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PROPOSED RULE
(54 FR 19379)

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June 15, 1989

The Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, DC 20555
Attention: Docketing and Service Branch

Subject: Storage of Spent Nuclear Fuel in NRC -
Approved Storage; Casks at Nuclear
Power Reactor Sites: Proposed Rule
Duke Power Company Comments

Dear Sir:

In the Federal Register (54FR 19379) dated May 5, 1989, the Nuclear Regulatory Commission published for comment a proposed rule to provide for the storage of spent fuel in NRC approved casks at the sites of power reactors without the need for additional site-specific approvals.

Duke Power has reviewed the subject NRC proposed rule and submits the following comments:

1. On page 19382 under Safeguards, two paragraphs down, last sentence, "... For these reasons no specific safeguards measures to protect against theft are proposed other than maintaining accounting records and conducting periodic inventories of the special nuclear material contained in the spent fuel."

For clarification, the implementation of the "periodic inventories of the special nuclear material contained in the spent fuel" requirement should be that periodically the storage cask tamper seals would be checked. From a radiological standpoint it would be prohibitive to try to verify Region Reference Numbers (as is done during the Spent Fuel Pool Inventories).

2. 10CFR 72.212 (b)(5)(ii) - Requirements for vital areas are delineated in other 73.55 sections and all vital area requirements throughout 73.55 should be exempted, not just 73.55(c).

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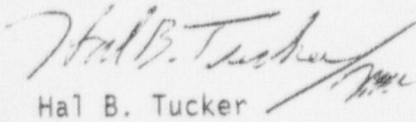
3. 10CFR 73.212 (b)(5)(iii) - This section should distinguish between the security requirements for an existing protected area (PA) that is expanded and a "new PA". Obviously, all requirements of 73.55 (h)(6) and the licensee's approved security plan are applicable when an existing PA is expanded. However, these same requirements should not be necessary for a new PA which is not contiguous with the existing PA (i.e., protected area island). In this case, 73.55 (h)(6) should not be required. Instead the requirement should only be alarm assessment via CCTV, guard or watchman.
4. 10CFR 72.212 (b)(5)(iv) - For the purpose of this general license, if the licensee is exempt from 73.55 (h)(4)(iii) A and 5 (neutralize threat) then 73.55 (h)(3) requirements (armed responders) should also be exempted.
5. The requirements in 73.55 (d)(1) for firearms and explosive search equipment should be deleted when a new PA is added which is not contiguous with the existing PA. The only requirement in this case should be to perform a visual search for bulk explosives. This is supported by the background material in this federal register notice.
6. There are improvements needed in the overall guidance that is provided on security requirements in 72.212. Certainly, all the referenced requirements of 73.55 are applicable when expanding an existing reactor site PA to provide storage areas for spent fuel in approved casks. However, 73.55 requirements are not needed for a storage area which is a new PA separate from the existing reactor site PA. The background material with this proposed rule indicates that requirements should be significantly reduced from 73.55 requirements for storage areas within a new separate PA. Additionally, 72.212 should specify the requirements instead or referencing exemptions to 73.55; 73.55 is not written to readily address the type of requirements that are needed for spent fuel storage areas within a separate PA.

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7. NUTECH NUHOMS 7P and 24P spent fuel storage cask design should be added to 72.214.

Generally, Duke Power is supportive of the proposed rule intent to allow on-site storage of spent fuel in NRC approved casks under a general license.

Very truly yours,


Hal B. Tucker

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