

ORGANIZATION: NUCLEAR ENERGY INSTITUTE (NEI)
 SUBJECT: SUMMARY OF MEETING ON PART 52 RULEMAKING

The subject meeting was held on December 14, 2000, in the Rockville Maryland office of the Nuclear Regulatory Commission (NRC), with representatives of the nuclear industry and the NRC staff. A list of the meeting attendees is provided in Attachment 1.

The purpose of the meeting was to discuss the scope of issues to be considered in the NRC's 10 CFR Part 52 'update' rulemaking and the lessons learned from the previous design certification rulemakings. In a letter to stakeholders, dated September 3, 1999 (Attachment 2), the NRC staff identified eleven issues that it planned to address in the Part 52 rulemaking and solicited comments. Representatives of the nuclear industry used this meeting to provide their comments and suggestions on the staff's letter. Mr. Simard of the Nuclear Energy Institute (NEI) was the spokesman and he led the discussion on industry's comments on the eleven issues and suggestions for additional issues to be considered in the rulemaking. Attachment 3 contains a summary of the industry's comments and suggestions.

/RA/

Jerry N. Wilson, Senior Policy Analyst
 License Renewal and Standardization Branch
 Division of Regulatory Improvement Programs
 Office of Nuclear Reactor Regulation

Project No. 689

Attachments: As stated

cc w/atts: See next page

DISTRIBUTION:
 See attached page

DOCUMENT NAME: G:\RLSB\WILSON\NEI-MTG3.WPD

OFFICE	LA:DRIP	SPA:RLSB:DRIP	BC:RLSB:DRIP
NAME	E. G. Hyton	JNWilson	CIGrimes
DATE	12/19/00	12/19/00	12/19/00

OFFICIAL RECORD COPY



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 19, 2000

ORGANIZATION: NUCLEAR ENERGY INSTITUTE (NEI)
SUBJECT: SUMMARY OF MEETING ON PART 52 RULEMAKING

The subject meeting was held on December 14, 2000, in the Rockville Maryland office of the Nuclear Regulatory Commission (NRC), with representatives of the nuclear industry and the NRC staff. A list of the meeting attendees is provided in Attachment 1.

The purpose of the meeting was to discuss the scope of issues to be considered in the NRC's 10 CFR Part 52 'update' rulemaking and the lessons learned from the previous design certification rulemakings. In a letter to stakeholders, dated September 3, 1999 (Attachment 2), the NRC staff identified eleven issues that it planned to address in the Part 52 rulemaking and solicited comments. Representatives of the nuclear industry used this meeting to provide their comments and suggestions on the staff's letter. Mr. Simard of the Nuclear Energy Institute (NEI) was the spokesman and he led the discussion on industry's comments on the eleven issues and suggestions for additional issues to be considered in the rulemaking. Attachment 3 contains a summary of the industry's comments and suggestions.

Jerry N. Wilson, Senior Policy Analyst
License Renewal and Standardization Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Project No. 689

Attachments: As stated

cc w/atts: See next page

DISTRIBUTION:

HARD COPY

RLSB RF

E. Hylton

E-MAIL:

PUBLIC

R. Zimmerman

J. Johnson

D. Matthews

S. Newberry

C. Grimes

C. Carpenter

B. Zalcman

J. Strosnider

R. Wessman

G. Bagchi

K. Manoly

W. Bateman

J. Calvo

C. Holden

P. Shemanski

J. Shea

G. Holahan

T. Collins

C. Berlinger

B. Boger

J. Peralta

J. Moore

R. Weisman

J. Euchner

M. Mayfield

S. Bahadur

A. Murphy

W. McDowell

S. Droggitis

RLSB Staff

S. Duraiswamy

A. Thadani

M. Federline

C. Julian

R. Gardner

D. Chyu

M. Modes

J. Vora

S. Crockett

G. Mizuno

Nuclear Energy Institute

cc:

Project No. 689

Mr. Ralph Beedle
Senior Vice President
and Chief Nuclear Officer
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Ms. Lynnette Hendricks, Director
Plant Support
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Alex Marion, Director
Programs
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Charles B. Brinkman, Director
Washington Operations
ABB-Combustion Engineering, Inc.
12300 Twinbrook Parkway, Suite 330
Rockville, Maryland 20852

Mr. David Modeen, Director
Engineering
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Ron Simard
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Anthony Pietrangelo, Director
Licensing
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. H. A. Sepp, Manager
Regulatory and Licensing Engineering
Westinghouse Electric Corporation
P.O. Box 355
Pittsburgh, Pennsylvania 15230

Mr. Jim Davis, Director
Operations
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

PART 52 RULEMAKING
MEETING ATTENDEES
DECEMBER 14, 2000

<u>NAME</u>	<u>ORGANIZATION</u>
JERRY N. WILSON	NRC/NRR/RLSB/DRIP
GEARY S. MIZUNO	NRC/OGC
STEVE CROCKETT	NRC/OGC
GOUTAM BAGCHI	NRC/NRR/DE
KATHY HALVEY GIBSON	NRC/NRR/EPHP
RUSS BELL	NEI
KENNETH HUGHEY	ENTERGY NUCLEAR
BEN GEORGE	SOUTHERN NUCLEAR
CHARLES BRINKMAN	WESTINGHOUSE ELEC. CO.
RON SIMARD	NEI
JIM PETRO	WINSTON & STRAWN
CAL REID	BECHTEL
HERB FONTECILLA	DOMINION
STEVE FRANTZ	MORGAN, LEWIS & BOCKIUS, LLP



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

September 3, 1999

Mr. Alexander Marion
Director, Programs
Nuclear Energy Institute
1776 I Street NW, Suite 400
Washington, DC 20006-3708

SUBJECT: Proposed Rulemaking - 10 CFR Part 52

Dear Mr. Marion:

The U.S. Nuclear Regulatory Commission (NRC) is planning to issue a proposed rule later this year on 10 CFR Part 52. The purpose of this upcoming rulemaking is to implement a portion of Direction Setting Issue #10, "Reactor Licensing for Future Applicants," by updating and correcting 10 CFR Part 52 based on "lessons learned" from the previous design certification reviews and discussions with nuclear industry representatives on the early site permit and combined license processes. The NRC is interested in comments and suggestions from stakeholders on this upcoming rulemaking.

Proposed actions for the known problems in 10 CFR Parts 50, 52, and 140 that the NRC staff plans to correct by this rulemaking are:

1. Delete Appendices M, N, O, and Q from Part 50. These appendices were intended to be moved from Part 50 to Part 52 when Part 52 was created. Deleting these provisions from Part 50 will eliminate the redundancy that currently exists.
2. Delete 10 CFR 52.43(c) and 52.45(c). These provisions can be deleted because the nuclear plant designers and NRC staff now have sufficient experience with design certification reviews so that reliance on the Appendix O process is no longer needed.
3. Move 10 CFR 52.63(c) to Section 52.73 or 52.79(e). This provision applies to applicants for combined licenses, not standard design certifications.
4. Add a provision to Part 52 analogous to the current Section 50.9, which would apply to applicants for and holders of design certifications, and possibly to applicants for and holders of early site permits.
5. Require a licensee, who has been authorized to operate under 10 CFR 52.103(g), to have financial protection under Part 140, as is currently required of holders of operating licenses under Part 50.
6. Change the title of 10 CFR Part 52 to "Licensing Processes." Part 52 contains many licensing processes, in addition to early site permits, standard design certifications, and combined licenses. The new title will be more representative of Part 52.

September 2, 1999

In addition to the above examples, this rulemaking plans to address issues that were identified during the design certification rulemakings, the 10 CFR 50.59 Rulemaking, and the NRC staff's discussions with industry representatives on combined licenses and early site permits (ESPs). These issues are:

7. Whether the design certification vendor (holder) has any ongoing obligation *after the design certification rule is codified* to inform the NRC of errors and newly discovered information that brings into question the safety of the certified design.
8. The desirability of clarifying that the "operational requirements" in Title 10, as applied to holders of combined licenses, become effective only after the Commission has made the finding under 10 CFR 52.103(g).
9. The desirability of requiring holders of ESPs to periodically update, throughout the duration of an ESP, emergency planning information and plans that were approved as part of an ESP.
10. The desirability of adopting some or all of the revisions to 10 CFR 50.59 in the similar Tier 2 change process for Appendices A, B, and C (Section VIII.B.5) to 10 CFR Part 52 (see Section N of Attachment 1 to SECY-99-130, dated May 12, 1999).
11. The desirability of allowing construction permit applicants under 10 CFR Part 50 to reference design certification rules under 10 CFR Part 52.

I believe that this rulemaking will eliminate some unnecessary burdens and improve the effectiveness of 10 CFR Part 52. I would appreciate any comments that you want to offer on this proposed rulemaking. Mail written comments to: Jerry N. Wilson, Mail Stop O-12 G15, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. If it is more convenient, electronic comments may be provided via the NRC's interactive rulemaking website through the NRC home page <www.nrc.gov>. From the home page, select "Rulemaking" from the tool bar at the bottom of the page. The interactive rulemaking website can then be accessed by selecting "Rulemaking Forum." For this rulemaking, select "News, Information, and Contacts for Current Rulemakings" and then select "Rulemaking Plan - Lessons Learned on 10 CFR Part 52."

Sincerely,



David B. Matthews, Director
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

cc: Mr. Alexander Marion
Director, Programs
Nuclear Energy Institute
1776 I Street NW, Suite 400
Washington, DC 20006-3708

Mr. Brian A. McIntyre, Manager
Advanced Plant Safety & Licensing
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230

Mr. Charles Thompson, Program Manager
Department of Energy, NE-50
19901 Germantown Road
Germantown, MD 20874

Mr. Ed Rodwell, Manager
PWR Design Certification
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94303

Mr. Steven A Hucik, General Manager
Nuclear Plant Projects
GE Nuclear Energy
175 Curtner Avenue, M/C 780
San Jose, CA 95125-1088

Dr. Regis A. Matzie
Vice President, Nuclear Systems
ABB-Combustion Engineering, Inc.
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. David Lochbaum
Union of Concerned Scientists
1616 P Street, NW, Suite 310
Washington, DC 20036

Mr. James Riccio
Public Citizen
Critical Mass Energy Project
215 Pennsylvania Avenue, SE
Washington, DC 20003

Ms. Susan Hiatt
Ohio Citizens for Responsible Energy
8275 Munson Road
Mentor, Ohio 44060

Industry comments and suggestions for the Part 52 update rulemaking

The September 3, 1999 letter from Dave Matthews to Alex Marion proposed 11 items for the rulemaking and asked for comments and suggestions from stakeholders. We have the following comments on these 11 items.

1. On deleting Appendices M, N, O, Q from Part 50: We suggest these appendices be retained in Part 50, if necessary to support the option of seeking a Part 50 CP or OL for a certified design.
2. On deleting 52.43(c) and 52.45 (c): We agree. We believe an FDA should be an option but not a prerequisite.
3. On moving 52.63 (c): We agree. This applies to COLs, not certifications.
4. Is this necessary? Aren't design certification and ESP applicants and holders considered to be "applicants and licensees" to which 50.9 would apply?
5. We agree that Part 140 should reference Part 52 licensees and should consider other clarifying amendments based on lessons learned with Part 52.
6. We agree with the title change for Part 52.
7. See our comment on #4 above.
8. It is not clear what constitutes "operational requirements." Currently, 52.83 states that *all provisions of Part 50 applicable to OL holders* also apply to COL holders once the Commission has made the 52.99 findings. Is this item a proposal to change the reference in 52.83 from the 52.99 findings to the 52.103 findings?
9. We suggest that it is more appropriate for a COL applicant who references the ESP to supply any EP updates at that time.
10. We agree with adopting the 50.59 revisions.
11. We agree that a CP applicant should be able to reference a "certified design" (rather than a design certification rule that would bring in ITAAC)

In addition to the changes proposed in the September 1999 letter, we suggest the following items be considered.

12. Modify Subpart A to state that NRC will issue an ESP for a site that has already been issued a CP or OL without reconsidering previously approved siting issues (except in accordance with the Backfit Rule).
13. Modify Subpart C to state that NRC will issue a COL for a reactor located at a site with an operating reactor without reconsidering previously approved programmatic issues adopted by the COL applicant.

14. Request comments on how Part 52 should be modified to support reviews, hearings, phased schedules for construction and operation of reactor modules at a site.
15. Revise 52.79 to allow a COL applicant to submit a plant specific DCD rather than an FSAR.
16. Change 52.83 to allow for a 40 year COL duration from the date of the 52.103 finding, *vice* the 52.99 findings.
17. Consideration of the scope of, and procedures for, design certification renewal was deferred until after the rules were issued. Will they be considered as part of this rulemaking? (Note typo in 52.59 with respect to regulations in effect at time "or" renewal.
18. Revise Appendix O to state that an FDA shall be valid for 15 years and may be renewed, that an application for an FDA would not be required to have ITAAC.
19. Modify Subpart A to explicitly allow for the transfer of ESPs and to state that ownership of a site is not required to obtain an ESP.
20. Revise Subpart C to allow for completion of DAC at the COL application stage.
21. Given that Subpart C allows for COL applications that do not reference a certified design, consider asking for comments on how this would work, for example
 - The change process (especially with respect to PRA and severe accident information, the change process for plant-specific ITAAC, the change process during construction)
 - Applicability of operational programs and tech specs during construction
 - Termination of ITAAC following authorization of operation

Additionally, we expect the vendors to propose a number of errata to their rules.