



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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MEMORANDUM FOR: Bill M. Morris, Director
Division of Regulatory Applications
Office of Nuclear Regulatory Research

FROM: Graham D. Johnson, Director
Division of Accounting and Finance
Office of Administration and
Resources Management

SUBJECT: PROPOSED RULEMAKING - STORAGE OF SPENT NUCLEAR FUEL
IN NRC APPROVED STORAGE CASKS AT CIVILIAN NUCLEAR
POWER REACTOR SITES

The following are our comments relating to the subject staff paper:

1. The current Commission policy under 10 CFR 170 is to charge fees for services rendered to specific licensees. No fees are assessed for services rendered to general licensees. The proposed rule (p 30) would revise the definition in 170.2(e) to permit the assessment of fees for these Part 72.6(b)(2) general licenses. The broad policy question of whether or not to assess fees to general licensees would have to be addressed with the Commission. For example, under 10 CFR 150.20 any person holding a specific license from an Agreement State is granted a general license to conduct the same activity in non-Agreement states. When the Regional offices conduct inspections of these general licenses there are no inspection fees assessed. Similarly, the general licensees using the 3M Company polonium 210 static eliminators were not assessed inspection fees for the hundreds of inspections conducted recently because of the leakage problem. The Commission has thousands of general licensees. The question becomes whether or not the Commission should change its present policy to allow for the assessment of fees for services rendered to all general licensees or to those general licensees as proposed.
2. As the proposed rule indicates, VEPCO and Carolina Power have applied for and been granted specific licenses for their Independent Spent Fuel Storage Installation (ISFSI) located at Surry and HB Robinson 2 nuclear stations. Both companies pay license and inspection fees in accordance with Part 170.31 and 170.32 category 1H(2). If the proposed regulation is adopted is it the intent to convert these two licenses to general licenses? If not, then VEPCO and Carolina Power will continue to pay amendment fees while other utilities will not, under the current fee regulations, since they would be generally licensed and amendments would not be required. The major policy implications should be addressed in the staff paper.
3. It is not clear whether the reactor licensees who would be generally licensed to construct and operate an ISFSI would be

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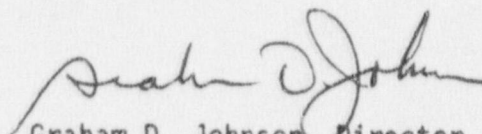
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APR 11 1988

required to submit their quality assurance plans, emergency plans, decommissioning plans, physical security plans, etc. to the Commission for approval. If so, the question of whether to recover the Commission's costs through fees should be addressed.

4. Fees are currently assessed for the manufacturers of spent fuel storage casks under 10 CFR 170.31, Category 12, Special Projects. The proposed rule indicates that inspections will be conducted of the manufacturers of the spent fuel casks. If so, we will need to make provisions in Part 170 for the inspections conducted.
5. Since the proposed rule would allow transportation casks which have been certified for use to also be used for the storage of spent fuel at an ISFSI, will a separate NMSS review be required and a specific approval issued?

If you have any questions relative to the above comments, please contact C. James Holloway, Jr. on ext. 27225.



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