

U.S. Nuclear Regulatory Commission
Public Meeting on November 18, 2019

SPENT FUEL CASK CERTIFICATE OF COMPLIANCE FORMAT AND CONTENT

10 CFR Part 72 Changes Proposed by the Staff

The rule-making working group evaluated changes submitted by staff members for consideration in this rulemaking effort, and 10 proposed changes are currently under consideration. These proposed changes are intended to update, clarify, or remove inconsistencies in the existing 10 CFR 72 regulations. These are as follows:

1. Add a new paragraph in § 72.2 (scope section) to clarify that the regulations in 10 CFR Part 72 are subject to general provisions of 10 CFR Part 21 (Reporting of Defects and Noncompliance). Intended to provide consistency; 10 CFR 21.2, “Scope”, references Part 72, but 10 CFR 72.2, “Scope”, does not currently reference 10 CFR Part 20.
2. Change the wording used for the specific license continuation provision in § 72.54(c) so that it conforms to the plain language used for the license continuation provision in § 50.51(b). Intended to provide consistency between 10 CFR §72.54(c) and § 50.51(b). Although both provisions use “continue in effect”, the two sections state the requirements differently.
3. Clarify that “specific license” in § 72.212(a)(1) is a license issued under either of 10 CFR Parts 50 or 52, so that it is not confused with the specific license issued under 10 CFR Part 72. Because a “specific license” can have different meanings, intent is to clarify the meaning intended here.
4. Change § 72.234(e) to remove the wording requiring that a licensee using the spent fuel storage cask ensure that the composite record required by paragraph §72.234(d) is available to the Commission for inspection. Per 10 CFR 72.13(c) and (d), paragraphs 10 CFR 72.234(d) and (e) only apply to CoC holders. The requirements regarding records that apply to the general licensees are provided in § 72.212(b)(12) and (14). The proposed change would remove an internal inconsistency in these regulatory provisions.
5. Change §72.240(b) to increase the time when an application for renewal of the design of a spent fuel storage cask must be submitted, from “not less than 30 days” to “not less than 2 years” before the expiration date of the CoC. The 30-days is not consistent with the time required for the staff to perform a review of a renewal application.
6. Change §72.240(c) to modify the requirement that a spent fuel storage cask renewal application include a “safety analysis report (SAR)” and to simply require that the application must include the items described in §72.240 (c)(1), (2), and (3). This language change will avoid confusion. Applications for CoCs include an SAR, which is updated and finalized as a final safety analysis report (FSAR) after the cask design has

been approved. Updates to that FSAR are required as detailed in spelled out in §72.248.

7. Change provisions in § 72.236(m), which states that, "*To the extent practicable in the design of spent fuel storage casks, consideration should be given to compatibility with removal of the stored spent fuel from a reactor site, transportation, and ultimate disposition by the Department of Energy*" to address compatibility issues between 10 CFR Parts 71 and 72. Details on the scope and feasibility of such action would be analyzed during the regulatory analysis phase of the potential rulemaking.
8. Add a new section under 10 CFR Part 72, Subpart G, to allow licensees and CoC holders to make changes to their NRC approved quality assurance programs (QAPs) that are administrative in nature or do not reduce commitments. Intent is to make 10 CFR Part 72 consistent with 10 CFR Parts 50 and 71 in this area, and to follow up on IN 2002-35, in which NRC informed the industry that this change was being considered for both 10 CFR Parts 71 and 72. The change was made to 10 CFR Part 71 in 2015 (see 10 CFR 71.106).
9. Change the definition for "spent nuclear fuel" (SNF) in 10 CFR Part 72 (as well as 10 CFR Part 71) to conform to the SNF definition included in a proposed rule for 10 CFR Part 73. Intent is to make definitions between Parts 71, 72, and 73 consistent.
10. Update §72.13, "Applicability" to ensure that requirements in 10 CFR Part 72 are applied appropriately to CoC holders, specific and general licensees, and applicants for CoCs and specific licenses. The intent of the update is to better align the applicability of the requirements to the persons that perform the analyses or actions to which the requirements apply and would be based on licensing and inspection experience. The update would also ensure this section reflects the changes that would be included in this rulemaking to address the PRM-72-7 and staff-identified issues.