

U.S. Nuclear Regulatory Commission Public Meeting Summary

December 18, 2020

Title: Part 53 Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors Rulemaking – Subpart B Rule Language

Meeting Identifier: 20201300

Date of Meeting: November 18, 2020

Location: Webinar

Type of Meeting: Category 3

Purpose of the Meeting(s):

The U.S. Nuclear Regulatory Commission (NRC) staff hosted a webinar to provide an opportunity for external stakeholders and the NRC staff to exchange information on the NRC's development of Part 53 preliminary proposed rule language for advanced nuclear reactors.

General Details:

The NRC has been directed by Congress through the Nuclear Energy Innovation and Modernization Act to conduct a rulemaking to establish a technology-inclusive, regulatory framework for optional use by commercial advanced nuclear reactors by 2027. In Staff Requirements Memorandum (SRM)-SECY-20-0032, dated October 2, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20276A293), the Commission directed the NRC staff to publish the final Part 53 rule by October 2024. The SRM also directed the staff to create a rulemaking milestone schedule and identify any uncertainties which would impact publication of the final rule by October 2024. On November 2, 2020, the staff submitted a Commission memorandum responding to the SRM direction (ADAMS Accession No. ML20288A251). This meeting provided the NRC staff an opportunity to share the current Part 53 rulemaking strategy and schedule with the public and answer questions.

The NRC staff has also drafted preliminary proposed rule language for Part 53 subpart B, "Technology-Inclusive Safety Requirements," and made it available to the public on November 3, 2020 (ADAMS Accession No. ML20289A591). This meeting gave stakeholders an opportunity to provide input on the preliminary proposed rule language and ask questions of the NRC staff.

The meeting was attended by 170 people participating through webinar and audio teleconferencing.

Summary of Presentations:

Robert Beall, Rulemaking Project Manager, in the NRC's Office of Nuclear Material Safety and Safeguards, opened the meeting and introduced himself as the NRC Project Manager for the Part 53 rulemaking as well as the meeting facilitator. Mr. Beall emphasized that the

purpose of the meeting was to promote the exchange of information on the Part 53 rulemaking. He noted that no regulatory decisions would be made at the meeting, and that all comments are considered advisory and would not receive a formal comment response letter.

Following Mr. Beall, John Segala, Branch Chief of the Advanced Reactor Policy Branch of the Office of Nuclear Reactor Regulation, made additional opening remarks. Mr. Segala discussed the NRC's plans to solicit and encourage stakeholder input throughout the Part 53 rulemaking process, and he introduced the topics addressed in the October 2020 SRM and the staff's November 2020 Commission memo response.

After Mr. Segala, Mr. Beall spoke about the Part 53 rulemaking process and noted that the NRC is currently in the proposed rulemaking phase involving meeting with stakeholders and soliciting input. Mr. Beall noted the next phase would be the finalization of a draft proposed rule.

Mr. Beall then introduced Nanette Valliere from the Office of Nuclear Reactor Regulation to speak about the Part 53 rulemaking schedule and strategy. Ms. Valliere spoke in more detail about the Commission's SRM and the staff's Commission memo response, including the staff's milestone schedule and identified uncertainties that could impact publication of the final rule by October 2024. Ms. Valliere described the staff's current outline for Part 53 and presented a graphic showing the NRC staff's tracking matrix for the sequence and timing of stakeholder engagement on the various subparts that will comprise Part 53.

After Ms. Valliere's presentation on the Part 53 rulemaking schedule and strategy, the floor was opened to Mr. Cyril Draffin, Jr. from the U.S. Nuclear Industry Council (USNIC) to present comments and then to other members of the public on the teleconference line.

Mr. Beall then introduced Bill Reckley from the Office of Nuclear Reactor Regulation to discuss the preliminary proposed rule language in subpart B. Mr. Reckley provided an overview of the subpart B framework and then lead a more detailed discussion of each section of subpart B.

After Mr. Reckley's presentation, the floor was opened to other stakeholder speakers, including Mr. Marc Nichol of the Nuclear Energy Institute (NEI) and Mr. Draffin from USNIC, and then to other members of the public on the teleconference line.

After completion of the public participation portion of the meeting, Mr. Beall provided brief closing remarks, including discussing future public meetings, providing contact information to be used to provide input on topics to be discussed at future Part 53 public meetings, identifying the regulations.gov docket number for submitting public comments, and noting that participants in the public meeting can submit feedback to improve the structure of future public meetings at a link provided in the public meeting announcement.

Public Participation Themes:

Prior to the public meeting, two external stakeholders, Marc Nichol of NEI and Cyril Draffin of USNIC, requested time to provide their organization's views on the Part 53 rulemaking strategy and schedule and particular topics regarding the preliminary proposed rule language for subpart B. Additionally, members of the public were given an opportunity to contribute to the discussion via the teleconference line.

During the public participation portion of the meeting these key stakeholders as well as several members of the public raised questions. Participants asked questions regarding:

- the use of the term “reasonable assurance of adequate protection,”
- whether defense in depth and the numerical probabilities defining adequate protection should be included in the rule language or addressed in guidance,
- whether the “as low as reasonably achievable” standard is needed in Part 53 or whether it is adequately addressed in 10 CFR Part 20,
- the scope and intent of the preliminary proposed rule language in § 53.22(c),
- the inclusion of occupational dose limits,
- the organization of the two-tier safety criteria in subpart B, and
- staffing requirements at advanced reactors where in some cases licensee’s staff will be primarily or exclusively offsite.

Multiple participants also encouraged the NRC staff to keep the Part 53 rule simple and not be overly prescriptive and emphasized the importance of the final rule resulting in flexible, efficient, and clear regulatory requirements.

Action Items/Next Steps:

The next public meeting will be scheduled for January 2021. In advance of that public meeting, preliminary proposed rule text will be posted on www.regulations.gov under docket ID NRC-2019-0062. The NRC staff will also be meeting with the Advisory Committee on Reactor Safeguards Future Plants subcommittee in January 2021.

Public meeting participants were encouraged to email any comments from issues raised during the public meeting to Robert Beall at Robert.Beall@nrc.gov and Bill Reckley at William.Reckley@nrc.gov.

Attachments:

- Meeting Agenda – ML20322A001
- Meeting Presentation Slides – ML20318A007
- Meeting Transcript – ML20336A180
- Subpart B Preliminary Proposed Rule Language – ML20289A591