

KATI AUSTGEN*Senior Project Manager, New Plant Licensing*

1201 F Street, NW, Suite 1100
Washington, DC 20004
P: 202.739.8068
kra@nei.org
nei.org



July 20, 2015

Mr. Lawrence J. Burkhart
Acting Chief, New Reactor Rulemaking and Guidance Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Design Certification Renewal Guidance

Project Number: 689

Dear Mr. Burkhart:

We appreciated the opportunity to participate in a public meeting on June 22, 2015, to discuss questions related to the process for design certification (DC) renewal. The purpose of this letter is to summarize key points from the public meeting and provide input for staff consideration as it considers development of regulatory guidance.

First and foremost, we are encouraged by confirmation of our understanding that the renewal of a DC has no direct impact on current combined license (COL) applicants and holders. We understand that NRC staff review for renewal backfit under the provisions of 10 CFR 52.59(b) may lead to a backfit review for the current DC under 10 CFR 52.63(a)(1), and that COL holders would be subject to the "auto-update" provision of 10 CFR 52.63(a)(3), as applicable.

We agree with the staff that the most practical and efficient approach to DC renewal reviews will be to reference the original DC safety evaluation report (SER) and environmental assessment (EA) for documentation of the technical and safety review of design features and analyses that remain unchanged from an original DC. This approach will leverage to the maximum extent the NRC staff's thorough and complete review of the design for which renewal is sought and conclusions that the design was safe and in compliance with NRC regulations and orders applicable and in effect at the time the original DC was issued. The NRC staff renewal review would appropriately focus on new information, and the staff could then issue supplemental SERs and EAs as necessary.

We see the greatest opportunity for clarifying guidance in the area of required content vs. optional content for DC renewal applications. We understand that "Additional Application Information" as described in the

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draft Advanced Boiling Water Reactor Renewal Review Guidelines (ADAMS Accession Number ML103140050) is intended to be information that is discussed in pre-application meetings to inform the binning and treatment of changed information as required modifications or renewal backfits versus optional amendments in the DC renewal application. As a general matter, such information would not be included in DC renewal applications. We understand that there may be more of this information for one DC renewal versus another due to the availability of more construction and/or operating experience. In this regard, additional discussion and guidance are needed in certain areas:

- Further discussion and guidance would be helpful on the thresholds discussed in the June 22 public meeting concerning design changes implemented by current licensees for the design certification being renewed. In particular, we discussed that significant LARs (those required for compliance or adequate protection) might be considered required modifications, while other LARs (e.g., those needed for constructability) and departures under the 50.59-like process would be considered optional amendments by the DC renewal applicant. In accordance with 10 CFR 52.59(c), applicants for DC renewal have discretion to determine which, if any, design amendments to include in the renewal application.
- Additional discussion and guidance is needed concerning identification and consideration of domestic and international construction and operating experience.

Finally, as the staff plans for completion of DC renewal application reviews, please consider how renewed (Class 2) DCs are reflected in the regulations. As each class will potentially have a set of COL applicants/holders referencing that class for the life of their COLs, care should be taken to ensure that subsequent classes of a DC are distinct within the regulations. Moreover, the NRC needs to codify renewals in a way that preserves the original Class 1 DC rule for the licensed period of any existing COLs and for any pending COL applications or branch DC renewal applications that reference it.

A regulatory guide to address DC renewal, and addressing the topics above, would provide an effective means to clarify the Part 52 regulation. Consideration should be given to use of interim staff guidance as an approach to provide timely guidance to DC renewal applicants and NRC staff reviewers, as three of five certified designs are beyond their original duration and the next DC expires in less than six years. If you have any questions concerning these industry comments or require additional information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Katherino R Austgen". The signature is written in a cursive, flowing style.

Kati Austgen

c: Mr. Bruce M. Bovol, NRO/DNRL/LB4, NRC
Mr. George M. Tartal, NRO/DARR/NRGB, NRC
NRC Document Control Desk