



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001
April 12, 2016

MEMORANDUM TO: Bo Pham, Acting Deputy Director
Division of Spent Fuel management
Office of Nuclear Material Safety
and Safeguards

FROM: Raynard Wharton, Senior Project Manager **/RA P. Silva Acting for/**
Inspections and Operations Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT: SUMMARY OF MARCH 3, 2016, MEETING WITH NUCLEAR ENERGY
INSTITUTE TO DISCUSS NRC RESPONSES NEI 12-04, "GUIDELINES
FOR 10 CFR 72.48 IMPLEMENTATION," REVISION 0
FOR SPENT FUEL STORAGE

PURPOSE:

Nuclear Energy Institute (NEI) presented its reply to the three NRC letters responding to NEI 12-04 "Guidelines for 10 CFR 72.48 Implementation." The presentation provided four NEI fundamental issues for the NRC and NEI to discuss prior to revision of the implementation guidance document. The presentation also listed seven key issues that NEI did not believe needed further discussion for resolution. The proposed resolution for these issues will be submitted by letter for consideration to the NRC.

MEETING SUMMARY:

The meeting took place on March 3, 2016, at the NRC's Two White Flint Building in Rockville, Maryland. Attendees included NEI and its contractors, NRC staff, industry participants and members of the public. The list of meeting attendees is in Enclosure 1. The discussion followed the agenda provided in Enclosure 2. NEI provided meeting slides prior to the meeting. The meeting slides can be found using Agencywide Documents Access and Management System (ADAMS) Accession No. ML16090A052.

NEI and its contractor discussed the background to the NEI 12-04 guidance document, (NEI 96-07, Appendix B) and the document that provided NRC endorsement of NEI 96-07, Appendix B. They stated the NEI 12-04 was submitted to replace NEI 96-07, Appendix B, once it is endorsed. They also stated that the NRC provided three sets of comments on NEI 12-04. The NRC and NEI agreed to meet and discuss the NEI 12-04 guidance document at the 2015 REG CON meeting during the Change Control Threshold session.

The objective of the NEI revision is to incorporate lessons learned from the industry since the 1999 rulemaking. The revised guidance provides enhancements and clarifications to be more helpful to the industry and NRC.

The fundamental issues are:

- Providing a definition of implementation for both licensees and certificate of compliance (CoC) holders
- Explaining how a general licensee processes a CoC holder's 10 CFR 72.48 and whether the change requires a separate screening/evaluation before adoption
- Clarifying the difference between the change process versus a QA program function
- Use of a method of evaluation (MOE) described in the FSAR versus the approval process for an ISFSI and cask design

NEI explained each fundamental issue and where in the three NRC Responses the comment originated. There was considerable discussion between NEI, licensees, and the NRC on whether a general licensee can adopt CoC holder's 72.48 based on specific language in the 1999 Statements of Consideration for the 72.48 final rule. The other issue that prompted noteworthy discussion was the use of a MOE described in the FSAR and how the MOE is approved.

The meeting ended with open discussion between the licensee representatives, NEI, and the NRC on the proposed schedule. The next scheduled action is the NEI letter to the NRC addressing the 4 fundamental issues and 7 additional key issues. There were no regulatory decisions made at the meeting.

If you have any questions or comments, please contact L. Raynard Wharton at (301) 415-7497 or at Raynard.Wharton@nrc.gov.

Enclosures:

1. Meeting Attendees
2. Agenda

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Distribution: NRC Attendees

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Encl. 1: ML16104A046 Encl. 2: ML16104A048

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