

REGULATORY ANALYSIS

DRAFT REGULATORY GUIDE (DG)-3036

“Standard Format and Content of License Applications for Storage Only of Un-irradiated Power Reactor Fuel and Associated Radioactive Material,” (Proposed Revision 2 of Regulatory Guide (RG) 3.15, dated April 1983)

1. Statement of the Problem

The U.S. Nuclear Regulatory Commission (NRC) is considering revising RG 3.15, “Standard Format and Content of License Applications for Storage Only of Un-irradiated Power Reactor Fuel and Associated Radioactive Material,” to update references and to reflect experience gained in licensing, operation, and subsequent decommissioning of unirradiated power reactor fuel storage sites. The guide provides licensees and applicants with agency-approved guidance for complying with Title 10, of the *Code of Federal Regulations*, Part 70, “Domestic Licensing of Special Nuclear Material.” The guide was last revised in April 1983 and it does not contain updated references nor does it reflect the licensing experience gained since 1983.

2. Objective

The objective of this regulatory action is to assess the need to update the NRC guidance and provide applicants with the most updated methods to demonstrate compliance with the 10 CFR Part 70, “Domestic Licensing of Special Nuclear Material,” Subpart D, “License Applications.”

3. Alternative Approaches

The NRC staff considered the following alternative approaches:

1. Do not revise RG 3.15.
2. Withdraw RG 3.15.
3. Revise RG 3.15.

Alternative 1: Do Not Revise RG 3.15

Under this alternative, the NRC would not revise [or issue additional] guidance, and the current guidance would be retained. This alternative is considered the “no-action” alternative and provides a baseline condition from which any other alternatives will be assessed. If NRC does not take action, there would not be any changes in costs or benefit to the public, licensees or NRC. However, the “no-action” alternative would not address identified concerns with the current version of the regulatory guide [or in the absence of NRC guidance, for a new guide]. The NRC would continue to review each application on a case-by-case basis

Alternative 2: Withdraw RG 3.15

Under this alternative the NRC would withdraw this RG. This would eliminate the problems identified above regarding the RG. It would also eliminate the only readily available

description of the methods the NRC staff considers acceptable for demonstrating compliance with 10 CFR Part 70 for the storage of unirradiated power reactor fuel and associated radioactive material. Although this alternative would be less costly than the proposed alternative, it would impede the public's accessibility to the most current regulatory guidance.

Alternative 3: Revise RG 3.15

Under this alternative, the NRC would revise RG 3.15. This revision would incorporate the latest information in the applicable regulations, supporting guidance, and review practices. By doing so, the NRC would ensure that the RG guidance available in this area is current, and accurately reflects the staff's positions.

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

4. Conclusion

Based on this regulatory analysis, the NRC concludes that revision of RG 3.15 is warranted. The action will enhance reactor and materials safety by describing a method to demonstrate compliance with 10 CFR 70 for receipt, possession and storing of unirradiated power reactor fuel and associated radioactive material. It could also lead to cost savings for the industry, especially with regard to reducing the cost and time involved in preparing and processing license applications.