

March 27, 2002

Ms. Patricia Borchmann
176 Walker Way
Vista, CA 92083

Dear Ms. Borchmann:

I am responding to your letter dated February 26, 2002, in which you requested an extension to the comment period for the proposed rule adding the Standardized Advanced NUHOMS®-24PT1 Storage System (Advanced NUHOMS system) to the list of approved spent fuel storage cask designs in 10 CFR Part 72 (67 FR 6203; February 11, 2002). You state that the comment period should be extended because a report Southern California Edison (SCE) submitted to the U.S. Nuclear Regulatory Commission (NRC) — The Seismic Hazard Study of Postulated Blind Thrust Faults (Seismic Hazard Study) — has not been submitted to the public in its entirety, and that this document is vital for developing meaningful, relevant, public comments on the proposed rule. You also state that new public notice of an extended comment period should be published in the newspapers in local communities surrounding the San Onofre Nuclear Generating Station (SONGS) to provide constructive advance notice to the public of the opportunity to comment.

I regret that you apparently had difficulty in accessing the Seismic Hazard Study. This study was made publicly available through the NRC's Agencywide Documents Access Management System, which provides internet access to NRC's public documents, on January 22, 2002. I have enclosed a copy of the study and the tables and graphics for your reference.

I would like to clarify the subject of the comment opportunity announced in NRC's proposed rule. The comment opportunity presently being offered by the rulemaking is an opportunity to comment on the dry storage cask design features of the Advanced NUHOMS system. This design, if approved via a rulemaking process, could be used by any general licensee provided certain conditions are met. By rulemaking in 10 CFR 72.210, NRC granted a general license to all reactor facilities to operate an independent spent fuel storage installation (ISFSI) without any further site specific licensing actions.

For SCE to be able to operate an ISFSI at SONGS, under a general license, two conditions must be met. First, the general licensee must store spent fuel in casks which have been approved by NRC via rulemaking. Second, the general licensee must perform written evaluations which establish, among other things, that the reactor site parameters, including analyses of earthquake intensity, are enveloped by the cask design bases.

It is possible that SCE may use the Seismic Hazard Study in determining whether the design of a dry cask storage system, including analyses of earthquake intensity, could be used at its site. However, the scope of the comment opportunity offered in the proposed rule does not extend to the site specific issues. For this reason, the availability of the Seismic Hazard Study is not relevant to the questions on which public comment is invited on NRC's proposed rule; i.e., whether this generic cask design should be certified by the NRC. Accordingly, the NRC is not granting your request for an extension of the comment period.

Ms. Borchmann

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As to your concern of inadequate local notice of the proposed rule, we do not generally publish notice of proposed rules in local papers, because a proposed rule such as this is not site-specific. We do publish a notice in the Federal Register, post the rulemaking on the web, and generally issue a press release.

If you have any further questions on the Standardized Advanced NUHOMS®-24PT1 Storage System proposed rule, please contact Ms. Jayne McCausland of my staff at (301) 415-6219.

Sincerely,

/RA/

Donald A. Cool, Director
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Enclosures: 1. Seismic Hazard Study
2. Tables and Graphs

Docket Nos.: 72-41; 72-1029

Ms. Borchmann

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***See previous concurrence**

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