

October 1, 2009

MEMORANDUM TO: William F. Burton, Branch Chief
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Office of New Reactors

FROM: Eric R. Oesterle, Senior Policy Analyst */RA/*
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SUBJECT: SUMMARY OF SEPTEMBER 3, 2009, PUBLIC MEETING WITH
INDUSTRY'S NEW PLANT WORKING GROUP ON COMBINED
LICENSE APPLICATIONS

On September 3, 2009, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting at the Nuclear Energy Institute (NEI) Office in Washington, DC, with the industry's New Plant Working Group (NPWG) on Combined License Applications (COLAs). The purpose of the meeting was to discuss issues confronting the industry and the NRC regarding the licensing of new reactors. The associated meeting notice is available through the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession Number ML092260130. The following provides a brief summary of the meeting.

Summary

Mr. Eric R. Oesterle, Senior Policy Analyst, Rulemaking and Guidance Development Branch (NRGA) in the Office of New Reactor's (NRO) Division of New Reactor Licensing (DNRL), opened the meeting and announced the following agenda topics for discussion:

1. Budget/schedule status update for new reactors
2. Design certification (DC) renewal
3. Cyber security
4. Security reviews
5. Inspection, test, analysis, and acceptance criteria (ITAAC) closure (Regulatory Guide (RG) 1.215, NEI 08-01, and SECY paper)
6. Safety culture during construction
7. NEI discussion of early site permit (ESP) working group

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Discussion Topics:

Budget/Schedule Status Update for New Reactors (D. Matthews)

Mr. David B. Matthews, Director of DNRL, indicated that although funding for the NRC had been under a continuing budget resolution (CR) at the beginning of fiscal year (FY) 2009, there are no budget/resource concerns for NRO in FY 2010. This is primarily due to NRO's budgeting for contractor activities that will allow spending to continue through FY 2010 for new reactor application reviews without impacts from a possible CR. The focus of resource utilization on COLA reviews will continue to be on those COLAs that are likely to use the license once issued. Any schedule changes due to shifting of resources will be communicated and coordinated ahead of time.

DC Renewal (D. Matthews)

Mr. Matthews also provided a presentation on DC renewal (see enclosure) that is follow-on to a NRC staff presentation provided in March 2009 at the NRC's Regulatory Information Conference. In summary, the single rule format for DCs would be maintained. That is, Appendix A to Title 10 of the *Code of Federal Regulations*, Part 52 (10 CFR Part 52) would remain the DC rule for the ABWR design, Appendix B would remain the DC rule for the System 80+ design, Appendix C would remain the DC rule for the AP600 design, and Appendix D would remain the DC rule for the AP1000 design, and so on for future DCs. DC renewals would remain within the same appendix and branches or sections under each appendix would be provided for DC renewals by vendors other than the original DC vendor. Mr. Matthews indicated that this also applied to DC amendments to comply with the aircraft impact rule. In addition, DC amendments must comply with the regulations in effect at the time of the renewal.

A question regarding extending the duration of an existing DC was raised. Mr. Matthews indicated that a request for extending the 15-year duration of a DC would likely be a petition for rulemaking and would be best discussed at a more topic specific meeting with rulemaking attorneys in attendance.

Cyber Security (S. Morris)

Mr. Scott A. Morris, Deputy Director for Reactor Security in the Office of Nuclear Security and Incident Response (NSIR), provided an update on cyber security. The licensing approach that will be used by the NRC is in RG 5.71. Mr. Morris indicated that a draft version of RG 5.71 is currently available for use by applicants and that Southern Company and others in NuStart have used it to develop their applications. Those applications are closely aligned with NRCs expectations and Mr. Morris recommended that use of draft RG 5.71 will facilitate the NRC staff's reviews. Mr. Morris stated that the current version of the NEI guidance document, NEI 08-09, developed in conjunction with RG 5.71, is not yet ready for endorsement by the NRC and that there is agreement in principle to revise NEI 08-09 as necessary to obtain NRC endorsement. The NRC is expecting the revised NEI 08-09 within the next few weeks.

Mr. Morris mentioned that an internet based seminar (i.e., webinar) will be scheduled within the next few months as a follow-up on a cyber security workshop held with the Vogtle combined license (COL) applicant. The webinar will not be a public event due to the presentation of security related information. Mr. Morris recommended that all COL applicants converge and

collaborate on the information shared at the Vogtle workshop and participate in the webinar as the NRC does not intend to hold workshops with every applicant because of resource constraints. Mr. Morris concluded by characterizing the Cyber Security Plan as a high level licensing document (i.e., an 18-page template has been developed as guidance) that should include commitments for the applicant to complete and is consistent with National Institute of Standards publications. Those commitments include:

- Provide a description of the process for identifying critical digital assets (CDA's)
- Describe the defensive model (protective strategy)
- Reference a comprehensive set of security controls
- Describe the process for addressing each control
- Provide adequate documentation to be maintained at the plant site

A question was asked about which template should be used since it appeared that several were available (i.e., draft RG 5.71, NEI 08-09, and RG 5.71). Mr. Morris clarified that the NRC has agreed to continue to collaborate to make NRC documents and NEI guidance consistent. Mr. Morris further specified that the Vogtle applicant came in with a tailored version of the NRC template to meet the needs for the AP1000 design community. The NRC is not suggesting that there will be separate templates for each design but that the basic template may need to be tweaked for design specific needs. Mr. Morris added that resolution of the FERC/NERC issue will not affect the template. Mr. Morris summarized by indicating that the guidance leaves room for classification of CDA's and that what is important is the adequacy of the description of the classification process since not all CDA's are created equally. Finally, Mr. Morris recommended that it would require less documentation and would be less burdensome if the applicant follows the controls already set for each of the CDA's.

Security Reviews (D. Huyck)

Mr. Doug G. Huyck, Chief of the Reactor Security Rulemaking and Licensing Branch in NSIR, informed the group that NSIR resources have shifted from rulemaking activities to COL reviews and that there is some on-going work on guidance documents and safety evaluation report templates. Reviews of DC applications are continuing and, as the DC reviews are getting closer to completion, the resources allocated to those reviews will also be shifting to COL reviews. Mr. Huyck indicated that initial security plan reviews for approximately 6–7 COLs have been completed and requests for additional information have been developed. The COL reviews are based on the NEI 03-12 template for the security plan and are mainly being performed by reviewers that were involved in the 2004 security reviews of operating reactors. Mr. Huyck stated that NSIR continues to interface with NEI's New Plant Security Task Force and that part of this interface has resulted in an update to the physical security-ITAACS (PS-ITAAC) in Standard Review Plan (SRP) Section 14.3.12 based on the 10 CFR Part 73 rulemaking. Mr. Huyck assured the group that the total number of PS-ITAAC included in the SRP Section 14.3.12 update has not changed.

NEI inquired about the guidance being developed by the NRC in an Interim Staff Guidance (ISG) document, draft ISG-016, for implementation of the requirements in 10 CFR 50.54(hh)(2), as specified in 10 CFR 52.80(d) for new reactors. There was a concern about the inclusion in draft ISG-016 of lessons learned from NRC inspections of the implementation of § 50.54(hh)(2) on operating reactors and that the inclusion of what was perceived as new requirements in a guidance document was not the appropriate process. Mr. Charles E. Ader, Director of the

Division of Safety System & Risk Assessment, responded by indicating that the draft ISG-016 would be issued within the next few weeks for comment and that NEI would have the opportunity to provide comments on areas it believed were new requirements.

On another security related topic, NEI indicated a desire to engage in discussions with the NRC on the timing of force-on-force exercises for new reactor licensees.

ITAAC Closure (RG 1.215, NEI 08-01, and SECY paper) (G. Tracy)

Mr. Glenn M. Tracy, Director of the Division of Construction Inspection and Operational Programs, provided an update and status of NRC staff and industry efforts related to ITAAC closure. The NRC guidance document on ITAAC closure, RG 1.215, which endorses NEI 08-01, was presented to the ACRS on the 7th and 9th of July 2009. NRC staff is currently developing a response to the ACRS letter that resulted from those discussions and noted that ACRS is interested in seeing NRC staff develop guidance for the closure of design acceptance criteria (DAC). The policy paper on ITAAC closure guidance was completed and sent to the Commission and would soon be publicly available as SECY-09-0119 (ADAMS Accession No. ML091980372). Mr. Tracy indicated that the focus of SECY-09-0119 is to summarize the collaborative efforts of the NRC staff and industry that resulted in RG 1.215 and NEI-08-01 and presents the issues associated with maintenance of closed ITAAC:

- Sufficient information necessary to document closed ITAAC
- Threshold for licensee notification of impacts to closed ITAAC
- Definition of "ITAAC are met"

Mr. Tracy indicated that the next few public meetings that include discussion of ITAAC closure are scheduled on September 17, 2009 (ADAMS Accession No. ML092321032) and the September 22, 2009, Commission Briefing on New Reactor Issues.

NEI members voiced an interest in the staff guidance to be developed on closure of DAC and specifically for those DAC associated with digital instrumentation and controls. Mr. Tracy indicated that further workshops will be held in FY 2010 to continue to discuss ITAAC and DAC related issues.

Safety Culture during Construction (G. Tracy)

Mr. Tracy indicated that the NRC staff recently provided an update to the Commission on the development of construction assessment process policy options and the development and embodiment of safety culture for the construction inspection program. This update is available as SECY-09-0113 (ADAMS Accession No. ML091970152). Mr. Tracy mentioned that additional work will be performed on the construction assessment inspection process (CIAP) in FY 2010 and that the assessment process currently in use is described in Inspection Manual Chapter IMC-2505 and is deterministic in its approach. Mr. Tracy mentioned that there is a public meeting on safety culture scheduled for September 10, 2009, to discuss the NRC proposed safety culture oversight and pilot process for operating reactors (ADAMS Accession No. ML092330808) and that the approach for construction safety culture for new reactors will not be radically different than that proposed for operating reactors. In addition, Mr. Tracy is planning for a senior level panel discussion on safety culture and CIAP in the near future and was looking for

vision and insights from stakeholders at this panel discussion. It was recommended that Luis A. Reyes, Regional Administrator for NRC Region II, be included on the panel.

NEI Discussion of ESP Working Group

NEI members indicated that a working group would be formed to revisit/refine the plant parameters envelope (PPE) approach for ESP applications and that interested utilities would be working through the NEI as a single voice for this effort. The goal would be to provide these ESPs well in advance of submittal of any COL applications that would reference them. Mr. Matthews indicated that he preferred ESPs with a specific reactor technology; however, providing ESPs early in the overall combined licensing process was beneficial. Ms. Marilyn Kray of NuStart offered that some advantages of the PPE approach are that the reactor technologies are more mature and better defined now than when previously used and it provides more flexibility for an applicant but perhaps with less finality. Mr. Matthews indicated that the NRC has letters of intent from a handful of applicants intending to submit ESPs in FY 2010 and believes that NRC participation in this working group is a worthwhile effort. The NRC point of contact for the working group was identified as Mr. Brent Clayton, Chief of the Environmental Technical Support Branch in the Division of Site & Environmental Reviews. The NEI point of contact for the working group was identified as Ms. Kimberly Keithline.

Enclosure:
As stated

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**PUBLIC MEETING WITH INDUSTRY'S NEW PLANT WORKING GROUP
ON COMBINED LICENSE APPLICATIONS**

September 3, 2009

Attendance List

Name	Organization
Kim Hawkins	NRC
Mark McBurnett	STPNOC
Greg Janosko	PSEG
Paul Gunter	Beyond Nuclear
Kenneth Hughey	Entergy
Patricia Campbell	GE-Hitachi
Deann Raleigh	Scientech
Bryan Dolan	Duke
John Elnitsky	Progress Energy
Scott Morris	NRC
William McConaghy	Toshiba/TANE
Jean-Pierre Berger	EDF
Tom Bergman	NRC
Earl Libby	NRC
Anne Cottingham	NEI
Doug Walters	NEI
Russell Bell	NEI
Charles Pierce	Southern Nuclear
Steve Frantz	Morgan Lewis
Joe Mihalcik	Unistar
Brent Clayton	NRC
Kevin Williams	NRC
Doug Huyck	NRC
Tony Pietrangelo	NEI
Loyd Wright	SCE
Glenn Tracy	NRC
David B. Matthews	NRC
Marvin Smith	Dominion
Ed Cummins	Westinghouse
Charles Ader	NRC
Eric Oesterle	NRC
Marilyn Kray	NuStart/Exelon
Al Paglia	SCE&G
Kimberly A. Keithline	NEI
Bobby Bird	Luminant
Edwin Lyman	UCS
Brian McIntyre	AREVA
Steven Dolley	Platts
Bill Mills	Nuclear Energy Consultants, Inc.
Isaac Hines	Nuclear Energy Consultants, Inc.

Maria Mateski	Numark Associates
Tom Clements	Friends of the Earth
Bill Jacobs	Independent Consultant for Georgia PSC
Carlos Cisco	Winston & Strawn

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(Revised 09/25/2009)

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