NEI 10-03, Revision 0

USED FUEL STORAGE AND TRANSPORTATION ISSUE RESOLUTION PROTOCOL

A Methodology for Resolving Issues with Generic Implications

April 2010

NEI 10-03, Revision 0

Nuclear Energy Institute

USED FUEL STORAGE AND TRANSPORTATION ISSUE RESOLUTION PROTOCOL

A Methodology for Resolving Issues with Generic Implications

April 2010

Nuclear Energy Institute, 1776 I Street N. W., Suite 400, Washington D.C. (202.739.8000)

ACKNOWLEDGEMENTS

NEI acknowledges the assistance of the Dry Storage Task Force (DSTF) in preparing this document.

NOTICE

ABSTRACT

This guideline describes a protocol that may be used by industry and the Nuclear Regulatory Commission (NRC) staff in the Division of Spent Fuel Storage and Transportation to evaluate and close out selected generic issues. It includes five phases, briefly summarized below and discussed in more detail in the body of this document:

1. **Identification Phase** – Any individual or group from Industry or NRC identifies a potential issue for generic resolution.
2. **Screening Phase** – The issue is screened for acceptance using this generic resolution protocol based on specific criteria. Those issues that do not meet the screening criteria are rejected and closed. Those issues that screen in move to the Planning phase.
3. **Planning Phase** – The actions required to resolve the issue are documented, assigned to responsible parties, and scheduled.
4. **Implementation Phase** – The tasks identified in the planning phase are executed and a final resolution is agreed upon between Industry and the NRC.
5. **Closure Phase** – The issue is closed and the resolution documented based on the results of the implementation phase. Closure is documented.

TABLE OF CONTENTS

USED FUEL STORAGE AND TRANSPORTATION ISSUE RESOLUTION PROTOCOL

1 OBJECTIVES

The Nuclear Energy Institute (NEI) has developed this issue resolution protocol to govern the identification, screening, evaluation, resolution, and closeout of used fuel storage and transportation regulatory issues that affect multiple 10 CFR 71[1] and/or 10 CFR 72[2] regulated entities. For 10 CFR 71, this protocol is limited to used fuel transportation regulated entities.

The objectives of the protocol are to:

- Provide a structure to consistently identify, screen, and resolve generic used fuel storage and transportation regulatory issues that could benefit from Industry-NRC interaction.
- Determine the relevant regulatory and technical requirements and associated guidance (i.e., the "regulatory baseline").
- Specify the criteria that define resolution of the issue (i.e., the "success criteria").
- Resolve the issue in a timely manner with an efficient use of resources.
- Ensure the durability of issue closure.
- Measure the success of the resolution protocol for individual issues and overall.

To achieve these objectives, the protocol calls for NRC and industry to clarify the detailed regulatory baseline early in the life of an issue. In the context of the protocol the *regulatory baseline* is comprised of a *licensing basis* and a *technical basis*. The licensing basis is the detailed set of formal requirements (i.e., laws, regulations, licenses, CoCs, and orders), including documented interpretations and applicable staff positions, with which a licensee or CoC holder must comply. The technical basis (which can also include discussion of the licensing basis) is the detailed set of guidance documents (e.g., codes and standards, Regulatory Guides, NUREGs, Standard Review Plan, generic correspondence, industry initiatives, etc.) that provide the procedures, methods, and other tools for confirming compliance with the licensing basis.

Once the regulatory baseline has been determined, the protocol calls for NRC and industry to schedule public meetings to discuss the details of the issue and decide whether or not to use the protocol to resolve the issue. If the issue is not to be resolved using the protocol, the reason(s) for not using the protocol are documented. For issues to be resolved using the protocol, the issue team develops a mutually acceptable resolution plan that meets the success criteria and ultimately achieves final issue closure. The documentation associated with the protocol and its implementation by licensees, CoC holders, and the NRC staff provides a retrievable record for use in future activities.

[1] Title 10, Code of Federal Regulations, Part 71, "Packaging and Transportation of Radioactive Material."

[2] Title 10, Code of Federal Regulations, Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High Level Radioactive Waste, and Reactor Related Greater Than Class C Waste."

2 ISSUE RESOLUTION PROTOCOL

The used fuel storage and transportation (UFST) issue resolution protocol provides a framework for managing the timely evaluation and resolution of regulatory issues with generic implications, i.e., regulatory issues that apply to multiple entities subject to the regulations in 10 CFR 71 and/or 10 CFR 72. The protocol includes an Issue Screening Form, an Issue Planning Form, an Issue Closure Form, and implementation and recordkeeping guidelines. Issues within the scope of the protocol apply to multiple regulated entities and warrant further evaluation, including Industry-NRC interaction, to determine and implement the optimum resolution. The protocol recognizes that the NRC must follow applicable agency processes for entering into any binding agreements.

The protocol is not a new regulatory process. It is a framework for communication and for using existing processes, as appropriate, to ultimately resolve issues. For issues mutually agreed upon by industry and the NRC for generic resolution, this protocol bridges the gap between issue identification and final resolution, where an approach to addressing an issue or the particular existing regulatory process or processes to be used for final resolution is not readily apparent. Regardless of who identifies or proposes an issue, all resolution paths should point to achieving industry and/or NRC commitment to implementing actions and solutions determined by this resolution protocol. Industry and/or NRC can own actions in the implementation phase.

NRC acceptance of the resolution plan for any issue is not formal or official and indicates NRC is aware of, and will in good faith work on resolving the issue in accordance with the plan. Industry acknowledges that NRC may deviate from an issue resolution plan based on new information. As the regulator, NRC is duty-bound to take whatever actions they deem necessary to achieve safety and security, which may or may not include entering into a resolution path that Industry proposes for a given issue. This protocol does not, in any way, limit the NRC's regulatory options should new information come to light that would change the safety significance or urgency of an issue from that used as the basis for NRC initially agreeing to using this protocol or agreeing to the proposed resolution plan or success criteria.

The protocol includes the creation of a fully developed, concise problem statement and success criteria for each issue, the preparation and execution of an issue resolution plan, and documentation of issue closure with a reasonable degree of finality. "Resolution" in the context of this protocol may or may not be the final resolution of the issue itself, but could constitute entry of the issue into an existing regulatory process that will ultimately resolve the issue as a future work activity by industry and/or NRC. For instance, an issue moving through this resolution protocol may be considered "resolved" when an agreement is reached for industry to develop generic guidance that the NRC will review and may endorse fully or partially, at their discretion. Development and endorsement of that guidance would be normal work activities conducted outside of this protocol and tracked by Industry to completion. In any case, an existing process is expected to be used for final closure of an issue.

It is recognized that standard project management tools are expected to be followed with any issue resolution. However, there are some issues that arise out of various programs and inspections that cross over several programs, disciplines, departments, etc. These issues rise to a

level that resolution is best accomplished by multi-discipline teams of technical and licensing experts across both the NRC and the industry. Both Industry and NRC understand that resolutions to issues are based upon the statutes, regulations, and other information available at the time of resolution. Statutes and regulations may change in the future and other information may emerge that affects the resolution retrospectively. Those situations will be addressed, as necessary, on a case-specific basis.

NOTE: Use of the UFST issue resolution protocol is not a replacement for taking immediate action as necessary to address nuclear safety or compliance matters, and does not alleviate the responsibility of licensees and CoC holders to comply with all applicable regulatory requirements.

2.1 PRINCIPLES

The principles underlying the identification, evaluation, and resolution of issues within this protocol are provided below.

1. NRC/industry documenting of a problem statement that addresses:

    a) Safety and risk significance
    b) Key terms and definitions
    c) The licensing basis and technical basis for evaluation and close-out
    d) The scope of applicability, i.e., the organizations expected to implement the results of the evaluation

2. NRC/industry staying the course to completion:

    a) Track and manage new information or issues that emerge during any phase of the protocol
    b) Document NRC staff positions and Industry commitments
    c) Take actions to achieve final issue resolution, such as revising Industry and/or NRC guidance documents in a time frame commensurate with the issue's importance compared to other work priorities.
    d) Develop a communications plan for timely distribution of pertinent information to affected organizations

3. Industry and NRC agree on the actions required for final resolution. If agreement cannot be reached on the required actions, the issue is elevated to the respective organizations' management for determination as to whether the issue still will be resolved using the protocol. If yes, Industry and NRC continue working until agreement on the actions is achieved. If no, the issue is closed and the reason for closure documented on the Issue Closure Form.

4. Durable guidance is issued.

5. Success of the process is measured for each issue and for the protocol overall.

2.2 PHASES

The UFST issue resolution protocol has four phases, which are summarized below. The action required to implement each phase are described in detail in the subsections that follow.

1. **Identification** – Any individual or group from industry or the NRC formally identifies a potential issue for generic resolution by completing the Problem Statement and Background Information portions of the Issue Screening Form (Appendix A, Section I). The identifying individual may also suggest responses to the screening criteria questions and success criteria. Ownership of the issue is by the identifying organization, which now owns the issue until closeout. NEI maintains a tracking log for all formally identified issues.

2. **Screening** – The issue owner organization point-of-contact (POC), or designee,[3] completes the screening criteria section of the Issue Screening Form and either rejects the issue or preliminarily accepts it and proposes success criteria to resolve the issue. If the issue is rejected, the Issue Closure Form (Appendix E) is used to document closure. If the issue is preliminarily accepted, the Issue Screening Form is forwarded to the opposite organization for review and comment (e.g., NRC-owned issues are sent to industry, represented by NEI). Industry and the NRC interact to reach final acceptance or rejection of the issue. If the issue is rejected, the Issue Closure Form is used to document closure. If the issue is accepted, the issue moves to the Planning phase.

3. **Planning** – Industry and the NRC assign resources for each issue, including an issue team leader from each organization to facilitate communication. An issue resolution plan is developed and documented on the Issue Resolution Plan Form (Appendix C), which is maintained by the issue owner organization and shared with the opposite organization. When the issue resolution plan is complete, the issue moves to the Implementation phase.

4. **Implementation** – The issue resolution plan is executed in accordance with the task assignments and dates documented on the Issue Resolution Plan Form. The Issue Resolution Plan Form is updated as necessary to reflect new information arising during implementation.

5. **Closure** - The issue owner organization documents closure on the Issue Closure Form (Appendix E) defining how the success criteria were met and what existing regulatory process or processes will provide final resolution, (e.g., NRC rulemaking, NRC guidance, licensee or CoC holder amendment requests, etc.) or why the issue was closed for other reasons (i.e., a change in circumstances).

[3] Hereafter, "POC" means the point of contact or designee.

2.2.1 Identification Phase

1. An individual or group identifies a potential issue and, at a minimum, someone from that organization fills out the Problem Statement and Background Information in Section I of the Issue Screening Form (Appendix A). The identifier should also provide a short title for the issue. The identifier may attempt to answer the screening criteria questions and suggest success criteria, but is not required to do so to identify a potential issue for resolution using the protocol. The problem statement should be fully developed and *succinctly* address the regulatory concern, generic applicability, and refer to relevant supporting documents (see Appendix B for additional guidance).

2. The POC of the identifying organization obtains an issue number from the NEI POC and enters it in the appropriate location on the Issue Screening Form and provides a short title for the issue, if not already provided. The issue numbers are assigned as X-YY-ZZ, where:

   X = "N" for NRC-identified issues or "I" for industry-identified issues
   YY = The year the issue is identified, e.g., "10" for 2010
   ZZ = The numeric identifier

3. The form is forwarded to the identifying organization's POC for the Screening phase. The NEI log status is updated to indicate that the issue is in the Screening phase and the date.

2.2.2 Screening Phase

1. The POC answers each of the screening criteria questions in Section II of the Issue Screening Form, and makes a determination as to whether the issue satisfies all screening criteria. Satisfaction of all screening criteria means the first four questions are answered "yes" and the fifth question is answered "no." See Appendix B for additional guidance on answering the questions, including use of appropriate technical and regulatory expertise. Two outcomes are possible in the initial part of the Screening phase:

   a) If any screening criteria for generic resolution are considered *not* satisfied by the POC, "NA" is entered in Section III of the Issue Screening Form, and the reason(s) for closure are summarized in the Issue Closure Form (Appendix E). A date is entered on the Issue Closure Form and the issue is considered closed. The date on the Issue Screening Form is left blank. The Issue Screening Form and Issue Closure Form are returned to the identifying individual. Copies of the forms are retained for future reference by the identifying organization, copies of the forms are sent to the non-identifying organization's POC, and the issue is considered closed. The NEI log status is updated to indicate closure of the issue and the date of closure. NEI maintains readily retrievable copies of the Issue

Screening Form and Issue Closure Form.

b) If all screening criteria for generic resolution using the protocol *are* considered to be satisfied by the POC, the issue is preliminarily accepted. The issue owner POC proposes success criteria for resolving the issue in Section III of the Issue Screening Form. Success criteria should be tied to moving issues to an already existing process. The Issue Screening Form is forwarded to the non-identifying organization's POC for review and comment. The NEI log status is updated to indicate that the issue is in review by the non-owner organization and the date.

2. The NRC and industry interact as necessary to reach mutual agreement on the problem statement, background information, and the answers to the screening criteria questions. Two outcomes are possible in the final Screening phase:

a) If mutual agreement cannot be reached that the issue satisfies all screening criteria, the issue is rejected and not resolved using this protocol. The reasons for rejection are summarized on the Issue Closure Form and a closure date is entered on the Issue Closure Form. The Issue Screening Form and Issue Closure Form are returned to the identifying individual. Copies of the forms are sent to the non-identifying organization's POC, copies of the forms are retained for future reference by the identifying organization, and the issue is considered closed. The NEI log is updated to indicate closure of the issue and the date. NEI maintains readily retrievable copies of the Issue Screening Form and Issue Closure Form.

b) If Industry and NRC agree that all screening criteria are satisfied for generic resolution involving NRC interaction, the issue is accepted as an issue to be resolved generically using this protocol. Industry and NRC agree on final problem statement wording, background information, responses to the screening criteria questions, and success criteria. A date is entered in Section IV of the Issue Screening Form and the issue moves to the planning phase. The final Issue Screening Form is retained by NEI with a copy provided to the NRC. The NEI log status is updated to indicate the issue is in the Planning phase and the date.

2.2.3 Planning Phase

1. The Planning phase begins when a date is entered on the Issue Screening Form. In developing the Issue Resolution Plan, Industry and NRC must agree to the time frame in which the resources will be available to work on the issue. The goal is to resolve issue in a relatively short time frame. Industry and NRC form separate issue teams, each comprised of regulatory and technical specialists, and an issue team leader.

2. The issue team leader from the identifying organization owns the issue. The issue owner team leader develops an issue resolution plan documented on the Issue Resolution Plan Form (Appendix C) shortly after the issue is accepted for resolution using the protocol. The issue resolution plan is an appropriately detailed plan that describes how to achieve the success criteria outlined on the Issue Screening Form.

The level of detail in the issue resolution plan should be commensurate with the complexity of the issue. The focus of the issue resolution plan is on the tasks to be performed and NRC-Industry interactions required (i.e. a guide for the work to be done) rather than an exhaustive discussion of the issue itself. The schedule for completion of tasks should reflect a reasonably short time frame for resolution, with due consideration of the urgency, complexity, and priority of the issue, and the availability of both Industry and NRC resources. For instance, an issue requiring a research program may take years to resolve while an issue requiring NRC to provide an interpretation of their regulations or guidance may only take weeks or months.

3. A goal of resolving issues using this protocol is that the NRC and regulated entities can and will implement the agreed-upon resolution. To that end, the "generic" nature of the resolution may necessarily have to stop at a certain point beyond which the implementation must necessarily be site-, license-, or CoC-specific. Thus, the resolution should be "generic" in the sense that all affected regulated entities can use it with variations only driven by differences in specific conditions affecting a particular site, license or CoC.

4. The issue resolution plan is executed in accordance with the schedule contained in the plan. The schedule may change based on the emergence of new information that changes the safety significance or urgency of an issue, as determined by the NRC. Interactions, including public meetings, between NRC and Industry are conducted to discuss the issue and move toward resolution. It is expected that the issue resolution plan documented on the Issue Resolution Plan Form (Appendix C) will be completed at the first public meeting following the screening phase.

5. When the issue resolution plan is finalized, the issue moves to the implementation phase. The NEI log status is updated to indicate the issue is in the implementation phase and the date.

2.2.4 Implementation Phase

1. Industry and NRC execute the issue resolution plan, interacting as necessary in a transparent manner consistent with NRC protocols for public participation in interactions between the regulator and regulated entities. The issue owner team leader maintains the plan throughout the implementation phase. The issue resolution plan and/or another status document may be published and revised periodically to update the tasks and/or schedule, as appropriate, to indicate progress toward resolution.

2. After all tasks are completed, the implementation phase produces a resolution that ultimately involves the production of durable guidance produced from an existing process. For example, the NRC may agree to develop a generic communication such as a Regulatory Issue Summary, or Industry may agree to develop a guidance document through NEI. An issue is considered resolved when agreements are reached and commitments made to: 1) resolve the issue through documenting the agreements and commitments on the Issue Closure Form (Appendix E), and 2) take

a. Rulemaking
b. NRC policy statement or staff position
c. New or revised NRC inspection procedure
d. New or revised NRC guidance (e.g., Regulatory Guide, Standard Review Plan)
e. New or revised NEI guidance endorsed by NRC
f. CoC holder amendment requests or SAR changes
g. CoC issuance

3. It is expected that Industry and NRC both will implement the resolution as agreed upon using this protocol. It is understood that NRC may deviate from resolution plans based on the emergence of new relevant information and they will take whatever actions they deem necessary as the regulator, whether or not the actions are consistent with the issue resolution. Likewise, significant circumstances affecting a particular licensee or CoC holder's ability to implement the agreed-upon resolution may require a unique solution for that entity. However, these cases are expected to be the exception not the rule.

4. Upon completion of the actions in the issue resolution plan, the issue is considered resolved in the context of this protocol, recognizing that additional actions still may be required under other existing processes to finally resolve the issue. The issue moves to the Closure phase. The NEI log status is updated to indicate the issue is in the Closure phase and the date.

2.2.5 Closure Phase

1. The issue owner team leader documents the approved resolution on the Issue Closure Form (Appendix E), referring to the agreements, commitments, action(s) taken, or to be taken, and the regulatory process or processes to be used to provide final resolution of the issue, as applicable. The Issue Closure Form must include a clear description of what existing process and durable guidance will be produced to produce a final resolution, as applicable.

2. If additional actions are required for final resolution, the process used to resolve the issue is tracked to completion by NEI. The NEI log is updated to indicate closure of the issue and the projected date of completion for future actions, if any, for tracking purposes.

2.3 REVISIONS TO ISSUE SCREENING, RESOLUTION PLAN, AND CLOSURE FORMS

Any revisions to approved forms require re-engagement by the POCs and reviews by both parties. The same process should be used for a revised form as for a new form, with the next sequential revision number placed on the affected form. The revised form must be processed and receive the same level of review and concurrence as the original issue.

2.4 RECORDS

Original versions and all revisions to the three types of forms will be kept as retrievable records by NEI. Documents exchanged between the NRC and Industry will be made publicly available by the NRC.

APPENDIX A
ISSUE SCREENING FORM

USED FUEL STORAGE AND TRANSPORTATION ISSUE SCREENING FORM
Issue Number: X-YY-ZZ
Title:_____

I. a. Problem Statement (Provide a clear, concise description of the issue.)

b. Background Information (Summarize industry events, licensing actions, inspection information, correspondence, and other documents germane to the issue. Attach documents as appropriate)

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

1. **Does the proposed issue involve spent fuel storage or transportation and affect multiple 10 CFR 71 and/or 10 CFR 72 regulated entities** (provide basis)**?**

2. **Does the proposed issue warrant generic resolution** (provide basis)**?**

3. **Does the issue warrant engagement between the industry and NRC** (provide basis)**?**

4. **Will generic resolution of the issue produce tangible benefits** (provide basis)**?**

5. **Is the issue already adequately covered by another process** (provide basis)**?**

POC: Are all screening criteria satisfied ("Yes" responses to questions 1-4 and "No" to question 5) **?**
Yes _____ **No**_____

III. Success Criteria (Describe the criteria to be used to define success for resolving this issue.)

IV. Date: _____

Revision XX

APPENDIX B
ISSUE SCREENING FORM GUIDANCE

ISSUE SCREENING FORM GUIDANCE

This appendix provides additional detail to be used as guidance in completing the Issue Screening Form in Appendix A. The over-arching goal in developing the Issue Screening Form is to write with precision and flexibility, without pre-disposing the resolution. The wording used in the problem statement, responses to the screening criteria questions, and the success criteria needs to be precise enough to clearly define the problem and guide the resolution process, but also flexible enough to allow the issue resolution team to explore different solutions without having to revise the Issue Screening Form because the wording is unnecessarily restrictive. Ambiguous language in the problem statement and screening criteria responses, and overly prescriptive language in the success criteria should be avoided. On the other hand, legitimate restrictions on the resolution path should be identified, as appropriate. Sufficient background information, including ADAMS accession numbers for docketed information, as appropriate, should be provided for reviewers to fully understand the history of the issue.

Section I - Problem Statement and Background Information

The problem statement required for Section I of the Issue Screening Form should be a concise summary of the issue proposed for generic resolution requiring industry-NRC interaction. The objective of the problem statement on the Issue Screening Form is to provide only that information required for the screener to understand the basic problem and the generic applicability in order to answer the screening criteria questions in Section II of the form and propose success criteria in Section III of the form.

The key elements of the problem statement at this stage are the description of the generic nature of the problem, its scope (i.e., roughly how many regulated entities are affected), and its regulatory aspects. Supporting documents that will help the reader better understand the problem (e.g., regulation, NRC or industry guidance document, NRC inspection report, operating event report, NRC generic communication, etc.) should be cited in the Background Information section but not repeated in detail. Documents that may be difficult to acquire via ADAMS or other sources may be attached to the Issue Screening Form but attaching very large documents should be avoided.

Section II - Screening Criteria

The issue identifier may provide proposed responses to the screening criteria questions when the Issue Screening Form is created. The owner organization's POC should perform research and consult with appropriate technical and regulatory personnel, as necessary, to confirm or revise the responses to the screening criteria questions. Each question should be answered as proposed below. In order for the issue to be accepted into the protocol for resolution, Questions 1 through 4 require a "yes" answer and Question 5 requires a "no" answer.

1. Does the proposed issue involve used fuel storage or transportation and affect multiple 10 CFR 71 or 10 CFR 72 regulated entities (provide basis)?

Provide an explanation of the type and number of regulated entities affected by the issues (i.e., all Part 72 CoC holders, all licensees storing PWR fuel, etc.). Regulated entities governed by 10 CFR 71 are limited to those involved with used fuel transportation.

2. Does the proposed issue warrant generic resolution (provide basis)?

Provide an explanation of why the issue should be resolved generically rather than each affected entity addressing the issue as they see fit.

3. Does the issue warrant engagement between the industry and NRC (provide basis)?

Provide an explanation of why the issue should be resolved through interaction between industry and the NRC. Industry may desire NRC action to clarify the Agency's position on an issue. The NRC may desire industry guidance to ensure a consistent approach to an issue.

4. Will generic resolution of the issue produce tangible benefits (provide basis)?

Describe how resolving the issue using this protocol will provide benefits to industry and/or the NRC that are commensurate with the effort involved. For example, will rulemaking significantly decrease NRC and/or industry burden without reducing safety?

5. Is the issue already adequately covered by another process (provide basis)?

Provide an explanation why an existing regulatory process cannot sufficiently address the issue without using this resolution protocol. For example, industry may believe that an existing regulation does not adequately address all circumstances of a particular situation that commonly arises. The NRC may believe that existing industry guidance is not providing the desired results in the products produced by licensees or CoC holders.

Section III - Success Criteria

Success criteria may be suggested by the issue identifier but the identifier is not required to do so to suggest an issue for resolution using this protocol. Success criteria are required to be proposed by the issue owner organization POC if the issue is deemed to meet all screening criteria and preliminarily accepted for generic resolution. If the issue is accepted for generic resolution in this protocol, the success criteria are finalized as part of the industry-NRC concurrence process.

The success criteria proposed for any issue need to be specific, tangible and directed toward moving the issue to an existing process for final resolution. The success criteria may involve simply forging an agreement and commitments between industry and the NRC to address the issue in a certain manner, or the criteria may include specific future actions and the creation of documents requiring additional effort. For example, success criteria may involve industry agreeing to create generic guidance for all licensees to adopt and the NRC may agree to review and provide comments or formally endorse the guidance. Achievement of the success criteria forms the objective of the issue resolution plan developed to guide the Implementation phase.

Section IV - Date

A date is entered upon finalization of the screening form. This date indicates that the problem statement has been fully developed, the screening criteria are satisfied and the success criteria are clear. The date on the screening form indicates the date that the issue enters the planning phase. If a proposed issue is rejected during the screening phase, the date block is left blank in the final version of the Issue Screening Form. Closeout of a rejected issue is documented on the Issue Closure Form (Appendix E).

APPENDIX C
ISSUE RESOLUTION PLAN

USED FUEL STORAGE AND TRANSPORTATION ISSUE RESOLUTION PLAN
Issue Number: X-YY-ZZ
Title:_____

I. Summary of Resolution Plan

II. Actions and Due Dates

ACTION	RESPONSIBLE PARTY	DUE DATE

III. Date: _____

APPENDIX D
ISSUE RESOLUTION PLAN GUIDANCE

ISSUE RESOLUTION PLAN GUIDANCE

The issue resolution plan documented on the Issue Resolution Plan Form (Appendix C) should be a brief summary of the overall resolution plan objectives and the actions required to meet the success criteria set forth in the Issue Screening Form

I. Summary of Resolution Plan

Provide a brief summary of the plan of action to resolve the issue that supports the listing of issues assigned to NRC and/or Industry in Sections II and III. The level of detail should be dependent on the complexity of the issue. The focus of the summary is to achieve the success criteria on the Issue Screening Form. The issue team leader should create and maintain an email distribution list to facilitate communication and transmittal of documents.

II. Actions and Due Dates

List the specific actions and agreed-upon due dates for Industry and NRC actions to be taken to achieve success. Use of specific names for tasks is permitted but may want to be avoided to permit flexibility in the team membership without having to revise the plan simply to change the membership list.

III. Date

Enter the date the issue resolution plan is finalized.

APPENDIX E
ISSUE CLOSURE FORM

USED FUEL STORAGE AND TRANSPORTATION ISSUE CLOSURE FORM
Issue Number: X-YY-ZZ
Title:_____

I. Closure Summary

For rejected issues: Summarize the reason(s) for issue rejection. For resolved issues: Summarize the resolution and any action items required by NRC and/or industry to be tracked in order to bring final resolution to the issue. List tracking items and responsible party in Section II below. Enter closure date. After the issue is resolved, revise this form to add a discussion of the measurement of success to include an evaluation of whether the tracking items were completed and whether the affected entities used the agreed-upon resolution.

II. Tracking Items and Responsibility

III. Measurement of Success

Date: _____

APPENDIX F

KEY TERMS, DEFINITIONS, AND ACRONYMS

KEY TERMS AND DEFINITIONS

APPLICABLE STAFF POSITION
An "applicable staff position" is an NRC staff position that is a documented, approved, explicit interpretation of the regulations and is contained in a document such as the SRP (Standard Review Plan), interim staff guidance, a branch technical position, a regulatory guide, a generic letter, or a bulletin; and to which a licensee or an applicant has previously committed to or relied upon. [Reference: NRC Management Directive 8.4, page G-1]

DURABLE GUIDANCE
"Durable guidance" is contained in any document that represents a formal position or commitment and is retrievable in the future. It may be "guidance" in the traditional sense (e.g., NEI document, NRC standard review plan, ISG, or a Regulatory Guide) or other documentation relied upon to close an issue resolved using this protocol. Durable guidance should transcend changes in industry or NRC personnel, absent a nuclear safety issue. It may or may not be subject to a change-control process. Guidance developed by industry as the method of resolving an issue using this protocol should be endorsed, with or without limitations, by NRC.

ISSUE OWNER ORGANIZATION
The organization (industry or the NRC) that identifies a potential issue for generic resolution using this protocol. The issue owner organization which owns the issue until closeout, although different members of the issue owner organization may be involved.

ISSUE RESOLUTION PLAN
The 'issue resolution plan" describes the issue background, actions, and schedule to be executed to resolve and close an issue. The issue team leader that owns the issue prepares, maintains and ensures implementation of the issue resolution plan.

LICENSING BASIS
The "licensing basis" for an issue is comprised of:

- The set of obligations established by rules, regulations, licenses, certificates of compliance, and orders.
- The site-specific licensing basis documented in the final safety analysis report and other docketed correspondence (for specific licensees).
- The site-specific licensing basis documented in the dry storage system final safety analysis report, 10 CFR 72.212 Report and other docketed correspondence (for general licensees).
- The dry-storage system-specific licensing basis documented in the final safety analysis report and other docketed correspondence (for CoC holders).
- The regulatory guidance that a non-licensee is expected to satisfy in order to conform to NRC staff expectations, for example safety evaluations of storage system or transportation package designs.

PRECEDENT
The term "precedent" is defined as something that may serve as an example or rule to be followed in a subsequent act of the same kind. In a regulatory context, a precedent licensing action could be used to aid the evaluation of similar future requests for licensing actions.

PROBLEM STATEMENT
A "problem statement" is a detailed statement of the situation or circumstances that give rise to a regulatory issue. It should convey to a knowledgeable reader the nature and extent of a potential deficiency or non-compliance. The person or group from industry or the NRC that identifies the issue prepares a draft problem statement as part of the issue identification portion of the protocol. The problem statement is refined by the POC for the identifying organization as part of the screening portion of the protocol, and finalized by mutual consensus between industry and the NRC for those issues that meet the criteria for resolution as a generic issue.

PROTOCOL
The term "protocol" is defined as an administrative methodology for inter-organizational coordination and communications.

REGULATORY BASELINE
The "regulatory baseline" for an issue is comprised of a "licensing basis" and a "technical basis."

REQUIREMENT
The term "requirement" as used in this guideline means a legally binding requirement such as a statute, regulation, license/CoC condition, technical specification or order.

ISSUE TEAM
The NEI DSTF Steering Group coordinates with industry organizations to identify an "issue team" of regulatory and technical specialists for each issue that enters the evaluation phase. The NRC establishes their own issue teams for each issue mutually agreed upon for generic resolution. Each issue team has a designated issue team leader. The issue team from the organization identifying an issue owns that issue until closure. [Reference: NEI Dry Storage Task Force charter]

SCREENING CRITERIA
The "screening criteria" are the questions used to determine if an issue warrants evaluation and resolution on a generic basis. The issue screening criteria are defined in Appendix B.

SUCCESS CRITERIA
The "success criteria" are the attributes necessary to achieve closure of an issue within this protocol. The industry or NRC issue team that owns the issue develops the success criteria, subject to concurrence by the counterpart team. Success criteria typically include entering the issue into an existing regulatory process for final resolution.

TECHNICAL BASIS
The "technical basis" for an issue may be comprised of:

- The standards and guidance documents that are incorporated by reference into the CFR, or cited by another NRC guidance document as an acceptable way to meet NRC expectations.
- Calculations, specifications, drawings, operating and test data, and other empirical information germane to the issue.
- Prudent engineering practice.
- A PRA that is applicable to the storage system or transportation package licensee's use of the storage system or transportation package.

TOPICAL REPORT

A "topical report" is a technical document typically submitted by a vendor or EPRI for NRC review and approval. Licensees may reference the NRC safety evaluation (SE) in requests for licensing action, subject to conditions and limitations documented in the SE.

ACRONYMS

CFR	Code of Federal Regulations
CoC	Certificate of Compliance (10 CFR 71 (transportation) and 10 CFR 72 (storage))
DSTF	NEI Dry Storage Task Force
EPRI	Electric Power Research Institute
FSAR	Final Safety Analysis Report (Part 72 specific licensees and Part 72 CoC holders)
GSI	Generic Safety Issue
IN	Information Notice
ISG	Interim Staff Guidance
LAR	License Amendment Request (also used for CoC amendment requests)
NEI	Nuclear Energy Institute
NRC	Nuclear Regulatory Commission
POC	Point-of-Contact
RG	Regulatory Guide
RIS	Regulatory Issue Summary
SAR	Safety Analysis Report (10 CFR 71 CoC holders)
SE	Safety Evaluation (NRC staff)
SRP	Standard Review Plan (NUREG-1536, -1567, -1617, and -1927)
UFST	Used Fuel Storage and Transportation

APPENDIX G
REFERENCES

REFERENCES

1. Title 10, Code of Federal Regulations, Part 71, “Packaging and Transportation of Radioactive Material.”

2. Title 10, Code of Federal Regulations, Part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High Level Radioactive Waste, and Reactor Related Greater Than Class C Waste.”

3. Atomic Energy Act of 1954 (as amended).

4. U.S. Nuclear Regulatory Commission, Management Directive, MD 6.4, “Generic Issues Program,” July 2005.

5. U.S. Nuclear Regulatory Commission, NUREG-1536, “Standard Review Plan for Dry Cask Storage Systems.”

6. U.S. Nuclear Regulatory Commission, NUREG-1567, “Standard Review Plan for Spent Fuel Dry Storage Facilities.”

7. U.S. Nuclear Regulatory Commission, NUREG-1617, “Standard Review Plan for Transportation Packages for Spent Nuclear Fuel.”

8. NEI Dry Storage Task Force Charter.