

March 16, 2018

Rodney J. McCullum
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SUBJECT: RESPONSE TO NUCLEAR ENERGY INSTITUTE'S LETTER REGARDING
INDUSTRY COMMENTS ON "STANDARD REVIEW PLAN FOR SPENT FUEL
DRY STORAGE SYSTEMS AND FACILITIES" DRAFT NUREG-2215

Dear Mr. McCullum:

Thank you for the comments you submitted on behalf of the nuclear energy industry on draft NUREG-2215, "Standard Review Plan for Spent Fuel Dry Storage Systems and Facilities" in response to our notice of opportunity to provide comments published in the *Federal Register* (82 FR 52944) on November 15, 2017. The U.S. Nuclear Regulatory Commission (NRC) appreciates the perspectives of the nuclear industry in response to this consolidation of guidance in NUREG-1536, "Standard Review Plan for Dry Cask Storage Systems", NUREG-1567, "Standard Review Plan for Spent Fuel Dry Storage Facilities", and several Interim Staff Guidance (ISG) documents into one Standard Review Plan (SRP). I agree with some of your suggestions and comments, and have provided alternative approaches to other comments.

In your letter, you identified four main issues from industry's review of the draft NUREG. I have paraphrased the comments below and am providing our approach to address the items you have raised.

1. Draft NUREG-2215 would undermine NRC's ongoing improvements on the graded approach to dry storage licensing, Title 10 of the *Code of Federal Regulations* (10 CFR) 72.48 change process guidance, and dry storage license and Certificate of Compliance renewal.

Response: I agree with the comment that the level of detail on the technical specifications in the draft NUREG present conflicting information with other portions of the document. The NRC staff plans to remove much of this level of detail from the draft SRP in Chapter 17. This level of detail is more appropriate for inclusion in other documents, such as NUREG-1745, "Standard Content and Format for Technical Specifications" where content and format guidance for technical specifications is provided. NUREG-1745 provides the guidance for the content of the Safety Analysis Reports submitted to support applications and amendments. A revised Chapter 17 in the draft NUREG-2215 will address the overall expectations for developing technical specifications, and not the specific details to include in technical specifications.

Although complimentary, the current approach and schedule for NUREG-2215 and Regulatory Issue Resolution Protocol (RIRP)-I-16-01 are separate initiatives. Recall that the work on NUREG-2215 is a consolidation of existing guidance documents to provide consistent language and clarity. The effort on NUREG-2215 was not intended to

incorporate new guidance at this time. The efforts with the graded approach in RIRP-I-16-01 are ongoing and are anticipated to be completed in the near future. The insights gained from the RIRP effort will be included in a future update of NUREG-2215. At this time, I suggest that any lessons learned from the RIRP will be included in separate documents, such as NRC endorsed Nuclear Energy Institute (NEI) guidance, in parallel with updates to NUREG-2215.

I do not agree that guidance on the 10 CFR 72.48 change process should be included in NUREG-2215. Like the RIRP discussion above, the 10 CFR 72.48 change process guidance (NEI 12-04, "Guidance for 10 CFR 72.48 Implementation"), and the dry storage renewal process guidance (NEI 14-03, "Format, Content and Implementation Guidance for Dry Cask Storage Operations-Based Aging Management) are also separate, ongoing initiatives and are not appropriate for inclusion in NUREG-2215 at this time. This would be new information in the SRP, contrary to only consolidating existing guidance. The NRC staff will continue to work to finalize these items in a timely manner, and will include these topics to updates of NUREG-2215.

2. The manner in which the ISGs and two existing NUREGs are being combined is not sufficiently explained, introduces errors, expands the scope of the guidance, and does not consider the prior review history of each ISG.

Response: I agree that the manner in which the existing guidance was combined has not resulted in the desired clarity. The NRC staff will conduct a focused review of how the ISGs were incorporated into each of the technical chapters of NUREG-2215 to ensure that no new staff regulatory positions were introduced, and that any potential conflicting information from the prior existing guidance documents is clarified. Of particular note, the discussion on post-accident recovery and retrievability will be clarified. We will present the outcome of this effort during an upcoming public meeting, and the briefing to the Advisory Committee on Reactor Safeguards (ACRS).

3. The finalization of NUREG-2215 in its current form could trigger an unnecessary and costly rewrite of Emergency Plans at several sites.

Response: The NRC staff coordinated with the Office of Nuclear Security and Incident Response to ensure that NUREG-2215 is consistent with current guidance for emergency response policies and practices in order to avoid any conflict or confusion on implementation of Emergency Plans. As a practice, the NRC does not require licensees' documents to strictly adhere to the format guidance. NUREG-2215 would not require a rewrite of Emergency Plans.

4. Draft NUREG-2215 advances new and inconsistent regulatory positions on fuel characterization prior to storage, which would effectively impose new requirements on industry without any analysis of the safety benefits and costs.

Response: As outlined in my response to Comment 3, the NRC staff will review NUREG-2215 to ensure that the consolidation of the existing guidance does not create any new or inconsistent regulatory positions on fuel characterization. We will discuss resolution of this comment with industry during the upcoming public meeting.

I appreciate your suggestion to conduct two public workshops to discuss comments on NUREG-2215, prior to a scheduled briefing of the ACRS. I agree that additional public interaction on

NUREG-2215 is warranted. The NRC staff will include revisions to address your comments that are outlined above. We will also conduct a public meeting toward the end of this month to discuss any additional comments from industry, stakeholders, and interested parties. A meeting with the ACRS to discuss the consolidated guidance in NUREG-2215 has been scheduled for April 4, 2018. I understand that NEI will also attend this meeting. The staff will address the suggestions and recommendations resulting from the ACRS meeting, incorporate any revisions into the document, and develop a schedule for publication of the final NUREG. I am hopeful that this SRP will soon be available for use by the NRC staff, NEI, and industry.

Thank you again for the insightful comments to help improve the draft SRP. I am looking forward to meeting with NEI and industry on our resolution of the public comments during the upcoming public meeting.

Sincerely,

/RA/

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