



CP&L

A Progress Energy Company



Florida Power

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PROPOSED RULES 71
(67FR 21390)

Serial: PE&RAS-02-071
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USNRC

August 1, 2002 (4:26PM)

Ms. Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTENTION: Rulemakings and Adjudication Staff

REFERENCE: Request for Comments on Proposed Rule "Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments" 10 CFR 71, RIN 3150-AG71, 67 Fed. Reg. 21390 (April 30, 2002)

Dear Ms. Vietti-Cook:

Carolina Power & Light (CP&L) Company and Florida Power Corporation (FPC) submit the following comments on the proposed rule "Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments", that seeks to amend 10 CFR 71 and make the Nuclear Regulatory Commission's (NRC) regulations governing the shipments of radioactive materials compatible with international regulations.

The NRC and Department of Transportation (DOT) must recognize that while IAEA standards generally have good technical bases, they are consensus standards that do not necessarily consider the risk-inform, performance-based aspects of regulations that we have developed in the United States. Therefore, while most of the IAEA standards should be incorporated into US regulations, the unique aspects of the US regulations need to be considered. The IAEA standards are appropriate for international shipments but the NRC and DOT regulations should also provide allowance for domestic-only applications. This would include for example, the grandfathering provision. While the IAEA provisions must apply to international shipments, for domestic-only shipments the grandfathering provision would allow the continued use of existing packages manufactured to the 1967 standard, but prohibit the manufacture of any new packages. Similarly, the A₂ value for molybdenum-99 and the A₁ and A₂ values for californium-252 should be retained for domestic use only packages. Further, provided they can be shown to meet the proposed regulations, the package identification number should be revised to the appropriate identification number prefix together with a suffix of "-96" provided that such packages shall be for domestic use only and no additional packages be fabricated.

Template = SECY-067

SECY-02

Suggested addition to 10 CFR 71.19:

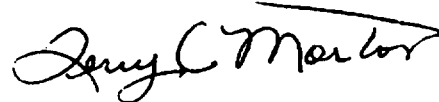
- (f) NRC will revise the package identification number of previously approved Type B package designs designated as B() in the NRC Certificate of Compliance to the appropriate identification number prefix but with the identification number suffix "-96" after receipt of an application demonstrating that the design meets the requirements of this part provided that such packages shall be for domestic use only and no additional packages shall be fabricated.

The proposed change authority (10 CFR 71.175), which is similar to 10 CFR 50.59 and 10 CFR 72.48, is applicable only to dual purpose package certificate holders. This should be extended to those 10 CFR 50 licensees who are also both general licensees under Part 71 (i.e. – registered users) and owners of shipping casks. Such organizations understand both the design/licensing bases of the casks, are familiar with the cask's Certificate of Compliance and underlying Safety Analysis Report, and are aware of the package utilization environment. Such organizations also provide specific training related to screening of proposed changes.

In summary, we encourage the NRC and the DOT to complete in a timely fashion their comprehensive assessments of TS-R-1 and future IAEA standards and adopt them as appropriate.

Please contact me at (919) 546-6901 should you have any questions.

Sincerely,



Terry C. Morton
Manager - Performance
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DSL

- c: L. A. Reyes, Regional Administrator - Region II
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