

DOCKET NUMBER **R-71**
PROPOSED RULE
(53 FR 21550)

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CP&L
Carolina Power & Light Company

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Mr. S. J. Chilk
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTENTION: Docketing and Service Branch

COMMENT ON PROPOSED RULE
10CFR PART 71 - TRANSPORTATION REGULATIONS; COMPATIBILITY
WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) 53FR21550
(JUNE 8, 1988)

Dear Mr. Chilk:

The Nuclear Regulatory Commission (NRC) and the Department of Transportation (DOT) have proposed to amend their regulations concerning packaging and transportation of radioactive materials, to make those regulations compatible with regulations of the International Atomic Energy Agency (IAEA). Both NRC and DOT have stated that the intended effect of these rulemaking procedures is to increase the level of safety relative to the transportation of radioactive materials, and to facilitate international commerce in those materials.

Carolina Power & Light Company (CP&L) has reviewed the draft comments of the Edison Electric Institute UWASTE/NUMARC Task Force on the proposed rule and endorses the comments provided therein. CP&L hereby submits the following specific comments on the proposed revision to 10CFR71 as published in the June 8, 1988 Federal Register (53FR21550).

PREAMBLE:

First page of Preamble, Column 3, Second paragraph: Additional Accident Test Requirements:

NRC states that existing casks that will not be used for international transport may continue to be used domestically without having to meet the deep immersion criteria. CP&L recommends that this exception be included in 71.61.

First page of Preamble, Column 3, Third paragraph: Additional Accident Test Requirements:

NRC states that if package design is not used internationally and no further packages will be fabricated after a specific date, no effort to satisfy the new crush test standard would be necessary. CP&L recommends that this exception be included in 71.61.

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Third page of Preamble, First Column, First full paragraph: Additional
Accident Test Requirements:

NRC asks industry to comment on whether industry shares NRC views that 2xA1 is easier to use than IAEA 1R at 3 meters. If, as NRC contends, 2xA1 is equivalent to 1R at 3 meters, why not give industry the option of using either one. In some cases the 1R at 3 meters may prove impractical to use, but this should not be the sole justification for disallowing the use altogether. CP&L recommends including both for use in the rule.

Fourth Page of Preamble, Third Column, Item 11: Additional Requirements for
Type "B" Packages:

The statement referencing "No significant increase" in external radiation is not specific and requires interpretation by individual inspectors. CP&L recommends that the value used by the IAEA be incorporated into Section 71.51(a)(1), i.e., that "a 20% increase constitutes no significant increase."

Section 71.4: Definitions:

The exclusive use definition should be the same as DOT's definition. CP&L recommends that NRC adopt the definition in 49CFR173.403 for exclusive use.

Section 71.52: Exemptions for Low-Specific-Activity (LSA) Packages:

The exemption in 71.51(b) expires after one year. CP&L recommends that NRC place an exemption in 71.51 that will allow those casks, now designated as being for use with "GREATER THAN TYPE A QUANTITIES OF RADIOACTIVE MATERIAL," to be used for two years after the effective date of the rule or until such time as newer casks become available. These casks are those that have NRC certificate of compliance and are identified as "TYPE A RADWASTE SHIPPING CASK" with a unique ID number, i.e., (USA)/XXXX/(A).

CP&L appreciates the opportunity to comment on the proposed rule change. Should you have any questions with regard to these comments, please contact Mr. Jim Presley at (919) 546-6132.

Yours very truly,

M. I. Loflin

L. I. Loflin
Manager
Nuclear Licensing Section

JCP/ecc

cc: Mr. S. D. Ebner
Public Document Room