

April 22, 2011

MEMORANDUM TO: Doug Weaver, Deputy Director  
Licensing and Inspection Directorate  
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 MARCH 28, 2011, MEETING WITH NEI AND  
INDUSTRY REGARDING INITIATIVES TO INCREASE CLARITY,  
CONSISTENCY, AND PREDICTABILITY IN GUIDANCE DOCUMENTS

Background. On March 28, 2011, the Nuclear Energy Institute (NEI) and industry met with staff to discuss enhancing clarity, consistency, and predictability in guidance documents used to regulate storage and transportation of spent nuclear fuel. No regulatory decisions were requested nor made at the meeting. The list of meeting attendees is Enclosure 1. The agenda is Enclosure 2. Handouts are Enclosure 3

High Level Summary of Meeting. On March 28, staff held a public meeting with the NEI, utility representatives, and cask vendors to discuss Part 72 regulatory improvement initiatives. The meeting focused on NRC's plans to update the standardized technical specifications for dry cask storage and improvements to the inspection program, as part of COMSECY-10-0007. The staff also discussed NEI's progress to update industry guidance for implementing 10 CFR 72.48 change authority, which allows vendors and licensees to make certain design and operational changes to cask systems without prior NRC approval. NEI will forward comments to the NRC regarding the initiatives. The comments will be made publicly available and will be used during breakout sessions at NEI's Used Fuel Management Conference, May 3 - 5 in Baltimore, Maryland.

- NUREG-1745 Update:
  - The current version of NUREG-1745 was written close to a decade ago and is ready for revision. The NRC is working to increase clarity, consistency, and predictability for what conditions belong in Certificates of Compliance (CoCs) and Technical Specifications (TSs). By increasing clarity, consistency, and predictability internal staff and industry debate regarding CoC conditions and TSs should be reduced, which should in turn reduce staff time to review a licensing request. Additionally, increased clarity should increase consistency regarding what should and should not constitute inspection findings during Part 72 inspections, since CoC conditions and TSs are enforceable.

- Increasing clarity into NUREG-1745 may include: (1) defining safety limits: k-effective, dose rate at site boundary, and cladding temperature, and defining safety margins for the safety limits; (2) discussion of how all CoC conditions and TSs flow from the safety limits; (3) specific parameters which are required to be controlled to ensure the safety limits and safety margins are not violated (emphasis on verifiability and a discussion of which parameters are for fresh vs. irradiated fuel will be included); and (4) a discussion that actual CoC conditions and TSs will be the specific parameters with a maximum or minimum and a safety margin which links the condition or technical specification back to the three overarching safety limits.
- As an additional improvement item, staff may be referencing NUREG/CR-6407 items important to safety for the five types of transportation casks and two storage systems in NUREG-1745. In this way, applicants will be required to identify up front, on drawings, the items important to safety. This will help clarify enforceability of genuine safety items as well as increase consistency among applications regarding items important to safety. This initiative may highlight the need to update NUREG/CR-6407 as well.
- Emphasis was placed on working all areas of regulatory framework simultaneously to increase consistency. Industry and NEI will work to increase clarity to NEI's 72.48 guidance document and NRC is working to enhance inspection guidance and CoC/TS guidance, all simultaneously. Industry's 72.48 guidance document provides loose guidance regarding how and when to perform a 72.48 evaluation (when a change to operational or design criteria requires NRC approval, or not). Increased clarity is needed in all guidance documents at the same time to more clearly define nuclear safety with storage and transportation casks.
- Inspection Guidance Enhancements.
  - Staff described the process to review and assess the licensing, inspection, and enforcement programs for transportation and storage activities conducted under 10 CFR Parts 71 and 72. Staff will review licensing, inspection, and enforcement programs for storage and transportation activities conducted under the requirements of 10 CFR Parts 71 and 72 for storage and transportation of spent nuclear fuel. The purpose of the review is to identify enhancements to increase clarity, efficiency, and effectiveness of the licensing, inspection, and enforcement programs. Concurrent with the licensing, inspection, and enforcement program review, staff will develop guidance on performing inspection oversight of aging management programs at independent spent fuel storage installations with renewed license terms.
  - Finally, staff described the process to review the licensing process to identify improvements to the inspection and enforcement programs through better integration of technical reviews, licensing actions, and inspection activities. Improvements will enhance teamwork between technical, licensing, and inspection staff to assure shipping and storage containers meet regulatory and design requirements and perform their intended safety function. Staff explained the overall goal to assure safety and improve quality, clarity, and effectiveness of the licensing and inspection process.

- 72.48 Guidance Update. Staff suggests NEI and industry:
  - Review 72.48 inspection reports for lessons learned: ML092180140, ML063130354, and ML053070583,
  - Clarify the definition of implementation consistent with 10 CFR Part 72 applications (vendors currently use the 50.59 definitions),
  - Clarify guidance on “change in methodology or change in method of evaluation,”
  - Review statement of considerations for 10 CFR 72.48 (64FR53582),
  - Revise examples to reflect actual Part 72 situations,
  - Distinguish 72.48 changes incorporated in the FSAR from proposed CoC amendment changes, and
  - Emphasize the responsibility licensees have for vendor initiated 72.48 changes adopted by the licensee.
  
- Public Comments Provided Post-Meeting. See final electronic file.

TAC No. LA0119

Enclosures:   1. Meeting Attendees  
                  2. Agenda  
                  3. Handouts

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Distribution: NRC Attendees BWhite WWheatley

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Filename: G:/SFST/Staab/NEI/March 28 2011 Meeting/Meeting Summary.docx  
 G:/SFST/Staab/NEI/March 28 2011 Meeting/NUREG-1745 Staab.pptx  
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<b>NAME</b>	CStaab		MDeBose		MWaters	
<b>DATE</b>	4/21/2011		4/21/2011		4/22/2011	

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  
March 28, 2011

Mike Waters	NRC/SFST
Ray Wharton	NRC/SFST
Robert Einziger	NRC/SFST
V. Sreenivas	NRC/SFST
Kristina Banovac	NRC/SFST
Juan Montesinos	NRC/SFST
Kevin Witt	NRC/SFST
Chris Staab	NRC/SFST
Aby Mohseni	NRC/HLWRS
Tom Matula	NRC/HLWRS
Frank Jacobs	NRC/HLWRS
Steve Ruffin	NRC/HLWRS
Marc Nichol	NEI
Bryan Gutherman	Gutherman Technical Services
Andrew Sowder	EPRI
Stefan Anton	Holtec
Ray Termini	Exelon
Andrew Eckhart	Southern California Edison
Keith Waldrop	Duke Energy
Kamran Tavassoli	Transnuclear
Terry Sides	Southern Nuclear
Greg Kent	Duke Energy

Agenda  
Meeting with Nuclear Energy Institute  
and Industry  
March 28, 2011

1. Call to Order and Introductions (5 min)
2. Introductory Remarks (5 min)
3. Initiate workshop on NUREG-1745 Update, Inspection Program enhancements, and NEI 72.48 Guidance Update (5 min)
4. NUREG-1745 Update presentation from NRC and Q&A (60 min)
5. Inspection Program enhancements presentation from NRC and Q&A (60 min)
6. NEI 72.48 Guidance Update presentation from NEI/Industry and Q&A (60 min)