



NRC NEWS

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FINAL NRC SPENT FUEL CASK FABRICATION REGULATIONS TO PROVIDE ADDITIONAL FLEXIBILITY, EFFICIENCY AND CONSISTENCY

The Nuclear Regulatory Commission is amending its regulations for storage of spent fuel from nuclear power plants to allow cask manufacturers to begin fabrication, at their own risk, under an NRC-approved quality assurance program prior to issuance of an agency Certificate of Compliance.

The final amendments, contained in Part 72 of the Commission's regulations, also state that cask designs previously approved or currently under review cannot be challenged during a licensing hearing. The final rule will also eliminate confusion concerning which regulations apply to various types of licensees and certificate-holders.

NRC has two processes for approving spent fuel storage: (1) a specific license for an independent spent fuel storage installation that requires the agency to conduct a detailed review of an application to build and operate the installation site; and (2) a general license that allows a nuclear power plant licensee to use storage casks previously approved by the NRC, without having a specific license or a detailed review by the agency.

The NRC anticipates that it may receive applications for specific licenses for independent spent fuel storage installations that propose using casks already approved by the agency for use under a general license. Current regulations allow for the design of these previously approved casks to be re-reviewed at a licensing hearing.

The final rule states, however, that if a specific license application for an independent spent fuel storage installation incorporates information on the design of an NRC-approved spent fuel storage cask, any public hearing held to consider the application will not include cask design issues previously addressed or currently under review by the agency.

This change will eliminate the need for repetitious reviews by hearing boards. Members of the public already will already have had the opportunity to comment on each cask design before approval under a certificate because the NRC issues a *Federal Register* notice seeking comments before deciding whether to incorporate an approved design into its regulations.

However, design interface issues between a referenced cask design and specific site characteristics, or changes to an approved cask design, are required to be included in an application and may be raised as potential issues in a licensing proceeding.

Regarding cask fabrication, current regulations prohibit a general licensee, its contractor and an applicant seeking NRC approval of a cask design from beginning fabrication prior to the agency issuing a certificate of compliance. By contrast, applicants seeking a specific license for an independent fuel storage installation are permitted to begin fabrication before a license is issued. The revised regulations eliminate these differences.

With the change in regulations, applicants who choose early fabrication will be at risk, and would have to bear the costs of any actions needed to conform to the conditions within an NRC Certificate of Compliance.

A proposed rule on this subject was issued in *The Federal Register* for public comment on November 3, 1999. The Commission received eight comment letters on the proposed rule, including those from five NRC licensees, one applicant for an NRC license, one NRC Part 72 certificate holder, and the Nuclear Energy Institute representing the industry. Changes made as a result of the comments received are discussed in a *Federal Register* notice, to be issued shortly.

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