

## **ISSUE 2: STREAMLINING THE PROCESS FOR SPENT FUEL STORAGE CASK DESIGN CERTIFICATION**

### **BACKGROUND**

In 1990, the U.S. Nuclear Regulatory Commission (NRC) amended 10 CFR Part 72 to grant a general license for storage of spent fuel in an independent spent fuel storage installation (ISFSI) at power reactor sites with a 10 CFR Part 50 license, without the need for site-specific NRC approval, provided that storage is in casks approved by the NRC and that certain other conditions are met. This general license meets the requirements of the Nuclear Waste Policy Act of 1982.

The NRC also established a process for approving spent fuel storage cask designs. The NRC performs the safety review of new cask designs and subsequent changes under the applicable regulatory requirements in 10 CFR Part 72, Subpart L. The NRC uses the direct final rulemaking process to certify storage cask designs. If there are no significant adverse public comments on the direct final rule, the rule becomes effective 75 days after its publication in the Federal Register, in which the newly approved cask design is added to the list in 10 CFR 72.214 of approved casks, available for use by general licensees.

### **ISSUE DESCRIPTION**

Over the past two decades, the NRC has promulgated several dozen rulemakings to approve new cask designs and amendments to existing cask designs that range from minor to major changes. Some rulemakings involve consideration of new cask designs, significant design or contents changes in approved cask designs, or minor changes in cask design or contents. Additionally, some amendments may have different design and operational controls than earlier amendments. Addressing changes or making corrections to an approved CoC amendment listed in 10 CFR 72.214 requires rulemaking under the current regulatory scheme. The current rulemaking process for cask certification takes between four and six months beyond the completion of staff's safety review of a cask design. In addition, the number and significance of public comments have generally diminished. Thus, the NRC is examining the cask certification process to determine whether improvements can be made by streamlining the process to develop a more efficient NRC review and certification process. The staff will review both processes within the NRC and processes involving applicants and stakeholders.

### **CONSIDERATIONS**

Areas where there may be opportunity to streamline the current cask design certification process include:

1. Changing the timing of the cask certification rulemaking process and the opportunity for public comment by commencing the rulemaking process prior to the completion of the NRC staff review.
2. Developing a technical basis to demonstrate some dry cask storage amendments do not constitute a new technology, and exploring whether these amendments could be approved without rulemaking.