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**To:** [RulemakingComments Resource](#)  
**Subject:** [External\_Sender] Docket ID NRC-2017-0138: 10 CFR Part 72, Renewal of TN Americas LLC, Standardized NUHOMS® Horizontal Modular System, Certificate of Compliance No. 1004  
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## PUBLIC COMMENT from FirstEnergy Nuclear Operating Company

Comment on Docket ID NRC-2017-0138: Proposed rule to approve renewal of Certificate of Compliance (CoC) No. 1004, Amendment Nos. 1–11, Revision 1, and Amendment Nos. 13–14, Revision 1.

FirstEnergy Nuclear Operating Company (FENOC) has the following comments regarding the proposed renewal of Certificate of Compliance (CoC) No. 1004 Revision 1 of Amendments Nos. 1-11 and Amendment Nos 13-14:

### **Background:**

FENOC operates the Davis-Besse Nuclear Power Station (DBNPS). One of the applicable CoCs for the DBNPS Independent Spent Fuel Storage Installation (ISFSI) is Transnuclear Americas (TN) LLC CoC 1004, Amendment 0, Revision 1. This CoC has since expired and is in the period of timely renewal. Therefore, DBNPS will be one of the first ISFSIs that will be required to implement the CoC renewal requirements, including the aging management program.

The proposed Renewal of Certificate of Compliance (CoC) No. 1004, Amendment Nos. 1–11, Revision 1, and Amendment Nos. 13–14, Revision 1. ML17131A006 states in part:

*“Each general licensee shall have a program to establish, implement, and maintain written procedures for each aging management program (AMP) described in the Updated Safety Analysis Report (UFSAR). The program shall include provisions for changing AMP elements, as necessary, and within the limitations of the approved licensing bases to address new information on aging effects based on inspection findings and/or industry operating experience provided to the general licensee during the renewal period. Each procedure shall contain a reference to the specific aspect of the AMP element implemented by that procedure, and that reference shall be maintained even if the procedure is modified.*

*The general licensee shall establish and implement these written procedures within 180 days of the effective date of the renewal of the CoC or 180 days of the 20<sup>th</sup> anniversary of the loading of the first dry storage system at its site, whichever is later. The general licensee shall maintain these written procedures for as long as the general licensee continues to operate Standardized NUHOMS® Horizontal Modular Storage Systems in service for longer than 20 years.”*

However, the recently issued renewal of CoC USA/72-1007, e. Renewal, iv. States in part:

*“The General Licensee shall establish and implement these written procedures within 300 days of the effective date of the renewal of the CoC or 300 days of the 20<sup>th</sup> anniversary of the loading of the first casket its site, whichever is later.”*

NUREG 1927, Rev 1, Section 3.6.3 “Implementation of the AMP(s)” states in part:

*“Generally, licensees should develop the infrastructure for AMP implementation (e.g., procure equipment or contracts, train personnel, or update, revise, or develop procedures for implementing AMP activities) before entering the period of extended operation. However, this may not be possible when the initial storage term ends shortly after the license or CoC is renewed or if a license or CoC is in the period of timely renewal (Section 1.4.5). In such cases, the development of the infrastructure for AMP implementation generally should be no later than one year from the date the NRC issues a renewed specific license or CoC. The reviewer should ensure that the timing of implementation for each AMP is addressed in the application in a clear manner and is appropriately justified if it exceeds the above guidance. Additional considerations for CoC renewals and general licensee implementation of AMPs are provided in Appendix E.”*

**FENOC Comment/Question #1:**

Why does the proposed renewed CoC 1004 require a shorter timeframe (180 days) for the general licensee to establish their aging management program (AMP) procedures and to implement them, whereas the renewed CoC 1007 allows a longer period of 300 days? In addition, NUREG 1927, Revision 1, as quoted above, “.... In such cases, the development of the infrastructure for AMP implementation generally should be **no later than one year** from the date the NRC issues a renewed specific license or CoC.” [bolded for emphases] NUREG-1927 Revision 1 provided general licensees the perception of an implementation period of up to one year to develop the infrastructure for AMP implementation.

This shortened timeframe for the renewal of CoC 1004 now produces undue burden to the utilities to accelerate the development of their AMP procedures, and to train and qualify personnel to all these procedures. The following arguments prove why a 180-day implementation period produces a hardship upon general licensees that comply with an expired CoC within the renewal period and have systems over 20 years old.

Prior to the development of the AMP procedures, the general licensee must establish a dedicated team of personnel with dry cask storage expertise specifically related to nondestructive examination techniques, licensing, engineering and maintenance. This requires that the dedicated team be reassigned from existing site duties and/or

contracts established for the necessary industry expertise, which will take considerable time and encroach upon the required 180-day implementation window.

In addition, the general licensee must retrieve extensive historical QA Records for the as-built conditions of the casks, including the engineering changes made during fabrication and installation, associated nonconforming conditions, dose rates of the casks at loading, etc. These records are required to be evaluated for “Lead Canister” selection. These records are over 20 years old and are intertwined with the site’s Part 50 records. Therefore, research and retrieval of the required records, not to mention identification and possible design of necessary inspection equipment, which will need to be understood prior to inspection procedure development, will also encroach upon the required 180-day implementation window.

Use of the CoC Holder’s updated FSAR is required to determine licensing requirements for the AMPs during their development. The CoC holders have up to 90 days after the effective date of the renewal to submit the updated FSAR. The general licensee will be working from drafts until the updated FSAR is submitted, which can cause unnecessary changes later once the CoC Holder formally submits the FSAR change and this would also cause challenges to meet the 180-day implementation window.

For Part 50 licensees with renewed licenses, efficiencies may be gained by interfacing the new Part 72 AMP with the established Part 50 AMP. Therefore, interface reviews and meetings with the site’s Part 50 AMP program owners would be required for possible integration and use of existing applicable Part 50 procedures. Once agreed upon and integrated, these changes will require not only 10 CFR 72.48 reviews to be performed but also 10 CFR 50.59 reviews.

**FENOC Comment/Question #2:**

As quoted above from the Proposed Renewed CoC, second paragraph: “The general licensee shall establish and implement these written procedures within 180 days...” Do the words “implement these written procedures” mean the performance of the inspections, i.e. perform all required AMP inspections and report the inspection results within the 180 days?

**FENOC Comment/Question #3:**

As quoted above from the Proposed Renewed CoC, first paragraph: “Each general licensee shall have a program to establish, implement and maintain written procedures....” Do the words “Each general licensee shall have a program...” apply to all ISFSIs even with those who only have recently loaded casks, e.g. in 2014 first cask place in service under CoC 1004. Would this site be required to have the ISFSI AMP procedure in place after 180 days?

If there are any questions, or if additional information is required regarding the above comments or questions, please contact:

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