



**CENTERIOR
ENERGY**

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

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Docket Number 50-346

License Number NPF-3

Serial Number 2129

April 5, 1993

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

Attention: Docketing and Service Branch

Subject: Comments On Proposed Rule: Procedures and Criteria for
On-Site Storage of Low-Level Radioactive Waste (58 FR 6730)

Gentlemen:

Toledo Edison, a subsidiary of Centerior Energy, is partial owner of and is responsible for operation of the Davis-Besse Nuclear Power Station. Toledo Edison has been authorized for power operation of the Davis-Besse Nuclear Power Station since April 1977. As a 10 CFR 50 licensee, Toledo Edison has a vested interest in any policies the NRC may adopt which can affect the management and operation of a commercial nuclear power plant.

Toledo Edison has reviewed the proposed rule, published in the Federal Register on February 2, 1993 (58 FR 6730), entitled "Procedures and Criteria for On-Site Storage of Low-Level Radioactive Waste" and has the following comments regarding this issue.

The proposed rule would ban on-site storage of Low-Level Radioactive Waste (LLRW) unless a licensee can demonstrate that it has exhausted other reasonable waste management options. The proposed rule essentially eliminates the current technically feasible and viable regulatory option of on-site storage of LLRW and would impose new obligations on licensees.

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Operating Companies:
Cleveland Electric Illuminating
Toledo Edison

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Toledo Edison believes that the proposed rule is not necessary and, in fact, is counter productive to ongoing efforts to resolve LLRW storage issues. Existing rules, regulations, and guidance adequately address the technical aspects of on-site storage of LLRW and provide sufficient means of protecting the health and safety of the public. The NRC has stated that LLRW can be safely stored on-site. It is not necessary to promulgate additional regulations to "enhance" the protection of the public health and safety.

Should the NRC continue with the rulemaking process, Toledo Edison requests a clarification of 10 CFR 50.54 (ff)(2)(i) which currently would require documentation that:

The licensee has exhausted other reasonable waste management options which would include taking all reasonable steps to contract either directly or through the State, for the disposal of LLW;

Reasonable is a very arbitrary term. Actions taken by a licensee could be subject to second guessing by any interested party. Without specific criteria, the rule, as currently worded, could easily be used to force a licensee into off-site disposal of its LLRW regardless of the expense. This would be detrimental to the nuclear industry and is inconsistent with the industry's goal of providing reliable and economical electrical power.

In summary, Toledo Edison believes that the proposed rule is not necessary. It is hard to imagine why, on the one hand, the NRC is working to eliminate those regulations which are marginal to safety, and on the other hand is publishing a proposed rule such as this. In light of the additional obligations imposed on licensees with only questionable benefit to the health and safety of the public, Toledo Edison requests that a proper backfit analysis be performed if the NRC continues with the rulemaking process.

If you have any questions regarding these comments, please contact Mr. Robert W. Schrauder, Manager - Nuclear Licensing at (419) 321-2366.

Very truly yours,



HAT/dlc

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