

November 30, 2017

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 SUBMITTAL: NEI 12-04 "GUIDELINES FOR TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* 72.48 IMPLEMENTATION," REVISION 1, DRAFT A

Dear Mr. McCullum:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its review of the industry guidance document submitted by the Nuclear Energy Institute (NEI) entitled NEI 12-04, "Guidelines for 10 CFR 72.48 Implementation," Revision 1, Draft A (Agencywide Document Access Management System (ADAMS) Accession No. ML17249A094). The NRC staff issued the first Interim Response to NEI 12-04, (ADAMS Accession No. ML13260A029) dated September 26, 2013. The staff issued the second Interim Response to NEI 12-04 on December 11, 2014 (ADAMS Accession No. ML14349A318). The staff issued the Final Response to NEI 12-04 on April 24, 2015 (ADAMS Accession No. ML15110A197).

The NRC conducted a public meeting with NEI and stakeholders on March 3, 2016 (ADAMS Accession No. ML16050A416). NEI submitted an industry summary of the meeting dated August 8, 2016 (ADAMS Accession No. ML16251A024). The NEI summary identified 11 fundamental and key issues raised in the March 3, 2016 public meeting. The staff responded to NEI on March 3, 2017 (ADAMS Accession No. ML17065A180). The NRC subsequently held two public meetings to address these issues. On May 11, 2017, the NRC and stakeholders discussed the 11 key issues raised in the NRC response (ADAMS Accession No. ML17164A055). On July 11, 2017, the staff met with stakeholders to discuss methods of evaluation (MOE) and what constitutes NRC approval of an MOE (ADAMS Accession No. ML17226A008). Subsequently, NEI submitted NEI 12-04, Revision 1, Draft A, for NRC review on September 5, 2017 (ADAMS Accession No. ML17249A095).

NEI is seeking the NRC's endorsement of seven chapters of the guidance document. NEI does not seek endorsement of Appendices A (Examples for Individual Guidance Subsections) and B (Examples for 10 CFR 72.48 Reviews of Realistic Examples). The NRC requests that NEI remove both Appendices from the draft guidance document.

In this letter, the NRC provides its comments of the revised guidance in a redline strike-out version of NEI 12-04, Revision 1, Draft A (see Enclosure 1 to this document). In addition, NRC is scheduling a public meeting on December 18, 2017, to clarify comments on NEI 12-04.

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

Enclosure:  
Comments on NEI 12-04, "Guidelines for  
10 CFR 72.48 Implementation,"  
Revision 1, Draft A

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ADAMS Package: **ML17335A027**                      /Letter: **ML17335A028**                      /Enclosure: **ML17335A028**

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