

ENCLOSURE 3

APP-GW-GLY-098 Revision 0

Discuss Design Certification Renewal for **AP1000**[®] (Public)

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Objective and Agenda

Objective:

- Interactive meeting related to **AP1000** design certification renewal to confirm Westinghouse's understanding of regulations and draft guidance

Agenda:

- Background Information
- Modifications
- Renewal Backfits
- Amendments



AP1000 Design Certification Renewal

- Westinghouse is performing a compressive evaluation of **AP1000** renewal options. The evaluation includes:
 - Regulatory Compliance Assessment
 - Risk Assessment
 - Market Assessment
 - Cost & Schedule Estimate
- **AP1000** renewal plans are not finalized
- Discussion is needed to ensure Westinghouse understands NRC regulations and draft staff positions so the renewal scope can be clearly defined
- Information gathered from this meeting will be used as an input into the renewal evaluation

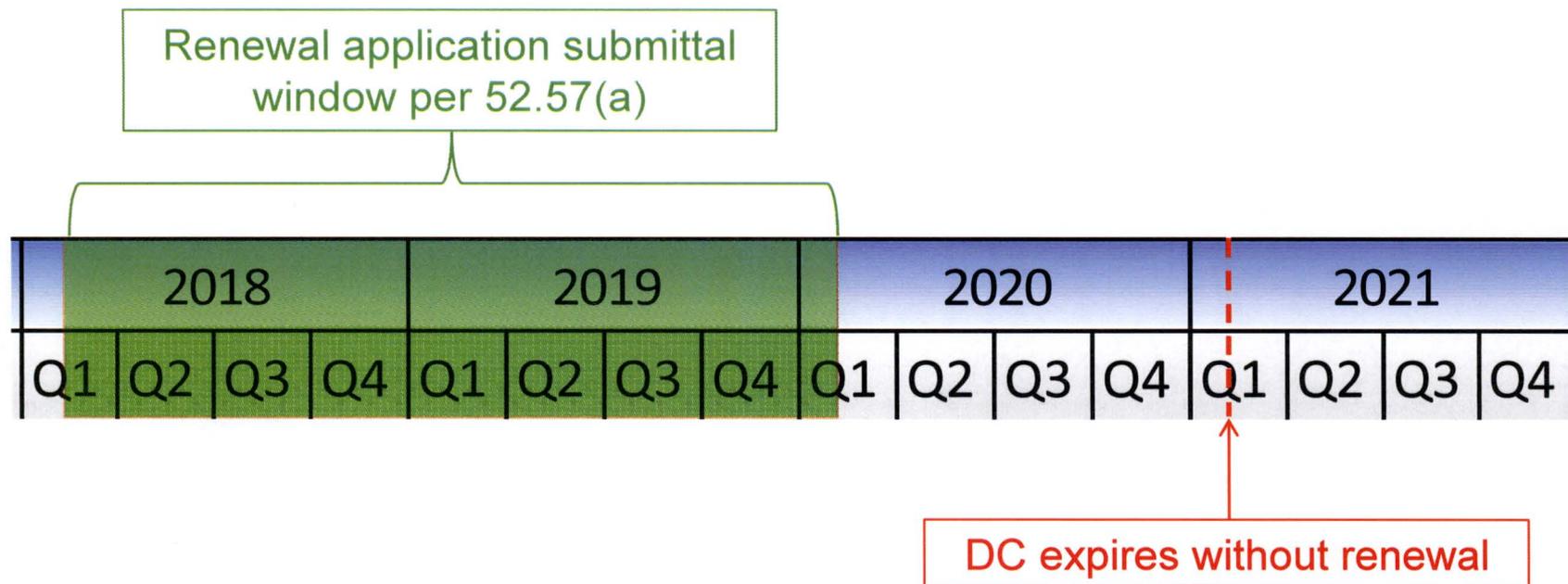


Background Information

- **10 CFR 52.55:** A design certification (DC) is valid for 15 years from the date of issuance
- **10 CFR 52 Appendix D, Section VII:** The **AP1000** DC may be referenced for a period of 15 years from February 27, 2006
 - Initial 15-year period expires February 2021
- **10 CFR 52.57 (a):** A renewal application must be submitted not less than 12 months nor more than 36 months before the expiration of the initial 15-year period
 - **AP1000** renewal application window between February 2018 and February 2020



Background Information



Basis for Renewal Understanding

- 10 CFR (primarily 52.55, 52.57, 52.59, 52.63)
- ABWR Renewal Draft Staff Views and Guidelines, 2010 (ML103140050)
- NEI Public Meeting, June 22nd, 2015 (ML15155B274)
- Westinghouse Renewal Questions and Responses (ML15139A287)
- Efforts related to the renewal of GE-Hitachi's ABWR
- Efforts related to the ongoing revision of Regulatory Guide 1.206
- Others (e.g. Statements of Consideration, meeting transcripts, Toshiba ABWR renewal, etc.)



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: *(Ref: 6/22/15 NRC Renewal Slides)*

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

The draft position appears to be more definitive (“entire DCD”) than does the regulation (“necessary to bring up to date”). Discussion needed.

Draft Staff Position - Modifications

Draft Staff Position on Modifications: *(Ref: 6/22/15 NRC Renewal Slides)*

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).

The draft position appears to be more definitive (“errors, typos, and defects”) than does the regulation (“necessary to bring up to date”). Discussion needed.



Bringing the DCD “Up to Date”

- Bringing the entire DCD up-to-date, regardless of safety significance, could be an inefficient use of resources
 - Many changes would have to be made to bring entire DCD up-to-date
 - Few changes are safety significant, and may not be “necessary to bring up-to-date”
 - Significant NRC involvement in **AP1000** from AP600 application to present
- Other possibilities should be considered:
 - Deferring non-safety significant/immaterial errors
 - 52.6 requires notification for errors which have “significant implication for public health and safety...”
 - ISG-11 provides a means of determining changes that can be excluded from a design certification application or combined operating license application (COLA) based on safety-significance
 - Crediting licensing activities for plant under construction:
 - 103(g) finding for plants referencing the original design certification
 - 10 CFR 52 App D VIII departure evaluations
 - NEI Proposed Reg. Guide 1.206 wording: *“the NRC staff will assess such departures but need not provide formal approval as part of its review of the COL application”* (Ref. ML15152A297)



Draft Staff Position - Renewal Backfits

10 CFR 52.57(b):

The commission may impose other requirements if it determines that:

- (1) They are necessary for adequate protection...
- (2) They are necessary for compliance...
- (3) There is a substantial increase in overall protection....and the direct costs of implementing...are justified in view of this increased protection.

Draft Staff Position on Renewal Backfits: *(Ref: 6/22/15 NRC Renewal Slides)*

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).

Draft Staff Position on “Additional Application Information”: *(Ref: 6/22/15 NRC Renewal Slides)*

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.



Discussion needed for the content of “additional application information” and potential backfits.

Discussion - Renewal Backfits

- It is Westinghouse's understanding that:
 - “Additional application information” will be used to help the NRC determine backfits
 - Examples: generic safety issues, generic bulletins, domestic / international operating experience
 - If no changes proposed, justification why no change is necessary
 - Content and format must be defined
 - During NEI public meeting, it was stated that the NRC expects backfits imposed per 52.59(b) to be limited for the **AP1000** renewal and will be based on rules in 10 CFR 50.109
 - Early interaction through pre-application meetings will help to identify any backfits



Draft Staff Position - Amendments

10 CFR 52.57(c):

... 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 request 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...

Draft Staff Position on Amendments: (Ref: 6/22/15 NRC Renewal Slides)

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).



Discussion - Amendments

- It is Westinghouse's understanding that:
 - An amendment would be any additional vendor-initiated changes for convenience (e.g. preference, optimization, constructability) that are not considered to be “modifications” under 52.57(a)
- Westinghouse is still evaluating the inclusion of amendments but expects them to be minimal



Summary

- Westinghouse is performing a detailed evaluation of **AP1000** renewal options
- **AP1000** renewal plans are not finalized
- Westinghouse is seeking to better understand the NRC change categories specified in Draft NRC Guidelines: Modifications, Amendments, and Backfits



Questions/Discussion

