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Storing Spent Nuclear Fuel Waste

Comment On: NRC-2018-0017-0003
Requirements for the Indefinite Storage of Spent Nuclear Fuel

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General Comment

See Attachment.

Attachments

06-04-18_NRC_NEI Comments on requirements for the indefinite storage of spent fuel

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June 4, 2018

Ms. Carol Gallagher
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Submitted via Regulations.gov

Subject: Submittal of NEI comments on Requirements for the Indefinite Storage of Spent Nuclear Fuel, *83 Federal Register 12504*, 03/22/2018 (Docket ID: PRM-72-08; NRC-2018-0017)

Project Number: 689

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on the petition for rulemaking by Raymond Lutz and Citizens Oversight, Inc. and associated white paper.

The petition is without merit and NRC should not proceed with the recommended rulemaking. The petition and its supporting white paper contain numerous factual inaccuracies and disregard industry experience and NRC efforts to date to assure the long-term safety of used fuel in dry storage, as reflected in NUREG-1927 Rev. 1, NRC's Managing Aging Processes in Storage (MAPS) report; NEI 14-03, Format, Content and Implementation Guidance for Dry Cask Storage Operations-Based Aging Management; and NRC's Continued Storage Rule (10 CFR 51.23). The existing licensing bases of the dry storage systems fully reflect these efforts and have been demonstrated effective in providing reasonable assurance of public health and safety.

One of the petition's central arguments is that the NRC must revise 10 CFR Part 72 to include a 1,000-year design life goal for storage systems because used fuel may need to be stored onsite indefinitely. This argument, however, is completely unsupported and rests on several flawed premises. Contrary to the petition, indefinite storage is not "allowed" under the NRC's Continued Storage Rule. Indeed, in the continued storage rulemaking, the Commission emphasized that "[t]he United States national policy remains disposal of spent fuel in a geologic repository, and, as expressly stated in the GEIS [Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel, NUREG-2157], the NRC believes that the most likely scenario is that a repository will become available by the end of the short-term timeframe (60

¹ The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

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years beyond the licensed life for operation of a reactor).² Nonetheless, the Commission has concluded “that the indefinite storage of spent fuel in dry casks, if it becomes necessary, is technically feasible” and that “several characteristics of dry cask storage systems ensure that these systems can safely store spent fuel; among others, these systems are massive, passive, and inherently robust.”³

As the Commission has further explained, its regulations—including those in 10 CFR Part 72 that have been targeted for change by the petition—already “establish stringent safety requirements that apply to ... independent spent fuel storage installations” and “[e]ven after the end of a reactor’s license term, these storage facilities will continue to be subject to our regulations governing spent fuel storage, which ensure that these safety requirements remain in place for as long as the fuel is stored.”⁴ Neither the petition nor the associated white paper provide any basis for revisiting these Commission determinations or otherwise using the rulemaking process to reexamine the technical or oversight requirements established in 10 CFR Part 72.

Maintaining safety always remains NEI’s first priority when considering proposed regulatory changes, and towards this end the industry has benefited from the development of risk-informed, risk-appropriate requirements by NRC. Industry has had a strong safety performance over the past several decades storing used nuclear fuel as demonstrated by industry operating experience. Therefore, we recommend that the NRC deny the petition.

Thank you for your time and attention on this important matter. If you have any questions, please contact me.

Sincerely,



Ben Holtzman

cc: Michael Layton, NRC/NMSS

² Final Rule, Continued Storage of Spent Nuclear Fuel, 79 Fed. Reg. 56,238, 56,254 (Sept. 19, 2014).

³ *DTE Electric Co.* (Fermi Nuclear Power Plant, Unit 3), CLI-15-4, 81 NRC 221, 240-41 (2015).

⁴ *Id.* at 240. In 2012 the Commission rejected a similar petition for rulemaking calling for the NRC to establish 100-year design criteria for dry-cask storage certifications, finding such a requirement “is not warranted.” Petition for Rulemaking Submitted by C-10 Research and Education Foundation, Inc., Partial Consideration in the Rulemaking Process, 77 Fed. Reg. 63,254, 63,256 (Oct. 16, 2012). The 1,000-year design criteria in the instant petition are even less warranted than the 100-year design criteria that have already been rejected by the Commission.