§ 72.46 Public hearings.

(a) In connection with each application for a license under this part, the Commission shall issue or cause to be issued a notice of proposed action and opportunity for hearing in accordance with §2.105 or §2.1107 of this chapter, as appropriate, or, if the Commission finds that a hearing is required in the public interest, a notice of hearing in accordance with §2.104 of this chapter.
Nuclear Regulatory Commission § 72.48

(b)(1) In connection with each application for an amendment to a license under this part, the Commission shall, except as provided in paragraph (b)(2) of this section, issue a notice of proposed action and opportunity for hearing in accordance with §2.105 or §2.1107 of this chapter, as appropriate, or, if the Commission finds that a hearing is required in the public interest, a notice of hearing in accordance with §2.104 of this chapter.

(2) The Director, Office of Nuclear Material Safety and Safeguards, or the Director’s designee may dispense with a notice of proposed action and opportunity for hearing or a notice of hearing and take immediate action on an amendment to a license issued under this part upon a determination that the amendment does not present a genuine issue as to whether the health and safety of the public will be significantly affected. After taking the action, the Director or the Director’s designee shall promptly publish a notice in the FEDERAL REGISTER of the action taken and of the right of interested persons to request a hearing on whether the action should be rescinded or modified. If the action taken amends an MRS license, the Director or the Director’s designee shall also inform the appropriate State and local officials.

(c) The notice of proposed action and opportunity for hearing or a notice of hearing may be included in the notice of docketing required to be published by §72.16 of this part.

(d) If no request for a hearing or petition for leave to intervene is filed within the time prescribed in the notice of proposed action and opportunity for hearing, the Director, Office of Nuclear Material Safety and Safeguards or the Director’s designee may take the proposed action, and thereafter shall promptly inform the appropriate State and local officials and publish a notice in the FEDERAL REGISTER of the action taken. In accordance with §2.761(c) of this chapter, the Director, Office of Nuclear Material Safety and Safeguards shall not issue an initial license for the construction and operation of an ISFSI located at a site other than a reactor site or an MRS until expressly authorized to do so by the Commission.

(e) If an application for (or an amendment to) a specific license issued under this part incorporates by reference information on the design of a spent fuel storage cask for which NRC approval pursuant to subpart L of this part has been issued or is being sought, the scope of any public hearing held to consider the application will not include any cask design issues.

[FR 31658, Aug. 19, 1988, as amended at 60 FR 20886, Apr. 28, 1995; 65 FR 50617, Aug. 21, 2000]

§ 72.48 Changes, tests, and experiments.

(a) Definitions for the purposes of this section:

(1) Change means a modification or addition to, or removal from, the facility or spent fuel storage cask design or procedures that affects a design function, method of performing or controlling the function, or an evaluation that demonstrates that intended functions will be accomplished.

(2) Departure from a method of evaluation described in the FSAR (as updated) used in establishing the design bases or in the safety analyses means:

(i) Changing any of the elements of the method described in the FSAR (as updated) unless the results of the analysis are conservative or essentially the same; or

(ii) Changing from a method described in the FSAR to another method unless that method has been approved by NRC for the intended application.

(3) Facility means either an independent spent fuel storage installation (ISFSI) or a Monitored Retrievable Storage facility (MRS).

(4) The facility or spent fuel storage cask design as described in the Final Safety Analysis Report (FSAR) (as updated) means:

(i) The structures, systems, and components (SSC) that are described in the FSAR (as updated),

(ii) The design and performance requirements for such SSCs described in the FSAR (as updated), and

(iii) The evaluations or methods of evaluation included in the FSAR (as updated) for such SSCs which demonstrate that their intended function(s) will be accomplished.