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January 15, 2015

**Subject: Westinghouse Request for a Public Meeting with the NRC Staff to Discuss 10 CFR Part 52 Renewal Requirements (Parts §52.55, §52.57 and §52.59) and Recertification Expectations**

Dear Mr. Akstulewicz:

Westinghouse requests a public meeting with the NRC staff to discuss 10 CFR Part 52 renewal and requirements (Parts §52.55, §52.57 and §52.59) and regulatory expectations regarding recertifications.

In reviewing the US 10 CFR Part 52 regulations regarding renewal (Parts §52.55, §52.57 and §52.59) against Westinghouse's current suite of Nuclear Power Plant Advance Passive designs and modifications, and their regulatory status, Westinghouse has identified the need for clarification regarding the regulatory expectations associated with Part 52 renewal and/or their recertification.

Westinghouse currently has two advanced passive designs (AP1000® and AP600) certified under Part 52 requirements.

The proposed public discussion would provide an opportunity to improve Westinghouse's understanding of NRC requirements and expectations regarding Part 52 design certification renewals and possible recertifications as well as their impacts, if any, on COL (Combined License) Applicants and Holders.

Some of the questions to be explored with the staff include:

1. 10CFR part 52.55(a) establishes the duration of a certification to be 15 years and provides a provision for renewal in §52.57, however, there is no provision for "recertification." How are certifications which exceed their validity date and seeking recertification to be addressed? In regulatory review space, does it differ from renewal?
2. Does a renewal under Part 52.57 impact a COL Applicant or Holder who references the existing certified design in the license application (or license)? Is it necessary for a COL Applicant or Holder to "true up" to the "renewed design" or does the design as referenced in the COLA (COL Application) or License remain valid as is?

Does 10 CFR Part 52.63(a)(3) apply to renewals and any changes made during the renewal process such that a COL Applicant or Holder would need to revise their application or license to reflect the "renewed certification"?

3. How does the Staff reconcile the requirements of §52.57 and §52.59?
  - a. §52.57 states: “An application for renewal must contain all information necessary to bring up to date the information and data contained in the previous application; and
  - b. §52.59 states: “(a) The Commission shall issue a rule granting the renewal if the design, either as originally certified or as modified during the rulemaking on the renewal, complies with the Atomic Energy Act and the Commission’s regulations applicable and in effect at the time the certification was issued,

Specifically, should §52.57 be viewed in the context of §52.59? Does “bringing up to date” mean modifying the application only where necessary to account for those updates necessary to address changes that would be required under §52.63 or Part 50.109 but the regulations applicable at the time of the original certification are still controlling as stated in §52.59?

4. What standard review plans (SRPs) would be used to support a renewal, particularly in light of §52.59?
  - a. Demonstrating compliance to the latest SRP can be a costly exercise without benefits. Does the Staff impose any cost/benefit evaluation to the requirements of a certification or renewal before implementing or requiring changes to the previously certified design?
5. What is the staff’s current position regarding the uses of “Branches” and “Options” as described or defined by SECY 2010-0142 and FRN dated Dec 16<sup>th</sup>, 2011 (NRC-2010-0134)?
  - a. To what extent can “Branches” and “Options” be considered to accommodate variations or modifications from the primary design?
6. Is there guidance regarding the number or kind of technical changes which can be made via an “amendment” or “renewal” to a “Certified Design” before the changes constitute a “new design”? For example, we believe that while there are discrete departures and amendments to the current construction projects, these are clearly still AP1000s and does not either individually or in total constitute a new design.
7. What is the NRC doing to improve the Part 52 process?
  - a. Current work is underway to revise R.G. 1.206 addressing COLAs. Will it be modified to more explicitly address design certifications?
  - b. Has NRC considered providing a regulatory guide to address renewals? We believe the first-of-a-kind issues raised by a design certification renewal potentially coincident with plants operating, plants under construction, and applications under review merits stand-alone guidance.
    - i. How does the NRC reconcile the different expectations for design renewals & recertification with COLA & License requirements referencing different version of the same design? ( ITAAC, Tier 2\* and ISG-11 process)
8. What level of review should be expected for design features and analyses which remain unchanged from the original certification (whether the design certification is “currently valid” or beyond its original “validity date”)?



- a. To support "renewal" or a "recertification" is it correct to assume the staff review would focus on the changes and any safety issues identified since the original certification?
- b. Would design changes being imposed by the Staff on a certified design undergoing renewal or recertification be limited to those which would be mandated on an operating plant via the "back-fit rule" (§50.109) or under Part 52.63 "Finality"?

One of the primary benefits envisioned for Part 52 was the development of the concept of a Standard Plant (Subpart E). To achieve the objective of "standardization" - regulatory certainty and consistency over time is necessary. Given the time required for certification and the time to implement construction programs for new nuclear power plants developing standardization would be challenging if changes are required with each renewal (or COLA).

**Westinghouse requests a meeting the week of March 23, 2015 with our target date being March 25<sup>th</sup> to explore these issues in more detail with the NRC staff.**

Questions related to this letter should be directed to the undersigned.

Very Truly Yours,



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