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PROPOSED RULE **72**
(67FR 47745)

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

September 10, 2002

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

GL02-044

ATTN: Rulemakings and Adjudications Staff

**COMMENTS ON A PROPOSED AMENDMENT TO LICENSING
REQUIREMENTS IN 10 CFR PART 72 FOR GEOLOGICAL AND
SEISMOLOGICAL CHARACTERISTICS FOR SITING AND DESIGN OF DRY
CASK INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS AND
MONITORED RETRIEVABLE STORAGE INSTALLATIONS**

Dear Ms. Vietti-Cook,

Virginia Electric and Power Company (Dominion) and Dominion Nuclear Connecticut (Dominion) appreciate the opportunity to comment on the subject proposed amendment to 10 CFR Part 72 as published in the Federal Register, volume 67, number 140, page 47745 on July 22, 2002.

The proposed changes to the design earthquake (DE) are, in part, as follows:

72.103 (f), "The DE for use in the design of structures, systems, and components must be determined as follows:

- (1) "...The Geological, seismology, and engineering characteristics of a site and its environs must be investigated in sufficient scope and detail to permit an adequate evaluation of the proposed site, to provide sufficient information to support evaluations performed to arrive at estimates of the DE..."
- (2) "...The geologic and seismic siting factors considered for design must include a determination for the DE for the site...and other design conditions as stated in paragraph (f)(2)(iv) of this section."

Template = SECY-067

SECY-02

Our comments concerning this proposed change are as follows:

Numerous statements with the proposed rule changes of 10CFR Part 72 indicate that for ISFSI applicants that are co-located with a nuclear power plant (NPP), the applicant has the option of using the existing NPP design criteria without additional evaluations. However, in 72.103 (f), this option is not identified. Several statements supporting this option are identified within the information provided with the proposed rule change:

- I. Background, last paragraph, "...the Commission believes that the seismically induced risk from the operation of an ISFSI or MRS is less than at an operating NPP. Therefore, the Commission proposes to revise the DE requirements for ISFSI and MRS facilities from the current part 72 requirements, which are equivalent to the SSE for a NPP."

- IV. Discussion, section B.2., in the fourth paragraph, "The Commission does not intend to require new ISFSI or MRS applicants that are co-located with a NPP to address uncertainties because the criteria used to evaluate existing NPPs are considered to be adequate for ISFSIs, in that the criteria have been determined to be safe for NPP licensing, and the seismically induced risk of an ISFSI or MRS is significantly lower than that of a NPP, as described in Section IV."

- VI. Discussion of Proposed Amendments by Section, Section 72.103, in the second paragraph, "Applicants located in either the western U.S. or in areas of known seismic activity in eastern U.S., and co-located with a NPP, have the option of using the proposed PSHA methodology or suitable sensitivity analyses for determining the DE, or using the existing design criteria for the NPP."

Within the proposed amendment itself;

72.103(a)(2), "For a site with a co-located nuclear power plant (NPP), the existing geological and seismological design criteria for the NPP may be used..."

72.103(b), "If an ISFSI or MRS is located on a NPP site, the existing geological and seismological design criteria for the NPP may be used..."

We recommend the following change:

Clarify the proposed amendment so that applicants that are co-located with a NPP have the option of using the existing DE of the NPP without any further evaluations and that this applies to all sections of the Rule.

If you have any questions, please contact

Mr. Bob Pavlik Bob_Pavlik@dom.com, or (804) 273-3044, or,

Mr. Don Olson Don_Olson@dom.com, or (804) 273-2830

Respectfully,

A handwritten signature in black ink, appearing to read "Stephen P. Sarver". The signature is fluid and cursive, with a large initial "S" and "P".

Stephen P. Sarver, Director
Nuclear Licensing & Operations Support