



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

March 18, 2022

Dr. Jennifer L. Uhle
Vice President, Generation & Suppliers
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

**SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSE TO NEI ON
STATUS AND PATH FORWARD ON THE CONSIDERATION OF SEVERE
WEATHER HAZARDS DURING INDEPENDENT SPENT FUEL STORAGE
INSTALLATION OPERATIONS**

Dear Dr. Uhle:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am providing a follow-up to the February 17, 2022, public meeting webinar (Agencywide Documents Access and Management [ADAMS] Accession No. ML22074A186) to inform the Nuclear Energy Institute (NEI) of the NRC's plans and estimated schedule to address the issue of severe weather hazards during independent spent fuel storage installation (ISFSI) operations. Additionally, this letter addresses the NRC's plans to review the draft NEI guidance document, NEI 22-02, "Guidelines for Weather-Related Administrative Controls for Short Duration Outdoor Dry Cask Storage Operations," issued February 2022 (ADAMS Accession No. ML22048A581), related to the use of administrative controls for severe weather hazard protection.

I should note that, while the NRC will consider applying the very low safety significance issue resolution (VLSSIR) process where appropriate, the NRC cannot use the VLSSIR process to address compliance issues. However, the NRC wants to ensure that licensees have clarity on the regulatory issue and that this issue is addressed appropriately commensurate with its safety significance, as industry proceeds with dry cask storage loading campaigns.

The following discussion outlines the NRC's next steps and planned timeline:

Review of NEI 22-02, "Guidelines for Weather-Related Administrative Controls for Short Duration Outdoor Dry Cask Storage Operations."

NEI submitted the guidance document NEI 22-02 on February 16, 2022, for NRC review and endorsement. The guidance document was followed on March 2, 2022, by a fee exemption request for the NRC's consideration for the review of this guidance (ADAMS Accession No. ML22061A187). The NRC is currently reviewing the fee exemption request and will respond by mid-April 2022.

The NRC has initiated a scoping review of the guidance document to determine the appropriate process for considering endorsement (e.g., regulatory guide process). Our plan is to provide your staff with the first set of requests for supplemental information, as applicable, by mid-April

2022. Based on the analysis of any supplemental information provided, the NRC will communicate a more detailed schedule for the review and appropriate process for consideration of endorsement.

Ongoing NRC Staff Reviews of License Amendments:

The NRC has previously approved the use of probabilistic risk assessment (PRA) and administrative controls to address extreme weather hazards protection within the licensing basis for reactors and design certification for dry cask storage systems. The staff is currently reviewing amendments from two vendors for the use of either administrative controls or the use of PRA in their design bases, which could provide a pathway for resolving this issue for those vendors. If approved by the NRC, general licensees using those certificates of compliance may be able to make conforming changes as applicable using the process in Title 10 of the *Code of Federal Regulations* (10 CFR) 72.48, "Changes, tests, and experiments," without prior NRC approval as described in Regulatory Guide 3.72, Revision 1, "Guidance for Implementation of 10 CFR 72.48, 'Changes, Tests, and Experiments.'"

Finally, the NRC is exploring other regulatory options, such as an enforcement guidance memorandum, to provide guidance to our inspection staff on whether to apply enforcement discretion during inspection activities in the future. We anticipate letting you know by early April on any decision regarding further guidance.

Thank you for sharing your concerns and perspectives during the meeting and previous communications. As we expressed during our meeting, the NRC's goal is to resolve this issue in the most efficient manner for both the NRC and industry while maintaining safety during ISFSI operations. If you have any questions about the content of this letter, please contact Shana Helton at 301-287-9104.

Sincerely,



Signed by Lubinski, John
on 03/18/22

John W. Lubinski, Director
Office of Nuclear Material Safety
and Safeguards

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