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Subject: Issues Marix

Meraj,

Attached is the updated issues matrix. If I missed anything, let me know and I'll revise it.

Brian

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10 CFR 71/72 DSTF ISSUES MATRIX

ISSUE NO.	PRIORITY	STATUS	ISSUE DESCRIPTION	REMARKS	ACTION
1	H	Open	Criticality Control (RIS 2005-05): Part 50 and Part 72 requirements apply during cask loading in pool. Requirements overlap and NRC (NRR and SFPO) burnup credit methods are not consistent. NRC requesting LARs from all affected plants as interim compliance measure.	Meeting held 11/10/05 between NRC and industry. Industry requested NRC to re-look at interim solutions involving no TS or enforcement discretion.	Agree on short term action not requiring LAR. Long term action to develop consistent BUC credit method across Part 50 and 72. Rule change may also be required.
1a	H	Open	Criticality Accident Requirements: §72.124(c): Regulations provide exemptions from monitoring when fuel is under water and in "storage configuration" During cask preparation (out of pool but before in "storage configuration"), no exemption applies and monitoring is required.	Appears rule change is necessary to clarify. See NRC letter to Holtec dated 8/1/00 for additional information.	NRC to evaluate and provide feedback
2	H	Open	Burnup Credit: ISG-8 does not allow fission product credit, making BUC methodology limited. SFPO method is different than NRR. Except for geometry, methods should be the same.	Acquire and evaluate French data to expand ISG-8 guidance. In parallel, evaluate Part 50 and SFPO criticality analysis and BUC methods and assumptions for differences. Resolve differences and recommend single criticality/BUC analysis method. (EPRI input)	Revise ISG-8.
2a	H	Open	Burnup Measurements: ISG-8 recommends measuring burnup on a sampling basis to increase confidence in reactor records. Industry does not believe this is necessary.	Evaluate safety benefit of BU measurements and recommend guidance change, as appropriate (EPRI input)	Revise ISG-8
3	H	Open	Damaged Fuel: Definition in ISG-1, Rev. 1 is very broad and difficult to implement. Need a definition generated with industry participation before implementation. RG may be more appropriate than ISG. Need to ensure fuel previously loaded as intact for storage can be transported without re-packaging.	Determine damaged fuel criteria for storage and transportation. Issue RG or add as defined term in the rules. CoCs will need to be revised to reflect new guidance and/or rule. (EPRI input)	NRC Delete ISG-1 and issue Reg. Guide or include definition in rule. Endorse ANSI Standard N14.33

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4	H	Open	Control of Cask Licensing Basis: a) backfit of changes to ongoing TS (cask surveillance) to previously deployed casks. b) Backward and forward compatibility of hardware. c) Removal of information from SAR/CoC that applies to previously deployed casks and/or site-specific licensee who incorporated the information by reference.	Licensees, CoC holders, and NRC may have different views on these issues. Need mutually agreeable position.	DSTF internal. FAQ issue
5	M	Open	Regulatory Process: Certain issues are being addressed outside of recognized regulatory processes and should be addressed in a more structured process, such as a Regulatory Guide, rulemaking, or other formal generic communication (i.e., GL), to allow front-end industry participation and independent backfit evaluation by NRC (CRGR). Examples: ISGs, cask Technical Specifications, RIS 2005-05, fuel-air issue.	Process feedback issue in 2/8/05 workshop. Work with NRC as topics arise to determine appropriate process to use.	Discuss between NEI and NRC senior management
6	M	Closed	CoC Noncompliance: What process governs if licensee discovers noncompliance with CoC after cask is in storage? There is no NOED process in Part 72.	GL 91-18 (or successor) can be used for degraded conditions not involving noncompliance with CoC. May need NOED process for CoC noncompliance.	None. Use plant corrective action program. NOED process not needed.
7	L	Open	Moderator Exclusion: 71.55(b) does not permit moderator exclusion by design for normal conditions outside of limited exceptions (i.e., entire cask designs cannot be excepted from moderator intrusion). Regulations (per ISG-19) permit moderator exclusion for accident conditions. Seems contradictory.	Work with NRC on regulatory issues associated with a rule change. Rule change may have broad (i.e., YM EIS) implications (EPRI input)	Rulemaking. Does NRC need a petition?
8	M	Open	High Burnup Fuel: ISG-11, Rev 3 does not provide guidance for transportation of HBU fuel.	Tracking item. Determine criteria for review of transport requirements for high burnup fuel. Delete ISG-11 and issue RG. (EPRI input)	NRC delete ISG-11 and issue Reg. Guide

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9	L	Open	Cask Technical Specifications (NUREG-1745): Level of detail in cask TS and CoCs (e.g., fuel parameters) is not commensurate with risk. Fuel parameter change process in NUREG-1745 is not consistent with regulations.	Issue Work with NRC to make risk-based rule change to TS inclusion criteria and revise NUREG-1745. Need cask loading PRA issued.	NRC revise Part 72 to develop TS criteria.
10	M	Open	Risk Informed regulations and review guidance: Cask loading PRA needs to be issued.	Tracking item.	NRC must finish the PRA.
11	L	Closed	Part 71 QA Program (RIS 2004-18): Some Part 50 licensees who use Part 71-certified packages under a previously approved QA program (i.e., their Appendix B program) are required to have their Part 50 QA programs separately approved under Part 71. NRC issues a Form 311 indicating their approval under Part 71. The Part 50 QA program can be modified by the licensee under 10 CFR 50.54 without prior NRC approval provided the commitments in the program are not reduced. There is no such provision in Part 71 and renewal is required every 5 (now 10) years. These rules appear to conflict.	Work with NRC to clarify whether a Form 311 for Part 50 licensees to use a previously approved program under Part 71 is necessary. If so, how do QA program changes get implemented, given the authority of 50.54?	None. NRC working.
12	L	Open	72.48 Guidance: Based on experience since 4/01, NEI guidance on malfunctions, consequences, and methods of evaluation may need updating and more customizing for casks. For example, casks do not typically have single failure criteria requirements and often accidents have no offsite dose consequences.	Based on lessons learned, issue FAQs to clarify implementation of 72.48.	DSTF internal. FAQ issue.
13	L	Open	Licensee 72.48 Processing: a) What are GL obligations (i.e., timing, actions) for processing CoC holder 72.48s? b) What's required if GL does not adopt? c) What is effective date for CoC holder-issued 72.48s on GLs (e.g., operating changes)? d) What is CoC holder 72.48 deletes or modifies information incorporated by reference by an SL and SL does not want to change?	FAQs and/or other communication vehicle to establish industry consensus.	DSTF internal. FAQ issue.

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14	M	Open	Computational Modeling Software (ISG-21): Proposed ISG defines information to be submitted for cask licensing to permit NRC to review use of computer modeling software.	Industry believes the ISG over-reaches into QA and is not necessary. Comment letter sent to NRC 8/11/05	Industry has asked NRC to withdraw the ISG. Draft ISG describes a QA process, not a licensing process
15	M	Open	Retrievability: NRC is developing an ISG on this issue. Industry needs to review and comment.	Review and comment on ISG after issuance.	NRC issue ISG
16	New	Closed	Amendment Applications: There are a variety of difference formats for amendment applications (i.e., with or without SAR markups). Should industry develop guidance?	Is there a consensus for developing a standard template for amendment requests?	None. Each CoC holder has a process.
17	L	Open	SRP Updates: NRC needs to update SRPs to incorporate ISGs.	Tracking item.	NRC action
18	L	Open	Reg Guide Updates: NRC needs to update RGs 3.48, 3.61 and 3.62 to match SRP format.	Tracking item.	NRC action. Delete RGs?
19	New	Closed	Review Schedules: Include front and back end activities in total review schedule.	NRC has provided some information. Emailed info to DSTF 2/15/05.	Complete
20	L	Open	Part 72 License Renewal: Modify rule to extend license renewal period beyond 20 years.		NRC working
21	New	Closed	Use of RG 1.91 for ISFSI Licensing: The 1 psig overpressure value for missiles may not be appropriate for use in ISFSI licensing.	Revise guidance specific for ISFSI licensing	None.
22	L	Open	CoC Amendments: Rulemaking is required for all Part 72 CoC amendments. This is an unnecessarily burdensome process. Results in exemptions as a normal licensing process.	NWPA uses term "by rule" for cask amendments	Need petition?
23	L	Open	GSI-196, BORAL Degradation: NRC recently identified BORAL blistering as a generic safety issue. What effects, if any, does the blistering have on the design function of the BORAL?	Tracking item. NRC Research is gathering data at this point. Support, with EPRI as necessary.	None.
24	H	Open	Fuel Cladding Integrity Analysis: Cask designers have not historically analyzed fuel cladding integrity. Fuel material data is limited. Guidance in ISG-12 only addresses buckling.	Broaden licensing guidance in SRP.	NRC clarify guidance

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25	L	Open	DOE Standardized Canister: DOE proposes to use a standard fuel canister that will be compatible with the waste package at YM.	Tracking item. Establish industry policy and work with DOE/NRC to integrate with Part 71/72.	None.
26	L	Open	10CFR72.13: Some sections may not be appropriately listed.	Review and make suggestions to NRC for rule change	Need petition?
27	M	Open	Tornado Missiles: How do general licensees compare site-specific missiles against generic missiles? By spectrum or missile by missile comparison?	Develop industry consensus.	DSTF internal. FAQ issue
28	H	Open	Fuel-in-Air: NRC has had conversations with plants and CoC holders regarding air coming into contact with fuel.	What is the safety issue?	NRC issuing ISG
29	Low	Open	Sensitive Information: SFPO would like industry's input on developing procedures for the treatment of sensitive information in incoming documents. The NMSS staff's criteria for determining sensitive information will be disseminated in the near future.		NRC develop criteria and issue criteria
30	Low	Open	Correcting CoC Errors: SFPO is considering how to correct errors in an existing CoC. SFPO will engage stakeholders at appropriate time. This may relate to issue no. 6.		NRC to engage stakeholders
31	Medium	Open	Repetitive RAIs: Similar RAIs issued by staff on applications submitted by different licensees or vendors.		NRC to follow up
32	Low	Open	NRC's plan and schedule for casework: Industry provide "look-ahead" schedule for application submittals. NRC would provide timeliness goals and general scheduling criteria available to public.		