



**Regulatory Issue Summary (RIS) on  
Corrections and Revisions to  
10 CFR Part 72  
Certificates of Compliance and Amendments**

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Meeting to Engage Stakeholders on RIS  
February 9, 2017



Draft RIS issued for comment in 82 FR 5445 dated January 18, 2017. The NRC is inviting public comments on the draft RIS

Please mail comments by **March 20, 2017**, to Cindy Bladey

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Washington, DC 20555-0001

## Issue Description

- The NRC issued a draft Regulatory Information Summary (RIS), “Administration of 10 CFR Part 72 Certificate of Compliance Corrections And Revisions ,” dated 01/18/2017.
- The purpose of the RIS was to inform stakeholders of the processes available to revise initial Certificates of Compliance (CoCs) and subsequent amendments to make administrative corrections and technical changes using the existing regulatory framework in 10 CFR Part 72.

# Background – Purpose of RIS

- New amendments do not supersede the original CoC or approved amendments. Corrections and revisions do supersede CoCs and amendments.
- The NRC is clarifying the processes that a vendor may seek to make changes to new CoCs after their effective date.
  - Administrative Corrections Process – process used to make minor administrative corrections to the original CoC and approved amendments.
  - Technical Revisions Process - process used to make minor technical revisions to the original CoC and approved amendments.

## **Administrative Corrections Process**

- The Administrative Procedure Act (APA) (5 U.S.C. § 553) authorizes the NRC to correct administrative errors in a rule without seeking prior public comment.
- The NRC uses its authority to correct a CoC or amend a CoC through the final rule process
- The changes made to CoCs under the process must meet the APA standards for corrections.

# **Administrative Corrections Process**

## **General Examples -**

- Typographical errors, such as correction of an incorrect date in the storage term
- Formatting errors
- Hidden text created when a Microsoft Word document is converted to a portable document file (pdf)
- Errors in page numbering
- Header and footers conversion errors

# **Administrative Corrections Process**

## **Specific Example**

- CoC No. 1014, Amendment No. 8 - as corrected on November 16, 2012 (ADAMS Accession No. ML12213A170).
  - Corrections were made to the TS and SER for Amendment 8 of the HI-STORM 100 Cask System after its approval and issuance. Although the staff's safety evaluation calculated correct values, multiple revision bars in the TS Appendices A and B were corrected. And errors in the values reported in the NRC's staff SER were corrected.

# Administrative Corrections Process

## Process Details

- Similar regulatory process as CoCs and amendments but does not require a comment period.
- Most CoCs contain a condition stating that necessary changes to the CoC will be incorporated within 180 days.

## Technical Change Process - Revisions

- Certificate Holders request changes to the original CoC or amended CoC for storage cask systems, structures, or components in response to operational needs of General Licensees.
- Certificate Holders request revisions of calculation errors identified in current TS.
- Certificate Holders request revision of minor errors or inconsistencies identified in CoCs or TS, that do not require an amendment request.
- Similar to current DFR rulemaking process for CoC amendments. Uses DFR process.

# Technical Changes Process - Revisions

## General Examples -

- Certificate Holder requested revision of a CoC condition to clarify that a specific heat load measurement must be performed by first-time users of a specific storage cask
- Certificate Holder requested the ASME Boiler and Pressure Vessel Code in a CoC be updated to the current OR latest OR a later version to reflect the materials currently used in dry cask fabrication
- Certificate Holder requested TS revision to reflect the minimum additional decay time required when spent fuel assemblies contain nonfuel hardware

# Technical Changes Process - Revisions

## Specific Example -

CoC No. 1014, Amendment No. 8, Revision 1 effective February 16, 2016 (ADAMS Accession No. ML16041A233, February 10, 2016).

- Changed Burnup/Cooling Time limits for thimble plug devices (TPDs),
- Changed Metamic-HT testing requirements,
- Changed Metamic-HT minimum guaranteed values (MGVs), and
- Updated fuel definitions to allow boiling water reactor (BWR) fuel affected by certain corrosion mechanisms within specific guidelines to be classified as undamaged fuel.

# Technical Changes Process - Revisions

## CoC 1014, Amendment 8, Rev. 1

### Justification for using revision -

- No equipment for CoC No. 1014, Amendment No. 8, had been manufactured or placed in service. Therefore, backfit evaluations were not required for these proposed changes.
- No new canisters were being requested to be added to CoC No. 1014.
- No new systems, components or structures (SSCs) were requested to be added to CoC No. 1014.
- The requested changes were minor.
- The requested changes were applicable to CoC No. 1014, Amendment No. 8, in their entirety.

## **Technical Changes Process - Revisions**

As shown in 10 CFR 72.214

Amendment Number 8 Effective Date: May 2, 2012, as corrected on November 16, 2012 (ADAMS Accession No. ML12213A170); superseded by Amendment Number 8, Revision 1, on February 16, 2016.

Amendment Number 8, Revision 1, Effective Date: February 16, 2016.

# Technical Changes Process - Revisions

## Specific Example -

### CoC No. 1004, Revision 1 to Amendment Nos. 0-11, and 13 (Amendment 12 withdrawn)

(DFR published 1/25/17, 82 FR 8366)

- Revised the corporate name to AREVA, Inc., and changed address to Columbia, MD.
- Removed language in the TSs that require a TC containing a DSC be returned to the spent fuel pool following a drop of over 15 inches, and instead permit the general to determine the best available option for inspection of the TC/DSC by either returning it to the spent fuel pool or an alternate means if a spent fuel pool is not available.
- Clarified other language in the TSs that requires a TC be returned to the spent fuel pool.

# Technical Changes Process - Revisions

## CoC 1004, Amendment Nos. 0-11, and 13

### Justification for using revisions -

- All 18 general licensees currently storing spent fuel in casks certified under CoC No. 1004 advised the NRC in writing that they did not object to this revision (see ADAMS Accession No. ML16054A226);
- The requested changes to the CoCs under this revision did not impact the current operations or safety considerations of the NUMOMS<sup>®</sup> storage system;
- The physical design of the NUHOMS<sup>®</sup> storage system did not be changed by this revision;
- No new systems, structures, or components (SSCs) were added to CoC No. 1004 as part of this revision;
- The proposed changes make the CoC No. 1004 consistent with AREVA's certificates for the Standardized Advanced NUHOMS<sup>®</sup>(CoC No. 1029) and the NUHOMS<sup>®</sup> HD (CoC No.1030), and
- The requested changes were applicable to all amendments for CoC No. 1004 (with exception of A 12).

# Technical Changes Process - Revisions

## Process Details

- Certificate Holders follow the same administrative and regulatory process as for CoCs and amendments.
- The NRC provides a general licensee up to 180 days from the effective date of the revision to implement any changes authorized by the revision and to update their 10 CFR 72.212 evaluation required by implementation of the revision. This provision is usually a condition of the CoC.

## Backfitting

- Technical changes would normally not fall within the definition of backfitting as defined in 10 CFR 72.62 or 10 CFR 50.109
- The NRC would address backfitting or issue finality considerations for a general licensee, if necessary, in any technical change rulemaking for a CoC in the rulemaking process for the revision after discussions with the affected general licensee.
- Historically, in such cases the NRC has accepted documentation provided by the CoC holders indicating that the general licensees who may be impacted by the revision voluntarily support the revision and will willingly comply with the revised CoC in determining that the revision is not a backfit.



# Comments



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