

Regulatory Guide Periodic Review

RG Number: 3.72, Revision 0

Title: *Guidance for Implementation of Title 10 of the Code of Federal Regulations (10 CFR) 72.48, Changes, Tests, and Experiments*

Office/Division/Branch: NMSS/DSFM/IOB

Technical Lead: Raynard Wharton

Staff Action Decided: Reviewed with issues identified for future consideration

1. What are the known technical or regulatory issues with the current version of the Regulatory Guide (RG)?

RG 3.72, was issued in March 2001, to provide methods that are acceptable to the NRC staff for complying with the requirements in 10 CFR 72.48, "Changes, tests, and experiments."

The purpose of the guide is to ensure that licensees and holders of Certificates of Compliance (CoC): (1) evaluate proposed changes to their facilities or cask design for their effects on the licensing basis of the independent spent fuel storage installations (ISFSIs), cask design, or monitored retrieval storage installations (MRSs), as described in the final safety analysis report (FSAR), and (2) obtain prior NRC approval for changes that meet specified criteria as having a potential impact upon the basis for issuance of the license or CoC.

RG 3.72, endorses the Nuclear Energy Institute (NEI): NEI 96-07 Appendix B, "Guidelines for 10 CFR 50.59 Evaluations," (ADAMS accession number ML010670023) for the implementation of 10 CFR 50.59, "Changes, Tests, and Experiments." This guidance is still acceptable to the NRC staff.

NEI has revised and submitted to the NRC for its review and possible endorsement, NEI 12-04, Revision 0, "Guidelines for 10 CFR 72.48 Implementation." The proposed document includes improvements, clarifications, and simplifications that could be incorporated in RG 3.72. The staff has reviewed NEI 12-04, provided responses, and has identified several issues that need to be addressed by NEI before the NRC considers NEI 12-04 for endorsement.

2. What is the impact on internal and external stakeholders of not updating the RG for the known issues, in terms of anticipated numbers of licensing and inspection activities over the next several years?

The licensing and inspection activities will not be affected if the RG is not currently revised. If the proposed NEI guidance document (NEI 12-04) is

approved by the NRC staff then the RG could be revised to include more clear guidance for all affected licensees.

Applicants and licensees could voluntarily use the NEI guidance (NEI 12-04). It has not been decided by the staff if the change will increase or decrease license amendment applications.

3. **What is an estimate of the level of effort needed to address identified issues in terms of FTE and contractor resources?**

An estimate of the effort needed to correct the identified issues is between 0.10 full-time equivalent (FTE) and 0.20 FTE.

4. **Based on the answers to the questions above, what is the staff action for this RG (Reviewed with no issues identified, Reviewed with issues identified for future consideration, Revise, or Withdraw)?**

Reviewed with issues identified for future consideration.

5. **Provide a conceptual plan and timeframe to address the issues identified during the review.**

As discussed in Management Directive (MD) 6.6, "Regulatory Guides," the NRC periodically staff reviews RGs to ensure that these guides continue to provide useful guidance. The staff will consider the proposed revision to NEI 12-04, during the next review and recommend possible endorsement of the guidance document.

NOTE: This review was conducted in September 2016 and reflects the staff's plans as of that date. These plans are tentative and subject to change.