

NRC FORM 699  
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

12/13/2013

## CONVERSATION RECORD

TIME

4:30 PM

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Dr. Stefan Anton

TELEPHONE NO.

856-797-0900

TYPE OF CONVERSATION

☐ VISIT☐ CONFERENCE☒ TELEPHONE☒ INCOMING☐ OUTGOING

ORGANIZATION

Holtec International

SUBJECT

The path forward on proceeding with HI-STORM 100 revision requests

## SUMMARY (Continue on Page 2)

Received a call from Dr. Anton late 12/13/13 wishing to discuss information that Holtec had just received concerning recent discussions between the Nuclear Energy Institute (NEI) and Mark Lombard during an NEI drop-in visit. Dr. Anton informed me that he had information that NEI had taken this opportunity to present serious concerns to Mark Lombard concerning several of SFST's proposed recommendations on how to improve the administration of CoCs and their Amendments. Stefan stated that, consistent with the NEI's letter to the NRC on April 2013 providing their concerns with the draft proposals presented in the NRC's March 28, 2013, public meeting the NEI had not discussed these "issues" with either then or any of the cask storage system providers. He was also aware of Suzanne Leblang's (Holtec User Group Chairman) similar concern that the NEI had not discussed any of their "issues" with them or other users groups. Based on discussions with the NRC and the March 28, 2013, public meeting Holtec has prepared and submitted a major revision request to HI-STORM 100 Amendment No. 8 that the staff is currently reviewing. Additionally, Holtec had been approached by one of its users to incorporate certain proposed revisions to Amendment 8 to as a revision to NEI Amendment NO. 9 once it becomes finalized. Stefan stated the "issues" that NEI are raising outside of a public forum are creating significant confusion within the industry, and are also not Holtec's positions. We discussed that NEI's position on this was different than usual as NEI was supposed to be the industry's "voice" on these matters.

The only answer I could provide Stefan is that there was an NEI petition for rulemaking in 2001 that essentially requested to take most amendments to CoCs outside of the rulemaking process. The Commission ruled on that PRM and determined that it was outside the guidelines of the AEA in that rulemaking/licensing required either a public hearing or a public comment period before being finalized. The general license (Part 72, subpart K) requires a public comment for all changes unless that strictly fall under the provisions of the administrative procedures act. Specific staff within the NEI apparently still do not accept the Commission's ruling on the 2001 PRM as major part of its PRM 72-7 submitted on October 3, 2013. I informed Stefan that NEI staff and attorney's had also been working behind the scenes on these issues by discussing their issues with the NRC's OGC outside of SFST or industry knowledge. The NEI had not approached SFST staff since March 2013 to continue discussions on these specific issues. That SFST staff were spending most of our time trying to keep these issues from getting out of hand rather than proceeding with a normal path forward.

Continue on Page 2

ACTION REQUIRED

NA

NAME OF PERSON DOCUMENTING CONVERSATION

John Goshen

SIGNATURE



DATE

12/18/2013

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

**CONVERSATION RECORD (Continued)****SUMMARY (Continue on Page 3)**

I reviewed with Stefan that it was SFST's intent since the LPI conference in August 2012 to provide a public meeting on the draft proposals, and then follow up with a draft RIS for comment. SFST is currently working with OGC on the draft RIS and expects to issue it for comment in early 2014. The comments we are resolving with OGC concern how the NRC intends to provide substantive revisions to CoCs or Amendments that have already been constructed and are being used by general licensees, and these concern potential backfitting evaluations. These would not necessarily be applicable to systems that were not currently yet being used such as HI-STORM 100 Amendment No. 9, or HI-STORM FW. Additionally the draft RIS, when issued, will only be applicable for new systems not currently in use. Another regulatory document issued later will provide guidance on how the NRC intends to handle substantive changes to currently used CoCs and Amendments.

Stefan stated Holtec will continue to review their specific user need's and inform the NRC when how they intend to proceed. I informed him that SFST will attempt to meet with NEI to discuss their "issues" at a working level and within the current NRC rules of engagement. I also told him that I greatly appreciated Holtec's input on the changes to this process and looked forward to continue working with them and their users. It is our intent, as it is Holtec's, to provide the least administrative burden to all stakeholders while staying within the current Pt 72 regulatory framework.

Dockets 72- 1014, 72-1032

TAC No: LA0504

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Adam Gendelman -NRC

Geary Mizuno -NRC

Michele Sampson - NRC

Mark Lombard - NRC

Steve Ruffin - NRC

Eric Benner - NRC

*Continue on Page 3*