

USED FUEL STORAGE AND TRANSPORTATION ISSUE SUMMARY FORM

Issue Number: I-10-03 Revision: 0

I. Problem Statement (Provide a clear, concise description of the issue. Use continuation sheet as required.)

NEI 96-07, Appendix B provides guidance to the industry on implementing the requirements of 10 CFR 72.48. The NRC endorsed this guidance in Regulatory Guide 3.72. After nearly nine years using the rule and several enforcement actions, the guidance needs to be updated to reflect lessons learned and to include improvements in areas unique to Part 72 licensees and CoC holders, where the 50.59 guidance that provided the framework for the current 72.48 guidance is silent.

II. Screening Criteria (Provide an explanation as to how the issue meets each of the screening criteria to be considered for generic issue resolution. Use continuation sheet as required.)

1. **Does the proposed issue involve spent fuel storage or transportation and affect multiple 10 CFR 71 or 10 CFR 72 regulated entities?** Yes. Essentially all Part 72 licensees and CoC holders use NEI 96-07, Appendix B as the basis for their 10 CFR 72.48 implementation programs.
2. **Why does the proposed issue warrant generic resolution?** The guidance itself is generic and broadly used by industry for implementation of the rule and by NRC for inspection and enforcement.
3. **Why does the issue warrant engagement between the industry and NRC?** Industry desires NRC endorsement of the revised guidance. Engagement of the NRC in the form of reviewing and commenting on the guidance will minimize or eliminate exceptions the NRC would need to take in endorsing the guidance and will provide clarification for the NRC's inspection procedures.
4. **Why is the issue not already adequately covered by another process?** NRC endorsement of this industry guidance is not a formally identified work activity. This protocol is being used to identify the issue and allow NRC to dedicate resources to support reviewing and providing comments on the draft guidance and ultimately endorsing the revised guidance.
5. **What tangible benefits will generic resolution of the issue produce?** The revised guidance will clarify certain areas of disagreement or differences in interpretation of the 72.48 rule and its implementation. This clarification is expected to help licensees correctly implement the rule and reduce the number of enforcement issues that arise in the future.

III. Success Criteria (Describe the criteria to be used to define success for resolving this issue. Use continuation sheet as required.)

1. Industry issues draft revised 72.48 implementation guidance via NEI report.
2. NRC commits to formally endorse the guidance via Regulatory Guide.

POC: Are all screening criteria satisfied? Yes _____ No _____

IV. Concurrence (Issues accepted for evaluation require concurrence by NEI and NRC)

For Industry: _____
Print/Sign Date

For NRC: _____
Print/Sign Date

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V. Closeout (Summarize the reason for rejecting the issue or the satisfaction of the success criteria and the process(es) to be used to resolve the issue)

Closeout Summary

DRAFT

Print/Sign

Date