

July 28, 2015

MEMORANDUM TO: Lawrence J. Burkhart, Chief
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

FROM: Bruce Baval, Project Manager */RA/*
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: SUMMARY OF CATEGORY 3 PUBLIC MEETING TO DISCUSS
TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*, PART 52
DESIGN CERTIFICATION RENEWAL REQUIREMENTS ON JUNE 22,
2015

The U.S. Nuclear Regulatory Commission (NRC) held a Category 3 public meeting, with personnel from Nuclear Energy Institute (NEI), Westinghouse Electric Company (WEC), General Electric-Hitachi (GEH), Southern Nuclear Company (SNC), Korea Hydro & Nuclear Power (KHNP), Florida Power and Light (FPL), and interested members of the public on June 22, 2015. The purpose of the meeting was to discuss existing rules and NRC guidance on Title 10 of the *Code of Federal Regulations* (10 CFR), Part 52 design certification renewal. Public participation was actively sought for this meeting to fully engage in a discussion of regulatory issues.

The meeting notice can be found in the Agencywide Documents Access and Management Systems (ADAMS) under Accession Number ML15155B274. This meeting notice is also posted on the NRC public website.

Enclosed are the meeting agenda (Enclosure 1) and the meeting attendees list (Enclosure 2). The presentation slides from the NRC and NEI along with the meeting notice can be found in the ADAMS, respectively (ADAMS Accession Numbers; ML15174A044 and ML15174A048). Enclosure 3 contains the NRC's meeting summary.

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Public Discussion

At various times in the discussion and presentation, NRC staff solicited the public for comments and questions. Several questions were asked by one member of the public (via phone-bridge) regarding crosscutting concerns with design renewals and current AP1000 construction issues. NRC staff responded with an explanation of the requirements found in 10 CFR 52.57(a) and staff's draft position on the content.

Project No. 0807

Enclosures:

As stated

cc w/encls (1, 2, and 3): See next page

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NRO-002

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(Revised 05/12/2015)

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Meeting Agenda

CATEGORY 3 PUBLIC MEETING TO DISCUSS TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* (10 CFR), PART 52 DESIGN CERTIFICATION RENEWAL REQUIREMENTS

June 22, 2015

Purpose: To review and discuss existing rules and previous U.S Nuclear Regulatory Commission guidance on 10 CFR, Part 52 design certification renewal, and identify opportunities for process efficiency and predictability.

Public Meeting	
1:00 p.m.	Welcome and Introductions
1:10 p.m.	Discuss 10 CFR Part 52 Renewal Requirements
	Industry / Public Panel - Questions and Comments
3:50 p.m.	Action Items / Feedback
4:00 p.m.	Adjourn Meeting

List of Attendees

CATEGORY 3 PUBLIC MEETING TO DISCUSS TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* (10 CFR), PART 52 DESIGN CERTIFICATION RENEWAL REQUIREMENTS

June 22, 2015

Name	Work Location/Organization
Bruce Baval	Nuclear Regulatory Commission (NRC)
Lawrence Burkhardt	NRC
Michael Spencer	NRC/OGC
Adrian Muniz	NRC
Ronaldo Jenkins	NRC
Francis Akstulewicz	NRC/NRO/DNRL/D
Ruth Reyes	NRC
Deborah Jackson	NRC/NRO/DARR/DD
Don Habib	NRC
George Tartal	NRC
Paul Kallan	NRC
Denise McGovern	NRC
Glenn Tracy	NRC/NRO/D
Laurel Bauer	NRC
Gary Holahan	NRC/NRO/DD
Barton Cowan	Westinghouse Electric Company (WEC)
Paul Russ	WEC
Zackary Harper	WEC
Rob Sisk	WEC
Korey Hosack	WEC (phone)
Robert Theuret	WEC (phone)
Doug Weaver	WEC
Thomas Hicks	Southern Nuclear Company (SNC)
Howard Mahan	SNC
Kati Austgen	Nuclear Energy Institute (NEI)
Russ Bell	NEI
Anne Cottingham	NEI
Dale Wuokko	Toshiba/TANE
Jerry Head	General Electric-Hitachi
Harry Chang	Korea Hydro & Nuclear Power
Bill Maher	Florida Power and Light (phone)
Jana Bergman	Sciencetech/Nuclear Division (phone)
Louis Zeller	Blue Ridge Environ Defense League (phone)
Ruth Thomas	Environmentalists Inc. (phone)
Steve Roetger	Georgia PSC (phone)

**CATEGORY 3 PUBLIC MEETING TO DISCUSS TITLE 10 OF
THE CODE OF FEDERAL REGULATIONS (10 CFR), PART 52
DESIGN CERTIFICATION RENEWAL REQUIREMENTS (Discussion)
June 22, 2015**

The purpose of this meeting was to review and discuss Title 10 of the *Code of Federal Regulations* (10 CFR), Part 52 regulations regarding renewal (Parts §52.55, §52.57 and §52.59) and previous U.S. Nuclear Regulatory Commission (NRC) guidance on design certification (DC) renewal, and identify opportunities for process efficiency and predictability. This was a Category 3 meeting. Public participation was actively sought for this meeting to fully engage in a discussion of regulatory issues.

In a letter dated January 15, 2015, Westinghouse Electric Company (WEC) requested NRC schedule a public meeting to discuss 10 CFR Part 52 renewal requirements (Agencywide Documents Access and Management System (ADAMS) Accession Number ML15173A155). In the letter, WEC also provided staff with 16 questions for discussion. Copies of the staff's DRAFT responses were provided to WEC and the Nuclear Energy Institute (NEI) (ADAMS Accession Number ML15139A287) in preparation for the meeting. In a May 7, 2015, email (ADAMS Accession No. ML15131A242), NEI's New Plant Task Force requested to participate in the discussion in order to gain insight on generic implications of a design certification renewal.

NRC staff opened the June 22, 2015, meeting with a presentation highlighting NRC staff DRAFT responses regarding § 52.57, "Application for Renewal" and § 52.59, "Criteria for Renewal." Staff explained that all of the following discussions are in DRAFT form and will require final agency approval for any formal Part 52 renewal guidance.

For §52.57 staff explained that the entire design certification document (DCD) (i.e., the version of the DCD last approved for incorporation by reference) must be updated under 10 CFR 52.57(a) to include corrections of errors, typos, and defects (as defined in 10 CFR Part 21), which are known by the DC renewal applicant. The DCD must also reflect any design changes. This draft comment prompted a productive discussion on the meaning of modifications, renewal backfits, and amendments.

Regarding § 52.59 criteria: The staff will review additional information that is provided by the applicant to determine whether any other NRC requirements should be imposed on the certified design based on application of the renewal criteria in § 52.59(b). These criteria include: adequate protection, compliance with the regulations in effect at the time of the original certification, and cost-justified substantial increase in overall protection of the public health and safety or common defense and security.

Additional NRC talking points included:

- Alternate ways of implementing the standard design
- Changes that have already been pursued/will be pursued by combined license holders referencing a certified design via license amendment request/exemption
- Reducing/eliminating use of design acceptance criteria
- Obsolescence of technology utilized in the certified design
- Other considerations to enhance safety, standardization, efficiency, and transparency

NEI's presentation highlighted its purpose to review and discuss existing rules, previous NRC guidance on design certification renewal, and identify opportunities for process efficiency and predictability. Moving forward, NEI outlined a need for common understanding of renewal terms and expectations that include:

- Identify need for additional and/or consolidated guidance, i.e., formal guidance
- Leverage relevant existing safety evaluation reports to the maximum possible extent
- Pre-application interactions to discuss scope of licensee proposed amendments, NRC renewal backfits, and related issues

At the conclusion of the meeting, industry representatives and NRC were in agreement on the importance of the renewal "pre-application" period in order to gain alignment on technology specific issues and topics prior to a renewal submittal and also the need for the NRC to develop formal guidance.

Public involvement was limited to the opening crosscutting concerns with design renewals. No additional feedback was submitted by the public or industry representatives.