



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 13, 2001

MEMORANDUM TO: Susan F. Shankman, Deputy Director  
Licensing and Inspection Directorate  
Spent Fuel Project Office, NMSS

THRU: Michael Tokar, Chief  
Transportation and Storage Safety  
and Inspection Section  
Spent Fuel Project Office, NMSS

*Michael Tokar*  
*Chester Poslusny*

FROM: Chester Poslusny, Senior Project Manager  
Transportation and Storage Safety  
and Inspection Section  
Spent Fuel Project Office, NMSS

SUBJECT: SUMMARY MEETING WITH NUCLEAR ENERGY INSTITUTE  
DECOMMISSIONING WORKING GROUP

On November 29, 2000, representatives from the U.S. Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards (NMSS), the Office of Research (RES), the Office of Nuclear Reactor Regulation (NRR), the Office of General Counsel (OGC), the Nuclear Energy Institute (NEI), and industry met to discuss issues of interest to the NEI Decommissioning Working Group. The meeting was noticed on November 17, 2000. Attachment 1 is a list of attendees. Attachment 2 is the meeting agenda. Attachment 3 is a copy of Draft Schedules for Rulemakings to Amend Part 72.214 for Dry Storage Casks (NRC Website address <http://www.nrc.gov/NMSS/IMNS/drystoragerule.html>). Attachment 4 is Schedule for Supplement 1 to NUREG-0586.

The following agenda items were discussed.

Department of Energy (DOE) Acceptance of Fuel and Greater Than Class C Waste

General discussions were conducted about a letter from DOE requesting that NRC change the definition of Greater than Class C waste to high level waste. The NRC staff noted that a response letter is being prepared and that the staff will review the Low Level Waste Policy Act to consider implications of that legislation on DOE's request.

Status of NRC/Environmental Protection Agency Memorandum of Understanding (MOU)

The staff noted that both parties are continuing to address the need to develop a joint understanding of site cleanup criteria and requirements and will report to congress on progress reached.

### Probabilistic Risk Assessment (PRA) Activities

NEI stated that it identified funding for independent spent fuel storage installation (ISFSI) PRA studies and that an Electric Power Research Institute (EPRI) project manager is assigned and is working with NRC to discuss scope. The NRC noted that it expects to issue a draft ISFSI PRA by June 2001 and that it is working with the Hatch Plant to address human error assessments. Further, SFPO added that it will train most of its staff in PRA basics and techniques.

The staff discussed the recent NRR/NEI meeting on spent fuel pool risk and noted that the seismic risk is a significant contributor to overall risk. NEI stated that NRC should consider both the EPRI and the Livermore seismic response curves. NEI stated it may send a letter to NRC recommending the reconciliation of the differences between the two sets of curves. The staff stated that the RES staff has allowed the use of either curves.

### High Burnup

NEI staff discussed its progress on providing information to the staff to help resolve this issue. Items addressed were the 5-page scoping document already provided to NRC; a 20-page document discussing creep as the limiting mechanism to fuel cladding failure, which is complete and ready to submit to NRC; a report on fracture toughness to be provided to NRC in June 2001; and a complete model description due in April 2002. The staff noted that it welcomed the new information from the industry and noted the need for additional acceptance criteria and supporting calculations for the data. The staff also stated the need for a data base on fuel type currently in spent fuel pools and the type of approved cask design that can be used to store each type. NEI stated that it would need to collect information for such a data base. NEI and the staff agreed that near term meetings are needed to discuss progress and NEI submittals.

### Burnup Credit

The staff noted that Interim Staff Guidance Document No. 8 (ISG-8), Revision 1, "Burnup Credit in the Criticality Safety Analyses of PWR Spent Fuel in Transport and Storage Casks," dated July 30, 1999, includes some relaxation of credit based on RES information. The staff also noted that, without access to French data on chemical assay, no near term further progress is expected.

### H.B. Robinson Fuel Shipment Status

The staff noted that GE Vallecitos and NAC conducted a dry run for movement of the fuel and are ready to ship the fuel to Argonne National Laboratory for analysis of the fuel rods. Shipment is expected by the end of January 2001.

### Certificate of Compliance (CoC) Approval/Amendment Petition Process

The staff noted that NMSS and OGC staff are analyzing 14 comments received from members of the public. The evaluation of the petition has been assigned high priority.

Process Improvements to the CoC/Amendment Process

The staff noted progress made on a number of fronts including 72.48 changes, proposed standardized technical specifications, use of the direct final rule, and the development of criteria for screening public comments on direct final rulemakings.

Rulemaking Template

A member of the NMSS rulemaking staff discussed the draft schedules for rulemakings as reflected in Attachment 3.

Update on the Generic Environmental Impact Statement (GEIS)

The staff provided the status of the development of the Supplement 1 to the GEIS as reflected in Attachment 4.

Agenda for Next Meeting

No agreement on the date for the next meeting was made. The following were discussed as possible agenda items for the next meeting:

- Data on Spent Fuel Pool Fuel Inventories
- Lead Test Assembly Storage Issues
- NRC/EPA MOU

No regulatory decisions were made at this meeting. Please contact me if you have any questions about this meeting.

Attachments:

1. Attendance List
2. Meeting Agenda
3. Draft Schedules for Rulemakings to Amend Part 72.214 for Dry Storage Casks
4. Schedule for Supplement 1 to NUREG-0586

# **Attachment 1**

## **Attendance List**

**NMSS MEETING WITH NEI DECOMMISSIONING GROUP  
NOVEMBER 29, 2000**

Attendance List

<b>NAME</b>	<b>ORGANIZATION</b>	<b>TELEPHONE NO.</b>
Chet Poslusny	NRC/NMSS/SFPO	301-415-1341
Alan Nelson	NEI	202-739-8110
Gerry van Noordennen	Connecticut Yankee/Yankee Rowe	860-267-3938
Steve Redken	SMUD	916-732-4827
James Reilly	SCE	949-368-5375
A. E. Scherer	SCE	949-368-7501
Mike Meisner	MYAPC	207-882-5700
Lynnette Hendricks	NEI	202-739-8109
Scott Dam	BNFL Inc.	703-218-3010
Bill Brach	NRC/NMSS/SFPO	301-415-8500
Allen Howe	NRC/NMSS/IMNS	301-415-7656
Susan Frant Shankman	NRC/NMSS/SFPO	301-415-2287
Joe Holonich	NRC/NMSS/DWM	301-415-6708
William F. Kane	NRC/NMSS/SFPO	301-415-7800
Farouk Eltawila	NRC/NMSS/RES	301-415-5741
M. Callahan	GSI	202-544-4522
P. L. Eng	NRC/NMSS/SFPO	301-415-8577
J. L. Cameron	NRC/NMSS	301-415-7817
F. Young	NRC/NMSS/SFPO	301-415-3207
R. Kenneally	NRC/RES/DET	301-415-6303
R. Lee	NRC/RES/DSARE	301-415-6795
A. Wong	NRC/NMSS/RTG	301-415-7906
B. Eid	NRC/NMSS/SFPO	301-415-1529
Christiana Lui	NRC/NMSS	301-415-6200
Dino Scaletti	NRC/NRR/DLPM	301-415-1104
E. Rodrick	NRC/RES/DRAA	301-415-5871
Chris Ryder	NRC/RES/DRAA	301-415-6102
Sidney Crawford	Consultant (self)	301-216-5388
Kim Gruss	NRC/NMSS/SFPO	301-415-8586
Earl Easton	NRC/NMSS/SFPO	301-415-8520
Jack Guttman	NRC/NMSS/SFPO	301-415-8510
Jim Lieberman	NRC/OGC	301-415-2746

# **Attachment 2**

## Meeting Agenda

**NMSS MEETING WITH NEI DECOMMISSIONING WORKING GROUP  
NOVEMBER 29, 2000**

**AGENDA**

DOE Acceptance of Fuel and Greater than Class C Waste

Status of NRC/EPA MOU

PRA activities (NRC/Industry)

High Burnup

Burnup Credit Data Development

H.B. Robinson Fuel Shipment Status

CoC Approval/Amendment Petition Status

Process Improvements to CoC/Amendment Process

Rulemaking Template (Website Status)

Update on the GEIS

Date and Agenda for Next Meeting

# **Attachment 3**

**Draft Schedules for Rulemakings  
to Amend Part 72.214  
for Dry Storage Casks**





# DRY STORAGE CASK RULEMAKING

## DRAFT SCHEDULES FOR RULEMAKINGS

### TO AMEND PART 72.214 FOR DRY STORAGE CASKS

The following generic schedules contain the timeframes used to complete rulemakings to amend Part 72.214 for initial approval or amendments of dry storage casks (i.e. approval or amendment of Certificates of Compliance for dry storage casks). These timeframes reflect the ideal situation and thus are considered goals that may not be met in all situations. These schedules only apply to the Certificate of Compliance rulemakings under Part 72 and do not apply to any other type of rulemaking.

- SCHEDULE TO ADD NEW CASK DESIGNS
- DRAFT SCHEDULE TO AMEND PREVIOUSLY APPROVED NEW CASK DESIGNS BY DIRECT FINAL RULEMAKING (DFR) PROCESS
- DRAFT SCHEDULE TO AMEND PREVIOUSLY APPROVED NEW CASK DESIGNS BY DIRECT FINAL RULEMAKING (DFR) PROCESS IF SIGNIFICANT AND ADVERSE COMMENTS ARE RECEIVED
- DRAFT SCHEDULE TO AMEND PREVIOUSLY APPROVED NEW CASK DESIGNS BY REGULAR PROPOSED RULEMAKING PROCESS

#### SCHEDULE TO ADD NEW CASK DESIGNS

Step	Duration
1. Completion of preliminary CoC/SER	Time 0
2. Issue the draft proposed rulemaking package for office concurrence  <b>Note:</b> Assumes that the rulemaking package is prepared in parallel with the CoC/SER	2 weeks
3. Resolution of office comments. Proposed rule package forwarded to EDO for approval  <b>Note:</b> Assumes no significant issues arise during office review that could result in changes in CoC/SER - this could result in returning to step 1.	4 weeks
4. NRC approval of proposed rule. Proposed rule forwarded to Office of Federal Register for	

publication	3 weeks
<b>Note:</b> Includes time for Commission notification.	
5. Publication of proposed rule in the <u>Federal Register</u>	3 weeks
<b>Note:</b> This step is not within NRC control.	
6. Public Comment period	75 days
<b>Note:</b> Required to meet obligation under NAFTA	
7. NMSS review and resolution of public comments and finalization of CoC/SER.	8 weeks
<b>Note:</b> This period could be extended depending on the number and type (complexity) of comments or need for additional information to revise CoC/SER	
8. Issue draft final rulemaking package for office concurrence	2 weeks
9. Resolution of office comments. Final rule package forwarded to EDO for approval.	8 weeks
<b>Note:</b> Assumes no significant issues arise during office review; also dependent on number and type of comments received.	
10. NRC approval of final rule. Final rule forwarded to Office of Federal Register for publication	3 weeks
<b>Note:</b> Includes time for Commission notification.	
11. Publication of final rule in the <u>Federal Register</u>	3 weeks
<b>Note:</b> This step is not within NRC control.	
12. Rulemaking becomes effective 30 days after publication	30 days
Total elapsed time to effective date	51 weeks

**DRAFT SCHEDULE TO AMEND PREVIOUSLY APPROVED NEW CASK DESIGNS BY DIRECT FINAL RULEMAKING (DFR) PROCESS**

This includes preparation of both a direct final and a proposed rule that would be published in the Federal Register concurrently on the same date.

Step	Duration
1. Completion of preliminary CoC/SER	Time 0
2. Issue the draft direct final and proposed rulemaking package for office concurrence  <b>Note:</b> Assumes that the rulemaking package is prepared in parallel with the CoC/SER	2 weeks
3. Resolution of office comments. Direct final and proposed rule package forwarded to EDO for approval  <b>Note:</b> Assumes no significant issues arise during office review that could result in changes in CoC/SER - this could result in returning to step 1.	4 weeks
4. NRC approval of DFR and proposed rule forwarded to Office of Federal Register for publication  <b>Note:</b> Includes time for Commission notification.	3 weeks
5. Publication of direct final and proposed rules concurrently in the <u>Federal Register</u>  <b>Note:</b> This step is not under NRC control	3 weeks
6. Public Comment period on proposed rule	30 days
7. If no significant adverse comments are received, rule becomes effective 75 days after publication (45 days after end of public comment period)  <b>Note:</b> All comments received on the proposed rule are reviewed within 4 weeks after end of public comment period before effective date	75 days
Total elapsed time to effective date	23 weeks

**DRAFT SCHEDULE TO AMEND PREVIOUSLY APPROVED NEW CASK DESIGNS BY DIRECT FINAL RULEMAKING (DFR) PROCESS IF SIGNIFICANT AND ADVERSE COMMENTS ARE RECEIVED**

This includes preparation of both a direct final and a proposed rule that would be published in the Federal Register concurrently on the same date followed by subsequent final rule.

Step	Duration
1. Completion of preliminary CoC/SER	Time 0
2. Issue the draft direct final and proposed rulemaking package for office concurrence	

<p><b>Note:</b> Assumes that the rulemaking package is prepared in parallel with the CoC/SER</p>	<p>2 weeks</p>
<p>3. Resolution of office comments. Direct final and proposed rule package forwarded to EDO for approval</p> <p><b>Note:</b> Assumes no significant issues arise during office review that could result in changes in CoC/SER - this could result in returning to step 1.</p>	<p>4 weeks</p>
<p>4. NRC approval of DFR and proposed rule forwarded to Office of Federal Register for publication</p> <p><b>Note:</b> Includes time for Commission notification.</p>	<p>3 weeks</p>
<p>5. Publication of direct final and proposed rules concurrently in the <u>Federal Register</u></p> <p><b>Note:</b> This step is not under NRC control</p>	<p>3 weeks</p>
<p>6. Public Comment period on proposed rule</p>	<p>30 days</p>
<p>7. Review to identify any significant adverse comments</p> <p><b>Note:</b> Withdrawal notice must be published in the <u>Federal Register</u> prior to the effective date (45 days after end of comment period).</p>	<p>3 weeks</p>
<p>8. NMSS review and resolution of public comments and finalization of CoC/SER</p> <p><b>Note:</b> This period could be extended depending on the number and type (complexity) of comments or need for additional information to revise CoC/SER.</p>	<p>8 weeks</p>
<p>9. Issue draft final rulemaking for office concurrence</p>	<p>2 weeks</p>
<p>10. Resolution of office comments. Final rule package forwarded to EDO for approval.</p> <p><b>Note:</b> Assumes no significant issues arise during office review; also dependent on number and type of comments received</p>	<p>8 weeks</p>
<p>11. NRC approval of final rule. Final rule forwarded to Office of Federal Register for publication</p> <p><b>Note:</b> Includes time for Commission notification.</p>	<p>3 weeks</p>
<p>12. Publication of rulemaking in the <u>Federal Register</u></p> <p><b>Note:</b> This step is not under NRC control</p>	<p>3 weeks</p>

13. Rulemaking becomes effective 30 days after publication	30 days
Total elapsed time to effective date	48 weeks

**DRAFT SCHEDULE TO AMEND PREVIOUSLY APPROVED NEW CASK DESIGNS BY REGULAR PROPOSED RULEMAKING PROCESS**

Step	Duration
1. Completion of preliminary CoC/SER	Time 0
2. Issue the draft direct final and proposed rulemaking package for office concurrence  <b>Note:</b> Assumes that the rulemaking package is prepared in parallel with the CoC/SER	2 weeks
3. Resolution of office comments. Direct final and proposed rule package forwarded to EDO for approval  <b>Note:</b> Assumes no significant issues arise during office review that could result in changes in CoC/SER - this could result in returning to step 1.	4 weeks
4. NRC approval of DFR and proposed rule forwarded to Office of Federal Register for publication  <b>Note:</b> Includes time for Commission notification.	3 weeks
5. Publication of direct final and proposed rules concurrently in the <u>Federal Register</u>  <b>Note:</b> This step is not under NRC control	3 weeks
6. Public Comment period on proposed rule	75 days
7. NMSS review and resolution of public comments and finalization of CoC/SER  <b>Note:</b> This period could be extended depending on the number and type (complexity) of comments or need for additional information to revise CoC/SER.	8 weeks
8. Issue draft final rulemaking for office concurrence	2 weeks
9. Resolution of office comments. Final rule package forwarded to EDO for approval.  <b>Note:</b> Assumes no significant issues arise during office review; also dependent on number and type of comments received	8 weeks
10. NRC approval of final rule. Final rule	

forwarded to Office of Federal Register for publication	3 weeks
<b>Note:</b> Includes time for Commission notification.	
11. Publication of rulemaking in the <u>Federal Register</u>	3 weeks
<b>Note:</b> This step is not under NRC control	
12. Rulemaking becomes effective 30 days after publication	30 days
Total elapsed time to effective date	51 weeks

Page last updated 10/11/00

**Attachment 4**  
**Schedule for Supplement 1 to**  
**NUREG-0586**

# SCHEDULE FOR SUPPLEMENT 1 TO NUREG-0586

Information Needs to NEI.....	November 2000
Scoping Summary Report.....	November 2000
Preliminary Draft of PNNL Work Product (not public).....	December 2000
Issue Draft Supplement for Comment.....	April 2001
Public Meetings.....	April- June 2001
Comments on Draft Supplement.....	May-July 2001
Address Comments and Finalize Document.....	May-December 2001
Issue Final Supplement 1 to NUREG-0568.....	Early 2002