



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 13, 2020

MEMORANDUM TO: Michael I. Dudek, Chief
New Reactor Licensing Branch
Division of New and Renewed Licenses
Office of Nuclear Reactor Regulation

FROM: Prosanta Chowdhury, Project Manager */RA/*
New Reactor Licensing Branch
Division of New and Renewed Licenses
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE DECEMBER 9, 2019, U.S. NUCLEAR
REGULATORY COMMISSION CATEGORY 1 PUBLIC
TELECONFERENCE WITH NUSCALE POWER, LLC, TO
DISCUSS OPTIONS FOR INCORPORATION BY REFERENCE

On December 9, 2019, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 1 teleconference public meeting with NuScale Power, LLC (NuScale), to discuss NuScale's proposed options for Incorporation by Reference (IBR) of information in the design certification rule. NuScale's initial IBR flow chart can be accessed in the NRC's Agencywide Documents Access and Management System (ADAMS) via Accession No. ML19331A726. NuScale's presentation slides can be accessed in ADAMS via ML19340B591.

The public meeting notice can be found in ADAMS under Accession No. ML19296D611. This meeting notice was also posted on the NRC public website.

Enclosed are the Meeting Agenda (Enclosure 1), List of Attendees (Enclosure 2), and Meeting Summary (Enclosure 3).

Docket No. 52-048

Enclosures:
As stated

cc w/encl: DC NuScale Power, LLC Listserv

CONTACT: Prosanta Chowdhury, NRR/DNRL
301-415-1647

SUBJECT: SUMMARY OF THE DECEMBER 9, 2019, U.S. NUCLEAR REGULATORY COMMISSION CATEGORY 1 PUBLIC TELECONFERENCE WITH NUSCALE POWER, LLC, TO DISCUSS OPTIONS FOR INCORPORATION BY REFERENCE DATED: JANUARY 13, 2020

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 NuScale DC Listserv

ADAMS Accession No.: ML19345E936 ***via email** **NRR-106**

OFFICE	NRR/DNRL/NRLB: PM	NRR/DNRL/NRLB: LA	NRR/DNRL/NRLB: PM
NAME	PChowdhury	CSmith*	PChowdhury
DATE	12/11/2019	12/12/2019	1/13/2020

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U.S. NUCLEAR REGULATORY COMMISSION CATEGORY 1 PUBLIC TELECONFERENCE

WITH NUSCALE POWER, LLC, TO DISCUSS OPTIONS FOR INCORPORATION BY

REFERENCE

DECEMBER 9, 2019

Meeting Agenda

<u>Time</u>	<u>Topic</u>
12:30 p.m. - 12:40 p.m.	Introduction
12:40 p.m. - 2:15 p.m.	NuScale presentation on Incorporation by Reference of information in design certification rule
2:15 p.m. - 2:30 p.m.	Public Comments
2:30 p.m.	Meeting adjourned

U.S. NUCLEAR REGULATORY COMMISSION CATEGORY 1 PUBLIC TELECONFERENCE

WITH NUSCALE POWER, LLC, TO DISCUSS OPTIONS

FOR INCORPORATION BY REFERENCE

DECEMBER 9, 2019

List of Attendees

<u>Name</u>	<u>Organization</u>
Prosanta Chowdhury	U.S. Nuclear Regulatory Commission (NRC)
Anna Bradford	NRC
Robert Caldwell	NRC
Samuel Lee	NRC
Gregory Cranston	NRC
Sheldon Clark	NRC
Olivia Mikula	NRC
Mike Melton	NuScale Power, LLC (NuScale)
Gary Becker	NuScale
Federico Perdomo	NuScale
Jim Curry	NuScale
Nadja Joergensen	NuScale
Sarah Fields	Public

U.S. NUCLEAR REGULATORY COMMISSION CATEGORY 1 PUBLIC TELECONFERENCE

WITH NUSCALE POWER, LLC, TO DISCUSS OPTIONS

FOR INCORPORATION BY REFERENCE

DECEMBER 9, 2019

Meeting Summary

On December 9, 2019, the U.S. Nuclear Regulatory Commission (NRC or Commission) staff held a Category 1 teleconference public meeting with NuScale Power, LLC (NuScale), to discuss the use of Incorporation by Reference (IBR) in the design certification rule. NuScale presented a proposed revised approach for determining documents that should be IBR. NuScale's initial IBR flow chart is available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML19331A726. NuScale's presentation slides are available in ADAMS under Accession No. ML19340B591. One member of the public was in attendance during the teleconference.

NuScale stated that it was seeking to reduce the number of reports that are presently incorporated by reference in the design certification application (DCA). NuScale discussed its new IBR logic using a simplified flow chart on slide No. 7. Regarding "[i]nformation in the report intended as a requirement – Forward-looking" appearing in the first block of the "Simplified IBR logic" on slide No. 7, NuScale explained that this would be IBR information, in addition to what is required under Title 10 of the *Code of Federal Regulations* (10 CFR), Section 52.47, that is intended or necessary for a combined license (COL) applicant to comply with. The NRC staff requested for clarification stating they were not familiar with information to be incorporated by reference beyond what is required under 10 CFR 52.47, and emphasized that the NRC staff will have to review and agree on what should and should not be incorporated by reference as part of the DC rule. In explaining the flow chart, NuScale also used a few examples (slide Nos. 8 and 9) of how it perceived the IBR disposition of certain reports with cross references to the affected DCA Chapters.

The NRC staff explained that for the purpose of rulemaking, the documents listed in the DCA Part 2, Tier 2, Table 1.6-1, "NuScale Referenced Topical Reports," and Table 1.6-2, "NuScale Referenced Technical Reports," are currently the candidates for IBR in the DC rule as long as public versions of these reports exist. If NuScale believes that one or more of these listed documents should not be incorporated by reference, then the NRC staff needs to be informed accordingly. The NRC staff further stated that information in the reports in Tables 1.6-1 and 1.6-2 have been used by the NRC staff in reaching regulatory findings, and identifying to what extent and exactly which portions of these reports have been used would require additional NRC staff resources. This would impact the current review schedule and incur additional costs to NuScale. The NRC staff stated that it would be up to NuScale to decide if it would like the NRC to pursue this effort. NuScale stated that it did not believe that it would like to support this effort at this juncture of the DCA review; however, NuScale would possibly explore this at the future Standard Design Approval application stage.

The only attending member of the public asked how IBR is approved by the Office of Federal Register (OFR). The NRC staff explained that the rule must meet the OFR language requirements, and that the reports to be IBR must be publicly available or redacted if proprietary in nature. In response to a question regarding an opportunity for public comment, the NRC staff explained that the rulemaking process includes a 30-day public comment period.

The meeting was adjourned at 2:27 p.m. (Eastern time).