

September 18, 2010

MEMORANDUM TO: Doug Weaver, Deputy Director
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

FROM: Chris Staab, Project Manager */RA/*
Licensing Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

SUBJECT: SUMMARY OF SEPTEMBER 16, 2010, MEETING WITH NEI AND
INDUSTRY REGARDING ISSUE RESOLUTION PROTOCOL, PILOT
ISSUE, AND LICENSING CONFERENCE OUTCOMES

Background. On September 16, 2010, the Nuclear Energy Institute (NEI) and industry met with staff to discuss NRC comments on NEI's issue resolution plan for the pilot issue and to discuss priority regarding actions with respect to recent Licensing Conference outcomes. No regulatory decisions were requested or made at the meeting. The list of meeting attendees is Enclosure 1. The agenda is Enclosure 2. Handouts and presentations are Enclosure 3.

- Meeting Discussion: The discussion addressed the items identified in the agenda. The morning included two NEI presentations followed by NRC led summary and discussion. The afternoon included two presentations, one NEI and one NRC, followed by NRC led summary and discussion.
- Two NEI Presentations Regarding Issue Resolution Plan and Pilot Issue: Regarding the eight fuel variants, amendments to Certificates of Compliance (CoC) are unlikely. Industry will proceed with analysis and evaluations to demonstrate cask safety for the fuel variants for both Part 71 and Part 72. Analysis and evaluations will be made available for NRC inspection, per regulations. During the performance of analysis and evaluations, industry will submit CoC amendments to the NRC if industry discerns amendments are necessary per regulations.
- NRC Comment: If NEI and industry discern multiple amendments are required, NEI and industry may consider a topical report for submitting bounding analyses for the multiple cases. In this way, NRC's response to the topical report may be referenced by specific CoC amendments which could expedite amendment reviews, saving both industry and NRC review time.
- Next Steps: NEI will revise the issue resolution plan to add a bullet for NEI to provide, by October 13, a separate, updated position paper addressing whether or not guide tube anchors, ITTRs, and similar devices are considered cask contents, which would require an amendment for storage and transportation. NRC may form a technical team to assess the "allowable contents" position paper prior to the next meeting with NEI. The

next meeting may be scheduled within the first two weeks of December, or earlier if possible.

- NEI Presentation Regarding Licensing Conference Outcomes:
 - NEI divided licensing conference outcomes into short and long term action proposals and suggested working the items using the Regulatory Issue Resolution Protocol (RIRP).
 - The first short term item is to consider the practicality of CoC conditions and technical specifications prior to implementation of conditions or technical specifications into the CoC. NEI proposed execution of the item soon suggesting the item is simple to employ. Transnuclear already formally implements the item by discussing the practicality of proposed conditions and technical specifications with licensees prior to engaging NRC. Industry as a whole may codify an internal process for discussing the practicality of conditions and technical specifications with licensees prior to recommending conditions or technical specifications to the NRC.
- NRC Comments:
 - NEI and industry may develop screening forms for the action items. Given resource constraints, NRC and industry may be able to work two of the items in the short term to determine whether the items screen into the RIRP.
 - Similar to industry, NRC may codify an internal process for use by staff to check the practicality of a CoC condition or technical specification prior to implementing the condition or technical specification into a CoC.
- NRC Presentation Regarding Possible Enhancements to Certificate Conditions:

NUREG-1745, "Standard Format and Content for Technical Specifications for 10 CFR Part 72 Cask Certificates of Compliance", is ready for revision. NRC and industry have experience regarding technical specifications to provide meaningful revision to NUREG-1745. Some ideas are to include Part 71 certificate guidance, to add specific criteria to what belongs in technical specifications to enhance regulatory predictability, and to expound on page 14 to include criteria for damaged fuel and high burnup fuel.
- Industry Comment: Revisions to NUREG-1745 may integrate with plant technical specifications to provide consistency to operators, to the extent possible. NEI identified revisions to technical specification guidance as a long term action item.

- Next Steps: Industry suggested four public meetings per year in addition to the annual Dry Storage Forum and NRC's annual Licensing Conference for Spent Fuel Storage and Transportation. NRC may support depending on resources both in COMDEK space, with regards to COMSECY-10-0007, and licensing space, which is still unclear and yet to be determined. NRC will work to support a future public meeting for pilot issue resolution in December. It is not clear at this time whether NRC can support additional issues into the RIRP, based on resource commitments.

TAC No. LA0233

- Enclosures:
1. Attendees
 2. Agenda
 3. Handouts and Presentation Material

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DATE	9/17/2010		9/17/2010		9/18/2010	

C=Without attachment/enclosure E=With attachment/enclosure N=No copy **OFFICIAL RECORD COPY**

MEETING ATTENDEES
Meeting Between the Nuclear Regulatory Commission,
NEI, and Industry
September 16, 2010

Eric Benner	NRC/SFST
Mike Waters	NRC/SFST
Chris Staab	NRC/SFST
Jason Piotter	NRC/SFST
David Tang	NRC/SFST
Emily Larson	NRC/OIP
Tim Sippel	NRC/HLW
Everett Redmond	NEI
Brian Gutherman	ACI Nuclear
Randy Bunt	SNC
Suzanne Leblang	Entergy
Zita Martin	TVA
Steve Streutker	TN
Ray Termini	Exelon
Yi-Ting Chang	AEC – Taiwan
Shian-Tang Gino	AEC – Taiwan
Jimmy Glenn	Duke Energy
Keith Waldrop	Duke Energy
Bruce Homgren	Zion Solutions
Tom Danner	NAC International
Steve Baker	TransWare
Randy Robins	Dominion
Tammy Morin	Holtec
Maureen Conley	Platts
Ray Lambert	EPRI
Oley Nelson	Xcel Energy
Lee Samson	Xcel Energy
Lynne Gunderson	Xcel Energy

Agenda
Meeting with Nuclear Energy Institute's
Dry Storage Task Force
September 16, 2010

1. Call to Order and Introductions
2. Introductory Remarks
3. Discussion of Industry Pilot Issue – Planning Phase (Morning w/ breaks)
 - Two NEI presentations proposing next steps for pilot issue
 - NRC summary of what was heard and general discussion
4. Discussion of Licensing Conference Outcomes (Technical Specifications) and COMDEK actionable items as potential candidates into RIRP (Afternoon w/ breaks)
 - NEI presentation proposing priority of licensing conference outcomes
 - NRC presentation regarding possible enhancements to certificate conditions
 - NRC summary of what was heard and general discussion
5. Discuss Agenda and Date for Next meeting
6. Open Discussion/Public Comments and Conclusion