

# USED FUEL STORAGE AND TRANSPORTATION ISSUE SUMMARY FORM

Issue Number: I-10-05 Revision: 0

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

10 CFR 72 Certificates of Compliance (CoCs) are required to contain terms, conditions, and specifications (TCSs) that cannot be changed thereafter without prior NRC review and approval. These TCSs generally take the form of conditions for use, technical specifications (TS), approved contents, and design features. The content of CoCs has expanded over time. The current TS guidance in NUREG-1745 and 10 CFR 72 do not contain specific criteria for establishing CoC content. Without an NRC policy and/or selection criteria, many items in the CoC are being determined uniquely during reviews of individual CoC amendment requests, which results in inconsistencies in content across different CoCs and across amendments to the same CoC.

## 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. All Part 72 CoCs are required to contain terms, conditions, and specifications.
- 2. Why does the proposed issue warrant generic resolution?** The terms, specifications and conditions across the several Part 72 CoCs vary and, in many cases, are determined uniquely during the review of CoC amendment requests. A generic resolution would set down common criteria for all CoCs to be used in the review of applications.
- 3. Why does the issue warrant engagement between the industry and NRC?** The NRC controls the content of the CoCs. In addition, NRC staff and licensee attention should be focused on ensuring the TCSs of a CoC have a direct nexus to public health and safety. The expansion of CoC content without appropriate criteria to provide a safety focus could lead to an adverse but unquantifiable impact on safety and cause Industry and NRC resources to be spent on non-safety significant matters.
- 4. Why is the issue not already adequately covered by another process?** 10 CFR 72 contains no regulatory requirements for CoC TS and is vague with respect to the other required information in CoCs. In addition, there is no written NRC policy or selection criteria for Part 72 CoC TS similar to the criteria in 10 CFR 50.36 for plant TS (which was promulgated in 1993 to address a similar issue).
- 5. What tangible benefits will generic resolution of the issue produce?** CoC holders and NRC staff reviewers will have a clear policy and/or criteria to use in determining the content of CoCs that may be consistently used with all CoCs. The number of RAIs related to CoC content will be reduced.

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

1. Development of a clear set of criteria for inclusion of items in a CoC can be articulated to all stakeholders.
2. Determine whether an NRC policy statement and/or rulemaking is appropriate for CoC content.
3. Revise or replace NUREG-1745.

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 \_\_\_\_\_