



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

PDR  
AG 15-1

APR 01 1993

**MEMORANDUM TO:** Donald A. Cool, Director  
Division of Industrial and Medical Nuclear Safety  
Office of Nuclear Material Safety and Safeguards

**FROM:** David L. Meyer, Chief *D-L Meyer*  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration

**SUBJECT:** CONCURRENCE ON THE PROPOSED RULE ENTITLED  
"CLARIFICATION AND ADDITION OF FLEXIBILITY - 10 CFR PART 72"  
(RIN AG15)

The Rules and Directives Branch has reviewed and concurs, subject to the comments provided, on the proposed rule that would clearly specify those sections of the Part 72 regulation that apply to general licensees, specific licensees, applicants for a specific license, certificate holders, and applicants for a certificate. We have attached a marked copy of the rule that presents editorial and format changes. These changes should be made before this rule is submitted for publication in the Federal Register.

We have suggested a revised Summary paragraph that more clearly meets the publication requirements of the Office of the Federal Register (1 CFR 18.12).

This rule proposes to revise a section that is included in an unpublished final rule that also revises Part 72. To avoid confusion, you should ensure that the final rule is sent for publication in the Federal Register before this proposed rule.

Also, in NUREG-0544, Rev.3, the agency's manual for abbreviations presents the acronym "COC" in all caps for the phrase "certificate of compliance." We recommend that all caps be used for this acronym throughout this proposed rule.

If you have any questions regarding this review, please have a member of your staff contact David L. Meyer, Chief, Rules and Directives Branch at 415-7164 (DLM1) or Alzonia Shepard at 415-6864 (AWS1).

Attachment: As stated

**FOR:** The Commissioners

**FROM:** William D. Travers  
Executive Director for Operations

**SUBJECT:** PROPOSED RULE: 10 CFR PART 72 - CLARIFICATION AND  
ADDITION OF FLEXIBILITY

**PURPOSE:**

To request Commission approval for publication of the proposed rule.

**BACKGROUND:**

Part 72 provides regulations for two types of licenses - general or specific - that may be used to store spent fuel. A general license is available to persons authorized to possess or operate nuclear power reactors under 10 CFR Part 50. A specific license is issued to a person upon application filed pursuant to regulations in Part 72. Part 72 does not clearly specify which sections, other than Subpart K, apply to general licensees. Subpart L, "Approval of Spent Fuel Storage Casks," applies to applicants and holders of Certificates of Compliance (CoC). However, Part 72 also does not clearly specify which sections, other than Subpart L, apply to certificate holders.

The staff anticipates that the Nuclear Regulatory Commission (NRC) may receive several applications for specific licenses for independent spent fuel storage installations (ISFSIs) that will propose using storage casks previously approved under Subpart L of Part 72 (listed in § 72.214). Under the current regulation, the adequacy of the design of these previously approved casks could be at issue during the hearing process in each specific license application. This would result in the staff having to expend considerable resources in repeatedly reexamining and defending technical issues already resolved during the NRC approval of the cask design.

**CONTACTS:** T. DiPalo, NMSS/IMNS  
(301) 415-6191

Francis Young, NMSS/SFPO  
(301) 415-3207

Section 72.234(c) does not permit an applicant for a CoC to begin cask fabrication before the NRC issues the CoC. Over the last four years, the NRC has issued six exemptions from this regulation and has one additional request pending. The Commission granted these exemption requests based on the applicant's performance of the fabrication under an NRC-approved quality assurance program and under the premise that the applicant bears any risks associated with early fabrication.

The Commission approved the staff's rulemaking plan in a Staff Requirements Memorandum dated July 17, 1998.

### DISCUSSION:

This proposed rulemaking would eliminate the regulatory uncertainty that now exists in Part 72 and would clearly specify which sections apply to general licensees, specific licensees, and certificate holders, and would allow these persons to easily determine which sections apply to their respective activities. This clarification would reduce the regulatory burden for licensees, certificate holders, and applicants by making explicit which Part 72 regulations apply to their activities. This clarification would also reduce NRC staff burden spent in clarifying the requirements for applicants, licensees, certificate holders, and the public.

This proposed rulemaking would also add flexibility to Part 72 in two areas:

First, this proposed rulemaking would eliminate the necessity for repetitious reviews by a § 72.46 license hearing board of cask design issues that the Commission previously considered during approval of the cask design. NRC staff anticipates that the Commission may receive several applications for specific licenses for ISFSI's that will propose using storage cask designs previously approved by the NRC. Applicants for a specific license presently have the authority under § 72.18 to incorporate by reference information contained in previous applications, statements, or reports filed with the Commission into their application, including information from the Safety Analysis Report for a cask design previously approved by the NRC under the provisions of Subpart L. The staff believes cask design issues should be excluded from the scope of a license hearing, if these issues were previously resolved during NRC approval of the cask design. This is acceptable because the public had the right and opportunity to question the adequacy of the cask design during the approval process under Subpart L. This rulemaking would not limit the scope of staff's review of the application, or of license hearings, for issues that which were not considered by the Commission during previous approval of the cask design. Nor would the rights of the public to petition the Commission under § 2.206 to raise new safety issues on the adequacy of the cask design be affected by this rulemaking. The staff considers rereview of issues which have been previously evaluated and dispositioned as imposing an unnecessary regulatory burden on applicants and as causing an unnecessary expenditure of staff and hearing board resources.

Second, the proposed rule would permit an applicant for approval of a spent fuel storage cask design to begin fabrication of casks before the NRC has issued the CoC. Applicants for a specific license are currently allowed to begin fabrication of casks before the Commission issues their license. Consequently, this proposed rule would eliminate NRC's disparate treatment

between general and specific licensees. The Commission has previously determined that exemptions from the early fabrication prohibition are authorized by law and do not endanger life or property, the common defense, or security and are otherwise in the public interest. The Commission anticipates that additional cask designs will be submitted to the NRC for approval and expects that these designs will be similar in nature to those cask designs <sup>that</sup> which have already been approved. The staff also expects that requests for exemption to permit early fabrication would also be received. Consequently, this rulemaking would reduce the regulatory burden for applicants and for staff associated with preparation, review, and issuance of exemptions from the requirements in § 72.234(c).

In permitting an applicant for a CoC <sup>of Part 72</sup> to begin early fabrication, the <sup>rule</sup> staff would revise the quality assurance regulations in Subpart G <sup>that this</sup> (i.e., Part 72's QA requirements) to require such fabrication be conducted under an NRC-approved quality assurance (QA) program. Applicants for a CoC are <sup>already</sup> separately required by § 72.234(b) to conduct design, fabrication, testing, and maintenance activities under a QA program <sup>that</sup> which meets the requirements of Subpart G, although prior NRC approval of the applicant's QA program is not required by paragraph (b). The <sup>rule</sup> staff would also require applicants for a specific license, who wish to begin early fabrication of casks before the license is issued, to obtain NRC approval of their QA programs. <sup>The rule</sup> Separately, staff would revise § 72.140(d) to allow a licensee, applicant for a license, certificate holder, and applicant for a CoC to take credit for and use a QA program that was previously submitted to the NRC and received approval.

The staff expects that any risks associated with early fabrication (e.g., re-welding, re-inspection, or even abandonment of the cask) would be borne by the applicant. <sup>as issued</sup> In particular, the staff would require that a cask <sup>that</sup> which was fabricated before the CoC was issued conform with the ~~issued~~ CoC. Requiring an applicant to conform a fabricated cask to the issued CoC would not be subject to the backfit review provisions of § 72.62.

#### RESOURCES:

The resources needed to complete and implement the rulemaking are included in the current budget.

#### RECOMMENDATIONS:

That the Commission:

1. Approve publication in the Federal Register of the attached notice of proposed rulemaking (Attachment 1), allowing 75 days for public comment.

2. To satisfy the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605 (b), certify that this rule, if promulgated, will not have significant impact on a substantial number of small entities. This certification is included in the attached Federal Register notice.

3. NOTE:

- a. The appropriate Congressional Committees will be informed (Attachment 2);
- b. A press release will be <sup>not be required</sup> ~~issued~~ by the Office of Public Affairs when the proposed rulemaking is filed with the Office of the Federal Register (Attachment 3);
- c. A table is attached to aid in specifying the sections in Part 72 that apply to <sup>3</sup> general licensees, specific licensees, and certificate holders (Attachment 4);
- d. The Chief Counsel for Advocacy of the Small Business Administration will be informed of the certification regarding economic impact on small entities and the reasons for it, as required by the Regulatory Flexibility Act.
- e. The proposed rule does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.).

COORDINATION:

The Office of the General Counsel has no legal objection to the proposed rule. The Office of the Chief Financial Officer has reviewed the Commission paper for resource impacts and has no objection. The Office of the Chief Information Officer has reviewed the Commission paper for information technology and information management implications and concurs in it.

William D. Travers  
Executive Director  
for Operations

- Attachments: 1. Federal Register Notice  
2. Congressional Letters  
~~3. Press Release~~  
3 4. Table of Applicability

2. To satisfy the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605 (b), certify that this rule, if promulgated, will not have significant impact on a substantial number of small entities. This certification is included in the attached Federal Register notice.
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DOCUMENT NAME: O:\DiPalo\comm.wpd  
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OFFICE	RGB:IMNS	E	RGB:IMNS	E	TECH ED	N	D:SFPO	E	D:IMNS:NMSS	E
NAME:	ADiPalo		PKHolahan		EKraus		EWBrach		DCool	
DATE:	3/16/99		/ / 99		/ / 99		/ / 99		/ / 99	
OFFICE:	D:OE		OGC		RDB:ADM		OCIO		CFO	
NAME:	JLieberman		JGray		DMeyer		BJShelton		JFunches	
DATE:	/ / 99		/ / 99		/ / 99		/ / 99		/ / 99	
OFFICE:	D:NRR		D:NMSS		DEDR		EDO			
NAME:	SCollins		CPaperiello		FMiraglia		WTravers			
DATE:	/ / 99		/ / 99		/ / 99		/ / 99		/ / 99	

**Attachment 1**

**Federal Register Notice**

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150-AG15

Storage of spent fuel in  
Clarification and Addition of Flexibility to Part 72

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations on spent fuel storage to clearly specify <sup>those</sup> which sections of Part 72 <sup>that</sup> apply to general licensees, specific licensees, applicants for a specific license, certificate holders, and applicants for a certificate. <sup>The proposed amendments would</sup> This will allow these <sup>entities</sup> persons to easily determine which sections of the regulations apply to their activities. <sup>Proposed would</sup> This clarification will eliminate the uncertainty that now exists and will reduce staff time in clarifying the requirements for applicants, licensees, and certificate holders.

<sup>Also</sup> This proposed rule <sup>would</sup> will allow an applicant for a specific license to incorporate by reference information previously submitted to the Commission without necessitating repetitious reviews or hearings on the cask design. <sup>and</sup> The proposed rule will also allow an applicant for a Certificate of Compliance (CoC) to begin cask fabrication before the CoC is issued.

In NUREG-0574 Rev. 3 the Abbreviation for a Certificate of Compliance is in all caps

**DATES:** Submit comments by (Insert date 75 days after publication date). Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Comments may be sent by mail to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (<http://www.nrc.gov>). This site provides the availability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher (301) 415-5905; e-mail [CAG@nrc.gov](mailto:CAG@nrc.gov).

Certain documents related to this rulemaking, including comments received, the regulatory analysis, and a Table of Applicability, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Anthony DiPalo, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6191, or e-mail at [AJD@nrc.gov](mailto:AJD@nrc.gov).

## SUPPLEMENTARY INFORMATION:

### Background

The Commission's regulations at 10 CFR Part 72 were originally designed to provide specific licenses for the storage of spent nuclear fuel in an independent spent fuel storage installation (ISFSI) (45 FR 74693; November 12, 1980). In 1990, the Commission amended Part 72 to include a process for approving the design of spent fuel storage casks and issuing a CoC (Subpart L) and for granting a general license to reactor licensees (Subpart K) to use NRC-approved casks for <sup>the</sup> storage of spent nuclear fuel (55 FR 29181; August 17, 1990). Although the Commission intended that the requirements imposed in Subpart K for general licensees be <sup>used</sup> in addition to, rather than in lieu of, appropriate existing requirements, ambiguity exists as to which Part 72 requirements, other than those in Subpart K, are applicable to general licensees.

In addition, the Commission has identified two aspects of Part 72 where it would be desirable to reduce the regulatory burden and afford additional flexibility to applicants for a specific license or for a CoC.

<sup>the</sup> First, staff anticipates that the Commission may receive several applications for specific licenses for ISFSI's that will propose using storage cask designs previously approved by NRC under the provisions of Subpart L of Part 72 (i.e., cask designs that have been issued a CoC and are listed in § 72.214). Section 72.18, "Elimination of repetition," permits an applicant to incorporate by reference information contained in previous applications, statements, or reports filed with the NRC, including cask designs approved under Subpart L. Section 72.46 requires that in connection with an application for a license under Part 72, the Commission shall issue or cause to be issued a notice of proposed action and opportunity for a license hearing in

accordance with 10 CFR Part 2. Under current Part 72 regulations, the adequacy of the design of these previously approved casks could be at issue during a § 72.46 license hearing for a specific license application (i.e., issues on the cask design which have been previously addressed by the Commission, including resolution of public comments <sup>that</sup> could be the subject of license hearings).

Second, § 72.234(c), which was part of the 1990 amendments to Part 72, prohibits an applicant for a CoC from beginning early fabrication of a spent fuel cask before the NRC issues a CoC for the cask design; whereas, an applicant for a specific license is currently allowed to begin early fabrication of spent fuel storage casks before the license is issued. At the time the 1990 rule was proposed, a commenter suggested that a fabricator (i.e. applicant for a CoC) be allowed to take the risk of beginning fabrication before the receipt of the CoC; however, the Commission took the position that since the CoC provides the specific criteria for cask design and fabrication, "[i]f a vendor has not received the certificate, then the vendor does not have the necessary approved specifications and may design and fabricate casks to meet incorrect criteria" (at 55 FR 29185; August 17, 1990).

Since 1990, the Commission has reviewed and approved several cask designs. These reviews and follow-up requests for additional information have established the <sup>NRC's</sup> ~~staff's~~ expectation for how <sup>its</sup> NRC's criteria for cask design and fabrication should be met. In January 1997, <sup>the NRC</sup> staff issued NUREG-1536, "Standard Review Plan for Dry Cask Storage Systems," which informs CoC applicants of <sup>its</sup> the staff's expectations in reviewing cask designs. Furthermore, the Commission has granted six exemptions from § 72.234(c) requirements, to allow applicants to begin fabrication prior to issuance of the CoC, and one exemption request is currently under review by <sup>NRC</sup> staff. Future CoC applications are expected to propose cask designs similar to those

*that* which have been approved. Hence, *7* additional exemption requests from § 72.234(c) requirements are also anticipated.

Discussion

Clarification:

This proposed rulemaking would eliminate the regulatory uncertainty that now exists in Part 72 and would clearly specify *those* which sections *that* apply to general licensees, specific licensees, and certificate holders, and would allow these *persons* to easily determine *those* which sections *that* apply to their respective activities. This clarification would reduce the regulatory burden for licensees, certificate holders, and applicants by *identifying the appropriate section that* making explicit which Part 72 regulations apply to their activities. *and* This clarification would also reduce NRC staff burden spent in clarifying the requirements for Part 72 applicants, licensees, certificate holders, and the public.

Flexibility:

First, this proposed rulemaking would eliminate the necessity for repetitious reviews by a § 72.46 license hearing board of cask design issues that the Commission previously considered and resolved during approval of the cask design. NRC staff anticipates that the Commission may receive several applications for specific licenses for ISFSI's that will propose using storage cask designs previously approved by the NRC. Applicants for a specific license presently have the authority under § 72.18 to incorporate by reference i. to their application, information contained in previous applications, statements, or reports filed with the Commission, including information from the Safety Analysis Report for a cask design previously approved by the NRC under the provisions of Subpart L. The Commission believes cask design issues should be

excluded from the scope of a license hearing, if these issues were previously resolved during NRC approval of the cask design. This is acceptable because the public had the right and opportunity to question the adequacy of the cask design, during the approval process under Subpart L. This rulemaking would not limit the scope of <sup>the</sup> staff's review of the application or of license hearings for issues <sup>that</sup> which were not considered by the Commission during previous approval of the cask design. Nor would the rights of the public to petition the Commission under § 2.206 to raise new safety issues on the adequacy of the cask design be affected by this rulemaking. The Commission considers rereview of cask design issues <sup>that</sup> which have been previously evaluated and dispositioned <sup>ed of</sup> as an unnecessary regulatory burden on applicants and causing <sup>es</sup> an unnecessary expenditure of staff and hearing board resources. For example, the cask's approved thermal, criticality, and structural designs could not be raised as issues in a hearing. However, design interface issues between the approved cask design and specific site characteristics (e.g., meteorological, seismological, radiological, and hydrological) or changes to the cask's approved design may be raised as issues at a potential hearing. } why not

Second, the proposed rule would permit an applicant for approval of a spent fuel storage cask design to begin fabrication of casks before the NRC has issued the CoC. Applicants for a specific license are currently allowed to begin fabrication of casks before the Commission issues their license. Consequently, this proposed rule would eliminate NRC's disparate treatment between general and specific licensees. In approving exemptions to § 72.234(c), the Commission has determined that relief from the early fabrication prohibition is authorized by law and does not endanger life or property or the common defense or security and is otherwise in the public interest. The Commission anticipates that additional cask designs <sup>would</sup> will be submitted to the NRC for approval and expects that these designs <sup>would</sup> will be similar in nature to those cask designs <sup>that NRC has</sup> which have already been approved. <sup>Therefore NRC</sup> Hence, the staff expects <sup>to receive from applicants</sup> that requests for

exemption to permit early fabrication <sup>of casks</sup> ~~will also be received~~. Consequently, this rulemaking would reduce the regulatory burden for both applicants and staff associated with preparation, review, and issuance of exemptions from the requirements in § 72.234(c).

In permitting an applicant for a CoC to begin early fabrication, the Commission would revise the quality assurance regulations in Subpart G (i.e., Part 72's QA requirements) to require <sup>that the</sup> such fabrication be conducted under an NRC-approved quality assurance (QA) program.

Applicants for a CoC are separately required by § 72.234(b) to conduct design, fabrication, testing, and maintenance activities under a QA program which meets the requirements of Subpart G; however, prior NRC-approval of the applicant's QA program is not currently required by paragraph (b). The Commission would also require applicants for a specific license, who wish to begin early fabrication of casks, before the license is issued, to obtain NRC approval of their QA programs. These amendments would ensure that the NRC has reviewed and approved an applicant's QA program before any fabrication activities can commence.

The Commission would also revise § 72.140(d) to allow a licensee, applicant for a license, certificate holder, and applicant for a CoC to take credit for and use a QA program that was previously submitted to the NRC and received approval. However, the licensee or applicant must notify the NRC in advance of its intent to apply to ISFSI activities its previously approved QA program.

The Commission expects that any risks associated with early fabrication (e.g., re-welding, re-inspection, or even abandonment of the cask) would be borne by the applicant. In particular, the <sup>NRC</sup> staff would require that a cask, <sup>that</sup> which was fabricated before the CoC was issued, conform with the issued CoC. Requiring an applicant to conform a fabricated cask to the issued CoC would not be subject to the backfit review provisions of § 72.62.

*Section by Section*  
Discussion of Proposed Amendments by Section

§ 72.13 Section applicability.

This new section would identify <sup>the sections</sup> which specific regulations apply to the various activities covered by Part 72 (i.e., specific licenses, <sup>that</sup> general licenses, and Certificates of Compliance, including applicants for these various activities). No changes to the underlying regulations would be made by this section, rather it would <sup>clearly identify for each entity the</sup> only clarify which sections of Part 72 apply to <sup>applicable</sup> which type of activity.

§ 72.46 Public hearings.

*A* New paragraph (e) would be added to this section to indicate that the scope of any license hearing, for an application for an ISFSI license, shall not include any issues that were previously evaluated by the Commission during <sup>the process</sup> approval of the design of a spent fuel storage cask, when the application incorporates by reference information on the design of an NRC-approved spent fuel storage cask. The Commission considers rereview of cask design issues, which have been previously evaluated and <sup>ed of</sup> dispositioned, as an unnecessary regulatory burden on applicants causing unnecessary expenditure of staff and hearing board resources. For example, the cask's approved thermal, criticality, and structural designs could not be raised as issues in a hearing. However, design interface issues between the approved cask design and specific site characteristics (e.g., meteorological, seismological, radiological, and hydrological) or changes to the cask's approved design may be raised as issues at a potential hearing.

*Proposed*  
This rulemaking would not limit the scope of staff's review of the application or of license hearings, for issues *that* which were not considered by the Commission during previous approval of the cask design. Nor would the rights of the public to petition the Commission under § 2.206 to raise new safety issues on the adequacy of the cask design be affected by this rulemaking.

§ 72.86 Criminal penalties.

Paragraph (b) of this section would be revised to add § 72.13 as a conforming change to indicate that willful violations of this new section would not be subject to possible criminal sanctions. Paragraph (b) of this section lists those Part 72 regulations for which criminal sanctions may not be issued, because the Commission considers these sections to not be substantive regulations issued under the provisions of § 161(b), (i), or (o) of the *Atomic Energy Act of 1954 (AEA)*.

Substantive regulations are those regulations that create duties, obligations, conditions, restrictions, limitations, and prohibitions (see final rule on "Clarification of Statutory Authority for Purposes of Criminal Enforcement" (57 FR 55062; November 24, 1992)). The Commission considers that the new § 72.13 would not be a substantive regulation, issued under the provisions of § 161(b), (i), or (o) of the AEA.

§ 72.140 Quality assurance requirements.

Paragraphs (c)(1), (c)(2), and (c)(3) *of this section* would be redesignated as paragraphs (c)(2), (c)(3), and (c)(1), respectively, to provide a more logical explanation of both how and when NRC-approval of a QA program is obtained. Redesignated paragraph (c)(2) would be revised to add the requirement that an applicant for a specific license shall obtain NRC-approval of its QA program before beginning early fabrication or testing of a spent fuel storage cask.

Redesignated paragraph (c)(3) would be revised to indicate that an applicant for a CoC shall obtain NRC-approval of its QA program requirement before beginning early fabrication or testing of a spent fuel storage cask. These revisions would treat general and specific licensees consistently and would conform the language in this paragraph, with respect to applicants for a CoC, to the change in § 72.234(c). These revisions would also ensure that the NRC has reviewed and approved an applicant's QA program before any fabrication activities can commence.

*of this section*  
Paragraph (d) would be revised to consistently use the terms licensee, applicant for a license, certificate holder, and applicant for a CoC in this section and would allow the use of QA programs previously approved by the NRC under the provisions of Parts 50, 71, and 72.

#### § 72.234 Conditions of approval.

Paragraph (c) of this section would be revised to permit an applicant for a CoC to begin early fabrication of spent fuel storage casks, at the applicant's own risk, before the NRC issues the associated CoC. The Commission expects that any risks associated with early fabrication (e.g., re-welding, re-inspection, or even abandonment of the cask) would be borne by the applicant. In particular, the *NRC* staff would require that a cask, which was fabricated before the CoC was issued, conform with the *Criteria of the* issued CoC. Requiring an applicant to conform a fabricated cask to the issued CoC would not be subject to the backfit review provisions of § 72.62. In permitting an applicant for a CoC to begin early fabrication, the Commission would also require that this activity be conducted under an NRC-approved QA program (see conforming change to § 72.140(c)).

§ 72.236 Specific requirements for spent fuel storage cask approval.

*introductory*  
The text in this section before paragraph (a) would be revised as a conforming change to § 72.234(c) to indicate that all of the requirements in this section apply to both certificate holders and applicants for a CoC.

### Criminal Penalties

For the purposes of Section 223 of the Atomic Energy Act (AEA), the Commission is issuing the proposed rule to amend 10 CFR 72.140, 72.234, and 72.236 under one or more of Sections 161b, 161i, or 161o of the AEA. Willful violations of the rule would be subject to criminal enforcement.

### Agreement State Compatibility

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the Federal Register on September 3, 1997 (62 FR 46517), this proposed rule is classified as Category NRC. Compatibility is not required for Category NRC regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the AEA or the provisions of Title 10 of the Code of Federal Regulations. A State may adopt these provisions for purposes of clarity and communication; as long as the State does not adopt regulations or program elements that would cause the State to regulate in these areas.

## Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, "Plain Language in Government Writing," directed that the government's writing be in plain language. The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading "ADDRESSES" above.

### Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in the categorical exclusion 10 CFR 51.22(c)(2) and (3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

*You need to check + verify w/ CEO this statement w/ CEO*

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0132.

## Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

## Regulatory Analysis

### Statement of the Problem and Objective:

The Commission's regulations at 10 CFR Part 72 were originally designed to provide specific licenses for the storage of spent nuclear fuel in independent spent fuel storage installations (ISFSIs) (45 FR 74693; November 12, 1980). In 1990, the Commission amended Part 72 to include a process for approving the design of spent fuel storage casks and issuance of a CoC (Subpart L); and for granting a general license to reactor licensees (Subpart K) to use NRC-approved casks for storage of spent nuclear fuel (55 FR 29181; August 17, 1990).

Although the Commission intended that the requirements imposed in Subpart K for general licensees be <sup>used</sup> in addition to, rather than in lieu of, appropriate existing requirements, ambiguity exists as to which <sup>of the</sup> Part 72 requirements, other than those in Subpart K, are applicable to general licensees. This rulemaking would resolve that ambiguity.

In addition, the Commission has identified two aspects of Part 72 where it would be desirable to reduce the regulatory burden for applicants, NRC staff, and hearing boards and to afford additional flexibility to applicants for a CoC:

First, this proposed rulemaking would eliminate the necessity for repetitious reviews by a § 72.46 license hearing board of cask design issues that the Commission previously considered

and resolved during approval of the cask design. NRC staff anticipates that the Commission may receive several applications for specific licenses for ISFSI's that will propose using storage cask designs previously approved by the NRC. Applicants for a specific license presently have the authority under § 72.18 to incorporate by reference into their application information contained in previous applications, statements, or reports filed with the Commission, including information from the Safety Analysis Report for a cask design previously approved by the NRC under the provisions of Subpart L. The Commission believes cask design issues should be excluded from the scope of a license hearing, if these issues were previously resolved during NRC approval of the cask design. This is acceptable because the public had the right and opportunity to question the adequacy of the cask design, during the approval process under Subpart L. This rulemaking would not limit the scope of staff's review of the application or of license hearings for issues which were not considered by the Commission during previous approval of the cask design. Nor would the rights of the public to petition the Commission under § 2.206 to raise new safety issues on the adequacy of the cask design be affected by this rulemaking. The Commission considers rereview of cask design issues <sup>that</sup> which have been <sup>ed of</sup> previously evaluated and dispositioned as an unnecessary regulatory burden on applicants causing unnecessary expenditure of staff and hearing board resources. For example, the cask's approved thermal, criticality, and structural designs could not be raised as issues in a hearing. However, design interface issues between the approved cask design and specific site characteristics (e.g., meteorological, seismological, radiological, and hydrological) or changes to the cask's approved design may be raised as issues at a potential hearing.

Second, the proposed rule would permit an applicant for approval of a spent fuel storage cask design to begin fabrication of casks before the NRC has issued the CoC. Applicants for a specific license are currently allowed to begin fabrication of casks before the Commission issues

their license. Consequently, this proposed rule would eliminate NRC's disparate treatment between general and specific licensees. The Commission has previously determined that exemptions from the early fabrication prohibition are authorized by law and do not endanger life or property or the common defense or security and are otherwise in the public interest. The Commission anticipates that additional cask designs will be submitted to the NRC for approval and expects that these designs will be similar in nature to those cask designs which have already been approved, and <sup>that</sup> requests for exemption to permit early fabrication will also be received. Consequently, this rulemaking would reduce the regulatory burden for both applicants and staff associated with preparation, review, and issuance of exemptions from the requirements in § 72.234(c).

In permitting an applicant for a CoC to begin early fabrication, the Commission would revise the QA regulations in Part 72, Subpart G, to require <sup>that</sup> such fabrication be conducted under an NRC-approved QA program. Applicants for a CoC are separately required by § 72.234(b) to conduct design, fabrication, testing, and maintenance activities under a QA program <sup>that</sup> ~~which~~ meets the requirements of Subpart G; however, prior NRC-approval of the applicant's QA program is not currently required by paragraph (b). The Commission would also require applicants for a specific license, who wish to begin early fabrication of casks before the license is issued, to obtain NRC approval of their QA programs. These amendments would ensure that the NRC has reviewed and approved an applicant's QA program before any fabrication activities can commence.

The Commission would also revise § 72.140(d) to allow a licensee, applicant for a license, certificate holder, and applicant for a CoC to take credit for and use a QA program that was previously submitted <sup>and approve by</sup> to the NRC, ~~and received approval~~. However, the licensee or applicant

must notify NRC in advance of its intent to apply to SFSI activities its previously approved QA program. *to*

The Commission expects that any risks associated with early fabrication (e.g., rewelding, reinspection, or even abandonment of the cask) would be borne by the applicant. In particular, the staff would require that a cask, which was fabricated before the CoC was issued, shall conform with the issued CoC. Requiring an applicant to conform a fabricated cask to the issued CoC would not be subject to the backfit review provisions of § 72.62.

Identification and Preliminary Analysis of Alternative Approaches to the Problem:

- Option 1 - Conduct a rulemaking that <sup>would</sup> address the regulatory problems as described above.

First, the benefit of this <sup>Proposed</sup> rulemaking is that it would <sup>specify</sup> clarify the Part 72 regulations <sup>in</sup> that apply to general licensees, specific licensees, and certificate holders, thereby <sup>This would</sup> eliminate <sup>on</sup> avoiding the need to resolve on a case-by-case basis questions that arise as to which <sup>Sections</sup> Part 72 regulations are applicable to <sup>those</sup> which activities. Clarification of which Part 72 regulations apply to specific licenses, general licenses, or certificate holders would have no impacts other than the cost of rulemaking because <sup>Proposed rule</sup> this action is administrative in nature <sup>and would have no impact</sup>.

Second, this rulemaking would reduce the regulatory burden on applicants, staff, and hearing board resources relating to any § 72.46 license hearings involving cask design issues associated with an application for a specific license, where the cask design has been previously approved by the NRC. Elimination of the need for repetitious

reviews of cask design issues and licensing hearings on these same cask design issues together would save 1.0 FTE of applicant effort and 1.0 FTE of staff effort for each license application received. NRC expects to receive three applications in 1999 and six applications each year in 2000 and 2001. While applicants for a license are currently allowed to incorporate by reference information on cask design information, this rulemaking would reduce applicant burden associated with providing additional information on the cask design and responding to hearing board contentions on issues which have been previously reviewed.

Third, this rulemaking would also provide increased flexibility to applicants for a CoC by allowing them to begin early cask fabrication, before the CoC is issued. This rulemaking would reduce the burden on applicants for a CoC associated with submission of requests for exemption from § 72.234(c). Elimination of the need for submission and review of exemption requests from the cask fabrication requirement of § 72.234(c) would save 0.1 FTE of applicant effort and 0.1 FTE of staff effort, for each exemption request not received. Without this action, NRC expects that two requests for exemption from § 72.234(c) would be received each year in 1999 and beyond. This rulemaking would also eliminate the disparate treatment of general and specific licensees under Part 72, with respect to early fabrication of spent fuel storage casks. This rulemaking would also reduce staff burden associated with review of such exemption requests. Because a certificate holder is currently required by § 72.140(c)(2) to obtain NRC approval of its QA program before commencing fabrication, and the staff is currently required to review and approve such programs, no increase in applicant burden or staff resources would occur with respect to the proposed change to § 72.140(c)(2), <sup>however,</sup> rather the timing of the staff review and approval of the QA program would change.

The impact of this option consists primarily of a reduction in regulatory burden on an applicant for a specific license, a reduction in regulatory burden and increase in regulatory flexibility for an applicant for a cask design, and a reduction in the expenditure of NRC resources involved in reviewing applications for a specific license, supporting license hearings, and reviewing requests for exemption from § 72.234(c). This option would result in the expenditure of NRC resources to conduct this rulemaking.

- *Option 2 - No action.*

The benefit of the no action alternative is that NRC resources will be conserved because no rulemaking <sup>would</sup> be conducted. The impact of this alternative <sup>would</sup> be that the regulatory problems described above <sup>would</sup> not be addressed. Instead, applicant and staff resources will continue to be expended on repetitious reviews of previously approved cask designs, conducting licensing hearings on previously approved cask design issues, and processing requests for exemption from § 72.234(c), to allow early fabrication of casks.

Estimation and Evaluation of Values and Impacts:

*The* Clarification of which Part 72 <sup>Sections</sup> regulations apply to specific licensees, applicants for a specific license, general licensees, certificate holders, and applicants for a CoC would have no impacts other than the cost of rulemaking, because this action is administrative in nature.

*The* Elimination of the need for repetitious reviews of cask design issues, that were previously reviewed by the NRC, and elimination of licensing hearings on these same cask design issues together would save 1.0 FTE of applicant effort and 1.0 FTE of staff effort for each

license application received. NRC expects to receive three applications in 1999 and six applications each year in 2000 and 2001.

*The* Elimination of the need for submission and review of exemption requests from the cask fabrication requirement of § 72.234(c) would save 0.1 FTE of applicant effort and 0.1 FTE of staff effort, for each exemption request not received. Without this action, NRC expects that two requests for exemption from § 72.234(c) would be received each year in 1999 and beyond.

Presentation of Results:

The recommended action is to adopt the first option because it will set forth a clear regulatory base for Part 72 general licensees, specific licensees, applicants for a specific license, certificate holders, and applicants for a CoC. A new § 72.13 would be added to clearly specify which requirements apply to general licensees, specific licensees, applicants for a specific license, certificate holders, and applicants for a CoC. This action is administrative in nature.

The recommended action would eliminate the need for repetitious license hearing adjudication of cask design issues that the Commission has previously reviewed in approving the cask design, when an applicant for a specific license has incorporated by reference a cask design that has been approved by the Commission under the provisions of Subpart L of Part 72. This is acceptable because the public had the right and opportunity to question the adequacy of the cask design during the approval process under Subpart L. This rulemaking would not limit the scope of staff's review of the application or license hearings for issues which were not considered by the Commission during previous approval of the cask design. Nor would the rights of the public to petition the Commission under § 2.206 to raise new safety issues on the adequacy of the cask design be affected by this rulemaking. The Commission considers

rereview of cask design issues which have been previously evaluated and dispositioned as an unnecessary regulatory burden on applicants and causing an unnecessary expenditure of staff and hearing board resources. For example, the cask's approved thermal, criticality, and structural designs could not be raised as issues in a hearing. However, design interface issues between the approved cask design and specific site characteristics (e.g., meteorological, seismological, radiological, and hydrological) or changes to the cask's approved design may be raised as issues at a potential hearing. Therefore, this action has no safety impact.

The recommended action would permit an applicant for a certificate of compliance the flexibility to commence early cask fabrication before the NRC has issued the CoC. Applicants for a specific license are currently allowed to begin fabrication of casks before the Commission issues their license. Consequently, this proposed rule would eliminate NRC's disparate treatment between general and specific licensees. In approving exemptions to § 72.234(c), the Commission has determined that relief from the early fabrication prohibition is authorized by law and does not endanger life or property or the common defense or security and is otherwise in the public interest. The Commission anticipates that additional cask designs will be submitted to the NRC for approval and expects that these designs will be similar in nature to those cask designs which have already been approved. <sup>Therefore</sup> Hence, the Commission expects that requests for exemption to permit early fabrication will also be received. Consequently, this rulemaking would reduce the regulatory burden for both applicants and staff associated with preparation, review, and issuance of exemptions from the requirements in § 72.234(c).

In permitting an applicant for a CoC to begin early fabrication, the Commission would revise the quality assurance regulations in Part 72, Subpart G, to require that fabrication be conducted under an NRC-approved QA program. Applicants for a CoC are separately required by § 72.234(b) to conduct design, fabrication, testing, and maintenance activities under a QA

program which meets the requirements of Subpart G; however, prior NRC-approval of the applicant's QA program is not currently required by paragraph (b). The Commission would also require applicants for a specific license, who wish to begin early fabrication of casks before the license is issued, to obtain NRC approval of their QA programs. These amendments would ensure that the NRC has reviewed and approved an applicant's QA program before any fabrication activities can commence.

The Commission would also revise § 72.140(d) to allow a licensee, applicant for a specific license, certificate holder, and applicant for a CoC to take credit for and use a QA program that was previously submitted to the NRC and received approval. However, the licensee or applicant must notify NRC in advance of its intent to apply to ISFSI activities its previously approved QA program. Therefore, these actions have no safety impact.

The Commission expects that any risks associated with early fabrication (e.g., rewelding, reinspection, or even abandonment of the cask) would be borne by the applicant. In particular, the staff would require that a cask, which was fabricated before the CoC was issued, shall conform with the issued CoC. Requiring an applicant to conform a fabricated cask to the issued CoC would not be subject to the backfit review provisions of § 72.62.

The total cost of this rulemaking to the NRC is estimated at 1.9 FTE. The total savings to the NRC for this rulemaking is estimated at 16.5 FTE over a 3-year period (1999 through 2001). The total savings to applicants is estimated at 15.0 FTE over the same 3-year period. Therefore, this action would be considered cost beneficial to both NRC and applicants, would reduce the burden on applicants, and would improve the efficiency and effectiveness of the NRC. Consequently, the Commission believes public confidence in the safe storage of spent fuel at independent spent fuel storage installations would not be adversely affected by this rulemaking.

Decision Rationale:

The rationale is to proceed with this proposed rulemaking implementing the Commission approved rulemaking plan. This rulemaking <sup>would</sup> save both staff and applicant resources as discussed above.

The clarification of <sup>the</sup> provisions of Part 72 <sup>and their application</sup> apply to general licensees, specific licensees, applicants for a specific license, certificate holders, and applicants for a CoC is administrative in nature and would have no safety impacts.

The elimination of the need for repetitious license hearings on cask design issues, that the NRC has previously reviewed and approved, in an application for a specific license would have no safety impacts. The public's right to comment on cask design issues, through the Subpart L cask approval process, will remain unchanged.

The flexibility to begin early cask fabrication before the NRC issues the CoC, when combined with the requirement that cask fabrication must be performed under an NRC-approved QA program, would have no safety impacts.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This proposed rule would clearly specify which sections of Part 72 apply to general licensees, specific licensees, applicants for a specific license, certificate holders, and applicants for a certificate and allow these persons to determine early <sup>those</sup> which sections of Part 72 <sup>that</sup> apply to their activity. This clarification will eliminate the uncertainty that now exists and will reduce staff time in clarifying the requirements of Part 72 for applicants,

licensees, and certificate holders. This proposed rule would also eliminate the need for repetitive license-hearing reviews of cask design issues, that were previously reviewed and approved by the NRC, when the applicant for a specific license incorporates by reference information on a cask design that was previously approved by the NRC. Finally, this proposed rule would allow applicants for a CoC to begin early cask fabrication before the NRC has issued a CoC. Applicants desiring to begin early fabrication shall obtain NRC-approval of their QA program. The requirement to obtain NRC-approval of the applicant's QA program is not considered an additional burden. An applicant who has been issued a CoC, and is then considered a certificate holder, is currently required by § 72.140(c)(2) to obtain NRC-approval before fabrication or testing is commenced; consequently, no actual increase in burden occurs. Similarly, an applicant for a license is currently required to obtain NRC-approval prior to receipt of spent fuel or high-level waste; consequently, no actual increase in burden occurs. This proposed rule does not impose any additional obligations on entities that may fall within the definition of "small entities" as set forth in Section 601(6) of the Regulatory Flexibility Act; or within the definition of "small business" as found in Section 3 of the Small Business Act, 15 U.S.C. 632; or within the size standards adopted by the NRC on April 11, 1985 (60 FR 18344).

#### Backfit Analysis

The NRC has determined that the backfit rule, § 72.62, does not apply to this proposed rule and, therefore, a backfit analysis is not required because these amendments would not involve any provisions that would impose backfits as defined in § 72.62(a).

## List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Part 72.

### **PART 72 - LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE**

1. The authority citation for Part 72 continues to read as follows:

**AUTHORITY:** Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under

sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. Section 72.13 is added to read as follows:

**§ 72.13 Section applicability.**

(a) This section identifies <sup>those sections</sup> ~~which regulations~~, under this part, <sup>that apply</sup> ~~are applicable~~ to activities associated with a specific license, a general license, or a certificate of compliance.

(b) The following <sup>Sections</sup> ~~regulations~~ apply to activities associated with a specific license:  
§§ 72.1; 72.2(a) through (e); 72.3 through 72.13(b); 72.16 through 72.34; 72.40 through 72.62; 72.70 through 72.86; 72.90 through 72.108; 72.120 through 72.130; 72.140 through 72.176; 72.180 through 72.186; 72.190 through 72.194; and 72.200 through 72.206.

(c) The following <sup>Section</sup> ~~regulations~~ apply to activities associated with a general license:  
§§ 72.1; 72.2(a)(1), (b), (c), and (e); 72.3 through 72.6(c)(1); 72.7 through 72.13(a) and (c); 72.30(c) and (d); 72.32(c); 72.44(b), (d), (e), and (f); 72.48; 72.50; 72.52; 72.54(d) through (k); 72.60; 72.62; 72.72 through 72.80(f); 72.82 through 72.86; 72.104; 72.106; 72.122(a), (c), (d), (e), (h), (i), and (l); 72.126; 72.140 through 72.176; 72.190 through 72.194; 72.210; 72.212; and 72.216 through 72.220.

*Sections*

(d) The following regulations apply to activities associated with a certificate of compliance: §§ 72.1; 72.2(e) and (f); 72.3; 72.4; 72.5; 72.7; 72.9 through 72.13(a) and (d); 72.48; 72.84(a); 72.86; 72.124; 72.140 through 72.176; 72.214; and 72.230 through 72.248.

3. In § 72.46, paragraph (e) is added to read as follows:

**§ 72.46 Public hearings.**

★ ★ ★ ★ ★

*replace w/  
attached  
language*

**§ 72.46 Public hearings.**

. \* \* \* \*

If an application for (or an amendment to) a specific license issued under this part incorporates by reference information on the design of an NRC-approved spent fuel storage cask, the scope of any public hearing held to consider the application will not include any cask design issues previously addressed by the Commission when it issued a Certificate of Compliance under subpart L of this part.

4. In § 72.86, paragraph (b) is revised to read as follows:

**§ 72.86 Criminal penalties.**

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(b) The regulations in Part 72 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 72.1, 72.2, 72.3, 72.4, 72.5, 72.7, 72.8, 72.9, 72.13, 72.16, 72.18, 72.20, 72.22, 72.24, 72.26, 72.28, 72.32, 72.34, 72.40, 72.46, 72.56, 72.58, 72.60, 72.62, 72.84, 72.86, 72.90, 72.96, 72.108, 72.120, 72.122, 72.124, 72.126, 72.128,

72.130, 72.182, 72.194, 72.200, 72.202, 72.204, 72.206, 72.210, 72.214, 72.220, 72.230, 72.238, and 72.240.

5. In § 72.140, paragraphs (c) and (d) are revised to read as follows:

**§ 72.140 Quality assurance requirements.**

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*(c) Approval of program:*

(1) Each licensee shall obtain Commission approval of its quality assurance program prior to receipt of spent fuel at the ISFSI or spent fuel and high-level radioactive waste at the MRS. Each licensee or applicant for a specific license shall obtain Commission approval of its quality assurance program prior to commencing fabrication or testing of a spent fuel storage cask.

(2) Each certificate holder or applicant for a CoC shall obtain Commission approval of its quality assurance program prior to commencing fabrication or testing of a spent fuel storage cask.

(3) Each licensee, applicant for license, certificate holder, or applicant for a CoC shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, in accordance with § 72.4.

*(d) Previously approved programs.* A quality assurance program previously approved by the Commission and which is established, maintained, and executed with regard to an ISFSI or spent fuel storage cask will be accepted as satisfying the requirements of paragraph (b) of this section. Previously approved quality assurance programs that satisfy the requirements of Appendix B to part 50 of this chapter, subpart H to part 71 of this chapter, or subpart G to this

part are considered acceptable, except that a licensee, applicant for a license, certificate holder, or applicant for a CoC who is using an Appendix B or subpart H quality assurance program shall also meet the recordkeeping requirements of § 72.174. <sup>Before using</sup> ~~Prior to initial use of~~ a previously approved program, each licensee, applicant for a license, certificate holder, or applicant for a CoC shall notify the NRC, in accordance with § 72.4, of its intent to apply its previously approved quality assurance program to ISFSI activities. The notification shall identify the previously <sup>g</sup>approved program by date of submittal to the Commission, docket number, and date of Commission approval.

6. In § 72.234, paragraph (c) is revised to read as follows:

**§ 72.234 Conditions of approval.**

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(c) An applicant for a CoC may <sup>begin making</sup> ~~commence early fabrication of~~ spent fuel storage casks <sup>before the</sup> ~~prior to~~ Commission issuance <sup>of a</sup> ~~of the~~ CoC for the cask. <sup>Applicants who begin making casks</sup> ~~However, fabrication is commenced at~~ <sup>without a CoC do so at their</sup> ~~an applicant's own risk.~~ <sup>Any</sup> ~~The Commission shall require that a cask, which was fabricated before~~ <sup>made</sup> ~~a~~ <sup>is</sup> ~~the CoC was issued,~~ <sup>must</sup> ~~conform to the issued~~ CoC.

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7. Section 72.236 is revised to read as follows:

**§ 72.236 Specific requirements for spent fuel storage cask approval.**

The certificate holder and applicant shall ensure that the requirements of this section are met.

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Dated at Rockville, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

For the Nuclear Regulatory Commission

**Annette L. Vietti-Cook**  
*Secretary of the Commission.*

**Attachment 2**  
**Congressional Letters**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

The Honorable James M. Inhofe, Chairman  
Subcommittee on Clean Air, Wetlands,  
Private Property and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

*that* Enclosed for the information of the Subcommittee is a copy of a Notice of Proposed Rulemaking *those* to be published shortly in the Federal Register. The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to clearly specify *which* sections in 10 CFR Part 72 apply to general licensees, specific licensees, certificate holders, and applicants for a specific license or a certificate of compliance to allow these *persons* to easily determine which sections of the regulations apply to their activities. In addition, these amendments *will* incorporate flexibility into 10 CFR Part 72 by specifying the conditions under which an applicant for a specific license may use an NRC-approved cask design without undergoing additional NRC license hearings; and the conditions under which early cask fabrication may take place.

These amendments would eliminate regulatory uncertainty, reduce the regulatory burden on applicants for a 10 CFR Part 72 license, and provide increased flexibility to manufacturers of spent fuel storage casks. This change *will* have no detrimental impact on public health and safety.

*proposed* *will*  
Sincerely,

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register Notice

cc: Senator Bob Graham



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

The Honorable Joe Barton, Chairman  
Subcommittee on Energy and Power  
Committee on Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee is a copy of a Notice of Proposed Rulemaking to be published shortly in the Federal Register. The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to clearly specify which sections in 10 CFR Part 72 apply to general licensees, specific licensees, certificate holders, and applicants for a specific license or a certificate of compliance to allow these persons to easily determine which sections of the regulations apply to their activities. In addition, these amendments will incorporate flexibility into 10 CFR Part 72 by specifying the conditions under which an applicant for a specific license may use an NRC-approved cask design without undergoing additional NRC license hearings; and the conditions under which early cask fabrication may take place.

These amendments would eliminate regulatory uncertainty, reduce the regulatory burden on applicants for a 10 CFR Part 72 license, and provide increased flexibility to manufacturers of spent fuel storage casks. This change will have no detrimental impact on public health and safety.

Sincerely,

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register Notice

cc: Ranking Member

The Honorable James M. Inhofe, Chairman  
Subcommittee on Clean Air, Wetlands,  
Private Property and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee is a copy of a Notice of Proposed Rulemaking to be published shortly in the Federal Register. The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to clearly specify which sections in 10 CFR Part 72 apply to general licensees, specific licensees, certificate holders, and applicants for a specific license or a certificate of compliance to allow these persons to easily determine which sections of the regulations apply to their activities. In addition, these amendments will incorporate flexibility into 10 CFR Part 72 by specifying the conditions under which an applicant for a specific license may use an NRC-approved cask design without undergoing additional NRC license hearings; and the conditions under which early cask fabrication may take place.

These amendments would eliminate regulatory uncertainty, reduce the regulatory burden on applicants for a 10 CFR Part 72 license, and provide increased flexibility to manufacturers of spent fuel storage casks. This change will have no detrimental impact on public health and safety.

Sincerely,

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register Notice

cc: Senator Bob Graham

**Attachment 3**

**Press Release**

**TO BE INSERTED LATER.**

**Attachment 4**

**Table of Applicability**

**Attachment 4**

**Table of Applicability**

**Table of Applicability for 10 CFR Part 72 Sections**

72.1	S,G,C	72.16(c)	S	72.30(c)(1)	S,G
72.2(a)(1)	S,G	72.16(d)	S	72.30(c)(2)(i)	S,G
72.2(a)(2)	S	72.16(e)	S	72.30(c)(2)(ii)	S,G
72.2(b)	S,G	72.18	S	72.30(c)(2)(iii)	S,G
72.2(c)	S,G	72.20	S	72.30(c)(3)	S,G
72.2(d)	S	72.22(a)	S	72.30(c)(4)	S,G
72.2(e)	S,G,C	72.22(b)	S	72.30(c)(5)	S,G
72.2(f)	C	72.22(c)	S	72.30(c)(6)	S,G
72.3	S,G,C	72.22(d)(1)	S	72.30(d)(1)	S,G
72.4	S,G,C	72.22(d)(2)	S	72.30(d)(2)	S,G
72.5	S,G,C	72.22(d)(3)(i)	S	72.30(d)(3)(i)	S,G
72.6(a)	S,G	72.22(d)(3)(ii)	S	72.30(d)(3)(ii)	S,G
72.6(b)	S,G	72.22(d)(4)	S	72.30(d)(4)	S,G
72.6(c)(1)	S,G	72.22(d)(5)(i)	S	72.32(a)(1)	S
72.6(c)(2)	S	72.22(d)(5)(ii)	S	72.32(a)(2)	S
72.7	S,G,C	72.22(e)(1)	S	72.32(a)(3)	S
72.8	S,G	72.22(e)(2)	S	72.32(a)(4)	S
72.9(a)	S,G,C	72.22(e)(3)	S	72.32(a)(5)	S
72.9(b)	S,G,C	72.24(a)	S	72.32(a)(6)	S
72.10(a)	S,G,C	72.24(b)	S	72.32(a)(7)	S
72.10(a)(1)(i)	S,G,C	72.24(c)(1)	S	72.32(a)(8)	S
72.10(a)(1)(ii)	S,G,C	72.24(c)(2)	S	72.32(a)(9)	S
72.10(a)(1)(iii)	S,G,C	72.24(c)(3)	S	72.32(a)(10)	S
72.10(a)(1)(iv)	S,G,C	72.24(c)(4)	S	72.32(a)(11)	S
72.10(a)(1)(v)	S,G,C	72.24(d)(1)	S	72.32(a)(12)(i)	S
72.10(a)(2)	S,G,C	72.24(d)(2)	S	72.32(a)(12)(ii)	S
72.10(a)(3)	S,G,C	72.24(e)	S	72.32(a)(13)	S
72.10(b)	S,G,C	72.24(f)	S	72.32(a)(14)	S
72.10(c)(1)	S,G,C	72.24(g)	S	72.32(a)(15)	S
72.10(c)(2)	S,G,C	72.24(h)	S	72.32(a)(16)	S
72.10(c)(3)	S,G,C	72.24(i)	S	72.32(b)(1)	S
72.10(d)	S,G,C	72.24(j)	S	72.32(b)(2)	S
72.10(e)(1)	S,G,C	72.24(k)	S	72.32(b)(3)	S
72.10(e)(2)	S,G,C	72.24(l)(1)	S	72.32(b)(4)	S
72.10(f)	S,G,C	72.24(l)(2)	S	72.32(b)(5)	S
72.11(a)	S,G,C	72.24(l)(3)	S	72.32(b)(6)	S
72.11(b)	S,G,C	72.24(m)	S	72.32(b)(7)	S
72.12(a)(1)	S,G,C	72.24(n)	S	72.32(b)(8)	S
72.12(a)(2)	S,G,C	72.24(o)	S	72.32(b)(9)	S
72.12(b)	S,G,C	72.24(p)	S	72.32(b)(10)	S
72.12(c)(1)	S,G,C	72.24(q)	S	72.32(b)(11)	S
72.12(c)(2)	S,G,C	72.26	S	72.32(b)(12)(i)	S
72.13(a)	S,G,C	72.28(a)	S	72.32(b)(12)(ii)	S
72.13(b)	S	72.28(b)	S	72.32(b)(13)	S
72.13(c)	G	72.28(c)	S	72.32(b)(14)	S
72.13(d)	C	72.28(d)	S	72.32(b)(15)(i)	S
72.16(a)	S	72.30(a)	S	72.32(b)(15)(ii)	S
72.16(b)	S	72.30(b)	S	72.32(b)(15)(iii)	S

72.32(b)(15)(iv) .....	S	72.44(d)(2) .....	S,G	72.54(b) .....	S
72.32(b)(15)(v) .....	S	72.44(d)(3) .....	S,G	72.54(c)(1) .....	S
72.32(b)(15)(vi) .....	S	72.44(e) .....	S,G	72.54(c)(2) .....	S
72.32(b)(16) .....	S	72.44(f) .....	S,G	72.54(d)(1) .....	S,G
72.32(c)(1) .....	S,G	72.44(g)(1) .....	S	72.54(d)(2) .....	S,G
72.32(c)(2) .....	S,G	72.44(g)(2) .....	S	72.54(d)(3) .....	S,G
72.32(d) .....	S	72.44(g)(3) .....	S	72.54(e)(1) .....	S,G
72.34 .....	S	72.44(g)(4) .....	S	72.54(e)(2) .....	S,G
72.40(a)(1) .....	S	72.46(a) .....	S	72.54(f)(1) .....	S,G
72.40(a)(2) .....	S	72.46(b)(1) .....	S	72.54(f)(2) .....	S,G
72.40(a)(3) .....	S	72.46(b)(2) .....	S	72.54(g)(1) .....	S,G
72.40(a)(4) .....	S	72.46(c) .....	S	72.54(g)(2) .....	S,G
72.40(a)(5) .....	S	72.46(d) .....	S	72.54(g)(3) .....	S,G
72.40(a)(6) .....	S	72.48(a)(1) .....	S,G,C	72.54(g)(4) .....	S,G
72.40(a)(7) .....	S	72.48(a)(2)(i) .....	S,G,C	72.54(g)(5) .....	S,G
72.40(a)(8) .....	S	72.48(a)(2)(ii) .....	S,G,C	72.54(g)(6) .....	S,G
72.40(a)(9) .....	S	72.48(a)(2)(iii) .....	S,G,C	72.54(h) .....	S,G
72.40(a)(10) .....	S	72.48(a)(3)(i) .....	S,G,C	72.54(i) .....	S,G
72.40(a)(11) .....	S	72.48(a)(3)(ii) .....	S,G,C	72.54(j)(1) .....	S,G
72.40(a)(12) .....	S	72.48(a)(3)(iii) .....	S,G,C	72.54(j)(2) .....	S,G
72.40(a)(13) .....	S	72.48(a)(4) .....	S,G,C	72.54(k)(1) .....	S,G
72.40(a)(14) .....	S	72.48(a)(5) .....	S,G,C	72.54(k)(2) .....	S,G
72.40(b) .....	S	72.48(a)(6)(i) .....	S,G,C	72.54(k)(3) .....	S,G
72.40(c) .....	S	72.48(a)(6)(ii) .....	S,G,C	72.54(k)(4) .....	S,G
72.42(a) .....	S	72.48(b)(1) .....	S,G,C	72.54(k)(5) .....	S,G
72.42(b) .....	S	72.48(b)(2)(i) .....	S,G,C	72.54(l)(1) .....	S
72.42(c) .....	S	72.48(b)(2)(ii) .....	S,G,C	72.54(l)(2)(i) .....	S
72.44(a) .....	S	72.48(b)(2)(iii) .....	S,G,C	72.54(l)(2)(ii) .....	S
72.44(b)(1) .....	S,G	72.48(b)(2)(iv) .....	S,G,C	72.54(m)(1) .....	S
72.44(b)(2) .....	S,G	72.48(b)(2)(v) .....	S,G,C	72.54(m)(2)(i) .....	S
72.44(b)(3) .....	S,G	72.48(b)(2)(vi) .....	S,G,C	72.54(m)(2)(ii) .....	S
72.44(b)(4) .....	S,G	72.48(b)(2)(vii) .....	S,G,C	72.54(m)(3) .....	S
72.44(b)(5) .....	S,G	72.48(b)(2)(viii) .....	S,G,C	72.56 .....	S
72.44(b)(6)(i)(A) .....	S,G	72.48(b)(2)(ix) .....	S,G,C	72.58 .....	S
72.44(b)(6)(i)(B) .....	S,G	72.48(c)(1) .....	S,G,C	72.60(a) .....	S,G
72.44(b)(6)(i)(C) .....	S,G	72.48(c)(2) .....	S,G,C	72.60(b)(1) .....	S,G
72.44(b)(6)(ii)(A) .....	S,G	72.50(a) .....	S,G	72.60(b)(2) .....	S,G
72.44(b)(6)(ii)(B) .....	S,G	72.50(b)(1) .....	S,G	72.60(b)(3) .....	S,G
72.44(c)(1)(i) .....	S	72.50(b)(2) .....	S,G	72.60(b)(4) .....	S,G
72.44(c)(1)(ii) .....	S	72.50(c)(1) .....	S,G	72.60(c) .....	S,G
72.44(c)(2) .....	S	72.50(c)(2) .....	S,G	72.62(a)(1) .....	S,G
72.44(c)(3)(i) .....	S	72.52(a) .....	S,G	72.62(a)(2) .....	S,G
72.44(c)(3)(ii) .....	S	72.52(b)(1) .....	S,G	72.62(b) .....	S,G
72.44(c)(3)(iii) .....	S	72.52(b)(2) .....	S,G	72.62(c)(1) .....	S,G
72.44(c)(3)(iv) .....	S	72.52(c) .....	S,G	72.62(c)(2) .....	S,G
72.44(c)(4) .....	S	72.52(d) .....	S,G	72.62(d) .....	S,G
72.44(c)(5) .....	S	72.52(e) .....	S,G	72.70(a) .....	S
72.44(d)(1) .....	S,G	72.54(a) .....	S	72.70(b)(1) .....	S

72.70(b)(2)(i)	S	72.76(a)	S,G	72.100(b)	S
72.70(b)(2)(ii)	S	72.76(b)	S,G	72.102(a)(1)	S
72.70(b)(2)(iii)	S	72.78(a)	S,G	72.102(a)(2)	S
72.70(b)(3)	S	72.78(b)	S,G	72.102(b)	S
72.70(c)	S	72.80(a)	S,G	72.102(c)	S
72.72(a)	S,G	72.80(b)	S,G	72.102(d)	S
72.72(b)	S,G	72.80(c)	S,G	72.102(e)	S
72.72(c)	S,G	72.80(d)	S,G	72.102(f)(1)	S
72.72(d)	S,G	72.80(e)	S,G	72.102(f)(2)	S
72.74(a)	S,G	72.80(f)	S,G	72.104(a)(1)	S,G
72.74(b)	S,G	72.82(a)	S,G	72.104(a)(2)	S,G
72.74(c)	S,G	72.82(b)	S,G	72.104(a)(3)	S,G
72.75(a)	S,G	72.82(c)(1)	S,G	72.104(b)	S,G
72.75(b)(1)	S,G	72.82(c)(2)	S,G	72.104(c)	S,G
72.75(b)(2)	S,G	72.82(c)(3)	S,G	72.106(a)	S,G
72.75(b)(3)	S,G	72.82(d)	S,G	72.106(b)	S,G
72.75(b)(4)	S,G	72.84(a)(1)	S,G,C	72.106(c)	S,G
72.75(b)(5)	S,G	72.84(a)(2)	S,G,C	72.108	S
72.75(b)(6)	S,G	72.84(a)(3)	S,G,C	72.120(a)	S
72.75(c)(1)	S,G	72.84(b)(1)(i)	S,G	72.120(b)	S
72.75(c)(2)(i)	S,G	72.84(b)(1)(ii)	S,G	72.122(a)	S,G
72.75(c)(2)(ii)	S,G	72.84(b)(1)(iii)	S,G	72.122(b)(1)	S
72.75(d)(1)(i)	S,G	72.84(b)(1)(iv)	S,G	72.122(b)(2)(i)	S
72.75(d)(1)(ii)	S,G	72.84(b)(2)	S,G	72.122(b)(2)(ii)	S
72.75(d)(1)(iii)	S,G	72.86(a)	S,G,C	72.122(b)(3)	S
72.75(d)(1)(iv)	S,G	72.86(b)	S,G,C	72.122(b)(4)	S
72.75(d)(1)(v)	S,G	72.90(a)	S	72.122(c)	S,G
72.75(d)(2)(i)	S,G	72.90(b)	S	72.122(d)	S,G
72.75(d)(2)(ii)(A)	S,G	72.90(c)	S	72.122(e)	S
72.75(d)(2)(ii)(B)	S,G	72.90(d)	S	72.122(f)	S
72.75(d)(2)(ii)(C)	S,G	72.90(e)	S	72.122(g)	S
72.75(d)(2)(ii)(D)	S,G	72.90(f)	S	72.122(h)(1)	S,G
72.75(d)(2)(ii)(E)	S,G	72.92(a)	S	72.122(h)(2)	S,G
72.75(d)(2)(ii)(F)	S,G	72.92(b)	S	72.122(h)(3)	S,G
72.75(d)(2)(ii)(G)	S,G	72.92(c)	S	72.122(h)(4)	S,G
72.75(d)(2)(ii)(H)	S,G	72.94(a)	S	72.122(h)(5)	S,G
72.75(d)(2)(ii)(I)(1)	S,G	72.94(b)	S	72.122(i)	S,G
72.75(d)(2)(ii)(I)(2)(ii)	S,G	72.94(c)	S	72.122(j)	S
72.75(d)(2)(ii)(I)(2)(iii)	S,G	72.96(a)	S	72.122(k)(1)	S
72.75(d)(2)(ii)(I)(2)(iv)	S,G	72.96(b)	S	72.122(k)(2)	S
72.75(d)(2)(ii)(J)	S,G	72.96(c)	S	72.122(k)(3)	S
72.75(d)(2)(ii)(K)	S,G	72.96(d)	S	72.122(k)(4)(i)	S
72.75(d)(2)(ii)(L)	S,G	72.98(a)	S	72.122(k)(4)(ii)	S
72.75(d)(3)	S,G	72.98(b)	S	72.122(l)	S,G
72.75(d)(4)	S,G	72.98(c)(1)	S	72.124(a)	S,G,C
72.75(d)(5)	S,G	72.98(c)(2)	S	72.124(b)	S,G,C
72.75(d)(6)	S,G	72.98(c)(3)	S	72.124(c)	S,G,C
72.75(d)(7)	S,G	72.100(a)	S	72.126(a)(1)	S,G

72.126(a)(2)	S,G	72.164	S,G,C	72.214	C
72.126(a)(3)	S,G	72.166	S,G,C	72.216(a)(1)	G
72.126(a)(4)	S,G	72.168	S,G,C	72.216(a)(2)	G
72.126(a)(5)	S,G	72.170	S,G,C	72.216(b)	G
72.126(a)(6)	S,G	72.172	S,G,C	72.216(c)	G
72.126(b)	S,G	72.174	S,G,C	72.216(d)(1)(i)	G
72.126(c)(1)	S,G	72.176	S,G,C	72.216(d)(1)(ii)	G
72.126(c)(2)	S,G	72.180	S	72.216(d)(1)(iii)	G
72.126(d)	S,G	72.182(a)	S	72.216(d)(2)	G
72.128(a)(1)	S	72.182(b)	S	72.216(d)(3)	G
72.128(a)(2)	S	72.182(c)	S	72.218(a)	G
72.128(a)(3)	S	72.184(a)	S	72.218(b)	G
72.128(a)(4)	S	72.184(b)	S	72.218(c)	G
72.128(a)(5)	S	72.186(a)	S	72.220	G
72.128(b)	S	72.186(b)	S	72.230(a)	C
72.130	S	72.190	S,G	72.230(b)	C
72.140(a)	S,G,C	72.192	S,G	72.230(c)	C
72.140(b)	S,G,C	72.194	S,G	72.230(d)	C
72.140(c)(1)	S,G,C	72.200(a)	S	72.232(a)	C
72.140(c)(2)	S,G,C	72.200(b)	S	72.232(b)	C
72.140(c)(3)	S,G,C	72.200(c)	S	72.232(c)	C
72.140(d)	S,G,C	72.202	S	72.232(d)	C
72.142(a)	S,G,C	72.204	S	72.234(a)	C
72.142(b)(1)	S,G,C	72.206	S	72.234(b)	C
72.142(b)(2)	S,G,C	72.210	G	72.234(c)	C
72.142(c)	S,G,C	72.212(a)(1)	G	72.234(c)(1)	C
72.144(a)	S,G,C	72.212(a)(2)	G	72.234(d)(2)(i)	C
72.144(b)	S,G,C	72.212(a)(3)	G	72.234(d)(2)(ii)	C
72.144(c)(1)	S,G,C	72.212(b)(1)(i)	G	72.234(d)(2)(iii)	C
72.144(c)(2)	S,G,C	72.212(b)(1)(ii)	G	72.234(d)(2)(iv)	C
72.144(c)(3)	S,G,C	72.212(b)(1)(iii)	G	72.234(d)(2)(v)	C
72.144(c)(4)	S,G,C	72.212(b)(2)	G	72.234(d)(2)(vi)	C
72.144(c)(5)	S,G,C	72.212(b)(3)	G	72.234(d)(2)(vii)	C
72.144(d)	S,G,C	72.212(b)(4)	G	72.234(d)(2)(viii)	C
72.144(e)	S,G,C	72.212(b)(5)(i)	G	72.234(d)(3)	C
72.146(a)	S,G,C	72.212(b)(5)(ii)	G	72.234(e)	C
72.146(b)	S,G,C	72.212(b)(5)(iii)	G	72.234(f)	C
72.146(c)	S,G,C	72.212(b)(5)(iv)	G	72.236(a)	C
72.148	S,G,C	72.212(b)(5)(v)	G	72.236(a)	C
72.150	S,G,C	72.212(b)(6)	G	72.236(b)	C
72.152	S,G,C	72.212(b)(7)	G	72.236(c)	C
72.154(a)	S,G,C	72.212(b)(8)(i)(A)	G	72.236(d)	C
72.154(b)	S,G,C	72.212(b)(8)(i)(B)	G	72.236(e)	C
72.154(c)	S,G,C	72.212(b)(8)(i)(C)	G	72.236(f)	C
72.156	S,G,C	72.212(b)(8)(ii)	G	72.236(g)	C
72.158	S,G,C	72.212(b)(8)(iii)	G	72.236(h)	C
72.160	S,G,C	72.212(b)(9)	G	72.236(i)	C
72.162	S,G,C	72.212(b)(10)	G	72.236(j)	C

72.236(k)(1) .....	C		
72.236(k)(2) .....	C		
72.236(k)(3) .....	C		
72.236(l) .....	C		
72.236(m) .....	C		
72.238 .....	C		
72.240(a) .....	C		
72.240(b) .....	C		
72.240(c) .....	C		
72.242(a) .....	C		
72.242(b) .....	C		
72.242(c) .....	C		
72.242(d)(1) .....	C		
72.242(d)(2)(i) .....	C		
72.242(d)(2)(ii) .....	C		
72.242(d)(2)(iii) .....	C		
72.242(d)(2)(iv) .....	C		
72.242(d)(2)(v) .....	C		
72.242(d)(2)(vi) .....	C		
72.242(d)(2)(vii) .....	C		
72.242(d)(2)(viii) .....	C		
72.242(d)(3) .....	C		
72.242(d)(4) .....	C		
72.242(d)(5) .....	C		
72.242(d)(6) .....	C		
72.244 .....	C		
72.246 .....	C		
72.248(a) .....	C		
72.248(b)(1)(i) .....	C		
72.248(b)(1)(ii) .....	C		
72.248(b)(1)(iii) .....	C		
72.248(b)(2) .....	C		
72.248(c) .....	C		

**KEY**

**S = Applies to Specific License activities.**

**G = Applies to General License activities.**

**C = Applies to Certificates of Compliance activities.**