

July 16, 2001

Ms. Lynnette Hendricks, Director
Licensing, Nuclear Generation
Nuclear Energy Institute
1776 "I" Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: 10 CFR 72.48 REPORTING REQUIREMENT

Dear Ms. Hendricks:

This is in response to your letter dated May 30, 2001, regarding the 10 CFR 72.48 reporting requirement, which became effective on April 5, 2001. In your letter, you proposed additional industry guidance as to when the 24-month reporting period would begin for certificate of compliance (CoC) holders, general licensees, and site-specific licensees. We have reviewed your proposed guidance and find your guidance, as stated below, on the 10 CFR 72.48 reporting period to be acceptable.

- For general licensees and site-specific licensees who have submitted an annual report under the previous 10 CFR 72.48 requirements, the 24-month period should begin on the date of the last 10 CFR 72.48 report submitted prior to April 5, 2001.
- For general licensees and site-specific licensees who made 10 CFR 72.48 changes prior to April 5, 2001, but had not yet submitted a 10 CFR 72.48 annual report under the previous 10 CFR 72.48 requirements, the 24-month reporting period should begin on the date that the first 10 CFR 72.48 change was made under the old rule.
- For general licensees, site-specific licensees, and CoC holders who have not made 10 CFR 72.48 changes prior to April 5, 2001, the 24-month reporting period should begin on the date when the first 10 CFR 72.48 change is made under the new rule.

In addition, staff agrees with the two items discussed under "Clarifying notes:" in particular, (1) a change, test, or experiment that requires an evaluation under 10 CFR 72.48 must be reported at least 24-months from the implementation date, rather than the approval date; and (2) if a CoC has more restrictive reporting requirements than the rule, the CoC holder is subject to both requirements until the CoC condition has been deleted from the specific CoC via an amendment.

However, the definition of implementation in Item 1 could be ambiguous and may cause some confusion for the readers of your guidance. We suggest that you provide additional guidance to the industry on when a change is considered to be implemented.

L. Hendricks

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If you have any questions regarding this letter, please contact me or Mr. Stephen O'Connor of my staff at 301-415-8500.

Sincerely,

/s/ /RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

If you have any questions regarding this letter, please contact me or Mr. Stephen O'Connor of my staff at 301-415-8500.

Sincerely,

/s/ /RA/

E. William Brach, Director
 Spent Fuel Project Office
 Office of Nuclear Material Safety
 and Safeguards

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