

10 CFR 72.48 Implementation Guidance

NEI 12-04 Endorsement

Brian Gutherman

for the

Nuclear Energy Institute

Meeting with NRC-DSFM

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Latest Developments

- NEI summarized Industry's position on 11 issues requiring alignment with NRC to move forward in August, 2016
- NRC letter of March 2017 provided responses to all 11 issues
- Alignment was reached on 10 of 11 issues with Industry action to revise the 12-04 guidance identified
- Industry understands NRC's position on generic approval of Methods of Evaluation (MOEs)

Method of Evaluation (MOE)

- There are two potential departures from an MOE described in the FSAR, either of which would require prior NRC approval:
 1. Change to an element of a method where the results are not essentially the same or conservative
 2. Use of another MOE that has not been approved by the NRC for the intended application
- Industry proposes clarifying the guidance to avoid ambiguity for users and the NRC

Fundamentals

- NRC approves cask designs and ISFSI licenses, but does not generically approve the MOEs described in the FSARs
- FSARs are approved documents and MOEs used in the safety analyses are summarized in the FSARs for the ISFSI or cask
- MOEs summarized in the FSAR are used to evaluate other changes, such as modifications and procedure changes
- Computer codes supporting those MOEs evolve over time and cask designers often wish to (or have to) use the latest code versions
- Cask designers have common equipment in different CoCs and in different amendments for the same CoC
- MOE guidance between 50.59 and 72.48 should be consistent
- Some CoC amendments do not involve review or use of MOEs (e.g., administrative changes)

Method of Evaluation

- NRC's 3/3/17 letter
 - In order for a different MOE than that described in an FSAR to be used, it must be generically approved by the NRC either:
 - via topical report, or
 - in response to a specific request “submitted as part of design approval applications”
 - NRC does not currently have adequate guidance and practice to review amendment applications requesting generic MOE approval
- There is still some confusion on the details, e.g., what does “generically approved” mean?

Generic Approval of MOE

It should be noted that the **NRC staff**, in reviewing dry cask storage designs, **historically has not generically approved methodologies referenced in FSARs for use by other licensees or vendors.** Instead it has made statements in its SERs, following the guidance in the Standard Review Plan that the design has been found to be acceptable in each review discipline area. **If, however, vendors or licensees choose to submit methodologies to the NRC for generic review and approval as part of applications for design approval or as separate topical reports, the staff will document NRC endorsement or approval in appropriate SERs.** Such endorsements or approval will facilitate vendors and licensees to use the 10 CFR 72.48 process that deals with approved methodologies. (Emphasis added).

Remaining MOE Issues

- FSAR descriptions of analysis methods
- Using FSAR-described MOEs used across amendments within a CoC or across CoCs (by the same CoC holder)
- Evaluating use of later releases or versions of previously used codes that are described in the FSAR

Path Forward

- Industry will revise NEI 12-04 to reflect the agreements on the 11 issues and most other editorial or administrative suggestions in the NRC comment letters
- Public meeting to discuss proposed changes to MOE guidance before 12-04 is re-submitted
- Industry would like to reach agreement on the content of 12-04 in 2017