

Mr. Ivan Itkin, Director  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
1000 Independence Avenue, NW  
Washington, DC 20585

SUBJECT: REQUEST FOR COMMENT ON A PROPOSED RULE TO STORE REACTOR-RELATED GTCC WASTE UNDER A 10 CFR PART 72 LICENSE

Dear Mr. Itkin:

The U.S. Nuclear Regulatory Commission (NRC) has published a proposed rule in the Federal Register (see enclosure) that would allow the storage of reactor-related greater than class C (GTCC) waste under the provisions of 10 CFR Part 72 "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste." Part 72 allows for the interim storage of spent fuel within an Independent Spent Fuel Storage Installation (ISFSI) or spent fuel and high-level waste within a Monitored Retrievable Storage installation (MRS). This rulemaking, if implemented, would also allow the interim storage of reactor-related GTCC waste within an ISFSI or an MRS.

In the development of the proposed rule, the NRC has identified a potential policy issue associated with the U.S. Department of Energy's (DOE's) responsibility for the disposal of GTCC waste. Because the DOE has not yet identified criteria or technical regulations for a disposal package for spent fuel or GTCC waste, the NRC is concerned that the commingling of spent fuel and GTCC waste (i.e., stored within the same cask) may be unacceptable for permanent disposal in the geologic repository. Therefore, the proposed rule would not allow commingling of GTCC waste with spent fuel in a single container.

The NRC desires to formulate regulations that reduce both radiological exposure and costs associated with repackaging the spent fuel and GTCC waste into two separate containers. Therefore, DOE information on disposal policies will be helpful in developing storage criteria for 10 CFR Part 72 (i.e., precluding a storage option that will be unacceptable for permanent disposal).

Specifically, the NRC is looking for DOE's position on commingling of spent fuel and GTCC waste in the same container for disposal at the geologic repository. In addition, the NRC would also appreciate DOE's response on the subject to commingling spent fuel and GTCC waste during interim storage in an ISFSI or spent fuel, high-level waste, and GTCC waste in an MRS.

I. Itkin

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I appreciate your assistance in this matter. Please provide your response to this letter and any comments on the proposed rule to my Rulemakings and Adjudications staff by the close of the comment period specified in the enclosure. Please contact Mr. Mark Haisfield of the Office of Nuclear Material Safety and Safeguards at (301) 415-6196, if you or your staff has any questions.

Sincerely,

Annette L. Vietti-Cook  
Secretary

Docket No.: PRM-72-2

Enclosure:

“Federal Register Notice of  
Proposed Rulemaking on  
Storing GTCC Waste”

cc:

Ms. Wendy R. Dixon, EIS Project Manager  
Yucca Mountain Site Characterization Office  
U.S. Department of Energy  
P.O. Box 30307, Mail Stop 010  
North Las Vegas, Nevada 89036-0307

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