

March 15, 2016

MEMORANDUM TO: John McKirgan, Chief
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

FROM: Donald Habib, Project Manager */RA/*
Licensing Branch
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: SUMMARY OF A PUBLIC MEETING ON MARCH 10, 2016, WITH
DUKE ENERGY AND FLORIDA POWER AND LIGHT TO DISCUSS
AP1000 COMBINED LICENSE REVIEW ISSUES

The U.S. Nuclear Regulatory Commission (NRC) staff held a Category 2 public meeting with Duke Energy and Florida Power and Light (FPL) on March 10, 2016. The purpose of the meeting was to discuss AP1000 combined license (COL) issues associated with the safety review for the Levy Nuclear Plant (LNP) Units 1 and 2 COL application.

The meeting notice can be found in the Agencywide Documents Access and Management System (ADAMS) under Accession Number ML16050A446. The meeting notice is also posted on the NRC's public website. Enclosures 1 and 2 are the meeting agenda and attendance list for the meeting, respectively. The other documents referenced during the discussion can be found in ADAMS under accession numbers:

- 1) NRC Staff Proposed Generic AP1000 License Conditions – ML16062A021
- 2) Duke Feedback Regarding AP1000 Generic License Conditions – ML16062A020
- 3) V. C. Summer Unit 2 Combined License – ML113190393
- 4) South Texas Project (STP) Unit 3 Combined License – ML16033A020

CONTACT: Don Habib, NRO/DNRL
(301) 415-1035

Summary of Meeting:

On March 10, 2016, the NRC staff conducted a public meeting with representatives from Duke Energy and FPL to support the safety reviews for the AP1000 COL applications. Specifically, the meeting addressed license conditions identified by the NRC staff that are expected to be identical for the three COL applications for LNP Units 1 and 2, William States Lee III Nuclear Station (WLS) Units 1 and 2, and Turkey Point (TP) Units 6 and 7.

On February 24, 2016, the NRC staff emailed proposed language for the generic license conditions to representatives of the applicants for the three above mentioned COL applications. This document identified the license conditions by number according to the numbering to appear in the Final Safety Evaluation Report. On March 1, 2016, the NRC staff received emailed comments from Duke Energy.

The purposes of the teleconference were to (1) communicate staff's draft license conditions, (2) respond to the applicant comments, (3) identify substantive changes to the NRC staff-proposed license condition language, and (4) request each applicant to submit to NRC staff a letter indicating their position (e.g., acceptance) of the NRC staff's proposed language.

The table below outlines the license conditions, applicant comments, NRC staff's responses, and changes to license condition language, as discussed in the teleconference.

Representatives of Duke Energy (for the LNP and WLS COL applications) and FPL (for the TP COL application) advised they had no additional comments on the generic license condition language and advised that they planned to provide a letter regarding their position on the NRC staff-proposed language, pending the NRC staff's issuance of a meeting summary outlining the comments and responses.

License Condition Number¹	Applicant Comment²	Staff Response and Change
1-1	We would like to discuss and clarify what the license condition requires. It is not clear.	These "conditions" are authorizations for management of Part 30, 40, and 70 material to be included in the license. They identify the allowable materials and activities authorized by the COL. No specific action is required by the licensee. Example language appears on Pages 2 and 3 of the V.C. Summer Unit 2 COL (ADAMS Accession No. ML113190895), paragraphs B(1) through B(5). For the LNP, WLS, and Turkey Point COLs, the latest language appears in the STP Unit 3 COL (ADAMS Accession No. ML16033A020) and contains an exclusion for uranium hexafluoride.

¹ From ADAMS Accession No. ML16062A021.

² From ADAMS Accession No. ML16062A020.

License Condition Number ¹	Applicant Comment ²	Staff Response and Change
1-5	We recommend that the SNMP section titles or general subject be included for clarity. The steps in the template could change as it evolves.	The staff plans to delete this license condition. It is no longer necessary since the applicants have updated their special nuclear material physical protection plans (SNMPPPs). Once licensed, the any changes to the SNMPPPs will be subject to the provisions of 10 CFR 70.32(e).
5-1	This appears to be a duplicate of other License Conditions that specifically address individual Operation Programs. Is this needed?	This license condition deals with providing a schedule for implementation of operational programs. It will appear differently in the FSER and in the draft license. The language appearing in the "NRC Staff Proposed Generic License Conditions" comes from the SER. In the SER, it is identified multiple times, each time addressing implementation of a specific operational program. In the draft license, the license condition would appear only a single time and would refer to a single schedule for all operational programs. It would appear similar to paragraph (11) on page 9 of the V.C. Summer Unit 2 COL.
5-6	License Condition references "SG PSI/ISI". This appears to be a new LC. Should this be "PSI/ISI"?	"SG" will be deleted from the license condition. This is an editorial change.
9-2	Item 3 appears to be a new requirement. Not clear what is driving this item.	Item 2 on the list calling for implementing Regulatory Guide (RG) 1.189 for areas containing new fuel prior to receipt of fuel onsite includes the requirement for written agreements with offsite fire departments (Section 3.5.2.3 of RG 1.189). Therefore, item 3 is not a new requirement but instead falls under Item 2. The staff will remove this item from the license condition because it is unnecessary.

License Condition Number¹	Applicant Comment²	Staff Response and Change
11-2 and 11-4	If a new item “d. Process Control Program” is added this could eliminate the need for LC 11-2.	These license conditions appear differently in the FSER and in the draft license. The language appearing in the “NRC Staff Proposed Generic License Conditions” comes from the SER. In the FSER, license condition 11-4 will be discussed in Section 11.5, and license condition 11-2 is discussed in Section 11-4. Therefore, they are presented separately in the FSER. However, in the draft license, these two license conditions will be combined, similar to how they appear under Item (10) on page 8 of the V.C. Summer Unit 2 COL.
11-3 and 11-5	If “Process Control Program” is added to description this could eliminate the need for LC 11-3.	These license conditions also will appear differently in the FSER and in the draft license. The language appearing in the “NRC Staff Proposed Generic License Conditions” comes from the SER. In the FSER, license conditions 11-3 is discussed in Section 11.5, and license conditions 11-5 is discussed in Section 11-4. Therefore, they are presented separately in the FSER. However, in the draft license, these two license conditions will be combined with each other and with other operational program license conditions where the licensee will provide NRC with a schedule for operational program implementation. (See staff response related to License Condition 5-1 above.) In the draft license, the combined license condition for the operational program schedule will reference FSAR Table 13.4-201 and will appear similar to how they appear under item (11) on page 9 of the V.C. Summer Unit 2 COL.
14-5	We think that “Operational Program” should be replaced with “Initial Test Program”	This is an editorial change that the staff will adopt.

License Condition Number¹	Applicant Comment²	Staff Response and Change
20-1c	We would like to discuss since LC does not reflect draft rule language that we have seen for 10 CFR 50.155. This language is not consistent with the 50.155 draft rule language and even though it is a minor difference, it has significant implications.	The staff's proposed language aligns with recent Commission-approved language from the Fermi Units 3 and STP Units 3 and 4 COLs. The proposed rule language has been proposed by the staff, but is still subject to Commission approval and has not yet been finalized. Until the Commission makes a decision on the final rule, the staff is following the existing Commission-approved language.

There were no comments or questions from members of the public.

Docket Nos.: 052-029, 052-030, 052-018
052-019, 052-040, 052-041

Enclosures:
As stated

cc w/encls: See next page

License Condition Number ¹	Applicant Comment ²	Staff Response and Change
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Docket Nos.: 052-029, 052-030, 052-018
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Enclosures:
As stated

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***via email**

NRC-001

OFFICE	PM: DNRL/LB4*	LA: DNRL/LB4*	BC: DNRL/LB4	PM: DNRL/LB4
NAME	DHabib (c)	RButler	JMcKirgan (Acting)	DHabib (c)
DATE	03/15/2016	03/14/2016	03/15/2016	03/15/2016

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AGENDA FOR TELLECONFERENCE MEETING
U.S. NUCLEAR REGULATORY COMMISSION (NRC)

Thursday, March 10, 2016
2:00 p.m. – 4:00 p.m.

PURPOSE: To discuss AP1000 combined license (COL) issues associated with the safety review for Duke Energy Florida's (DEF) Levy Nuclear Plant, Units 1 and 2 COL application.

OPEN

<u>Time</u>	<u>Topic</u>	<u>Led By</u>
2:00 p.m.	Opening Remarks	NRC
2:05 p.m.	Discussion on AP1000 Generic License Conditions	NRC/DEF/ Florida Power & Light
2:45 p.m.	Opportunity for Public Comment	PUBLIC

PUBLIC MEETING
UNITED STATES NUCLEAR REGULATORY COMMISSION
Public Meeting with AP1000 Design Center Combined License Applicants

Thursday, March 10, 2016
2:00 p.m. – 4:00 p.m.

List of Attendees

Purpose: To discuss AP1000 combined license review issues;
specifically: AP1000 COL generic license condition language

Name	Organization
Representing the Nuclear Regulatory Commission	
Don Habib	NRO/DNRL/LB4
Cayetano Santos	
John McKirgan	
Jordan Hoellman	
Tom Galletta	
Peter Hearn	
Manny Comar	
Antonio Dias	NRO/DSRA/SPSB
Angelo Stubbs	
Robert Vettori	
Representing Industry	
Tony Jackson	Duke Energy
Kelvin Montague	
Mari Jaworsky	
Jim Thornton	
Bob Kitchen	
Larry Taylor	
Andrea Cross-Dial	
Steve Franzone	Florida Power and Light
Rick Orthen	
Tom Childress	
Neil Haggerty	Southern Nuclear Company
Representing Public	
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COL - Duke Energy - Levy County Mailing List

Revised (08/24/2015)

cc:

Mr. Christopher M. Fallon
VP, Nuclear Development
Progress Energy Florida, Inc.
P.O. Box 1006 - ECO9D
Charlotte, NC 28202

COL - Duke Energy - Levy County Mailing List

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
Bill.Jacobs@gdsassociates.com (Bill Jacobs)
billn@fcan.org (Bill Newton)
brian.mccabe@pgnmail.com (Brian McCabe)
christopher.fallon@duke-energy.com (Christopher M. Fallon)
collinlj@westinghouse.com (Leslie Collins)
CumminWE@Westinghouse.com (Edward W. Cummins)
david.lewis@pillsburylaw.com (David Lewis)
david.waters@pgnmail.com (Dave Waters)
delongra@westinghouse.com (Rich DeLong)
ed.burns@earthlink.net (Ed Burns)
eddie.grant@excelservices.com (Eddie Grant)
gary@jonespartners.net (Gary Jones)
gsoult@regstaff.sc.gov (Gene G. Soult)
joe.w.donahue@pgnmail.com (Joe Donahue)
john.elnitsky@pgnmail.com (John Elnitsky)
Joseph_Hegner@dom.com (Joseph Hegner)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
levynuke@ecologyparty.org (Cara Campbell)
majames@regstaff.sc.gov (Anthony James)
marvlewis@juno.com (M. Lewis)
maryo@nirs.org (Mary Olson)
media@nei.org (Scott Peterson)
Mike.Halpin@dep.state.fl.us (Mike Halpin)
MSF@nei.org (Marvin Fertel)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
RJB@NEI.org (Russell Bell)
robert.kitchen@pgnmail.com (Robert H. Kitchen)
ronald_m_bright@bellsouth.net (Ronald Bright)
russpa@westinghouse.com (Paul Russ)
sabinski@suddenlink.net (Steve A. Bennett)
sfrantz@morganlewis.com (Stephen P. Frantz)
stephan.moen@ge.com (Stephan Moen)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekle)
twinkletoesdms@aol.com (Robert and Deborah Smith)

COL - Duke Energy - Levy County Mailing List

Vanessa.quinn@dhs.gov (Vanessa Quinn)
weave1dw@westinghouse.com (Doug Weaver)

COL - Duke Energy - Lee Mailing List
cc:

(Revised 01/07/2016)

Mr. Christopher M. Fallon
VP, Nuclear Development
Progress Energy Florida, Inc.
P.O. Box 1006 - ECO9D
Charlotte, NC 28202

Dhiala M. Jamil
Group Executive and Chief Nuclear Officer
Duke Energy Carolinas, LLC
P.O. Box 1006 - EC03XM
526 South Church St.
Charlotte, NC 28201-1006

Bob Kitchen
Duke Energy/Nuclear Development
PO Box 1006
Charlotte, NC 28201-1006

Ms. Ruth Thomas
Environmentalists Inc.
354 Woodland Dr
Columbus, NC 28722

Mr. James Thornton
Duke Energy / Nuclear Development
ECO9D / P.O. Box 1006
Charlotte, NC 28201-1006

COL - Duke Energy - Lee Mailing List

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
christopher.fallon@duke-energy.com (Christopher M. Fallon)
collinlj@westinghouse.com (Leslie Collins)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.lewis@pillsburylaw.com (David Lewis)
delongra@westinghouse.com (Rich DeLong)
ed.burns@earthlink.net (Ed Burns)
fbelser@regstaff.sc.gov
gary@jonespartners.net (Gary Jones)
gsoult@regstaff.sc.gov (Gene G. Soult)
james.thornton@duke-energy.com (James Thornton)
jflitter@regstaff.sc.gov
john.oneill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
majames@regstaff.sc.gov (Anthony James)
media@nei.org (Scott Peterson)
MSF@nei.org (Marvin Fertel)
murawski@newsobserver.com (John Murawski)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
RJB@NEI.org (Russell Bell)
robert.kitchen@pgnmail.com (Robert H. Kitchen)
russpa@westinghouse.com (Paul Russ)
sabinski@suddenlink.net (Steve A. Bennett)
sara@cleanenergy.org (Sara Barczak)
sfrantz@morganlewis.com (Stephen P. Frantz)
shudson@regstaff.sc.gov (Shannon Hudson)
stephan.moen@ge.com (Stephan Moen)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekle)
TomClements329@cs.com (Tom Clements)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
weave1dw@westinghouse.com (Doug Weaver)

COL - Turkey Point Mailing List
cc:

(Revised 12/29/2015)

Mr. Steve Franzone
Florida Power & Light Company
Turkey Point Nuclear Plant
700 Universe Blvd.
Juno Beach, FL 33408

Mr. William Maher
Florida Power & Light Company
Turkey Point Nuclear Plant
700 Universe Blvd.
Juno Beach, FL 33408

Mano K. Nazar
President and Chief Nuclear Officer
Nuclear Division
Florida Power & Light Company
Mail Stop NNP/JB
700 Universe Blvd
Juno Beach, FL 33408-0420

Thomas Saporito
P.O. Box 8413
Jupiter, FL 33468-8413

COL - Turkey Point Mailing List

Email

alliance4cleanfl@aol.com (Bob Krasowski)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
Bill.Jacobs@gdsassociates.com (Bill Jacobs)
billn@fcan.org (Bill Newton)
bwtamia@bellsouth.net (Barry White)
collinlj@westinghouse.com (Leslie Collins)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.lewis@pillsburylaw.com (David Lewis)
delongra@westinghouse.com (Rich DeLong)
ed.burns@earthlink.net (Ed Burns)
George.Madden@fpl.com (George Madden)
jerald.head@ge.com (Jerald G. Head)
john.elnitsky@pgnmail.com (John Elnitsky)
john.oneill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
Kalson-Vince@MonroeCounty-FL.Gov (Vince Kalson)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
magolds@emory.edu (Mindy Goldstein)
marvlewis@juno.com (M. Lewis)
MCCRAS@miamidade.gov (Sean McCrackine)
media@nei.org (Scott Peterson)
michael.lepre@pillsburylaw.com (Michael Lepre)
Mike.Halpin@dep.state.fl.us (Mike Halpin)
MSF@nei.org (Marvin Fertel)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul.Jacobs@fpl.com (Paul Jacobs)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
Raymond.Burski@fpl.com (Raymond Burski)
Richard.Orthen@fpl.com (Richard Orthen)
RJB@NEI.org (Russell Bell)
russpa@westinghouse.com (Paul Russ)
sabinski@suddenlink.net (Steve A. Bennett)
sara@cleanenergy.org (Sara Barczak)
sfrantz@morganlewis.com (Stephen P. Frantz)
stephan.moen@ge.com (Stephan Moen)
Steve.Franzone@fpl.com (Steve Franzone)
steven.hamrick@fpl.com (Steven Hamrick)

COL - Turkey Point Mailing List

toner-irene@monroecounty-fl.gov (Irene Toner)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
weave1dw@westinghouse.com (Doug Weaver)
William.Blair@FPL.com (William Blair)
william.maher@fpl.com (William Maher)