

# Status of Update to NEI-96-07, Guidance for Implementation of 10 CFR 72.48

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# Background

- **10 CFR 72.48 was revised in October 2000 as part of the change to 10 CFR 50.59**
- **Part of the 72.48 change was to give authorization to CoC holders to make changes under 72.48 in addition to licensees**
- **NEI 96-07 was revised to reflect the changes in 50.59**
- **NEI 96-07, Appendix B was created at that time to provide guidance for 72.48**
  - **NRC endorsement per RG 3.72**

# NEI 96-07, Appendix B

- Approach was to only deviate from 50.59 guidance as necessary to recognize:
  - General and specific Part 72 licenses
  - CoC holder authority
  - CoC amendments vs. license amendments
  - ISFSI and cask changes rather than plant changes
  - No Maintenance Rule exception in Part 72
- Definitions and guidance for answering the eight 72.48 questions is essentially identical to 50.59 guidance

# Experience

- **Licensees:**
  - Perform few, if any, ISFSI/cask design changes
  - Perform 72.48 reviews almost exclusively for cask loading procedure changes and 72.212 Report revisions
  - Must integrate 72.48 process and training with 50.59
  - Must accommodate changes that require review under one, the other, or both processes
  - Desire to keep guidance consistent between the two processes as much as practical
  - Review Part 72 activities against revision of FSAR used to load the casks affected by the change
    - May not be latest version

# Experience (cont'd)

- **CoC holders:**
  - **Perform many design changes under 72.48**
  - **Change generic operating procedure changes**
  - **Are the design authority and own all licensing basis safety analyses**
  - **Do not have 50.59 authority**
  - **Do not need the guidance or process to be consistent with 50.59 for training**
  - **Changes apply to the latest approved FSAR**

## Experience (cont'd)

- **Several enforcement actions over the 10 years**
- **72.48 changes found by NRC not to have been acceptable after significant time has elapsed cause major compliance problems for licensees**
- **If a CoC amendment is performed to approve the change, licensees need to adopt the later amendment and get an exemption for previously loaded casks (before 2011 rule change)**
- **Method of evaluation is a common theme in the 72.48 enforcement**

# 72.48 Guidance Update History

- **72.48 guidance update issue team established in 2007**
- **USA task force to update 50.59 guidance was working to update that guidance also**
  - **72.48 issue team leader participated in 50.59 work**
- **Intent was to allow 50.59 guidance team to finish, then 72.48 guidance update would follow to ensure consistency in common areas**
- **50.59 team disbanded without completing the guidance update in late 2008**
- **72.48 guidance update issue team decided to proceed**

# 72.48 Guidance Update History

- **First draft of revision to 72.48 guidance completed in mid-2009**
- **Intent was to create a separate guidance document via “appendectomy” and get NRC endorsement**
- **Focus was to be on improving guidance in:**
  - **Applicability Determination**
  - **Screening**
  - **Maintenance Rule**
  - **Improved recognition of 212 Report for licensees**
  - **Improved examples**
  - **Method of evaluation**

# 72.48 Guidance Update History

- **Guidance update stalled in 2010**
- **Some licensee users do not want the 72.48 guidance changed at all and believe enforcement actions are a training issue for CoC holders**
- **No industry consensus on whether 72.48 guidance should be submitted for NRC re-endorsement**
- **CoC holders continue to want the guidance updated, with NRC endorsement**
- **Other issues, e.g., top nozzle, re-directed industry resources**

# 72.48 Guidance Status and Path Forward

- **Re-assess the industry's need for improvements to 72.48 guidance**
  - **What are the OE and implementation concerns that demonstrate improvements are needed?**
- **Review the previous efforts to improve guidance**
  - **What changes should be kept, and which shouldn't?**
- **Determine how to make improvements**
  - **Separate document or companion document?**
  - **Licensee needs vs. CoC holders**
  - **NRC interaction/endorsement?**