

February 21, 2014

MEMORANDUM TO: Joseph Colaccino, Chief  
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Division of Advanced Reactors and Rulemaking  
Office of New Reactors

FROM: Jonathan DeGange, Project Manager  
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Office of New Reactors

SUBJECT: SUMMARY OF SEPTEMBER 11, 2013, PUBLIC MEETING WITH  
INDUSTRY'S NEW PLANT WORKING GROUP ON COMBINED  
LICENSE APPLICATIONS

On September 11, 2013, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 2 public meeting at the Nuclear Energy Institute (NEI) Office in Washington, D.C., with the industry's New Plant Working Group (NPWG) on combined license (COL) applications. The purpose of the meeting was to discuss issues confronting the industry and the NRC regarding the licensing and construction of new reactors. The associated meeting notice is available at the NRC Agencywide Documents Access and Management System (ADAMS) under Accession No. ML13234A531. The agenda for the meeting is included as Enclosure 1. A list of attendees is included as Enclosure 2.

### **Summary**

Mr. Jonathan DeGange, Policy Branch (APOB), Division of Advanced Reactors and Rulemaking (DARR), Office of New Reactors (NRO), opened the meeting with an introduction. The meeting addressed the following topics:

#### NRC-Identified Issues

1. NUREG-0800 Standard Review Plan (SRP) revisions

#### Industry-identified Issues

1. NRC Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52 Post-COL Self-Assessment Review and license amendment request (LAR) threshold issues concerning Tier 2\* departures of potentially low safety significance

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2. Status of NRC comments on NEI 96-07 Appendix C, Revision D
3. Potential 10 CFR Part 52 rulemaking
4. SRM-SECY-13-0033, Allowing Interim Operation Under 10 CFR 52.103, status of staff activities
5. NEI 08-01 NRC endorsement status
6. NRC plans to respond to China's National Nuclear Security Administration (NNSA) inquiries

### **NUREG-0800 Standard Review Plan (SRP) Revisions**

The NRC Staff discussed the NRC's systematic update of the SRP to support application reviews. The NRC staff is focusing its efforts on review areas that needed a significant number of complex requests for additional information (RAIs); are typically critical path on the review schedule; or have needed more staff resources than anticipated.

The NRC discussed the SRP sections that the NRC staff has, or is in the process of updating in 2013. The NRC staff has issued several updated SRP sections in 2013 incorporating lessons learned from recent large light-water reactor (LWR) reviews, including:

- new guidance in Ch. 19 related to aircraft impact assessment, loss of large areas, and , regulatory treatment of nonsafety systems, and
- clarifications to guidance in SRP Chapters 3, 12, 13, and 17.

The NRC Staff then stated that by the end of September 2013, the plans to update and issue the following guidance including:

- clarifications to guidance in SRP Chapter 2 dealing with seismology and geology (Sections 2.5.1 - 2.5.5) and SRP Section 3.7.4 on seismic instrumentation (78 FR 56749 and 78 FR 55118 respectively), and
- clarifications to guidance in SRP Chapter 3 (Sections 3.7.2, 3.7.3, 3.8.1, 3.8.3, 3.8.4, and 3.8.5) regarding seismic and structural analysis (78 FR 59732-59733).

The NRC Staff discussed two Interim Staff Guidance (ISGs) documents the staff intended to imminently release for public comment: DC/COL-ISG-026 "Interim Staff Guidance on Environmental Issues Associated with New Reactors" (78 FR 56750) and DC/COL-ISG-027 "Interim Staff Guidance Specific Environmental Guidance for iPWR Reviews" (78 FR 56752). The two ISGs both provide guidance on environmental reviews. DC/COL-ISG-026 clarifies the NRC guidance and application of NUREG 1555, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants," (NRC 2000) regarding the assessment of construction impacts, greenhouse gas and climate change, socioeconomics, environmental justice, need for power, alternatives, cumulative impact, and cultural/historical resources as part of the preparation of Environmental Impact Statements for early site permit (ESP) and COL applications. DC/COL-ISG-027 also clarifies the NRC guidance and application of NUREG-1555, but with respect to environmental reviews associated specifically with applications for

integral pressurized water reactors (iPWR). There was discussion regarding the applicability of the ISG's to iPWRs. The NRC staff indicated that because the regulatory approach for conducting environmental reviews of iPWR applications will generally be the same as the approach for conducting environmental reviews of large LWR applications much of the content seen in this ISG is also applicable to iPWRs as well. Subsequent to the meeting, the NRC staff confirmed that iPWR applicants should observe the guidance in both documents.

### **NRC 10 CFR Part 52 Post-COL Self-Assessment Recommendation Implementation and LAR Threshold Issues Concerning Tier 2\* Departures of Low Safety Significance**

The NRC Staff discussed the NRC 10 CFR Part 52 Post-COL Self-Assessment (ADAMS Accession No. ML13196A403). The NRC Staff gave a high-level overview of the five lessons learned and proposed enhancements from the report, namely 1) clarity of Design Control Document (DCD) Tier 2\* information, 2) regulatory decision making during construction, 3) Inspection, Test, Analysis, and Acceptance Criteria (ITAAC) closure, 4) vendor oversight, and 5) changes to the licensing basis during construction. Many questions from NWPWG members then followed, mostly regarding the topic of clarity of DCD Tier 2\* information. Industry was interested in having an opportunity for engagement and to provide feedback on the issues discussed in the Post COL Self-assessment. The NRC staff responded, stating that the NRC expected to solicit input from stakeholders.

There was considerable discussion related to integrating risk information into the Tier 2\* change process. The staff clarified the current regulatory approach towards Tier 2\* DCD by licensees. Per the regulations set forth in 10 CFR Part 52, there is not a "safety significance" discriminator on Tier 2\* information. Risk information is considered during the application review, but once a design is certified, the only risk-informed flexibility occurs via 10 CFR 52.63 and the 10 CFR 50.59-like process processes for changing Tier 2 information. Once information is designated as Tier 2\*, the licensing basis has no risk-informed element involved in the change process. This information can be found in any appendix to 10 CFR Part 52 under Subsection VIII. "Processes for Changes and Departures."

The staff additionally requested that the group provide examples of where it would be beneficial and reasonable (for sake of public safety) for licensees to use an approach where Tier 2\* information is proposed to be changed without prior NRC approval. With regard to this topic, three action items were identified. The NRC Staff asked the NPWG to work with NEI to organize a meeting in presenting the topic regarding LAR threshold issues concerning Tier 2\* departures of potentially low safety significance again to the NRC Staff.

The NRC Staff requested the NPWG provide examples demonstrating the feasibility of proposed alternative treatment of Tier 2\* information to the NRC staff. Thirdly, the NRC Staff took as an action to bring clarity to comments made at a recent Commission meeting regarding departures and Tier 2\* information.

Subsequent to the meeting, the NRC Staff reviewed the following Commission transcript:

*...I think if we see examples where there's a lot of staff resources and licensee efforts being spent on clearly understood nonsafety significant issues, we're open to discussing that and*

*moving forward. The fact is, we're just not seeing those examples coming to fruition where there is a change process that isn't working or that there's a challenge*<sup>1</sup>.

This statement is consistent with the NRC's current position, as emphasized by the NRC Staff in the meeting. To reiterate from above, the NRC is open to submissions of examples from stakeholders regarding alternative approaches to the change process for items of potentially low safety-significance.

#### **Status of NRC comments on NEI 96-07 Appendix C, Revision D**

The NRC provided a status update on their review of NEI 96-07 Appendix C, Revision D. The NRC Staff indicated that the staff were nearly complete with their review, but that there were two specific issues the staff was still resolving before providing comments back to NEI. These specific topics were regarding 1) Probabilistic Risk Assessment updates during plant construction, and 2) code case updates during construction. Industry expressed the importance of this activity. The NRC Staff agreed to provide a schedule to the NPWG & NEI as to when the NRC's review of NEI-96-07 Appendix C would be complete.

At the time of this meeting summary's publication, NRC staff is still reviewing this document.

#### **Potential 10 CFR Part 52 rulemaking**

The NRC Staff discussed the potential for a future rulemaking regarding updating 10 CFR Part 52. The NRC Staff clarified to the audience that rulemaking was not currently underway, but that a SECY Notational Vote Paper containing a recommendation for budgeting for a potential rulemaking to update 10 CFR Part 52 is currently being written, and is intended to be delivered to the Commission sometime late in calendar year 2013. This recommendation for rulemaking is further discussed in the NRC's New Reactor Licensing Process *Lessons Learned Review: 10 CFR Part 52* (ADAMS Accession No. ML13059A239).

At the time of this meeting summary's publication, this effort is still under development.

#### **NEI 08-01 Endorsement Status**

The NRC Staff discussed the status of NRC's review of NEI 08-01 "Industry Guideline for the ITAAC Closure Process under 10 CFR Part 52". NRC Staff indicated that the document was provided to NRC in August and that the NRC staff was still reviewing the document with a target of September 30, 2013.

At the time of this meeting summary's publication, NRC staff is still reviewing this document.

#### **NRC Plans to Respond to China's National Nuclear Security Administration (NNSA) inquiries**

The NRC Staff briefly discussed what the NRC's plans were on responding to NNSA's recent inquiries regarding the Advanced Passive 1000 (AP1000) Nuclear Power Plants. The NRC Staff discussed the background regarding the bilateral information exchange between NRC and

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<sup>1</sup> *Briefing on the NRC's Construction Activities*. August 27, 2013. Transcript of Proceedings.

NNSA through the Multinational Design Evaluation Program (MDEP) working group. The responses to NSSA's inquiries are publicly available (ADAMS Accession Nos.: ML13224A181 and ML13224A192).

**SECY-13-0033 Interim Operations, 10 CFR Part 52 103(c)**

The NRC Staff discussed the SECY Notational Vote Paper 13-0033 regarding Interim Operations under 10 CFR Part 52.103(c). The NRC Staff said ITAAC hearing procedures are currently under development by a working group consisting mainly of staff from the NRC's Office of General Counsel and Office of Commission Appellate Adjudication (OCAA), and additional staff from other NRC program offices including the Office of New Reactors was part of this working group. The NRC Staff further indicated that public comments on the proposed hearing formats will likely be solicited in the future, upon completion of the working group's efforts.

At the time of this meeting summary's publication, this effort is still under development.

**Public Questions and Comments**

A member of the public first asked for clarification as to what the questions were from NNSA discussed in the meeting. The NRC Staff responded, stating that they were questions about Westinghouse Electric Company's AP1000 Nuclear Reactor. Secondly, a member of the public asked about the nature of the SECY paper currently being written by the NRC staff that would be used to recommend a 10 CFR Part 52 update rulemaking. The NRC Staff of the NRC responded, stating that the paper would contain representative examples of areas where the staff currently see conforming changes between 10 CFR Part 50 and Part 52 should be made. Finally, a member of the public asked about how the NRC staff was preparing for the expected ITAAC Closure Notifications (ICNs) associated with the COLs recently issued by the NRC staff for the two plants currently under construction at Vogtle and Summer. The NRC Staff then responded, providing a discussion of how the staff has handled the ICNs already received from licensees. The NRC Staff acknowledged that the first few ICNs took a significant amount of time for the NRC staff to review, but that the ICN review and closure process is improving as the NRC staff and industry both gain experience. Additionally, the NRC staff added that the NRC was regularly communicating with licensees to align staff resources and scheduling with anticipated ICN volume over the next few years for the plants currently under construction.

Hearing no further questions, Mr. DeGange adjourned the meeting.

Enclosure:

1. Attendance List
  2. Meeting Agenda
- cc w/encl: See next page

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## AGENDA

### Category 2 Public Meeting with Industry's New Plant Working Group on Combined License Applications

Nuclear Energy Institute  
1201 F Street, NW, Suite 1100  
Washington, DC

Wednesday, September 11, 2013  
2:00 p.m. – 4:00 p.m.\*

<u>TOPIC</u>	<u>PRESENTER</u>
Opening Remarks	NEI/NRC
Current Program Status	NRC
NRC Identified Issues	NRC
Industry Identified Issues	NPWG
Opportunity for Public Comment	PUBLIC

\* The meeting duration is estimated and for planning purposes only. Adjustments may be made during the meeting as necessary.

Enclosure



**Public Meeting with Industry's New Plant Working  
Group on Combined License Applications  
September 11, 2013**

**Attendance List**

<b>Name</b>	<b>Organization</b>	<b>Name</b>	<b>Organization</b>
Jonathan DeGange	NRC/NRO/DARR	Rocky Sgarro	PPL
Stephanie Coffin	NRC/NRO/DARR	Frank Gillespie	Mitsubishi
Dave Matthews	NRC/NRO/DNRL	Mark Finley	Unistar
Joseph Colaccino	NRC/NRO/DARR	Ron Clary	SCE&G
Jim Beardsley	NRC/NRO/DCIP	Chris Kerr	Exelon
Russ Bell	NEI	Steve Aitken	INPO
Bill Maher	FPL	Peter Smith	Detroit Edison
Doug Walters	NEI	Eugene Grecheck	Dominion
Kati Austgen	NEI	Steve Frantz	Morgan Lewis
TJ Kim	NEI	Steven Dolley	PLATTS
Al Paglia	SCE&G	Patricia Campbell	GEH
Ron Jones	SCE&G	Jamie Mallon	PSEG
Rocky Sgarro	PPL	Steve Mirsky	NuScale
Scott Head	NINA	Pete Ivey	NEI
Steven Swilley	EPRI	Paul Russ	Westinghouse
Robert Schrauder	TANE		
<b>Participants Via Teleconference</b>			
George Zinke	Entergy		
Pete Jordan	INL		
Mike Melton	Westinghouse		

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(Revised 07/25/2013)

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