



DOCKET NUMBER
PETITION RULE PRM 72-5
(65FR 36647)

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Your ref: CNRO-2000-00025
Our ref: NRC00-001

August 18, 2000

Subject: Comments on Petition for Rulemaking – 10 CFR Part 72 Docket No. PRM-72-5

Dear Sirs:

In the June 9, 2000 Federal Register (65 FR 36647), the NRC published for public comment a petition for rulemaking filed by the Nuclear Energy Institute (NEI) requesting that the NRC regulations governing storage of spent nuclear fuel be amended to establish a more efficient process for issuing and amending certificates of compliance (CoC) for dry cask storage of spent nuclear fuel under a general license. The petition has been assigned Docket No. PRM-72-5 by the NRC.

BNFL Inc. fully supports the NEI position. BNFL Inc. agrees with NEI that:

- The current process for traditional notice and comment rulemaking for issuing and amending CoCs is much too cumbersome and inefficient. BNFL Inc. is aware of schedule delays in the industry because of the inefficiency of the current regulatory process.
- BNFL Inc. believes that there is no benefit in using rulemaking for the ministerial act of maintaining a list of certified casks. The burden of maintaining this list outweighs any benefit and is not necessary.

We believe that it is inevitable that cask CoC amendments will be needed in the future because of the specificity in spent fuel cask technical specifications and design features that have been issued as appendices to the CoCs. In addition, the dynamic nature of engineering technology and differences in implementation of casks at different sites is expected to result in additional CoCs and attendant amendments. We also believe that improving the administrative efficiency of the cask CoC amendment process will result in a long-term benefit to the NRC and to the CoC holders and ISFSI Licensees.

General licensees will need more and more cask CoC amendments as a result of the increased use of spent fuel storage casks. Conducting cask-specific rulemaking wastes resources and requires constant reconsideration of the same technical issues. Many CoC amendments do not involve new or novel technical issues and are only being reviewed to demonstrate that a

certificate holder has complied with NRC requirements for cask certification. Proceeding in the manner proposed by NEI would show that the NRC provides for public input and does not waste the agency's or the public's resources. These resources are those which would be directed toward actions on new casks and issues that may significantly affect public health and safety instead of towards actions that only demonstrate compliance with existing requirements and guidance.

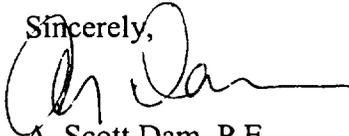
The process for issuing and amending CoCs for spent fuel storage should be similar to that used for transportation CoCs under 10 CFR Part 71. It is illogical to certify casks used for the dual purpose of storage and transportation by two entirely different processes. We can think of no reason why a process for certifying casks for storage should be so much more onerous than a process for certifying casks for transportation.

BNFL Inc. encourages the NRC to continue to work with the industry to establish simplified, standard cask technical specifications that would reduce the need for CoC and cask technical specification amendments, but would not reduce safety.

BNFL Inc. strongly encourages the NRC to adopt the process for issuing and amending CoCs as proposed by NEI.

Thank you for the opportunity to provide comments. Should you have any questions, please contact John Vorees at (703) 218-4486.

Sincerely,



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