

# U.S. Nuclear Regulatory Commission Public Meeting Summary

June 19, 2017

**Title:** Public Meeting to Discuss the Proposed Non-Power Production or Utilization Facility License Renewal Rule

**Meeting Identifier:** 20170663

**Date of Meeting:** Wednesday, May 24, 2017

**Location:** NRC Headquarters, Rockville, Maryland

**Type of Meeting:** Category 3

## **Purpose of the Meeting:**

To provide an opportunity for external stakeholders and the U.S. Nuclear Regulatory Commission (NRC) staff to exchange information on the proposed rulemaking action on non-power production or utilization facility license renewal (NPUF rule). This meeting afforded the NRC staff and the public an opportunity to work directly together to ensure that issues and concerns about the proposed NPUF rule are understood by all parties. It also provided an opportunity for the NRC staff to answer questions about the proposed rule.

## **General Details:**

The purpose of the NPUF rule is to address the Commission directive to streamline NPUF license renewal requirements by establishing a more efficient, effective, and focused regulatory framework, and correcting other existing shortcomings in the regulations that apply to NPUF licensees.

The public meeting was held at the NRC Headquarters in Rockville, Maryland, and it was attended by three members of the public. An additional eight members of the public participated remotely in the meeting through audio teleconferencing. The meeting was scheduled from 9:00 a.m. to 12:00 p.m., but it ended at 10:09 a.m. Twenty-two NRC staff members were also present in the room or through audio teleconferencing. The meeting began with an introduction of the NRC staff and a review of the meeting ground rules by Mr. Robert Beall, NRC Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, followed by a review of the provisions that comprise the proposed rule by Mr. Duane Hardesty, NRC Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation. Mr. Antonio Gomez, NRC Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, then presented the results of the draft regulatory analysis prepared for the proposed rule, followed by Mr. Beall, who provided an overview of the backfit considerations, draft environmental assessment, and information collection requirements associated with the proposed rule. Mr. Hardesty then presented the seven specific requests for comment contained in Section IV of the proposed rule followed by Mr. Beall opening up the floor for questions from members of the public.

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### Summary of Presentations:

Mr. Hardesty discussed the nine proposed changes in the NPUF rule (Agencywide Documents Access and Management System [ADAMS] Accession No. ML17068A031) and the applicability of each of the proposed provisions. Mr. Hardesty explained that the types of facilities that would receive non-expiring licenses under the proposed rule (class 104a or c facilities, other than testing facilities) present no notable safety considerations and that there is no nexus between license renewal and safety for such facilities. Mr. Hardesty also noted the availability of draft regulatory guide DG-2006, "Preparation of Updated Final Safety Analysis Reports for Non-Power Production or Utilization Facilities" (ADAMS Accession No. ML17068A041), which provides an acceptable approach for use in updating a licensee's final safety analysis report (FSAR).

Mr. Gomez next presented key findings from the draft regulatory analysis regarding the proposed rule (ADAMS Accession No. ML17068A038). Mr. Gomez stated that the proposed rule would lead to undiscounted net benefits of approximately \$9.4 million for the NRC and \$3.8 million for licensees over a 20-year period. Mr. Gomez reported the total undiscounted net benefits of the rule (\$13.2 million), as well as total net benefits using a 3 percent discount rate (\$8.9 million) and a 7 percent discount rate (\$5.3 million) over 20 years. Mr. Gomez discussed the benefits that licensees with non-expiring licenses would receive under the proposed rule in the form of averted operational costs. Mr. Gomez explained that eliminating licensing terms for class 104a or 104c facilities, other than testing facilities, would reduce the burden faced by both licensees and the NRC staff while still maintaining the safe operation of such facilities and protecting the public health and safety.

Mr. Beall then explained that Section 50.109, "Backfitting," of the NRC regulations does not apply to NPUFs and, therefore, does not apply to the proposed NPUF rule. Mr. Beall also described the finding in the draft environmental assessment (ADAMS Accession No. ML17068A035) that the proposed rule would have no significant impact on the quality of the human environment. Mr. Beall discussed the information collection requirements associated with the proposed rule and referred to the draft Office of Management and Budget supporting statement for the NPUF rule (ADAMS Accession No. ML17068A077).

Mr. Hardesty next discussed the seven specific requests for comment that the NRC posed in the proposed rule, including whether any unintended consequences are foreseeable in the proposal to remove license terms via order rather than through the regulatory text and whether the proposed accident dose criterion of 1 rem (0.01 Sievert) total effective dose equivalent for facilities other than testing facilities is appropriate.

### Public Participation Themes:

During the public question-and-answer session of the meeting, the NRC staff discussed questions on the following topics:

- the technical basis for potentially extending non-expiring license terms to testing facilities
- the need for a risk-based definition for "testing facility"

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- the need to submit an updated FSAR in its entirety (which would be required under the proposed rule), rather than submitting updated sections of the FSAR
- the possibility of follow-on rulemaking to clarify the applicability of other regulations to NPUFs, particularly with regard to commercial medical radioisotope irradiation and production facilities
- the topics to be included in updated FSAR submittals

### **Action Items/Next Steps:**

The proposed rule's public comment period ends June 13, 2017. Members of the public were requested to submit comments on or before that date. The NRC staff will consider the public comments submitted on the NPUF rule docket as the staff prepares the NPUF final rule.

### **Attachments:**

- List of Attendees
- Meeting Agenda (ADAMS Accession No. ML17136A025)
- NRC Slides (ADAMS Accession No. ML17135A069)

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**SUBJECT:** MEETING SUMMARY— PUBLIC MEETING TO DISCUSS THE PROPOSED  
NON-POWER PRODUCTION OR UTILIZATION FACILITY LICENSE RENEWAL RULE  
(RIN-3150-AI96, NRC-2011-0087)

**DATED:** June 19, 2017

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\* via e-mail

OFFICE	NRR/DPR/PRMB: PM	QTE*	NRR/DPR/PRMB: RS	NRR/DPR/PRMB: BC
NAME	RBeall	JDougherty	GLappert	MKhanna
DATE	06/06/2017	06/12/2017	06/19/2017	06/19/2017

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### List of Attendees

Robert Beall	NRC/NRR
Duane Hardesty	NRC/NRR
Antonio Gomez	NRC/NRR
Michael Balazik	NRC/NRR
Liz Gormsen	ICF
Eben Allen	NRC/NRR
Spyros Traiforos	NRC/NRR
Kevin Folk	NRC/NRR
Micheal Smith	NRC/NRR
Rich Clement	NRC/NRO
Howard Benowitz	NRC/OGC
Steven Lynch	NRC/NRR
Kosmas Lois	NRC/NRR
Thomas Newton	NIST
Patrick Boyle	NRC/NRR
Cindy Montgomery	NRC/NRR
Meena Khanna	NRC/NRR
Hilary Lane	NEI
Linh Tran	NRC/NRR
Ed Helvenston	NRC/NRR
Tom Boyce	NRC/RES
Xiaosong Yin	NRC/NRR
Dawn Forder	NRC/ADM
Jeff Bartelme	SHINE Medical Technologies
John Fruits	University of Missouri Research Reactor Center
Cameron Goodwin	Rhode Island Nuclear Science Center
Christine Mellen	ICF
Andi Merritt	ICF
Beth Reed	NRC/NRR
David Ryder	ICF
Janet Schlueter	NEI
Siaka Yusuf	Dow Chemical Company
Geoffrey Wertz	NRC/NRR