

MEMORANDUM FOR: Stuart A. Treby, Assistant General Counsel
for Rulemaking and Fuel Cycle
Office of the General Counsel

FEB. 14 1994

FROM: Charles J. Haughney, Chief
Storage and Transport Systems Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

SUBJECT: REQUEST FOR LEGAL INTERPRETATION OF THE APPLICABILITY
OF SECTION 72.48 TO GENERAL LICENSEES LICENSED IN
SECTION 72.210

Would your office confirm our understanding of the scope and applicability of Section 72.48 of our regulations? This section clearly applies to specific licensees issued individual licenses under Part 72. Our question involves whether Section 72.48 may also apply to general licensees as licensed in Section 72.210, "... persons authorized to possess or operate nuclear power reactors under Part 50 of this chapter."

Our view is that the provisions of Section 72.48 are available to this group of general licensees, as defined in Section 72.210. Accordingly, general licensees may make changes to their certified storage systems, provided such changes do not constitute an unreviewed safety question as defined in Section 72.48. I ask that your office review our position and confirm whether or not we are construing this regulation correctly.

The question is important to ongoing activities at the Arkansas Nuclear One site and the Point Beach Nuclear Station where the respective licensees need to perform design changes to certified storage systems in order to accommodate their particular spent fuel and handling equipment designs. The consideration of these design changes will affect near-term, upcoming refueling outages for these stations.

I and my staff are available to discuss this matter with you at any time. We would appreciate your early and thoughtful consideration of our request.

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