

May 26, 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: Lucieann Vechioli, Project Manager */RA/*
Rules, Inspection and Operations Branch
Division of Spent Fuel Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

SUBJECT: SUMMARY OF APRIL 28, 2011, MEETING WITH NEI AND INDUSTRY
TO DISCUSS INDUSTRY PROPOSAL FOR FREESTANDING STACK-
UP CONFIGURATION DURING SPENT FUEL DRY CASK LOADING

Background

On April 28, 2011, the NRC staff met with the Nuclear Energy Institute (NEI) and industry representatives to discuss the use of design features by licensees to meet the regulatory requirements of 10 CFR Parts 50 and 72 regarding the stack-up configuration during spent fuel dry cask loading. NEI had documented their position in a letter dated April 15, 2001 (ADAMS Accession Number ML111160561). The staff's position had been documented in a Technical Assistance Request (TAR) response dated February 25, 2011 (ADAMS Accession Number ML110200478).

Discussion

In the TAR response, the staff had concluded that the use of seismic stability analysis in lieu of lateral restraints for the stack-up configuration was not within the licensing basis of the spent fuel storage system that was the subject of the TAR and that either an amendment to the storage system's Certificate of Compliance (CoC) or an exemption by the general licensee using the storage system was necessary to use seismic stability analysis in lieu of lateral restraints. Nuclear Energy Institute's letter indicated a belief that this position was inconsistent with NRC's previously established regulatory position in the areas of 1) applicability of 10 CFR Part 50 and 10 CFR Part 72 to spent fuel loading, unloading and handling operations performed inside buildings governed by 10 CFR Part 50; and 2) the authority granted to licensees to make changes to the spent fuel storage system or facility Final Safety Analysis report (FSAR) without prior NRC review and approval pursuant to 10 CFR 50.59 and 10 CFR 72.48.

NRC and industry representatives presented their positions and subsequent discussion focused on two areas: 1) a possible regulatory path within 10 CFR Part 50 to use seismic stability

analysis in lieu of lateral restraints for the stack-up configuration; and 2) technical adequacy of such seismic stability analysis.

NRC and industry representatives agreed that the NRC's response to the issue should address:

- 1) Where the design requirement for the lateral restraints in the FSAR for the spent fuel storage system that was the subject of the TAR apply;
- 2) Whether both 10 CFR 50.59 and 10 CFR 72.48 apply when making a change involving both a spent fuel storage system and a reactor facility and whether these regulations can be used to change a system or facility FSAR, respectively, without prior NRC approval;
- 3) Expected licensee actions when a spent fuel storage system CoC and FSAR are silent on a particular issue;
- 4) What would constitute appropriate and approved methodology for performing seismic stability analysis of the stack-up configuration; and
- 5) What is meant by "laterally restrained."

No regulatory decisions were made at the meeting. NRC committed to have further internal discussion on the industry position discussed at the meeting and stated in NEI's letter and would provide a response to NEI's letter.

Enclosures:

1. Agenda
2. Meeting Attendees
3. NEI presentation slides

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Meeting Agenda
Meeting Between the Nuclear Regulatory Commission,
NEI, and Industry
April 28, 2011

2:30 – 2:45 p.m.	Introduction of Participants	NRC/NEI
2:45 – 3:15 p.m.	NEI proposal	NEI
3:15 – 4:00 p.m.	SFST Comments and Discussion	SFST
4:00 – 4:20 p.m.	Comments and Questions from the Public	All
4:20 – 4:30 p.m.	Path Forward	All
4:30 p.m.	Adjourn	NRC

Meeting Attendees
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April 28, 2011

NAME	AFFILIATION
Gordon Bjorkman	NRC/NMSS
Chris Staab	NRC/NMSS
Marc Nichol	NEI
Mark Ajluni	SNC
Terry Sides	SNC
Adam Levin	Exelon
Thomas Valcich	PSEG
Rod McCullum	NEI
Vonna Ordaz	NRC/NMSS
Allen Howe	NRC/NRR
Eric Benner	NRC/NMSS
Zita Martin	TVA
Zachary Kitts	TVA
Don Beckman	Zion Solutions
Charles Haughney	Talisman – Energy Solutions
David Tang	NRC/NMSS
Steve Jones	NRC/NRR
Bob Martin	NRC/NRR
Randy Hall	NRR/NRR
Jeff Hansen	Exelon
Greg Halnen	First Energy
Brian Gustems	PSEG
Enrique Villar	PSEG
Randy Bunt	SNC
John Goshen	NRC/NMSS
Suzanne Leblang	Entergy

NAME	AFFILIATION
Stephanie Pyle	Entergy
Patrick Boyle	NRC/NRR
Alan Soler	Holtec
David Beaulieu	NRC/NRR
Elva Bowdenberry	NRC/OGC
Jimmy Chang	NRC/NMSS
Tom Danner	NAC International
Kamram Tavassoli	Transnuclear
Michael Bauser	Transnuclear
Pankaj Chaudhary	Holtec
Douglas Paul	Holtec
Carlyn Greene	UxConsulting
Gary Walden	Duke Energy
Glenn Schawrtz	PSEG
Larry Parker	STARS
Nancy Chapman	Bechtel
Tammy Morin	Holtec
Maureen Conley	Platts