



**Wisconsin
Electric**
POWER COMPANY

DOCKET NUMBER PR 50,72,170
PROPOSED RULE

(54 FR 19379)

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231 W. Michigan, P.O. Box 2046, Milwaukee, WI 53201

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(414) 221-2345

June 12, 1989

DOCK:

Secretary
U. S. NUCLEAR REGULATORY COMMISSION
Washington, D.C. 20555

Attn: DOCKETING AND SERVICE BRANCH

Gentlemen:

**COMMENTS ON PROPOSED RULE: STORAGE OF SPENT NUCLEAR FUEL IN
NRC-APPROVED STORAGE CASKS AT NUCLEAR POWER REACTOR SITES**

On May 5, 1989 the Commission published a proposed rule to amend its regulations to allow storage of spent fuel under a general license at nuclear power plant sites in casks approved by the NRC (FR 19379). We support this proposed rule since it allows reactor licensees to manage their spent fuel inventories as necessary until the Department of Energy accepts the fuel for disposal at a high level waste repository. However, we do have a general comment regarding the duration of cask model Certificates of Compliance (COCs) and general licenses to store spent fuel at power reactor sites. The duration limit imposes unnecessary burdens on both the NRC and licensees.

In accordance with the proposed rule, a cask model Certificate of Compliance (COC) issued by the NRC would expire twenty years from the date of issuance. The general license for spent fuel storage at a power reactor site would also have a duration of twenty years and be synchronized with the cask model(s) being used because of the link provided by Part 72.212. Given the uncertainty of the date of available disposal in a high-level waste repository, different spent fuel management needs and strategies among power reactor licensees, and the availability of multiple NRC approved cask models, the arbitrary twenty year duration and need for reapproval of COCs and general licenses presents unnecessary burdens for the NRC, licensee and cask vendors without a commensurate increase in protection of the public health and safety or the environment.

The NRC and licensees have respective and complementary responsibilities to protect the public health and safety and the environment. Absent overriding institutional issues or a defect in a cask model or a licensee's facility which would preclude providing adequate protection of public health and safety and the environment, there would be no need to revoke or modify a COC or a general license.

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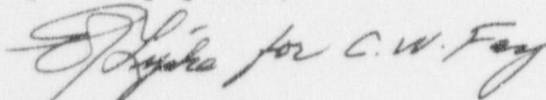
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Secretary, U.S. NRC
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Therefore, we recommend that the twenty year duration of COCs, and thus general licenses, be deleted from the proposed rule. In contrast, we recommend retention of the license requirements linked to the decommissioning of the power reactor facility and the addition of a stipulation linking the expiration of COCs and general licenses to store spent fuel to the availability of ultimate disposal.

In conclusion, we support the proposed rule and appreciate the opportunity to provide our comments. If you have any questions, or desire to discuss our comments further, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "C. W. Fay" or similar, written in dark ink.

C. W. Fay
Vice President
Nuclear Power

Copy to Jim Flaherty, Edison Electric Institute