



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

September 13, 2022

MEMORANDUM TO: Daniel H. Dorman
Executive Director for Operations

FROM: Stephanie M. Coffin, Chairman
Committee to Review Generic Requirements

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS:
MINUTES OF MEETING NO. 460, 461, AND 462

On May 13, 2022, the Committee to Review Generic Requirements (CRGR, the Committee) held Meeting No. 460 and met with Nuclear Energy Institute (NEI) and an Industry panel regarding a draft Regulatory Information Summary on Operational Leakage (ADAMS No. ML21166A122). Subsequently, the CRGR held meetings with staff on June 7 and June 27, 2022. At these two meetings, the staff responded to CRGR questions that arose from the Committee's May 13th meeting as well as the staff's planned resolution of public comments on draft RIS. The CRGR met to finalize the Committee recommendation on August 2, 2022.

The meetings with CRGR supported the Committee's information gathering and review of the planned agency issuance of the RIS, "Operational Leakage." The meetings clarified the licensing and oversight history and operating experience associated with the regulation of leakage in Class 2 and 3 piping and piping components.

CRGR Meeting with NEI/Industry on May 13, 2022

The NEI and Industry Panel presentation and transcript can be found in the Enclosure 1. The meeting participants are contained in Enclosure 2.

During the presentation, the CRGR sought to understand the backfit concern, potential impact on licensee operations, and the regulatory history and precedent associated with operational leakage.

In summary, the NEI/industry panel agreed with NRC staff that when operational leakage is identified, the impact of Technical Specification (TS) operability must be evaluated. However, NEI/Industry disagreed with the position articulated in the draft RIS about how operability must be evaluated. They disagreed that the regulation at 10 CFR 50.55a(g)(4) requires the use of Section XI flaw acceptance and evaluation methods to evaluate the operability of Class 2 and 3

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systems, structures, and components in response to operational leakage. They asserted that the draft RIS, if finalized, would be an amendment of the regulations and an unanalyzed backfit.

CRGR Meetings with NRC Staff on June 7 and June 27, 2022

After the CRGR meeting with NEI/Industry, the CRGR requested the staff respond to several questions that arose from the May 13th meeting. The CRGR questioned staff on the staff's position regarding whether the regulation requires application of ASME acceptance and evaluation methods in evaluating operational leakage, regulatory history and precedent, operating experience, and options for licensees' resolution of plant operational leakage. The Committee also requested to review the staff's proposed responses to public comments and any proposed revisions to the RIS in response to public comments.

The staff presentation to the CRGR may be found in Enclosure 1. The meeting participants are contained in Enclosure 2.

CONCLUSIONS

The CRGR is appreciative of both the NEI/Industry and Staff presentations and bringing this long-standing issue before the Committee. The open discussions during the Committee's meetings facilitated a common and full understanding of staff and stakeholder views, which informed the CRGR's decision.

The CRGR finds that the staff has demonstrated a consistent interpretation of the regulations through its licensing, inspection, and ASME Code activities over the years. In our view, this is not a new position and thus is not a backfit. The RIS will bring needed regulatory clarity to this issue, and we recommend its issuance.

Enclosure 1: List of References

Enclosure 2: List of Attendees from CRGR Meeting No. 460, 461, and 462

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS: MINUTES OF MEETING NUMBERS 460, 461, AND 462

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ADAMS Accession No.: ML22256A171

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| OFFICE | RES/TA | CRGR |
| NAME | N. DiFrancesco | S. Coffin |
| DATE | 9/12/2022 | 9/13/2022 |

OFFICIAL RECORD COPY

**COMMITTEE TO REVIEW GENERIC REQUIREMENTS MEETING NO. 460, 461, AND 462
LIST OF REFERENCES**

General Background

Draft Regulatory Information Summary (RIS), "Operating Leakage" dated January 6, 2022 (ML21166A122)

NEI Letter dated March 15, 2022, providing public comment on the draft RIS (ML22074A264)

Public Meeting Information from May 13, 2022

Public Meeting Notice with CRGR to Discuss Potential Backfitting Associated with Draft RIS on Operating Leakage (ML22119A137)

Nuclear Energy Institute Public Meeting Slides for May 13, 2022, CRGR Meeting Regarding RIS on Operating Leakage (ML22124A207)

Public Meeting Transcript between CRGR and Industry Stakeholders on Potential Backfitting Associated with Draft RIS on Operation Leakage (ML22220A257)

NEI Letter Following May 13, 2022, Public Meeting on Draft Regulatory Issue Summary "Operational Leakage," 87 Fed. Reg. 2361 (Jan. 14, 2022) (Docket ID NRC-2021-0173) dated May 20, 2022 (ML22143A936)

Internal Meeting NRC Staff Presentation for June 7 and 27, 2022

Staff Presentation and responses to CRGR Questions on RIS for Operational Leakage dated June 7, 2022 (ML22220A012)

Package for Issuance of RIS 22-XXX, "Operational Leakage," containing resolution of public comments and final RIS (ML22167A001)

**COMMITTEE TO REVIEW GENERIC REQUIREMENTS MEETING NO. 460
LIST OF ATTENDEES
(May 13, 2022)**

| | |
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| <p><u>CRGR Members</u> Stephanie M. Coffin, Chairman, RES Andrea Kock, NRR Craig G. Erlanger, NSIR Robert Lewis, NMSS Raymond K. Lorson, R-I Susan Vrahoretis, OGC Nicholas DiFrancesco, CRGR Staff</p> | <p><u>NEI and Industry Panel</u> Tom Basso, NEI Jerry Bonanno, NEI Darani M Reddick, Constellation Nuclear Daniela Matiello, ASME Martin C Murphy, Xcel Energy David M Gullott, Constellation Nuclear James T Polickoski, TVA</p> |
| <p><u>Public</u></p> | |
| <p>Andrew Zach, Senate EPW Committee John Conly, Certrec Rachel A Luebbe, Constellation Nuclear Richard J Swart, Constellation Nuclear Tony Brown, TVA Frank Szanyi, PSEG Phil Couture David Mannai, PSEG Garcia Heras Maria Luisa Steve McCracken DeLisa S. Pournaras Mark A Pyne Kari Osborne Hien Q. Do Melody Rodriguez</p> | <p>Richard Stadtlander Phil Lashley, Energy Harbor Tom Roberts Brett Titus, NEI Andrew Mauer, NEI Kevin Allen Deann Raleigh Sherrie K Grant, Constellation Nuclear Brian Derreberry Deann Raleigh John M Goelz Harry Balian Pat Chriscoe, Daniel Lamond Russell R Thompson</p> |
| <p><u>NRC Staff</u></p> | |
| <p>John Bozga MJ Ross-Lee Matthew Mitchell Ravi Grover Thomas Weaver David Rudland John Hughey Victor Cusumano Thomas Scarbrough Brian Harris (NRR) Robert Taylor Marieliz Johnson Caroline Tilton Brian Allik Matthew Domke Clinton Ashley</p> | <p>Diane Jackson Sheldon Clark Lauren Gibson David Roth (OGC) Ed Miller Jay Collins Robert Elliott Kevin Coyne Shakur Walker Tony Nakanishi Khadijah West Eric Magnuson Andres Orozco Restrepo Christopher Tyree Hammock, Jessica Sam Wojack (Court Reporter)</p> |

**COMMITTEE TO REVIEW GENERIC REQUIREMENTS MEETING NO. 461
LIST OF ATTENDEES
(June 7, 2022)**

| <u>CRGR Members</u> | <u>NRC Staff</u> |
|--|--|
| Stephanie M. Coffin, Chairman, RES Andrea Kock, NRR Raymond K. Lorson, RI Susan Vraforetis, OGC | Jay Collins, NRR Matthew Mitchell, NRR Caroline Tilton, NRR Robert Taylor, NRR Robert Elliott, NRR Thomas Weaver, OEDO Jessica Bielecki, OGC Sheldon Clark, OGC Brian Smith, NRR David Rudland, NRR |

**COMMITTEE TO REVIEW GENERIC REQUIREMENTS MEETING NO. 462
LIST OF ATTENDEES
(June 27, 2022)**

| <u>CRGR Members</u> | <u>NRC Staff</u> |
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| Stephanie M. Coffin, Chairman, RES Andrea Kock, NRR Raymond K. Lorson, R-I Craig G. Erlanger, NSIR Robert Lewis, NMSS Susan Vraforetis, OGC Nicholas DiFrancesco, CRGR Staff | Jay Collins, NRR Matthew Mitchell, NRR Caroline Tilton, NRR Robert Taylor, NRR Robert Elliott, NRR Thomas Weaver, OEDO Jessica Bielecki, OGC Sheldon Clark, OGC Brian Smith, NRR David Rudland, NRR |