

Status of Update to Guidance for Implementation of 10 CFR 72.48

Zita Martin

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Background

- 10 CFR 72.48 was revised effective April 2001 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

- Most definitions and language are identical between the 50.59 and 72.48 regulations
 - If regulations are identical, interpretation should be
 - Guidance for answering the eight 72.48 questions is essentially identical to 50.59 guidance
- 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

Industry Experience with 72.48

- Largely successful implementation of the revised rule
 - Licensees and CoC holders have successfully implemented hundreds of changes using the 72.48 process over 10 years
 - A small number of enforcement actions have occurred
- Issues and challenges identified
 - Application and interpretation of guidance is not consistent
 - Industry and NRC both identified potential improvements
- Consistent training for both Industry and NRC is essential for consistent implementation
- CoC holder 72.48 changes found by NRC not to be acceptable after significant time elapse cause compliance issues for licensees
- Method of evaluation is a common theme in the 72.48 enforcement actions seen over the past decade

Other Issues to be Addressed

- Better define the 72.212 Report as a licensing basis document and applicability of 72.48 to the document
- Address the fact that older versions of the cask FSAR may be the CLB for casks at the ISFSI
- Clarify applicability of 72.48 to maintenance
- Clarify when a 72.48 is considered “implemented”
- Clarify guidance applicability to CoC holders, licensees, or both
- Improve examples

72.48 Guidance Update Status

- Mar. 2011 – Public meeting to discuss 2007 effort that was discontinued
- Oct. 2011 – Industry completed internal evaluation and develop recommended path forward
 - Four main categories of issues to address
 - Unique aspects of Part 72 general license process not currently addressed
 - NRC/Industry interpretation of guidance is not consistent (e.g. method of evaluation)
 - Recent changes in 72.212 affect 72.48 guidance
 - Examples could be improved to enhance their value in interpreting guidance
 - Options considered: 1) do nothing, 2) revise and keep as appendix to NEI 96-07, 3) create a revised NEI document separate from NEI 96-07, 4) create a user's desktop guide, and 5) address through FAQ program

72.48 Guidance Path Forward

- Create new NEI document and update 72.48 guidance
- Essential conditions to successful guidance update
 - Where regulations are identical, 72.48 guidance must be consistent with 50.59 guidance, unless otherwise justified
 - Seek NRC endorsement of revised guidance
 - Appendix B to NEI 96-07 must remain active until new NEI guidance document is endorsed by NRC
 - Guidance needs to be consistent with statements of consideration for the rule
- Key issues for discussion
 - Obtaining NRC-Industry consensus on key concepts/topics
 - Method of evaluation
 - “Implementation” of a 72.48 change
 - Licensee “adoption” of CoC holder 72.48 changes
- Industry would like public meeting in 2011
 - Resolve key risks/roadblocks
 - Agree on path forward and conditions to success