

NUCLEAR REGULATORY COMMISSION

[NRC-2012-0067]

**Japan Lessons-Learned Project Directorate Interim Staff Guidance JLD-ISG-2012-03;
Compliance with Order EA-12-051,
Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation**

AGENCY: Nuclear Regulatory Commission (NRC)

ACTION: Japan Lessons-Learned Project Directorate Interim Staff Guidance; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing the Final Japan Lessons-Learned Project Directorate (JLD) Interim Staff Guidance (ISG), JLD-ISG-2012-03, "Compliance with Order EA-12-051, Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12221A339). This JLD-ISG provides guidance and clarification to assist nuclear power reactors applicants and licensees with the identification of measures needed to comply with requirements to install enhanced spent fuel pool monitoring capability. These requirements are contained in Order EA-12-051, "Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation," (ADAMS Accession No. ML12054A679).

ADDRESSES: You may access information and comment submissions related to this document, which the NRC possesses and are publically available, by searching on <http://www.regulations.gov> under Docket ID **NRC-2012-0067**.

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2012-0067**. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; e-mail: Carol.Gallagher@nrc.gov.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**
You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The JLD-ISG-2012-03 is available under ADAMS Accession No. **ML12221A339**.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

- **NRC's Interim Staff Guidance Web Site:** Go to <http://www.nrc.gov/reading-rm/doc-collections/isg/japan-lessons-learned.html> and refer to JLD-ISG-2012-03.

FOR FURTHER INFORMATION CONTACT: Mrs. Lisa M. Regner, Japan Lessons-Learned Project Directorate, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1906; e-mail: Lisa.Regner@nrc.gov.

SUPPLEMENTARY INFORMATION:

II. Background Information

JLD-ISG-2012-03 is being issued to describe to the public methods acceptable to the Nuclear Regulatory Commission (NRC) staff for complying with Order EA-12-051, "Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation (Effective Immediately)" (Order EA-12-051), issued March 12, 2012. This ISG endorses with clarifications and exceptions, the methodologies described in the industry guidance document, Nuclear Energy Institute (NEI) 12-02, *Industry Guidance for Compliance with NRC Order EA-12-051, "To Modify Licenses with Regard to Reliable Spent Fuel Pool Instrumentation"* (NEI 12-02), Revision 1 (ADAMS Accession No. ML122400399). The ISG is not a substitute for the requirements in Order EA-12-051, and compliance with this ISG not required.

The NRC issued Order EA-12-051 following the NRC staff's evaluation of the earthquake and tsunami, and resulting nuclear accident, at the Fukushima Dai-ichi nuclear power plant in March 2011. Order EA-12-051 requires all licensees and construction permit (CP) holders to provide safety enhancements in the form of reliable spent fuel pool instrumentation for beyond-design-basis external events. Order EA-12-051 also specified that the NRC staff would issue final interim staff guidance in August 2012 to provide additional details on an acceptable approach for complying with Order EA-12-051.

Numerous public meetings were held to receive stakeholder input on the proposed requirement for spent fuel pool instrumentation enhancements prior to issuance of Order EA-12-051. Following issuance of Order EA-12-051, several more public meetings were held with representatives from the NEI task force and public stakeholders to discuss development of the guidance for compliance with Order EA-12-051. On June 7, 2012 (77 FR 33780), the NRC

requested public comments on draft JLD-ISG-12-03. The staff received comments from seven stakeholders, and these were considered in the development of the final JLD-ISG-12-03. The questions, comments and staff resolutions of those comments are contained in “NRC Responses to Public Comments,” for JLD-ISG-2012-03, which can be found in ADAMS at Accession No. ML122221A319.

BACKFITTING AND ISSUE FINALITY:

This ISG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” of 10 CFR. This ISG provides guidance on an acceptable method for implementing the requirements contained in Order EA-12-051, which was issued under an administrative exemption to the backfit rule and the issue finality requirements in 10 CFR 52.63 and 10 CFR Part 52, Appendix D, Paragraph VIII. Applicants and licensees may voluntarily use the guidance in JLD-ISG-2012-03 to demonstrate compliance with Order EA-12-051. Methods or solutions that differ from those described in this ISG may be deemed acceptable if they provide sufficient basis and information for the NRC staff to verify that the proposed alternative demonstrates compliance with Order EA-12-051.

CONGRESSIONAL REVIEW ACT

This interim staff guidance is a rule as designated in the Congressional Review Act (5 U.S.C. 801-808). OMB has found that this is not a major rule in accordance with the Congressional Review Act.

Dated at Rockville, Maryland, this 29th day of August 2012.

FOR THE NUCLEAR REGULATORY COMMISSION.

/RA/

John D. Monninger, Associate Director
Japan Lessons-Learned Project Directorate
Office of Nuclear Reactor Regulation

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OFFICE	NRR/JLD/PMB	NRR/DORL/LA	NRR/JLD/PMB	OGC/NLO*	NRR/JLD
NAME	LRegner	SRohrer	MMitchell	CSafford (MLemoncelli for)	JMonninger
DATE	08/23/2012	08/22/2012	08/28/2012	08/28/2012	08/29/2012

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