

October 18, 2005

ORGANIZATION: Nuclear Energy Institute (NEI)

SUBJECT: SUMMARY OF JULY 27, 2005, MEETING WITH NEI TO DISCUSS NEI 04-01, REVISION D, "DRAFT INDUSTRY GUIDELINE FOR COMBINED LICENSE (COL) APPLICANTS UNDER 10 CFR PART 52," AND THE OPERATIONAL PROGRAM REVIEW PERFORMED DURING THE EVALUATION OF A COL APPLICATION

On July 27, 2005, the U.S. Nuclear Regulatory Commission (NRC) held a public meeting with NEI at NRC headquarters in Rockville, MD. The purpose of the meeting was to discuss NEI's, draft COL applicant guidance document and how operational programs should be addressed during the COL process. NEI and NRC discussed the electronic submission of a COL application, the Standard Review Plan (SRP) update, piping design acceptance criteria (DAC), probabilistic risk assessment (PRA), and the public meetings on updating SRP Section 12.5, "Radiation Protection." The meeting attendees are listed in Attachment 1 and the meeting agenda is given in Attachment 2.

Several handouts were distributed during this meeting. They are listed at the end of this memorandum with their accession numbers. All the handouts can be accessed through the Agencywide Documents Access and Management System (ADAMS) by accession number. ADAMS provides text and image files of NRC's public documents. If you do not have access to ADAMS or if you have problems in accessing the handouts in ADAMS, call the NRC Public Document Room (PDR) reference staff at 1-800-397-4209 or 301-415-4737 or e-mail pdr@nrc.gov.

NEI 04-01 DISCUSSIONS

Below is a summary of the topics discussed in the meeting in the order they appeared in the agenda. Several action items were identified and are summarized at the end of this summary. Section numbers refer to NEI 04-01 unless otherwise stated.

Implementation of Operational Programs

NEI said that the NEI 04-01 meetings had provided good discussions on the operational programs identified in the NEI letter dated May 14, 2001. As a result of the June meeting, NEI provided the NRC with a proposal in an e-mail dated July 18, 2005 (Attachment 3). NEI proposed a list of 17 operational programs specifically required by NRC regulations. NEI said that the operational programs would be described in the final safety analysis report (FSAR), and would reflect past practice and current guidance (e.g., SRPs). NEI stated that these programs and their implementation would be clearly and sufficiently described in terms of scope and level of detail to allow the staff to make a reasonable assurance finding on program acceptability. As a result, NEI stated that it no longer found it necessary to identify key elements of operational

programs in a COL application as was proposed by the NRC in the June 2005, public meeting. With this level of detailed information in the FSAR, NEI said the regulations and the oversight process (construction and inspection program) should be a significant source of establishing reasonable assurance.

NEI said it now envisions five license conditions for operational programs. NEI looked at some recent operating licenses and some standard license conditions in developing the five license conditions. The five license conditions include the implementation schedule of the 17 operational programs, as well as specific license conditions for fire protection emergency preparedness and physical security programs. NEI said the most efficient way of preparing for the inspections would be to give the staff the implementation schedules for these programs.

NEI said it had made minor changes to license conditions 2 through 5 from the June 2005 public meeting. These changes were incorporated to clarify the language. The staff agreed with NEI's proposed language changes to license conditions 2 and 3, and further iterated the use of Generic Letter 86-10 as guidance for fire protection. For license condition 4, the staff asked that "address" be changed to "resolve and correct." NEI agreed to this change.

The staff said that it was concerned about changes to the FSAR after issuance of the COL. NEI said that the regulations require regular updates be provided to the NRC for the design control document (DCD) and the FSAR. Specifically, for operational programs described in the DCD, semiannual reports on departures from the generic DCD would be provided until fuel load and annual updates of the plant-specific DCD would also be provided until fuel load. The FSAR, will be updated annually between issuance of a COL and fuel load in accordance with 10 CFR 50.71(e). This update includes changes to the operational programs described in the site-specific portion of the FSAR. NEI also said that for operational programs identified in the implementation schedule license condition, NRC inspectors would be informed of changes implemented since the most recent plant-specific DCD/FSAR update when the inspectors arrived on site and identified the operational program or programs to be inspected.

NRC provided a list of operational programs that were included in the Westinghouse AP1000 final safety evaluation report COL action item list (attachment 4). NRC said that COL action items are required to be addressed by the COL applicant. While NRC did not have time to evaluate this list of programs fully, some of these operational programs may need to be reviewed by the staff in a COL application. Those programs should be included in the implementation schedule license condition proposed by NEI. NRC said that the final list of operational programs should be determined sometime in the future, such as when the first COL application is filed to ensure that the appropriate operational programs are included in the license condition.

NEI said the scope of its list is focused on programs implemented after the COL is issued and explicitly required by regulation. NEI said it had considered a broad scope of programs but only considered those that meet the above criteria to be appropriate for a license condition. NEI said that it believes that this list of programs would be valid for any type of light water reactor design being considered. NRC acknowledged that NEI had expanded the list from those originally proposed by NEI for exclusion from inspections, tests, analyses, and acceptance criteria (ITAAC) in its letter dated May 14, 2001. NRC said it will consider the scope of operational programs further as it develops a response to the Commission staff requirements memorandum on SECY-04-0032, "Programmatic Information Needed for Approval of a

Combined License Application Without ITAAC.”

NEI also commented on whether it would be necessary to incorporate a table of operational programs and associated milestones in the FSAR. The staff emphasized the importance of placing these tables in the FSAR. After some discussion, NEI and NRC decided that the tables would be incorporated into the FSAR.

NRC asked NEI to provide a letter describing the screening process for required operational programs and a proposed list of the operational programs subject to the license conditions discussed in its handout. NEI agreed to provide a letter with this information by the end of August 2005.

Training Program Implementation (eg. Timeline)

NEI said that it had a draft version of the timeline but was still coordinating with INPO and therefore did not have anything to present during the meeting. NEI said it planned to continue to coordinate with INPO and would discuss this topic at a future NEI 04-01 public meeting.

Standard Review Plan (SRP) Update Priorities

The staff gave NEI an overview of the SRP update program as well as the program. By September 2005, the staff plans to have an SRP update schedule made publicly available. By October 2005, the staff expects to have technically updated approximately thirty sections of the SRP; which will be made publicly available after they complete the SRP update procedures. In a separate activity, the staff stated their intent to make the SRP publicly available in its entirety by October 2005.

The staff also addressed the latest concerns about the future of Review Standard (RS) 002 for reviewing an early site permit (ESP) application. Specifically, the staff is waiting for lessons learned from the current three early site permit reviews, and once this information has been gathered the update will begin. It is anticipated that the technical revisions will be made to the corresponding SRP sections and RS-002 will no longer contain guidance but provide pointers to the appropriate sections of the SRP.

Prior to the meeting, the staff had asked NEI to provide a list of priorities regarding the SRP update. NEI stated that it did not have a formal list but that it would provide the staff with this list by the end of August. NEI did provide the staff with some discussion on what it currently sees as having high priorities--Chapters 13, 17, and 19, Conduct of Operations, Quality Assurance, Severe Accidents, respectively.

Piping Design Acceptance Criteria (DAC)

NEI was not prepared to formally discuss its approach to piping DAC. NEI said that it would be prepared to discuss its approach at a later date. Although no formal plans were outlined, NRC and NEI did exchange information in some of the issues regarding piping DAC. The staff asked whether Westinghouse would initiate the design work for piping before a COL application and whether the design work would be submitted in conjunction with a COL application. The staff said that DAC, which includes the design portion and the as-built verification, is part of ITAAC, and that it may be possible to resolve the design portions of piping DAC before the COL is

issued. NEI said it agreed with the staff's thoughts on resolving the design portions before the COL.

The staff asked about industry's intentions regarding piping DAC. NEI said that several scenarios are being considered for how to handle this issue. One scenario discussed involved piping DAC being satisfied prior to a COL application. Another involved the applicant addressing this work at the COL stage. The staff said that industry needs to decide on how the design work will be handled. NEI said that it will work with Westinghouse and that at the next public meeting NEI will have prepared a definitive approach to handling this issue.

NEI also asked the staff at what point the staff wanted to get involved in piping DAC. The staff said it wanted to be involved during the COL application stage and after the plant is built during ITAAC. The staff said that one of its primary concerns is what happens if problems are discovered during the ITAAC stage. NEI suggested considering an engineering design verification process to look at piping at the COL stage. The staff said that engineering design verifications were used in the 1980s and might work well for verifying piping design. Both NEI and NRC agreed to consider the topics discussed and bring this topic up in a future NEI 04-01 public meeting.

Electronic Submission of Combined License Applications

NEI provided a handout at the meeting which is Attachment 5 to this meeting summary. NEI said that several compatibility problems have been encountered during attempts to address the requests of multiple NRC staff within different sections. In its handout, NEI provided the staff with what it considered the three major issues. NEI discussed the conflicting guidance on file size. ADAMS guidance limits files to 50 megabytes (MB) and suggests that numerous small files be avoided, where as the website publishers want files no larger than 5 MB. NEI said a possible solution would be for industry to provide as few files as practical and that each file be less than 50 MB in size and that only one version be submitted. NEI said that if the staff chooses to place the document on the NRC website as multiple 5 MB files, the staff should place a disclaimer that the website version of the application is not the as-submitted application.

The second issue that NEI identified is that ADAMS does not accept files containing objects using link protocols such as object linking and embedding (OLE) or dynamic data exchange (DDE). NEI said it thinks that this has created a misconception about the functionality of links in ADAMS. NEI said that links between Adobe PDF files are retained if the files are loaded directly in ADAMS and if the file names remain the same. NEI proposed that industry provide the entire application in pdf format with files named according to NRC guidance so that they can be loaded into ADAMS retaining the links within the documents.

The third issue that NEI identified is that the NRC staff has occasionally requested specific file types that do not meet the ADAMS formats.

The staff addressed the first issue regarding the discrepancies in file size between the ADAMS version and the website version by saying that the website version is not required but the staff thinks that it is easier to work with. The staff said it would look into NEI's suggestion of placing a disclaimer on the web for PDF files that NRC breaks into smaller "chunks" for easier Web access to inform readers that the website version is not the as-submitted application.

The second issue, the staff addressed by saying that links within a PDF file are acceptable but links to separate PDF files should be deactivated (according to NRC's current electronic submission guidance). However, the staff also said that it would take into consideration NEI's proposal to include a "warning" (in the transmittal letter for a COL application) stating that some of the hyperlinks contained in the files may become inactive they are copied from a CD into ADAMS .

On the third issue, the staff said that NRC staff should not require the submission of file formats that do not conform with the NRC's electronic submission guidance. The staff said that NRC management is aware of and in agreement with this policy.

Probabilistic Risk Assessment/Severe Accident Change Process

NEI provided a slide package for the meeting, titled "FSAR Chapter 19 and Plant-Specific PRA" (Attachment 6 of this meeting summary). NEI said the slides contained the same information as the slides provided at the June 8-9, 2005, public meeting. NEI said it still supported the idea of a phased development for FSAR Chapter 19 and the plant-specific PRA. This would include a four-phase approach with each phase representing a stage of the COL process from pre-COL to after initial fuel loading during which the FSAR Chapter 19 and the plant-specific PRA would be created and updated.

NEI said that during phase 1, a summary of the status and plans for COL items and plant-specific PRA are provided in Chapter 19 of the FSAR. Chapter 19 would also include an assessment versus design PRA of plant-specific design or operational changes, or site-specific topics, which could significantly affect results and conclusions, and an assessment of impacts, and mitigation. The plant-specific PRA during this phase would be the certified design PRA which would include a description of plant-specific design or operational changes, or site-specific topics, which could significantly affect results and conclusions. It would also include an assessment of impacts, and mitigation. The staff asked NEI to clarify what kind of PRA document would be included in the submittal. NEI said the certified design PRA would be submitted and that the expectation is that any significant changes would be discussed in the submittal. The staff said it did not agree with this approach and that there is a large difference between a certified design and an operating plant. The staff also said it was unsure how it would determine that insights are valid. NEI responded by saying that the burden is on the applicant to address any departures from the design certification PRA. The staff said there isn't a process to identify changes and that a multitude of small changes may have a large cumulative impact on overall plant-specific PRA. NEI said it understood the staff's concerns and that these issues would be addressed in NEI 04-01, Revision E.

NEI said that during phase 2, the information provided in phase 1 for Chapter 19 would be updated annually based on NRC requests for additional information during the COL application review and the responses provided by the COL applicant. Any additional plant-specific changes and/or site-specific topics would also be addressed. The plant-specific PRA would continue to

document the description of design and operational changes, and site-specific topics, which could significantly affect results and conclusions. Assessments of impacts and mitigation would continue to be documented throughout this phase.

During phases 3 and 4, NEI said that Chapter 19 of the FSAR would continue to be updated annually, and that phase 4 updates would be in accordance with 10 CFR 50.71(e). NEI said that during phase 3, Revision 0 of the plant-specific PRA would be completed and reviewed using information that reasonably represents the as-built, as-to-be-operated plant. During phase 4 the plant-specific PRA would be maintained as appropriate.

Regarding the phased development of PRA, the staff asked NEI how the process would address facts and observations gained in phase 3 from the industry peer review. NEI said that during phases 1-2 the focus is on whether the certified design PRA bounds the plant. In phases 3-4 the focus is realistic analysis. The phase 3 review would focus on whether the risk results accurately represent the plant. NEI said it was considering a peer review in phases 1-2. The staff said a peer review in phases 1-2 would give the staff more confidence. NEI said it would evaluate whether or not to perform a peer review in phases 1-2.

During the meeting, there was considerable discussion regarding when in the process a site-specific PRA (i.e., a quantified, site-specific version of the design certification PRA) would be available, and when this PRA would be submitted. There was also some discussion on whether the "margins-based" methodologies used to assess external events in the design certification should be required to be upgraded to "PRA-based" methodologies prior to COL issuance or plant startup.

The PRA discussions were longer than anticipated and as a result the severe accident change process discussion will be deferred until the next NEI 04-01 public meeting.

Radiation Protection

The staff provided a brief update on the status of radiation protection. The staff said that it is waiting for additional information from NEI on SRP Section 12.5. The staff said that a meeting to discuss the current issues regarding radiation protection had been scheduled for July 29, 2005.

Clarification of NRC Written Comments

The staff talked about where the NRC and NEI stand regarding the comment letters that the NRC has been drafting on NEI's COL guidance document. So far, the staff has given NEI four comment letters. The staff will send NEI one more letter. The staff and NEI decided that the most effective way of clarifying NRC's written comments would be to host a teleconference and go over each issue that NEI discovers.

NEI briefly discussed its plans for the NEI 04-01 COL guidance document. NEI said it would like to incorporate the staff's written comments on the document in Revision E but it will depend on whether the staff and NEI can clarify the written comments in time. NEI plans to issue Revision E as a draft document on September 30, 2005 and plans to issue the final document by the end of the year. NEI also said it is beginning work on another guidance document, NEI 06-01, "COL Implementation Guidance," and plans to issue a first draft sometime next

year.

Action Items

NEI Action Items

- Send NRC a letter explaining NEI's criteria for selecting the required operational programs and listing the programs by the end of August 2005.
- Submit a list of the industry's top priorities for the SRP update.
- Establish a definitive approach to piping DAC for the next public meeting.

NRC Action Items

- Office of Information Systems webpage staff to address issues regarding electronic submission of a COL application.
- Set up a teleconference with NEI to clarify NRC's written comments on NEI 04-01.

/RA/

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- Attachments:
1. List of Attendees
 2. Agenda
 3. NEI e-mail dated July 18, 2005: Industry Proposal on Operational Programs (ML052000149)
 4. NRC Handout: Selected Programs in Combined License Action Items in the NRC AP1000 FSER (ML052100175)
 5. NEI Handout: Electronic Submittal Guidance - Industry Proposal (ML052100177)
 6. NEI Slides Handout: FSAR Chapter 19 and Plant-Specific PRA (ML052100179)

Project No. 689

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 6. NEI Slides Handout: FSAR Chapter 19 and Plant-Specific PRA (ML052100179)

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NRC Meeting with Nuclear Energy Institute To Discuss NEI's Combined License Application Guidance Document (NEI 04-01) and the Operational Program Review Performed During the Evaluation of a Combined License Application

**Wednesday, July 27, 2005
8:30 a.m. to 5:00 p.m.**

NRC Headquarters Conference Room O-1G16

Name	Organization
Christian Araguas	NRR/DRIP/RNRP
Joseph Colaccino	NRR/DRIP/RNRP
Carey Fleming	Constellation
Al Passwater	EPRI
Talmage Clements	Progress Energy
Larry Drbal	
Geoff Quinn	Bechtel
Ben George	Southern Nuclear
Jerry Phillabaum	Enercon
Joe Hegner	Dominion
Ryuji Iwasaki	Toshiba
Al Paglia	SCE&G
Guy Cesare	Enercon
Eddie Grant	Exelon
Carl Berger	Energetics
Russ Bell	NEI
Tolani Owusu	NRR/DRIP/RNRP
Shiela Fabiau	FCW
Patricia L. Campbell	Morgan Lewis
Adrian Heymer	NEI
Hulbert Li	NRC/DE/EEIB
Russ Wells	Parallax
Matt Chiramal	NRC/DE/EEIB

George Zinke	Entergy/NuStart
Daniel McLaughlin	Westinghouse
Yuichi Hatashi	Westinghouse
Bob Evans	Enercon
Peter Hastings	Duke Energy
Alan Levin	Framatome
Steven Bloom	NRR/DRIP/RNRP
George Thomas	NRR/DSSA/SRXB
Jerry Wilson	NRR/DRIP/RNRP
Joe Mihalcik	Constellation
Bruce Musico	NRC/NSIR/DPR/EPD
Daniel Barss	NRC
John Tsao	NRC/NRR/DE/EMCB
Steve Koenick	NRC/NRR/PMAS/POEB
Bob Palla	NRC/NRR/DSSA
Adel El-Bassioni	NRC/NRR/DSSA
Donald Harrison	NRC/NRR/DSSA
Keith Shaw	NRC/IS
Mike Collins	NRC/IS
Kenny Nguyen	NRC/IS
Barry Sloane	Dominion
Jim Chapman	Scientech LLC
David Terao	NRC/NRR/ADPT/DLPM/LP
Kamal Manoly	NRC/NRR/DE/EMEB
John Fair	NRC/NRR/DE/EMEB

Agenda

July 27, 2005, Meeting with the Nuclear Energy Institute (NEI) to Discuss NEI's Combined License (COL) Application Guidance and the Operational Program Review Performed During the Evaluation of a Combined License Application

8:30 a.m.	Introductions/Opening Remarks	NRC/NEI
8:40 a.m.	Implementation of Operational Programs	NRC/NEI
9:40 a.m.	Training Program Implementation (eg. timeline)	NRC/NEI
10:10 a.m.	Break	
10:25 a.m.	SRP Update Priorities	NRC/NEI
11:00 a.m.	Piping Design Acceptance Criteria	NRC/NEI
12:00 p.m.	Lunch	
1:00 p.m.	Electronic Submission of Combined License Applications	NRC/NEI
2:00 p.m.	Probabilistic Risk Assessment /Severe Accident Change Process	NRC/NEI
3:00 p.m.	Break	
3:15 p.m.	Radiation Protection	NRC/NEI
3:45 p.m.	Clarifications of NRC Written Comments	NEI
4:15 p.m.	Future Plans for NEI 04-01	NEI
4:45 p.m.	Adjourn	

**NOTE: Specific topics and associated discussion times may change without notice.
Public comments will be solicited after each agenda item is completed.**

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