

From: [Carolyn Lauron](#)
To: [Justin Hawkins](#)
Cc: [Michelle Hayes](#); [Greg Cranston](#)
Subject: Resending Q&A RE: Clarification Question Regarding Potential SECY Timeline Required for Potential FOAK Exemption (99902049)
Date: Wednesday, June 7, 2023 7:58:00 AM

Hi Justin –

I am resending the NRC staff response sent on May 11, 2023, to the subject question so that it may be added to ADAMS and made publicly available.

Please let me know if you have questions.

Thanks,
Carolyn

Question:

A while back we had started to discuss the internal NRC process that may need to occur regarding our FOAK LOCA exemption. It was summarized that a SECY would need to be drafted and sent to the commission regarding the potential FOAK LOCA exemption.

I'm trying to put together a LOCA Exemption ROADMAP, including a rough timeline, for both sides to reference regarding this potential LOCA exemption (requested by the staff during the recent LOCA update meeting on 4/5/23).

Can you provide me some clarity on this, specifically:

1. Roughly how long would the staff need to put a SECY on this topic together?
2. Roughly how long would it take for the Commission to review it?
3. Would the SECY need to be reviewed prior to a potential CPA submittal?
4. Would the SECY need all the exemption justification material completed prior to being sent to the Commission for review?

NRC Staff Response:

Your questions are not easily answered.

The need for a SECY paper and the type of SECY paper depend on the request you submit for our review and whether NRR management determines it contains a policy issue for Commission awareness (e.g., Information SECY-18-0099) or a policy issue that needs Commission direction (e.g., Notation Vote SECY-19-0036). (1,2) The latter SECY paper would take more time to develop options and a recommendation, and Commission time for consideration. Although there is no timeliness requirement for the Commission to respond to a Notation Vote SECY, the Commission has responded to the NRC staff with direction to support a pending licensing action or on-going review, e.g., SECY-19-0036 was issued in

April and the Commission responded in July. (3) The Commission also has the option of converting an Information SECY into a Notation Vote SECY.

An estimated schedule for issuing the SECY paper depends on the type of SECY paper, whether there is sufficient information in the submittal to develop the paper, and the alignment process on the paper through the EDO. If more information is needed from you to develop the paper, that would add time to an estimated schedule for issuing the SECY paper. Overall, this process could take several months from development to issuance of the SECY.

Since the Topical Report is a formal submission that results in an NRC staff evaluation, a SECY paper could be issued during its review if the NRC staff determines that there is a policy issue. Similarly, a SECY paper could be issued during the review of a CP application if a policy issue related to the exemption is identified. Depending on the exemption requested, the complete justification may need to be included in the SECY paper for efficiency and to reduce regulatory risk.

Based on our recent engagements on a potential LOCA exemption, we have not concluded that a SECY paper is needed to inform the Commission or to ask for Commission direction, and we are not suggesting that we plan for that eventuality for what might be a first-of-a-kind exemption. The development and issuance of a SECY paper, and any implementation of Commission direction is the responsibility of the NRC staff and will be addressed as needed. We would be remiss if we did not note that there are benefits for addressing potential policy issues during preapplication activities (e.g., during the review of a topical report) such as early resolution prior to the submission of the application and review efficiencies in applications referencing the approved topical report.

Additional information on the SECY process may be found on the NRC public site: <https://www.nrc.gov/reading-rm/doc-collections/commission/secys/index.html> and in the related reference: <https://www.nrc.gov/docs/ML1611/ML16112A110.pdf>

References:

1. SECY-18-0099, "NuScale Power Exemption Request from 10 CFR Part 50, Appendix A, General Design Criterion 27, "Combined Reactivity Control Systems Capability," issued October 24, 2018, <https://www.nrc.gov/docs/ML1806/ML18065A431.html>
2. SECY-19-0036, "Application of the Single Failure Criterion to NuScale Power LLC's Inadvertent Actuation Block Valves," issued April 11, 2019. <https://www.nrc.gov/docs/ML1906/ML19060A162.html>
3. SRM-SECY-19-0036, "Application of the Single Failure Criterion to NuScale Power LLC's Inadvertent Actuation Block Valves," issued July 2, 2019, <https://www.nrc.gov/docs/ML1918/ML19183A408.pdf>