REGULATORY ANALYSIS

DRAFT REGULATORY GUIDE DG-3042
STANDARD FORMAT AND CONTENT FOR A LICENSE APPLICATION FOR AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION OR A MONITORED RETRIEVABLE STORAGE FACILITY

(Proposed Revision 2 of Regulatory Guide 3.50, dated September 1989)

1. Statement of the Problem

The U.S. Nuclear Regulatory Commission (NRC) published Revision 1 of Regulatory Guide (RG) 3.50, "Standard Format and Content for a License Application to Store Spent Fuel and High-Level Radioactive Waste," in 1989 to provide licensees and applicants with agency-approved guidance for complying with the then-current version of Title 10, of the Code of Federal Regulations, Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste" (10 CFR Part 72). Revision 1 of RG 3.50 became outdated for a number of reasons. This regulatory guide provides a description of a standard content and format for specific license applications for independent spent fuel storage installations (ISFSI's) and monitored retrievable storage (MRS) facilities.

Revision of RG 3.50 (i.e., Revision 2) is needed to conform to the present format and content requirements in 10 CFR Part 72, which have been revised several times since Revision 1 was issued. Also, Revision 1 discussed how to submit forms on microfilm. However, the agency has now moved most of its document submission to electronic form. In addition, most of the guidance that was referenced in Revision 1 has been withdrawn, such as Regulatory Guide 3.44 "Standard Format and Content for the Safety Analysis Report for an Independent Spent Fuel Storage Installation (Water-Basin Type)", and ANSI Standard N299-1976 "Administrative and Managerial Control for the Operation of Nuclear Fuel Reprocessing Plants". The information from these referenced documents has been captured in RG 3.62 "Standard Format and Content for the Safety Analysis Report for onsite Storage of Spent Fuel Storage Casks" and the most current version of 10 CFR Part 72. Revision 2 also includes editorial changes to improve clarity.

2. Objective

The objective of this regulatory action is to update NRC guidance and provide applicants and licensees with a method to demonstrate compliance with the 10 CFR Part 72 requirements to store spent nuclear fuel, high-level radioactive waste, and/or reactor-related Greater than Class C (GTCC) waste in ISFSI's and MRS facilities.

3. Alternative Approaches

The NRC staff has considered the following alternative approaches:

(1) Do not revise Regulatory Guide 3.50,
(2) Withdraw Regulatory Guide 3.50
(3) Revise Regulatory Guide 3.50 to address the current methods and procedures.

3.1 Alternative 1: Do Not Revise Regulatory Guide 3.50

Under this alternative, the NRC would not revise the guidance and the current guidance would be retained. If the NRC does not take action, there would not be any changes in costs or benefit to the public, applicants, licensees, or the NRC. However, this "no-action" alternative would not address identified concerns with the current version of the regulatory guide. This alternative provides a baseline condition from which any other alternatives will be assessed.

3.2 Alternative 2: Withdraw Regulatory Guide 3.50

Under this alternative, the NRC would withdraw the regulatory guide. This would eliminate the current conflict that exists between the current regulatory guide and the newer regulations. However, it would also eliminate the only readily available means of describing of the methods the NRC staff considers acceptable for demonstrating compliance with 10 CFR Part72. Although this alternative would be less costly than the proposed alternative (Alternative 3), it would impede the public's, applicant's, license's, and the NRC's accessibility to the most useful guidance information.

3.3 Alternative 3: Revise Regulatory Guide 3.50

Under this alternative, the NRC would revise Regulatory Guide 3.50. This revision would incorporate the latest information on format and content of license applications for ISFSI's and MRS facilities in accordance with 10 CFR Part 72. Regulatory Guides 3.44 and ANSI Standard N299-1976 that are referenced in the original RG 3.50 dated 1982 and Revision 1 dated 1989 were withdrawn in 2010 and1988 respectively. Therefore, they are no longer valid guidance. By doing so, the NRC would ensure that the RG is current and accurately reflects the staff's position.

The impact to the NRC would be the costs associated with preparing and issuing the RG revision. The impact to the public, applicants and licensees would be the voluntary costs associated with reviewing and providing comments to the NRC during the public comment period. The value to NRC applicants, licensees and the NRC staff would be the benefits associated with enhanced efficiency and effectiveness in using a current guidance document for the format of the technical basis for preparing and reviewing license applications and for other interactions between the NRC and its regulated entities.

4. Conclusion

Based on this regulatory analysis, the NRC staff concludes that revision of Regulatory Guide 3.50 is warranted. The staff concludes that the proposed action would enhance the efficiency and effectiveness of related regulatory reviews done by NRC staff.