

# **NRC Review of NEI 04-01, Revision D: Draft Industry Guideline for Combined License Applicants Under 10 CFR Part 52**



**NRC/NEI Public Meeting  
March 3, 2005**

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## **Agenda**

- **NEI 04-01 Preliminary Comments**
  - ▶ Early Site Permit (ESP) - COL Interface Issues
  - ▶ Sections 4.3.1 - 4.3.9: General Final Safety Analysis Report (FSAR) Topics
  - ▶ Section 4.3.9.1: FSAR Chapter 1 - Introduction and General Plant Description
  - ▶ Section 4.3.9.16: FSAR Chapter 16 - Technical Specifications
  - ▶ Emergency Planning
  - ▶ Section 4.3.9.14.3.2 - Site Specific Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)
- **NRC Initial Thoughts on the Information Needed to Evaluate a COL Operational Program During the COL Application Review**
  - ▶ Followup Discussions from February 2, 2005, Public Meeting
    - Fire Protection (Section 4.3.9.9)
    - Inservice Inspection and Testing
  - ▶ New Operational Program Review Examples
    - Radiation Protection (Section 4.3.9.12)
    - Security Plan, Access Authorization, and Fitness for Duty (Section 4.3.9.13.3)

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## Preliminary Comments and Questions

### ESP-COL Interface Issues

- Discussion in NEI 04-01, Section 4.3.9.2.1, inconsistent with 10 CFR 52.79(a)(1) regarding demonstrating design falls within ESP parameters (vs. site characteristics)
- RS-002, Section 4.6, states COL applicant should demonstrate design falls within plant parameter envelope (PPE) values in ESP as well as site characteristics
- Staff expects that, regarding the safety review, PPEs that affect compliance with ESP regulations will appear in the ESP

Note: The ESP-COL interface issue slides were included in the February 2, 2005, NEI public meeting handouts but were not discussed at the meeting.



## Preliminary Comments and Questions

### ESP-COL Interface Issues (continued)

- NEI 04-01, Section 4.3.9.2.4 - Term used in ESP draft safety evaluation reports to date is "COL action items" (not "COLA information requirements")
- NEI 04-01, Table 4.3.9.2-1 - "ESP" note needs to refer to possibility of COL action items from ESPs
- Comment in Table 4.3.9.2-1, item 2-10 should be generic to all subject areas



## Preliminary Comments and Questions

### ESP-COL Interface Issues (continued)

- NEI 04-01, Section 4.6 - Environmental review at COL vs that at ESP remains an open issue under review by staff; resolution may not be consistent with wording in Section 4.6 regarding whether "changes would materially affect the ESP FEIS [final environmental impact statement]" and "FEIS remains bounding"
  - ▶ Need for environmental report at COL
  - ▶ Staff's review product at COL
  - ▶ "New and significant information"
  - ▶ Basing need for re-evaluation on environmental impact (small, moderate, large)



## Preliminary Comments and Questions

### ESP-COL Interface Issues (continued)

- NEI 04-01, Section 6.4.2 - How will COL applicant evaluate new information when it is not called upon to obtain such information?
- Stronger emphasis needed on 10 CFR 52.39 as basis for re-evaluating issue resolved at ESP
- NEI 04-01, Section 6.4.3 - Approval of major features at ESP does not mean approval of implementing details
- Staff position is that "decrease in effectiveness" does not apply - See staff's May 30, 2003, letter to NEI



## Preliminary Comments and Questions

### Sections 4.3.1 - 4.3.9: General FSAR Topics

- In general, discussion in this area good
- Concern over hyperlinking FSAR sections to generic DCD
  - Which format will facilitate staff review?
  - NEI 04-01 has conflicting guidance (see second paragraph of Section 4.3.2 vs. last paragraph of same section)
- Section 4.3.3: COL applicants must comply with both Tier 1 and Tier 2 interface requirements
- Section 4.3.6: PRA information is not considered sensitive information and should not be withheld



## Preliminary Comments and Questions

### Section 4.3.9.1 - FSAR Chapter 1 Introduction and General Plant Description

- No major comments on Section 4.3.9.1



## Preliminary Comments and Questions

### Section 4.3.9.16 - FSAR Chapter 16 Technical Specifications

- See separate handout concerning NRC comments on TS



## Preliminary Comments and Questions

### Emergency Planning

- Figure 4-1 (p. 13): The "Part 50 change & update processes govern" box, applicable to Site-Specific Info: "Emergency Plans (to the extent not approved at ESP)," is incorrect. The Part 50 requirements addressing emergency plan changes (10 CFR 50.54(q)) and maintaining updated emergency plans (10 CFR Part 50, Appendix E, Section G) pertain to fully implemented emergency plans. Changes/updates/corrections to approved EP information in an ESP at the COL stage would be governed by the proposed language in 10 CFR 52.79(d)(1).



## Preliminary Comments and Questions

### Emergency Planning (continued)

- 4.3.9.13.3 (p. 139): After "for the proposed facility." in the first line on page 139, add the sentence: "10 CFR 52.17(b)(3) requires that ESP applications include a description of contacts and arrangements made with local, State, and Federal governmental agencies with emergency planning responsibilities.
- 4.3.9.13.3 (p. 139): Second full paragraph should be replaced with language to reflect the outcome of ongoing discussions between the industry and the NRC.
- 4.3.9.14.3 (p. 148): The third bullet ("ITAAC on emergency planning") would also apply to a COLA that does not reference a certified design. The EP ITAAC in Table 4.3.9.14-4, in the referenced section 4.3.9.14.3.3, include EP ITAAC that would duplicate the EP ITAAC in a certified design.



## Preliminary Comments and Questions

### Emergency Planning (continued)

- 4.3.9.14.3.3 (p. 160): The (referred to) "future revision" of Table 4.3.9.14-4 will need to be reviewed, prior to NRC endorsement of NEI 04-01.
- 6.4.3 (p. 277): The 10 CFR 50.54(q) "decrease in effectiveness" proposal for updating EP information in an ESP at the COL stage was addressed in NRC's letters to NEI, dated May 30, 2004, and November 9, 2004.
- Appendix D (p. D-1): The Combined License Template (Appendix D) is not developed enough for substantive EP-related comments.



## Preliminary Comments and Questions

### Site-Specific ITAAC

- NEI 04-01, Revision D, states the following:
  - ▶ ...Therefore, because there are not Tier 1 interface requirements for the AP1000, the set of ITAAC required for COL would consist of those from the design certification plus ITAAC on emergency planning. There would be not site-specific design ITAAC in a COL application referencing the AP1000 design certification.
- NRC does not agree with this position

Note: The site-specific ITAAC slides were included in the February 2, 2005, NEI public meeting handouts

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## Preliminary Comments and Questions

### Site-Specific ITAAC (continued)

- 10 CFR 52.97(b)(1) states the following:
  - ▶ The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, **are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the Atomic Energy Act, and the Commission's rules and regulations.** [emphasis added]

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## Preliminary Comments and Questions

### Site-Specific ITAAC (continued)

- ITAAC are required to verify a complete facility, and are not limited to interface requirements
- COL applicant should describe complete facility and provide ITAAC which verify facility
- NRC anticipates that this will be part of pre-application discussions with COL applicant

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## Preliminary Comments and Questions

### Site-Specific ITAAC (continued)

- AP1000 Design Control Document (DCD) Tier 2, Figure 1.2-2, Site Plan
  - Shows areas that are outside the scope of the design certification but part of the facility
  - ITAAC must include cooling tower and switch yard
- AP1000 DCD, Tier 2 Information, Table 1.7-2, AP1000 System Designators and System Diagrams
  - Specifies AP1000 systems that are in scope, partially out of scope, or out of scope, from design certification
  - Systems listed as partially out of scope or out of scope should have ITAACs included in the COL application

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## **Preliminary Comments and Questions**

### **Site-Specific ITAAC (continued)**

- COL ITAAC (includes design certification ITAAC) must verify the complete facility
- ITAAC level of detail proportional to safety significance (consistent with design certification)
- Site-specific ITAAC need to verify that portion of facility exists
- Site-specific ITAACs will be discussed with COL applicant

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## **COL Operational Program Review**

### **Radiation Protection (NEI 04-01, Section 4.3.9.12)**

- SRP Section 12.5 currently being revised
- Section 4.3.9.12.2 does not provide sufficient level of detail for the preparation of a COL application
  - The radiation protection plan cannot be generic in nature and should contain plant-specific information
- Separate public meetings with NEI task force on level of detail of radiation protection program may be needed

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## COL Operational Program Review Examples

### Security Plan, Access Authorization, and Fitness for Duty

- Information needed for the COL application
  - Security plan, including information on fitness for duty and access authorization operational programs
- Implementation
  - Staff evaluating the milestones important to the implementation of each operational program
- License conditions
  - Anticipate license conditions associated with implementation of each of these operational programs
- ITAAC
  - Considering ITAAC for security design features (i.e., hardware)

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## COL Operational Program Comments on NEI 04-01

### Security Plan, Access Authorization, and Fitness for Duty

- Reference to NEI 03-12, "Template for the Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," Rev 1
  - Template does not provide the level of detail necessary to address site-specific security plan features or provisions
  - Approved security plans submitted pursuant to DBT Order include provisions not covered in template

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# Background

## NEI 04-01 and COL OPR Public Meeting Summaries

<u>Public Meeting Date(s)</u>	<u>Meeting Summary Date</u>	<u>Accession #</u>
November 9, 2004	December 17, 2004	ML043240352
December 8, 2004	February 4, 2004	ML050110448
February 2, 2005		
March 3-4, 2005		