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Comment On: NRC-2014-0104-0001

Agency Information Collection Activities: Proposed Collection; Comment Request

Document: NRC-2014-0104-DRAFT-0001

Comment on FR Doc # 2014-14450

Submitter Information

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General Comment

August 11, 2014

Ms. Kristen E. Benney

Acting NRC Clearance Officer

U.S. Nuclear Regulatory Commission

Washington, DC 20555-0001

Subject: Industry Comments on Agency Information Collection Activities: Proposed Collection; Comment Request, 79 Federal Register 35385, June 20, 2014 Docket ID NRC-2014-0104

Project Number: 689 and Docket No. PRM-72-7

Dear Ms. Benney:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI) welcomes the opportunity to respond to the subject comment request addressing the broad scope of reports collected and evaluated by NRC

in accordance with the requirements of 10 CFR Part 72 Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High Level Radioactive Waste and Reactor-Related Greater than Class C Waste. In this request, the NRC has highlighted the extensive effort that is required to respond to the numerous reports required in accordance with 10 CFR Part 72. Given the relative low risk and outstanding safety record (Over 1,900 dry cask storage systems safely loaded and placed into service over the past 28 years) associated with the facilities regulated under this rule, we believe that it is certainly appropriate for the NRC to consider opportunities to reduce the administrative burden associated with required reporting under this regulation. The estimated 69,000 hours per year to complete required information collection under 10 CFR Part 72 constitutes a substantial and excessive burden on both the industry and the NRC. We encourage the NRC to pursue every practicable means to reduce this burden.

We note that the NRC has recently taken one important step in the direction of burden reduction in this area with the July 18, 2014, approval of NEI's petition for rulemaking PRM 72-7. The rule changes called for in PRM-72-7 propose a set of criteria that would, by standardizing Certificate of Compliance (CoC) and Technical Specification content at a more risk-appropriate level of detail, significantly reduce the number of license and CoC amendments needed to only those having a risk-informed nexus to nuclear safety. Implementation of these proposed changes would place a significantly greater amount of information under licensee or CoC holder control which would reduce the amount of regulatory correspondence required and, hence, achieve a corresponding reduction in the information collection burden. To this end, we urge the NRC to move forward expeditiously with the rulemaking recommended in PRM 72-7.

Of course, any reduction in information collection burden achieved by placing more information under licensee and CoC holder control must be supported by appropriate change control processes to assure effective management of this information at the licensee and CoC holder level. 10 CFR Part 72.48 governs licensee and CoC holder change control processes. NEI has proposed, for NRC endorsement, Guidelines for 10 CFR 72.48 Implementation (NEI 12-04), to help assure that these requirements are well understood and effectively implemented. We, therefore, consider NEI 12-04 to be another important tool to reduce the information collection burden associated with this regulation. To this end, we also urge NRC to move forward expeditiously to complete staffs review of NEI 12-04.

While our response to this request for comments is embodied largely by our recommendation for timely implementation of PRM 72-7 and NEI 12-04, we are also providing, in the attachment to this letter, answers to the four specific questions for public comment posed by the NRC for completeness.

We commend the NRC for seeking public input on opportunities to make information collection required by the agency's rules more efficient and look forward to continued dialogue in this area. If you have any questions, please do not hesitate to contact me.

Sincerely,

Rodney McCullum

Attachment

Attachments

08-11-14_NRC_Industry Comments on Agency Information Collection Activities - Proposed Collection;
Docket ID NRC-2014-0104_Attachment

08-11-14_NRC_Industry Comments on Agency Information Collection Activities - Proposed Collection;
Docket ID NRC-2014-0104

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August 11, 2014

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Project Number: 689 and Docket No. PRM-72-7

Dear Ms. Benney:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ welcomes the opportunity to respond to the subject comment request addressing the broad scope of reports collected and evaluated by NRC in accordance with the requirements of 10 CFR Part 72 "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High Level Radioactive Waste and Reactor-Related Greater than Class C Waste." In this request, the NRC has highlighted the extensive effort that is required to respond to the numerous reports required in accordance with 10 CFR Part 72. Given the relative low risk and outstanding safety record (Over 1,900 dry cask storage systems safely loaded and placed into service over the past 28 years) associated with the facilities regulated under this rule, we believe that it is certainly appropriate for the NRC to consider opportunities to reduce the administrative burden associated with required reporting under this regulation. The estimated 69,000 hours per year to complete required information collection under 10 CFR Part 72 constitutes a substantial and excessive burden on both the industry and the NRC. We encourage the NRC to pursue every practicable means to reduce this burden.

We note that the NRC has recently taken one important step in the direction of burden reduction in this area with the July 18, 2014, approval of NEI's petition for rulemaking PRM 72-7. The rule changes called for in PRM-72-7 propose a set of criteria that would, by standardizing Certificate of Compliance (CoC) and Technical Specification content at a more risk-appropriate level of detail, significantly reduce the number of

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Ms. Kristen E. Benney

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Page 2

license and CoC amendments needed to only those having a risk-informed nexus to nuclear safety. Implementation of these proposed changes would place a significantly greater amount of information under licensee or CoC holder control which would reduce the amount of regulatory correspondence required and, hence, achieve a corresponding reduction in the information collection burden. To this end, we urge the NRC to move forward expeditiously with the rulemaking recommended in PRM 72-7.

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While our response to this request for comments is embodied largely by our recommendation for timely implementation of PRM 72-7 and NEI 12-04, we are also providing, in the attachment to this letter, answers to the four specific questions for public comment posed by the NRC for completeness.

We commend the NRC for seeking public input on opportunities to make information collection required by the agency's rules more efficient and look forward to continued dialogue in this area. If you have any questions, please do not hesitate to contact me.

Sincerely,



Rodney McCullum

Attachment

c: Ms. Catherine Haney, NMSS, NRC
Mr. Mark D. Lombard, NMSS/DSFST, NRC
Mr. Anthony H. Hsiah, NMSS/DSFST, NRC
Ms. Michele M. Sampson, NMSS/DSFST/LB, NRC

**NEI Responses to Questions for Public Comment on
10 CFR Part 72 Information Collection**

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

The regulatory framework established under 10 CFR Part 72 has credibly functioned to assure the safety of over 1900 dry cask storage systems at 64 independent spent fuel storage installations (ISFSIs) since 1986. However, while functional, it has been highly inefficient. Much of the information routinely transmitted to the NRC under this rule does not have a clear nexus to the assurance of safety and, hence, is not necessary for the NRC to perform its function as a regulator of safety. The practical utility of such information is entirely to the designers, owners and users of the storage systems and, hence, there is no reason for it to be provided to the NRC as a required information collection.

In PRM 72-7, NEI has proposed changes to 10 CFR Part 72 that would result in only information that is necessary to assure the protection of public health and safety being placed in dry storage licenses, and hence significantly reduce the information collection burden associated with this rule. In NEI's proposal, "Guidelines for 10 CFR 72.48 Implementation," (NEI 12-04), the industry is seeking NRC endorsement of guidance that would assure effective change control of information no longer routinely provided to the NRC. All information managed under 10 CFR 72.48 would, of course, be subject to inspection by the NRC.

2. Is the burden estimate accurate?

NEI has not conducted an independent analysis of the estimated burden. However, we are aware that information collection under 10 CFR Part 72 is a significant burden on dry storage licensees and CoC holders. The NRC's estimate of 69,000 hours annually appears to confirm this and certainly should be considered as a basis for the NRC to seek opportunities to make information collection under this rule more efficient.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

The best way to accomplish this is to assure that all information subject to collection has a clear nexus to the NRC's role as a safety regulator. Implementation of the rulemaking called for in PRM 72-7 and adoption of the guidance recommended in NEI 12-04 would represent a good start in this direction. These changes would establish a sound foundation upon which the NRC could further enhance the quality, utility and clarity of all information collection activities within the spent fuel storage regulatory framework. In this improved framework, the NRC would place greater reliance on the effectiveness of its inspection programs to assure that licensees are appropriately managing

information under their own control as opposed to the overly burdensome information collection processes associated with the submittal of all of this information to the NRC.

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

Again, fundamental changes to the regulatory framework, as recommended above in response to question 3 are a prerequisite to reducing the burden of information collection in this area. Once this is done, there may be opportunities to apply improved techniques or technologies to further refine the information collection.

A good candidate for improvement in this regard is the 30-day registrations required to be submitted for all casks loaded by general licensees (72.212(b)(2)). As mentioned above in response to question number 1, it is unclear what purpose this serves for the NRC as a safety regulator. This information is tracked by licensees and kept in their records management system. This information may also be present in licensee reports required pursuant to 10 CFR 72.212. The NRC could inspect and easily find this information. With the industry loading about 150 casks per year, this results in about 150 unnecessary submittals per year. If the NRC determines that other stakeholders might need the information, it would seemingly be easy for the NRC to set up a process so general licensees could simply fill out a database form and submit it online to NRC on a less-frequent basis.

NEI would be pleased to enter into a dialogue with the NRC on this and other such potential improvements as part of the implementation process for the changes called for in PRM 72-7 and NEI 12-04.