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United States Nuclear Regulatory Commission

Protecting People and the Environment

10 CFR 71.95 Reporting

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2014 Regulatory Conference

November 20, 2014

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Presentation Outline

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Introduction

- NRC Safety Goal: Ensure adequate protection of public health and safety and the environment
- Strategic Outcomes for Safety:
  - Prevent the occurrence of any inadvertent criticality events
  - Prevent the occurrence of any acute radiation exposures resulting in fatalities
- 10 CFR 71.95 supports this goal and outcomes

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Regulatory Requirements

10 CFR 71.95

(a) **The licensee**, after requesting the **certificate holder's** input, shall submit a written report to the Commission of--

(1)…
(2)…
(3) Instances in which the **conditions of approval in the Certificate of Compliance were not observed in making a shipment**.

(b) **The licensee** shall submit a written report to the Commission of instances in which the **conditions in the certificate of compliance were not followed during a shipment.**

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Problem Statement

Certificate holder (10 CFR 71.4 definition): a person who has been issued a certificate of compliance or other package approval by the Commission.

Licensee (in general): holds NRC license to receive, possess, own, acquire, use, or transfer nuclear material.

Certificate holder may not be NRC licensee.

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Problem Statement

What if the "condition not followed" is not a result of operations (e.g. difference between licensed drawings and as-built package)?

- licensee can't reasonably be expected to identify nonconformance
  - historically, CoC holders identify such nonconformances
- licensee cannot correct nonconformance
  - only CoC holders can submit an amendment request to NRC

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Past Instances

Historically, the solution has been to stop shipments while an amendment to the CoC is reviewed by NRC:

NRC review verifies safety significance of discrepancies

Shipments resume when amended CoC drawings match as-built configuration

but:

Licensees still required to submit 71.95 reports for every nonconforming shipment

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Regulatory Deficiencies

10 CFR 71.95 Regulatory deficiencies:

- Lack of process clarity
- Many reports for same issue
  – added burden, no benefit
- No flexibility

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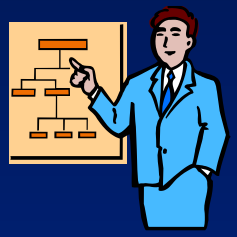
Possible Solution

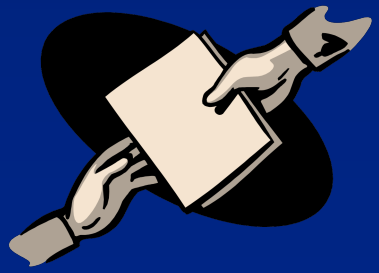
Goals for Possible Solution:



Improve process clarity

Eliminate unnecessary burden

<u>Maintain operational experience benefit</u>



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Possible Solution

Option: New regulatory language

- Reporting requirements established for CoC holders
- Complement current requirements
- Communication with stakeholders; possible generic communication or guidance

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Possible Solution

Possible guidance:

- CoC holder reports would be reviewed by NRC to assess safety significance
- Amendment request could be part of corrective actions
- If safety significant issue were found, oversight processes followed

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Key Messages

Key Messages:

- We want to know! No stakeholder should feel discouraged from providing NRC information
- NRC wants regulatory clarity, reliability and predictability
- Avoid 10 CFR 71.7

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Feedback

Thanks for your attention…

Your thoughts and ideas are welcome!