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Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attn: Rulemakings and Adjudications Staff

Subject: Comments on Proposed Rulemaking
Major Revision to 10 CFR Part 71

Portland General Electric Company (PGE) supports the Nuclear Regulatory Commission (NRC) efforts to revise 10 CFR Part 71 to conform to ST-1, the International Atomic Energy Agency (IAEA) Transportation Safety Standards, and to incorporate other transportation safety issues as proposed in Federal Register (FR) Notice 65FR44360 on July 17, 2000. As requested, PGE offers the following on the proposed revision, addressing only those issues on which PGE has comments or that are relevant to our activities.

Issue 1. Changing Part 71 to SI Units Only.

Obviously, this is an important consideration in conforming with ST-1. However, not including the English units in parentheses presents problems and costs not supported by the change. The instruments used by PGE and probably most U. S. licensed facilities are in English units, and it would not be cost-effective to change instruments in order to comply with a revised rule that merely uses SI units in order to conform with ST-1. On this issue, PGE encourages the continued use of English units in parentheses.

Issue 7. Deep Immersion Test.

PGE is concerned with how the limited "grandfathering" of Issue 8., Grandfathering Previously Approved Packages, would apply to this issue, i.e., if the NRC revises 10 CFR 71.61 as suggested, would previously approved packages be "grandfathered," or would they have to be recertified by means of a deep immersion test? This needs to be clarified in the subsequent rulemaking.

Issue 8. Grandfathering Previously Approved Packages.

The limited “grandfathering” proposed by this issue should be demonstrated to be justified from safety and transportation aspects and shown to be cost-effective. Otherwise, as pointed out in the PRM, conformance to ST-1 would require many previously approved packages to be recertified, removed from service, or used with an exemption, all of which would create expenses which may not be justified. Although Part 71 does not require a backfit analysis, unlike Parts 50 and 72, it is recommended one be performed and provided to justify this change and this requirement for a backfit analysis be added to Part 71.

Issue 9. Changes to Various Definitions.

Para. 209. The Confinement System definition should be revised to include fuel assemblies, the PWR Basket, and the Shipping Cask since all three provide different levels and degrees of confinement.

Issue 10. Crush Test for Fissile Material Package Designs.

Elimination of the 1000A₂ activity limit without providing for flexibility in test sequencing, i.e., without changing 10 CFR Part 71.73 to permit either the nine-meter drop test or the crush test, would be unfairly burdensome and costly. In this case, 10 CFR Part 71 should either be changed to conform to ST-1 in all aspects or not changed.

Issue 12. Special Package Approvals.

In light of the PGE experience with the Trojan Reactor Vessel Package (TRVP), it is our recommendation that Part 71 be revised to address large objects including reactor vessels and that the risk-informed basis used for the TRVP be adopted for other special package approvals.

Issue 13. Expansion of Part 71 Quality Assurance Requirements to Holders of, and Applicants for, a Certificate of Compliance.

It is important for the Quality Assurance (QA) requirements of Part 71 to be expanded to include certificate holders and applicants for a Certificate of Compliance (CoC) similar to Part 72. Consistency must be maintained between the QA provisions of Parts 71 and 72, especially in light of the existence of dual purpose cask designs.

Issue 14. Adoption of ASME Code.

Although PGE recommends adoption of the ASME Code, Section III, Division 3, by reference in both 10 CFR 71 and 10 CFR 72, i.e., the two parts should be consistent, it is not without the recognition and acceptance that it will lead to an increase in costs, time, and effort to implement. Adoption of the ASME Code will provide a consensus standard for the fabrication and use of these components. However, adoption of the ASME Code will lead to an increase in cost for the fabrication of both storage and shipping casks and places an additional burden on PGE by requiring the final closure weld of any package to be used for transportation be performed by a company with an N-Stamp. This typically precludes a licensee from performing that weld itself, unless it obtained its own N-Stamp. In addition, reference of the ASME Code in 10 CFR 72 should be dependent upon ASME completion and approval of the new Subsection WC for Division 3 for containment/confinement boundaries for Spent Nuclear Fuel (SNF) dry storage systems.

Issue 15. Adoption of Changes, Tests, and Experiments Authority.

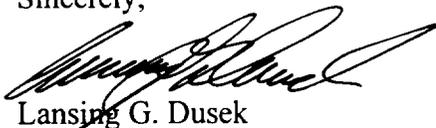
10 CFR 71 has long been in need of a section similar to 10 CFR 72.48, and 10 CFR 50.59. In that regard, the section addressing changes, tests, and experiments in Part 71 should include all types of transportation packages, licensees, and users; and should apply to all domestic transportation packages and dual purpose SNF packages. Of all the revisions to Part 71, this is one that should be expedited, i.e., approved sooner than the two years planned for the remainder of changes to Part 71, possibly on a schedule consistent with the proposed modifications to Part 72 to streamline the NRC process for SNF Storage Cask Certification.

Issue 18. Contamination Limits as Applied to Spent Fuel and High Level Waste (HLW) Packages.

The current limit for removable contamination levels in 49 CFR 173.443 is 0.4 Bq/cm^2 prior to shipment unless a method of assessment of higher efficiency is used in which case the limit may be as high as 10 times 0.4 Bq/cm^2 (i.e., 4 Bq/cm^2). The discussion of 4 Bq/cm^2 does not address this point.

Thank you for the opportunity to provide our comments on this PRM.

Sincerely,



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