

November 6, 2015

MEMORANDUM TO: Lawrence J. Burkhart, Chief
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

FROM: Bruce Baval, Project Manager */RA/*
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: SUMMARY OF CATEGORY 3 PUBLIC MEETING TO DISCUSS
COMBINED LICENSE APPLICATION MANAGEMENT OF DESIGN
CHANGES IDENTIFIED DURING INITIAL CONSTRUCTION AND
TESTING

The U.S. Nuclear Regulatory Commission (NRC) held a Category 3 public meeting, with personnel from Nuclear Energy Institute (NEI), Westinghouse Electric Company, General Electric-Hitachi, Southern Nuclear Company, Duke Energy, Florida Power and Light, and Detroit Edison Electric Company, and with interested members of the public on September 10, 2015. The purpose of the meeting was to discuss possible industry proposals for resolving errors in design certification information identified through design-finalization activities in parallel with the review of combined license applications referencing the design certification.

The meeting notice can be found in the Agencywide Documents Access and Management Systems (ADAMS) under Accession Number ML15233A497. This meeting notice is also posted on the NRC public website.

Enclosed are the meeting agenda (Enclosure 1) and the meeting attendees list (Enclosure 2). The presentation slides from NEI can be found in ADAMS (ADAMS Accession Number ML15259A179). Enclosure 3 contains the NRC's meeting summary.

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Public Discussion

At various times in the discussion and presentation, NRC staff solicited the public for input. Several questions and comments were brought up by members of the public (in person and via phone-bridge) regarding NEI's suggested generic approaches to addressing design certification errors as part of the combined license application review. NRC staff sought clarification for each of the proposals and responded to these generic approaches by explaining the requirement to make a reasonable assurance finding to support combined license issuance. Enclosure 3 provides further details from the meeting.

Project No. 0807

Enclosures:

As stated

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Meeting Agenda

CATEGORY 3 PUBLIC MEETING TO DISCUSS COMBINED LICENSE APPLICATION MANAGEMENT OF DESIGN CHANGES IDENTIFIED DURING INITIAL CONSTRUCTION AND TESTING

September 10, 2015

Purpose: To discuss possible approaches to resolving errors in certified information identified through design-finalization activities in parallel with the review of referencing combined license applications.

Public Meeting	
1:00 p.m.	Welcome and Introductions
1:10 p.m.	Nuclear Energy Institute to make presentation
	Industry / Public - Questions and Comments
2:50 p.m.	Action Items / Feedback
3:00 p.m.	Adjourn Meeting

List of Attendees
September 10, 2015

Name	Work Location/Organization
Bruce Bavol	Nuclear Regulatory Commission (NRC)
Lawrence Burkhart	NRC
Michael Spencer	NRC
Patrick Moulding	NRC
Kimyata Morgan Butler	NRC
Adrian Muniz	NRC
Joe Williams	NRC
Francis Akstulewicz	NRC
Mike McCoppin	NRC
John Monninger	NRC
Billy Gleaves	NRC
Laurel Bauer	NRC
Devendra Pimpale	NRC (International Assignment)
Denise McGovern	NRC
Bob Caldwell	NRC
Laurel Bauer	NRC
Paul Russ	Westinghouse Electric Company (WEC)
Zackary Harper	WEC
Robert Theuret	WEC (phone)
Thomas Hicks	Southern Nuclear Company (SNC)
Brian Whitier	SNC
Howard Mahan	SNC
Kati Austgen	Nuclear Energy Institute (NEI)
Russ Bell	NEI
Anne Cottingham	NEI
Patricia Campbell	General Electric-Hitachi (GEH)
Brian Johnson	GEH
Steve Franzone	Florida Power and Light
Mike Brandon	Detroit Edison Electric Company
Kate Nolan	Duke Energy
Bob Kitchen	Duke Energy
Chris Fallon	Duke Energy
Gary Becker	Nuscale
David Lewis	Pillsbury Law
Lansing Dusek	Fluor
Marvin Lewis	Public
Ravi Joshi	Public

**CATEGORY 3 PUBLIC MEETING TO DISCUSS COMBINED LICENSE APPLICATION
MANAGEMENT OF DESIGN CHANGES IDENTIFIED DURING INITIAL CONSTRUCTION
AND TESTING (Discussion)**

September 10, 2015

The U.S. Nuclear Regulatory Commission (NRC) held a Category 3 public meeting, with personnel from Nuclear Energy Institute (NEI), Westinghouse Electric Company (WEC), General Electric-Hitachi (GEH), Southern Nuclear Company (SNC), Duke Energy, Florida Power and Light (FPL), and Detroit Edison Electric Company, and with interested members of the public on September 10, 2015. The purpose of the meeting was to discuss possible approaches to resolving errors in design certification information identified through design-finalization activities in parallel with the review of combined license applications referencing the design certification. Public participation was actively sought for this meeting to fully engage in a discussion of regulatory issues.

Background:

In a letter dated January 27, 2015, Duke Energy requested the NRC to provide guidance clarifying appropriate methods for resolving generic errors in the certified design control document (DCD). (Agencywide Documents Access and Management System (ADAMS) Accession Number ML15050A142). In the letter, Duke Energy explained that it currently has two COL applications under active NRC staff review – both of which reference the standard design certification for the AP1000. The letter said that the current review of these generic errors have considerable importance to Duke Energy and bear on the NRC's ability to complete the review of COL applications in a timely manner.

In a letter dated April 15, 2015, the NRC staff in coordination with the General Counsel, responded to Duke Energy's inquiry (ADAMS Accession Number ML15083A218). The response letter stated that if the NRC knows of a significant error in the DCD that undermines the statutorily-required COL safety findings, the NRC may issue the COL only after the error is adequately addressed such that the required findings can be made. Duke Energy was also informed that the NRC staff is willing to meet with Duke Energy to further discuss these matters.

In an August 11, 2015, letter to the NRC (ADAMS Accession No. ML15244A920), NEI on behalf of Duke Energy and industry stakeholders requested a public meeting so that it could better understand the basis for the NRC staff's April 15, 2015, position and explore possible options permissible under NRC regulations to resolve the issue.

September 10, 2015 Meeting:

NEI staff opened the September 10, 2015, meeting with a presentation highlighting the generic problem description and industry considerations. NEI highlighted the information from the April 15, 2015, NRC letter to Duke Energy, that stated COLs cannot be issued until significant errors in the referenced design certification (DC) are adequately addressed such that final

Enclosure 3

safety findings can be made. NEI along with Duke Energy responded that under current conditions, the identification of required design changes in the AP1000 design control document for lead construction projects continues to significantly delay issuance of pending COLs that reference the same design. NEI indicated that this is a generic issue that could result in similar delays for any COL application that is based on a certified design for which detailed design and initial testing has not been completed.

NEI presented multiple options for NRC consideration: (1) generic rulemaking (independent of COL issuance), (2) implement license condition/license restriction, (3) establish inspections, tests, analyses, and acceptance criteria (ITAAC), (4) develop a preliminary amendment request (PAR)-like process, and (5) issue a Generic Safety Issue (GSI) for each significant DCD-required design change. NEI's preferred option would be to process post-COL license amendment requests and utilize appropriate license conditions/restrictions.

In highlighting NEI's preferred option, industry representatives expressed concern that it is "unrealistic" to think issues will not arise during construction for any certified design, and industry believes that the solution for a given issue might differ between a COL applicant and COL licensee.

As each NEI option was discussed, the NRC staff reiterated concern over existing design certification errors; that is, without regulatory compliance, the NRC will not be able to make the findings required to issue the COL. Industry indicated that there would be no safety issue until fuel is loaded into the core and that none of the issues identified to date have met the threshold for notifications under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 21.

At the conclusion of the meeting NRC staff suggested that NEI and industry representative's detail in a follow-up letter how they would address NRC concerns. Staff left open the options for continued discussion.

DC Westinghouse - AP1000 Mailing List

(Revised 08/24/2015)

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