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February 25, 2020

Mr. John Tappert

Director, Division of Rulemaking, Environmental, and Financial Support
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request to withdraw NEI Petition for Rulemaking PRM 72-7 "Spent Fuel Cask Certificate of Compliance Format and Content," October 3, 2012

Project Number: 689

Dear Mr. Tappert:

On October 3, 2012, the Nuclear Energy Institute (NEI)¹ submitted a petition (PRM-72-7; Docket No. NRC-2010-0304) to amend 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste" in an effort to improve the efficiency of the Part 72 licensing process. This petition sought amendments to Part 72 to incorporate specific criteria for the format and content of the Certificates of Compliance (CoCs) for spent fuel storage casks. The primary purpose of the proposed changes to Part 72 was to ensure that the level of detail in CoCs is consistent and risk informed. The petition also called for six other changes that industry believed would result in complimentary improvements in NRC's regulatory framework.

On July 18 2014, the NRC accepted PRM-72-7 (79 Federal Register 41938) for consideration in rulemaking. However, the petition did not receive a sufficiently high priority to warrant expenditure of NRC resources to undertake a rulemaking in the near term. Accordingly, industry and NRC began exploring alternate means to achieve the desired improvements in regulatory efficiency. A series of public workshops was conducted in 2016 and 2017, which led to what became known as the "Graded Approach" to establishing the format and content of CoCs. A process for piloting this approach was defined as Regulatory Issue Resolution Protocol (RIRP) I-16-01. On October 28, 2016, TN (ORANO) agreed to submit a license amendment application to pilot the Graded Approach criteria as Amendment No. 16 to the NUHOMS CoC No. 1004.

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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By letter dated January 8, 2020, (ADAMS Accession No. ML 19353D373) NRC informed industry that it had completed its review of the pilot and pilot application and endorsed the criteria. In this letter, NRC also agreed to engage on the recommendations of an industry white paper submitted on November 8, 2019 (ML 19318D970) "to expand the use of risk information and enhance the dry storage licensing process." Industry considers NRC's endorsement of the Graded Approach criteria and agreement to engage with industry on the recommendations of our white paper sufficient to satisfy the central purpose of PRM 72-7. With that central purpose addressed, none of the other issues raised in the petition, on their own merits, warrant the dedication of specific resources to a rulemaking.

Accordingly, we are hereby withdrawing the subject Petition (PRM-72-7; Docket No. NRC-2010-0304). If you have any questions, please do not hesitate to contact me at rxm@nei.org or 202-739-8082.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod McCullum", with a stylized, cursive script.

Rod McCullum

Attachment

c: Andrea Kock, NRC/NMSS/DFM
John Lubinski, NRC/NMSS
Annette L. Vietti-Cook