

Public Meeting with Nuclear Energy Institute and General Licensees

**Discuss Enforcement Guidance Memorandum 25-001,
“Enforcement Guidance for Positioning Noncompliances Related to
a General Licensee’s Use of Certain Non-Qualified Spent Fuel Casks”**

March 7, 2025, at 9:30 am ET

Agenda

- Introduction and Opening Remarks
- Path Forward
- NEI/Industry Discussion
- Public Comments
- Adjourn Public Meeting

Path Forward

- **Interim enforcement policy as a bridge to a regulatory change re: general licensees (GLs) adopting cask vendor design changes previously made under §72.48**
 - Public comment in early April (initial estimate)
 - IEP to Commission in May 2025 (initial estimate)
- **Expediently developing technical rationale for rulemaking to ease requirements for GLs adopting changes made by CoC holders under §72.48**
 - Staff is considering potential rulemaking methods (all require Commission approval)

1. Interpretive Rulemaking	2. Direct-Final Rule	3. Notice-and-Comment Rule
• Explain meaning of existing regulations. • Only viable if no change needed to rule text. • Could be the fastest option (<1year)	• If even one person files a significant adverse comment, the agency must withdraw the rule. • If no significant adverse comments could be done in ~1 year.	• Allows for consideration of other changes to the rule • Could take longer than options 1 and 2 – but allows for additional stakeholder engagement (2-3 years)

NEI/Industry Discussion on EGM 25-001

A. The general licensee has entered the concern into the corrective action program (CAP), **and either:**

B. For sites that loaded the HI-STORM FW system, the GL's plans via a 72.48 evaluation to:

- apply changes (MOE) in HI-STORM FW Amendment 7 (ML24199A236), through a 72.212(b) evaluation; or
- adopt Amendment 7 via a 72.212(b) evaluation, that demonstrates the cask conforms to the terms, conditions, and specifications of Amendment 7.

C. For sites that loaded the HI-STORM 100 system*:

- movement of the spent fuel storage casks has been restricted until the cask non-compliance is resolved; and
- the licensee's corrective action program includes actions to actively pursue restoring compliance via a 72.212(b) and 72.48 evaluation, license amendment request or an exemption request.

**Amendment 19 will be published in Federal Register the week of March 10, 2025*

Public Comments

- When prompted for questions and discussion, please indicate your desire to speak by using the “Raise Hand” button in Teams (or press “*5” if participating by phone)
- Once your name has been called by the facilitator, you will need to unmute yourself (press “*6” if participating by phone)
- To ensure we hear from as many people as possible, please limit yourself to one comment or question to start.

Closing Remarks