Industry Perspective on 10 CFR 72 CoC and Technical Specification Improvement

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CoC/TS Improvements

- No Part 72 rule governs cask CoC content
  - Conditions, TS, Approved Contents, Design Features
- §72.44(c) and (d) do not apply to CoC holders or general licensees (per §72.13)
- No specific criteria exist for defining cask CoC contents, including TS
- NUREG-1745 provides a baseline and overall goals, but not criteria
- Without defined criteria, NRC review guidance is subjective

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10 CFR 72.44(c) and (d)

- Provides rules for Part 72 specific license TS
  - 72.44(c) : functional and operating limits, monitoring instrumentation, limiting control settings, limiting conditions, surveillance requirements, design features, and administrative controls
  - 72.44(d) cask effluents, environmental monitoring and reporting

Standard Review Plan

- NUREG-1536 Revision 1 :
  - Introduction: "Any aspect of the design or procedures that the NRC determines should not be changed by either the certificate holder or general licensee, without prior NRC approval must be placed in the CoC conditions or technical specifications"
  - Section 13.1:*"The NRC staff should also describe…any additional operating controls and limits that the staff deems necessary and has added them, as appropriate to the cask systems' technical specifications."*

Issue

- CoC and TS content is inconsistent across storage technologies and increasing over time
- Some requirements are redundant or unnecessary, e.g.:
  - CoC conditions addressing training
  - TS requiring compliance with regulations
  - TS addressing material qualification programs
  - TS causing licensees to take actions in a <u>less</u> industrially safe manner
- Unnecessary requirements cause NRC and industry resources to be used to process non-safety significant CoC amendments
- Unusual CoC requirements can confuse licensed operators used to Part 50 TS

Industry Position

- Industry believes only the minimum design items that are fundamental to ensuring public health and safety belong in the CoC, e.g.:
  - Fuel parameters
  - Fuel cavity atmosphere (drying, inerting)
  - Confinement boundary leakage limit
  - Ambient temperature, certain site parameters fundamental to the safety analysis
- TS content should focus on items under control of the user in the field to ensure safety
  - Verifiable
  - Controllable
  - Nexus with design/safety basis

Industry Position (cont'd)

- No need for TS requiring compliance with regulations
- Allow commitments to codes and standards and the CoC holder's QA program to govern <u>most</u> design, fabrication, materials, inspection, and testing requirements
- Training is managed well by licensees and need not be in the CoC
- Focus of CoC/TS contents should be on immediate threat to public health and safety similar to reactors per NRC Policy Statement

Part 50 TS Commission Policy Statement:

- *"The purpose of Technical Specifications is to impose those conditions or limitations on reactor operation necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety by identifying those features that are of controlling importance to safety and establishing on them certain conditions of operation which cannot be changed without prior Commission approval."*

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Proposed Path Forward

- Industry and NRC should work collaboratively, using the Part 50 ITS model, to develop criteria for what goes in the CoC/TS
- The criteria should be codified in the regulations, similar to §50.36(c)(2)(ii)
- Consider potential to reorganize the CoC into distinct sections for CoC holder compliance and user compliance
  - Examples: 1) Design, 2) As-Fabricated verification testing, 3) Operations, 4) Licensee required analyses/programs
- Other items should be re-located to the FSAR and controlled under 72.48
- After criteria established, update guidance (NUREG-1745)

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