



CATEGORY 3 PUBLIC MEETING
(NUCLEAR ENERGY INSTITUTE, INDUSTRY, AND PUBLIC
STAKEHOLDERS)

**DISCUSS 10 CFR PART 52 DESIGN CERTIFICATION RENEWAL
REQUIREMENTS**

June 22, 2015

Purpose and Agenda

Participation Level:

This is a Category 3 meeting. Public participation is actively sought for this meeting to fully engage the public in a discussion of regulatory issues.

NOTE:

All discussions regarding this subject are in DRAFT form and are for informational purposes only. Going forward, final Agency approval will be required for any Part 52 renewal guidance.

Agenda:

1:00 pm	Welcome and Introductions
1:10 pm	Discuss 10 CFR Part 52 Renewal Requirements
	Industry / Public Panel - Questions and Comments
3:50 pm	Action Items / Feedback
4:00 pm	Adjourn Meeting

Background on the Renewal Discussion

In a letter dated January 15, 2015, Westinghouse Electric Company requested NRC schedule a public meeting to discuss 10 CFR Part 52 renewal requirements.

“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.”

§ 52.57 Application for Renewal

- (a) Not less than 12 nor more than 36 months before the expiration of the initial 15-year period, or any later renewal period, any person may apply for renewal of the certification.

Industry Question (AP600) - 10 CFR 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."

DRAFT STAFF RESPONSE:

The staff addressed many issues related to a design certification (DC) that was not submitted for timely renewal in a letter to Westinghouse, dated May 19, 2014, "AP600 Reactor Design Certification—Non-Acceptance of Exemption Request Regarding the Period for Submitting an Application for Renewal and Duration." As noted by Westinghouse, there are no regulatory provisions for "recertification" and therefore the use of the term could be misunderstood. Therefore, for the sake of clarity, the staff will instead use the phrase "a new DC application related to a previously certified design," where "previously certified design" refers to a DC rule that has expired and for which a DC renewal application either was not timely submitted or, if timely submitted, was denied.

§ 52.59 Criteria for Renewal

(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, provided, however, that the first time the Commission issues a rule granting the renewal for a standard design certification in effect on July 13, 2009, the Commission shall, in addition, find that the renewed design complies with the applicable requirements of 10 CFR 50.150 [Aircraft Impact Assessment].

§ 52.59 Criteria for Renewal (cont.)

- (b) The Commission may impose other requirements if it determines that:
- (1) They are necessary for adequate protection to public health and safety or common defense and security;
 - (2) They are necessary for compliance with the Commission's regulations and orders applicable and in effect at the time the design certification was issued; or
 - (3) There is a substantial increase in overall protection of the public health and safety or the common defense and security to be derived from the new requirements, and the direct and indirect costs of implementing those requirements are justified in view of this increased protection.

DRAFT STAFF POSITION:

The staff will review additional information that is provided by the applicant to determine whether any other NRC requirements should be imposed on the certified design based on application of the renewal criteria in § 52.59(b). These criteria include: adequate protection, compliance with the regulations in effect at the time of the original certification, and cost-justified substantial increase in overall protection of the public health and safety or common defense and security.

§ 52.59 Criteria for Renewal (cont.)

(c) In addition, the applicant for renewal may request an amendment to the design certification. The Commission shall grant the amendment request if it determines that the amendment will comply with the Atomic Energy Act and the Commission's regulations in effect at the time of renewal. If the amendment request entails such an extensive change to the design certification that an essentially new standard design is being proposed, an application for a design certification must be filed in accordance with this subpart.

Renewal Updating

10 CFR 52.57(a): An application for renewal must contain all information necessary to bring up to date the information and data contained in the previous application.

DRAFT STAFF POSITION:

The entire DCD (i.e., the version of the DCD last approved for incorporation by reference) must be updated under 10 CFR 52.57(a) to include corrections of errors, typos, and defects (as defined in 10 CFR Part 21), which are known by the DC Renewal applicant. The DCD must also reflect any design changes.

- modifications,
- renewal backfits,
- amendments

Modifications

Draft Staff Position on Modifications:

Those changes that are necessitated by the requirement to update the application in accordance with § 52.57(a) [e.g., to correct known errors, typos, and defects (as defined in Part 21] and § 52.59(a). Modifications must comply with the Atomic Energy Act and the Commissions regulations applicable and in effect at the time the certification was originally issued with exception of those changes proposed by the DC Renewal applicant to comply with § 50.150, as required by § 52.59(a).

Modifications could include design changes necessary to ensure adequate protection, or regulatory compliance (including ITAAC compliance issues), or to correct inconsistencies between Tier 1 and 2 or within Tier 1.

Amendments

Draft Staff Position on Amendments:

Those changes proposed by the DC Renewal applicant in accordance with § 52.59(c). Amendments must comply with the AEA and the Commission's regulations applicable and in effect at the time of renewal. These changes are not required to address the criteria of § 52.63. If the amendment request entails such an extensive change to the certified design that an essentially new standard design is being proposed, a new DC application must be submitted in accordance with § 52.59(c).

Renewal Backfits

Draft Staff Position on Renewal Backfits:

Those changes that are necessary to comply with additional requirements imposed by the NRC through application of the criteria in § 52.59(b). The NRC staff is responsible for justifying renewal backfits under this provision. However, to gain insight as to whether a change needs to be made under this criterion, additional information may be requested from the applicant pursuant to the updating requirement in § 52.57(a).

Renewal Backfit Evaluation

DRAFT STAFF POSITION:

Pursuant to the updating requirement in 10 CFR 52.57(a), the staff intends to also review the DC renewal application to ensure that it includes additional information that addresses the items below and that this additional information is submitted in addition to the updated DCD:

- whether there is material new information with respect to technical resolutions to high and medium priority **unresolved safety issues (USIs)** and **generic safety issues (GSIs)** addressed in the original DCR
- whether **new USIs** and **GSIs** have been created/identified since the design was certified
- whether there are **new generic letters** and **bulletins** issued after the design was certified
- whether there is any relevant domestic and international **operating experience (or construction experience)** that has been documented since the design was certified

Other Considerations

Considerations for potential applicants and staff:

- Alternate ways of implementing the standard design
 - Add preferred methods of construction
 - Replace methods that cannot be constructed
- Changes that have already been pursued/will be pursued by COL holders referencing a certified design via license amendment request/exemption
 - Should there be a focus on the Tier 1 changes that have been necessary/preferred to implement the standard design
 - ITAAC implementation challenges
 - Pre-operational/startup testing that cannot be performed or isn't necessary to perform
- Reducing/eliminating use of design acceptance criteria
- Obsolescence of technology utilized in the certified design
- Other considerations to enhance safety, standardization, efficiency, and transparency

**NRC Public Meeting Feedback
Forms are available**

Questions?

**Next:
NEI Presentation**