



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 8, 1995

Mr. David A. Lochbaum  
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Watchung, NJ 07060

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Fogelsville, PA 18051

Gentlemen:

This letter acknowledges receipt of your submittal dated November 28, 1994, to the Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC), which referenced Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). Your submittal has been referred to my office.

Your submittal states that in a report submitted to the NRC dated November 27, 1992, pursuant to 10 CFR Part 21, you identified nuclear safety concerns with regard to spent fuel pool storage at the Susquehanna Steam Electric Station.. Your submittal also states that the NRC has developed an action plan, specifically the Task Action Plan for Spent Fuel Storage Pool Safety, to evaluate the generic implications of these concerns. You request the NRC to take the following actions to prevent any licensee from increasing the probability of and/or consequences from problems with spent fuel pool cooling while the NRC is conducting its evaluation:

(1) An operating license shall not be issued pursuant to 10 CFR 50.57 until the course of action developed by the Task Action Plan is implemented unless spent fuel pool cooling safety concerns identified in the Part 21 report have been evaluated by the applicant and accepted by the NRC staff.

(2) An amendment to an operating license involving increased spent fuel storage pool capacity or increased licensed reactor power level shall not be issued pursuant to 10 CFR 50.90-50.92 until the course of action developed by the Task Action Plan is implemented unless spent fuel pool cooling safety concerns have been evaluated by the licensee and accepted by the NRC staff.

(3) A renewal or extension of an operating license shall not be issued pursuant to 10 CFR Part 54 until the course of action developed by the Task Action Plan is implemented unless spent fuel pool cooling concerns have been evaluated by the licensee and accepted by the NRC staff.

(4) A license or an amendment for independent spent fuel storage (ISFS) shall not be issued pursuant to 10 CFR Part 72 until the course of action developed by the Task Action Plan is implemented unless spent fuel pool cooling concerns have been evaluated by the licensee and accepted by the NRC staff.

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Enclosure

With respect to each of these actions, you request that the specified evaluations explicitly address how the requirements of 10 CFR Part 100 are satisfied under normal and design-basis event conditions.

Although your submittal is styled as a request for action pursuant to 10 CFR 2.206, it focuses entirely on licensing actions and, therefore, is not within the scope of 10 CFR 2.206. Accordingly, your requests must be considered apart from the 2.206 process. As a result, I will not issue a Director's Decision on your requested actions as would be the case for petitions that fall within the scope of the 2.206 process. I have outlined below how the staff will treat the spent fuel pool cooling issues raised in your Part 21 report, as well as broader spent fuel storage safety issues identified in the staff's Task Action Plan, within the context of the licensing processes identified in your submittal of November 28, 1994.

The existing regulatory process provides for staff review of operating license applications, including applications filed pursuant to 10 CFR Part 50 and those that may be filed pursuant to 10 CFR Part 52. The staff uses the Standard Review Plan (SRP) as guidance to identify the appropriate design acceptance criteria for matters related to spent fuel pool decay heat removal during its review of Part 50 operating license applications and applications for design certification under Part 52. The staff considers the design acceptance criteria for spent fuel pool cooling systems in the current revision of the SRP adequate and will continue to use it while reviewing operating license applications pursuant to Part 50 and design certification applications filed pursuant to Part 52.

With respect to the issuance of operating licenses pursuant to 10 CFR 50.57, the only application for an operating license currently under active review is that of the Watts Bar Nuclear Plant, Unit 1 (Docket No. 50-390). The staff issued NUREG-0847, "Safety Evaluation Report Related to the Operation of the Watts Bar Nuclear Plant, Units 1 and 2, Docket Nos. 50-390 and 50-391," in June 1982. In Section 9.1.3 of NUREG-0847, the staff made the following findings related to the spent fuel pool cooling system:

"The staff further reviewed the system for compliance with applicable GDC, Regulatory Guides, and BTPs and concludes that the system design meets the requirements of GDC 2, 4, 44, 45, 46, 61, and 63 with respect to protection against natural phenomena and missiles, cooling water capability, inservice inspection, functional testing, fuel cooling and radiation protection, and monitoring provisions, and the guidelines of Regulatory Guides 1.13, 1.26 and 1.29 relating to the system's design, quality group and seismic classification. It is, therefore, acceptable."

The staff has reviewed the basis for the above NUREG-0847 conclusions set out above in view of the issues identified during the evaluation of your Part 21 report and finds that the conclusions of NUREG-0847 remain valid.

As noted in your November 28, 1994 submittal, the staff is evaluating a broad range of spent fuel pool storage safety issues as part of the NRC's generic issue evaluation process. If the staff generic review concludes that additional requirements in the area of spent fuel pool safety are warranted, the staff will issue such requirements after appropriate consideration of 10 CFR 50.109.

With respect to power uprate and spent fuel pool capacity license amendments pursuant to 10 CFR 50.90-50.92, the staff will continue to review the impact of increased spent fuel pool heat loads to ensure adequate spent fuel pool storage safety within the context of the existing licensing basis of the affected facilities. The staff will also specifically note in the safety evaluations for individual licensing actions that a generic review of spent fuel pool storage safety is underway and that the staff will take generic action, if warranted, based on the findings of the generic review.

In your letter, you requested that the NRC not issue any license renewals pursuant to 10 CFR Part 54 without certain consideration being given to the spent fuel pool safety issues identified in your Part 21 report. In the statements of consideration for proposed revisions to Part 54 published September 9, 1994 (59 FR 46574), the Commission states that reviews under the proposed rules will focus on appropriate management of the effects of aging. In addition, the Commission makes it clear that safety issues relevant to current plant operation are to be addressed within the present license term rather than deferred to the time of license renewal. Accordingly, the staff is implementing the Task Action Plan for Spent Fuel Storage Pool Safety which includes evaluation of the need for additional regulatory requirements. Any additional spent fuel pool safety requirements stemming from the Task Action Plan will be promulgated after appropriate consideration of 10 CFR 50.109. Therefore, although no applications for license renewal are currently pending, for the reasons stated above, the staff would not specifically consider the spent fuel pool cooling design issues as part of a Part 54 proceeding.

Finally, with respect to the licensing of ISFS facilities pursuant to 10 CFR Part 72, the staff does not reexamine the heavy load transfer issues within the reactor (or auxiliary) building as part of its review of Part 72 applications. It is the responsibility of the licensee to review its heavy load handling design and licensing basis as it develops a spent fuel storage facility design. If the licensee identifies necessary changes to its Part 50 licensing basis, e.g., a Technical Specification change, or identifies an unreviewed safety question with respect to fuel cask handling, the licensee is required to present these to the staff for prior review and approval. As you noted in your submittal, the staff is reviewing heavy load handling issues as part of the Task Action Plan. If the generic review determines that new heavy load handling requirements under Part 50 are warranted, the staff will take appropriate action to impose those requirements.



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In addition to the staff review process described above, the regulations contain provisions for members of the public to raise safety issues as part of the licensing process. Each of the licensing activities discussed above has provisions for members of the public to request a hearing on an individual basis and each has been or will be noticed for public comment and an opportunity for a hearing in the *Federal Register* pursuant to 10 CFR 2.105, 50.91, 52.51, 54.27, or 72.46.

Thank you for your interest in these matters. I appreciate your efforts and have instructed my staff to continue to work with you and to keep you informed of the progress on the Task Action Plan.

Sincerely,



William T. Russell, Director  
Office of Nuclear Reactor Regulation



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