

**Response to Public Comments on Draft Regulatory Guide (DG)-3054,  
“Guidance for Implementation of 10 CFR 72.48, Changes, Tests, and Experiments”  
Proposed Revision 1 of Regulatory Guide 3.72**

On June 2, 2020, the U.S. Nuclear Regulatory Commission (NRC) published a notice in the *Federal Register* (85 FR 33582) announcing that Draft Regulatory Guide (DG)-3054 (proposed Revision 1 of Regulatory Guide 3.72) was available for public comment. The public comment period closed on August 3, 2020 and the NRC staff received the following comments:

<b>Commenter Name</b>	<b>ADAMS Accession Number</b>	<b>Commenter Affiliation</b>
Ms. Leonore Cicconettii	ML20156A041	No Known Affiliation
Mr. Vittorio Blankley	ML20156A042	No Known Affiliation
Mr. Leonore Cicconettii	ML201564043	No Known Affiliation
Anonymous	ML20191A393	No Known Affiliation
Anonymous	ML20219A818	No Known Affiliation
Rod McCullum	ML20219A820	Nuclear Energy Institute, 1201 F Street, NW, Suite 1100 Washington, DC 20004 Telephone: (202) 739-8098 Email: rxm@nei.org

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No.	Commenter	Comment	NRC Resolution
1	Mr. Leonore Cicconettii	Agree	<p>The NRC accepted the comment, but no changes were made to the DG-3054 in response to this comment.</p> <p>There was no change made to the final regulatory guide in response to the comment.</p>
2	Mr. Vittorio Blankley	Agree	<p>The NRC accepted the comment, but no changes were made to the DG-3054 in response to this comment.</p> <p>There was no change made to the final regulatory guide in response to the comment.</p>
3	Mr. Leonore Cicconettii	Agree	<p>The NRC accepted the comment, but no changes were made to the DG-3054 in response to this comment.</p> <p>There was no change made to the final regulatory guide in response to the comment.</p>
4	Anonymous	NEI 12-04 Section 3.1.5.2, Reporting of Defects and Deficiencies - First Sentence - Need to add 72.242(d) to this section for reporting a design or fabrication deficiency.	<p>NEI 12-04, Rev. 2 at Section 3.1.5.2 did not include all applicable reporting requirements for CoC holders in the NRC’s regulations at 10 CFR 72.242(d). The NRC staff agrees with the commenter that 10 CFR 72.242(d) was omitted from Section 3.1.5.2 of NEI 12-04, “Reporting of Defects and Deficiencies.” 10 CFR 72.242(d) applies to Certificate of Compliance (CoC) Holders.</p> <p>NEI 12-04, Revision 2, Section 3.1.5.2, “Reporting of Defects and Deficiencies” incorrectly states:</p> <p><i>“Licensees and CoC holders are required to report certain defects or deficiencies in any spent fuel storage structure, system, or component to</i></p>

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			<p><i>the NRC in accordance with the reporting requirements in 10 CFR 72.75, and 10 CFR 21.”</i></p> <p>The NRC staff addressed the omission by including the requirement of 10 CFR 72.242(d) in a clarification in <i>Section C. Staff Regulatory Guidance</i> of the revised Regulatory Guide 3.72. The proposed clarification is as follows:</p> <p><b>Clarification</b> - NEI 12-04, Rev. 2 in Section 3.1.5.2 does not include all applicable reporting requirements for CoC holders. The NRC’s regulations at 10 CFR 72.242(d) also require that CoC holders submit a written report to the NRC within 30 days of the discovery of a design or fabrication deficiency in any spent fuel storage cask that has been delivered to a licensee and where the design or fabrication deficiency affects the ability of structures, systems and components important to safety to perform their intended safety function.</p> <p>NEI 12-04, Revision 2, Section 3.1.5.2, “Reporting of Defects and Deficiencies” should state:</p> <p><i>Licensees and CoC holders are required to report certain defects or deficiencies in any spent fuel storage structure, system, or component to the NRC in accordance with the reporting requirements in 10 CFR 72.75, 10 CFR 72.242(d), and 10 CFR 21.</i></p>

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5	Anonymous	<p>I have included Docket ID NRC-2020-0059 in my comment submission. But actually, my comment is a message to President Trump.</p> <p>Mr. President, you may not be aware of this, but a group called The Lincoln Project is making very disrespectful videos about you. For example, their latest video "Nationalist Geographic" refers to you as the Small Pawed Trump, Impotus Americanus! And it makes fun of your complexion, which is referred to as Norvell (a brand of spray tan). Not only that they've added 100 pounds to your weight. And they deliberately chose the most unflattering clips, for example your understandably cautious walk down that incredibly steep and slippery ramp at West Point. Can't something be done about this? I know that you are shutting down TikTok due to Sarah Cooper's disrespectful how to do President videos. Well these Lincoln Project videos are just as bad. Trust me, I watched Nationalist Geographic multiple times to make sure.</p>	<p>The subject and content of this comment does not pertain to DG-3054. There was no change made to the final regulatory guide in response to the comment</p>
6	Nuclear Energy Institute	<p>Nuclear Energy Institute (NEI) recommends that Exception Number 2 be re-characterized as a clarification and the following two paragraphs replace the second sentence of the exception (clarification) in DG-3054.</p> <p>Uncertainty plays a role in a variety of manners in various stages of a design's development. As part of the design's development, uncertainty is omnipresent. For example, the uncertainty or tolerances associated with canister shell material manufacture plays a role in the final selection of a specific steel thickness to ensure proper margins are maintained. Similarly, the uncertainty and bias associated with the variables modeled in a criticality analysis are inputs to that analysis. In both of these cases the final character of a safety analysis is influenced by these uncertainties. Such uncertainties are nominally</p>	<p>This Comment addresses NEI's statement in Revision 2:</p> <p><i>"Regarding the use of uncertainty in evaluation methods, NEI 12-04, Revision 2, Section 6.8.1, provides language that addresses the use of uncertainty as an element of a method when documenting a change under 10 CFR 72.48."</i></p> <p>The NRC staff agrees in part with these comments and revised exception number two (2) to clarify the staff's position in the Section C, Staff Regulatory Guidance of Regulatory Guide 3.72, Revision 2.</p>

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		<p>categorized as input parameters because they are part of the "physical characteristics of SSCs..."(NEI 12-04, Definition 2.15).</p> <p>As a proposed activity progresses to the phase requiring a 10 CFR 72.48 Evaluation, some of these uncertainties are treated as being a formal part of the MOE, while the remainder continue through the 10 CFR 72.48 Evaluation with their categorization as an input parameter unchanged. These remainders continue to play a role in the evaluation, but, again, are treated as input parameters.</p>	<p>The NRC staff accepts in part NEI's proposed clarifying paragraphs. The NRC staff revised the discussion of uncertainty of an element in a method of evaluation (MOE) to also account for input parameters, as described in definitions 2.15 and 2.17 of NEI 12-04, Revision 2. The NRC staff's clarification is as follows:</p> <p><b>Clarification</b> - The statement on uncertainty in Section 6.8.1 of NEI 12-04, Revision 2, could limit the use of uncertainty in an MOE to be considered only as an element. The NRC staff's position is that uncertainty in an MOE could either be an element or an input parameter, depending on the circumstances of specified factors to account for uncertainty in measurements or data. The NRC staff also notes that in some situations, an input parameter in an MOE can be considered an element of an MOE, if it meets the criteria for an input parameter being an element of an MOE. Sections 2.15 and 2.17 of NEI 12-04, Revision 2, provide additional guidance on those particular circumstances.</p>