

Rouse/Roberts

Surry County

Surry, Virginia 23883

June 5, 1984



"The Countrie it selfe, I must
confesse is a very pleasant land,
rich in commodities;
and fertile in soyle . . ."
-Samuel Argall, ca. 1609

Mr. R.E. Cunningham
Office Nuclear Material Safety
and Safe Guards
ATTENTION: MR. LELAND C. ROUSE, CHIEF
Advance Fuel and Spent Fuel Licensing Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Cunningham:

The Virginia Electric and Power Company has applied for a Conditional Use Permit at the Surry County Nuclear Power Plant for Dry Cask Storage. As apart of the local review process, the Surry County Planning Commission has scheduled a Public Hearing on Monday, June 25, 1984, 8 p.m. at the Surry County Courthouse, Surry, Virginia to consider this application.

The Surry County Planning Commission requests that Mr. John Roberts, Project Manager, be present at this public hearing. The Commission is very interested in any comments or concerns that have been raised by your agency during your review of Vepco's application.

The June 25th meeting is the first of two public hearings that will be held by Surry County. Another hearing will be scheduled at a later date. Mr. Roberts' attendance would be greatly appreciated.

Thank you for your assistance.

Yours truly,

Mary E. Jones
Miss Mary E. Jones
Planning Director

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Planning Director

(804 294-3172)

STATEMENT OF JOHN P. ROBERTS
UNITED STATES NUCLEAR REGULATORY COMMISSION
BEFORE THE SURRY COUNTY
VIRGINIA PLANNING COMMISSION

June 25, 1984

Members of the Planning Commission, in response to your courteous invitation to appear at this hearing, we have prepared a brief statement covering NRC's consideration of the Virginia Electric and Power Company's (VEPCO's) application to store spent fuel under Title 10 Code of Federal Regulations (CFR) Part 72. In addition to safety and environmental aspects of our license review, safeguards and inspection and enforcement aspects of the operation of a storage installation are mentioned also. Your invitation requested the presence of John Roberts, Project Manager, for the license review. However, since it was clear from the telephone discussion earlier this month between George Johnson of our Executive Legal Director's Office and Mary Jones, Planning Director of Surry County Planning Commission, regarding this hearing that your interests cover both the licensing review and potential post-licensing operation of a storage installation, other members of our NRC staff are here to answer any questions that you may have.

On December 9, 1982, the Nuclear Regulatory Commission issued a public notice in the Federal Register concerning an application from VEPCO (see attachment) for dry cask storage at its Surry Power Station site for Units 1 and 2.

Subsequently, NRC staff have been carrying out safety, environmental, and safeguards reviews of the VEPCO application. Questions have been sent to VEPCO and are available for public examination, as is VEPCO's application, at the NRC Public Document Room, 1717 H Street, NW., Washington, DC, and at the Local Public Document Room at the Swem Library College of William and Mary, Williamsburg, Virginia. When NRC staff have completed their licensing review, a Safety Evaluation Report and an Environmental Assessment or Environmental Impact Statement will be prepared and be made publically available. At this time, however, safety, environmental, and safeguards reviews are not completed. Therefore, the NRC staff cannot make a conclusive statement regarding the continuing license review.

Nonetheless, we would like to take advantage of this opportunity to briefly explain what we are doing in our various areas of review and to answer, as

best we can, any questions the Planning Commission may have. You have already seen in VEPCO's presentation a description of the proposed installation.

In the case of the VEPCO application for dry cask storage, the Safety Analysis Report submitted will incorporate by reference a Topical Safety Analysis Report for a specific dry cask design. Since the cask is the major component of the storage installation, emphasis is placed on its ability to meet Part 72 requirements which cover both normal and accident conditions. The environmental review is concerned with potential environmental impacts of the construction and operation of the storage installation and is covered by NRC's regulation 10 CFR Part 51. Dry cask storage is basically a passive activity, even more so than water pool storage. For the proposed installation, the cask would be loaded with spent fuel at the reactor pool area, hermetically sealed with an inert atmosphere, transferred to the installation area and then emplaced on a concrete pad. Under Part 72 requirements, the cask must be designed to withstand potential handling accidents during transfer and emplacement. Once the cask is emplaced, its design must be such that spent fuel can remain stored without significant degradation or radioactive material release in the sealed cask for up to 20 years. Additionally, the casks must be able to withstand credible accident conditions arising from either natural phenomena, such as earthquake and tornado, or from fire and explosion. Accordingly, our safety review considers the cask structure, thermal analysis and criticality design to assure its integrity. Potential advantages of the dry cask design are that it is a passive design without moving parts; that it is modular such that a problem with any one cask does not necessarily involve the entire installation and its fuel; that it produces essentially no low-level waste during storage, that occupational exposure can be kept very low since there is little occasion to approach the casks. At the end of our safety review, NRC staff will issue a Safety Evaluation Report stating our conclusions with respect to the safety of the proposed installation. Similarly, we will issue either an Environmental Assessment (EA) or Draft Environmental Impact Statement (DEIS) covering potential environmental impacts of the proposed installation. If our evaluation reveals that VEPCO's proposal will not result in any significant environmental impacts, an EA and a Finding of No Significant Impact are likely to be issued. In the event the staff concludes that significant environmental impacts would result, a DEIS would be issued for public comment.

With respect to physical safeguards for the independent spent fuel storage installation proposed to be located at the VEPCO Power Station in Surry County, Virginia, the primary safeguards concern for this type of facility is to provide measures which will protect against radiological sabotage (a deliberate act against the facility which could directly endanger the public health and safety by exposure to radiation). The secondary concern is to provide assurance against the unauthorized removal (or theft) of the stored materials.

The requirements of functional design and safety features of the storage casks (such as the size, weight and construction) afford a high measure of protection against malevolent acts. These qualities are taken under consideration in determining the appropriate physical protection measures which are required to cope with the above mentioned concerns.

VEPCO has submitted, as a part of its license application for the Surry ISFSI, a physical protection plan, which is currently under review by the NRC's Division of Safeguards licensing staff. As a result of a preliminary review and a visit to the facility by an NRC Safeguards representative, certain changes to the plan have been requested. We expect to receive VEPCO's response to our request in the next few weeks.

For the final safeguards (physical protection) plan to be approved, as a condition of the license, the NRC staff will have to be satisfied that VEPCO can provide all of the safeguards measures which are necessary to assure adequate protection of the facility, in the interest of public health and safety.

It is our understanding that the Planning Commission is interested in NRC inspection of VEPCO, assuming that its license application is approved by NRC. Given this circumstance, VEPCO's activities related to dry storage of spent reactor fuel at the Surry plant will be inspected by the Office of Inspection and Enforcement's Safeguards and Materials Programs Branch at NRC Headquarters. The Branch will acquire any technical assistance it needs from

NRC's Regional Offices, the NRC's resident inspector at Surry and expert contractors. Inspection requirements are based on NRC regulations and license conditions that VEPCO will have to meet. Activities will include:

- Confirmatory inspections of storage casks and other equipment that VEPCO acquires from vendors,
- inspection of construction of on-site facilities,
- operational inspections of transfer of spent fuel between the reactor pool, the cask structure and the storage site, and
- routine inspections of the active storage facility and of VEPCO's environmental monitoring programs.

This concludes our remarks. We wish to thank the Planning Commission for this opportunity to speak. If the Commission has any questions, either my fellow NRC staff members or I will be happy to answer them.

Rancho Seco Nuclear Generating Station (the Facility), located in Sacramento County, California.

In accordance with the licensee's application for amendment dated September 28, 1982, the amendment would permit the expansion of the facility's spent fuel storage capacity. This expansion would be accomplished by replacing the existing spent fuel storage racks consisting of 579 storage locations, including three failed fuel container locations, with new high density poisoned storage racks consisting of 1080 storage locations, including four failed fuel container locations.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By January 10, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the

subject matter of the proceeding as to which petitioner wishes to intervene.

Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (In Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: (petitioner's name and telephone number); (date petition was mailed); (Rancho Seco); and (publication date and page number of this Federal Register Notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to David S. Kaplan, Sacramento Municipal Utility, District 8201 S Street, P.O. Box 15830, Sacramento, California, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 28, 1982, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California.

Dated at Bethesda, Maryland, this 1st day of December 1982.

For the Nuclear Regulatory Commission,
John F. Stolz,
Chief, Operating Reactors Branch #4,
Division of Licensing.

(PR Doc. 82-35562 Filed 12-4-82; 8:46 am)
BILLING CODE 7590-01-M

[Docket No. 72-2]

Virginia Electric & Power Co.; Consideration of a Materials License for the Storage of Spent Fuel

The Nuclear Regulatory Commission (the Commission) is considering an application dated October 8, 1982 for a materials license, under the provisions of 10 CFR Part 72, from Virginia Electric and Power Company (the applicant) to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in Surry County, Virginia. If granted, the license will authorize the applicant to store spent fuel in a dry storage cask system at the applicant's Surry Power Station site for Units 1 and 2 (Operating Licenses DPR-32 and 37). Pursuant to the provisions of 10 CFR Part 72, the term of the license for the ISFSI would be twenty (20) years.

Prior to a decision on the requested license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The issuance of the

materials license will not be approved until the Commission has reviewed the proposal and has concluded that approval of the license will not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental evaluation in accordance with 10 CFR Part 51 to determine if the preparation of an environmental impact statement, or negative declaration and environmental appraisal is warranted. The action will be the subject of a notice in the Federal Register.

Pursuant to 10 CFR 2.105, by January 10, 1983, the applicant may file a request for a hearing; and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval or disapproval of issuance of the subject materials license in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without prior approval of the presiding officer at any time up to 15 days prior to the holding of the first prehearing conference, but such an amended petition must satisfy the specificity requirements described above. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied. Such petitions must be filed in accordance with this Federal Register notice and 10 CFR 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by

January 10, 1983. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to M.W. Maupin, Esq., Hunton & Williams, Post Office Box 1535, Richmond, Virginia 23212, attorney for the applicant.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions. In the event no request for a hearing or petition to intervene is filed by the above date, the Commission may, upon satisfactory completion of all evaluations, issue the materials license without further prior notice.

In the event that a hearing is held and a person is permitted to intervene, he/she becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he/she may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application dated October 8, 1982, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local Public Document Room at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. The Commission's license and Safety Evaluation Report, when issued, may be inspected at the above locations.

Dated at Silver Spring, Maryland, this 3rd day of December 1982.

For the Nuclear Regulatory Commission

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

(FR Doc. 82-33583 Filed 12-9-82; 8:45 am)

BILLING CODE 7580-01-08

[Docket Nos. 50-338 OLA-1, 50-339 OLA-1]

Virginia Electric & Power Co. (North Anna Power Station, Units 1 and 2); Hearing on Issuance of Amendment to Facility Operating Licenses

December 3, 1982.

On September 22, 1982, at 47 FR 41892, the Staff of the Nuclear Regulatory Commission published a notice which, *inter alia*, stated that the Commission had received an application from Virginia Electric and Power Company for an amendment to the facility operating licenses to permit the receipt and storage of 500 spent fuel assemblies from the Surry Power Station, Units 1 and 2.

The notice provided that, by October 22, 1982, any person whose interest might be affected by the proceeding and who wished to participate as a party must file a petition for leave to intervene in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. On October 26, 1982, an Atomic Safety and Licensing Board was established to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing was ordered. The Board's Administrative Judges are Dr. Jerry Kline, Dr. George A. Ferguson, and Sheldon J. Wolfe, who will serve as Chairman of the Board.

Concerned Citizens of Louisa County filed a petition for leave to intervene, and the County of Louisa, Virginia and the Board of Supervisors of the County of Louisa filed a petition for leave to intervene. As indicated in its Memorandum and Order of November 22, 1982, the Atomic Safety and Licensing Board ruled *inter alia* that the two petitioners for leave to intervene had established standing to intervene, and provisionally ordered a hearing and provisionally granted the petitions for leave to intervene.

Pursuant to 10 CFR 2.751a the Board will conduct a special prehearing conference at the following location at 10:00 a.m. on February 16, 1983: NRC Public Hearing Room, 5th Floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

Counsel for the Applicant, the NRC Staff, and for the petitioners for leave to intervene are directed to appear. This special prehearing conference¹ is held in order to:

¹ This special prehearing conference also is being held to consider prehearing matters in a companion case, *Virginia Electric and Power Company*, (North Anna Nuclear Power Plant, Units 1 and 2), Docket Nos. 50-338 OLA-2 and 50-339 OLA-2, wherein VEPCO requests an amendment to the operating licenses to permit the expansion of the fuel pool.