

# PUBLIC SUBMISSION

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**Docket:** NRC-2013-0004

Retrievability, Cladding Integrity and Safe Handling of Spent Fuel at an Independent Spent Fuel Storage Installation and During Transportation

**Comment On:** NRC-2013-0004-0001

Retrievability, Cladding Integrity and Safe Handling of Spent Fuel at an Independent Spent Fuel Storage Installation and During Transportation

**Document:** NRC-2013-0004-DRAFT-0012

Comment on FR Doc # 2013-00478

*1/17/2013*  
*78 FR 3853*

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## General Comment

See attached file(s)

## Attachments

Comments on SNF Retrivability, 20130318

SUNSI Review Complete

Template = ADM - 013

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Add= *B. white (bhw)*

US Nuclear Regulatory Commission  
Attn: Cindy Bladey, RADB

Subject: Comments on NRC Request NRC-2013-0004

Overall Comments:

I support the NRC's efforts to develop a single set of regulations that will address both the storage and transportation requirements for SNF in a dual-purpose (DP) cask. Given the abandonment of Yucca Mountain, SNF from power reactors may need to be stored for several decades before it is transported to a geologic repository. Storage in a DP cask will eliminate the need to repackage the SNF into casks that have a transportation certificate. This will reduce radiation dose to workers, increase safety to the public, and reduce costs to ratepayers.

To accomplish this goal, the NRC should modify its regulations to include licensing and technical requirements for DP casks in a single part in 10 CFR. My suggestion is to add transportation requirements to Part 72 in a new Subpart M for these new DP casks; and create a new DP certificate authorizing both storage and transportation over the same period of time. This would require replication of the normal and accident test conditions of Part 71 into Part 72. While this would require additional work by the NRC, it is preferable in the long run for simplicity of regulations.

Additionally, since these DP casks will only be used within the US, the NRC should indicate at the very beginning of this effort that these DP casks cannot be used to ship SNF internationally. Consequently, these new regulations, while initially full consistent with Part 71, may diverge over time as the NRC accomplishes periodic updates to its transportation regulations to conform to IAEA transportation standard TS-R-1 (i.e., the TS-R-1 changes would not be applied to the Part 72 transportation requirements). Industry and the NRC have experienced problems within the last 30 years of the NRC incorporating updated IAEA standards into Part 71, having to grandfather existing packages for a period of time, and then seeing the certificates expire for these packages and the packages withdrawn from service. This has caused operational problems and the inability to ship SNF. Given that DP SNF casks may be in existence (safely storing SNF before transportation to a disposal site) for 30, 60, or even 100 years, the NRC should consider the implications of triggering expiration of the certificate, solely because the regulations have been updated – not because the DP cask is unsafe. If the NRC does not take this approach, then my question is who will be responsible for submitting the paperwork to update and renew the transportation certificate? What if the transportation vendor is not in existence in 50 years; and the ISFSI licensee has no expertise in design of transportation packages – who then does the work?

Specific Comments:

C.1 – Yes. This is still a good idea.

C.2 – No. Undamaged fuel assemblies should not require canning now – just because the NRC cannot anticipate what might happen 50 years from now. The NRC's own experience has shown that the dry inert atmosphere in casks works very at protecting SNF.

D.1 – No. Retrievability is a storage requirement under the NWPA (which will need to be replaced to choose a facility other than Yucca Mountain). It should not be extended to transportation. If so, what is the NRC's statutory basis for doing so?

D.2 – No. Retrievability is a requirement applicable to the storage facility (i.e., the ISFSI or the MRS), it should be evaluated in the FSAR of the facility, not in the certificate of the DP cask. Furthermore, predicting retrievability, given the uncertainty of what that will look like in the future will needlessly complicate such DP certificates.

Thank you for your consideration of these comments.

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