



**North  
Atlantic**  
Energy Service Corporation

DOCKET NUMBER  
PROPOSED RULE **PR** 30, 40, 50, 70 & 72

(58 FR 6730)

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April 2, 1993

Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Reference: Facility Operating License No. NPF-86, Docket No. 50-443

Subject: Proposed Rule and Criteria for On-Site Storage of Low-Level Radioactive Waste

Gentlemen:

North Atlantic Energy Service Corporation (North Atlantic), as the licensed operator of Seabrook Station Unit 1, provides the following comments on the proposed rule.

North Atlantic generally agrees with the intent and substance of the proposed rule. The rule would be consistent with the goal of the Low-Level Radioactive Waste Policy Act Amendments of 1985 (LLRWPA) that the States make progress toward developing new facilities. It is also consistent with the intent of the Commission's Regulatory Review Group since it removes the requirement that a nuclear plant licensee bear the unnecessary burden of obtaining a separate license to store low-level radioactive waste (LLW) for more than five years. Seabrook Station, however, is in an unusual, if not unique position, with respect to the proposed rule. During the entire time of Seabrook Station's operating history, the State of New Hampshire has been barred from utilizing any of the three existing sites for disposal of utility-generated low-level radioactive waste. This restriction exists because the State has been unable to meet the milestones of the LLRWPA.

North Atlantic was granted a license to operate Seabrook Station at low-power in May, 1989 and the plant achieved initial criticality in June of that year. Low-level radioactive waste initially went into storage on-site in July, 1990. Under current policy, as defined in Generic Letter 81-38, a Part 30 license may be required if the time in storage exceeds five years. By July 1995, therefore, if New Hampshire is still barred from any existing LLW facility, North Atlantic will have to have applied for and received this license.

Under the terms of the proposed rule, such a license would not have to be obtained for LLW stored onsite after January 1, 1996 provided that the 10CFR50.59 evaluation criteria is met and all other reasonable waste management options have been exhausted. Neither the objectives of the rule nor the Commission as expressed through the Regulatory Review Group, therefore, would be served by requiring North Atlantic to go through a licensing process as a result of the gap between the current policy and the effectiveness of the proposed rule as applied to Seabrook Station. North Atlantic recommends that the final rule



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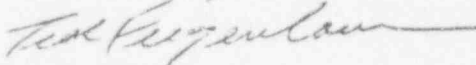
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either specifically exempt Seabrook Station from any interim Part 30 license requirement or allow plants that will have waste with in-storage times greater than five years between now and January 1, 1996 continue to store onsite until then by meeting 10CFR50.59 evaluation criteria. After January 1, 1996, they would, as stated in the proposed rule, also be required to document their best efforts at obtaining off-site disposal.

If you have any questions on this matter, please contact Mr. Terry L. Harpster, Director of Licensing Services at (603) 474-9521, extension 2765.

Very truly yours,

  
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TCF:JBH/act

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