

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



## Nebraska Public Power District

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April 5, 1993

(28)

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

Subject: Comments on NRC Proposed Rule Affecting LLRW On-Site Storage  
Cooper Nuclear Station  
NRC Docket No. 50-298/DPR-46

Reference: Federal Register, Volume 58, No. 20, 6730 - 6740, dated Tuesday,  
February 2, 1993, "Procedures and Criteria for On-Site Storage of  
Low-Level Radioactive Waste"

Gentlemen:

On February 2, 1993, the Nuclear Regulatory Commission (NRC) published in the Federal Register a proposed rule establishing restrictions regarding on-site storage of low-level radioactive waste (LLRW) after January 1, 1996. The Federal Register requested that comments on the referenced proposed rule be forwarded to the Commission by April 5, 1993. The Nebraska Public Power District (District), which operates the Cooper Nuclear Station (CNS), has chosen to comment on the proposed rule. Contained in this letter are the District's comments for NRC consideration in the final rulemaking:

- 1) As a licensee, we would agree with the NRC that permanent disposal of LLRW is certainly preferable to the interim on-site storage of LLRW at reactor sites. However, LLRW generated at reactor sites can be safely stored on a temporary basis under NRC requirements and guidance related to the interim storage of LLRW. Because interim on-site storage requires licensees to protect public health and safety, it cannot be concluded that permanent disposal of LLRW significantly enhances the public health and safety as compared to the on-site storage of LLRW. Nevertheless, ALARA considerations favor permanent disposal over interim storage.
- 2) The proposed rule states that for LLRW storage beyond January 1, 1996, "the licensee shall document that it has exhausted other reasonable waste management options," to dispose of its LLRW. This statement is ambiguous and needs to be clarified in order to more specifically describe what is required of a licensee to demonstrate that it has "exhausted other reasonable waste management options."
- 3) The NRC, through this rulemaking, is attempting to place the burden upon licensees to ensure new permanent disposal sites are developed. The LLRW Amendments Act of 1985 places this burden upon the states, not licensees.

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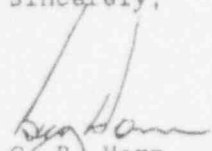
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This attempt to shift responsibility is not statutorily supportable and is an impossible burden on licensees.

The District appreciates the opportunity to comment on the proposed rule and would welcome the opportunity to discuss our comments. If you have any questions, please contact me.

Sincerely,



G. R. Horn  
Nuclear Power Group Manager

GRH/mls/drm

cc: U.S. Nuclear Regulatory Commission  
Region IV  
Arlington, TX

NRC Resident Inspector  
Cooper Nuclear Station