

May 23, 2001

MEMORANDUM TO: Martin J. Virgilio, Director  
Office of Nuclear Material Safety and Safeguards

FROM: Charles A. Hughey, Jr., Technical Assistant */RA/*  
Office of the Director Nuclear Material Safety and Safeguards

SUBJECT: SUMMARY OF MAY 9, 2001, PUBLIC MEETING WITH THE NUCLEAR  
ENERGY INSTITUTE ON MUTUAL ITEMS OF INTEREST

On May 9, 2001, senior managers of the Nuclear Energy Institute (NEI) met with senior managers of the Nuclear Regulatory Commission (NRC), Office of Nuclear Material Safety and Safeguards (NMSS) at NRC's offices in Rockville, Maryland. The purpose of the meeting was to provide an opportunity for the senior managers of both organizations to discuss items of mutual interest. Attachment 1 provides a summary of the meeting, with associated handouts. Attachment 2 is a list of meeting attendees. Also included are organizational charts for NMSS (Attachment 3), and NEI (Attachment 4).

Attachments: As stated

cc w/attachments:  
M. Federline  
B. Brach  
D. Cool  
J. Greeves  
J. Linehan  
M. Weber

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Attendees (See Attachment 2)

ADAMS Package Title: Public Meeting Summary - NEI on Mutual Items of Interest, May 9, 2001

ADAMS PACKAGE Accession # ML011420510

<b>OFC</b>	NMSS											
<b>NAME</b>	C.Hughey: CH											
<b>DATE</b>	05/23/01	/ /01	/ /01	/ /01	/ /01	/ /01	/ /01	/ /01	/ /01	/ /01	/ /01	/ /01

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SUMMARY OF NEI/NMSS MANAGEMENT MEETING  
May 9, 2001

The summary below is presented in order of the original agenda topics and includes a brief description of the comments made by meeting participants.

1. Management and Organizational Changes

After introductions, NRC discussed organizational and management changes in the Office of Nuclear Material Safety and Safeguards (NMSS) (Organization chart attached). Specifically discussed were changes at the Division and Branch levels and the development of Section Chiefs. NRC noted that these changes would result in a more diverse management team in the long run with a broader knowledge base.

Nuclear Energy Institute (NEI) also gave opening remarks and discussed recent organizational and management changes (Organization chart attached).

2. License Termination

NEI stated that they were encouraged by the receptiveness of the NMSS staff to the decommissioning question and answer guidance initiative and were ready to begin discussion of the first round of targeted questions and draft answers.

NRC stated that NMSS was consolidating and making all materials decommissioning guidance risk informed and performance oriented. NRC staff had met twice previously with the NEI Task force and another workshop was planned for June 1. The final guidance will be in the form of a NUREG.

**ACTION ITEM:** Conduct June 1 workshop

3. Groundwater Monitoring

In response to a perceived NRC concern from a previous statement by NRC at an Advisory Committee on Nuclear Waste meeting, NEI stated that they believed that contaminated groundwater would be an issue at very few, if any, commercial reactor sites undergoing decommissioning and wondered what was the underlying concern.

NRC responded that all licensees with loose contaminated materials should have a program in place to be able to verify that there is no groundwater contamination, and to support proper site characterization and dose assessments (i.e., properly located monitoring wells).

Both NRC and NEI acknowledged that a large number of facilities most likely already have these monitoring capabilities in place. A few specific examples were discussed.

4. Scope of Integrated Safety Analyses (ISAs) and Chapter 3 of the 10CFR part 70 Standard Review Plan (SRP)

NEI stated they saw great progress toward resolving NRC/NEI differences in Chapter 3 of the SRP during a May 8, 2001, stakeholder meeting but thought there was still a long way to go to solve those differences. They acknowledged that NRC staff was resource limited and that they would need to work with the NRC staff. They expressed continuing concern with the layout of Chapter 3, including Appendix A, and the content of the ISA summaries to be submitted for licensing purposes in the future. NEI was concerned that until ISA guidance is finalized, industry is not sure what to submit. They also questioned how the NRC staff would judge the adequacy of an ISA. All in all they considered the May 8 meeting to be very positive.

NRC also acknowledged that the May 8 meeting was very positive and constructive.

**ACTION ITEM:** NRC had discussed in detail with stakeholders numerous comments made by these stakeholders on the draft Chapter 3 of the SRP during the May 8 meeting. These comments would be considered in another draft revision for review to be published in June 2001.

5. Scope and Depth of Technical Reviews by the Division of Fuel Cycle Safety and Safeguards (FCSS)

NEI was concerned that FCSS license reviewers and inspectors were looking at a scope and level of detail significantly greater than what was done in the past and that the level was of review, in their opinion, was not in all cases commensurate with the risk involved. NEI attributed this to the overall decrease in the experience level of NRC staffers. NRC acknowledged that detailed reviews were being done; however, these in-depth up front reviews would be beneficial in the long run because inspectors would have a clearer licensing technical basis for inspections. NEI gave two examples of too much technical review (High assay upgrade project at Paducah, and variability of bias at Global Nuclear Fuels that had no impact on Keff). NRC requested that licensees raise specific examples during future reviews so as to reach a common understanding of the issue.

NEI also stated that NRC should look at the training program for new reviewers and that these reviewers should make site visits to understand issues first hand. NRC acknowledge that they had already begun reviewing the training program for new employees and the need for site visits.

6. Revised Fuel Cycle Facility Oversight Process

NEI was concerned that NRC would try to force fit the revised reactor oversight program into a program of oversight of fuel cycle facilities. NRC stated that they would use aspects and best practices from the reactor oversight program, where reasonable, but would not use aspects where it did not make sense.

General agreement was reached on a scaled back version of Institute of Nuclear Power Operations (INPO) guidance on the elements of a good corrective actions program (CAP); however, NEI questioned NRC as to how they would evaluate the adequacy of a corrective

actions program. NRC stated that, in general, the stronger the CAP the less need there is for inspection; however, inspection guidance for the evaluation of CAPs needed to be developed. NRC reminded everyone that funding for the development of the Revised Oversight was only available for this fiscal year.

#### 7. Fees

NEI stated that fuel fabricators were concerned that annual fees per license continue to increase although the industry was consolidating and the number of licensed facilities continued to decrease. NRC acknowledged the fee increases but stated that the current law regarding fees was being followed. NRC also stated that there had been a downward trend in the number of inspection hours.

NEI stated that NRC budget was inscrutable to anyone outside of NRC, particularly Part 171 fees and that legislative changes were needed to make fee recovery more equitable. NRC encouraged NEI to become active in the legislative process.

#### 8. Experience level of NRC inspectors and reviewers

NRC and NEI agreed that hiring, training and retaining qualified and experienced personnel was a challenge for both the NRC and the industry. NEI invited NRC staff to spend more time at the facilities to become more familiar with processes and issues.

#### 9. Availability of Certified Casks

NRC asked NEI if a projection for industry needs for new Certificates of Compliance and amendments could be provided. NRC suggested that industry could consolidate cask certification requests. NEI stated that this request would be passed on to industry.

#### 10. Petition for Rulemaking status

NEI requested a status of a Petition for Rulemaking to eliminate the need for rulemaking for every new cask model or changes. NRC stated that NRC staff had reviewed this petition, including public comments on the petition, and the petition was receiving senior NRC management attention and review.

#### 11. Summary of NEI Annual Decommissioning Workshop

Several items from the May 2001 meeting in New Orleans were summarized.

#### 12. New Submittals for Spent Fuel Transportation and Storage

NRC queried NEI on their thoughts regarding a framework for licensing new reactor designs, including insights into if and when NRC could anticipate new licensing submittals involving spent fuel transportation and storage, and fuel fabrication to support any new reactor designs.

NEI responded that the industry was still in very early preliminary stages regarding new reactors; however, costs and certainties associated with any future regulatory framework would be key issues.

13. High Enriched Uranium (HEU) Downblending

NRC queried NEI regarding the possibility of multiple U.S. agents performing HEU downblending and the possibility of an advanced technology, possibly gas centrifuge, application from a utility consortium.

NEI responded that they were not aware of any such possibilities.

14. Risk Informed Activities

A general status and upcoming meetings regarding risk informing NMSS activities was presented by NRC.

15. Electronic Information Exchange

NRC presented a general status regarding the electronic exchange of official correspondence between and NMSS and licensees. NRC was preparing to begin a pilot project for fuel cycle materials licenses beginning in June 2001.

**ACTION ITEM:** NRC will follow up with NEI regarding the detailed process for enrolling in the pilot project.

Attachment 2

NRC/NEI MANAGEMENT MEETING  
LIST OF ATTENDEES  
MAY 9, 2001

<u>NAME</u>	<u>ORGANIZATION</u>
Martin Virgilio	NRC
Margaret Federline	NRC
John Greeves	NRC
Michael Weber	NRC
William Brach	NRC
Wayne Hodges	NRC
Susan Frant	NRC
Charles Miller	NRC
Patricia Holohan	NRC
Gary Janosko	NRC
Neil Jensen	NRC
Charles Hughey	NRC
Christiana Lui	NRC
Lawrence Kokajko	NRC
Patricia Eng	NRC
William Ott	NRC
Ralph Beedle	NEI
Felix Killar, Jr.	NEI
Lynnette Hendricks	NEI
Jim Davis	NEI
Paul Genoa	NEI
Alan Nelson	NEI
Clifton Farrell	NEI
Maureen Conley	McGraw-Hill