

From: [Guzman, Richard](#)
To: [Peterson, Alyse L \(NYSERDA\)](#)
Cc: [Tifft, Doug](#)
Subject: RE: New York State letter re: Jan 16 pre-submittal meeting
Date: Tuesday, March 03, 2020 12:39:55 PM
Attachments: [image001.wmz](#)

Alyse,

Thank you for expressing your concerns as documented in your February 3, 2020, letter. As we discussed last week, your letter has been added as a publicly available, official agency record to ADAMS (Accession No. ML20054K163). Summarized below are my responses to your stated concerns. As you're aware, your letter, along with the summary of the below items will be included in the forthcoming meeting summary.

In your letter, you stated:

New York State was provided the meeting slides in advance, eight of twenty-eight of which were redacted, and marked "PROPRIETARY INFORMATION WITHHELD PER 10 CFR 2.390." Your meeting announcement listed both proprietary and safeguards as reasons for closing the meeting. On January 3, the day after receipt of the meeting notice, I requested access to the unredacted information, noting that the State is allowed access to Safeguards and that the licensee has the ability to allow the State access to proprietary information. You advised that we speak with the licensees directly and conducted the public meeting though nearly 1/3 of the slides were unavailable to members of the public. State personnel from multiple agencies attended the meeting by webinar.

As stated during my introduction of the meeting, the reason for closing the meeting was to discuss information in the licensee's presentation slides that were determined to contain proprietary information. The NRC staff notes that the reference to safeguards information is default wording in the NRC's Public Meeting Notification System for partially closed meeting notices and that this default wording is not always specifically applicable to every public meeting. The NRC staff is working internally to remedy this.

In your letter, you stated:

The meeting was scheduled from 10 - 11:30 am, and it was our understanding that the presentation would be given in its entirety except for the redacted slides. Entergy presented slides 1-8 and several NRC staff asked questions. Then, roughly thirty-five minutes into the meeting, at slide eight of the twenty-eight slide presentation, you asked if there were any questions on the phone. The operator responded that there were no questions; hearing none, you began to wrap up the public portion of the meeting, stating that the line would be cut-off and the remainder of the meeting would take place off-line. Before the presentation began, New York State Department of Public Service (DPS) staff had contacted the operator to ask that all participants speak into the microphone. The NRC operator acknowledged DPS staff and later made the request to the group. At the time of your call for questions, DPS staff pressed *1 and recorded a question

with the operator. As soon as DPS staff returned to the call, the public portion of the call was disconnected. The question from DPS staff was not addressed.

I understand that the licensee stated it had concluded its intended open portion of the presentation upon completion of slide 9 of 28, which prompted me to transition to the public question and answer period. In light of your stated concerns, I do acknowledge, in retrospect, that the open portion of the meeting could have been extended to include subsequent presentation slides that were not marked as proprietary. I have discussed the matter with the licensee; and I will consider the appropriate measures to ensure optimum information exchange in the future. Regarding the stated premature disconnection of the phone line, I did verify with the conference line operator after the call that there were no functional discrepancies with the conference line. For future meetings, I will a second confirmation check with the meeting operator before announcing the intention to adjourn the open portion of the meeting. As we discussed, I've offered a follow-up discussion for Bridget Frymire and DPS staff if desired to cover any comments or questions that were not addressed. I understand at this time, DPS does not desire to have a follow-on call.

In your letter, you stated:

The New York State Energy Research and Development Authority is endeavoring to obtain unredacted slides from the proposed licensee, and we question the NRC's application of proprietary protections to this public presentation. However, we note that the public meeting did not address the costs of the new HI-LIFT system, the relevant source of funds, the timeline for the crane installation and operation, and other basic and salient factors that would enable New York, a host state whose agencies and personnel are actively engaged in reviewing the License Transfer Application (LTA) for this site concurrently with the materials made public to date regarding this upcoming license Amendment Request, to adequately review this proposal. The HI-LIFT system is directly related to ongoing decommissioning funding, staffing, and operational questions under review in the LTA proceeding. As such, it was disappointing, and prohibitive of the robust public engagement to which the NRC has stated it is committed, to see a public meeting at this facility given such brief treatment.

I understand that NYSERDA/NYS has contacted Holtec, the owner of the proprietary information, to obtain information for the areas that were either not addressed during the presentation or may be contained in the unredacted portion of the slide presentation. Regarding the application of proprietary protections, the NRC staff completed its review of the licensee's request for withholding information from public disclosure dated January 6, 2020 (ADAMS Accession No. ML20008D393) in accordance with 10 CFR 2.390. The technical areas identified in the NYS comments are noted and I will be considered by the NRC staff as deemed necessary in their technical evaluation of the anticipated application. I'm expecting to receive Entergy's submission by the end of March 2020, which they communicated to us during the meeting.

In your letter, you stated:

We appreciate your subsequent offer to address the State's questions, with

any answers provided by Staff, in the meeting summary, and we appreciate Staff's willingness to make themselves available to answer the State's questions via a subsequent telephone call. We do intend to take Staff up on its willingness to hold additional conversations; however, we note that if any other participants on the call, which included local government representatives and representatives of the Congressional delegation, also experienced the State's problems in raising questions, this option will not address their concerns. As such, we request that this opportunity for additional communication with Staff be made available to all stakeholders who participated in the January 16 webinar.

The NRC's conference line service produced a participant list that indicated there were two local government representatives on the call: NYSERDA and the NYS DPS. There were also representatives from New York State Senate and Congressional offices. The NRC did not receive any comments or additional inquiries as follow-up to the subject meeting. There were two members of the public on the phone line; I've contacted both individuals and offered them an opportunity to comment on the meeting. They did provide their comments/questions by e-mail; their concerns were related to the transfer cask design, handling and operation of the transfer system, and the experience and training of operators. The comments will be included in the staff's review consideration as appropriate when the application is received.

Please let me know if you have any further questions or concerns.

Sincerely,



Richard Guzman
Senior Project Manager
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission

From: Peterson, Alyse L (NYSERDA) <Alyse.Peterson@nyserda.ny.gov>
Sent: Monday, February 03, 2020 11:43 AM
To: Guzman, Richard <Richard.Guzman@nrc.gov>
Cc: Tifft, Doug <Doug.Tifft@nrc.gov>
Subject: [External_Sender] New York State letter re: Jan 16 pre-submittal meeting

Good morning Rich,

As we have discussed, New York experienced some difficulties during the January 16th pre-submittal meeting for the expected license amendment request to replace the IP Unit 3 fuel handling building crane. The attached letter outlines those difficulties and our related concerns.

Sincerely,
Alyse Peterson

Alyse Peterson, P.E.

Senior Advisor

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