

August 11, 2017

MEMORANDUM TO: Anthony Hsia, Deputy Director
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

FROM: L. Raynard Wharton, Senior Project Manager */RA/*
Inspections and Operations Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
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SUBJECT: SUMMARY OF JULY 11, 2017, MEETING WITH NUCLEAR ENERGY
INSTITUTE TO DISCUSS NUCLEAR ENERGY INSTITUTE'S
PROPOSED LANGUAGE ON METHOD OF EVALUATION TO BE
INCLUDED IN NEI 12-04, "GUIDELINES FOR 10 CFR 72.48
IMPLEMENTATION," REVISION 0

The U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Material Safety and Safeguards, Division of Spent Fuel Management (DSFM) staff held a Category 2 meeting with the Nuclear Energy Institute (NEI) and industry on July 11, 2017, at NRC's Two White Flint Building in Rockville, MD. The purpose of the meeting was to discuss NEI's draft language on method of evaluation (MOE) usage related to certificate of compliance (CoC) holder's cask design license amendments.

In the public meeting conducted on May 11, 2017, (Agencywide Document Access and Management System (ADAMS) Accession No. ML17164A055) the NRC and NEI agreed to meeting again to discuss draft MOE language. Alignment on what constitutes acceptance of a MOE and what that acceptance allows a CoC holder or licensee to modify per the regulations, 10CFR72.48, has been the subject of considerable discussion between the NRC and industry. NEI submitted a draft proposal of the language by e-mail to the NRC on July 5, 2017 (ADAMS Accession No. ML17214A698).

The meeting was attended by the DSFM management and staff, NEI and its contractor, and industry participants. There were also several industry members and members of the public participating by telephone. The list of attendees and participants are included as Enclosure 1. The discussion followed the agenda provided in Enclosure 2. NEI and its contractor provided their presentation to continue the MOE discussion and provided the draft MOE language that represents the industry position. The NEI presentation slides can be found at ADAMS

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Accession No. ML17198D832. NEI provided the draft proposed language, which contained excerpts from specific sections of the guidance document, by e-mail (ADAMS Accession No. ML17214A698).

DSFM and NEI management made opening comments regarding the progress made towards reaching alignment on the guidance document and resolving the MOE issue. DSFM management mentioned that because the document was received close to the meeting date, the staff would be in a listening mode. NEI management made comments regarding the proposed language being safe, effective, and reasonable.

NEI provided a brief background regarding what was discussed in the May 11, 2017, public meeting and how we agreed to meet in July 2017. NEI discussed 10 CFR 72.48, MOEs, and specifically what “approved for the intended application” means to the industry. NEI further provided some historic background regarding how 72.48 guidance was supposed to emulate 50.59 guidance. NEI also referenced two documents in its discussion: (1) Questions and Answers on 10 CFR 50.59 and NEI 96-07, Revision 1, Update 4 - April 2001, and (2) Part 72.48 Implementation Frequently Asked Question. The origin and engagement with the NRC on these documents is unknown and undocumented. There was discussion regarding how the NRC regulates MOE’s for reactors. There was considerable discussion of the draft proposed language and examples were provided of how methodology versions can change without changing the method. The staff discussed examples of MOE code version changes that involved significant enough changes that did result in a method change and not just a change to an element of a method. NEI agreed to add language to address staff concerns regarding the potential for MOE version changes that also changed the method.

The staff stated they will review NEI’s draft proposed language provided on MOEs. NEI agreed to will develop a preliminary schedule for revising the guidance document, NEI 12-04, within a few weeks. There were no regulatory decisions made at the meeting. The public was given the opportunity to ask questions of the NRC. There were no questions.

If you have any questions or comments, please contact L. Raynard Wharton at (301) 415-7497 or raynard.wharton@nrc.gov.

Enclosures:

1. Meeting Participants
2. Agenda

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DISTRIBUTION:

Distribution: NRC Attendees

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Memo: ML17226A010 Encl. 1: ML17226A012 Encl. 2: ML17226A013

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