

methods, the NRC staff will review such methods to determine their acceptability.

The NRC recognizes the need for significant revision of this guide to address newer technology and environmental considerations. The NRC is revising this guidance to provide regulatory recommendations and positions that focus on more modern designs with perimeter embankments.

## II. Further Information

In February 2010, DG-3040 was published with a public comment period of 60 days from the issuance of the guide. No comments were received and the public comment period closed on April 30, 2010. Electronic copies of Regulatory Guide 3.13, Revision 1 are available through the NRC's public Web site under "Regulatory Guides" at <http://www.nrc.gov/reading-rm/doc-collections/> and through the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html> under Accession No. ML101470167. The regulatory analysis may be found in ADAMS under Accession No. ML101470167.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at Room O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4209, by fax at (301) 415-3548, and by e-mail to [pdr.resources@nrc.gov](mailto:pdr.resources@nrc.gov).

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Dated at Rockville, Maryland, this 23rd day of July, 2010.

For the Nuclear Regulatory Commission.

**Harriet Karagiannis,**

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## NUCLEAR REGULATORY COMMISSION

[NRC-2010-0266]

### Withdrawal of Regulatory Guides 3.44 and 3.49

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guide 3.44, "Standard Format and Content for

the Safety Analysis Report for an Independent Spent Fuel Storage Installation (Water-Basin Type)" and Regulatory Guide 3.49, "Design of an Independent Spent Fuel Storage Installation (Water-Basin Type)."

#### FOR FURTHER INFORMATION CONTACT:

Mark P. Orr, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-251-7495 or e-mail [Mark.Orr@nrc.gov](mailto:Mark.Orr@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 3.44, "Standard Format and Content for the Safety Analysis Report for an Independent Spent Fuel Storage Installation (Water-Basin Type)," dated January 1989 and RG 3.49, "Design of an Independent Spent Fuel Storage Installation (Water-Basin Type)," dated December 1981.

Regulatory Guide 3.44 provides guidance to applicants on the format and content of the safety analysis report that is required as part of an application to construct or operate a water-basin type in an independent spent fuel storage installation (ISFSI). Regulatory Guide 3.49 endorses portions of the American National Standards Institute (ANSI), American Nuclear Society (ANS) standard ANSI/ANS 57.7-1981, "Design Criteria for an Independent Spent Fuel Storage Installation (Water-Pool Type)," with exceptions and supplements, as an acceptable method of complying with the requirements of Subpart F, "General Design Criteria" 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) for the design of a water-basin type ISFSI.

These guides do not support any active license or application; they were developed to provide guidance on the facility design and application to construct and operate a water-basin type ISFSI. The NRC has no record of either of these regulatory guides ever being used in the 20 years since they were published and no indication that any applicant or licensee is planning to submit an application for the construction and/or operation of a water-basin type ISFSI.

These guides for wet basin storage are no longer necessary because the use of dry cask storage for ISFSIs has proven

to be superior to wet basin storage and, in the event that there is an industry initiative to reprocess spent fuel, any wet basin storage operation associated with the reprocessing will likely be licensed as an integral part of the reprocessing facility, rather than as an ISFSI.

## II. Further Information

The withdrawal of RG 3.44 and RG 3.49 does not alter any prior or existing licensing commitments based on their use. The guidance provided in these regulatory guides is no longer necessary. Regulatory guides may be withdrawn when their guidance no longer provides useful information, or is superseded by technological, congressional actions, or other events.

Guides are revised for a variety of reasons, and the withdrawal of a regulatory guide should be thought of as the final revision of the guide. Although a regulatory guide is withdrawn, current licensees may continue to use it, and withdrawal does not affect any existing licenses or agreements. Withdrawal means that the guide should not be used for future NRC licensing activities. Changes to existing licenses would be accomplished using other regulatory products.

Regulatory guides are available for inspection or downloading through the NRC's public Web site under "Regulatory Guides" in the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Regulatory guides are also available for inspection at the NRC's Public Document Room (PDR), Room O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738. The PDR's mailing address is US NRC PDR, Washington, DC 20555-0001. You can reach the staff by telephone at 301-415-4737 or 800-397-4209, by fax at 301-415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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Dated at Rockville, Maryland, this 22nd day of July 2010.

For the Nuclear Regulatory Commission.

**Harriet Karagiannis,**

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