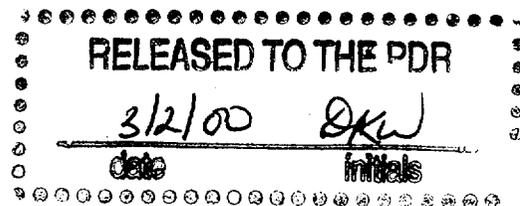




COMMISSIONER

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001



March 1, 2000

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Edward McGaffigan, Jr. *E. McGaffigan Jr.*

SUBJECT: FOLLOW-UP QUESTIONS TO THE PUBLIC COMMISSION
BRIEFING ON THE STATUS OF SPENT FUEL PROJECTS
HELD ON FEBRUARY 23, 2000

First, I would like to thank the staff for a very informative briefing on spent nuclear fuel and related transportation issues and I look forward to future briefings on these matters. While I explored several important issues during the briefing, such as international surface contamination standards for casks and potential fire protection standards, time did not allow me the opportunity to complete my inquiry of other important questions regarding reactor decommissioning, ISFSI license transfers to DOE, and dry cask storage license renewal. Therefore, I request that the staff provide brief, concise responses to the following questions within two weeks from the date of this memorandum in order to close out the public record of the briefing in a timely manner. I also request that the Office of the Secretary ensure that this memorandum and the staff responses are made part of the Commission briefing public record.

1. Mr. Brach, you noted in your remarks that there had been discussions with industry on how an ISFSI at a decommissioning reactor would transition from a general Part 72 license to a specific Part 72 license as part of the preparation to terminate the Part 50 license. Could you elaborate on the nature of these discussions and on the staff's current position on this matter? What prevents licensees at these decommissioning reactors from just applying for a specific Part 72 license for their ISFSIs at the time the ISFSI is planned?
2. In his prepared statement, Mr. Kamps recommended that "prior to the transfer of control of spent nuclear fuel at any ISFSI from the licensee to the DOE, the NRC must convene a local public hearing and prepare an EIS." How under current regulations would such a license transfer from a licensee to DOE be handled? If DOE were to only take title to part of the ISFSI, how under current regulations would that work? Can a license be divided? Would DOE need to apply for a separate license? Would it matter whether the ISFSI were generally or specifically licensed? What, if any, changes in regulations are necessary to allow for future license transfers to DOE?

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3. On slide 8 you mention the status of dry cask storage license renewal. This process appears to be required only for a specific Part 72 licensed ISFSI, such as Surry. Will the result of the license renewal process be a new license as is the case for reactor license renewals? What is the nature of the opportunity for public involvement in specifically licensed ISFSI license renewal? For a general Part 72 licensed ISFSI, are the only renewal requirements those on the cask certificates of compliance at 72.212? What is the opportunity for public involvement in the certificate of compliance renewal process?

If you have any questions, please contact Janet Schlueter or Jeffry Sharkey of my staff on 415-1810.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner Merrifield
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