

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



**NRC/NEI Public Meeting
April 7, 2005**

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Opening Remarks: NEI 04-01 and Operational Program Review Public Meetings

- **NEI 04-01**
 - ▶ NRC providing preliminary comments during public meetings
 - ▶ Behind NEI's "strawman" schedule of February 2005
 - ▶ NRC plans to provide 1st round comments in June
 - ▶ Competing priorities will delay the discussion of certain issues
 - ▶ Some sections of NEI 04-01 may not need to be discussed at this time
- **COL OPR**
 - ▶ Four of fourteen operational programs identified in May 14, 2001, NEI letter remain to be discussed after today's meeting
 - ▶ Consistent themes developing in the completion of NRC's work:
 - Availability of operational program document before fuel load
 - Implementation schedule of operational program

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Agenda

- **NEI 04-01 Preliminary Comments**
 - ▶ Section 4.3.9.7: FSAR Chapter 7 - Instrumentation and Controls
 - ▶ Section 4.5: Report on Departures from the Generic DCD
 - ▶ Section 5: Pre-COL Phase Activities
 - ▶ Section 6: Change Control for COL Application Information
 - ▶ Section 4.3.9.17: FSAR Chapter 17 - Quality Assurance
- **NEI Presentation on Operational Program Implementation**
- **NRC Initial Thoughts on the Information Needed to Evaluate a COL Operational Program During the COL Application Review**
 - ▶ New Operational Program Review Examples
 - Quality Assurance, Maintenance Rule (incorporated into discussion of Section 4.3.9.17)

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Preliminary Comments and Questions

Section 4.3.9.7: FSAR Chapter 7 - Instrumentation and Controls

- **Guidance for COL Applicants on Design Implementation of Digital Instrumentation and Control Systems in Nuclear Power Plants**
 - ▶ See separate handout
 - ▶ Draft comments to support this meeting sent to NEI by letter dated March 16, 2005 (Accession # ML050750083)
 - Includes draft of NUREG-0800, Chapter 7 (Revision 4 issued June 1997)

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Preliminary Comments and Questions

Section 4.5: Report on Departures from the Generic DCD

- This section acceptable, but cannot comment on proposed rule for Part 52
- Be aware that the timing of reports in AP1000 proposed rule has been changed.



Preliminary Comments and Questions

Section 5: Pre-COL Phase Activities

No preliminary comments in following sections:

- Applicant Programs Required in the Pre-COL Phase (Section 5.1)
- Engineering Design Verification (Section 5.2)
- Pre-COL ITAAC Related Activities (Section 5.3)
 - ▶ Coordination of ITAAC-Related Activities with NRC (Section 5.3.1)
 - ▶ Completion of ITAAC Prior to Issuance (Section 5.3.2)
- Required Records and Reporting to NRC (Section 5.4)
 - ▶ Record keeping (Section 5.4.1)

Discussed in conjunction with quality assurance

- Design Reliability Assurance Program (Section 5.1.3)



Preliminary Comments and Questions

Section 5: Pre-COL Phase Activities (continued)

Design/Construction Quality Assurance Program and Part 21 Program (Section 5.1.1)

- Section 5.1.1 states that "In addition to certain design activities, seismic investigations at the site would be included in pre-application work . . . subject to QA requirements."
 - ▶ Believe that other site investigation activities could be subject to QA in addition to seismic investigations



Preliminary Comments and Questions

Section 5: Pre-COL Phase Activities (continued)

Construction/Operating License Fitness for Duty Programs: 10 CFR Part 26 (Section 5.1.2)

- Section 5.1.2.1 states that "The detailed description of FFD program is neither required . . ."
 - ▶ Believe that the program should be described in FSAR



Preliminary Comments and Questions

Section 5: Pre-COL Phase Activities (continued)

Required Records and Reporting to NRC (Section 5.4) Reports and Updates to NRC (Section 5.4.2)

- Section 5.4.2 states that "These reports are required annually . . . "
 - ▶ this requirement has been changed in the proposed rule for AP1000



Preliminary Comments and Questions

Section 6: Change Control for COL Application Information

No preliminary comments in following sections:

- Plant-Specific Exemptions from Tier 1 Information (Section 6.1)
- Plant-Specific Departures from Tier 2 Information (Section 6.2)
 - ▶ Plant-Specific Exemptions from Tier 2 Information (Section 6.2.1)
- Post Application Change Process (Section 6.5)



Preliminary Comments and Questions

Section 6: Change Control for COL App. Information (continued) Special Change Processes for Plant-Specific Departures from Tier 2 (Section 6.2.2)

- **Concerns with the proposed special change process for severe accident resolutions**



Preliminary Comments and Questions

Section 6: Change Control for COL App. Information (continued) Departures from Generic Technical Specifications and Other Operational Requirements (Section 6.3)

- **Discussion in the statements of consideration for AP1000 design certification rule (Section VIII.C) is a clearer explanation of the change process for operational requirements**
- **Concerned with the proposal for a single exemption with multiple examples**



Preliminary Comments and Questions

Section 6: Change Control for COL App. Information (continued)
Changes in Approved Early Site Permit Information (Section 6.4)

Discussion Topics

- GENERAL
- RESOLVED ISSUES
- MAJOR FEDERAL ACTION
- CHANGES AND NEW INFORMATION
- COL EIS
- ENVIRONMENTAL REVIEW STANDARD
- ESP-COL INTERFACE
- CONCLUSIONS IN THE ESP EIS
- EXAMPLES AND OTHER ENVIRONMENTAL STATUTES



Preliminary Comments and Questions

Section 6: Change Control for COL App. Information (continued)
Changes in Approved Emergency Planning Information
(Section 6.4.3)

- 10 CFR Part 52 - Proposed rule (§ 52.39, Finality of early site permit determinations)
- General - Update and correct ESP emergency planning information, and discuss whether new (or additional) information changes the bases for compliance with applicable requirements
- Subject to Litigation - New (or additional) information which materially affects the Commission's ESP determination, or is needed to correct ESP inaccuracies



COL Operational Program Comments on NEI 04-01

Section 4.3.9.17: FSAR Chapter 17, Quality Assurance

- **Develop new Standard Review Plan Sections 17.1-3, to provide updated guidance for meeting the requirements in Appendix B of 10 CFR Part 50**
- **Discussion of operational reliability assurance program in Section 4.3.9.17 not linked with Sections 4.3.9.19 and 4.3.9.16**



COL Operational Program New Examples

Maintenance Rule Operational Program

- **Revise Standard Review Plan Section 17.4, Reliability Assurance Program, to address Maintenance Rule. (17.4 currently provides D-RAP and O-RAP guidance.)**



Status of Operational Program Discussions in NRC/NEI Public Meetings

<u>Operational Program (05/14/01 NEI Letter)</u>	<u>Meeting Date</u>	<u>Followup</u>
▪ Emergency Planning	N/A	No
▪ Quality Assurance	04/07/05	?
▪ Radiation Protection	03/03/05 ¹	Yes
▪ Fitness for Duty	03/03/05	Yes
▪ Licensed Operator		
▪ Containment Leak Rate Testing		
▪ Inservice Inspection and Inservice Testing	02/02/05	No
▪ Physical Security	03/03/05 ²	Yes
▪ Fire Protection	02/02/05	No
▪ Access Authorization	03/03/05	Yes
▪ Training		
▪ Reportability	03/03/05 ³	?
▪ Maintenance Rule	04/07/05	?
▪ Equipment Qualification		

Notes: 1) Separate public meetings underway with NEI on content of FSAR Chapter 12; 2) NEI to form separate task force on security design ITAAC; 3) NEI provided view of reportability operational program but NRC has not presented its view.

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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, 2005	ML050540427
March 3-4, 2005		
March 15, 2005*		
March 18, 2005**	April 4, 2005	ML050940075
April 7, 2005		

* Duke Power Corporation public meeting on planning for a COL application
 **NEI Public Meeting discussing the radiation protection operational program

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