

**Industry Comments Received on August 17, 2016 on NRC staff initiative to update
RG 1.206, "Combined License Applications for Nuclear Power Plants"**

Affected Section	Comment/Basis	Recommendation	NRC staff response
1. C.2.5, Application Review and Requests for Additional Information	There was no attachment provided as indicated in the draft C.2.5 and the referenced NRC staff pamphlet titled "Request for Additional Information Best Practices," (ADAMS Accession No. ML12220A577) is not public in ADAMS.	Provide the attachment and pamphlet for stakeholder review.	The document is no longer referenced as discussed in the public meeting of 5/13/16.
2. C.2.5, Application Review and Requests for Additional Information	Each RAI should include the regulatory basis for the request consistent with updated NRC procedures.	Revise C.2.5 guidance to make the expectation for each RAI to include the regulatory basis for the request clear.	RG 1.206 is guidance to applicants rather than staff. The DG was revised to provide guidance regarding applicant interactions with NRC staff regarding regulatory basis, schedule, etc.
3. C.2.6, COL Application Referencing DC and/or ESP	Under the heading "FSAR Information," the NRC has proposed guidance indicating that "the organization and format of the FSAR, for a COL application referencing a DC and/or ESP, should be consistent with NUREG-0800..." The FSAR of a COLA referencing a DC will have the same format and organization as the DC FSAR and not necessarily the format of NUREG-0800.	Revise C.2.6 to acknowledge that the FSAR of a COLA referencing a DC will have the same format and organization as the DC FSAR and not necessarily the format of NUREG-0800.	Revised as suggested.
4. C.2.6, COL Application Referencing DC and/or ESP	Under the heading "Design Acceptance Criteria," the NRC states, "A COL applicant referencing a DC which used DAC should include detailed design information in the design areas where DAC were used. Alternatively, the COL applicant may justify the continued use of DAC in the COL application and provide implementation plans for design completion." There is no requirement for a COL applicant to justify continued use of DAC and the proposed guidance is beyond current policy. A COL applicant may choose to remove DAC and provide the detailed design information, but it is not required.	Revise C.2.6 to keep the current RG 1.206 C.III.5.1 language.	The comment is correct in that we do not require the COL applicant to provide information sufficient to resolve DAC at the COL issuance. DG has been revised to reflect this.

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5. C.2.6, COL Application Referencing DC and/or ESP	Under the heading "Departures from the DC," the NRC includes a paragraph discussing departures that require prior NRC approval, but there is no corresponding guidance for departures that do not require prior NRC approval.	Revise C.2.6 to include a paragraph discussing departures that do not require prior NRC approval.	Revised as recommended.
6. C.2.6, COL Application Referencing DC and/or ESP	Under the heading "Conformance with NUREG-0800 and Regulatory Guides," the NRC has proposed guidance indicating that COL applicants who include departures from the referenced design certification should evaluate these departures for conformance with the NUREG-0800 revision/regulatory guides (RGs) in effect 6 months before the submittal date of the COL application. We believe that this should be further clarified based on the nature of the departures in question. Most departures are relatively narrow in scope, i.e., impact only a portion of a design control document (DCD) described system. The NUREG-0800 and RG revisions in effect for the DCD would still apply and conformance should be judged against those revisions. Conversely, if the scope of the departure results in a substantially redesigned system, structure, or component, then the COL applicant should assess conformance with NUREG-0800/RG revisions in effect 6 months before submittal of the COL application, as appropriate.	Revise C.2.6 to clarify that "COL applicants who include departures from the referenced DC should evaluate these departures for conformance with the NUREG-0800 revision/regulatory guides in effect 6 months before the submittal date of the COL application IF the scope of the departure results in a substantially redesigned system, structure, or component."	Revised text to clarify requirements associated with greater flexibility to address the issue. If a COL applicant wishes to evaluate a departure for conformance with the NUREG-0800 revision relevant to the DC review process, the applicant should inform NRC in advance, request an exemption from 10 CFR 52.79(a)(41) and provide a justification.
7. C.2.12, Operational Programs for COLs	Under the heading "License Conditions," in the second paragraph, the NRC proposes "COL applicants should propose license conditions..." It is more accurate to state that "COL applicants <u>may</u> propose..."	Revise C.2.12 to state, "COL applicants may propose license conditions..."	Revised as suggested in C.2.12 and in C.2.13.

Input Received on August 17, 2016 for Consideration in the Staff's Development of Revised RG 1.206 Guidance

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<p>1. C.2.14, Information Change Processes for COL Applicants</p>	<p>Under the heading "Changes to Tier 2 Information," at the end of the third paragraph it states, "Departures from Tier 2 made in compliance with Section VIII.B.5 of the DCRs that do not require prior NRC approval will be considered resolved. The NRC staff will not re-review these departures in the COL proceeding, as described in Section VI.B of the DCRs."</p> <p>This is valuable guidance and could benefit from some additional elaboration.</p>	<p>Start a new paragraph with this sentence and add the following:</p> <p>The basis for this position, as described in the supplementary information accompanying the initial ABWR design certification rulemaking (62 FR 25803), is that the departure process, if properly implemented by a COL applicant, "must logically result in departures which are both 'within the envelope' of the Commission's safety finding for the design certification rule and for which the Commission has no safety concern. Therefore, it follows that properly implemented departures from Tier 2 should continue to be accorded the same extent of issue resolution as that of the original Tier 2 information from which it was 'derived.'"</p>	<p>Revised DG in response to this comment.</p>