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**Date:** 7/18/05 2:01PM  
**Subject:** OPR Proposal for Discussion 7/27

Based on our June 9 discussion of OPR, please find attached for discussion with the staff on July 27 our proposal for license conditions related to operational programs. We think this proposal addresses the staff's concerns as best as we have understood them. If acceptable to the staff, we would plan to reflect this approach in Draft NEI 04-01, Rev. E.

We look forward to discussing this issue with you on 7/27. If you have any questions before then, please contact me, and especially if there are specific questions or concerns about the proposal. This will allow us to be better prepared to address them when we meet.

Thanks.

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**7/18/05**  
**Industry Proposal on Operational Programs**  
**For Discussion on July 27 w/NRC**

Based on our discussion in a June 9 public meeting, we now envision five license conditions related to operational programs. Three are standards from OLs past (FP (2) and Security), one corresponds to EP ITAAC 8.1.3, and one covers implementation of 17 required operational programs. See table below.

This proposal has the following "moving parts" that we plan to discuss w/NRC on July 27.

1. COL application FSARs will contain descriptions of operational programs; scope and level of detail will be consistent with past practice and current guidance (e.g., SRPs). Programs specifically required by NRC regulations (identified in the license condition proposed below) and their implementation will be clearly and sufficiently described in terms of scope and level of detail to allow a reasonable assurance finding of program acceptability in the COL.
2. NRC will be informed of changes to approved operational programs as described in the FSAR as follows:
  - For operational programs described in the DCD, such as ISI/IST, Section X.B of the design certification rules requires:
    - initial COLA and semi-annual<sup>1</sup> reports on departures from the generic DCD until fuel load
    - annual update of the plant-specific DCD until fuel load
  - Annual updates of the FSAR will be submitted between the time of COL issuance and fuel load in accordance with 10 CFR 50.71(e). These updates will include changes to the operational programs described in the site-specific portion of the FSAR
  - For programs identified in the license condition proposed below, NRC inspectors will be informed of changes implemented since the most recent plant-specific DCD/FSAR update when specific inspection schedules are identified and requests for supporting information are made, and again when inspectors arrive on site and identify the program to be inspected. In addition, procedures and other program implementation details beyond those described in the plant-specific DCD/FSAR would be made available to NRC inspectors at these points upon request.

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<sup>1</sup> Section X.B currently requires quarterly reporting during construction of departures from the generic DCD. The NRC has proposed semi-annual reporting of departures from COLA through fuel load as part of the AP1000 design certification rulemaking.

3. The threshold for informing NRC of changes would be the program descriptions in the plant-specific DCD/FSAR on which the staff based its COL safety findings; i.e., NRC will be informed of any changes to plant-specific DCD/FSAR program descriptions. The staff will be informed via required plant-specific DCD and FSAR updates. An example of a Fire Protection Program description, including discussion of implementation timing, has been discussed with the NRC staff, and an example of Radiation Protection Program description is being developed based on the forthcoming update of SRP 12.5. Other examples of program description content for FSARs could be developed.

Under this approach, there is no need to identify "key elements" of operational programs. The staff will be informed of any changes to plant-specific DCD/FSAR program descriptions.

4. Consistent with SECY-02-0067, the scope is focused on programs implemented after the COL is issued that are [explicitly] required by regulation. For example, programs required by tech specs, but not by 10 CFR (such as the Ventilation Filter Testing Program), are not included within the scope of the proposed license condition. These programs will be described in FSARs as appropriate (consistent with past practice and current guidance) and are subject to tech spec administrative controls in addition to the above identified change controls governing the p-s DCD and FSAR.

Under this approach, there is no need for a table in the FSAR or elsewhere that identifies operational programs and required implementation milestones, as had been discussed with the NRC on June 9.

5. We believe that with appropriate clarification via rulemaking of submittal requirements for Part 52 licensees, no license condition is necessary on submittal of ISI/IST and PSI/PST Programs. Implementation schedules for these programs, including required submittal of program documents, would be available to the NRC in accordance with the license condition envisioned below.

#### July 27 Discussion Questions:

- Would this approach adequately address the staff's concerns about implementation timing of required programs?
- Would this approach adequately address the staff's concerns about program changes between the time of the most recent p-s DCD/FSAR update and when inspections are performed of operational program implementation?
- Is the staff likely to find this approach acceptable?
- Is more discussion of ISI/IST program submittals necessary?
- Other questions for discussion on July 27?

**Strawman License Conditions Related to Required Operational Programs – DRAFT 7/13/05**

| Item | FSAR Section | Program Title                                   | Source   | Strawman License Condition(s)   |
|------|--------------|---|--|---|
| 1.   | 1.9          | Implementation of Required Operational Programs | 10 CFR Part 50<br>GDC 53 &<br>Appendix J                           | <p>Within [one year] after COL issuance, the Licensee shall make available to the NRC staff a schedule that supports planning for and conduct of NRC inspection of programs listed below. The schedule shall be updated at least every [six months] until the Commission's authorization to load fuel.</p> <p>1. Containment Leakage Rate Testing Program</p> |
|      |              |   | 10 CFR 50.47 & Appendix E  | 2. Emergency Preparedness Program   |
|      |              |   | 10 CFR 50.49   | 3. Environmental Qualification of Electrical Equipment  |
|      |              |   | 10 CFR 50.48   | 4. Fire Protection Program  |
|      |              |   | 10 CFR 50.65   | 5. Maintenance Rule Program   |
|      |              |   | 10 CFR 50.120<br>10 CFR 55.41                                      | 6. Operator Training Program  |
|      |              |   | 10 CFR 50.54(o)<br>10 CFR 55.59                                    | 7. Operator Requalification Program   |
|      |              |   | 10 CFR 50.120<br>10 CFR 52.78                                      | 8. Plant Staff Training Program   |
|      |              |   | 10 CFR 50.54(p)<br>10 CFR Part 73<br>10 CFR Part 26                | 9. Physical Security Program (for Operations)   |
|      |              |   | 10 CFR 20.1101   | 10. Radiation Protection Program  |
|      |              |   | 10 CFR 50.60<br>10 CFR 50.61<br>GDC 32<br>Appendix G<br>Appendix H | 11. Reactor Vessel Material Surveillance Program  |
|      |              |   | 10 CFR Part 50<br>Appendix I                                       | 12. Process and Effluent Monitoring Sampling Program  |
|      |              |   | 10 CFR 50.54(a)<br>10 CFR Part 50<br>Appendix B                    | 13. Quality Assurance Program – Operations (if different from Design and Construction QA Program)   |
|      |              |   | 10 CFR 50.55a  | 14. Preservice Inspection Program (for Piping and Containment)  |
|      |              |   | 10 CFR 50.55a  | 15. Inservice Inspection Program (for Piping and Containment)   |
|      |              |   | 10 CFR 50.55a  | 16. Preservice Testing Program (for Pumps and Valves)   |
|      |              |   | 10 CFR 50.55a  | 17. Inservice Testing Program (for Pumps and Valves)  |

| Item | FSAR Section | Program Title                  | Source  | Strawman License Condition(s)   |
|------|--------------|--------------------------------|---|---|
| 2.   |              | Fire Protection Program        | 10 CFR 50.48  | The licensee shall implement and maintain in effect the approved FPP.   |
| 3.   | 9.5.1        | Fire Protection Program        | 10 CFR 50.48  | The licensee may make changes in the approved FPP without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of fire. |
| 4.   | 13.3         | Emergency Preparedness Program | 10 CFR 50.47,<br>10 CFR 50 Appendix E               | Prior to exceeding 5% of rated power, the licensee shall address deficiencies, if any, identified during performance of the off-site EP exercise.   |
| 5.   | 13.6         | Physical Security              | 10 CFR 50.54(p)<br>10 CFR Part 73<br>10 CFR Part 26 | The licensee shall implement and maintain in effect the approved physical security, guard training and qualification, and safeguards contingency plans.   |

Note: Appropriate rulemaking would obviate the need for license conditions 2, 3 & 5, above.