



NUCLEAR ENERGY INSTITUTE

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Chief, Rules, Inspections and Operations Branch
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Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: Application of Guidance to Implement 10 CFR 72.48 (NEI 96-07 Appendix B) – Examples of Potential Realistic Activities Reviewed through the 72.48 Process

Project Code: 689

Dear Mr. Araguas:

At a Public Meeting on December 21, 2011, NRC and industry met to discuss industry's on-going efforts to update the NEI¹ guidance to implement 10 CFR 72.48 "Changes, Tests and Experiments." A significant part of this discussion centered on the need for additional clarity on the term "method of evaluation" (MOE). The industry's presentation included realistic examples of activities that might be proposed and reviewed by CoC holders and/or licensees through the 10 CFR 72.48 change control process in order to determine if NRC approval is required prior to carrying out the proposed activity. The NRC provided welcome feedback that the development of more detailed examples illustrating the appropriate review of these activities under 10 CFR 72.48 would be useful. Therefore, the purpose of this letter is to communicate the realistic examples that we have developed. Development of these examples also fits within a broader industry initiative to improve and update the guidance for implementing 10 CFR 72.48 described in NEI 96-07, Appendix B.

Industry has developed six (6) detailed examples, included in the attachments to this letter, and summarized in the first attachment to this letter. The intent of the detailed and realistic examples is

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

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to demonstrate how to appropriately review activities, using NEI 96-07 Appendix B, that might be proposed by CoC holders and/or licensees through the 10 CFR 72.48 change control process. Many examples are related to the topic of "method of evaluation," and others are related to a physical change to a system, structure or component (SSC). Each example includes a section describing how variations in the specific conditions would result in different conclusions from the 72.48 review. The set of realistic examples cover a wide range of technical disciplines, including criticality, thermal, structural, shielding and materials.

We are interested in again meeting with you and your staff to further discuss this topic. Since 10 CFR 50.59 and 10 CFR 72.48 serve essentially the same purpose but for different regulated activities, and the existing guidance documents to implement these regulations are nearly identical, we believe that a meeting would be more productive if industry and NRC experts on 10 CFR 50.59 also attend the meeting. We believe that a discussion with the intent to reach industry and NRC agreement on these examples would lead to their inclusion in an update to the 72.48 guidance. This would result in improved clarity and consistency in industry implementation of 10 CFR 72.48 and the NRC's review of the industry's programs to do so. We will be contacting your office to schedule a meeting.

Sincerely,



Marcus Nichol

Attachments

c: Brooke D. Poole, Esq., NMSS/DSFST, NRC
Mr. Douglas W. Weaver, NMSS/DSFST, NRC
Mr. Michael D. Waters, NMSS/DSFST/LB, NRC
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NEI 50.59 Task Force