

November 7, 2000

Mr. W. R. Matthews
Vice President-Nuclear Operations
Virginia Electric and Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060

SUBJECT: REQUEST FOR INTERPRETATION OF LICENSE RENEWAL TERM

Dear Mr. Matthews:

In your July 17, 2000, letter to the U. S. Nuclear Regulatory Commission (NRC) you requested an interpretation of the renewal term for a 10 CFR Part 72 independent spent fuel storage installation (ISFSI) license. We understand that you desire to have the ISFSI renewal period coincide with the projected renewal period for the 10 CFR Part 50 Surry Power Station license. As you noted, a 20-year renewal of the current Surry ISFSI license would expire about 6.5 years sooner than your projected license expiration for the nuclear power plant. In addition, we understand that a period of time would be needed beyond the Part 50 license expiration to maintain the ISFSI license in place to permit the removal of all casks stored on the site.

It is the intent of the Commission to limit the license renewal period for an ISFSI to 20 years. This is reflected in the record of a number of responses to comments on NRC's proposed Part 72 rulemaking. That proposed rule was published in the Federal Register, October 6, 1978 (Vol. 43, No. 195, Pages 46309-46321). Specifically, in response to commenters concerns that the license storage provision of 10 CFR Part 72 could lead to permanent storage of fuel at an ISFSI, the Commission stated that Part 72 is designed to cover interim or temporary storage of spent fuel and further noted that a renewal period of 20 years is considered reasonable. Also, in response to a comment that the 20 year licensing period under Part 72 is unduly restrictive, the Commission stated, in part, that for the static type of activity of spent fuel storage in an ISFSI, a renewal period of 20 years is considered appropriate. See NUREG-0587, *Analysis of Comments on 10 CFR Part 72*, pages I-123 and II-76.

However, the Commission has considered renewal periods for various licenses and had made a number of exceptions to established renewal periods on a case-by-case basis, through the granting of exemptions. The staff therefore recommends that Virginia Electric and Power Company reconsider its proposal and provide a best estimate of the ISFSI renewal period for the Surry facility considering both the Part 50 renewal and projected time needed to remove all storage casks from the site. You should then include the proposed duration of renewal in your official request for license renewal with appropriate technical justification for it and request an exemption from Part 72 if you request a renewal period in excess of 20 years.

November 7, 2000

If you have any questions regarding this regulatory position, please contact Chet Poslusny at 301-415-1341 or E. Neil Jensen at 301-415-1637.

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

Docket Nos. 72-2 (50-280/281)

November 7, 2000

If you have any questions regarding this regulatory position, please contact Chet Poslusny at 301-415-1341 or E. Neil Jensen at 301-415-1637.

Sincerely,
/S/ /RA/
E. William Brach, Director
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