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NUCLEAR REGULATORY COMMISSION

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STATUS OF RULEMAKING TO ALIGN LICENSING PROCESSES AND APPLY LESSONS LEARNED FROM NEW REACTOR LICENSING

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PUBLIC MEETING

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THURSDAY,

NOVEMBER 21, 2019

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ROCKVILLE, MARYLAND

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The Meeting convened in the Commissioners' Hearing Room at the Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, at 1:00 p.m., Sheila Ray, Facilitator, presiding.

PRESENT:

SHEILA RAY, Facilitator

ANNA BRADFORD, Director, Office of New Reactor Regulation (NRR) Division of New and Renewed Licenses

JAMES O'DRISCOLL, Project Manager, Division of Rulemaking, Environmental, & Financial Support, Office of Nuclear Material Safety and

Safeguards (NMSS)

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P R O C E E D I N G S

1:00 p.m.

MS. RAY: Hello. Welcome everyone. We'll begin our meeting. This is on the Status of Rulemaking to Align the Licensing Processes and Apply Lessons Learned from New Reactor Licensing.

My name is Sheila Ray, and I'll be serving as your facilitator today. My role is to help the meeting go smoothly and to achieve a common objective. My approach will be to set the ground rules, encourage participation and open dialogue, and maintain a respective environment. I will keep the meeting focused on the topic at hand and keep track of the agenda to ensure timeliness and all topics are covered.

This is a Category 3 Public Meeting, which means that it is structured to provide opportunities for public interaction. We have provided an agenda, which includes time to discuss your questions on the screening criteria and the scope in SECY-19-0084. Our meeting is scheduled for one 2-hour session with no breaks.

Before we get started, I'd like to go over some logistics and housekeeping items. For ground rules, please let's have one speaker at a time.

Please state your name before speaking, as this meeting is being recorded and transcribed. Please hold your questions until after the NRC presentations. Let's all follow the agenda to stay on track and stay on topic.

At this time, I'd like to ask that you please mute or place on vibrate all of your electronic devices since this session is being recorded.

Do we all agree to the ground rules? I see nods. Thank you.

I have a brief safety message for those of us in the room. In the event of an emergency, please exit through the doors at the rear of this conference room and then proceed per the directions of the security staff. If you decide to leave after the emergency has been initiated, please inform Carolyn or myself so we can accurately account for the participants.

With regard to getting around the building, all visitors are allowed unescorted access on this level. As long as your visitor badge is visible, you'll have unrestricted access to the lobby, the cafeteria, Starbucks, and the general store.

To get to the restrooms, please leave the room through the door and turn left. The women's room

is on your left, and the men's room is on the right side of the hallway right before the glass doors.

I'd appreciate if everyone could take the time to sign in. The sign-in sheet is near the entrance on the table with the slides. We also have public meeting feedback forms available, which we hope you'll take the time to fill out.

For those of you in the room, there are microphones to speak so that everyone can clearly hear you. For those on the phone, the operator will place you into a queue to ask a question. Please press *1 to indicate that you have a question.

During the Q&A session, I will alternative between those in the room and those on the phone. When you speak, please speak slowly and clearly and remember to state your name and organizational affiliation.

For those of you dialing into this meeting, we have an operator on the line to assist you. You'll be in listen-only mode unless you specify that you would wish to speak. You can accommodate this by pressing *1.

For those on the phone, if you're at a computer and would like to see the slides for today's meeting, you can access them on the NRC's home page

under public meetings and involvement. Then click the link on the public meetings schedule, scroll down to today's date, and click on the link for the meeting info. There you'll find the meeting notice and agenda. On the third page, click the link for the meeting details, and after that you'll find the link to the presentation slides in the related document section.

Please note that a list of the ADAMS Accession Numbers to the documents referenced in the staff's presentation can be found at the end of the staff's slide presentation. Please be careful not to discuss any safeguards, security-related, classified or proprietary information during this meeting. Although we intend to have an open dialogue, please note that the NRC will not make any regulatory commitments during the meeting.

Next slide, slide three. The purpose of today's meeting is to provide an update on the staff's efforts since the last public meeting the NRC held on this topic, which took place on January 15th of this year. A summary of that meeting can be found in ADAMS under Accession Number ML19023A046. We'll also provide you with an overview of the staff's screening process criteria and the current scope as described in

SECY-19-0084.

Finally, we will conduct a question-and-answer session on the scope of the regulatory basis and status of the rulemaking and provide an overview of the rulemaking schedule. We hope this interaction will help you understand the process by which we determine the scope of the regulatory basis. We'll take the information, perspectives, and questions we hear today into consideration when developing the regulatory basis. We plan to hold additional meetings after the regulatory basis is published.

Next slide. Now I'd like to introduce Anna Bradford, Director of the New and Renewed Licensees Division in NRR, for opening remarks.

MS. BRADFORD: Thanks, thanks, Sheila. As Sheila said, my name is Anna Bradford. I'm the Director of the Division of New and Renewed Licenses, NRR. That's a new division, but this rulemaking is not new, and we've been planning and working on it for a little while now. So as you heard, today we're going to update you on the status of our activities for this rulemaking, which will better align Parts 50 and 52, as well as incorporate lessons learned. You'll hear about the process we used to determine the scope, as well as our schedule moving forward.

I personally believe this rulemaking is an important vehicle for improving our processes and our approaches, and so I look forward to your input and to the feedback during this discussion. Thanks.

MS. RAY: Thank you, Anna. I'll now turn it over to Jim.

MR. O'DRISCOLL: All right. We're on slide six now. Good afternoon. I'm Jim O'Driscoll, the lead rulemaking project manager on this activity. I'm in the Office of Nuclear Material Safety and Safeguards in the Division of Rulemaking, Environmental, and Financial Support, REFS for short.

Joining me today are Carolyn Lauron, Allen Fetter who is going to show up a little bit later, and Demetrius Murray. Also joining me today is Joe Colaccino, which he should be -- thanks, Joe. He's the author of SECY Paper 19-0084. All those folks are from the NRC's Office of Nuclear Reactor Regulation. We have several other NRC staff here in the audience, as well.

As stated earlier, the staff is engaging in rulemaking to better align the regulations in 10 CFR Parts 50 and 52 in four areas as described on pages four and five of SECY-19-0084. The staff will also address items derived from lessons learned from

previous new reactor licensing activities described in the enclosures of the SECY.

The purpose of this rulemaking is to implement the Commission's direction in SRM SECY-15-0002. The goal of the rulemaking is to better align Parts 50 and 52 licensing processes such that equivalent designs submitted for NRC review under each process are assessed against consistent technical standards that yield outcomes with equivalent demonstration of adequate safety, security, and environmental protection.

In SECY-15-0002 that was issued on January 8th, 2015, the staff made several recommendations to the Commission regarding policy and regulatory updates to ensure consistency in the new reactor licensing reviews. The staff also made recommendations to address staff-identified lessons learned obtained through the licensing reviews completed up to this July. These changes are intended to improve clarity and reduce unnecessary burden on applicants and staff. As well as these, the staff has addressed or intends to address editorial and administrative changes, as well.

This slide, slide eight, shows our typical rulemaking process. Rulemaking is how the NRC

develops its regulations. We are in the second box with the star over it, the regulatory basis, where our present task is to define the scope and develop the regulatory basis. We have completed our activities to define the scope. We have communicated the scope to the Commission in SECY-19-0084. We are currently developing the regulatory basis for that scope.

For a rulemaking of this size, development of the regulatory basis takes about 12 months after the scope is defined, so we anticipate publication of the regulatory basis for public comment in the fourth quarter of calendar year 2020, but this date may change depending on the results of the staff's current effort to align on the alternatives for each issue.

Since we last discussed this process in January, the rulemaking division enacted an initiative to better streamline a rulemaking process. In the new process, the agency will publish the regulatory basis document for comment and then we will address those comments during the proposed rule phase, as opposed to publishing a final regulatory basis document. The staff expects this change to take months off of the overall rulemaking time line.

After we develop and publish the regulatory basis, there will be a 75-day public

comment period. The written comments we receive during that comment period will go on the docket for the rule. In the proposed rule, we will include a summary of the stakeholder interactions, comments, and key messages we received from the public during the development of the regulatory basis.

The next two major steps are the publication of the proposed rule and the publication of the final rule. We will continue to provide opportunities for public comment in this process.

Upon publication of the proposed rule in the Federal Register, you will have an opportunity to review the proposed rule and provide written comments to the NRC. We expect to hold a public meeting during that public comment period.

Slide nine. The NRC requires a regulatory basis for most of its rulemakings in order to ensure sound and informed decision-making throughout the rulemaking process. The regulatory basis documents the justification for why rulemaking is the best way to resolve a regulatory issue. The regulatory basis also describes the technical, legal, or policy information that would support the content of the rule.

The regulatory basis will include a draft

cost-benefit analysis of the proposed changes. The Commission's direction in SRM-15-0002 provided the direction to the staff to proceed with rulemaking.

The project was deliberately budgeted to start in fiscal year 2019. The staff commenced work in October 2018. The staff's first task was to clearly define the scope of the regulatory basis for the rulemaking. From the staff's outreach efforts inside and outside the NRC, the staff collected a large number of items to consider for inclusion.

On January 15th of this year, the staff held a Category 3 public meeting to request feedback from external stakeholders. NEI arranged for a panel of industry representatives to attend. Using the input from the staff and stakeholders, the staff aligned on the scope on July 11th. In late August, the staff issued information paper SECY-19-0084 which provided information to the Commission on the status and the scope of the regulatory basis. In late September, the staff briefed members of the Advisory Committee on Reactor Safeguards [(ACRS)] subcommittee on regulatory policies and practices. The staff received views and comments from the ACRS as individual members. There was no ACRS letter issued on the topic. The slides and transcript for that meeting are

available in ADAMS at Accession Number ML19294A009.

Slide 11. For the next steps of this project, the staff plans to complete the technical development of the regulatory basis in June 2020. The document will be handed over to the Division of Rulemaking, Environmental, and Financial Support for technical editing and concurrence, which should be complete by November 2020 or earlier. We continue to look at process efficiencies in order to improve this schedule.

The regulatory basis should be published for public comment in December of 2020 for a 75-day public comment period. About 30 days after the publication, we plan to hold a public meeting to discuss the regulatory basis and to seek public comments. After the public comment period concludes, we will commence drafting the proposed rule in March 2021.

We're in slide 12. The staff requested inputs on the scope of the regulatory basis from a wide variety of stakeholders, including the general public, industry organizations, and non-governmental organizations. In addition, the staff solicited input internally. In all, approximately 250 separate scoping items were received. The staff initially

screened each item to determine if it aligned with the overall purpose of the rulemaking. The item was screened in if it met at least one of the following criteria: it addressed the alignment requirements for contents of application submitted under Part 50 or Part 52; or it addressed a lessons learned from new reactor licensing activities; or it was a change that could significantly improve the licensing process or the change would clarify the regulations or reduce unnecessary burden and would not adversely impact other requirements.

Next slide. The staff did a second screening of the items to obtain a manageable list of high-impact items. An item was screened out if it would provide neither a significant safety benefit, nor a clear burden reduction to staff or industry. Items were also screened out if they could be addressed through more appropriate processes than rulemaking. If the item was judged to be an administrative correction, it was transferred to the agency's periodic administrative corrections rulemaking for corrections. If the item could be addressed through guidance alone without any changes to the regulation, it was screened out.

Next slide. In July, the staff aligned on

the scope of the regulatory basis. The current scope consists of the four alignment items discussed on pages four and five of SECY-19-0084. The scope also includes 52 lessons-learned items listed in the enclosure to SECY-19-0084. Eight administrative corrections identified during the final screening process were transferred to the NRC's 2019 administrative corrections rule.

I'll now hand it over to Sheila for questions-and-answers session for the meeting.

MS. RAY: Thank you. I know NEI has some comments and a short presentation, but I will ask anyone in the room or anyone on the phone if they'd like to make a comment beforehand. For the room, please step up to the microphone and on the phone please press *1.

Are there any comments on the phone?

THE OPERATOR: There's no questions at this time.

MS. RAY: Thank you. I'll turn it over to NEI for their prepared remarks.

MR. SHEA: Good afternoon. I'm Joe Shea. I'm the Vice President of Nuclear Technology Innovation at the Tennessee Valley Authority and also chairman of the NEI New Plant Working Group. I'll

just offer a couple of comments, and I think Mike Tschiltz will offer a few more.

I think Anna and Jim, as you've commented, the lessons, 250 items, if you will, or lessons that are being contemplated in this rulemaking have developed and aggregated over a long period of time, you know, from the mid 90s and early 2000s through the first wave of the renaissance, if you will, and the experiences there. So it's a long time that these have developed, and they've been identified by you all, the staff, as you've used the processes. Designers, utilities, applicants have all experienced, have gained experiences and out of those have been lessons learned, if you will.

So as we looked and prepared for today's meeting, we looked at, stepped back and said what's the value of rulemaking to address all of those lessons learned. Certainly, we did want to assess whether rulemaking, you know, item by item is the best vehicle to affect the resolution of that item. And when you get around to drafting the rule change language in the draft stage and, ultimately, by the final stage, you know, having confidence among all of us that it unambiguously resolves whatever the issue was. And then, finally, whether it's timely relative

to serving whatever is coming next, and I think that's what struck us as we were looking at the schedule. Certainly, as you understand the Administrative Procedures Act and the internal processes for doing rulemaking, there's a piece and a pace for everything and a priority that's defined by the staff, consulted with the Commission, you know, dialogue with stakeholders. But it's a priority to that.

But when we kind of step back and said the final rule won't be in effect until nearly five years from now, and so we think it's worth reflecting on, at some point, if you step back and look at what may happen over the next five years. No one has got a perfect crystal ball, right? But you can see from a range of designers out there all working hard on designs that some of them are in various stages of interface with you all in terms of regulatory approvals. A variety of state and local drivers are causing utilities to look at considering new build for a different set of drivers than in the early 2000s, but nothing that, you know, has a lot more confidence that that's going to lead to new applications and new builds, but, certainly, new drivers and those drivers are going to get more intense over the next five years, not less, you know, from our point of view.

And, certainly, you can imagine that between now and five years from now, there are going to be entities vying to put applications together, whether it's design certs, whether it's COLAs, whether it's construction permits or even, well, it's not really germane but 50, you know, 21 type, 104(c) application. But in the meantime all of those entities will be trying to work through the work-arounds, work thoughts, or whatever the resolution passed that got through all of these lesson issues to date.

So it's probably worth reflecting on whether, not so much that the rulemaking is worth doing at all but maybe looking at it differently. If I'm trying to consider working with an entity to put an application together and I've got a date that's before five years from now, is there a point in time where I'd like to have a certain scope of these things resolved, maybe it's a smaller scope, to, you know, make that application process go better.

So it's perhaps worth considering, you know, and I know there's steps in the process that mandate certain defined periods of times, but is there a process by which the final rule date can be brought to the left even if that involves a different scope and really looking hard at that question because,

ultimately, you know, there are entities out there trying to develop the next wave of applications.

So just kind of a big-picture perspective. I know Mike and we all went through the SECY this morning and cross walked it to what NEI had provided earlier this year or late last year and we got some perspectives on, more clarifications to make sure that we've got common understanding of what you all scoped into the SECY. But I just wanted to offer that kind of big picture. Maybe looking at, before we all get down two years down, three years down a five-year road, you know, is this the time to look at it a little differently.

Mike?

MR. TSCHILTZ: Thanks, Joe. My name is Mike Tschiltz. I'm a consultant for NEI, so my title is still Senior Director of New Reactors at NEI.

If you can go to the next slide, please. So what we did is we tried to do a reconciliation of what was in the SECY compared to what we had submitted for the January 15th public meeting, and what we called out of that crosswalk were the items we, it wasn't clear to us whether they were fully addressed in the scope of the proposed rulemaking.

So let me go through these item for item

and maybe you can clarify and help us out and let us know where these are at. So the first one has to do with changes during construction. And what we had submitted as the need for a process for constructing while you were resolving issues with your licensing basis and not having to be in 100-percent compliance with our licensing basis at all times during construction.

We had submitted a written paper to Fred Brown on this a while ago and I know there was a response. I think SECY-19-0034 was written partial in response to the design certification content, which was considered what was provided in that paper. I know part of the issue is deceasing the level of detail in Tier 1 content, but, in our view, that only addresses part of the issue because there's an ongoing need to address this changes during construction issue and I kind of wanted to know where you guys were at with all of that.

MS. BRADFORD: Do you just want to go item by item, if that makes sense?

MR. TSCHILTZ: Yes, yes.

MS. BRADFORD: Okay. So this is something we've actually been working on internally, looking at the interpretation of implementation and when it's

actually put into, when the changes are put into effect and made operable. So we have been thinking about that and going back and looking at that paper, which I think was October 2018. So we are drafting a draft reg guide that will address this changes during construction and allowing some deviation from the licensing basis while constructing at the risk of the applicant, and we're hoping to put that out for public comment within the next few months and get comment back and then finalize it. And that was a way, and, Joe, kind of getting to your earlier comment of getting it out on the street earlier without waiting necessarily for this rule, but it will eventually be sort of rolled up into this rule so it's not just a standalone reg guide.

MR. TSCHILTZ: Okay, great. That's very helpful. If we can go to the next slide, we'll go after the next issue. So the next issue is one that involves delays in issuance of COL due to design certification errors. I know we had an ongoing dialogue with this, and NEI had provided a paper with, I think, three options in it at one point in time. And in the last, I think there was a May 8th letter that you signed out, Anna, that this would be considered as part of the rulemaking process, which is

when we did the crosswalk it didn't jump out to us where this actually was in the rulemaking scope so --

MS. BRADFORD: Okay. I would go back and look at that to see if it's exactly, you know, if it's clear where that is. But as you know, like you mentioned, there was a long history of this of letters kind of going back and forth and with our fundamental issue being that we were trying to figure out how, when we were talking about this previously, how we can issue a license when we know that that license, when we know the applicant's proposal doesn't meet all of our regulations at the time because of the errors in the design certification. So I will take that as a comment to go back and look at where it is that we think we'll be looking at that in this rule.

MR. TSCHILTZ: All right. Next issue. So this gets to a comment that was submitted concerning, essentially, what constitutes essentially complete. And I think there has been some differing views on this, as opposed to essentially complete for determining the safety basis as opposed to something more along the lines of complete with drawings and detailed drawings and that aspect of the design.

So just looking at this, we were kind of wondering where that essentially complete is included

in the rulemaking. We wanted to make sure that was something that was going to be addressed, and it didn't jump out to us in that.

MR. O'DRISCOLL: Yes, so this one kind of maps out, considering this is in the scope and spirit in page five. I think it's the bottom item on page five of the enclosure to the SECY. That's where that maps to.

MR. TSCHILTZ: Okay. The other item on here gets to submission of a complete application versus portions of an application, which I think may be of some interest and is allowed under Subpart E of the SDA. So we're wondering if that's included in the rulemaking.

MR. O'DRISCOLL: Yes. We consider that covered by the last item on page seven of Enclosure 1 of the SECY.

MR. TSCHILTZ: This is all good news because we haven't found anything where there's really a gap yet except, potentially, the one item.

MR. O'DRISCOLL: We describe it, you know, make sure that we describe it the same way. It might be different, but, you know, this is where we think we're aligned.

MR. TSCHILTZ: Sure, no. I appreciate

that. I mean, part of the challenge here was that when we did the crosswalk, I mean, the language isn't exactly the same because I know you had to compile a large number of items into your list of 52, and that probably involved changing the language some. So when we tried to do the crosswalk, it wasn't readily apparent that all of these had corresponding items within the scope. So I'm ready to go to the next slide.

MR. BECKER: May I before we move on? Gary Becker with NuScale Power. So just on that last one, I wanted to make sure I understood. This is the last item on page seven which discusses a phase COL application, but you're envisioning this addresses the --

MR. O'DRISCOLL: Well, Joe, do you want to comment on that?

MS. BRADFORD: You're asking specifically? Because it doesn't say design certification specifically --

MR. BECKER: Correct.

MR. COLACCINO: Hi. Joe Colaccino from NRR. So I think what you're getting, what your question is getting to is is, when we looked at that item on page seven, is does it specifically cover

design certifications, and the answer is, no, it does not. We address the lessons learned that we had in the review related to submitting an EIS separate from a COL, and so there were some requirements that were, requirements in Part 2 that allow you to do that, but there were other things that were involved that had to be submitted, as well. And so the lessons learned that we have there is to submit the, is to consider submitting the EIS. So it does not, and I understand and maybe this addresses Mike's comment, as well, so we do have an item to submit it in parts, but what is not within the scope of that is separate parts of the design certification.

MR. O'DRISCOLL: I think that clarifies. Yes, I'm not --

MR. BECKER: I apologize if I confused you.

MR. O'DRISCOLL: No, that's okay. I think we, I'm not exactly familiar with the original comment that NEI made, but I think what I gather is it was aimed at partial scope of time --

MR. BECKER: SSEs and --

MR. O'DRISCOLL: Yes, exactly.

MR. TSCHILTZ: Okay. So the next item --

MR. O'DRISCOLL: Slide five. Okay.

MR. TSCHILTZ: This talks about standardization and finality, and I know there's some discussion of this in the scope of the rulemaking but it wasn't clear how the NRC was going to go about and consider or contemplate changes to the balance between standardization and finality. I don't know whether you're at a point where you can talk about that, but I think it would be beneficial at some point to talk about that issue in a public forum so we have a better understanding and can be comfortable with where you guys are headed with all that.

MS. BRADFORD: I agree with what you said that it's a little early in the process to know exactly our line of thinking on that, but we know that that's challenging and we would certainly want to talk about that in a public meeting.

MR. TSCHILTZ: So just to make sure I understand correctly, this is within the scope of the rulemaking and something that's going to be better defined.

MR. O'DRISCOLL: Page six of the enclosure to the SECY has an item that covers this, but we have, again, we haven't formulated the balance that you were mentioning between standardization and, you know, and trying to be flexible. So we're still working on

that. Joe?

MR. COLACCINO: Yes, this is Joe Colaccino again. You had made reference to an earlier paper on design certification. I forgot the number now what it was, but we were looking at the scope of a design certification. And the standardization piece is touched upon in that paper, as well, and so that's a feeder to the thing that we're working on right now. Again, a little premature to talk about, but, as probably many people in this room know, that there's a long history associated with standardization and what the intents of what the Commission did starting back in the 80s to do. At the point of this rulemaking where we are, it's good to look at that and, you know, to tier off of what, I was listening closely to what Joe Shea had said, now we've gone through this thing, what is really important for standardization to adhere to what the policies were at the time because those policies are still in place, but, at the same time, what is the most appropriate thing to do and most efficient to do when certifying a design.

MS. BRADFORD: I also do wonder if this is a topic that would be a candidate more maybe for guidance than the rule itself in terms of defining

the, you know, balance of standardization. I'm not sure if that would be rule language, if it might be implementing guidance language. But as I said, we're kind of early, but we will keep this on you radar screen as something to continue to discuss.

MR. TSCHILTZ: Okay. Thank you. I think it was 19-0034. You probably wrote that paper, too, Joe. So next slide, please.

Okay. So this is definitely within the scope of the rulemaking, and I think the point of us putting this up here is we kind of want to gain a better understanding of what changes to the 50.59 process you're contemplating. I know that, you know, Vogtle 3 and 4 have had a number of license amendments that facilitate these for the 50.59-like process. Is that the scope of what you're looking at incorporating in the rule change, or does it go beyond that, or what are you envisioning?

MS. BRADFORD: So here is where we wanted to go back and look at the difference between 50.59 and the 50.59-like process to see if we're still in the right place in terms of the 50.59-like process being what's needed for design certification and COL changes. So it really was because of the experience with Vogtle, as well as other experience that we've

had under Part 52, we wanted, basically, to go back and say do we still agree that that was the right thing to do to basically put more constraints on the 50.59 or the 50.59-like process and see do we still need to do that. Maybe you revised the 50.59-like process and put other requirements within the rules. The idea was that we wanted to go back and look to see if those are still in alignment between 50 and 52 and whether they should be and need to be.

MR. TSCHILTZ: So one item that comes to mind when we talk about this is the one where there are like minor administrative errors in Tier 1 information that don't have any impact on safety, so that would be within the scope of what you're considering to change in the rule.

MS. BRADFORD: I think we want to see if this 50.59-like process is providing the appropriate amount of control on changes, whatever those changes are, if they're administrative or something else.

MR. TSCHILTZ: Okay, all right. We'll be interested in that. I think the follow-on to that was is there a similar process being considered for an SDA or is this --

MS. BRADFORD: I don't know that we thought of that specifically, but we will --

MR. O'DRISCOLL: What we'll do is we'll, you know, we've got your question and we'll certainly, you know, since we're writing the reg basis, we can put that clarification as we develop the reg basis and you'll be able to get that answer.

MR. SHEA: As you look at the reg basis and as you get to the rule language specifically for, you know, a key process change like this, 50.59 versus 50.59-like process, you know, we you might want to contemplate something like a workshop to actually test, you know, whatever language you're coming up with to make sure that it would smoothly for both the licensing folks, compliance folks, inspectors, be fairly well with confidence understood at how it would apply, what it would apply to, and how it resolved. You know, that will be one that, you know, you can do in a, you can't really do as effectively just in a Q&A like this. It's an important process to get.

MS. BRADFORD: Okay, thanks.

MR. TSCHILTZ: Next slide, please. Okay. So this one is not so much about the specifics in 10 CFR 70 and 74, but it's more about the concept of going back and looking at the LARs and the exemptions that were issued for Vogtle 3 and 4 and determining whether there can be improvements to the rule that

would obviate the need for these types of amendments or exemptions, clarifications, corrections, whatever. So I'm wondering whether that is part of the process is to go back and review those and consider those four changes.

MR. O'DRISCOLL: Well, we have a pretty broad working group that's working on this, and the folks that were involved with a lot of those LARs were tasked during the time we requested the staff for inputs on lessons learned to look at the available information they had, including the LARs they had to work on and their problems that they've encountered on their end to develop their suggested changes. So that was basically part of the process.

MS. BRADFORD: I would say that we did this.

MR. TSCHILTZ: So you're saying it's all, those changes are already within the scope of the --

MS. BRADFORD: The ones that we thought were within the, we took our Vogtle experience and those lessons learned that we thought made it through the screening process are in there.

MR. TSCHILTZ: Is there any way that you can share how those items came through the screening process?

MS. BRADFORD: I don't have a line for line of each LAR and how it did or didn't go through the screening process. I mean, there's a hundred and fifty-some LARs. We didn't map each one like that.

MR. TSCHILTZ: Oh, okay. All right. I guess that's something that we'll need to pursue to better understand that.

MS. BRADFORD: I mean, if there's topics within the LARs or kind of recurring themes that are of particular importance to you that you don't think are covered in here, then we'd be welcome, you know, we'd be happy to hear it.

MR. TSCHILTZ: Well, the reason I think we put this one up as an example is we didn't, in the crosswalk we didn't see this. So that was one of the ones that we said, okay, well, this is something that -- and when we started to consider it during our discussion, it was like, well, should we be looking at this from a broader perspective of all the exemptions that were issued? You know, can we obviate the need for them by making changes to the rule? Are there LARs that were generated because there were problems with the rules?

MR. O'DRISCOLL: And that was the general approach that we did on our side to come up with the

lessons learned because, obviously, these LARs come in, we're spending what we think is, you know, important or not important resources to look at it. If it's something that we think is something that we don't need to be doing, that would be a lessons learned for us that we would say this is something we need to change in our process here so that we don't have to, you know, have the applicants submit and us to review these items.

MR. TSCHILTZ: Oh, absolutely. I commend you for doing it. I would just say, from a transparency standpoint, it would be helpful to know which ones were considered and included and which ones weren't because right now it's kind of we're flying blind on that.

MS. BRADFORD: Like I said, if you think we missed something, we'd be happy to hear it, but we don't have a road map of all of the LARs.

MR. TSCHILTZ: I know. I guess I don't want to be argumentative, but I think it's hard to know what you've missed until you've seen what's included in the rule. And right now we have a draft reg basis, so we need to wait for further on down the line to see specific rule language to figure that out. At least it's with additional work on our end to go

back and see, well, did they actually go do this?

But, anyway, maybe in the future, when you consider those types of things, you have a closer aligned crosswalk to what was actually considered included and what wasn't. That would make our dialogue and exchange easier, I think.

Next slide, please. So I'm going to ask Gary to help me out with this.

MR. BECKER: Okay. So this item, if I understand the history, we did include it in NEI's recommended changes list for the January scoping, and it does not appear to have made it into your list, the item being potentially revisiting the requirements for addressing Part 20 radiological protection, radiation protection requirements. Within the design certification application, we added SDAs, as well, and potentially also extends to COLs and even manufacturing license because the requirements are all similar.

But our focus, of course, is on design certification and SDA at this moment in time. So before I proceed to provide further input, did you have feedback on how you screened this recommendation?

MR. O'DRISCOLL: Joe, do you have anything on this one?

MR. COLACCINO: Hi. It's Joe Colaccino again. I know there's been, this has been an area that's gotten a lot of, especially for design certification reviews and trying to decide where the line is here. I don't remember specifically how this screened. I don't think we considered it a lessons learned that was within the scope. We can go back and look at that.

Having said that, there are probably some other ways that we may have considered that we did that. I'll just speak freely here. And we've written guidance on this, but maybe there's an area in the guidance area that is probably something that we could consider further and maybe that's why it screened out.

So not a satisfactory answer probably that you were looking for, but that's what I can give you at the time that I have now.

MR. BECKER: Okay. Well, if I can provide some --

MR. COLACCINO: Please.

MR. BECKER: -- additional clarity. So as far as specifics go, I think guidance could be helpful. I think there's an opportunity here in a rulemaking to clarify the actual regulatory language. And we would bin this, in our view, clearly under the

unnecessary burden category of your rule changes. And the ideas, beyond what guidance can accomplish, I think there's some ambiguity in the rule itself, and this pertains to, in the case of design certification, 10 CFR 52.47(a)(5), and there's a similar rule, as I said, for all the other requirements in Part 52.

But the issue in our view and our experience at NuScale is that, essentially, the depth and breadth of the radiation protection review, primarily in Chapter 12, exceeds, is very challenging for a design certification applicant to fulfill successfully and effectively. I think there's two reasons that I can identify for this. One is that there's a very strong dependence, in order to satisfy the Part 20 radiation protection requirements there's a very strong dependence on the actual operational radiation protection program, which, of course, is beyond the scope of a vendor's design review. So it's difficult to adequately address the Part 20 as part of a design review.

And the other part of it is that, in order to complete that review at the design stage, it requires design details that are extensive and, in my view, exceed for, you know, features that are radiation protection features alone and not related to

radiological release safety or security. It's an amount of design detail that's a very high burden for a design vendor.

I think there's an opportunity to fix that within the rule itself, and my first recommendation would be to clarify the statement within the limits set forth in Part 20. That is the language that's in the rule currently. The limits of Part 20, to us, has a different meaning than the way it's currently implemented by the staff, and, specifically, we don't view ALARA as a Part 20 limit.

So while we view it as important for a design to consider ALARA lessons in developing the design, we don't think that an ALARA design review was intended by this requirement. So we think the language, what the limits of Part 20 means could be clarified.

My second recommendation would be that a standard for the staff's review be incorporated into the rule. So we think to kind of right-size this regulation, we imagine that the staff's finding at the design stage would be more akin to the design doesn't present an impediment to effective implementation of a radiation protection program by the licensee. So rather than reviewing every design detail and dose

maps and things that are hard to do at a design stage, it would be looking more at, you know, big picture, are there any glaring flaws, holes in the design, that are going to make meeting the Part 20 requirements possible down the road. So we think kind of that standard, going back to the guidance, that standard could be in the guidance, but we also think it would be even better if it were in the rule directly. Thank you.

MS. BRADFORD: Good comment. Thank you.

MR. TSCHILTZ: So I think there's one or two more slides. Okay. So I think this is our last slide. So I think we looked at, this kind of gets back to Joe's comments, we looked at the potential need for an updated rule for applicants before a Part 53 is issued or the legislation in 2027. So this is November 2024, which means, basically, almost 2025, so you've got a two-year window between this updated Part 52 and Part 53. Our thought was if this could be accelerated in some ways that it would become more beneficial, especially if it's going to be used by a demonstration reactor, something that could be coming in, you know, the near term versus something out that we could apply to Part 53.

So one of the questions that comes out, I

mean, I know the rulemaking is categorized as a meeting in priority rulemaking. If that was to be recategorized as a high-priority rulemaking, would that change the resources scheduled for this?

MR. O'DRISCOLL: Well, yes, I can basically say it's really a factor of there is no set, you know, time frame for medium or versus a high-priority rule. It's simply the more resources we put on something that we could maybe make it better, but, again, there's certain hold points that we have to do by nature of the fact that we interact with other outside agency, outside-the-NRC agency folks for rulemaking, for example OMB and OFR.

So the answer is that we would need to look at, you know, the balance of this project with the other projects that the business line has and determine where that falls out. And then we would have to then apply more resources depending, you know, on the workload. So it's something I really can't speak to more than that.

MR. TSCHILTZ: So another thing that up when we were contemplating what could be done or something we should ask about is whether the Part 50 changes, which we really haven't talked about, could be separated and pursued in a separate rulemaking from

the Part 52 lessons learned rulemaking.

MR. O'DRISCOLL: Well, just from me, this is my opinion, is that a rulemaking is a rulemaking and the scope, you know, this is a broad rulemaking and there's a certain inherent time requirement for rulemaking. And we can improve the schedule somewhat, but we're not going to, I think, in my opinion, drastically improve the schedule such that it would warrant removing some good stuff that we know we have to do. We would basically just be doubling the work. You know, we'd have to have two separate activities. We still committed to the Commission to align those two parts, so we are still on the hook to get another, to get that done. So I don't, in my personal opinion, I don't see that being a good thing. I don't think it would improve the schedule to the degree to which I think you are wanting the schedule to be improved on because, you know, the scope is still going to be pretty broad. There's a lot of topics we're covering, you know, to improve, a lot of different sections of the CFR we're touching with this rule we're changing.

MS. BRADFORD: So I assume you're asking could the Part 50 be separated out and done later, not can the Part 50 be done earlier if it was separated out, right?

MR.TSCHILTZ: I think that was the thought, yes.

MS. BRADFORD: Okay, okay. I will tell you that back when we started talking about what would be in the scope of this rule we had a lot of discussions about the balance between how substantive the changes would be and, therefore, how long it would take to do it because the bigger and more kind of impactful the substantive the changes are just, inherently, it takes longer because you know you're going to get a lot more public comments, a lot more complicated comments that you then have to deal with. So we tried to have a balance between providing meaningful change in an appropriate amount of time. So that's the balance that Jim was talking about.

I understand you would appreciate it to be done quicker. We can go back and look at the schedule and see, but there is a lot of resource balancing that goes into that.

MR. TSCHILTZ: Okay. I appreciate that. I think one of the last things that we had on our list of things to talk about was the certification renewal requirements and the expiration date. I know it's included within the scope of the rulemaking, so this gets into the timing of it, in particular with one

specific entity. I don't know whether, Zach, you want to come to the microphone and talk about this, but the timing of the rulemaking as it lines up with the next certification.

MR. HARPER: Good afternoon. Zach Harper, Westinghouse. So I think what Mike was alluding to there is that, as you know, the AP1000 design certification expires or is no longer referenceable in the 2021 February time frame. We submitted an exemption that kicks it out our window to resubmit or to submit a renewal application in the 2024 time frame. So, you know, the issue here being that, you know, we are looking forward to all your hard work on this rulemaking and seeing good results there, but, you know, landing it in the November 2024 time frame really is going to cause us to have to make some decisions on how to proceed forward.

So any improvement on that would be at least beneficial from our standpoint. Thank you.

MS. BRADFORD: All right, thanks. Okay.

MR. TSCHILTZ: And I think that concludes the comments we prepared.

MS. RAY: Thank you so much. We greatly appreciate your comments. I will turn to anyone in the room or anyone on the phone who would like to make

additional comments. In the room, please come up to the microphone or on the phone please press *1.

Go ahead, sir. Please state your name and affiliation.

MR. PETERS: Yes, good afternoon. Gary Peters, Framatome. There was a recent memorandum of cooperation between the NRC and the Canadian Nuclear Safety Commission to work together on enhancing technical reviews of advanced and SMART reactor technologies. Is this process of this rulemaking, is there going to be any interface with the CNSC that the NRC is going to use to consult with them or get their ideas or get a little bit of interface with the Canadian authorities?

MR. O'DRISCOLL: I believe I understand the question. So we are working with, there's two rulemakings that are going on right now. There's this rule, and there's also the, as you mentioned, the Part 53 rule that deals with non-light water technologies. And we're both working very closely with the other rulemaking project manager running that project to make sure that anything that we come up with that seems to be a cross-cutting issue is shared with those two rulemakings.

As far as specific outreach to Canada on

this rule, we do not anticipate the need for that. But if that happens and it somehow comes up, we'll look into it.

MS. RAY: Thank you. Other comments? Oh, go ahead, sir.

MR. TSCHILTZ: So there's one other comment that I just remembered that we were talking about, and that concerned a lessons learned from ITAAC. So I know NRC and Vogtle 3 and 4 are in the process of going through the ITAAC closure process and, you know, the NRC making its decision eventually on 103(g). So I think we are very interested in where it's recognized it's in process now, but, as that process continues, whether we can gain any lessons learned from that that could be useful in informing the rulemaking. So we wanted to kind of leave the door open for revisiting this at some point, but I think we're very concerned we're here asking you to accelerate the rulemaking but then we're saying leave it open to consider ITAAC. So they're a little bit conflicting there. But as things go on, if there's something that's obviously a benefit in the rule change concerning ITAAC, I think we would encourage that the NRC include it.

MS. BRADFORD: Yes, that's a good comment.

We have to keep our eyes open for other things that we've learned during this time and see if it's worth including the rulemaking, as opposed to not. Yes, I agree.

MS. RAY: Thank you for your comment. Other comments in the room, please step up to the mic, or any comments on the phone, please press *1 to make a comment from the phone line. Are there any comments on the phone line?

THE OPERATOR: Our first comment is from Joe Williams from Oklo. Go ahead, your line is open.

MR. WILLIAMS: Thank you. I'm working with Oklo. I'm part of the TICAP, the Technology Inclusive Content of Applications Project. Many of you know that I'd also worked on SECY-15-0002 and SECY-17-0075 when I was with the staff and both of those were referenced in the recent paper SECY-19-0084.

I have a few comments here. First of all, how has the NRC staff verified the scope of technical requirements to align Parts 50 and 52?

MR. O'DRISCOLL: Hi, Joe. This is Jim O'Driscoll. I'm not sure we understand the question. If you could just clarify that a little bit.

MR. WILLIAMS: Well, the SECY-15-0002 identified the four topic areas that you guys have

identified in the recent paper. Have you done any review to see if there are any other technical requirements where a misalignment exists?

MR. COLACCINO: This is Joe Colaccino again. I understand what your question is, Joe, and, to just repeat for everybody in the room, I think what you're feedback was to do, based on the four technical areas that was there, to do a comprehensive look at what the alignment was between Part 50 and Part 52 to make sure that the areas that required alignment or that should have alignment were inclusive, that we didn't miss anything. And I'm doing that based not only on your question but, I'll be forthright, conversations that we had when you were still on the staff. Is that true?

MR. WILLIAMS: Sure. That's accurate.

MR. COLACCINO: Okay. So I understand that. And I believe that there is some of that that is within the scope of what the staff is doing for those technical areas. I'm not familiar with what exactly it is, but I'm sure when the reg basis comes out that we'll have more of a description of what the staff did for that.

MR. WILLIAMS: Okay. Thank you. In a similar vein, we had previously talked about when I

was with the staff some administrative misalignment between Parts 50 and 52. Specifically, there was some discussion earlier about 50.59 and the 50.59-like process. 50.59 does not presently include requirements for consideration of severe accident issues when you're evaluating changes to the facility, so is this rulemaking going to address that misalignment, as well? Is that within the scope of the four items that you've described?

MR. O'DRISCOLL: So, Joe, we're still looking at the implications of what that is. It's in the scope and in the fact that we are looking at those two processes we discussed earlier in this meeting, but we haven't come up with a firm decision on what alternative we would like to pursue on that at this point.

MR. WILLIAMS: Okay. So, similarity, there's also requirements for maintenance of PRA and PRA updates that are applicable to Part 52 licensees that are not applicable to future Part 50 licensees, so that would be the same kind of response, I presume, Jim?

MR. O'DRISCOLL: Yes. Well, that's a different item that's also in the scope. It's going to be in our PRA discussion in the reg basis, and

that's going to be discussed.

MR. WILLIAMS: Okay. I appreciate that. Have just a couple of comments, reactions, to some of the discussion I was hearing earlier. One of the things about when Mike and Anna Bradford were talking about the 50.59-like controls, there seemed to be a misalignment there insofar as Mike was addressing, at least in part, change to Tier 1 and the discussion was about changes to the 50.59-like process. I'll note that the 50.59-like process applies to Tier 2. It doesn't apply to Tier 1. So it seems that maybe you guys were talking past each other a little bit there, so some clarification on that point might be beneficial.

And then there was one other item. I just wanted to react a little bit to the statements that people were making about the possibility of separating the rulemaking activities, the Part 50 aspects from the Part 52 aspects. I think it's important to remember that there are designers out there right now that are considering whether or not they want to use Part 50, and so delaying that activity could have a negative effect upon their future plans, as well.

MR. TSCHILTZ: So I can maybe comment and clarify on what I was talking about for the 50.59-like

process for Tier 1 at admin as it relates to a Vogtle LAR. So as I understand it, there's a process approved for those types of changes to be made without prior NRC approval.

MS. BRADFORD: You're talking about the PAR process?

MR. TSCHILTZ: Well, not the PAR but for minor administrative things that have no safety benefit.

MS. BRADFORD: 98-03. NEI 98-03? I'm not sure exactly which process you're referring to. So we just sent a letter recently to Vogtle about using 98-03 to make administrative changes their FSAR. Is that --

MR. TSCHILTZ: Okay, okay, all right. Then that's been addressed.

MS. BRADFORD: Okay.

MR. WILLIAMS: Thank you.

MS. RAY: Any other comments in the room or on the phone, please press *1 or step up to the mike. Are there any comments on the phone?

THE OPERATOR: Our next question or comment is from Steve Dolley from S&P Global Plant. Go ahead, your line is open.

MR. DOLLEY: Thank you very much. Hi, good afternoon, everybody. The first one is could I

please get the ML number for the NEI slides? They're not attached to the meeting notice.

MR. O'DRISCOLL: Right. So we just received those. They're going to be attached to the meeting summary, so we're going to have to put these into ADAMS.

MR. DOLLEY: Okay. That's difficult for those of us who are on deadline. Would it be possible for Carolyn or somebody to email the deck to me?

MR. O'DRISCOLL: I will, I will take it to try to expeditiously put this into ADAMS, and if you could send me your contact information, as soon as it gets declared public, I will send it to you.

MR. DOLLEY: Okay. And you are?

MR. O'DRISCOLL: Jim O'Driscoll. It's James, J-A-M-E-S, dot, odriscoll@nrc.gov.

MR. DOLLEY: Okay. And thank you, Jim. And that does bring up one of my other comments, which is a few of you were trying to do this but it's extraordinarily difficult to follow the meeting on the phone bridge when people aren't identifying themselves when they speak. So if that could be pursued more assiduously in future meetings, it would be really helpful for stakeholders on the line.

And the last thing is just a

clarification. It's probably an apples/oranges confusion on my part, but, during the initial presentation the slides said that there were, I think it was 52 lessons and four alignment items scoped in. Joe Shea from TVA made reference to 250 lesson items. What am I missing there? It sounds like there's kind of a mismatch.

MR. O'DRISCOLL: So to clarify that, we collected a lot of information. We cast a broad net earlier in the year, and we received a lot of items which we had to first cull through and determine which were really germane to the activity we were doing. A lot of these items were duplicative. A lot of the items didn't apply to the rulemaking. So those items were whittled down to a number that we just communicated, which was the four alignment items and the 52 lessons learned. And, again, those 52 lessons learned consists of, you know, a conglomeration of the raw input we received in many cases. Does that answer your question?

MR. DOLLEY: It answers half of it. What's the 250?

MR. O'DRISCOLL: Those are the early inputs we received, so we received --

MR. DOLLEY: Okay, okay. So the 250 got

funneled down to 52, 4, and 8?

MR. O'DRISCOLL: That's correct.

MR. DOLLEY: Okay. Thanks very much. And I will send you a note about the slides. Thank you.

MR. O'DRISCOLL: Thank you.

MS. RAY: Thank you for your comment. Sir, to the microphone. Please state your name.

MR. KELLEBERGER: Yes, this is Nick Kelleberger at Vogtle. I just want to clarify, I think, for Mike and that previous discussion is we have permission to change Tier 2-star information in our COL. We do not have permission to make editorial changes to Tier 1. That would still require a LAR.

MS. RAY: Thank you. Any other comments on the phone?

THE OPERATOR: There's no more questions at this time.

MS. RAY: Okay. Thank you. Any other comments in the room? Okay. We will try one more time. Any other comments on the phone?

THE OPERATOR: There are no further questions at this time.

MS. RAY: Perfect. Thank you so much. Jim, I will turn it over to you to wrap up.

MR. O'DRISCOLL: Guys, can you put slide

16 up? So we're on slide 16 of the NRC's presentation. All right. So briefly recapping the next steps, the staff is going to finalize and issue the regulatory basis for public comment. We plan to hold a public meeting 30 days into the comment period. In order to be more efficient, the staff will address the public comments when it drafts the proposed rule. The staff will hold additional stakeholder meetings during the proposed rule phase.

Next slide. The staff plans to issue the regulatory basis for comment in December of next year. The proposed rule will be issued for public comment approximately two years after this in October 2022. The final rule will be issued in November 2024.

Next slide. You can reach out to us here if you have need of further information. Please note that Carolyn is going on a rotation for several months. Please Contact Allen Fetter who will be the technical project manager. Demetrius Murray also will be supporting the rule.

Thanks very much for your attention and questions. We welcome feedback to our public meetings. We like to know if you are satisfied with today's public meeting or if you have any suggestions for how we could make it more effective. On your way

out, please take one of the public meeting feedback forms at the sign-in table. Once you complete the form, you can leave it with us or mail it in.

You can access a link on the online feedback form and the meeting details for this meeting on the NRC's public meeting schedule page. Alternatively, you can scan this QR code and that will bring you directly to an online feedback form for this meeting. You can also access the online feedback form for this meeting by going to our public meeting website at the below link.

Next slide. You can find information about this rulemaking activity on regulations.gov. The meeting materials and the meeting summary will be posted there soon. Just search for the Docket ID: NRC-2009-0196.

Thanks for attending. Have a great afternoon. Our meeting is now concluded.

(Whereupon, the above-entitled matter went off the record at 2:09 p.m.)

ADAMS Accession No. ML19304A144

U.S.NRC
UNITED STATES NUCLEAR REGULATORY COMMISSION
Protecting People and the Environment

Public Meeting:

Status of Rulemaking to Align Licensing Processes and Apply Lessons Learned from New Reactor Licensing

November 21, 2019

U.S.NRC
UNITED STATES NUCLEAR REGULATORY COMMISSION
Protecting People and the Environment

Ground Rules

- One speaker at a time
- Please state your name before speaking – this session is being transcribed.
- Please hold questions until after the NRC presentations
- Follow the agenda
- Stay on topic
- Mute or place on vibrate all electronic devices

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Today's Meeting

- Provide an update on the effort since the last public meeting on this rulemaking (Meeting summary; ADAMS Accession No. ML19023A046)
- Provide an overview of the scope described in SECY-19-0084
- Conduct a Question and Answer Session on the scope of the rulemaking described in the SECY
- Provide an overview of the rulemaking schedule

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OPENING REMARKS

Anna Bradford – Director
NRR Division of New and Renewed Licenses

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NRC STAFF PRESENTATION

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NRC Staff Presenters

Jim O'Driscoll, NMSS

Rulemaking Project Manager

Carolyn Lauron, NRR

Senior Project Manager

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Purpose of the Rulemaking

- Implement Commission direction in SRM-SECY-15-0002, “Proposed Updates of Licensing Policies, Rules and Guidance for Future New Reactor Applications” to:
- Align the reactor licensing processes
- Improve clarity
- Reduce unnecessary burden on applicants and staff

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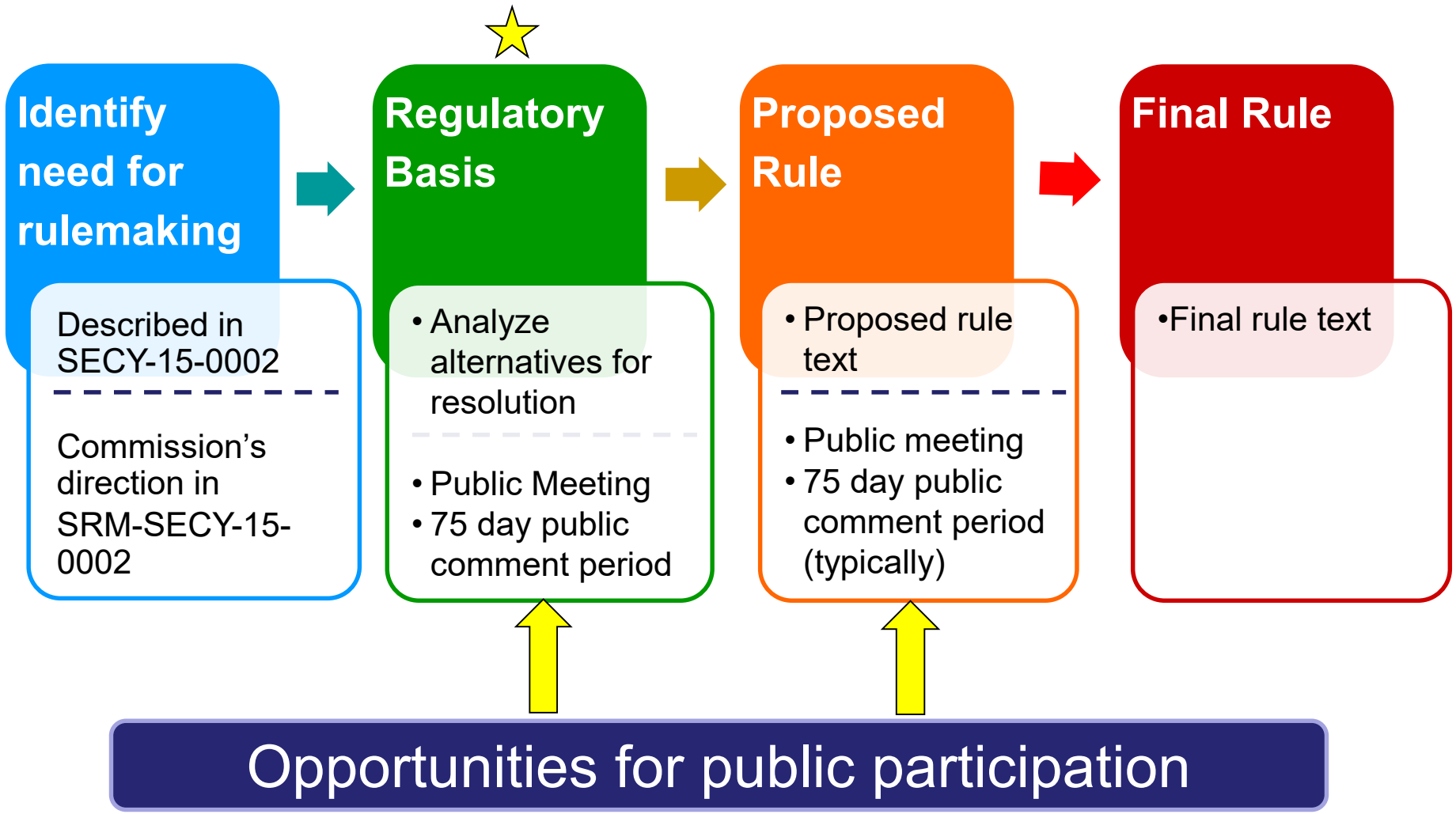
Rulemaking Process



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Regulatory Basis (RB)

- A regulatory basis provides a sound foundation for informed decision-making throughout the rulemaking process
  - RB describes the technical, legal and policy issues and the staff's consideration of options to resolve the issues
  - A cost/benefit analysis of options will be developed as part of the RB

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Rulemaking Activities

October 1, 2018	Started scoping and outreach
January 15, 2019	Held public meeting
July 11, 2019	Alignment on scope
August 27, 2019	Issuance of Commission Information Paper SECY 19-0084
September 20, 2019	Held ACRS meeting

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Next Steps

June 2020	Complete the technical development of the regulatory basis
November 2020	Complete concurrence on the regulatory basis package
December 2020	Issue the regulatory basis for public comment
March 2021	Hold public meeting and commence drafting the proposed rule

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Screening Criteria (SECY-19-0084)

- Items were first considered if they met at least one of the following criteria:
  - Addresses alignment of Parts 50 and 52
  - Addresses lessons learned from licensing activities
  - A change that could significantly improve the licensing process
  - Reduces unnecessary burden and does not impact other requirements

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Screening Criteria (cont'd)

- Items were screened out if they met at least one of the following criteria:
  - The item would provide neither a significant safety benefit nor burden reduction to staff or industry while maintaining the agency's safety mission
  - The item could be addressed by the administrative rulemaking for corrections
  - The item could be addressed through the development of guidance outside of rulemaking

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Scoping Results

- Four alignment items
- 52 lessons learned items
- 8 additional items are corrections, to be addressed in the semiannual administrative rulemaking for corrections to the CFR

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Q&A

Please come up to the microphone or press *1 on the phone

Please state your name & affiliation before your question.

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Next Steps

- Finalize and issue the regulatory basis for public comment
  - Hold public meeting during the comment period.
  - Consider comments received on the regulatory basis during the proposed rule phase
- Plan for additional public meeting(s) during the proposed rule phase

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Rulemaking Schedule

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Contact Information

Jim O'Driscoll, Project Manager
Division of Rulemaking, Environmental, & Financial Support
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Email: James.O'Driscoll@nrc.gov
Phone: 301-415-1325

Allen Fetter, Senior Project Manager
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Email: Allen.Fetter@nrc.gov
Phone: 301-415-8556

How Did We Do?

- Link to NRC Public Meeting Feedback form:

https://www.nrc.gov/pmns/mtg?do=details&Code=20191133

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How to Stay Informed and Involved

- The meeting materials and meeting summary will be posted soon
- Search regulations.gov on the docket ID NRC-2009-0196

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SUPPORTING INFORMATION

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References

Document Title	ADAMS Accession Number/ FR Citation
Transcript of the Advisory Committee on Reactor Safeguards Regulatory Policies & Practices-Part 50 52 Meeting - September 20, 2019.	ML19294A009
SECY-19-0084, "Status of Rulemaking to Align Licensing Processes and Lessons Learned from New Reactor Licensing (RIN 3150-AI66)"	ML19161A169
SECY-19-0034, "Improving Design Certification Content"	ML19080A034
"Summary of January 15, 2019 Public Meeting to Discuss the Proposed Rulemaking to Align the Regulations in Parts 50 and 52 to Address Updates to the Licensing Processes and Lessons Learned for Future New Reactor Applications,"	ML19023A046
SECY-15-0002, "Proposed Updates of Licensing Policies, Rules and Guidance for Future New Reactor Applications"	ML13277A420
SRM-SECY-15-002, "Staff Requirements-SECY-15-002-Proposed Updates of Licensing Policies, Rules and Guidance for Future New Reactor Applications"	ML15266A023
"Policy Statement on Severe Reactor Accidents Regarding Future Designs and Existing Plants"	50 FR 32138
SECY-89-013, "Design Requirements Related to the Evolutionary Advanced Light Water Reactors," dated January 19, 1989	ML003707947
SECY-90-016, "Evolutionary Light Water Reactor (LWR) Certification Issues and Their Relationship to Current Regulatory Requirements," dated January 12, 1990	ML003707849
SECY-93-087, "Policy, Technical, and Licensing Issues Pertaining to Evolutionary and Advanced Light-Water Reactor (ALWR) Designs," dated April 2, 1993	ML003708021
Bipartisan Policy Center Report Recommendations on the New Reactor Licensing Process	ML13059A240

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Administrative Corrections

10 CFR	Description
§ 2.627	The references to § 2.617 in § 2.629(b) and § 52.83(b) should be to § 2.627.
Part 52 Appendices	Both the ABWR and System 80+ design certification final rules (Part 52, Appendices A and B, respectively) initially correctly referred to "ANSI/AISC N-690." Both the AP600 and AP1000 design cert final rules (Appendices C and D, respectively) incorrectly stated ANSI/AISC-690 (omitting the "N"). 64 Fed. Reg. 72,002, 72,018; 71 Fed. Reg. 4,464, 4,481. Unfortunately, the NRC changed the ABWR and System 80+ references to match the AP600 and AP1000 references in the 2007 Part 52 rulemaking. Correct the reference in Appendices A-D by adding the "N" back into ANSI/AISC N-690
Part 52 Appendix D Section VI.B.6	Part 52, Appendix D, Section VI.B.6 reads "except as provided in paragraph VIII.B.5.f . . ." but the reference is incorrect. It should be "except as provided in paragraph VIII.B.5.g . . ." (rather than VIII.B.5.f).
Part 52 Appendix E Section VI.B.6	Part 52, Appendix E, Section VI.B.6 reads "except as provided in paragraph VIII.B.5.f . . ." but the reference is incorrect. It should be "except as provided in paragraph VIII.B.5.g . . ." (rather than VIII.B.5.f).
Part 50 Appendix J	Under Option B, Subsection IV. Recordkeeping, refers to § § 50.72 (b)(1)(ii) and § 50.72 (b)(2)(i). There is no § 50.72 (b)(1)(ii), only § 50.72 (b)(1). 10 CFR Part 50, Appendix J references 10 CFR Part 52 and 10 CFR 50.54(o) imposes Appendix J as a requirement.
§ 21.3, "Basic component"	Revise definition by deleting text in brackets as follows: "(2) When applied to standard design certifications [under subpart C of part 52 of this chapter] and standard design approvals under part 52 of this chapter,…"
§ 52.43(b)	Correct the following text in 10 CFR 52.43(b) which was not updated when SDAs were renamed to state: "Subpart E of this part governs the NRC staff review and approval of a ~~final~~ standard design."
§ 52.79(c)(2)	Correct as follows: "all terms and conditions that have been included in the ~~final~~ standard design approval will be satisfied…."

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Acronyms

ABWR	Advanced Boiling Water Reactor
ADAMS	Agencywide Documents Access and Management System
CFR	*Code of Federal Regulations*
COL	Combined License
CP	Construction Permit
DC	Design Certification
DCD	Design Certification Document
NEI	Nuclear Energy Institute
NRC	Nuclear Regulatory Commission
OL	Operating License
PRA	Probabilistic Risk Assessment
RB	Regulatory Basis
SOC	Statement of Considerations
SRP	Standard Review Plan
SRM	Staff Requirements Memorandum
TMI	Three Mile Island