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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

November 25, 2009

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

Subject: Comments on Proposed Rule 10 CFR 72, "*License and Certificate of Compliance Terms*" (Federal Register Notice 74FR47126, dated September 15, 2009, RIN 3150-AI09)

This letter is being submitted in response to the U.S. Nuclear Regulatory Commission (NRC) request for comments concerning the Proposed Rule 10 CFR 72, "*License and Certificate of Compliance Terms*," published in the Federal Register on September 15, 2009 (i.e., 74FR47126).

The NRC is proposing to amend its regulations that govern licensing requirements for the independent storage of spent nuclear fuel. This Proposed Rule includes changes that would enhance the effectiveness and efficiency of the licensing process for spent nuclear fuel storage. Specifically, the changes are intended to clarify the term limits for dry storage cask Certificate of Compliance (CoC) and Independent Spent Fuel Storage Installation (ISFSI) specific licenses. The proposed changes would also provide consistency between the general and specific ISFSI license requirements, and allow general licensees subject to these regulations to implement changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC (a "previously loaded cask").

Exelon Generation Company, LLC (Exelon) appreciates the opportunity to comment on this Proposed Rule and offers the following comments for consideration by the NRC.

General Comments

The Proposed Rule includes a discussion on the licensed life of a cask (page 47130), which indicates that after the CoC is renewed, at that point the licensed life of the cask is tied to the expiration of the CoC. Exelon believes that the cask life should be solely based on the qualification of the cask, and not on the CoC expiration date. For example, the lifespan of a fire extinguisher is not based on the actual empty cylinder, but is based on the date the extinguisher is charged. Exelon believes that the dry fuel storage canister should be evaluated in the same manner. It should not be evaluated for lifespan until it is loaded with spent fuel in compliance with all the terms, conditions, and specifications of the CoC. Therefore, Exelon suggests that the NRC consider evaluating the lifespan of the dry fuel storage system based on date of loading (i.e., activation of the system) of the cask system in compliance with all applicable terms, conditions, and specifications, and not based on other external factors.

In addition, Exelon supports the comments submitted by the Nuclear Energy Institute (NEI) on behalf of the industry related to this Proposed Rule.

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If you have any questions or require additional information, please do not hesitate to contact Mr. Richard Gropp (610) 765-5557.

Respectfully,

A handwritten signature in cursive script that reads "D. P. Helker".

D. P. Helker
Manager - Licensing