



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 22, 2000

Ms. Beverly Cook, Manager
Idaho Operations Office
U. S. Department of Energy
850 Energy Drive
Idaho Falls, ID 83401-1563

SUBJECT: ANNUAL FINANCIAL REPORTING REQUIREMENTS FOR THE FORT ST. VRAIN AND THREE MILE ISLAND, UNIT 2, INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS

Dear Ms. Cook:

This is in response to the Department of Energy (DOE) letter dated November 3, 1999, regarding annual financial reporting requirements that are specified in 10 CFR 72.80(b). In the letter, DOE requested guidance on the information that it should provide to the Nuclear Regulatory Commission (NRC) to satisfy these requirements for the Fort St. Vrain and Three Mile Island, Unit 2, independent spent fuel storage installation (ISFSI) materials licenses (SNM-2504 and SNM-2508).

NRC has determined that DOE is not required to submit annual financial reports for these licenses. The requirements specified in 10 CFR 72.80(b) do not apply because DOE obtains funds from the U.S. Congress to operate and decommission its 10 CFR Part 72 facilities. This is implied by 10 CFR 72.40(a)(6) which specifically exempts NRC from reviewing DOE financial qualifications to engage in proposed ISFSI activities and by 10 CFR 72.30(c)(4) which allows Federal licensees to provide financial assurance for decommissioning by "a statement of intent containing a cost estimate for decommissioning and indicating that funds for decommissioning will be obtained when necessary." This statement of intent has been provided by DOE for both facilities. Furthermore, both licenses have conditions that require DOE to obtain necessary funds from the U.S. Congress to operate and decommission the facilities. These conditions also require DOE to notify NRC, in writing, of any potential budget problems, including a plan which specifies measures that will be taken to obtain necessary funding and prevent adverse impacts on ISFSI operations.

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If you have comments or questions regarding this matter, you may contact Mr. Michael Waters of my staff at 301-415-3875.

Sincerely,

ORIGINAL SIGNED BY /s/
S. SLANKMAN FOR

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos. 72-9 and 72-20

cc: Service Lists

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no legal objection

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SERVICE LIST FOR FORT ST. VRAIN ISFSI

Docket 72-9

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Docket 72-20

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