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# Maine Yankee

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**PRM-072-007  
(78FR08050)**

April 15, 2013  
OMY-13-038

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

**DOCKETED - USNRC**  
May 08, 2013 (9:00 a.m.)  
OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Maine Yankee Atomic Power Company  
Maine Yankee Independent Spent Fuel Storage Installation  
NRC License No. DPR-36 (NRC Docket Nos. 50-309 and 72-30)

**Subject:** Maine Yankee Comments on the Petition for Rulemaking: 10 CFR Part 72 Spent Fuel Cask Certificate of Compliance Format and Content [Docket No. PRM-72-7; NRC-2012-0266]

The Maine Yankee Atomic Power Company (Maine Yankee) appreciates the opportunity to provide comments in full support of the subject proposed rulemaking.

Maine Yankee owned and operated a single unit nuclear power plant that was permanently shutdown and decommissioned. All that remains is the Independent Spent Fuel Storage Installation. Maine Yankee utilizes an NRC licensed NAC International dual-purpose canister/cask storage system that has an associated NRC licensed transport cask system. The storage and transport cask licenses for the NAC-UMS system requires renewal before the end of this decade, so prompt NRC consideration of the subject rulemaking petition is urged.

Background:

On October 3, 2012, the NEI filed a Petition for Rulemaking requesting that the NRC add a new rule that governs the format and content of spent fuel storage cask Certificates of Compliance (CofCs), extends the backfit rule to CofC holders (the dry cask storage system vendors), and makes other improvements. These requested changes will result in a more efficient and effective NRC oversight of dry cask storage activities as well as improved implementation of dry cask storage requirements by industry.

The petition is an initial step towards establishing a more effective and efficient dry storage regulatory framework. It identifies several needed changes to establish an improved regulatory platform upon which the goals and objectives of SRM-COMSECY-10-0007 ("Project Plan for Regulatory Program Review to Support Extended Storage and Transportation of Spent Nuclear Fuel" dated December 6, 2010) and NUREG-2150 ("A Proposed Risk Management Regulatory Framework" dated April 2012) can be achieved. Under COMSECY-10-0007, the NRC staff initiated a comprehensive review of the regulatory framework for dry cask storage and transportation in order to identify improvements in its efficiency and effectiveness that should be implemented in the near-term. NUREG-2150 encourages the adoption of the framework in regulatory activities associated with dry cask storage of spent nuclear fuel

and acknowledges the need to expedite rule changes and regulatory guidance updates for used nuclear fuel storage based on risk considerations.

Maine Yankee Comments:

The changes called for in the subject petition for rulemaking that the Maine Yankee supports include the following:

- The addition of a new rule for dry cask CoCs and Technical Specification (TS) format and content that addresses a gap in the regulations governing the information contained in dry cask licenses. Currently, this is determined by NRC staff during licensing reviews. This proposed change would establish criteria to define and standardize CoC and TS format and content at an appropriate level of detail and would place more information under licensee control in a risk-informed manner. It would also eliminate unnecessary and overly burdensome regulatory reviews and approvals of information not necessarily appropriate for NRC change control and would make dry cask licensing consistent with the Commission's 1993 Policy Statement of Technical Specifications for Nuclear Reactors.
- Adoption of a Back-fit Rule that would apply to CoCs and CoC holders in order to create regulatory consistency for licensees (who currently have back-fit protection) and CoC holders (dry cask vendors who currently do not).
- Implementation of the proposed minor rule changes to delete the requirement for the review of the Cask Safety Evaluation Report (SER), clarify the requirement for the review of programs and plans governed by other parts of the regulations, revise the requirement for cask marking, and clarify the applicability of the criticality monitoring exemptions.

The subject petition for rulemaking reflects a needed and positive step in improving the efficiency of spent fuel storage regulations. The welded dry cask storage systems at the Maine Yankee site and elsewhere in the United States are passive systems that do not have the high level of complexity as operating reactors. They have a high reliability against failure. The public health and safety consequences from hypothetical accidents are much lower than those for operating reactors. In fact, off-site radiological consequences are not anticipated to occur. Regardless, the current regulatory framework has existing thresholds for regulatory intervention that call for an unnecessarily high level of detailed information to be subject to NRC review and approval. This drives an excessive number of time consuming dry cask license amendment requests and reviews with little, if any, associated safety consequences, diverting both industry and NRC resources.

The number of loaded dry storage casks is expected to double over the next decade. Thus, a backlog of NRC cask license amendment reviews threatens to delay dry cask loadings and CofC renewals. This anticipated backlog is unnecessary, and could be avoided by a more risk-informed regulatory framework. Accordingly, Maine Yankee urges the Commission to take positive and timely action on the proposed rulemaking petition.

If you have any questions regarding this submittal, please do not hesitate to contact me at (207) 882-1303, or at JConnell@3yankees.com.

Respectfully,



James Connell  
Vice President and ISFSI Manager

References:

1. NEI Petition for Rulemaking, dated October 3, 2012.
  2. SRM-COMSECY-10-0007, "Project Plan for Regulatory Program Review to Support Extended Storage and Transportation of Spent Nuclear Fuel," dated December 6, 2010.
  3. NUREG-2150, "A Proposed Risk Management Regulatory Framework," dated April 2012.
- cc: W. M. Dean, NRC Region I Administrator  
M. S. Ferdas, Chief, Decommissioning Branch, NRC, Region 1  
J. Goshen, NRC Project Manager, Maine Yankee