

SUMMARY OF NMSS/NEI MANAGEMENT MEETING
May 30, 2003

Purpose:

On May 30, 2003, senior managers of the Nuclear Regulatory Commission (NRC), Office of the Nuclear Material Safety and Safeguards (NMSS) met with senior managers of the Nuclear Energy Institute (NEI) at NRC's Offices in Rockville, Maryland. Managers from the Office of Nuclear Regulatory Research (RES) and the Office of Nuclear Security and Incidence Response (NSIR) also participated in the meeting. The purpose of the meeting was to provide an opportunity for the senior managers of both organizations to discuss items of mutual interest.

Opening:

The meeting started at 1:30 p.m. Martin Virgilio (NRC) and Chuck Dugger (NEI) opened the meeting by introducing attendees (Attachment 2) and emphasizing the importance of conducting NRC/NEI management meeting on a regular basis to discuss issues of mutual interest to the industry and NRC. Mr. Dugger expressed appreciations to the NRC for hosting the meeting, and discussed a recent NEI reorganization. Mr. Virgilio stated that while these meetings are of great value, it is important not to wait until convening such meetings to raise any significant emerging issue. Members of the public were reminded that this was a Category 2 NRC public meeting; therefore, a time has been allotted at the end of the meeting for interested members of the public to raise issues/questions relevant to the topics of the meeting.

Integrated Safety Assessments (ISAs)

The NRC suggested that NEI sponsor a workshop on ISAs with the industry, to clarify expectations, to explore options for streamlining the submittal process, and to come to a common understanding of terms. NEI indicated they would welcome the opportunity to sponsor a workshop, and, in the interim, would share a "white paper" on ISAs with the NRC.

ACTIONS: Sponsor an ISA workshop (NEI); acquire copy of NEI white paper (NRC)

Mitigative Strategies for Fuel Cycle Facilities

NMSS discussed the series of risk-informed Mitigative Strategies for Potential Vulnerabilities site visits (MSPVs) analyses undertaken by the NRC for materials licensees. NEI was concerned about the burden the MSPVs would pose on the licensees, and whether and how the determination of risk at NRC licensees was interrelated with other types of industrial facilities in the United States (U.S.). The NRC stated that the MSPV analyses were consistent with overall National strategy, and that there was not a "disconnect" between the agencies with regard to this effort.

ACTION: None

International Commission on Radiological Protection (ICRP) Recommendations for Radiation Protection and International Standards

NEI is planning to engage the NRC Commissioners to provide their perspective on the ICRP recommendations and issues. NEI wishes to ensure that its views are on the record during the ICRP development of the recommendations. NEI and NRC share concerns regarding the rationale for, and content of, proposals in both the general recommendations, and the new framework for protection of the environment. NRC commented that it was vital that U. S. agencies speak with one voice relative to the proposed recommendations. NRC will be inviting NEI and industry views and comments as U.S. positions are established in work with international organizations.

ACTION: Invite NEI views during the development and review of the ICRP recommendations

Regulatory Oversight of the Security of Radioactive Sources

The NRC will need to conduct meetings with many NRC and Agreement State Licensees to discuss potential compensatory measures to increase the security of licensed material. The enhanced security measures are necessary for security, safety and maintaining public confidence. A working group has been established to develop the compensatory measures and work on the issues of meeting with stakeholders, issuing the orders, and follow-up inspections. The focus will be on those radionuclides, that based on availability and quantities, would pose a hazard. The NRC will seek stakeholder input to make the measures realistic, efficient and effective. NEI offered to assist the stakeholders with support and guidance on how to formulate constructive responses to the orders.

ACTION: NEI will assist stakeholders with support and guidance on response to the Orders

The Development of Long-term Protective Action Guidelines (PAGs)

The NRC is working to have a positive influence on the development of a recovery standard that allows the public to return to normal as much and as quickly as possible while adequately protecting public health and safety. The NRC is also focusing on work with the Department of Homeland Security and other Federal Agencies specifically in the context of recovering from a radiological dispersal device event. NEI commented that stakeholder input was important, and that the implications of any suggested PAGs needed to be carefully considered. NEI stated that they would like to have an opportunity to participate in the development of the PAGs.

ACTION: Where possible, involve NEI in the development of the PAGs

The Disposition of Solid Materials

Both the NRC and NEI commented on how the May NRC public workshop was effective, and that broader consensus was reached than at previous workshops. NEI stated they were committed to going forward through the entire process of developing rule making for the disposition of solid materials, including providing comments and by working with involved stakeholders, and that they intend to focus on the greatest benefit of the options that are

presented. NEI stated that NRC needs to be responsive to concerns that extend beyond health and safety. NEI commented that this rule making effort will be the model for future efforts dealing with control issues. At the May 2003 workshop, NEI provided a modified position on the unrestricted use alternative that materials suitable for recycle should only be released on a case-by-case basis to assure they don't wind up in consumer products.

ACTION: NEI committed to stay involved in the rule making process and provide written comments by the close of the comment period.

Entombment

The NRC briefly discussed that three options were presented for rule making. The NRC was interested in how industry and NEI defined entombment. The NRC also discussed whether the industry was still interested in the NRC performing research in this area, or whether resources could be better utilized elsewhere. The NRC stated they would schedule a targeted meeting to explore these issues.

ACTION: The NRC will schedule a targeted meeting to explore entombment issues.

The Environmental Protection Agency (EPA)/Nuclear Regulatory Commission (NRC) Memorandum of Understanding (MOU) Regarding Decommissioning

NEI discussed how they would like to help facilitate the most effective process for decommissioning. They encouraged the NRC to pursue the MOU because of its importance to stakeholders, and that the NEI supported the NRC's viewpoint in this issue. The NRC discussed holding a targeted meeting with stakeholders on the MOU and the 10 CFR Part 20 Termination Rule.

ACTION: The NRC will schedule a targeted meeting with stakeholders on the MOU and the 10 CFR Part 20 Termination Rule.

Package Performance Study (PPS)

NRC mentioned that a large number of comments were received on the draft PPS Test Protocols before the closing date. NEI discussed the types of tests they would like to see conducted, and discussed the importance of integrating risk into the decision process of which tests were selected. The NRC stated these comments were similar to other comments the NRC was receiving, and that the NRC agreed that the tests should be appropriately considered and selected. The NRC stated they will review the comments, develop staff recommendations for the types of tests, and present these recommendations to NRC management. The NRC also stated, based on earlier test results, that they are comfortable and confident that the casks meet and exceed regulatory requirements.

ACTION: None

10 CFR 72.48 Change Control Experience

The NRC and industry have had about two years experience in implementing the new 10 CFR 72.48 change control process. Based on recent industry and NRC experiences, the NRC believes, and NEI agreed, to consider holding an NRC and industry workshop in the fall of 2003. This would foster sharing of experiences and lessons learned, and a determination if any updates/revisions are necessary to the guidance documents.

ACTIONS: The NRC and NEI will consider the advisability of holding a workshop on the topic of 10 CFR 72.48 Change Control Experiences in the fall 2003.

Yucca Mountain

During the April 30, 2003, Quarterly Quality Assurance and Management Meetings between NRC and the Department of Energy (DOE), NRC requested that DOE submit a letter to NRC, within 30 days of the meeting, to inform NRC what different actions it will take to bring about program improvement and demonstrate progress in the near term. NEI asked if the response had been received. The NRC indicated that DOE's response was received on May 29, 2003. NRC staff is currently studying the details of this letter. NEI requested a copy of this letter.

ACTION: The NRC will verify that NEI was able to acquire a copy of the 30-Day Letter.

Public Comments:

Only one member of the public attended the meeting. This individual did not have any issues/questions relevant to the meeting.

Closing:

The meeting was adjourned at approximately 4:00 p.m.

