



NUCLEAR ENERGY INSTITUTE

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Mr. E. William Brach
Director
Spent Fuel Project Office
U.S. Nuclear Regulatory Commission
Mail Stop O13 D13
Washington, DC 20555-0001

**SUBJECT: 10 CFR 72.48 Changes, Tests, and Experiments
Implementation and Use of Frequently Asked Questions
24-month Reporting Requirement**

Dear Mr. Brach:

The effective date for "10 CFR 72.48, Changes, Tests, and Experiments," was April 5, 2001. During the course of implementation there could be regulatory interpretations or guidance (NEI 96-07 Appendix B: Guidelines for 10 CFR 72.48 Implementations) that need clarification. NEI has established a Frequently Asked Questions (FAQs) process where the industry would propose a question along with a recommended response. FAQs that require a written response will be forwarded to the Spent Fuel Project Office (SFPO) for evaluation.

Attached for your review is a FAQ regarding the 24-month report that should contain a brief description of any changes, tests and experiments, including a summary of the evaluation of each. The industry's recommended response notes when the 24-month period should begin.

If you have any questions regarding this request please call Alan Nelson (202 739-8110) or by e-mail (apn@nei.org).

Sincerely,

Lynnette Hendricks

Enclosure

DO46
Rec'd from NMSS
on 06/19/01

Part 72.48 Implementation Frequently Asked Question *

March 30, 2001

Reporting Requirement

10 CFR 72.48 (d)(2)_____

NEI 96-07 App. B_____

(note applicable section)

Question for Clarification:

- (2) The licensee and certificate holder shall submit, as specified in § 72.4, a report containing a brief description of any changes, tests, and experiments, including a summary of the evaluation of each. A report shall be submitted at intervals not to exceed 24 months.

When does the 24-month period begin for?

- (1) Certificate of Compliance holder
- (2) General license
- (3) Site Specific License

Recommended Response:

- For general licensees and site specific licensees who have submitted an annual 72.48 report under the old 72.48 reporting requirement, the 24 month clock for the new reporting requirement would start on the date of the last 72.48 report prior to April 5, 2001.
- For general licensees and site specific licensees who had made 72.48 changes prior to April 5, 2001, but had not yet submitted their first annual 72.48 report under the old rule prior to April 5, 2001, the 24 month clock for the new reporting requirement would start on the date that the first 72.48 change was made.
- For general licensees, site specific licensees, and certificate holders who have not made 72.48 changes before April 5, 2001 (this would include ALL⁽¹⁾ certificate holders), the 24 month clock for the new reporting requirement would start on the date that the first 72.48 change is made (a change to the facility, cask design, or procedures, as described in the UFSAR).

* The effective date for "10 CFR 72.48, Changes, Tests, and Experiments," is April 5, 2001. During the course of implementation there may be regulatory interpretations or guidance (NEI 96-07 Appendix B: Guidelines for 10 CFR 72.48 Implementations) that might need clarification. NEI will establish FAQ's on the NEI Members Home Page (see key technical issues: 10 CFR 50.59 & Dry Storage). Once the FAQ has been forwarded to Alan Nelson (apn@nei.org) it will be peer reviewed by the Issue Task Force and forward to the NRC SFPO for review and comment and later posted as final.

Clarifying notes:

Report only those changes that have been implemented as of the cut-off date for the report and not those that have been approved but not implemented (they get reported in the next 24-month report).

For example, a CoC holder makes a change in accordance with the provisions of 10 CFR 72.48 but prior to incorporating the change into the fabrication process, decides the change is not economically viable and does not implement the change. In this case, the 72.48 would not be included in the annual report (it's been approved but not implemented). Only when the change is implemented would it be required to be included in the annual report.

Note 1: If a specific CoC includes a condition which allows implementation of changes without prior NRC approval under the old 72.48 rule, the specific reporting requirements of such changes to the NRC are governed by the CoC requirements until the condition has been deleted from the specific CoC via an amendment.