

August 5, 2015

MEMORANDUM TO: Anthony H. Hsia, Deputy Director
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

FROM: Emma L. Wong, Project Manager **/RA/**
Inspections and Operations Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT: SUMMARY OF THE JULY 29, 2015 PUBLIC MEETING ON
RETRIEVABILITY OF SPENT FUEL AT AN INDEPENDENT SPENT
FUEL INSTALLATION

The Nuclear Regulatory Commission (NRC) staff met with the public on July 29, 2015 at the Nuclear Regulatory Commission Headquarters in Rockville, Maryland. A summary of the meeting and participants is enclosed. Additionally, the tentatively scheduled meeting on September 22, 2015 has been delayed, so the draft guidance document can be provided to the public for consideration before the public meeting.

Enclosures:

1. Meeting Summary
2. Attendance Lists

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(301) 415-0791

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U.S. Nuclear Regulatory Commission (NRC) Public Meeting Summary

Title: Notice of Meeting with the Office of Nuclear Material Safety and Safeguards (NMSS) and the Public to Discuss the Retrievability of Spent Fuel from Storage at an Independent Spent Fuel Storage Installation

Date of Meeting: July 29, 2015, 1:30 PM to 3:30 PM

Location: Nuclear Regulatory Commission
One White Flint North, Commission Hearing Room
11555 Rockville Pike
Rockville, MD

Type of Meeting: Category 3

Purpose of the Meeting: Public meeting to discuss spent fuel retrievability as it relates to storage under 10 CFR Part 72

General Details: The meeting began at approximately 1:30 pm EST and concluded at approximately 3:15 pm EST. The meeting was facilitated by Sarah Lopas, NRC, and was available via a webinar and a call-in number. There were approximately 84 participants (see Enclosure 2 for a list and breakdown of participants). A presentation was given by Emma Wong, NRC, and a copy of the presentation can be found in ADAMS Accession Number ML15209A568. After the conclusion of the presentation, there was an opportunity to ask several rounds of questions or make comments.

Public Participation: During the meeting, there were several comments and observations made. Some of the more noteworthy comments and observations were:

- There was a comment pertaining to the slide titled, "Proposed Additional Guidance." On the slide, three options were proposed for ways to meet ready retrieval. For the first two options, there was some confusion as to the meaning of 'transportation' and 'transporting' and whether this means a transportation certificate is required or a demonstration of the ability to transport. The NRC staff will take this under consideration.
- There was a comment for the NRC staff to consider if the spent fuel is removed from storage and then subsequently stored again, would this meet the options for ready retrieval? The NRC staff will take this under consideration.
- There was a comment for the NRC to consider whether a canister could be put into another thin-walled canister and then be put into a concrete over pack. The NRC staff will take this under consideration.

Enclosure 1

- There was a question about whether requiring all high burnup fuel (HBF) to be canned and whether the canister specifications would be defined by the NRC. The NRC staff indicated that the NRC sets forth the regulations, and that licensees or certificate of compliance holders would determine the specifications of the canister and whether canning of HBF is necessary to comply with the regulations on retrievability.
- There was discussion about whether damaged fuel need to be repackaged before transportation. The damaged fuel in question was canned and that complies with the retrievability regulation for storage.
- There was discussion about considering adding to the guidance on retrievability, a discussion on when the spent fuel is stored, retrieved, transported, and then stored again. The NRC staff will take this under consideration.
- A comment was made that the NRC staff should consider whether a change to the guidance is sufficient to re-define ready retrieval. It was mentioned that the NRC staff may need to consider whether a rule change would be more appropriate. The NRC staff stated that the staff is currently reviewing this with their legal staff.
- There was an inquiry by the public about the nature and the NRC staff analysis of the public comments received in 2013 (ML15110A370). The NRC noted this and will provide additional information at the next scheduled public meeting.
- Several members of the public mentioned that the current definition of 'normal means' is too narrow and does not include currently available equipment for moving spent fuel safely. They mentioned that the spent fuel is moved to the storage cask or canister using one set of equipment and to meet the 'normal means' provision, another set of equipment may need to be used. Therefore, they would like the NRC to consider expanding/broadening the definition of 'normal means.' Additionally there was a comment on whether 'normal means' can be accomplished if there is no longer a spent fuel pool on site. The NRC staff is taking both comments into consideration.
- There was a discussion about the Department of Energy (DOE) Standard Contract. The DOE Standard Contract and the ultimate disposition of spent fuel is not within the jurisdiction of the NRC.
- There was discussion about the NRC's involvement in the international community. The NRC maintains awareness of other countries such as participating in the International Atomic Energy Agency periodic meetings, involvement in international standards, and bilateral meetings with international entities. Even with this international involvement, the 10 CFR Part 72 regulations on retrievability are tied to the U.S. program and unique to the U.S.
- There was discussion between the staff and the public about the current research on fuel cladding and whether it is representative of the range of claddings used in industry. The staff noted that there is research being done in this area and that there would be a NUREG written to present the staff's position on the research in this area.

The NRC staff will consider the above comments and observations when moving forward.

Next Steps:

The NRC Staff has committed to provide additional information about the public comments collected in 2013 (ML15110A370) as part of the materials for the next public meeting. More details forthcoming.

Additional References:

- Public Meeting Announcement, ADAMS Accession Number ML15191A203
- Presentation, "Fuel Retrievability for Storage Under Part 72," ADAMS Accession Number ML15209A568

**Public Meeting on Retrievability
Nuclear Regulatory Commission
July 29, 2015
Meeting Attendees and Affiliation**

Mark Lombard	NMSS/DSFM
Damaris Marcano	NMSS/DSFM
Michele Sampson	NMSS/DSFM
Christian Araguas	NMSS/DSFM
Marlone Davis	NMSS/DSFM
Anthony Hsia	NMSS/DSFM
Al Csontos	NMSS/DSFM
Jack Guttmann	NMSS/DSFM
Caylee Johanson	NMSS/DSFM
Jose Cuadrado	NMSS/DSFM
Chris Jacobs	NMSS/DSFM
Christina Leggett	NMSS/DSFM
Pamela Longmire	NMSS/DSFM
Dan Forsyth	NMSS/DSFM
Kristina Banovac	NMSS/DSFM
Banad Jagannath	NMSS/DSFM
Bob Tripathi	NMSS/DSFM
Marlone Davis	NMSS/DSFM
Ray Wharton	NMSS/DSFM
Patti Silva	NMSS/DSFM
Zhian Li	NMSS/DSFM
Wendy Reed	NMSS/DSFM
Huda Akhavannik	NMSS/DSFM
Jeremy Tapp	NMSS/DSFM
Clyde Morell	NMSS/DSFM
John-Chau Nguyen	NMSS/DSFM
Darrell Dunn	NMSS/DSFM
Haile Lindsay	NMSS/DSFM
Alexa Sieracki	NMSS/DSFM
Emma Wong	NMSS/DSFM
John Wise	NMSS/DSFM
Bok Lee	NMSS/DSFM
Eli Goldfeiz	NMSS/DSFM
Meraj Rahimi	NMSS/DSFM
Michel Call	NMSS/DSFM

Enclosure 2

Jennifer Davis	NMSS/DSFM
Bernie White	NMSS/DSFM
Steve Everard	NMSS/DSFM
Jimmy Chang	NMSS/DSFM
Yawar Faraz	NMSS/DSFM
John Cook	NMSS/DSFM
Chris Allen	NMSS/DSFM
Rob Temps	NMSS/DSFM
Sheiba Tafazzoli	NMSS/DSFM
Craig Hrabal	NMSS/DSFM
Tae Ahn	NMSS/DSFM
Jim Rubenstone	NMSS/YMD
Sarah Lopas	NMSS/MSTR
Angela Coggins	NRC/OGC
Christopher Brown	NRC/ACRS
Harold Scott	NRC/RES
Matthew Hiser	NRC/RES
Matt Keene	Duke Energy
Steven Edwards	Duke Energy
Carlyn Greene	UXC
Stefan Anton	Holtec
Kimberly Manzione	Holtec
Randall Granaas	Southern California Edison
Paul Plante	3 Yankees
Robert Capstick, Jr.	3 Yankees
Donna Gilmore	SanOnofreSafety.org
Erica Gray	Member of the Public
Marvin Lewis	Member of the Public
Don Shaw	AREVA
David Pickett	CNWRA
Terry Pickens	Xcel Energy
Bill Brach	Retired NRC Employee
Brian Gutherman	GTS
Keith Waldrop	EPRI
Coley Chappell	Entergy
Kenneth Swanger	Entergy
Dan Tallman	SMUD
Bob Einziger	NWTRB
Eric Shewbridge	NAC
Glenn Schwartz	PSEG
Zita Martin	TVA
Yung Liu	ANL

Phil Klevorick
John Kessler
Rod McCullum
Kris Cummings
Clay Channell
Gabriel Grant
Adam Levin
Patricia Borchmann

CCCPD
J Kessler and Associates
NEI
NEI
Southern Nuclear Company
Southern Nuclear Company
AHL Consulting
Member of the Public