



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

REG CON

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L. Raynard Wharton, Senior Project Manager
Division of Spent Fuel Management, NMSS

Division of Spent Fuel Management
NMSS

NEI Review Request

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

SFM Review

- SFM Task Group
 - Formally began meeting in January 2013 to review NEI 12-04
 - Issued the 1st Interim Response to the guidance document on September 26, 2013
 - Issued 2nd Interim Response to NEI 12-04 on December 11, 2014
 - Issued Final Response to NEI 12-04 on April 24, 2015

1st Interim Response

- The draft guidance in the section on, 10 CFR 72.48 and the 212 Report, does not adequately capture staff guidance as expressed NRC RIS 2012-05
- The definition of “Change” exist in 10 CFR 72.48(a)(1), introducing a new definition would add to ambiguity
- The guidance proposes a definition for “Adoption” that is inconsistent with October 1999, SOC for final rule on 10 CFR 72.48
- The guidance on “Cask Design Modifications ... Adopted by a General Licensee,” quotes the 1999 SOC for the final rule on 10 CFR 72.48,, which is internally inconsistent with a previous section, regarding the need to perform a separate 72.48 to adopt a generic change

1st Interim Response (continued)

- Staff provided edits to address inconsistencies, reflective of adopting generic changes
- The section on Implementation of 72.48-Authorized Activity, needs to be clarified to distinguish the difference between implementation by a CoC holder and a licensee
- Staff identified text that was not included in the screening section (e.g., a screening footnote discussing a fission product barrier)

1st Interim Response (continued)

- Staff suggested edits to the section on Screening, because it states that all positive changes can be screened out, which is inconsistent with the 1999 SOC for the final rule on 10 CFR 72.48
- Staff suggested that NEI 12-04 guidance Section 2 and Section 3 be reversed, so the definitions are presented earlier in the document

2nd Interim Response

- Staff has determined that all 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

Final Response

- The staff continued to identify several references in both Appendices A and B where the eighth criterion of 72.48 was evaluated against for changes to the method of evaluation (MOE) *[the staff continues to interpret the regulation to mean that changes should be evaluated against all eight criteria]*
- The staff noticed that in several of the 72.48 evaluation questions, part of the 72.48 criteria (i) – (viii) was truncated, leaving off the “previously evaluated or as described in the FSAR (as updated)”
- NEI 12-04 examples rely heavily on specific facts (not always explicitly stated) in each example *[the staff cautions that different or additional facts may impact safety and require a license submittal]*

Final Response (continued)

- The staff identified additional examples that may be worth considering
 - Cask movement due to a beyond design-basis earthquake event, similar to what occurred at the North Anna Nuclear Power Station ISFSI
 - Differential settlement of a storage pad due to liquefaction and/or poor soil conditions
 - Increasing the number of casks on the ISFSI pad, beyond the maximum number of cask that the pad was originally designed to accommodate (to account for structural adequacy of the storage pad, changes in cask spacing, extra weight of additional casks, thermal impacts from changes in cask spacing)

NEI's Response

- NEI replied to the NRC's Final Response on May 29, 2015
- The reply proposed a public meeting to discuss an unresolved issue: the level of detail of information should be included in the licenses and CoC versus what information should be in the SARs and other licensee controlled documents

Next Steps

- Public meeting with NEI to discuss clarifying issues in NRC's responses – 1st quarter 2016
- Revised NEI 12-04 - 3rd quarter 2016
- NRC will continue working on the risk informed framework to inform overarching issues

References

- NEI 12-04, Revision 0, “Guidelines for 10 CFR 72.48 Implementation” – ML12258A356
- 1st Interim Response to NEI 12-04 – ML13260A030
- NEI’s 1st Reply to NRC – ML14084A209
- 2nd Interim Response to NEI 12-04 – ML14349A318
- Final Response to NEI 12-04 – ML15110A174
- NEI’s Reply Final Response to NRC – ML15162A374