Regulations.

Detroit Edison fully endorses the proposed amendment to 10 CFR 50.54, "Conditions of Licenses", to allow reactor licensees to receive back LLRW generated at the plant and shipped offsite for processing. This approach by the NRC will be beneficial since it: (1) resolves the license authorization issue; (2) eliminates significant NRC and licensee resources which would otherwise be required to prepare, process and approve individual amendment requests to Part 50 Facility Operating Licenses; (3) allows licensees to temporarily store LLRW more efficiently by authorizing return after volume reduction activities; (4) neither sanctions, nor encourages, long-term onsite LLRW storage; and (5) is not counter to the intent of Congress in its

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authorization of the Low Level Radioactive Waste Policy Amendments Act (LLRWPA), which mandates States to ensure that adequate disposal capacity is available by January 1, 1996.

LLRW generated by nuclear power reactor licensees is frequently processed at commercial offsite facilities before being sent to a disposal facility. Such offsite processing, typically compaction or incineration, significantly reduces the overall volume of the LLRW that must be sent to the disposal site. Under the provisions of the LLRWPA, the three operating disposal sites in the United States can close to many licensees, on January 1, 1993. This access is already unavailable to some LLRW generators, such as the Fermi 2 Nuclear Power Plant, in Michigan. As a result, Detroit Edison is temporarily storing Fermi 2 LLRW in its On-site Storage Facility (OSSF).

The OSSF provides interim storage capacity for only a limited amount of LLRW. The LLRW volume reduction is utilized to reduce the volume of LLRW in storage and to extend the time before the OSSF is filled. This is consistent with the Commission's Policy Statement in Reference 3. Current power reactor licensees, such as Detroit Edison Fermi 2, have facility operating licenses that do not have a provision allowing to receive back LLRW shipped offsite after such volume reduction processing. This lack of provision bars Detroit Edison from more efficiently utilizing its OSSF under the current situation, since commercial waste processors can achieve greater volume reduction than available on-site.

Since being denied access on October 10, 1990, no shipments to burial sites have occurred from Fermi 2. One shipment of 765 cubic feet of Dry Active Waste (DAW) was made to Chem Nuclear at Channahon, Illinois, for processing on June 27, 1991, following a successful court appeal of the prohibition on burial of Michigan LLRW. Following processing, Detroit Edison expected the shipment would be sent to Barnwell, South Carolina, for final disposal. However, on August 24, 1991, the 6th circuit court reinstated the prohibition. Due to the lack of provision in the current Fermi 2 license allowing return of processed LLRW, Chem Nuclear had to seek extensions from the Illinois Department of Nuclear Safety (IDNS) to maintain possession of the waste. Currently, IDNS has permitted Chem Nuclear to retain the waste at Channahon only until December 31, 1992. The proposed rule would allow Detroit Edison to receive the waste back if burial site access is not obtained thereby avoiding the need for Chem Nuclear to seek further extension from IDNS.

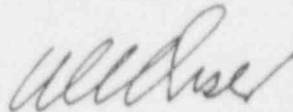
Detroit Edison recognizes the Commission's unfavorable view on long-term onsite storage of LLRW, unless all other avenues involving current efforts to achieve agreements between States and regional compacts, including the implementation of additional State funded storage capacity, are fully exhausted by the licensee. Detroit Edison fully intends to continue to be actively involved in these efforts.

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This proposed amendment should not hinder the establishment of additional disposal capacity by the States, and yet, consistent with NRC regulatory safety requirements, permits the necessary interim operational flexibility needed by licensees such as Fermi 2.

Detroit Edison appreciates the opportunity to comment on the proposed Rulemaking for amending 10 CFR 50.54 and strongly encourages approval prior to December 1992. If you should have any questions or comments on this letter, please contact Mr. Terry L. Riley, Supervisor, Nuclear Licensing at (313) 586-1684.

Sincerely,



cc: T. G. Colburn  
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M. P. Phillips  
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