

May 19, 2005

MEMORANDUM TO: Brian E. Thomas, Acting Deputy Director  
Licensing and Inspection Directorate  
Spent Fuel Project Office, NMSS

FROM: Christopher M. Regan, Senior Project Manager /RA/  
Licensing Section  
Licensing and Inspection Directorate  
Spent Fuel Project Office, NMSS

SUBJECT: SUMMARY OF MAY 17, 2005, MEETING WITH HOLTEC  
INTERNATIONAL, ENTERGY, AND SOUTHERN NUCLEAR  
CORPORATION REGARDING SUBMITTAL OF AN EXEMPTION  
REQUEST FROM THE REQUIREMENTS OF 10 CFR 72.212 AND 10  
CFR 72.214 (TAC NO. L23842)

On May 17, 2005, the Nuclear Regulatory Commission (NRC) staff from the Spent Fuel Project Office and the Office of General Council met with representatives of Holtec International (Holtec), Entergy Operations (Entergy), and Southern Nuclear Operating Corporation (SNC) at NRC Headquarters in Rockville, Maryland. The purpose of the meeting was to provide the participants the opportunity to present a proposal for submittal of a request for an exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 to allow interim use of the proposed Holtec HI-STORM 100 Amendment 2 cask design. The Holtec HI-STORM 100 Amendment 2 cask design approval is currently in rulemaking. The meeting was noticed on May 9, 2005. Attachment 1 is a list of attendees and Attachment 2 contains the presentation slides.

The NRC began the meeting with opening remarks and a brief history of the HI-STORM 100 Amendment 2 review and rulemaking activities. These opening remarks included clarification of the purpose of the meeting and that the discussion should remain focused on the need for and processing of the proposed exemption requests. The purpose was not to discuss any specifics regarding the current HI-STORM 100 Amendment 2 rulemaking activities and response to public comments, however, general discussion of the NRC rulemaking process would be appropriate. The staff also stated that the schedule for the final rulemaking for approval of the HI-STORM 100 Amendment 2 cask design indicates an effective date of the action of June 29, 2005. Holtec, SNC, and Entergy added their opening remarks and thanked the staff for facilitating the meeting and stressed the urgency for NRC action regarding processing of the exemption requests.

Holtec, Entergy, and SNC, presented their proposal for submittal of the exemption requests. In summary the proposal would request temporary exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214. The exemption requests will reference the existing staff's HI-STORM 100 Amendment 2 Safety Evaluation Report (SER) and proposed Certificate of Compliance (CoC) published in support of the rulemaking action as the technical basis. The exemption requests will propose to implement the HI-STORM Amendment 2 cask design requirements as if it were an approved and codified design to include application of the

requirements of 10 CFR Part 72. Entergy and SNC indicated that Amendment 2 casks have already been purchased and fabricated and that upcoming operating reactor refueling outages this fall necessitate the movement of fuel from the spent fuel storage pool to dry cask storage. Entergy stated that for the Arkansas Nuclear One (ANO) facility they are scheduled to begin cask loading on June 17, 2005. SNC stated that for the Farley facility they are scheduled to begin cask loading on July 1, 2005, with NRC demonstration loading activity dry runs scheduled for June 13, 2005. Both utilities stated failure to begin loading of the dry storage cask in this time frame would result in loss of full core offload capability for their operating reactors. Given these demands and the NRC scheduled date for issuance of the final rulemaking action and approval of the HI-STORM 100 Amendment 2 cask design the participants feel justified in requesting expedient NRC review of the proposed exemption request. Entergy and SNC indicated they would be submitting their exemption requests no later than the week of May 23<sup>rd</sup>, 2005.

The staff stated that every effort would be made to process the exemption requests quickly, however, several activities dictate the minimum time frame necessary to process the requests that are outside the control of the staff. Specifically, noticing of the environmental assessment in the Federal Register, and performing all the steps typical of a technical review. Concern was raised by Holtec that staff resources might be detracted from the HI-STORM 100 Amendment 2 rulemaking activity and resolution of the public comments potentially delaying the action in order to process the exemption requests. The NRC stated that no delay of the rulemaking as a result of processing of the exemption requests was anticipated.

Following this discussion the public was afforded the opportunity to ask the NRC staff any questions regarding the licensing process or the proposed exemption requests. There were no comments or questions from the public specific to the meeting purpose.

No regulatory decisions were made by the NRC during the meeting on the material presented.

Docket No. 72-1014  
TAC NO. L23842

Attachments: 1. Attendance List  
2. Presentation Slides

B. Thomas

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w/attachments DISTRIBUTION:

NMSS r/f                      SFPO r/f                      SGagner, OPA                      SBaggett NJensen, OGC  
NRC attendees

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<b>OFC</b>	SFPO	E	SFPO	E	SFPO	
<b>NAME</b>	CRegan*		EZiegler*		RLewis	
<b>DATE</b>	05/ 18 /05		05/ 18 /05		05/19/05	

**Official Record Copy**

## **Attachment 1**

## **Attendee List**

**Meeting with Holtec International, Southern Nuclear Operating Company,  
and Entergy Operations  
Proposed Exemption Request  
May 17, 2005**

ATTENDANCE LIST

<u>Name</u>	<u>Affiliation</u>
Bill Brach	NRC/NMSS/SFPO
Brian Thomas	NRC/NMSS/SFPO
Wayne Hodges	NRC/NMSS/SFPO
Rob Lewis	NRC/NMSS/SFPO
Gordon Bjorkman	NRC/NMSS/SFPO
Christopher Regan	NRC/NMSS/SFPO
Michel Call	NRC/NMSS/SFPO
Jorge Solis	NRC/NMSS/SFPO
Geoff Hornseth	NRC/NMSS/SFPO
Jerry Chuang	NRC/NMSS/SFPO
Carl Withee	NRC/NMSS/SFPO
Mary Jane Ross-Lee	NRC/NMSS/SFPO
Larry Campbell	NRC/NMSS/SFPO
David Pstrak	NRC/NMSS/SFPO
Raynard Wharton	NRC/NMSS/SFPO
Jason Piotter	NRC/NMSS/SFPO
Jessica Umana	NRC/NMSS/SFPO
Steven Baggett	NRC/NMSS/SFPO
Neil Jensen	NRC/OGC
Alan Soler	Holtec International
Stephan Anton	Holtec International
Ben George	Southern Nuclear
Terry Sides	Southern Nuclear
Richard Hill	Southern Nuclear
Dale James	Entergy Operations - ANO
Stephanie Pyle	Entergy Operations - ANO
Raymond Shadis	New England Coalition (via telephone)
Susan Smallheer	Rutland Herald (via telephone)
Neil Sheehan	NRC/RGNI/PA (via telephone)
Maureen Conley	Platts/McGraw-Hill
Andrea Jennetta	FCW

## **Attachment 2**

### **Presentation Slides**