

“Map” of Concerns From DPO Submittal and 2/20/07 Email to Panel Report

The item numbers correspond to the item numbers in the Panel’s Final Report and its Appendix (the Appendix version is used as it has had the more detailed description of the concern). The **bolded** citations refer to the specific concerns identified in the DPO submittal. The *italic* citations refer to the where the concern was identified in the 2/20/07 email understanding of the concerns.

1. The Memo is inconsistent with the requirements of the licensing process contained in 10 CFR Part 70, “Domestic Licensing of Special Nuclear Material.” Specifically, the requirements contained in sections 70.21 – 70.23, and 70.60 – 70.66. **DPO: (b)(1) & (b)(5); email: item 1, 2nd sentence**
2. The Memo is unclear and self-contradictory regarding the level of completeness required for the ISA Summary. The Memo, in one paragraph, states “...reasonable assurance that the integrated safety analysis is complete... does not require a final facility design or an absolutely complete identification of all items relied on for safety and accident sequences ... reasonable assurance that the integrated safety analysis summary is complete.” **DPO: (b)(1); email: item 1, last sentence**
3. The Memo approach that the licensing review is programmatic in nature is an unacceptable interpretation of Part 70 [**DPO: (b)(3); email: item 1, last sentence**], with an example being the level of information provided on instrumentation and control design being insufficient to make the required finding (*i.e.*, the applicant’s commitments to industry standards and inspections required by 10 CFR 70.23(k) to verify conformance to commitments were unacceptable in lieu of sufficient design detail). **DPO: 2nd para, pg 4; email: item 2**
4. The approach allowed by the Memo would not ensure that all hazards, accident sequences and IROFS would be identified as required by 10 CFR 70.65(b) (*i.e.*, is the level of detail described in Chapter 3 of NUREG-1520 necessary to meet 10 CFR 70.65(a), or do equally acceptable alternatives exist?). **DPO: (b)(1); email: item 1, last sentence**
5. A complete ISA can **not** be developed without a sufficiently complete design. **DPO: (b)(4); email: item 1, last sentence**
6. A license issued in accordance with the Memo would result in a reduced assurance of safety as compared to a license issued in accordance with Part 70 and NUREG-1520. **DPO: (c)(1); email: item 1, last sentence**
7. The Safety Evaluation Report does not fully disclose the fact the design is incomplete and, as a result, does not ensure that all the requirements of 10 CFR 70.66(a) have been met. **DPO: (c)(3); email: item 1, last sentence**
8. The Memo is inconsistent with the staff review guidance in NUREG-1520. Specifically, the guidance contained in Section 3.4.3.2, pages 3-13 through 3-21 [**DPO: (b)(1); email: item 1, 3rd sentence**], and whether identification of all accident sequences and IROFS must be “absolutely complete.” **DPO: (b)(2); email: item 1, last sentence**

9. Evaluate whether the following criteria represent an acceptable definition for ISA completeness and, if not, what would. **DPO: pg 5; email: item 3**
 - a. All credible accident sequences have been identified and evaluated.
 - b. All IROFS needed to meet the performance requirements have been identified.
 - c. The process is described in sufficient detail for the staff to understand the theory of operation and evaluate whether all credible sequences have been identified.
 - d. The IROFS are described in sufficient detail for the staff to understand their safety function and to have reasonable assurance that they will perform their safety function commensurate with the level of likelihood assumed in the ISA Summary.

10. Use of the Memo was inconsistent with the Agency's Strategic Goal of Openness, in that it did not allow stakeholder participation in the same manner provided for rulemaking or NUREG development. **DPO: (c)(2); email: item 1, last sentence**

NA: Make recommendations, if the Panel agrees in whole or in part with the issues, of the ramifications of decisions made in accordance with the August 4, 2006, Policy upon both future and past licensing. *email: item 4 (note: the Panel subsequently decided to delete this as a specific "concern" to address in Report as the Panel's recommendations are provided in the Recommendations section of the Report)*