

September 10, 2015

MEMORANDUM TO: Sheldon D. Stuchell, Chief
Generic Communications Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Alexandra E. Popova, Project Manager /RA/
Generic Communications Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: PUBLIC MEETING WITH STAKEHOLDERS AND THE U.S.
NUCLEAR REGULATORY COMMISSION REGARDING DRAFT
NRC REGULATORY ISSUE SUMMARY, 2015-XX
“CLARIFICATION OF 10 CFR 50.46 REPORTING
REQUIREMENTS AND RECENT ISSUES WITH RELATED
GUIDANCE NOT APPROVED FOR USE BY THE NRC”

On August 18, 2015, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) staff, utility groups, and other stakeholders at NRC headquarters, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The purpose of the meeting was to discuss the draft Regulatory Issue Summary (RIS) 2015-XX “Clarification of 10 CFR 50.46 Reporting Requirements and Recent Issues with Related Guidance not Approved for Use by the NRC.” The public meeting notice was issued on August 6, 2015 and was posted on the NRC’s public web page; it can be found in the Agencywide Document Access and Management System (ADAMS) at Accession No. ML15217A460. The PowerPoint slides relating to the meeting can be found in ADAMS at Accession No. ML15230A047.

There were 3 industry representatives, 1 member of the public, 12 staff representatives in attendance and 26 teleconference remote attendees. The list of attendees is provided in the attached enclosure. The list of teleconference attendees only reflect parties that provided positive confirmation that they were online during the meeting.

NRC staff members in the Office of Nuclear Reactor Regulation, Division of Safety Systems, Nuclear Performance and Code Review Branch provided an overview of the draft RIS. After the staff presentations, the attendees had the opportunity to present comments and questions.

The following comments/questions are provided as a brief summary of the meeting.

- Industry attendees raised the concern that there is a difference of opinion on the concept of several terms (e.g., “input,” “change”) within Title 10 of the *Code of Federal Regulations* (10 CFR) 50.46, “Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors,” and what constitutes part of the evaluation model.

- The NRC staff responded that the staff interpretation of the reporting requirements within 10 CFR 50.46 is based on the definition of “evaluation model” described in 10 CFR 50.46(c)(2), and that further discussion is provided in the draft RIS.
- Industry attendees stated that an “application” of an evaluation model is not part of the evaluation model and asked if the NRC staff considers the application part of the evaluation model.
 - The NRC staff replied that some inputs are considered part of the evaluation model, consistent with the definition of evaluation model provided in 10 CFR 50.46(c)(2), but also acknowledged that some plant-specific inputs may be considered to be part of the application of the evaluation model.
- Industry attendees stated that the draft RIS is applying a much broader definition of the term “application” than the 1988 Statements of Consideration comment and that 10 CFR 50.46 has two purposes: to state the acceptance criteria and to state the reporting requirements. The industry attendees also stated that 10 CFR 50.46 had not been written as a change control rule.
 - The NRC staff agrees that 10 CFR 50.46(a)(3) provides reporting requirements. Section 50.59, “Changes, tests and experiments,” of 10 CFR is one of the change control rules used by industry. Any requests for prior approval should be submitted under 10 CFR 50.90, “Application for amendment of license, construction permit, or early site permit.” The draft RIS provides additional discussion, acknowledging that 10 CFR 50.59(c)(4) limits the applicability of 10 CFR 50.59 requirements when other regulations establish more specific criteria for accomplishing changes.
- Industry attendees raised a concern that the RIS implied that changes to, and errors in evaluation models resulting in zero degree changes to the peak cladding temperature were reportable.
 - The NRC staff responded that certain changes to evaluation models, or applications thereof, which had a zero degree impact on the peak cladding temperature may be reportable.
- Industry attendees asked for specific issues within the Nuclear Energy Institute (NEI) guidance document, NEI 07-05, “10 CFR 50.46 Reporting Requirements.”
 - The NRC staff stated that they had not done a thorough review of NEI 07-05, and that the identified issues in the draft RIS were currently the only identified issues with the document. However, NEI 07-05 had not been submitted to the NRC for review and approval for use or endorsement. During the open discussion between the industry and the NRC staff, it was made apparent that both industry representatives and the NRC staff encouraged industry guidance on 10 CFR 50.46 reporting requirements. Industry attendees asked if the NRC

would help develop the guidance on 10 CFR 50.46; the NRC staff clarified that the NRC would be open to a dialogue regarding the guidance, and would review the guidance for use or endorsement, but would not participate in development. NEI was encouraged to submit an NEI 07-05 revision for approval for use or endorsement.

- Industry attendees expressed concerns that this draft RIS will be a long-lived document because not all licensees will transition immediately to the new rulemaking of 10 CFR 50.46c, and expressed that the draft RIS should address a broader range of concerns regarding 10 CFR 50.46
 - The NRC staff stated that the purpose of this draft RIS is to address issues identified within NEI 07-05 in regards to 10 CFR 50.46 reporting requirements. The NRC staff has coordinated this draft RIS with the 10 CFR 50.46c rulemaking working group, particularly with respect to 10 CFR 50.46c(m) reporting requirements and related public comments. This RIS will be reviewed in five years for efficacy.

During the meeting the attendees were reminded that no decisions would be made at the meeting, and that all comments need to be submitted in writing to the www.regulations.gov website to allow the NRC staff the opportunity to formally address their concerns and comments. The draft RIS is open for public comment until September 22, 2015.

Enclosure:
List of Attendees

- would help develop the guidance on 10 CFR 50.46; the NRC staff clarified that the NRC would be open to a dialogue regarding the guidance, and would review the guidance for use or endorsement, but would not participate in development. NEI was encouraged to submit an NEI 07-05 revision for approval for use or endorsement.
- Industry attendees expressed concerns that this draft RIS will be a long-lived document because not all licensees will transition immediately to the new rulemaking of 10 CFR 50.46c, and expressed that the draft RIS should address a broader range of concerns regarding 10 CFR 50.46
 - The NRC staff stated that the purpose of this draft RIS is to address issues identified within NEI 07-05 in regards to 10 CFR 50.46 reporting requirements. The NRC staff has coordinated this draft RIS with the 10 CFR 50.46c rulemaking working group, particularly with respect to 10 CFR 50.46c(m) reporting requirements and related public comments. This RIS will be reviewed in five years for efficacy.

During the meeting the attendees were reminded that no decisions would be made at the meeting, and that all comments need to be submitted in writing to the www.regulations.gov website to allow the NRC staff the opportunity to formally address their concerns and comments. The draft RIS is open for public comment until September 22, 2015.

Enclosure:
List of Attendees

EXTERNAL DISTRIBUTION:

Dave Lochbaum – dlochbaum@ucsusa.org	David Medek – david.medek@aps.com
Alan Meginnis – alan.meginnis@areva.com	Jerry Holm – Jerald.holm.ext@areva.com
Thomas Remick – Thomas.remick@aps.com	Robert Florian – rjfloria@southernco.com
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DISTRIBUTION:

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ADAMS Accession No.: ML15238A988

***concurring via e-mail NRC-001**

OFFICE	NRR/DPR/PGCB/PM	NRR/DPR/PGCB/LA	NRR/DSS/SNPB/BC*	NRR/DSS/SRXB/BC*	NRR/DPR/PGCB/PM*
NAME	APopova	ELee	JDean (BParks for)	CJackson	APopova
DATE	08/24/2015	08/28/2015	09/04/2015	09/04/2015	09/10/2015

OFFICIAL RECORD COPY

Attendance List

PUBLIC MEETING WITH STAKEHOLDERS AND THE U.S. NUCLEAR REGULATORY COMMISSION (NRC) REGARDING DRAFT NRC REGULATORY ISSUE SUMMARY, 2015-XX
“CLARIFICATION OF 10 CFR 50.46 REPORTING REQUIREMENTS AND RECENT ISSUES WITH RELATED GUIDANCE NOT APPROVED FOR USE BY THE NRC”

August 18, 2015, 9:00 a.m. – 11:00 a.m.
U.S. Nuclear Regulatory Commission
One White Flint North, 3rd Floor
11555 Rockville Pike
Rockville, MD 20852

Name	Affiliation
Alan Meginnis*	Areva Inc.
Alexandra Popova	NRC
Alysia Bone	NRC
Amy Chamberlain*	Southern Nuclear
Andy Olson*	Exelon Nuclear
Benjamin Parks	NRC
Bruce Montgomery*	NEI
Charles Albury*	STP Nuclear Operating Company
Dana Knee*	Dominion
David Fink*	Westinghouse
David Medek*	APS
Geary Mizuno	NRC
Gordon Clefton	NEI
Henry Hegrat*	FirstEnergy Nuclear Operating Co.
James Hickey	NRC
Jennifer Whitman	NRC
Jerald Holm*	Areva Inc.
Jim Smith*	Westinghouse
Joshua Borromeo	NRC
Korey Hosack*	Westinghouse
Kurshad Meftouglu	G.E. Hitachi Nuclear Energy
Lisa Gerken*	Areva Inc.
Mark Handrick*	Duke Energy
Marvin Lewis*	Public
Matthew Hardgrove	NRC
Miguel Armenta*	Energy Northwest
Mitch Nissley*	Westinghouse
Randy Newton*	Nuscale Power

Enclosure

Reed Anzalone	NRC
Robert Florian*	Southern Nuclear
Samuel Miranda	Public
Shane Jurek*	Xcel Energy
Sheldon Stuchell	NRC
Stephen Geier	NEI
Stephen O'Hearn*	Dominion
Thomas Remick*	APS
Timothy McGinty	NRC
Timothy Sande*	Enercon
Todd Keene	NRC
Tracey Stewart*	SCE&G
Travis Bement*	Exelon Nuclear
Virgilio Esquillo*	SCE&G

* Teleconference Attendee