

NEI 12-04, “Guidelines for 10 CFR 72.48 Implementation” Review Status

REG CON

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NEI Review Request

- Letter dated September 10, 2012, requested NRC review the industry guidance document for possible endorsement through the regulatory guide process
- SFM management decided that the review task should be assigned to 10 CFR 72.48 Task Group
- Task Group met in October to distribute NEI 12-04 and establish a tentative review schedule
- Task Group met with NEI and stakeholders in a December 2012 public meeting to discuss the NEI 12-04 review

Review Status

- SFM Task Group
 - Formally began meeting in January 2013 to review NEI 12-04
 - Issued the 1st Interim Response to the guidance document in September 2013
 - Currently has completed its comments for the 2nd Interim Response (In concurrence – early December)
 - Currently finalizing its comments on the Appendices to the guidance

1st Interim Response

- Staff believes the guidance in Section 2.2.3, 10 CFR 72.48 and the 212 Report, does not adequately captures staff guidance in NRC RIS 2012-05
- A definition of “Change” is exist in 10 CFR 72.48(a)(1), introducing a new definition would add ambiguity
- NEI draft guidance in Section 3.4, Adoption, proposed a definition of “Adoption” inconsistent with October 1999, SOC for final rule on 10 CFR 72.48

1st Interim Response (continued)

- NEI draft guidance in Section 4.7, Cask Design Modifications ... Adopted by a General Licensee, quotes the 1999 SOC, which is internally inconsistent with Section 3.4, regarding the need to perform a separate 72.48 to adopt a generic change
- Staff provided edits to Section 3.4, reflective of the previous bullet, and edits to Section 2.1.5, Miscellaneous Guidance, because it is cross-referenced in Section 3.4
- Staff's view is that the text of Section 3.14, Implementation of 72.48-Authorized Activity, needs to be clarified to distinguish the difference between implementation by a CoC holder and a licensee

1st Interim Response (continued)

- Staff identified text from a footnote in NEI 96-07, Appendix B, regarding screening, that was not included in Section 5.1.2, Screening for Adverse Effects, “Any change that alters a design basis limit for a fission product barrier – positively or negatively – is considered adverse and must be screened in.”
- Staff suggested edits to Section 5.1.2, because it states that all positive changes can be screened out, which is not consistent with the 1999 SOC
- Staff suggested that the order of Section 2 and Section 3 be reversed, so the definitions are presented earlier to improve readability, clarity, and implementation of the guidance document

2nd Interim Response

- Staff edits and comments from the 1st Interim Response need to be considered together with the 2nd Interim Response
- Staff comments do not capture every instance where comments may be applicable, therefore NEI should ensure that conforming changes are made throughout the entire NEI 12-04 document
- Although most of the edits and comments are on the new proposed guidance, some of the edits are intended to add clarity to existing text
- Task Group is currently reviewing the examples in the Appendices

2nd Interim Response (continued)

- Staff has determined that changes should be evaluated against all eight criteria.
- Staff addresses some concerns with Section 6.1, regarding the use of probabilistic risk assessments (PRA) in 72.48 evaluations
- Included with the response is Enclosure 1, the NRC Staff Position on Method of Evaluation Approval
- Enclosure 2 to the 2nd Interim Response is a redline strike-out version of NEI 12-04 and includes comments in the right-hand margin

Summary of Comments

- Task Group
 - Initially identified approximately 467 comments on the NEI 12-04 draft guidance document
 - Categorized the comments as process-related, technical, and editorial; with some comments crossing categories and some duplicates
 - Completed the comments on the guidance text and are currently finalizing the comments on the examples in Appendices A and B

Next Steps

- Issue 2nd Interim Response – target December 2014
- Issue the Final Response – Spring 2015
- Future meeting with NEI expected
- RES has been contacted about proposed Regulatory Guide process and schedule

References

- NEI 96-07, Appendix B, Guidelines for 10 CFR 72.48 Implementation (ML010670023)
- Regulatory Guide 3.72, “Guidance for Implementation of 10 CFR 72.48 Changes, Tests, and Experiments” (ML010710153)
- RIS 12-05, “Use of 10 CFR 72.212 Evaluations to Accept Conditions Outside of the FSAR Analysis” (ML113050537)
- NEI 12-04, Revision 0, “Guidelines for 10 CFR 72.48 Implementation” (ML12258A356)
- Interim Response to September 10, 2012, NEI Submittal, “Guidelines for 10 CFR 72.48 Implementation,” Revision 0 (ML13260A030)