

August 14, 2006

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - SECY-06-0152 - TITLE 10 CODE OF  
FEDERAL REGULATIONS PART 72 LICENSE AND  
CERTIFICATE OF COMPLIANCE TERMS

The Commission has approved the staff's recommendations to initiate rulemaking to clarify the Part 72 license and Certificate of Compliance (CoC) terms and regulations. The Commission believes that the "Alternative Approach" is not necessary at this time but may be revisited if changing conditions indicate the need to increase the terms for initial and/or renewed site specific independent spent fuel storage installation (ISFSI) licenses. The Commission has approved waiving the need to develop a rulemaking plan for this effort.

The staff should be as transparent as possible in developing the proposed rulemaking package, including making draft text available for comment to stakeholders, and holding public meetings, if necessary, prior to formal submission of the proposed rule to the Commission.

The staff has raised the following reasonable issues which should also be included in the proposed rulemaking package:

- 1) Clarify the start of the current 20 year term limit for cask designs approved for use under the general license provisions.
- 2) Identify who is responsible for applying for the Certificate of Compliance renewal, the vendor or the licensee.
- 3) Discuss possible conflicts that could arise for storage cask designs that are granted a term extension that are also approved for a different term limit as a transportation package.
- 4) Discuss how casks are tracked at each site so that it is clearly understood when each cask design Certificate of Compliance should be renewed.
- 5) Discuss the distinctions and implications between Certificate of Compliance reapproval and Certificate of Compliance renewal for casks loaded with spent nuclear fuel, including which standards will be used by staff to make a reapproval or renewal determination.

cc: Chairman Klein  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons  
OGC  
CFO  
OCA  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR