

Appendix C to NEI 96-07 Guidelines for Managing Changes Under 10 CFR 52 Processes

August 19, 2010

Background

- 10 CFR 50.59
 - Establishes conditions under which licensees may make changes to the facility or procedures and conduct tests or experiments without prior NRC approval
- NEI 96-07, Rev. 1
 - Provides guidance for effective and consistent 10 CFR 50.59 implementation
 - Endorsed by Reg Guide 1.187

10 CFR 52.98(c)

If the COL references a certified design,

- (1) Changes to or departures from information within the scope of the referenced design certification rule are subject to the applicable change processes in that rule; and
- (2) Changes that are not within the scope of the referenced design certification rule are subject to the applicable change processes in 10 CFR part 50, unless they also involve changes to or noncompliance with information within the scope of the referenced design certification rule.

Making Changes Under a Part 52 Combined License

Licensing Basis Info	Change Process
Standard Design Certification	
Tier 1, including ITAAC	License Amendment and Exemption
Certain information designated Tier 2* ("Tier 2 Star")	License Amendment (most Tier 2* designations expire at first full power)
Tier 2 (FSAR-like info)	50.59-like process (includes severe accident considerations)
Plant Specific Information	
Plant specific ITAAC	License Amendment
Technical Specifications	License Amendment
FSAR	Applicable Part 50 process (e.g., 50.59, 50.54, 50.90)

Need to Supplement NEI 96-07

- Include guidance for Section VIII
 - Provide guidance on screening and evaluating proposed changes to determine if prior NRC approval is required and, if so, what activities may be performed prior to receiving that approval
- Develop new Appendix C to NEI 96-07
 - Stand-alone (like Appendix B)
 - As similar as possible to NEI 96-07
- Submit Appendix C for endorsement by December 2010

Appendix C – Table of Contents

- Introduction
- Defense in Depth Design Philosophy
- Definitions and Applicability of Terms
- Implementation Guidance
- Documentation and Reporting

Introduction

- Purpose and Scope
- Summary of 10 CFR Part 52 Change Processes
- Relationship of 10 CFR Part 52 Change Processes to Other Requirements and Controls
- Content of this Guidance Document

Purpose and Scope

- 10 CFR 50.59 and Section VIII of the design certification rules establish the conditions under which applicants and licensees may make changes to the facility or procedures and conduct tests or experiments without prior NRC approval. Proposed changes, tests and experiments (hereafter referred to collectively as activities) that satisfy the definitions and one or more of the criteria in the rule must be reviewed and approved by the NRC before implementation. Thus 10 CFR 50.59 and Section VIII provide a threshold for regulatory review—not the final determination of safety—for proposed activities.
- The purpose of this document is to provide guidance for developing effective and consistent 10 CFR 50.59 and Section VIII implementation processes for Part 52 applicants and licensees.



Implementation Guidance

- Departures from Design Certification Information (Section VIII)
- Changes to Plant-Specific Facilities and Procedures Described in the FSAR (50.59)
- Changes to PRAs
- Changes to Early Site Permits
- Changes to Limited Work Authorizations

Disposition of Departures and Changes

- This section would be similar to Section 4.5 in NEI 96-07, Rev. 1
 - There are two possible conclusions to a 10 CFR 50.59 evaluation:
 - The proposed change may be implemented without prior NRC approval.
 - The proposed change requires prior NRC approval.
 - Where a change requires prior NRC approval, the change must be approved by the NRC via license amendment in accordance with 10 CFR 50.90 prior to implementation.



Path Forward

- NEI send draft Appendix C to NRC for review and comment (by Sept. 30)
 - Public meeting (Oct. 7)
- NRC comments requested by Oct. 29
 - Public meeting (in Nov.)
- NEI submit Appendix C to NRC for endorsement (by Dec. 17)