



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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May 24, 2018

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

FROM: Norma García Santos, Project Manager */RA/*
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT: SUMMARY OF APRIL 5, 2018, MEETING WITH THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO DISCUSS REGULATORY OPTIONS TO ALLOW COMMERCIAL ENTITIES IN THE PRIVATE SECTOR TO FABRICATE AND USE THE MODEL NOS. 435-B AND 380-B (DOCKET NOS. 71-9355 AND 71-9370)

Background.

On April 5, 2018, a public meeting was held in Rockville, Maryland, at the request of the National Nuclear Security Administration (NNSA) with the U.S. Nuclear Regulatory Commission (NRC) staff. The meeting was noticed on March 21, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18080A004) as an open meeting. Enclosure 1 includes the list of participants (in person and by phone).

Discussion.

The purpose of the meeting was to discuss possible regulatory options and corresponding responsibilities if NNSA decides to share the designs of the Model Nos. 435-B and 380-B transportation package with the private sector for fabrication and use. The following section includes a summary of the discussion of questions posed by NNSA during the April 5th meeting.

1. Has NRC been involved in similar technology transfers of Type B containers similar to the proposed activity? If so, are there any lessons learned or suggestions? Pros/Cons?

As a regulatory agency in this situation, the NRC cannot serve as a consultant. The NRC can share experiences and provide options based on those experiences. In the past, similar but separate certificates of compliance (CoCs) have been used by different vendors. An example of this practice is Model No. TN-B1.

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2. What is the average (estimated) review and approval time of a Title 10 of the *Code of Federal Regulations* (10 CFR) Part 71, Subpart H, Quality Assurance Program (QAP)?

The staff pointed out that the time expended on a review of a 10 CFR Part 71, Subpart H, QAP, would depend on the quality and clarity of the application. For example, it may take 3-6 months to complete the review depending on the quality of the application. The staff also mentioned that if NNSA decides to provide a package design to a current package vendor, if the vendor does not have an NRC-approved QAP, the vendor would need to submit an independent application with a corresponding QAP.

3. What are the current NRC hourly costs for review and maintenance of a certificate (annual NRC fees to hold certificate active)?

The review fees are commensurate with the quality of the application. Certificate holders do not pay annual fees with the exception of the U.S. Department of Energy.

4. Could the NRC perform a cursory review of application materials if a commercial entity submits documents containing an identical existing approved safety analysis report (SAR)? If so, can NRC provide an estimated review time?

The applicant can request pre-application meetings for which the applicant would be charged an hourly fee. Some efficiencies would likely be gained by reviewing an identical SAR and having pre-application meetings to discuss possible changes, if any, to the package depending on the applicant's needs. Also, there may be a need for separate meetings to discuss calculations generated by NNSA.

5. Are there any concerns certifying multiple containers if several entities requested multiple certificates for essentially the same container design?

The staff have no regulatory concerns of certifying multiple containers for essentially the same container design. Individual companies may refer to a "master SAR," but the staff emphasized that individual companies must have control over the SAR. Therefore, this option could be challenging to implement because the certificate holder is ultimately responsible for the design of the package.

6. Will private industry need to develop a new chapter 7 (Package Operations) and 8 (Acceptance Tests and Maintenance Program) to fit their individual needs?

Yes, the applicant will need to develop a new chapter 7 and 8 to fit its needs.

7. Who is ultimately liable for engineering/design in case of failure?

The certificate holder is responsible for the package design and to ensure that the package is fabricated in accordance with the design approved by the NRC.

Docket Nos. 71-9355, 71-9370

EPID No. L-2018-LRM-0019

Enclosures:

1. Meeting Attendees
2. Meeting Agenda

cc: Attendees

SUBJECT: SUMMARY OF APRIL 5, 2018, MEETING WITH THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO DISCUSS REGULATORY OPTIONS TO ALLOW COMMERCIAL ENTITIES IN THE PRIVATE SECTOR TO FABRICATE AND USE THE MODEL NOS. 435-B AND 380-B (DOCKET NOS. 71-9355 AND 71-9370), DOCUMENT DATE: May 24, 2018

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ADAMS Package Accession No.: ML18145A109

OFFICE:	DSFM	E	DSFM	N	DSFM	N
NAME:	NGarcía Santos		SFiguroa by email		JMcKirgan	
DATE:	5/10/18		5/14/18		5/24/18	

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Meeting to Discuss Regulatory Options to Allow Commercial Entities in the Private Sector to Fabricate and Use the Model Nos. 435-B And 380-B

April 5, 2018
TWFN-6-D44
1:00 p.m. – 2:00 p.m.

Attendees List

Name	Organization
Anthony H. Hsia	NRC
John McKirgan	NRC
Meraj Rahimi	NRC
Chris Allen	NRC
Chris Bajwa	NRC
Bernard White	NRC
Jeremy Tapp	NRC
Marlone Davis	NRC
Antonio Rigato	NRC
Patricia A. Jehle ¹	NRC
Temeka Taplin	National Nuclear Security Administration (NNSA) NA-212
John Zarling	Idaho National Laboratory (INL)
Becky Coel-Roback ¹	Los Alamos National Laboratory (LANL), Off-Site Source Recovery (OSRP) Program Manager
Mark Wald-Hopkins ¹	LANL, OSRP Subcontract Technical Representative
David Chavez ¹	LANL Packaging and Transportation
Bill Ransohoff ¹	President, Neutron Products, Inc.
Ed DeRosa ¹	Neutron Products, Inc.
Sandra J. Williams ¹	BWX Technologies, Inc.
Billy Ogden ¹	BWX Technologies, Inc.

¹ On the phone.

NNSA NRC Public Meeting

Sharing Technology Related to NNSA's Certificates of Compliance

Agenda

April 5, 2017

1:00 P.M. – 2:00 P.M.

Location: TWFN-4-D66

Purpose

Discuss regulatory options that would allow commercial entities to fabricate and use the Model Nos. 435-B and 380-B for which the National Nuclear Security Administration (NNSA) is the certificate holder.

Outcome

Agree upon a possible regulatory path forward regarding the fabrication and use the Model Nos. 435-B and 380-B by the public sector.

Process

1. Opening Remarks Project Manager
2. Introductions All
3. Background NNSA
 - a. The current certificate holder for the Model Nos. 435-B and 380-B packages is NNSA.
 - b. The responsibility for quality assurance (QA) during fabrication, changes to the safety analysis report (SAR), and maintenance of the certificate of compliance (CoC) resides wholly with NNSA.
 - c. NNSA wishes to allow commercial entities to fabricate new packages (435-B and 380-B) and use them in the private sector.
 - d. NNSA wishes to explore an option that would allow commercial entities to fabricate these new packages.
4. Discussion of Proposed Options and engineering/design liability
 - a. NNSA maintains the CoC for government owned/used packages only and commercial entities apply for unique NRC CoCs.

NNSA NRC Public Meeting

Sharing Technology Related to NNSA's Certificates of Compliance

Agenda

April 5, 2017

1:00 P.M. – 2:00 P.M.

Location: TWFN-4-D66

Process (Continue)

- b. NNSA maintains the CoC for government owned/used packages and a committee/group of commercial entities maintain a unique CoC for multiple commercial entities owned packages.
 - c. NNSA maintains a master CoC for government owned/used packages and commercial entities apply for unique NRC CoC referring to Chapters 1-8 of the master SAR.
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- 5. Questions All
 - 6. Actions Project Manager
 - 7. Adjourn Project Manager