

November 2, 2006

MEMORANDUM TO: Doug Weaver, Branch Chief
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Division of New Reactor Licensing **/RA/**
Office of New Reactors

FROM: Eric R. Oesterle, Project Manager
Guidance, Infrastructure and Financial Review Branch
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: SUMMARY OF September 21-22, 2006, PUBLIC MEETING AND
WORKSHOP ON STANDARD REVIEW PLAN/REGULATORY GUIDE
UPDATES FOR NEW REACTOR LICENSING, EMERGENCY
PLANNING FOR NEW REACTORS AND DRAFT REGULATORY GUIDE
(DG-1145), "COMBINED LICENSE (COL) APPLICATIONS FOR
NUCLEAR POWER PLANTS (LIGHT WATER REACTOR EDITION)"

On September 21 and 22, 2006, the Nuclear Regulatory Commission (NRC) staff met with external stakeholders in a public meeting and workshop to discuss the updates to the standard review plan (NUREG-0800) and regulatory guides to support new reactor licensing, emergency planning for new reactors, and the Draft Regulatory Guide, DG-1145, "Combined License Applications for Nuclear Power Plants (LWR Edition)."

Standard Review Plan and Regulatory Guide Updates to Support New Reactor Licensing

On September 21, 2006, NRC held a public meeting on the Standard Review Plan (SRP) and Regulatory Guide (RG) update plans and schedules. NRC's plans and schedule for updating the SRP sections and RGs by the end of March 2007 appeared to be generally well-received by the public in attendance. While SRP sections will not be issued as draft revisions for public comment, final revisions will be available for comment. Staff informed the public that comment resolution could inform the technical bases for alternatives to SRP acceptance criteria for satisfying regulations. Staff also provided plans for the RGs being updated. Specifically, NRC will issue a single general Federal Register notice announcing availability of Regulatory Guides for comment over the next several months for a 45-day public comment period. The generic notice, entitled "Draft Regulatory Guides: Impending Issuance, Availability, and Applicability to New Reactor Licensing" (71 FR 55517), was subsequently issued in the Federal Register on Friday, September 22. Individual RGs released for public comment can be found at <http://ruleforum.llnl.gov>.

Several members of the public made suggestions for enhancing the process and obtaining more meaningful input during the comment period through use of the public website. In particular the following suggestions were made:

- 1) Provide justification supporting the Group 2 and 3 RG classification on the NRC's public website.
- 2) Provide a complete listing of schedules for all RGs, regardless of priority, so that the public can see which other RGs (medium and low priority) will be revised beyond March 2007.
- 3) Provide a redline/strikeout version of revised RGs or a summary of changes for public comment so that the public can more readily review the changes.

The staff noted these suggestions and is currently examining ways to implement the suggestions into the review and approval process. The staff also proposed holding a public workshop in late November or early December 2006 to discuss the technical details of changes to existing RGs and technical content for new proposed RGs. The staff also requested that attendees notify the staff of any RGs of particular interest for discussion in such a workshop. NEI agreed to inform the staff if industry had an interest in a workshop and to provide suggested discussion topics for the workshop.

Plans and schedules for the Standard Review Plan updates can be found on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>

Emergency Planning for New Reactors

The purpose of this meeting was to provide information to the Nuclear Energy Institute (NEI), potential applicants, and the public about the emergency preparedness (EP) regulatory structure and new or revised guidance documents prepared to support forthcoming new reactor license applications. Representatives from the Department of Homeland Security (DHS) were also in attendance to answer questions. The NRC staff provided a brief overview of DG-1145, Section C.I.13.3, "Emergency Planning," indicating that it provided guidance to applicants for a combined license on the information that should be submitted for emergency planning. The staff also provided a brief overview of Standard Review Plan 13.3, proposed Revision 3, "Emergency Planning," indicating that it provided guidance to the NRC staff for reviewing the emergency planning information provided by license applicants for both Part 50 and Part 52 licensing activities. The staff indicated that the proposed revision to SRP 13.3 is being issued for public comment (see 71 FR 57578, September 29, 2006) to support a 45-day public comment period.

NRC staff also presented an overview of the concept for a template to aid NRC reviewers in conducting their review of an application. This template is based on DG-1145 and the SRP, and includes no new information that isn't already in those documents. The intent of the staff is to organize the review process and create a tool to simplify the reviewer's job. NRC staff also emphasized the importance of an organized tool, since there will most likely be contractors helping to conduct these reviews. This template will help to ensure consistency between staff and contractor effort, and help to standardize RAIs and SERs that are written during the process.

The staff provided clarification of the jurisdiction of the two federal agencies (NRC and DHS) with respect to emergency planning. In general, the NRC regulations and guidance govern onsite activities and the DHS regulations and guidance govern offsite activities. There were additional discussions which focused on the following topics:

- inconsistencies with the generic communications list of references in Section C.I.13.3 and Section C.IV.8 of DG-1145
- DHS's development of a reference list similar to that provided in Section C.I.13.3 for all applicable offsite regulations and guidance
- DHS's role in review of emergency plan submittals and the timing of such reviews (i.e., prior to or at the time of the exercise) and the potential affect on regulatory certainty
- the concepts of the 44 CFR 350 process, and the "initial" vs. "interim" finding of reasonable assurance
- the concept of a cross-reference that shows what guidance/regulation each part of the emergency plan portion of a COL application is written to satisfy
- clarification that the EP ITAAC that must be submitted as part of a COL application are not limited by those generic EP ITAAC included in a table in Appendix C of Section C.II.2 of DG-1145 (i.e., list could be expanded or reduced based on the applicant's needs)
- EP ITAAC are only for activities under the licensee's control; therefore, offsite actions by state/local governments would not be subject to ITAAC except for an ITAAC associated with offsite exercises
- staff reiterated that NEI 99-01 (Rev. 4) is applicable guidance for Emergency Action Levels (EAL's) for advanced light water reactors (ALWRs); however, not completely applicable to ALWRs (i.e., 70% of existing NEI 99-01 scheme is applicable to new passive reactor designs, however, additional EALs will need to be added or removed).
- 10 CFR 50.47 requires the use of a standard EAL scheme and NRC encourages the use of NEI 99-01, Rev. 4. NRC staff urged that a generic approach to create standard sets for each new design would benefit both the staff and industry.
- NRC staff clarified that the level of detail in an EAL should be similar to the existing NEI 99-01 template. Site specific information could be left out (such as equipment types, setpoints, etc.), and the use of ITAAC might be appropriate for that information. However, Initiating Conditions, applicable operations modes, and the EALs should be known and provided at the time of COL application. If the state/local governments had enough detail in the scheme to give their agreement, then that would constitute enough information for an EAL submittal at the application stage.
- NEI offered to meet with reactor design vendors and NRC staff to discuss a generic approach to create supplemental EAL sets for new reactors to add to NEI 99-01 and suggested that parallel work might be needed to get a new standard EAL scheme approved in RG 1.101, as well as review EALs for pending COL applications.
- for greenfield sites, a prospective applicant should certify that state/local authorities will participate in emergency planning. The NRC and DHS would need enough information in the plans to review against compliance with the regulations; however, the NRC does not need procedure level detail and documentation of state/local participation could be part of supplemental material submitted with an application.
- NRC clarified that the emergency plan itself must be submitted as part of the COL application, as well as supporting material that addresses the elements of Section 13.3 of the SRP. NRC also clarified that these could be two separate documents.

DG-1145, "Combined License Applications for Nuclear Power Plants (LWR Edition)"

Prior to the meeting, the Nuclear Energy Institute (NEI) submitted suggested topics for discussion related to DG-1145. These topics included guidance on single offsite AC power source requirements for passive plants (Section C.I.8.2), the maintenance rule program (Section C.I.17.6), and technical specifications (Section C.I.16). In addition, NEI provided suggested revisions to Sections C.I.8.2 and C.I.17.6 for consideration by the staff. Additional discussion topics included an updated table containing a list of issues related to availability of information at time of combined license (COL) application submittal. This updated table was also provided to the NRC in advance of the meeting by NEI. All information provided to the NRC in advance of the meeting was distributed as handouts at the meeting to inform the public and to facilitate participation and discussion.

The NRC staff presented a timeline that provided perspective on where the DG-1145 activities fit in with the scheduled rulemaking activities for Part 52 and the SRP and RG update activities for new reactor licensing. The NRC staff indicated that since DG-1145 had already been issued for public comment (see 71 FR 52826, September 7, 2006) the purpose of the meeting was to provide clarification and discussion on issues that may be the subject of public comments. The staff clarified that official responses to comments would not be provided at the meeting, and that the formal comment process described in the FRN should be followed. In addition, the staff indicated that the meeting would focus on issues of a generic nature to all COL applicants in the context of DG-1145. Any issues that are reactor technology specific would be directed to the appropriate design centered working group. The staff indicated that certain DG-1145 revision in some areas has yet to be completed, including conformance with the proposed final Part 52 rule and SRP/RG updates. As a result of these activities, DG-1145 cannot be issued final until after the proposed final Part 52 rule is approved by the Commission which is anticipated in January 2007. However, in a response to concerns that the public would not know how the comments had been dispositioned prior to final issuance, staff indicated that it would consider making DG-1145 available on its public website following incorporation of public comments and conformance with the proposed final Part 52 rule sent to the Commission.

Discussions related to Section C.I.17.6 on the maintenance rule and on Section C.I.16 regarding technical specifications resulted in mutually agreeable understandings between NEI and the staff. NEI agreed to provide a proposed revised rewrite of Section C.I.17.6 for staff consideration as part of their public comments. Discussions regarding the NEI proposed rewrite of Section C.I.8.2 on guidance for offsite electric power for passive plants resulted in the staff agreeing to consider whether to include guidance in this section of DG-1145 for passive plants. In addition, the staff indicated that the bases for approving an exemption to GDC 17 for the AP1000 would be reviewed to ascertain its applicability on a generic basis to passive plants; however, the staff indicated that the AP1000 exemption from GDC 17 was specific and that any future exemption requests would be reviewed on an application-specific basis.

The staff indicated that it would consider one or more additional public meetings on DG-1145 prior to issuance of the final regulatory guide if additional revisions to DG-1145 are significant.

Eric R. Oesterle, Project Manager
New Reactor Infrastructure Guidance
Development Branch
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Office of Nuclear Reactor Regulation

- Attachments:
1. List of Attendees
 2. Agenda
 3. Slides on SRP/Regulatory Guide Revisions (ML062690378)
 4. SRP Section 13.3 (ML061650371)
 5. DG-1145, Section 13.3, EP Handout (ML062640035)
 6. Emergency Planning Handout, ICs/EALs (ML0626040046)
 7. New Reactor Licensing Infrastructure Timeline (ML062690226)
 8. DG-1145, Section C.I.8 Proposed Revision (ML062640039)
 9. DG-1145, Pre-Workshop Comments on Offsite & Onsite AC Systems (ML062640043)
 10. Proposed Revision for Section C.I.17.6, Maintenance Rule (ML062230142)
 11. DG-1145 Other Discussion Topics for September Meeting (ML062640041)
 12. DG-1145, Pre-Workshop Comments, COL Application Information Requirements (ML062640042)

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ADAMS Package: ML062690433

ADAMS ACCESSION NO: ML063060327

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**Meeting to Discuss, Standard Review Plan/Regulatory Guide Revision,
Emergency Planning for New Reactors, and DG-1145, Combined License
(COL) Application for
Nuclear Power Plants (Light Water Reactor Edition)**

**Thursday-Friday, September 21-22, 2006
8:30 a.m. to 5:00 p.m.**

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**AGENDA FOR STANDARD REVIEW PLAN/ REGULATORY GUIDE UPDATES
TO SUPPORT NEW REACTOR LICENSING
21 September 2006
T-7A1**

8:30 a.m.	Introductions / Opening Remarks
8:45 a.m.	NRC Standard Review Plan (NUREG-0800) Revisions to Support New Reactor Licensing (NRR)
10:15 a.m.	Break
10:30 a.m.	NRC's Revision of selected Regulatory Guides to Support New Reactor Licensing (RES)
12:00 p.m.	Lunch
1:00 pm	Introductions/Opening Remarks
1:30 pm	Process for Early Site Permit/Combined License Application (COLA) Review using Section 13.3, Emergency Planning, of Draft Regulatory Guide (DG-1145) and the Standard Review Plan (NUREG-0800)
3:00 pm	Break
3:15 pm	Emergency Plan Implementation Details
4:40 pm	Public Questions and Comment
4:55pm	Closing Remarks from NRC and Adjournment

PROPOSED AGENDA FOR DG-1145 DISCUSSION
22 September 2006
Commissioners' Conference Room

- 8:30 a.m. Introductions / Opening Remarks
- 8:45 a.m. Discussions on DG-1145 to Include:
- Section C.I.17.6, Maintenance Rule Program and NEI Input Provided During August 2006 Workshop
 - Section C.I.8.2, Guidance on Single Offsite AC Power Source Requirement for Passive Plants
 - Section C.I.16, Technical Specifications and COL Information Availability
 - Follow-up on NEI Input Provided for August 2006 Workshop Regarding COL Information Availability
 - Questions/Clarifications on DG-1145 Issued for Public Comment on September 1, 2006
- 10:15 a.m. Break
- 10:30 a.m. Continue Discussions on DG-1145
- 12:00 p.m. Lunch
- 1:00 p.m. Continue Discussions on DG-1145
- 2:45 p.m. Break
- 3:00 p.m. Continue Discussions on DG-1145, as necessary
- 4:45 p.m. Public Comments
- 5:00 p.m. Conclusion

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Meeting Summary

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DATE: November 3, 2006

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