



Interim Staff Guidance ISG-015 Post-COL Commitments

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ISG-015: Goals for Presentation

- Provide a summary of the draft ISG
- Provide a status of the draft ISG
- Discuss public comments on draft ISG
- Next steps



ISG-015: What is it?

- Guidance for COL applicants (RG 1.206) and NRC staff (SRP 1.0) on appropriate options for classifying post-licensing commitments (i.e., COL action items that cannot be completed until after license issuance):
 - ITAAC
 - License Conditions
 - FSAR Information Commitments
 - via license conditions
 - via 10 CFR 50.71(e) FSAR updates



ISG-015: Status

- Draft ISG-015 issued for public comment on 10/27/09
- Public comment period closed on 11/30/09
- NRC staff has developed response to public comments (no fundamental change to staff approach)
- Discuss public comments and NRC responses at 12/17/09 public meeting



ISG-015: Public comments

- only public comments received were from NEI via letter dated 11/24/09
- 15 specific comments on draft ISG-015 text provided
- NRC agrees with over half of NEI's comments (i.e., Comments 1, 2, 3, 6, 7, 9, 10, 12, and 15)
- NRC disagrees with NEI comments 4, 8, and 11
- NRC understands NEI comments 5, 13, and 14, but does not agree with recommended NEI approach



ISG-015: Public comments

- Comments with no NRC agreement (4, 8, and 11)
 - comment 4 is associated with use of license condition to update FSAR versus the 10 CFR 50.71(e) process
 - comment 8 is associated with definition of COL action item
 - comment 11 is associated with two examples of use of license condition for implementation of programs



ISG-015: Public comments

□ NRC response to Comment 4:

NRC disagrees with NEI Comment 4. The underlying basis for the requirement in 10 CFR 50.71(e) was to update the FSAR for changes to the facility and procedures so that the FSAR can serve as the baseline for future changes. The update to Part 52 in 2007 to make the requirements of 10 CFR 50.71(e) applicable to COL holders preserved this basis but did not address how FSAR information updates from the initial licensing review would be handled. The general provisions in 10 CFR 50.71(a) envisioned that there may be circumstances that could involve licensee submittals on a frequency other than as specified elsewhere in the regulations. That is 50.71(a) states ...Each licensee, including each holder of a construction permit or early site permit, shall maintain all records and make all reports, in connection with the activity, *as may be required by the conditions of the license* or permit or by the regulations, and orders of the Commission...



ISG-015: Public comments

- NRC response to Comment 8:

NRC disagrees with NEI Comment 8. Although some certified designs may have used COL action items to ensure design details are provided by the COL applicant for those areas in which design details were not available at the time of the DCD, this is not universally applicable to all certified designs or applications for certified designs. Therefore, it is inappropriate to include this aspect in a discussion of typical COL action items.

- NRC response to Comment 11:

NRC disagrees with NEI Comment 11. The examples provided are consistent with the implementation of operational programs via license condition as discussed in RG 1.206.



ISG-015: Public comments

- Comments with NRC understanding (5, 13, and 14) but disagreement on approach are related to use of license conditions for update of FSAR versus the FSAR updating process for 10 CFR 50.71(e) and related examples.
- NRC response to Comments 5, 13, and 14:

FSAR updating process via 10 CFR 50.71(e) does not address information updates identified during initial licensing review. NRC preference is to use license conditions to do this and believes it has basis to do so in 10 CFR 50.71(a). See also response to NEI Comment 4.



ISG-015: Next steps

- Revise draft ISG-015 to incorporate comments and clarifying language
- Issue ISG-015 final no later than 12/23/09