72-11

SMUD
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AN ELECTRIC SYSTEM SERVING THE HEART OF CALIFORNIA

MPC&D 00-157

December 13, 2000

U.S. Nuclear Regulatory Commission
Attn.: Document Control Desk
Washington, DC 20555

Docket No. 72-11
Rancho Seco Independent Spent Fuel Storage Installation
License No. SNM-2510
RANCHO SECO INDEPENDENT SPENT FUEL STORAGE INSTALLATION REQUEST FOR EXEMPTION FROM 10 CFR 72.72(d)

Attention: Randy Hall

In accordance with 10 CFR 72.7 "Specific Exemptions" we are requesting a permanent exemption from the portion of 10 CFR 72.72(d), that requires that records of spent fuel in storage be kept in duplicate. Attachment 1 to this letter provides the exemption request.

If you, or members of your staff, have questions requiring additional information or clarification, please contact Bob Jones at (916) 732-4843.

Sincerely,

Steve Redeker
Manager, Plant Closure & Decommissioning

Attachment

NMSS01Public

Attachment 1
Request for Exemption from 10 CFR 72.72(d)
Records Storage Requirements

Exemption Request

In accordance with the provisions of 10 CFR 72.7 "Specific Exemptions" the Sacramento Municipal Utility District (SMUD) requests an exemption from certain requirements in 10 CFR 72.72 "Material Balance, Inventory, and Records Requirements for Stored Material." Specifically, we request a permanent exemption from the following requirement in 10 CFR 72.72(d):

> "Records of spent fuel and high-level radioactive waste in storage must be kept in duplicate. The duplicate set of records must be kept at a separate location sufficiently remote from the original records that a single event would not destroy both sets of records."

Granting this exemption will allow SMUD to store Rancho Seco ISFSI spent fuel records using the same procedures and processes used for storing the Rancho Seco Nuclear Generating Station spent fuel records. SMUD stores the Rancho Seco Nuclear Generating Station spent fuel records in a single storage facility in accordance with the requirements in the Rancho Seco Quality Manual (RSQM). The NRC has approved the Rancho Seco Quality Manual as satisfying the requirements in 10 CFR 50, Appendix B and 10 CFR 72, Subpart G.

The NRC has granted this same exemption to Virginia Power for their Surry and North Anna power stations.

Basis for the Exemption

NRC regulation 10 CFR 72.140 provides the quality assurance requirements for an Independent Spent Fuel Storage Installation (ISFSI). As discussed in 10 CFR 72.140(d), a quality assurance program that is approved by the NRC as meeting the applicable requirements of 10 CFR 50, Appendix B and that is established, maintained, and executed with regards to an ISFSI will be accepted as satisfying the requirements of 10 CFR 72.140(b).

The Rancho Seco ISFSI Safety Analysis Report, Volume I, Chapter 11 states that SMUD will apply the NRC-approved RSQM for activities associated with the Rancho Seco ISFSI that are important to safety. In Chapter 12 of the Safety Evaluation Report for the Rancho Seco ISFSI, the NRC stated that:

> "Given that the existing approved QA program satisfies Appendix B to 10 CFR Part 50 and that SMUD's stated intent is to apply that program to the ISFSI, the staff concludes that SMUD has met the conditions of 10 CFR 72.140(d) and therefore, satisfies the requirements of 10 CFR 72.140(b)."

Attachment 1
Request for Exemption from 10 CFR 72.72(d)
Records Storage Requirements

RSQM, Section XVII requires that Quality Assurance records be stored in a facility that meets the requirements of Regulatory Guide 1.28 "Quality Assurance Program Requirements" and ANSI/ASME, NQA-1-1983, Supplement 17S-1 "Supplementary Requirements for Quality Assurance Records." ANSI/ASME, NQA-1-1983, Supplement 17S-1 allows for the storage of QA records in dual storage facilities sufficiently remote from each other or in a single storage facility designed and maintained to minimize the risk of damage from adverse conditions including natural disasters, fires, temperature, humidity, and infestation. The record storage vault used at Rancho Seco is constructed and maintained to meet the requirements of ANSI/ASME, NQA-1-1983, Supplement 17S-1, including the standards in ANSI N45.2.9-74.

As discussed in Regulatory Guide 1.28, the NRC has endorsed ANSI/ASME, NQA-1-1983, Supplement 17S-1, as adequate to satisfy the record keeping requirements in 10 CFR 50, Appendix B. Similarly, ANSI/ASME, NQA-1-1983, Supplement 17S-1 satisfies the requirements of 10 CFR 72.72 since it provides for adequate maintenance of the same type of QA records, including the identity and history of spent fuel stored at an ISFSI.

By approving the RSQM, the NRC has accepted the single facility used for the storage and maintenance of quality assurance records at Rancho Seco. Accordingly, the NRC should accept SMUD's requested exemption from 10 CFR 72.72(d) and allow ISFSI spent fuel records to be stored in the same manner as spent fuel records for the Rancho Seco Nuclear Generating Station (i.e., in accordance with the requirements in the RSQM).

Authority to Grant the Exemption Request

Under 10 CFR 72.7 "Specific Exemptions" the NRC may grant exemptions from the requirements in 10 CFR 72 if it determines that the exemption is authorized by law; will not endanger life, property, or the common defense; and is otherwise in the public interest.

In accordance with the provisions in 10 CFR 72.7, the NRC has granted this same exemption to Virginia Power for their Surry and North Anna power stations. Therefore, the NRC has already determined that they are authorized by law to grant this exemption.

By approving the RSQM as satisfying the requirements in 10 CFR 50, Appendix B and 10 CFR 72, Subpart G, the NRC has endorsed ANSI/ASME, NQA-1-1983, Supplement 17S-1 as adequate to satisfy the record keeping requirements in 10 CFR 50, Appendix B and 10 CFR 72.72. Granting this exemption will allow ISFSI spent fuel records to be stored in the same manner as spent fuel records for the Rancho Seco Nuclear Generating Station, which is in accordance with the requirements in the RSQM. Therefore, this exemption from the requirements from 10 CFR 72.72(d), regarding the need for duplicate storage will not endanger life, property, or the common defense.

Allowing ISFSI spent fuel records to be stored in the same manner as spent fuel records for the Rancho Seco Nuclear Generating Station, provides for uniformity and consistency in the storage of QA records. Requiring a special method for the storage of certain ISFSI QA records provides no added benefit and will divert resources unnecessarily. Consequently, the exemption is in the public interest.

Conclusion

10 CFR 72.72(d), which allows only for the duplicate storage of ISFSI spent fuel records, is not consistent with the intent of 10 CFR 72.140(d) which allows licensees to use their NRC-approved 10 CFR 50, Appendix B quality assurance program to satisfy the quality assurance requirements for an ISFSI.

The NRC has approved the RSQM as satisfying the requirements of 10 CFR 72.140(b) and has therefore, endorsed ANSI/ASME, NQA-1-1983, Supplement 17S-1, as adequate to satisfy the requirements for storing QA records, including spent fuel records.

Granting this exemption will allow SMUD to store ISFSI spent fuel records in the same manner as spent fuel records for Rancho Seco Nuclear Generating Station, which is in accordance with the requirements in the RSQM. Therefore, this exemption from the requirements from 10 CFR 72.72(d), regarding the need for duplicate storage, is authorized by law; will not endanger life, property, or the common defense; and is otherwise in the public interest.