

10 CFR Part 71 Revisions and Change Authority For Dual-Purpose Package Certificate Holders



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February 2005

Discussion Topics

- Recent 10 CFR Part 71 revisions and revision process
- Withdrawal of change authority for dual-purpose spent fuel cask certificate holders

10 CFR Part 71 Revisions

- Published in the Federal Register on January 26, 2004
- Effective Date - October 1, 2004
- Compatible with IAEA's TS-R-1 international transportation regulations
- Coordinated with US Department of Transportation rule

Summary of Final Rule

- 11 IAEA Issues - 9 adopted, 2 not adopted
- 8 NRC-initiated Issues - 5 adopted, 2 not adopted, no decision on one (will discuss later for the decision that was eventually made)

IAEA Compatibility Issues

- New Radionuclide Exemption Values and Revision of A_1 and A_2 ,
- Uranium Hexafluoride Package Requirements
- Criticality Safety Index (CSI)
- Deep Immersion Test
- Phase out of 1967 designs – Package Type B ()
- Changes to Various Definitions
- Crush Test for Fissile Material Package Design
- Fissile Material Package Design for Transport by Aircraft
- NOT Adopted - Changing Part 71 to the International System of Units (SI) Only
- NOT Adopted - Type C Packages for Air

NRC-Initiated Issues

- Expansion of Part 71 Quality Assurance Requirements to Certificate of Compliance Holders
- Fissile Material Exemptions and General License Provisions
- Elimination of Double Containment of Plutonium
- Special Package Authorizations
- Modifications of Event Reporting Requirements

Change Authority for Dual-Purpose Package Certificate Holders

- No decision made in the Final Rule
- Directed to seek additional input
- Original idea – Dual purpose casks should mirror change authority in 10 CFR Part 72 for storage casks
- Staff evaluation indicated significant regulatory burdens and costs

Additional Input After the Final Rule

- Issued discussion paper requesting comments - March 15, 2004
- Held transcribed public workshop - April 15, 2004
- Responded to comments in new proposal to Commission

Stakeholder Viewpoints

- Generally against implementation of the change authority rule as-proposed
- Change authority rule imposes substantial cost and burden (e.g., new separate accident analysis) without a commensurate potential benefit
- Current Part 71 already allows flexibility to make changes without prior NRC approval – provided application is well-written and does not over-commit

Path Forward After Workshop

- October 1, 2004 Commission paper (SECY-04-0178)
 - Proposed to withdraw change authority rule
- November 19, 2004 Staff Requirement Memorandum (SRM) Approved approach
- January 4, 2005 Federal Register Notice – Announced withdrawal of change authority rule
- April-May 2005 – Will issue Interim Staff Guidance (ISG) to inform reviewers and stakeholders about the flexibility available under current Part 71

Conclusions

- Revisions to 10 CFR Part 71 demonstrated openness in the NRC regulatory process
- Removal of change authority rule demonstrated NRC's commitment to improve efficiency and effectiveness of the NRC's regulations