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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemaking and Adjudications Staff

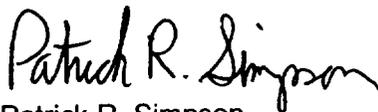
Subject: Response to Request for Comments on Proposed Rule, 10 CFR 71,  
"Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other  
Transportation Safety Amendments"

Reference: Volume 67, Federal Register, Page 21390 (67 FR 21390), dated April 30, 2002

Exelon Generation Company (EGC), LLC, appreciates the opportunity to comment on the NRC's proposed amendment to 10 CFR 71 on packaging and transporting radioactive material to make them compatible with the International Atomic Energy Agency (IAEA) standards and to codify other applicable requirements. This letter provides EGC's comments in response to the referenced Federal Register.

If you have any questions or require additional information please contact Donald Cecchetti at (630) 657-2826.

Respectfully,



Patrick R. Simpson  
Manager, Licensing – Dresden and Quad Cities Nuclear Power Station  
Mid-West Regional Operating Group

Template = SECY-067

SECY-02

## Attachment

### Response to Request for Comments on Proposed Rule, 10 CFR 71, Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments

The proposed rule to 10 CFR 71, as published in Volume 67, Federal Register, Page 21390 (67 FR 21390), dated April 30, 2002, addresses a variety changes on packaging and transporting radioactive material to make them compatible with the International Atomic Energy Agency (IAEA) standards and to incorporate NRC-initiated changes. The following comments are focused on two Issues (i.e., Issue 3, "Revision of A<sub>1</sub> and A<sub>2</sub>," and Issue 15, "Change Authority for Dual-Purpose Package Certificate Holders") discussed in the proposed rule. The specific comments are as follows.

- **Issue 3, Revision of A<sub>1</sub> and A<sub>2</sub>**

Comment: The NRC is proposing to make a conforming change to 10 CFR 71 to adopt the new A<sub>1</sub> and A<sub>2</sub> values from TS-R-1. Revising A<sub>1</sub> and A<sub>2</sub> values may have adverse impact on currently certified casks. The proposed regulation does not appear to ensure that transport casks certified under previous revisions will still be usable without modification or analysis in the future. This change should ensure that any transport casks certified under earlier revisions of the regulation would still be usable regardless of the revision of the regulation in effect at the time of shipment.

- **Issue 15, Change Authority for Dual-Purpose Package Certificate Holders**

Comment: The 2-year submittal date for application of renewal for a Certificate of Compliance (CoC) or Quality Assurance Program Approval discussed in, Subpart I, "Type B (DP) Package Approval," Section 71.165, "Conditions for package reapproval," is excessive. A more appropriate submittal time period would be similar to the 30-day requirement used in 10 CFR 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," Section 240, "Conditions for spent fuel storage cask reapproval."

Comment: The change authority identified in Subpart I, "Type B (DP) Package Approval," Section 71.175, "Changes," limits change authorization for design, updated final safety analysis report (FSAR) and procedure changes to the certificate holder only. This restriction hinders the general and specific licensee's ability to effectively manage and control their Dry Cask Storage Program. The lessons learned from earlier limitations experienced with 10 CFR 72.48, "Changes, tests and experiments," should be implemented here by expanding the change authorization to include general or specific licensees.