

U.S. Nuclear Regulatory Commission Public Meeting Summary

Title: Public Meeting to Discuss the Issues Contained in PRM-72-7 and Additional Staff-Identified Potential Changes to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 72

Meeting Identifier: 20191158

Date of Meeting: November 18, 2019

Location: U.S. Nuclear Regulatory Commission
Three White Flint North, 3WFN-1C03 & 1C05
11601 Landsdown Street
North Bethesda, MD 20852

Type of Meeting: Category 3

Purpose of the Meeting: The purpose of this meeting was to: 1) discuss the issues and amendment requests contained in PRM-72-7, "Spent Fuel Cask Certificate of Compliance Format and Content;" Petition to amend 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor Related Greater-Than-Class C Waste;" 2) ascertain participants' current level of interest in the petition issues; and 3) obtain input from the participants on rulemaking and non-rulemaking alternatives, such as regulatory guidance, to address the petition issues.

The meeting also provided an opportunity for the U.S. Nuclear Regulatory Commission (NRC) staff to discuss and obtain stakeholders' feedback on additional potential changes to 10 CFR Part 72 identified by the staff to improve the licensing process efficiency, as well as feedback on a white paper on spent fuel safety margins that the NRC recently received from the Nuclear Energy Institute (NEI).

Meeting Announcement and Attendance: The meeting announcement and materials were posted on NRC's public Web page before the meeting date (<https://www.nrc.gov/pmns/mtg?do=details&Code=20191158>).

The meeting was attended by 84 individuals, including industry representatives, members of the public, and NRC staff. Twenty-three individuals participated in person and sixty-one individuals participated by telephone and Skype. The attendance list is available at NRC's Agencywide Document Access and Management System (ADAMS) under Accession Number ML19340A645.

Meeting Materials: Copies of the meeting materials are available under ADAMS package Accession Number ML19324C657.

Participants Discussion Themes: The NRC staff noted that public outreach is an important activity in the rulemaking process and that it was holding this meeting to understand stakeholders' current views on the issues raised in PRM-72-7. The NRC had accepted PRM-72-7 for consideration in the rulemaking process in 2014. The staff is exploring whether rulemaking is still warranted given the time and effort needed for

rulemaking or whether other non-rulemaking approaches would be sufficient to address the issues in the petition.

The staff provided an overview of the regulatory issues described in PRM-72-7. The staff noted that it has worked with the industry over the last several years to develop and implement a pilot exercise for the review of a dry storage system certificate of compliance (CoC) application, utilizing a graded approach to identify information necessary to include in the CoC and the technical specifications for the dry storage cask. The CoC amendment from this pilot is currently in the rulemaking process (Amendment 16 to Standardized NUHOMS® Certificate of Compliance No. 1004). The staff also discussed additional potential rule changes it identified to improve the licensing process efficiency.

NEI discussed its current position on the petition issues and discussed its white paper, "Defining Spent Fuel Performance Margins" dated November 8, 2019 (ADAMS Accession No. ML19318D971). The white paper provides 16 recommendations to improve the efficiency of the licensing process. NEI and other participants also provided feedback on the additional potential changes identified by the staff.

The discussion, and question and answer sessions that followed each presentation, addressed the following key topics:

- PRM-72-7 issues and other potential changes to regulations identified by the staff.
- Rulemaking and non-rulemaking approaches to address the petition issues.
- Improving efficiency of the CoC licensing process and focusing the CoC format and content more on what is important for safety.
- Extending backfit protection to the CoCs and the CoC holders.
- Adoption of the graded approach as demonstrated by the pilot amendment review in the licensing process.
- Planned public workshops on the implementation of NEI's white paper recommendations to improve licensing process and review efficiency.
- Applicable implementation guidance supporting the CoC licensing reviews.

The NRC staff explained that it will use the comments received during the meeting along with the results of the pilot amendment review and the recommendations in the white paper to evaluate rulemaking and non-rulemaking options and recommend to the Commission a path forward on PRM-72-7. The staff will take appropriate action on the petition as directed by the Commission.

SUBJECT: PUBLIC MEETING TO DISCUSS THE ISSUES CONTAINED IN PRM-72-7 AND
ADDITIONAL STAFF-IDENTIFIED POTENTIAL CHANGES TO TITLE 10 OF THE
CODE OF FEDERAL REGULATIONS (10 CFR) PART 72

ML19340A663

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