

U.S. Nuclear Regulatory Commission Public Meeting Summary

January 25, 2022

Title: Public Meeting to Discuss the Part 53 Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors Rulemaking – 10 CFR Part 26, Fitness for Duty Programs

Meeting Identifier: 20211587

Date of Meeting: January 6, 2022

Location: Webinar

Type of Meeting: Comment-Gathering

Purpose of the Meeting(s):

The Nuclear Regulatory Commission (NRC) staff hosted a topical webinar to provide an opportunity for external stakeholders and the NRC staff to exchange information on the NRC's development of specific sections of the Part 53 preliminary proposed rule language for advanced nuclear reactors. The NRC staff had a discussion on the preliminary proposed rule language to Part 26, "Fitness for Duty Programs," related to the Part 53 rulemaking.

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. To facilitate stakeholder engagement throughout the development of the proposed rule, the NRC staff is hosting a series of public meetings to discuss and review feedback on various regulatory topics and preliminary proposed rule language for Part 53.

Prior to the January 6, 2022, public meeting, the NRC released a "Discussion Table" with preliminary rule language for Part 26, "Fitness for Duty Programs." This document was made available to the public on December 21, 2021, in ADAMS under accession number ML21148A173. The meeting agenda also included time to discuss other recently released iterations of preliminary rule language for other sections and subparts of Part 53. Other released iterations of preliminary proposed rule language are identified on the NRC website, on regulations.gov website, and in an ADAMS package under accession number ML20289A534.

The meeting proceeded in a "workshop" format, which gave stakeholders an opportunity to provide input on the preliminary proposed rule language and ask direct questions of the NRC staff. The meeting was attended by approximately 88 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 and the meeting facilitator. He noted that this meeting is a

comment gathering public meeting and that no regulatory decisions would be made at the meeting. Following Mr. Beall, Ms. Sabrina Atack, Acting Director of the Division of Physical and Cyber Security Policy in the Office of Nuclear Security and Incident Response (NSIR), made additional opening remarks. Mr. Beall then introduced Mr. Paul Harris, from NSIR, and Mr. Justin Vazquez, from the Office of Nuclear Reactor Regulation, and advised participants on the features of the teleconference platform and how to ask questions.

After Mr. Beall, Mr. Harris presented the preliminary proposed rule language for Part 26 – “Fitness for Duty Programs.” Following Mr. Harris, Mr. Vazquez presented on Part 26, Subpart I, “Managing Fatigue,” considerations for Part 53 licensees. Following Mr. Vazquez, Mr. Beall introduced a discussion of other sections and subparts of Part 53. Following each segment of the NRC staff presentation, the floor was open to the public to provide feedback on the topics discussed in the presentation.

Mr. Beall then made brief closing remarks, including noting future public meetings, providing contact information for participants to use to provide input on topics of discussion in 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.

Public Participation Themes:

One stakeholder raised a question related to the preliminary proposed rule language. The stakeholder asked how licensees would be able to take credit for defense-in-depth features in their design when implementing the graded application of fitness for duty (FFD) requirements. The NRC staff responded that although Part 26 specifies categories of individuals to which the FFD program must apply, it allows flexibility for licensees to use a risk-informed determination to credit design features in order to scale the applicability of the FFD program (e.g., categories of individuals covered by the FFD program). The NRC staff added that regardless of the credited design features, the licensee is always required to maintain the facility within licensing and design parameters, conduct maintenance and surveillance, and ensure that individuals responsible for emergency response activities are fit for duty.

Action Items/Next Steps:

The NRC staff will continue to announce public meetings to discuss and receive feedback on various regulatory topics and preliminary proposed rule text. In advance of a future public meeting, any 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 Plant Designs subcommittee in February 2022.

Public meeting participants were encouraged to email any comments from issues raised during the public meeting to either Robert Beall at Robert.Beall@nrc.gov or Nanette Valliere at Nanette.Valliere@nrc.gov.

Attachments:

- Meeting Agenda – ML21355A270
- Meeting Presentation Slides – ML21295A259

- Meeting Transcript – ML22012A104
- Discussion Table for Preliminary Rule Language for the Part 53 Rulemaking: Part 26 – “Fitness for Duty Programs” – ML21148A173
- Preliminary Rule Language Documents for the Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors (Part 53) Rulemaking – ML20289A534