

July 25, 2002 (1:38PM))

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**DOCKET NUMBER**  
**PROPOSED RULE PR 71**  
**(67FR 21390)**

**AREAS FOR COMMENT ON PART 71 RULEMAKING**

(II)

1. There needs to be an effective date applied to some or all of these rule changes to grandfather existing approved transport cask designs. Without that, all Part 71 CoC holders are subject to backfit for compliance with no commensurate safety benefit. As an example, the A<sub>1</sub> and A<sub>2</sub> values in the rule are used in the HI-STAR/HI-STORM containment and confinement analyses. Many of these values are changing and would require CoC holders to re-perform these analyses, update the affected SARs, and depending on the results, either submit the new analysis as part of CoC amendment requests (three, in Holtec's case) or perform the accompanying 72.48 and 71.175 evaluations and update the SARs accordingly. This creates an unnecessary administrative burden on CoC holders with no safety benefit. This is just one example. The NRC needs to perform a comprehensive evaluation of what impact the rule changes will have on existing dual-purpose certificate holders if a grandfather clause is not included in the rule.
2. The proposed change authority granted by 10 CFR 71.175(c) needs to apply to licensees as well as CoC holders. Once fabricated and delivered, the licensees own the cask hardware and need the authority to make changes and perform tests and experiments under the provisions of this section. Changes, tests, and experiments pertaining to a dual-certified cask can be authorized for storage by licensees under 10 CFR 72.48. Under the proposed rule, the licensees would need to have the CoC holder perform the 71.175 evaluation for the same change to authorize it for transportation. This creates an unnecessary administrative burden on both licensees and CoC holders by creating a new process, not required under Part 72..
3. The proposed 71.175(d) change reporting requirements need to allow for a single report to be filed by dual-purpose CoC holders to comply with the requirements of Parts 71 and 72, to avoid unnecessary duplication of reports. A single 71/72 SAR for generally certified dual-purpose systems should also be permitted as an option for CoC holders.
4. The proposed 71.165 requires renewal of a Part 71 CoC or QA program for a dual purpose cask to be requested two years in advance of expiration. This is not reasonable and not consistent with 10 CFR 72.240(b), which requires 30 days for storage casks. Thirty days should apply in both Part 71 and Part 72 for dual-certified casks.
5. The proposed rule under 71.177(a)(1) for Part 71 FSAR update requirements needs to include provisions for submitting updated transportation FSARs for casks already certified and having approved SARs. We suggest that an FSAR Rev. 0 be submitted to replace the last approved transportation SAR within two years of the effective date of the rule, consistent with the proposed 71.177(c)(6).
6. The requirement in proposed 10 CFR 71.177(c)(7) for an FSAR update to be submitted within 90 days of issuance of an amendment to the CoC is unnecessary and inconsistent with the requirements under 10 CFR 72 for the dual-certified casks. It creates an unnecessary administrative burden on CoC holders by requiring extra FSAR updates. This portion of the proposed rule should be deleted.

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Template = SECY-067

SECY-02