

**Public Meeting
on The Proposed Interim
Enforcement Policy
Related to Certain General Licensee
Violations of 10 CFR 72.48**

April 9, 2025 at 1:00 pm

Agenda

- Introduction and Opening Remarks
- Overview of the Proposed Interim Enforcement Policy
- Industry Remarks
- Public Comments and Questions
- Closing Remarks

Purpose & Outcome

- Discuss the proposed Interim Enforcement Policy (IEP) to exercise discretion for the disposition of violations involving a GL's adoption of a CoC holder-generated changes made under the CoC holder's change authority of Section 72.48 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Changes, tests, and experiments."
- Ensure stakeholder awareness of how to submit comments through Regulations.gov.

Provide Comments by April 28, 2025

Docket ID: NRC-2025-0064

- Go to <https://www.regulations.gov> and search for Docket ID: NRC-2025-0064.
- Email comments to:
Rulemaking.Comments@nrc.gov.
- Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

Why do an IEP?

- Eliminate redundancies for the general licensee to review and adopt CoC holder-initiated changes made under CoC holder's §72.48 program.
- Most efficient vehicle to ease the process for GLs who review and adopt §72.48 evaluations for CoC holder-initiated changes.
 - NRC staff expects that GLs may continue to use their existing §72.48 program.
- The IEP focuses NRC's enforcement on the entity that initiated the change.

Path Forward

- The proposed IEP was published in FRN on 4/7/2025, and the staff is seeking public comments on this proposed IEP by 4/28/2025.
([ML25080A308](#))
- The proposed IEP will be delivered to the Commission for approval in May 2025.
- The proposed IEP would maintain the same level of safety.

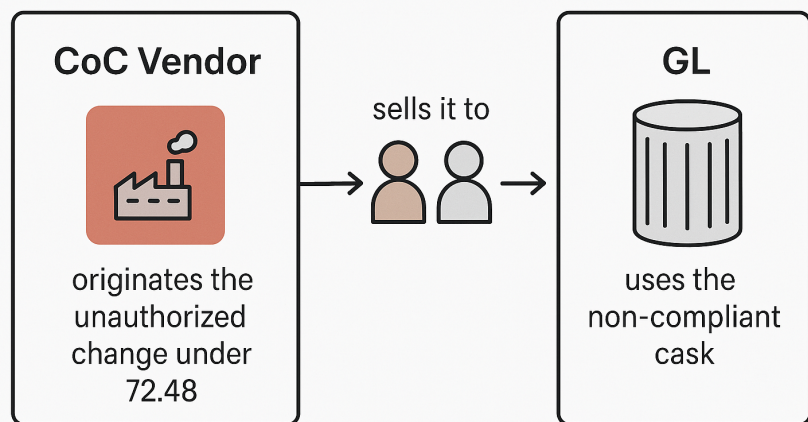
Proposed Interim Enforcement Policy

ADAMS Accession No. [ML25092A032](#)

- The IEP would give discretion to General Licensees (GLs) when CoC holders do not comply with 10 CFR 72.48. This approach:
 - Frees up NRC resources from resolving GL noncompliances on a case-by-case basis
 - When the CoC initiates the change, NRC will focus NRC enforcement actions on the CoC holder. When the GL initiates the change, NRC will focus NRC enforcement actions on the GL.
 - ❖ **NRC will not duplicate enforcement.**

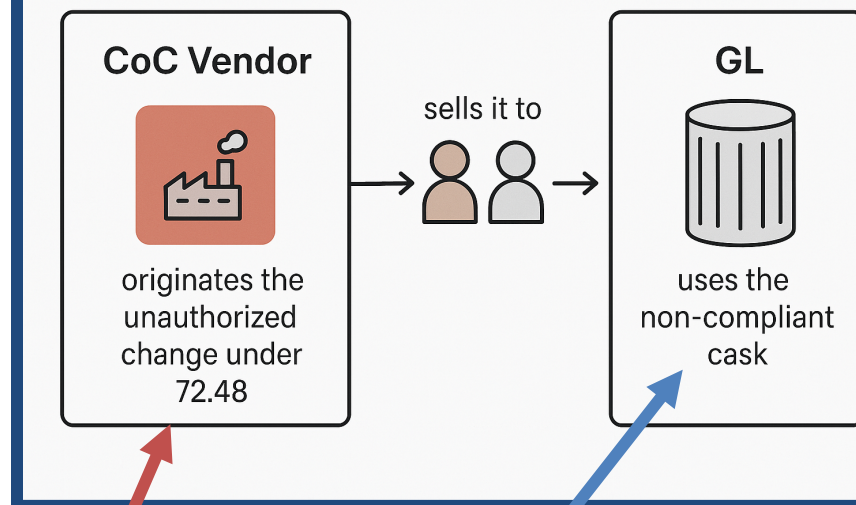
Who's responsible?

Current Framework*



Both in violation of §72.48

Proposed Policy Change*



**CoC Holder
in violation.**

**Receive enforcement
discretion.**

*For GLs adopting CoC holder changes,
not GL initiated changes

Proposed IEP Paragraph (1)

The NRC will exercise enforcement discretion and not issue an enforcement action to a GL, for a noncompliance with the requirements of paragraphs (c)(1) and (2) and (d)(1) of 10 CFR 72.48 and with provisions of 10 CFR 72.212 that require GLs to ensure use of casks that conform to the terms, conditions and specifications of a CoC listed in 10 CFR 72.214, when the noncompliance results from a CoC holder's failure to comply with 10 CFR 72.48 for a CoC holder-generated change.

In granting this discretion, the GL will be expected to come into compliance with the 72.212 provisions that require each cask to conform to the terms, conditions, and specifications of a CoC or an amended CoC listed in § 72.214 using established processes. The NRC staff will monitor the GL's actions to determine if additional regulatory actions will be necessary.

Proposed IEP Paragraph (2)

The NRC will exercise enforcement discretion and not issue an enforcement action to the GL for failure to perform a 10 CFR 72.48 screening and/or evaluation when the GL adopts a CoC holder-generated change that does not result in the GL making a change to the site-specific, technical aspects of the GL's 10 CFR 72.212 report.

Proposed IEP Paragraph (3)

When the GL adopts a CoC holder-generated change and the accompanying 10 CFR 72.48 screening and/or evaluation that was performed by the CoC holder, the GL does not have to perform a separate 10 CFR 72.48 evaluation of CoC holder-generated changes.

The GL only needs to review the CoC holder's change for applicability to their spent fuel storage cask and for impact on the site-specific, technical evaluations and analyses described in the 10 CFR 72.212 report, and site programs and procedures.

The NRC's inspections of the GL and enforcement actions against the GL will focus on the GL's assessment for the site-specific applicability of the CoC holder-generated change to its spent fuel storage cask.

Proposed IEP Paragraph (4)

The GL is responsible for performing written evaluations to establish that the storage cask conforms to terms and conditions of the CoC, in accordance with paragraphs (b)(5) and (6) of 10 CFR 72.212.

If the GL chooses to adopt a CoC holder-generated change, the GL does not need to follow the requirements of 10 CFR 72.212(b)(7) unless the GL determines that GL-initiated site-specific, technical changes are needed to the GL's written evaluations required by paragraphs (b)(5) and (b)(6) of 10 CFR 72.212.

Additionally, the GL is responsible for ensuring compliance with applicable requirements of Appendix B to 10 CFR Part 50, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," and Subpart G to 10 CFR Part 72, "Quality Assurance."

Proposed IEP Paragraph (5)

NRC enforcement actions will focus on the entity that initiated the change. The CoC holder will be accountable for a noncompliance identified within CoC holder-generated 10 CFR 72.48 screenings and/or evaluations of a change made pursuant to the CoC holder's 10 CFR 72.48 change authority. The GL will be accountable for any noncompliance identified within GL-initiated changes.

Potential actions after IEP

- Explore rulemaking to ease requirements for GLs adopting changes made by CoC holders under §72.48
 - Staff is considering potential rulemaking methods (all require Commission approval)

1. Interpretive Rulemaking	2. Direct-Final Rule	3. Notice-and-Comment Rule
<ul style="list-style-type: none">• Explain meaning of existing regulations.• Only viable if no change needed to rule text.• Could be the fastest option (<1year)	<ul style="list-style-type: none">• If even one person files a significant adverse comment, the agency must withdraw the rule.• If no significant adverse comments could be done in ~1 year.	<ul style="list-style-type: none">• Allows for consideration of other changes to the rule• Could take longer than options 1 and 2 – but allows for additional stakeholder engagement (2-3 years)

Industry Remarks

Public Questions

- When prompted for questions and discussion, please indicate your desire to speak by using the “Raise Hand” button in Teams (or press “*5” if participating by phone)
- Once your name has been called by the facilitator, you will need to unmute yourself (press “*6” if participating by phone)
- To ensure we hear from as many people as possible, please limit yourself to one comment or question to start.

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Closing Remarks