NRCREP - Draft Final Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants Page 1

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From:MiclTo:TWiDate:TueSubject:DraftNuclear Power Plants

Michael H. Holmes <michael.holmes@stoneweb.com> TWFN_DO.twf2_po(NRCREP) Tue, Mar 7, 2000 10:42 AM Draft Final Technical Study of Spent Fuel Pool Accident Risk at Decommissioning

Subject: Dran Final Technical Study of Spent Fuel Fool Accident Risk at Decommissionin Nuclear Power Plants

Below is the result of your feedback form. It was submitted by Michael H. Holmes (michael.holmes@stoneweb.com) on Tuesday, March 7, 2000 at 10:42:39

StreetNumber: 7677

StreetName: E. Berry Ave.

City: Englewood

State: CO

ZIP: 80111

Country: USA

Affiliation: Stone & Webster Engineering Corporation

Comments: The Final Draft Technical Study has a paragraph in Section 4.3.2, Security, that starts on Page 35 and reads as follows:

"10 CFR 72 [Ref. 8] allows facilities not associated with an operating power reactor to store spent fuel at an independent spent fuel storage installation (ISFSI). 10 CFR 73.51 did not consider the risk posed by vehicle-borne bombs at facilities where potential criticality and fuel heat-up were still issues. The staff also noted that the applicability of 10 CFR 26 [Ref 9] has not been thoroughly evaluated for decommissioning reactors once fuel has been removed from the reactor vessel and placed in the SFP, and specifically does not apply to ISFSIs licensed under 10 CFR 72. Given the importance of a vehicle bomb threat to the integrity on SFP, and the significance of HRA to the conclusions reached in the SFP risk analysis, the staff recommends that for coherency in the regulations, both of these subjects be revisited during the overall integration of rules for decommissioning reactors".

This paragraph is vague, but seems to repudiate several key aspects of the May 15, 1998, NRC rulemaking on Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste, Federal Register Vol. 63, No. 94 Pages 26955 - 26963. Page 26955 of this rulemaking, which issued 10 CFR 73.51, states: "With regard to protection against the malevolent use of a land-based vehicle, NRC has determined, based on the opinions of expert study and a peer review of findings, that there is no compelling justification for requiring a vehicle barrier as perimeter protection for spent fuel and high-level radioactive waste stored under a Part 60 or Part 72 license".

These two NRC statements appear to contradict each other. The Draft Final Technical Study paragraph should be clarified regarding the following matters:

1. Is the May 15, 1998 ISFSI physical protection rulemaking, which was conducted over a three year period, going to be revisited by the NRC, and if so on the basis of what new safety concerns?

2. What is the actual scope of the safety concerns if the May 15, 1998 rulemaking is to be revisited? On one level the Draft Final Technical Study appears to question the entire basis for removing ISFSIs from the "radiological sabotage" and "theft" threats of Part 73.1. Does the new vehicle bomb threat concern apply to both wet and dry storage of SNF in an ISFSI? Does the new vehicle bomb threat concern apply to both one year old SNF and five year old SNF in an ISFSI? Does the new vehicle bomb threat concern

apply to ISFSIs that have already analyzed and addressed the "potential criticality" and "fuel heat-up" issues for an ISFSI in the customary manner?

This Draft Final Technical Study paragraph casks a shadow on the entire 10 CFR 73.51 rulemaking. The paragraph should clearly and completely identify the scope and basis of the ISFSI safety concerns to be revisited. NRC licensees are expending resources to comply with current NRC regulations. If NRC regulatios are to be revisited so shortly after being issued, the NRC needs to at least clearly explain the scope of the safety issues and new concerns.

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