



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

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OFFICE OF SECRETARY
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October 4, 2002

Secretary
U.S. Nuclear Regulatory Commission
ATTN: Rulemakings and Adjudication Staff
Washington, D.C. 20555-0001

Gentlemen:

NUCLEAR REGULATORY COMMISSION (NRC) - COMMENTS ON PROPOSED RULE CHANGE TO 10 CFR PART 72, RIN 3150-AG93 - GEOLOGICAL AND SEISMOLOGICAL CHARACTERISTICS FOR SITING AND DESIGN OF DRY CASK INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS (ISFSI) AND MONITORED RETRIEVAL STORAGE INSTALLATIONS - VOL. 67 FEDERAL REGISTER 47745, DATED JULY 22, 2002

TVA appreciates the opportunity to comment on the proposed rule change to 10 CFR Part 72. Our comments are as follows:

The subject RIN 3150-AG93, Section V, "Related Regulatory Guide," states in part that: NRC is developing a new regulatory guide, a draft of which has been issued as DG-3021, 'Site Evaluations and Determination of Design Earthquake Ground Motion For Seismic Design of Independent Spent Fuel Storage Installations and Monitored Retrieval Storage Installations.' This guide is being developed to provide license applicants with the necessary guidance for implementing the proposed regulation."

The final paragraph under the sub-heading "APPROACH," in section B, "Discussion," of DG-3021 reads as follows:

"For ISFSI sites that are co-located with existing nuclear power generating stations, the level of effort will depend on the availability and quality of existing evaluations. In performing this evaluation, the applicant should evaluate whether new data require re-evaluation of previously accepted seismic sources and potential adverse impact on the existing seismic design bases of the nuclear power plant."

This paragraph is inconsistent with the proposed new 10CFR72.103, section (a)(2), the last two sentences of which read as follows:

"For a site with a co-located nuclear power plant (NPP), the existing geological and seismological design criteria for the NPP may be used. If the existing design criteria for the NPP is used and the site has multiple NPPs, then the criteria for the recent NPP must be used."

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The cited section of the proposed DG appears to impose a requirement for a re-evaluation of the NPP design basis earthquake solely for the purpose of designing the ISFSI. Imposition of this requirement is also counter to the intent of the NRC Commissioners as documented in their June 18, 2002 comments on SECY-02-0043. Quoting Commissioner Diaz:

"I continue to support efforts to risk-inform our regulations, which this proposed rulemaking would accomplish, in part by allowing an ISFSI or MRS applicant to use a design earthquake ground motion that is commensurate with the lower risk associated with these facilities relative to a nuclear power plant."

Clearly, the Commissioners did not intend that these "lower risk" ISFSI facilities provide a means to impose new stringent regulatory requirements on the seismic design bases for NPPs.

In summary, we recommend that the cited paragraph of the subject draft DG be replaced by the verbatim incorporation of the two sentences cited above from the proposed 10CFR72.103, section (a)(2).

If you have any questions concerning TVA's comments, please contact E. T. Knuettel at (423) 751-6673.

Sincerely,



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Manager
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