



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

April 6, 2000

MEMORANDUM TO: Susan F. Shankman, Deputy Director
Licensing and Inspection Directorate
Spent Fuel Project Office, NMSS

FROM: Chester Poslusny, Jr., Sr. Project Manager */RA/*
Transportation and Storage Safety
and Inspection Section
Licensing and Inspection Directorate
Spent Fuel Project Office, NMSS

SUBJECT: SUMMARY OF MEETING WITH THE NUCLEAR ENERGY
INSTITUTE ON STREAMLINING THE AMENDMENT PROCESS
FOR CERTIFICATES OF COMPLIANCE

On March 16, 2000, a meeting was held between the Spent Fuel Project Office (SFPO) and Nuclear Energy Institute (NEI) staff to discuss options for streamlining the 10 CFR Part 72 process that is used to approve amendments to certificates of compliance (CoCs) for spent fuel storage casks. This meeting was noticed on March 14, 2000. Attached is a list of those who attended the meeting.

It was agreed by all participants that the current amendment approval process should be changed to not require a rulemaking for every amendment. This is because some amendments are administrative in nature or result in insignificant changes to cask designs. Rulemaking for administrative or non-significant design changes requires both the Nuclear Regulatory Commission (NRC) and industry to expend resources that could be more effectively applied to higher priority items.

One option discussed by NEI considers modeling 10 CFR Part 52 rulemaking to establish, as part of a new design approval, a mechanism and criteria for amending the design or CoC without requiring a subsequent rule. The effectiveness of this process would also be based on developing CoCs with built-in flexibility by using bounding specifications of parameters. The SFPO staff recommended that another option be considered which would define a screening process and public notification requirement for amendments that would be similar to that used under 10 CFR 50.91 and 50.92 for nuclear reactor licenses. Specifically, it was suggested that NRC develop criteria that an applicant would use to screen an amendment for significance similar to that used for a no significant hazards determination under 10 CFR Part 50. Only those amendments that were found to be significant would be processed by rule under the current process, and all others would be approved via NRC letter transmitting the staff's safety evaluation report. For the latter amendments, the NRC would issue a public notice describing the amendment, the staff's finding, and an opportunity for public comment and request for hearing regarding only the staff's finding of significance.

It was agreed that NEI would contact industry representatives to obtain feedback on establishing a process similar to the 10 CFR 50.91 model with the potential for a hearing on a design modification, and agreed to provide input to the SFPO staff on the criteria for amendment significance within a few weeks. Further, it was agreed that using the Part 52 model to define a process that would effectively eliminate the need for rulemaking for all amendments would be a longer term project that could be pursued at a later date.

No proprietary information was disseminated or presented at this meeting. No regulatory decisions were requested or made.

Please contact me if you wish to further discuss these issues.

Attachment: Attendance List

April 6, 2000

S. F. Shankman

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It was agreed that NEI would contact industry representatives to obtain feedback on establishing a process similar to the 10 CFR 50.91 model with the potential for a hearing on a design modification, and agreed to provide input to the SFPO staff on the criteria for amendment significance within a few weeks. Further, it was agreed that using the Part 52 model to define a process that would effectively eliminate the need for rulemaking for all amendments would be a longer term project that could be pursued at a later date.

No proprietary information was disseminated or presented at this meeting. No regulatory decisions were requested or made.

Please contact me if you wish to further discuss these issues.

Attachment: Attendance List

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OFC:	SFPO		SFPO		SFPO						
NAME:	CPoslusny		VTharpe		PEng						
DATE:	3/21/00		4/5/00		4/6/00						

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**NRC/NEI MEETING
ON
CoC AMENDMENTS
Room T7C-1**

March 16, 2000

ATTENDANCE LIST

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>
Chet Poslusny	NMSS/SFPO	(301) 415-1341
Merri Horn	NMSS/IMNS	(301) 415-8126
Bob Bishop	NEI	(202) 739-8139
Gordon Gundersen	NMSS/IMNS	(301) 415-6195
Tony DiPalo	NMSS/IMNS	(301) 415-6191
Lynnette Hendricks	NEI	(202) 739-8109
Alan Nelson	NEI	(202) 739-8110
Mike Callahan	GSI	(301) 526-7606
Susan Frant Shankman	NMSS/SFPO	(301) 415-2287
E. William Brach	NMSS/SFPO	(301) 415-8500
Randy Hall	NMSS/SFPO	(301) 415-1336
Neil Jensen	NRC/OGC	(301)415-1637