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Secretary
U. S. Nuclear Regulatory Commission
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ATTN: Rulemakings and Adjudications Staff

Comments on Petition for Rulemaking to Improve the Process for Issuing and Amending Certificates of Compliance (CoC) for Dry Cask Storage of Spent Nuclear Fuel - Docket Number PRM-72-5

In the June 9, 2000 Federal Register (65FR36647), 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.

Watersworks Consulting Services, which has nuclear utility clients involved in the dry cask storage of spent nuclear fuel, emphatically supports the NEI petition for rulemaking. There is an immediate and future need for improving the dry cask CoC issuance and amendment process. The current process that requires revising Title 10 of the CFR to amend a spent fuel storage cask CoC is overly burdensome to cask vendors as CoC holders, utility users of the casks under a general license, and the NRC itself, and does not carry a commensurate safety benefit for this burden. Reliance on the use of exemptions in lieu of completing the rulemaking process for amendments is not a desirable alternative.

As more utilities are forced to employ dry cask storage of spent nuclear fuel to provide for continued reactor operation, site-specific nuclear fuel and other technical differences not anticipated by cask vendors or the NRC in the implementation of a cask design for a particular general licensee will result in an increased need for amendments to the CoC. In my view, this need will result largely due to the specificity contained in spent fuel cask technical specifications and design features that appear as appendices to the CoC. While this specificity may have been warranted in earlier cask designs to compensate for a maturing regulatory process and industry understanding of dry fuel storage safety requirements, I believe that the need for this specificity has lessened for cask designs currently being approved. Safety Analysis Reports (SAR) now contain sufficiently detailed information such that specification of key safety limits that provide for the maintenance of the safety envelope for

dry fuel storage can be the proper focus of the technical specifications, while changes to underlying analyses, design features and methods of analysis that support these safety limits can be adequately and appropriately controlled by the revised change process embodied in 10 CFR 72.48. The 10 CFR 72.48 change process that will become effective April 5, 2001, provides added assurance that changes to the spent fuel storage cask design or the implementation of that design by a general licensee will be properly controlled, and that those changes that do not meet the specified criteria will require NRC review and approval before implementation.

In addition to support for this petition for rulemaking, Watersworks Consulting Services also encourages the NRC to continue working with the dry cask storage industry to establish simplified, standard cask technical specifications that would reduce the need for CoC and cask technical specification amendments, while retaining the proper level of public health and safety.

Yours Very Truly

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