§ 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.

(5) Final Safety Analysis Report (as updated) means:

(i) For specific licensees, the Safety Analysis Report for a facility submitted and updated in accordance with §72.70;

(ii) For general licensees, the Safety Analysis Report for a spent fuel storage cask design, as amended and supplemented; and

(iii) For certificate holders, the Safety Analysis Report for a spent fuel storage cask design submitted and updated in accordance with §72.248.

(6) Procedures as described in the Final Safety Analysis Report (as updated) means those procedures that contain information described in the FSAR (as updated) such as how SSCs are operated and controlled (including assumed operator actions and response times).

(7) Tests or experiments not described in the Final Safety Analysis Report (as updated) means any activity where any SSC is utilized or controlled in a manner which is either:

(i) Outside the reference bounds of the design bases as described in the FSAR (as updated) or

(ii) Inconsistent with the analyses or descriptions in the FSAR (as updated).

(b) This section applies to:

(1) Each holder of a general or specific license issued under this part, and

(2) Each holder of a Certificate of Compliance (CoC) issued under this part.

(c)(1) A licensee or certificate holder may make changes in the facility or spent fuel storage cask design as described in the FSAR (as updated), make changes in the procedures as described in the FSAR (as updated), and conduct tests or experiments not described in the FSAR (as updated), without obtaining either:

(i) A license amendment pursuant to §72.56 (for specific licensees) or

(ii) A CoC amendment submitted by the certificate holder pursuant to §72.244 (for general licensees and certificate holders) if:

(A) A change to the technical specifications incorporated in the specific license is not required; or

(B) A change in the terms, conditions, or specifications incorporated in the CoC is not required; and

(C) The change, test, or experiment does not meet any of the criteria in paragraph (c)(2) of this section.

(2) A specific licensee shall obtain a license amendment pursuant to §72.56, a certificate holder shall obtain a CoC amendment pursuant to §72.244, and a general licensee shall request that the certificate holder obtain a CoC amendment pursuant to §72.244, prior to implementing a proposed change, test, or experiment if the change, test, or experiment would:

(i) Result in more than a minimal increase in the frequency of occurrence
§ 72.50 Transfer of license.

(a) No license or any part included in a license issued under this part for an ISFSI or MRS shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person,