



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

May 27, 2022

MEMORANDUM TO: Daniel H. Dorman
Executive Director for Operations

FROM: Stephanie M. Coffin, Chairman */RA/*
Committee to Review Generic Requirements

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS:
MINUTES OF MEETING NO. 459

On May 9, 2022, the Committee to Review Generic Requirements (CRGR, the Committee) held Meeting No. 459. This meeting was at the request of the Office of Nuclear Material Safety and Safeguards. The purpose of this meeting was to examine a potential backfit for a proposed non-cited violation (NCV) associated with the Limerick Independent Spent Fuel Storage Installation (ISFSI). The members caucused on May 11, 2022, to discuss its analysis and finalize its recommendation.

The staff from the Office of Nuclear Material Safety and Safeguards (NMSS) and Region I (R-I) presented information related to the proposed non-cited violation providing both a backfit and no backfit staff position. R-I provided a presentation supportive of issuance of the violation and no backfit. NMSS discussed a position that identified a potential agency backfit. Views from the Office of the General Counsel (OGC) were also presented regarding the regulatory structure associated with Certificates of Compliance (CoCs) and ISFSIs. Enclosure 1 lists the meeting attendees. Enclosure 2 provides information on accessing the draft non-cited violation, the staff's presentation, the staff backfitting analyses, and legal considerations.

CRGR Analysis and Review

In its review of the proposed violation, the CRGR engaged the staff in discussions to understand the purpose, backfitting considerations, and licensing basis and history. The CRGR members discussed the identified licensee deficiency, risk considerations, and taken and planned interactions with the licensee.

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The backfitting concern centered largely on the scope of review and approvals associated with the Holtec CoC and the requirements for an ISFSI licensee to complete a site-specific analysis. The Committee was supportive of the no backfit analysis provided in the regional finding, particularly because the licensee made a facility change to use a different crane design and did not explicitly evaluate this change for the site-specific licensee operations. Specifically, the licensee for Limerick did not ensure that its use of the Hydraulic Lifting Gantry, which it designated as an “important to safety” structure, was designed to withstand the effects of natural phenomena such as tornado hazards while handling a loaded HI-STORM FW overpack.

The CRGR discussed with staff the low safety significance of this violation and potential licensee and vendor resolutions of the identified concern. The CRGR understanding is that the resolution path will be commensurate with the safety significance. To this end, the staff and CRGR discussed how the Enforcement Guidance Memorandum ([ML22087A496](#)) supports resolution of the concern both the generically and specifically for Limerick, is consistent with the safety significance of this issue, and appropriately reflects the CoC and ISFSI regulatory structure.

The CoC and ISFSI regulatory structure is complex, and the interplay between where the regulatory bounds of the CoC end and the regulatory bounds of the ISFSI begin has and will continue to present complicated scenarios that will have to be carefully analyzed on a case specific basis. The CRGR discussed the committee’s role in reviewing inspection findings early in the enforcement process. Members expressed different opinions on the timing of backfitting reviews to support both agency and CRGR review effectiveness. As a general matter, the members questioned whether the CRGR should routinely review individual inspection findings and violations, but the committee remained open to reviewing proposed inspection findings and violations should such reviews assist staff decision-making.

CONCLUSION

Following the review and presentations of the proposed non-cited violation, staff presentation, and backfitting analyses, the CRGR endorsed the R-I staff position to proceed with the proposed violation associated with the Limerick ISFSI.

Enclosures:

Enclosure 1: CRGR Meeting No. 459 List of Attendees

Enclosure 2: CRGR Meeting No. 459 List of References

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DISTRIBUTION:

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OFFICE	RES/TA	CRGR
NAME	N. DiFrancesco	S. Coffin
DATE	5/24/22	5/27/22

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COMMITTEE TO REVIEW GENERIC REQUIREMENTS MEETING NO. 459
LIST OF ATTENDEES
(May 9, 2022)

CRGR Members

Stephanie M. Coffin, Chairman, RES
Andrea Kock, NRR
Craig G. Erlanger, NSIR
Robert Lewis, NMSS
Raymond K. Lorson, RI
Susan Vrahoretis, OGC
Nicholas DiFrancesco, CRGR Staff

NRC Staff

Jessica Bielecki, OGC
Howard Benowitz, OGC
Tammy Bloomer, R-I
Angela Coggins, OGC
Marlone Davis, NMSS
Anthony Dimitriadis, R-I
Hipo Gonzalez, NMSS
Shana Helton, NMSS
Linda Howell, NMSS
Stephen Koenick, NMSS
John W. Lubinski, NMSS
Joseph McManus, OGC
John-Chau Nguyen, NMSS
Christopher Regan, NMSS
Yaira Diaz Sanabria, NMSS
Jeremy Tapp, NMSS
Thomas Weaver, OEDO
Blake Welling, R-I

**COMMITTEE TO REVIEW GENERIC REQUIREMENTS MEETING NO. 459
LIST OF REFERENCES**

Package of Staff Presentation Materials for CRGR Review of Limerick ISFSI issue (Agencywide Documents Access and Management System Package No. ML22095A200)

- Limerick ISFSI Presentation dated May 9, 2022 (ML22095A201)
- Limerick ISFSI Analysis of Potential Backfit (ML22095A202)
- Limerick ISFSI Analysis Supporting No Backfit (ML22095A203)
- OGC Memo (OUO Attorney Client Privilege) (ML22109A229 - non-public)