



NUCLEAR ENERGY INSTITUTE

Rodney McCullum  
DIRECTOR  
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May 2, 2012

Brooke D. Poole, Esq.  
Acting Director  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Materials Safety and Safeguard  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Request for a Meeting on License Renewal for Dry Cask Storage

**Project Number: 689**

Dear Ms. Poole:

The Nuclear Energy Institute (NEI),<sup>1</sup> together with the NEI Dry Storage Task Force, requests a meeting with NRC staff to discuss concerns we have regarding what appears to be a new regulatory position emerging through NRC staff review of applications for renewal of dry cask storage licenses in accordance with 10 CFR Part 72. Specifically, we have noted that a recent NRC observation on the first license renewal application for storage of high burn-up fuel communicates new expectations—acquisition of more data and/or inspection of the fuel—for which we cannot identify a sound and clearly articulated basis.<sup>2</sup> Further, the NRC expectations appear to be inconsistent with existing regulations and guidance and unnecessary for ensuring the continued safe storage of high burn-up fuel. We believe that current data and practices support the conclusion that there is reasonable assurance that high burn-up fuel can be stored safely and in compliance with the regulations for at least 60 years, and that this conclusion is consistent with prior NRC positions.

We are supportive of the NRC asking new questions and updating regulatory positions as necessary; however, to assure effective implementation of the regulatory framework, this must be done in a manner which is consistent with the NRC's Principles of Good Regulation. We believe that

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<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

<sup>2</sup> ML12046A157

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establishment of new or changed regulatory positions through observations on individual applications, without interaction with all stakeholders and attendant generic communication, is inconsistent with these principles. Therefore, we are seeking to engage the NRC staff in this matter in hopes of establishing the regulatory clarity, reliability and openness necessary to support all dry cask storage license renewals.

Due to the generic nature of this issue, urgency for regaining regulatory clarity, and potential impact to industry if the NRC proceeds to institutionalize a new regulatory position, we request the meeting be held prior to the end of June 2012. We appreciate your attention to this matter. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney McCullum", written over a light gray rectangular background.

Rodney McCullum

c: Ms. Catherine Haney, NMSS, NRC  
Mr. Douglas W. Weaver, NMSS/DSFST, NRC  
Mr. Steve R. Ruffin, NMSS/DSFST/LB, NRC  
NEI Dry Storage Task Force