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USNRC

Palo Verde Nuclear
Generating Station

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DOCKET NUMBER
PROPOSED RULE PA 72
(65FR3397)

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DOCKETED
USNRC

Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff

Dear Sirs:

**Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Docket Nos. STN 50-528/529/530
Comments on Proposed Rule – 10 CFR Part 72, List of Approved
Spent Fuel Storage Casks: NAC UMS Addition**

In the January 21, 2000 Federal Register (65 FR 3397), the NRC published for comment a proposed rule to add the NAC UMS Universal Storage System to the list of approved spent fuel storage casks in 10 CFR 72.214. Comments were requested by April 5, 2000.

As stated in the Federal Register notice, the NRC has issued a preliminary Safety Evaluation Report (SER) on the NAC Safety Analysis Report (SAR) and a proposed Certificate of Compliance (CoC) for the NAC UMS cask system. These documents would be issued by the NRC in their final versions when the NRC implements a final rule to add the NAC UMS cask system to 10 CFR 72.214.

Arizona Public Service Company (APS) participated in an effort with the NAC User Group (NUTUG) to compile comments on the proposed rule, the preliminary SER, and the proposed CoC for the NAC UMS cask system. APS endorses the comments submitted by NUTUG. In addition, APS provides additional comments in the Enclosure to this letter.

No commitments are being made to the NRC by this letter.

U. S. Nuclear Regulatory Commission
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If you have any questions, please contact Scott A. Bauer at (623) 393-5978.

Sincerely,

A handwritten signature in black ink, reading "Gregg R. Overbeck". The signature is written in a cursive style with a large, prominent "G" and "O".

GRO/SAB/GAM

Enclosure: Comments on Proposed Rule – 10 CFR Part 72, List of Approved Spent
Fuel Storage Casks: NAC UMS Addition

cc: E. W. Merschoff
M. B. Fields
J. H. Moorman

Comments on Proposed Rule – 10 CFR Part 72, List of Approved Spent Fuel Storage Casks: NAC UMS Addition

APS endorses the comments submitted by the NAC User Group (NUTUG).

In addition, APS provides the following comments:

1. The Safety Analysis Report (SAR) title shown in the proposed cask Certificate of Compliance (CoC) no. 1015 states "Revision 2." Recommend that it instead state "as amended."

The CoC will be, in effect, the license for the NAC UMS cask system and each of the casks manufactured in accordance with the CoC. Identifying a specific SAR revision in the CoC may imply that a CoC amendment, requiring prior NRC approval, would be required to amend or revise the FSAR. However, the approved changes to 10 CFR 72.48 will allow the cask certificate holder to make changes to the Final SAR (FSAR) without prior NRC approval, and 10 CFR 72.248 requires the cask certificate holder to periodically update the cask FSAR. Therefore, it would be more accurate, and reflect the 10 CFR 72.48 change process and the 10 CFR 72.248 FSAR update requirement, if the SAR title shown in the CoC were to state "as amended." This is typically how Part 50 reactor operating licenses refer to the reactor FSAR.

2. SER 5.4.3 states that:

"The actual doses to individuals beyond the controlled area boundary depend on site-specific conditions such as cask-array configuration, topography, demographics, and use of engineered features. Consequently, final determination of compliance with 72.104(a) is the responsibility of each *applicant for a site license*" (italics added).

The reference to an "applicant for a site license" in this context is contrary to the SER introduction which states that the cask may be used by a 10 CFR Part 72 ISFSI general licensee. An ISFSI general licensee would be required to have site-specific evaluations in accordance with 10 CFR 72.212, but would not be required to apply for a site license. Further, an ISFSI licensee would be responsible for compliance with 10 CFR 72.104(a) at all times, not just during an application for a license, if there were one. Recommended wording in SER 5.4.3 would be:

"Consequently, final determination of compliance with 72.104(a) is the responsibility of each *ISFSI licensee*."

3. Compliance with required actions A.1 and A.2 for limiting condition for operation (LCO) 3.2.2 in the proposed cask technical specifications does not either (1) restore compliance with the LCO or (2) allow exiting the LCO.

LCO 3.2.2 in the proposed cask technical specifications contains limits for the average surface dose rates of each concrete cask during loading operations. Surveillance Requirement SR 3.2.2.1 requires that the average surface dose rates be measured once after completion of transfer of a loaded canister into the concrete cask and before beginning storage operations. Condition A and required actions A.1 and A.2 for this LCO state that if the concrete average surface dose rate limits are not met, the licensee must (1) administratively verify correct fuel loading, and (2) perform analysis to verify compliance with the ISFSI offsite radiation protection requirements of 10 CFR 20 and 10 CFR 72. However, there is no provision in this LCO to allow the loaded concrete cask to be stored in the ISFSI after actions A.1 and A.2 are completed satisfactorily. The LCO does not provide for any course of action after actions A.1 and A.2 are completed.

The preliminary SER, Sections 5.4.3 and F5.3, state that the final determination of compliance with 10 CFR 72.104(a) is the responsibility of each applicant for a site license (see comment 2 above). Section 10.1.1 states that, as required by 10 CFR 72.212, a general licensee will be responsible for demonstrating site-specific compliance with 10 CFR Part 20, 10 CFR 72.104, and 10 CFR 72.106 requirements.

The intent of LCO 3.2.2 is that a licensee may store a cask that does not meet the LCO average surface dose rate limits as long as the licensee completes an analysis showing compliance with 10 CFR 20 and 10 CFR 72 limits at the ISFSI. Therefore, in order for required actions A.1 and A.2 to restore compliance with the LCO, the LCO should state: "The average surface dose rates of each CONCRETE CASK shall not exceed the following limits unless required action A.1 and A.2 are met."