

September 9, 2014

MEMORANDUM TO: Rollie D. Berry, Chief
Advance Reactor and Policy Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors

FROM: Earl R. Libby, Project Manager /RA/
Advance Reactor and Policy Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors

SUBJECT: SUMMARY OF THE MAY 8, 2014, PUBLIC MEETING TO
DISCUSS TIER 2* IMPLEMENTATION

On May 8, 2013, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category III public meeting with the public, industry, and Nuclear Energy Institute (NEI) representatives.

The purpose of the meeting was to discuss the topic of design certification tier 2* designations. The associated meeting notice is available in Agencywide Documents Access and Management System (ADAMS) under Accession Number ML14114A573. The NRC staff presentation (ADAMS Accession No. ML14141A600) and the NEI presentation (ADAMS Accession No. ML14141A598) were discussed during the meeting. The following provides a brief summary of the meeting.

Summary

Mr. Earl Libby, Office of New Reactors (NRO), led the presentation of the NRC staff's historical perspective of the tier 2* designation during the development of the design certification rules, Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Appendix A, U.S. Advanced Boiling Water Reactor (US ABWR) through Appendix D, AP1000. Mrs. Kati Austgen, Project Manager for New Plant Licensing at the NEI, presented the nuclear industry's perspective of the progression of the Tier 2* implementation during the development of the design certification documentation. The meeting participants discussed the expansion of the quantity of design information designated as Tier 2* since the 1997 US ABWR design certification rule (DCR). The increase was attributing to various factors including insufficient guidance for the NRC staff technical reviewers conducting evaluations of the design information, as well as the nascent implementation of the change processes revisions at 10 CFR 50.59 used to determine which

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plant changes or modifications require prior NRC approval. The industry proposal is to eliminate the design information classification of Tier 2* for future design certifications. One of the basis supporting the elimination of the Tier 2* classification is the adequacy of the 10 CFR 50.59 and DCR Section VIII change processes contained in the DCRs. Furthermore, industry and the staff have additional years of experience in the application of the change control processes following the 10 CFR 50.59 rule change in 1999, as amended.

Mr. Libby will continue discussions in the NRC Tier 2* Working Group, considering the NEI proposal and its basis, developing recommendations for staff consideration during reviews of future design certification applications. In addition, the Tier 2* Working Group will continue evaluation of staff recommendations for the current 10 CFR Part 52 combined licensees having the Tier 2* designations of the DCRs incorporated by reference in the licensing basis for the plant. The Tier 2* Working Group will also consider staff recommendations for design information designation as Tier 2* in the present design certification applications that are under review. Additional public meetings on the Tier 2* designation will be scheduled to discuss with public, industry, and NEI the developments of the Tier 2* Working Group.

There were no questions or comments from the public.

Enclosures:

1. Meeting notice
2. NRC staff presentation
3. NEI presentation

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***via e-mail**

NRO-001

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(Revised 05/20/2014)

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