

June 22, 2006

MEMORANDUM TO: Eileen M. McKenna
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Joseph L. Birmingham /RA/
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF PUBLIC MEETING TO REVIEW CONTENT OF
ADVANCE NOTICE OF PROPOSED RULEMAKING TO MAKE
10 CFR 50 REQUIREMENTS RISK-INFORMED AND
PERFORMANCE-BASED

On June 15, 2006, U. S. Nuclear Regulatory Commission (NRC) staff members met with interested stakeholders on the content of an Advance Notice of Proposed Rulemaking to make the power reactor requirements of 10 CFR 50 risk-informed and performance-based. In attendance at the meeting were representatives of industry, licensees, the U. S. Department of Energy, the Nuclear Energy Institute, architect/engineers, and staff supporting the NRC Advisory Committee on Reactor Safeguards (ACRS). A list of attendees is provided in Enclosure 1. The meeting presentation slides are provided in Enclosure 2 (ADAMS Accession No. ML061710525)

The purposes of the meeting were for the NRC staff to: 1) provide clarification of the questions in the ANPR; 2) describe the differences between the January 2005 draft of the technology neutral framework (ADAMS# ML043560280, or see SECY-05-0006) and the current draft (see Ruleforum Web Site <http://ruleforum.llnl.gov> ANPRs); 3) describe information not in the current draft that will be added in July 2006; and 4) request input on format, topics, and agenda of a workshop planned for August 2006.

After introductions, the staff reviewed the background for the ANPR indicating that, in SECY-06-0007, the Commission had directed the staff to issue an ANPR on the spectrum of issues related to risk-informing the reactor requirements of 10 CFR 50 and to complete the ANPR stage by December 2006. At the end of the ANPR stage, the staff was to assess the comments received and after considering those comments and the ACRS views, provide the Commission, by May 2007, a recommendation on whether and, if so, how to proceed with rulemaking. The staff was to provide a summary of any differing stakeholder views to allow the Commission the benefit of those views when deliberating on the recommendation and to include a proposed schedule to complete the effort.

ANPR

After discussing the background of the ANPR, the staff gave an overview of the topics

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addressed in the ANPR including:

- Program Plan
- Integration of safety, security and preparedness
- Level of safety
- Integrated risk
- ACRS views
- Containment functional performance standards
- Technology-neutral framework
- Defense-in-depth
- Single failure criterion
- Continue individual Part 50 risk-informed rulemakings

The staff explained its proposed approach which is to create a new Part in 10 CFR (referred to as "10 CFR Part 53") that can be applied to any reactor technology as an alternative to current 10 CFR Part 50 requirements. Under this approach the NRC would undertake two major tasks:

- Develop the technical basis for rulemaking for 10 CFR Part 53, and
- Develop the regulations and associated guidance for 10 CFR Part 53.

Additionally, the NRC would:

- continue the current risk-informed rulemaking actions that are ongoing
- undertake new risk-informed rulemaking only on an as-needed basis

The staff believes that this approach may be the most effective way to use NRC and industry resources if the NRC proceeds with rulemaking.

The staff then discussed each of the topics of the ANPR, and answered several questions regarding each. Some key points and feedback of this discussion were:

- the staff is interested in related comments beyond the ANPR questions
- the staff is interested in comments on the ACRS views
- the schedule of the ANPR and rule may not be timely for near-term new reactors
- the staff plans to continue ongoing individual Part 50 risk-informed rulemakings
- an industry representative indicated that, other than high-level comments, detail comments will probably not be provided until December 2006, which may impact the staff's assessing stakeholder comments and recommending a resolution of the issues and whether to pursue rulemaking
- some industry members were concerned that policy issues identified in the ANPR may impact near-term applications for combined operating licenses

The staff reminded participants that comments on the ANPR need to be submitted by one of the methods described in the ANPR and that those methods were described in slide 5.

Technology Neutral Framework

The staff described its technology neutral framework (framework) as one approach in the form of criteria and guidelines that could serve as the technical basis for 10 CFR Part 53. The approach is risk-informed and performance-based and technology-neutral. The framework

provides guidelines for:

- Safety, security and preparedness expectations
- Defense-in-depth: treatment of uncertainties
- PRA technical acceptability
- Risk-informed approach to licensing basis (e.g., identification of licensing basis events)

The staff discussed how the January 2005 draft framework compared with the draft posted on RuleForum in June 2006. The staff indicated that the conceptual approach was unchanged, the presentation of information had been reorganized, details of the technical issues had been expanded, and that additional information had been added. Additionally, the staff stated that it would update the draft framework on RuleForum in July 2006. Details of the changes are provided in slides 13-16 of Enclosure 2.

Public Workshop

The staff plans to hold a workshop with stakeholders near the end of August 2006. The purpose of the workshop would be to hold detailed discussions with stakeholders on the topics presented in the ANPR in order to facilitate stakeholder feedback. The staff proposed to hold separate "break-out" sessions in smaller group discussions to allow more in depth discussion of the ANPR topics. Few NRC presentations are planned although there would be limited opportunities for formal stakeholder presentations.

The NEI representative indicated that they would check the dates suggested for holding the public workshop and provide feedback on the best dates to the NRC.

Summary

The staff briefly reviewed the meeting topics, answered a few additional questions, reminded participants of the deadlines and opportunities for comment on the ANPR. In general, all participants agreed that the meeting had been beneficial in clarifying the ANPR topics, providing details on the framework, and in preparing stakeholders for the planned workshop.

Having covered the meeting topics, the meeting was adjourned.

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Distribution: See next page

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* via email

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|--------|-------------|----------|----------------------|
| OFFICE | PFPB:PM | RES:PM | PFPB:BC |
| NAME | JBirmingham | MDrouin* | EMcKenna/RDudley for |
| DATE | 06/22/06 | 06/21/06 | 06/22/06 |

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List of Attendees for June 15, 2006
Meeting on Content of ANPR for Risk-Informed Reactor Requirements

| <u>NAME</u> | <u>ORGANIZATION</u> |
|--------------------|----------------------------|
| Joseph Birmingham | NRC/NRR |
| Mary Drouin | NRC/NRR |
| Donnie Harrison | NRC/NRR |
| Farshid Shahroki | AREVA |
| Jim Chapman | Scientech LLC |
| Gerry Gears | DOE |
| John Flack | ACRS |
| Stuart Rubin | NRC/RES |
| John Monninger | NRC/RES |
| Biff Bradley | NEI |
| Edward Burns | PBMR |
| Denny Ross | Gamma Eng. |
| Adrian Heymer | NEI |
| Al Passwater | NEI |
| Lauren Killian | NRC/RES |
| Sud Basu | NRC/RES |
| Robert Rishel | Progress Energy |
| George Zinke | Entergy |
| Charles Brinkman | Westinghouse |
| Mark Beaumont | Washington Group |
| Cathy Colleli | NRC/OIG |
| Charles Ader | NRC/RES |
| Jimi Yerokun | NRC/RES |
| Adel El-Bassioni | NRC/NRR |
| Ron Schmitt | NRC/NSIR |
| John Dixon | DHS/CHPPD |
| Ujagar Bhachu | NRC/NMSS |
| David Fischer | NRC/ACRS |
| Deann Raleigh | LIS, Scientech |
| Bruce Hinkley | INFOZEN |
| Fred Emerson | GE |
| Chris Kerr | Exelon |
| Eddie Grant | Exelon |
| Bruce Musico | NRC/NSIR |
| Tom O'Connor | DOE |
| N. P. Kadambi | NRC/RES |
| Mark Rubin | NRC/NRR |

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|-------------|---------|------------|------------|-----------|-------------|
| B Sheron | J Dyer | G Holahan | H Nieh | E McKenna | J Monninger |
| D Harrison | J Lyons | F Eltawila | J Clifford | J Flack | P Kadambi |
| B McDermott | | | | | |