

August 22, 2018

Rodney J. McCullum,
Senior Director, Used Fuel
and Decommission Programs
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION COMMENTS ON NUCLEAR
ENERGY INSTITUTE 12-04 "GUIDELINES FOR TITLE 10 OF THE *CODE OF
FEDERAL REGULATIONS* 72.48 IMPLEMENTATION," REVISION 1

Dear Mr. McCullum:

The U.S. Nuclear Regulatory Commission (NRC) staff completed its review of the industry guidance document submitted by Nuclear Energy Institute (NEI) entitled NEI 12-04, "Guidelines for 10 CFR 72.48 Implementation," Revision 1, dated March 5, 2018 (Agencywide Document Access Management System (ADAMS) Accession No. ML18068A605).

The NRC staff issued its response to NEI 12-04, Revision 1, Draft A, by letter dated November 30, 2017 (ADAMS Accession No. ML17335A029), and conducted a public meeting with NEI representatives and stakeholders on December 18, 2017. The meeting summary dated January 31, 2018, is available in ADAMS under Accession No. ML18032A008. Based on the results of the public meeting, NEI submitted Revision 1 to NEI 12-04.

The staff reviewed the guidance document and identified three issues. The first issue addresses the deletion of text in Section 6.8.2.2, "Statements of Consideration," specifically the renumbering of Section 6.8.2.3 was inadvertently omitted. After Section 6.8.2.2, the document skips to Section 6.8.2.4, "Additional Considerations."

The second issue addresses accounting for uncertainty in 10 CFR 72.48 evaluation analysis. This subject was discussed in the December 2017 meeting and NEI added language to Section 6.8.1, "Guidance for Changing One or More Elements of a Method of Evaluation (MOE)." This addition implies that evaluation of analysis uncertainty only is applicable if it is addressed in a MOE and is considered an element of a method. A staff regulatory guidance position will be developed in a regulatory guide to reflect that a method's uncertainty, whether originally documented in the final safety analysis report or not, is to be addressed in the 10 CFR 72.48 evaluation analysis.

The third issue addresses maintaining both appendices (Appendix A, "Examples for Individual Guidance Subsections," and Appendix B, "Examples of 10 CFR 72.48 reviews of Realistic Activities") in the guidance document with a note stating that NEI is not seeking NRC endorsement of these appendices. The staff requested removal of the appendices from the guidance document in its November 30, 2017, response. The NRC management and staff are open to further discussion on this issue at NEI's request.

The NRC has initiated work on the Draft Regulatory Guide (DG) that proposes NRC endorsement of NEI 12-04. This process includes briefing the Advisory Committee for Reactor Safeguards (ACRS) and a 90-day public comment period expected to occur in late 2018/early 2019. Once the public's comments are addressed and the ACRS recommendations are considered, the regulatory guide will go through a final review and is expected to be finalized by late September 2019.

If you have any questions regarding the staff review, please contact Raynard Wharton at (301) 415-7497.

Sincerely,

/RA/

Patricia A. Silva, Chief
Inspections and Operations Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

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