

August 28, 2006

MEMORANDUM TO: Michael Marshall, Acting Chief
Financial, Policy and Rulemaking Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Timothy Collins, Senior Advisor */RA/*
Division of Safety Systems
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF PUBLIC MEETING TO DISCUSS RESOLUTION OF
CERTAIN STAKEHOLDER COMMENTS ON PROPOSED RULE ON
RISK-INFORMED CHANGES TO LOSS-OF-COOLANT ACCIDENT
TECHNICAL REQUIREMENTS (10 CFR 50.46a)

On August 17, 2006, the staff conducted a Category 3 public meeting on the proposed rule to add a risk-informed alternative to §50.46 (large-break LOCA redefinition). Approximately 23 people attended, primarily industry and staff. The purpose of the workshop was to discuss ways to resolve stakeholder comments on the proposed rule. As background for the meeting the staff posted draft rule language on the agency rulemaking website that incorporated insights from our June 28, 2006, public meeting with stakeholders. The focus of the discussion at the August 17, 2006, meeting was on the following issues:

- (1) What are appropriate accident mitigation requirements for pipe breaks larger than the TBS?
- (2) What should be required by the risk-informed integrated safety performance (RISP) assessment?

On the mitigation topic, the staff proposed that the final rule itself should define a specific time limit for operation when mitigation capability for breaks beyond the TBS is not assured. The staff considered this to be the simplest approach in that it would be clear and would not involve licensee preparation and staff review of license amendments (as would a technical specification) should a licensee find itself in the situation of concern. Industry representatives indicated agreement with the simplicity, but cautioned that the time allowed for remedial action would need to be sufficient to avoid unintended consequences. Time limits from 72 hours up to 30 days were suggested with the industry favoring the longer times. Both industry and the staff however had a difficult time envisioning a situation where this provision would need to be implemented.

The discussion on RISP assessment requirements centered around the scope of facility changes that the rule should require be subjected to a RISP assessment. The staff presented two options for discussion.

The first option would require that changes to any equipment or process that has been identified as potentially risk significant be subjected to a RISP assessment. The staff indicated that this approach is the most complete application of risk assessment tools. The industry reiterated the position in their written comments that existing processes such as § 50.59 are well understood and implemented and are already sufficient to prevent licensees from implementing risk significant changes without first seeking NRC review and approval. They felt that the RISP assessment process appeared to be unnecessarily burdensome for most changes. The industry also indicated that the proposed rule language was unclear as to how existing screening processes could even be used as part of a RISP assessment.

The second option proposed for discussion by the staff would allow the use of existing processes for many changes. In this second option, all changes to any equipment or process that has been identified as potentially risk significant under the maintenance rule (§ 50.65) must be subject to a change control process. If the proposed change is already covered by an existing change control process, then that process and its criteria would be used to determine if prior NRC review and approval of the change was needed. If the proposed change is determined to not be important enough to require prior staff approval, then it would not require a RISP assessment. If the screening concludes that prior staff approval is needed, then the change would require a RISP assessment and the licensee submittal would be risk-informed. If the proposed change is potentially risk-significant (under § 50.65) and is not covered by an existing change control process, the licensee must evaluate it in a RISP assessment, but the assessment need not be submitted for staff review and approval. Industry representatives preferred the second option since it relied more on existing change control processes and was less likely to require application of multiple processes to the same change.

The NRC staff also stated that after evaluating public comments on the proposed rule, the staff had decided to allow its applicability to future reactors that are of “similar” design to today’s operating reactors. Industry representatives inquired as to the criteria for “similar”, but were in general agreement that the rule should be applicable to future designs.

Industry representatives questioned why the staff had not changed the transition break size for BWRs based upon the comments provided by the BWROG during the formal comment period. The staff indicated that a similar process had been used for both the PWRs and the BWRs and that had resulted in different TBS sizes for the different plants. Industry representatives thought that the TBS for BWRs was inconsistent with the expert elicitation process.

Industry representatives also indicated that the draft (web) rule seemed to have reporting requirements that were redundant to those in 50.72 and 50.73. The staff agreed to look into that possibility.

Industry representatives asked about the schedule for rulemaking. The staff indicated that an ACRS meeting is probably the critical path item, but that we are not currently on the ACRS calendar. The staff must make refinements to the rule requirements discussed in the meeting before an ACRS meeting may be scheduled. This may result in rulemaking being delayed until the first quarter of next year.

A list of meeting attendees is provided in Enclosure 1. Presentation slides used by the NRC staff are provided in Enclosure 2.

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(301) 415-8482
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Enclosures: (1) List of attendees
(2) NRC presentation slides

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PUBLIC MEETING REGARDING PROPOSED RULE ON RISK-INFORMED CHANGES TO
LOSS-OF-COOLANT ACCIDENT TECHNICAL REQUIREMENTS (10 CFR 50.46a)

LIST OF ATTENDEES

AUGUST 17, 2006

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