

Industry Proposal on Part 72 CoC and Technical Specification Contents

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Background

- **Industry effort initiated in 1998 to create a standard TS template for storage cask TS**
- **Proposed cask STS submitted to NRC
October 1999**
- **NRC and industry interact; 2 meetings held
in first half of 2000**
- **NUREG-1745 issued June 2001**

NUREG-1745

- Provides a template for cask TS
- Certain aspects of NUREG-1745 found to be unusable
- No criteria included for what belongs in cask TS vs. what resides in cask FSAR
- Cask TS and other CoC content continues to be negotiated with individual reviewers
- Limited in its usefulness to CoC holders

Current Status

- **NUREG-1536 draft revision includes guidance to NRC reviewers to include in TS what is “important” in several locations**
 - **“Important” is subjective and reviewer-specific**
- **Inappropriate and unnecessary items sometimes requested to be included in CoC**
- **Inconsistencies across CoCs or vendors**
- **Some TS appear to be included simply to prevent 72.48 changes**

Problems Created

- **The specific wording of CoC/TS requirements is essential to demonstrate compliance**
 - **Should not use subjective terms such as “approximate” or “nominal”**
- **Unnecessary CoC/TS requirements dilute safety focus**

Problems Created (cont'd)

- **Unnecessarily restricts licensee and CoC holder flexibility to make reasonable changes under 72.48**
- **Creates need for amendments and exemptions for non-safety-significant issues**
 - **Schedule impact**
- **Creates unnecessary additional CoC items to be verified and documented**

Background from 50.36 Final Rule 60 FR 36953 (1995)

- “Technical specifications cannot be changed by licensees without prior NRC approval. However, since 1969, there has been a trend toward including in technical specifications not only those requirements derived from the analyses and evaluation in the safety analysis report but also essentially all other Commission requirements governing the operation of nuclear power reactors. **This extensive use of technical specifications was due in part to a lack of well-defined criteria (in either the body of the rule or in some other regulatory document) for what should be included in technical specifications.** Since 1969, this use has contributed to the volume of technical specifications and to the several-fold increase in the number of license amendment applications to effect changes to the technical specifications. **It has diverted both NRC staff and licensee attention from the more important requirements in these documents to the extent that it has resulted in an adverse but unquantifiable impact on safety.”**

Initial Thoughts

- **FSAR is enforceable**
- **CoC holders and licensees comply with the cask FSAR to the same degree as the CoC**
 - **CoC/TS changes require prior NRC approval**
 - **FSAR changes require 72.48 review**
 - **FSAR change without a 72.48 review violates the regulations**

Initial Thoughts

- **Would resolution of this issue benefit from a Commission policy statement (akin to Part 50)?**
 - **Can we apply the Part 50 policy statement?**
- **Is rulemaking appropriate?**
- **The Part 50 TS policy statement and 50.36 are good examples to inform the process**
- **Certain items unique to Part 72 may require unique approach; e.g., proprietary neutron absorber material manufacturing**

Short Term Actions

- **NRC and CoC holders need to ensure verbatim compliance can be demonstrated with all new TS before issuing CoCs and amendments**

Long Term Actions

- **NRC and industry should work together to create criteria for cask TS**
- **Focus must be on:**
 - Preserving the safety analyses in the cask licensing basis
 - Protection of public health and safety
 - Ability to verify compliance
 - Comparative risk viz. reactor operation