



Mitigation of Beyond-Design-Basis Events Rule

Cumulative Effects of Regulation (CER) Meeting

November 10, 2016

Meeting Guidelines

- Limit interruptions:
 - Turn off cell phones
 - Minimize side conversations.
- Speak one at a time.
- Identify yourself when speaking
 - Please state your name, organization, and your comment or question.
 - If you are in the meeting room please use the microphone.
- Be respectful of other meeting attendees.
- If participating by webinar please use the:
 - Chat function to send questions or
 - Ask questions via the bridgeline at the designated opportunities.
 - Please mute your phone (*6) when not speaking

Meeting Agenda

- 1pm – 1:10pm: Welcome/Introductions
- 1:10pm – 1:30pm: Status of Mitigation of Beyond-Design-Basis Events (MBDBE) Rule
- 1:30pm – 2:00pm: Discussion of MBDBE Rule implementation schedule (§ 50.155(h))
- 2:00pm – 2:30pm: Discussion of MBDBE Rule Rescission of Orders and Removal of License Conditions (§ 50.155(i))
- 2:30pm – 3:00pm: Wrap-up and Closing Remarks

Providing Feedback

- The feedback provided today will be recorded in the meeting transcript.
- Feedback can also be submitted by e-mail to Timothy.Reed@nrc.gov
- Written feedback will be included as an attachment to the meeting minutes, which will be posted on www.regulations.gov
- Deadline for submitting written feedback is:
11:59 PM Eastern Standard Time
Friday, November 11th, 2016.

Meeting Objective and MBDBE Status

- Proposed MBDBE Rule published on November 13, 2015 (90 day comment period).
- MBDBE Rule is in the final rulemaking stage – in office concurrence.
- NRC requested/received CER feedback for the proposed rule
- NRC's efforts to address that feedback are contained in two parts of the preliminary final MBDBE rule:
 - § 50.155(h) and 50.155(i):
 - Flexible Scheduling provision
 - Order Rescission and License Condition removal
- This meeting will focus only on those portions of the preliminary final rule
- Feedback will inform these preliminary final rule provisions
- The staff is not requesting comment on the preliminary final rule, and comments will not be accepted (comment period closed on February 11, 2016)
- Documentation related to the MBDBE rulemaking can be reviewed on the [regulations.gov](http://www.regulations.gov) website by searching for the NRC Docket ID “**NRC-2014-0240**”

Cumulative Effects of Regulation

- “Cumulative effects of regulation” is a term used by the NRC to refer to the challenges that licensees and other impacted entities face while implementing multiple regulatory actions within a limited implementation period and with limited available resources.
- NRC has enhanced its rulemaking process to address CER
- This public meeting is a CER process enhancement intended to obtain feedback during the final stage of rulemaking, to inform the schedule for implementation of the NRC draft final rule provisions.

CER Feedback Implementation

- The proposed rule compliance schedule of 2 years does not adequately account for implementation status of ongoing activities to address reevaluated hazard information
- There is significant variation in the status of those activities, and as such, a one-size-fits-all compliance deadline does not work well
- One commenter proposed a flexible scheduling approach
- NRC agrees that a flexible scheduling approach is sound
- Preliminary final § 50.155(h)(2) contains the flexible scheduling provision (next slide)

Flexible Scheduling

§ 50.155(h) *Implementation.* Unless otherwise specified in this section:

- (1) Each holder of an operating license for a nuclear power reactor under this part on [INSERT EFFECTIVE DATE OF THE FINAL RULE] and each holder of a combined license under part 52 of this chapter for which the Commission made the finding specified in 10 CFR 52.103(g) as of [INSERT EFFECTIVE DATE OF THE FINAL RULE], shall continue to comply with the provisions of paragraph (b)(3) of this section, and shall comply with all other provisions of this section no later than [INSERT DATE 2 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE].

§ 50.155(h) Continued

- (2) For licensees that cannot achieve compliance with paragraph (b)(2) to address a reevaluated hazard by [INSERT DATE 2 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE], the NRC will consider an alternative compliance date if the licensee submits to the Director, Office of Nuclear Reactor Regulation, under 10 CFR 50.4, no later than [INSERT DATE 90 DAYS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], a request to revise the compliance date with good cause for not achieving compliance by [INSERT DATE 2 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE]. Unless the licensee is notified to the contrary, the submitted request to revise the compliance date will be regarded as approved by the Commission 120 days after submission to the Commission.

CER Feedback Conflicting Requirements

- Making generically-applicable ongoing post-Fukushima regulatory actions
 - Order EA-12-049 (Mitigation Strategies Order)
 - Order EA-12-051 (Spent Fuel Pool Instrumentation Order)
- Adjustments made for lessons learned in implementation and stakeholder feedback.
 - Potential for conflicting requirements (which distracts resources and adds to CER)
- Provisions in the preliminary final rule intended to remove/rescind conflicting requirements
- “Deemed removed” will be followed by an administrative action to accomplish the actual removal of the license conditions

Order Rescission and License Condition Removal

(i) Rescission of orders and removal of license conditions

- (1) Rescinds Mitigating Strategies Order (EA-12-049) and Spent Fuel Pool Instrumentation Orders (EA-12-051 and EA-12-063) two years after effective date of MBDBE Rule.
- (2) Rescinds Order EA-06-137, “Order Modifying Licenses,” on effective date of MBDBE Rule.
- (3) Deems Mitigation Strategies [B.5.b] License Condition removed on effective date of MBDBE Rule.
- (4) Deems license condition associated with Order EA-06-137 removed on effective date of MBDBE Rule.
- (5) – (9) Deem license conditions for new reactors related to Fukushima Orders removed two years after effective date of MBDBE Rule.

New Reactor License Condition Removal

- Enrico Fermi Nuclear Plant Unit 3, License No. NPF-95, license conditions 2.D(12)(h), “Reliable Spent Fuel Pool/Buffer Pool Level Instrumentation,” 2.D(12)(i), “Emergency Planning Actions,” and 2.D(12)(g), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(g)1
- Virgil C. Summer Nuclear Station Unit 2, License No. NPF-93, license condition 2.D(13), “Mitigation Strategies for Beyond-Design-Basis External Events,” and Virgil C. Summer Nuclear Station Unit 3, License No. NPF-94, license condition 2.D(13), “Mitigation Strategies for Beyond-Design-Basis External Events”
- South Texas Project, Unit 3, License No. NPF-097, license conditions 2.D(14)(g), “Beyond Design Basis External Events,” and 2.D(14)(j), “Emergency Planning Actions,” and South Texas Project, Unit 4, License No. NPF-098, license conditions 2.D(14)(g), “Beyond Design Basis External Events,” and 2.D(14)(j), “Emergency Planning Actions,” except for license conditions 2.D(14)(g)1, 2.D(14)(g)6-8
- William States Lee III Nuclear Station, Unit 1, License No. NPF-____, license conditions 2.D(12)(d)11 regarding reliable spent fuel pool instrumentation, 2.D(12)(f), “Emergency Planning Actions,” and 2.D(12)(j), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(j)1, and William States Lee III Nuclear Station, Unit 2, License No. NPF-____, license conditions 2.D(12)(d)11 regarding reliable spent fuel pool instrumentation, 2.D(12)(f), “Emergency Planning Actions,” and 2.D(12)(j), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(j)1
- Levy Nuclear Plant, Unit 1, License No. NPF-____, license conditions 2.D(12)(d)11 regarding reliable spent fuel pool instrumentation, 2.D(12)(f), “Emergency Planning Actions,” and 2.D(12)(j), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(j)1, and Levy Nuclear Plant, Unit 2, License No. NPF-____, license conditions 2.D(12)(d)11 regarding reliable spent fuel pool instrumentation, 2.D(12)(f), “Emergency Planning Actions,” and 2.D(12)(j), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(j)1

Order Rescission and License Condition Removal

§ 50.155(i) *Rescission of orders and removal of license conditions*

(1) On [INSERT DATE 2 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE], Order EA-12-049, “Order Modifying Licenses With Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events,” Order EA-12-051, “Order Modifying Licenses With Regard to Reliable Spent Fuel Pool Instrumentation,” and Order EA-12-063, “Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation,” are rescinded for each licensee or construction permit holder that was issued those Orders.

(2) On [INSERT THE EFFECTIVE DATE OF THE FINAL RULE], Order EA-06-137, “Order Modifying Licenses,” is rescinded for each licensee that was issued Order EA-06-137.

(3) On [INSERT THE EFFECTIVE DATE OF THE FINAL RULE], the Mitigation Strategies License Condition is deemed removed from the power reactor license of each licensee subject to this section.

(4) On [INSERT THE EFFECTIVE DATE OF THE FINAL RULE], the license condition associated with Order EA-06-137 is deemed removed from the power reactor license of each applicable licensee subject to this section.

(5) On [INSERT DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], Enrico Fermi Nuclear Plant Unit 3, License No. NPF-95, license conditions 2.D(12)(h), “Reliable Spent Fuel Pool/Buffer Pool Level Instrumentation,” 2.D(12)(i), “Emergency Planning Actions,” and 2.D(12)(g), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(g)1, are deemed removed from that license.



Order Rescission and License Condition Removal, Continued

(6) On [INSERT DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], Virgil C. Summer Nuclear Station Unit 2, License No. NPF-93, license condition 2.D(13), “Mitigation Strategies for Beyond-Design-Basis External Events,” and Virgil C. Summer Nuclear Station Unit 3, License No. NPF-94, license condition 2.D(13), “Mitigation Strategies for Beyond-Design-Basis External Events,” are deemed removed from those licenses.

(7) On [INSERT DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], South Texas Project, Unit 3, License No. NPF-097, license conditions 2.D(14)(g), “Beyond Design Basis External Events,” and 2.D(14)(j), “Emergency Planning Actions,” and South Texas Project, Unit 4, License No. NPF-098, license conditions 2.D(14)(g), “Beyond Design Basis External Events,” and 2.D(14)(j), “Emergency Planning Actions,” except for license conditions 2.D(14)(g)1, 2.D(14)(g)6-8, are deemed removed from those licenses.

(8) On [INSERT DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], William States Lee III Nuclear Station, Unit 1, License No. NPF-____, license conditions 2.D(12)(d)11 regarding reliable spent fuel pool instrumentation, 2.D(12)(f), “Emergency Planning Actions,” and 2.D(12)(j), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(j)1, and William States Lee III Nuclear Station, Unit 2, License No. NPF-____, license conditions 2.D(12)(d)11 regarding reliable spent fuel pool instrumentation, 2.D(12)(f), “Emergency Planning Actions,” and 2.D(12)(j), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(j)1, are deemed removed from those licenses.

(9) On [INSERT DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE], Levy Nuclear Plant, Unit 1, License No. NPF-____, license conditions 2.D(12)(d)11 regarding reliable spent fuel pool instrumentation, 2.D(12)(f), “Emergency Planning Actions,” and 2.D(12)(j), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(j)1, and Levy Nuclear Plant, Unit 2, License No. NPF-____, license conditions 2.D(12)(d)11 regarding reliable spent fuel pool instrumentation, 2.D(12)(f), “Emergency Planning Actions,” and 2.D(12)(j), “Mitigation Strategies for Beyond-Design-Basis External Events,” except for 2.D(12)(j)1, are deemed removed from those licenses.

Next Steps

- Next steps:
 - The NRC will consider the feedback obtained today as part of the ongoing final rulemaking process.
 - The NRC staff will include changes to either § 50.155(h) or (i) as part of the draft final MBDBE rule provided to the Commission
 - The Commission's direction on the draft final rule will be reflected in the final rule *Federal Register* Notice.
 - The NRC staff is scheduled to provide the final rule to the Commission in December 2016
 - The NRC staff expects that the final MBDBE rule would be issued in the summer/fall of 2017 (after Commission deliberation).
- Any new or revised guidance documents will be issued at the same time as the final rule.

MBDBE Final Rule

Closing Remarks

Timothy.Reed@nrc.gov

301-415-1462