

MEETING SUMMARY

Public Meeting May 3, 2016
Regulatory Guide 1.206 Revision Project

On May 3, 2016, the Nuclear Regulatory Commission (NRC) staff conducted a Category 3 public meeting at NRC headquarters in Rockville, MD, regarding the staff's proposed revision to Regulatory Guide (RG) 1.206, "Applications for Nuclear Power Plants," which provides the format and content guidance for Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," applications. The purpose of this meeting was to provide a venue for stakeholders to provide input to the NRC staff in the development of guidance on select topics to be included in the revised RG 1.206.

The public announcement at <http://meetings.nrc.gov/pmns/mtg?do=details&Code=20160581> includes links to the agenda, staff presentations, and draft guidance documents. All meeting materials are publicly available through the NRC's Agencywide Documents Access and Management System (ADAMS). An official transcript of the meeting, which includes identification of the participants, is attached and is an integral part of this meeting summary.

BACKGROUND

The RG 1.206 was issued in 2007 as applicant guidance in anticipation of the submittal of new combined license (COL) applications under 10 CFR Part 52. The "New Reactor Licensing Process Lessons Learned Review: 10 CFR Part 52" (ADAMS Accession No. ML13059A239) identified the need to revise RG 1.206. The NRC staff initiated the revision in 2014 with the overall intent to institutionalize lessons learned from prior and ongoing 10 CFR Part 52 application reviews and to provide updated guidance to future applicants.

In September 2014, the NRC staff held a public meeting to present the proposed RG 1.206 revision initiative and to solicit stakeholder feedback. The May 3, 2016 meeting was the latest in a series of public meetings conducted by the NRC staff to engage stakeholders and acquire feedback in the revision of RG 1.206.

MEETING HIGHLIGHTS

The NRC staff presented an overview of the RG 1.206 revision initiative and an update of the draft guidance being developed for Sections C.1 and C.2. The NRC staff explained the venue for the meeting as a facilitated interactive discussion among the meeting participants and the staff for development of draft guidance for select Section C.2 topics. As identified in the agenda, the topics included: (1) C.2.4, Application Acceptance Review, (2) C.2.5, Application Review & Requests for Additional Information, (3) C.2.6, COL Application Referencing Design Certification and/or Early Site Permit, (4) C.2.10, Applicability of Consensus Standards, (5) C.2.12, Operational Programs for COLs, (6) C.2.13, 10 CFR Parts 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," 40 "Domestic Licensing of Source Material," and 70, "Domestic Licensing of Special Nuclear Material," materials licenses for COLs, and (7) C.2.18, Limited Work Authorization. The staff also discussed the planned restructure of the RG 1.206 revision to relocate the technical information related to safety analysis reports from RG 1.206 to NUREG-0800.

The Section C.2 topics were presented by the staff and each topic engendered discussion among the NRC staff and meeting participants. The official transcript documents the details of the discussions.

ACTIONS

The NRC staff will continue the initiative to revise RG 1.206 and may conduct additional public meetings to engage stakeholders in the revision process as needed. The NRC staff will prepare guidance for the presented Section C.2 topics consistent with the discussion documented in the transcript.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF NEW REACTORS
DIVISION OF ENGINEERING, INFRASTRUCTURE, AND
ADVANCED REACTORS

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APPLICATIONS FOR NUCLEAR POWER PLANTS
REGULATORY GUIDE 1.206 [REVISION]

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

MAY 3, 2016

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ROCKVILLE, MARYLAND

The Public Meeting convened at the Nuclear Regulatory Commission, One White Flint North, Room 04B06, 11555 Rockville Pike, at 1:00 p.m., Barbara D. Hayes, Project Manager, presiding.

PRESENT:

BARBARA D. HAYES, Project Manager, NRO/DEIA/NRGP
BRUCE M. BAVOL, NRO/DNRL/LB4
MANNY M. COMAR, NRO/DNRL/LB4
JOHN H. FRINGER III, NRO/DNRL/EPB
BILLY C. GLEAVES, NRO/DNRL/LB4
DONALD C. HABIB, NRO/DNRL/LB4
PAUL B. KALLAN, NRO/DNRL/LB4
SARA BROCK KIRKWOOD, OGC/GCHEA/AGCNRP
MERALIS PLAZA-TOLEDO, NRO/DSEA/RGS1*
KATHLEEN ANN PODOLAK, NRO/DEIA/ARPB
SHIRLEY S. XU, NMSS/MSTR/MSLB

ALSO PRESENT:

KATI AUSTGEN, NEI
JANA BERGMAN, Curtiss-Wright
PATRICIA CAMPBELL, GE-Hitachi*
ZACHARY HARPER, Westinghouse*
TOM HICKS, Southern Nuclear*
HOWARD MAHAN, Southern Nuclear
STEVEN POPE, NuScale Power
RUTH THOMAS, Environmentalists Inc.*
DALE WUOKKO, Global Energy Management*

*present by teleconference

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P-R-O-C-E-E-D-I-N-G-S

(1:02 p.m.)

MS. HAYES: So, it's one o'clock. I think most of the folks who need to be here are here. If not, we will start a little slow anyway.

There is a sign-in sheet. I think most people have signed in at this point. And there are agendas for any folks who would like a copy. There is also a feedback form here in the front for anybody who wants to do it the old fashioned way.

So, let's get started. So, this is a public meeting related to applications for nuclear power plants, Regulatory Guide 1.206 and its revision.

We want to welcome and thank everybody for coming. This is a Category 3 meeting, which means that we are trying to have good interchange and get public input in a general brief format for this particular meeting. So, the purpose of the meeting is to provide input to NRC staff on the development of this guidance related to select topics that are going to be included into Reg Guide 1.206 revision.

And we have it set up as a teleconference and we have several members who are on the telephone. So, please speak clearly. And for those folks who are on the telephone, please, if you do not understand something that is being said, please speak up so we can make sure that you do understand.

All of the reference documents for this public meeting are available on the website. The most convenient way to address it is to be on the public notice portion of the website because the presentation is directly linked there, all of the seven regulatory topics that we will be discussing are directly linked there, as well as the agenda.

So, please note we do have this session being transcribed. The purpose of the transcription is to get an accurate record of people's comments so that we can incorporate them into our future work.

Please speak clearly for the transcriber, as well. And as we go around the room to introduce ourselves, if you have an interesting spelling for your last name, please spell it out for him. And every time you have a comment, please just mention your name because that will assist in getting an accurate record.

Let's see, some administrative items. This is a Category 3 public meeting. Everything is up on the website. We do ask that everybody sign in. We do request that people provide public meeting feedback either through this form or on the website.

A number of you have security escorts. When you leave the meeting make sure that you have a security escort out of here as well, since we are above the first floor at this point.

The restrooms are directly across the elevator, gents to the left, ladies to the right.

In the case of an emergency evacuation, we will move

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1 as a group. So, let's work together to follow the
2 directions.
3 I think at this point it is a good time for
4 introductions. Let's start with folks in the room.
5 I will introduce myself first. I am Barbara Hayes.
6 I am with the Office of New Reactors. I am the
7 Project Manager for the revision of Reg Guide 1.206.
8 And actually perhaps we will go around the room and
9 do NRC staff and then do stakeholder participants
10 after that. So, Shirley.
11 MS. XU: This is Shirley Xu. I am working in the
12 Materials Safety Licensing Branch on the Part 30, 40
13 licenses.
14 MR. GLEAVES: Billy Gleaves, Senior Project Manager
15 in the Office of New Reactors, Division of New Reactor
16 Licensing.
17 MR. KALLAN: Paul Kallan, Senior Project Manager,
18 Office of New Reactors, Division of Licensing.
19 MS. KIRKWOOD: Sara Kirkwood, Office of the General
20 Counsel.
21 MR. BAVOL: Bruce Bovol, Project Manager, AP1000
22 Design, Office of New Reactors.
23 MS. HAYES: Kat.
24 MS. PODOLAK: Kat Podolak, NRO.
25 MS. HAYES: Kat has been very helpful.
26 And stakeholders?
27 MS. BERGMAN: Jana, J-A-N-A, Bergman, Curtiss-Wright.
28 MR. POPE: Steve Pope, NuScale Power.
29 MR. MAHAN: Howard Mahan, Southern Nuclear.
30 MS. AUSTGEN: Kati Austgen, NEI.
31 MS. HAYES: So, that leave our folks on the telephone.
32 MR. WUOKKO: Dale Wuokko, W-U-O-K-K-O, Global Energy
33 Management.
34 MS. CAMPBELL: Patricia Campbell, C-A-M-P-B-E-L-L,
35 with GE-Hitachi.
36 MR. HARPER: Zach Harper, Westinghouse. H-A-R-P-E-
37 R.
38 MS. PLAZA-TOLEDO Meralis Plaza, NRC.
39 MS. HAYES: Okay, I think that completes the go
40 around.
41 I think at this point let's talk about the agenda
42 shortly. All right, move to the next slide.
43 So, we have seven regulatory topics that we will be
44 talking about and we will also start with a brief
45 overview of the overall revision process. I have set
46 it up so that there are approximate times for each
47 one of the sections that we will be talking about.
48 So, it is a little bit jam-packed but I think most of
49 the folks who are present have hopefully taken a look
50 at what has been provided on the website already in
51 terms of these draft regulatory topics that will be
52 discussed and that we will probably get pretty quickly
53 to any discussions that are appropriate.
54 I have given a fairly short break because the schedule
55 is compact. I think we do have enough room in the
56 schedule so that we can have sort of free flow during
57 each topic so we don't have to wait until the end of

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1 any presentations. And in fact, we will try and go
2 fairly light on the presentations. For those who
3 have read the --
4 MR. HICKS: This is Tom Hicks, Southern Nuclear.
5 MS. HAYES: I'm sorry, did we get that?
6 MR. HICKS: Tom Hicks with Southern Nuclear is here.
7 MS. HAYES: Okay, thank you very much, Mr. Hicks.
8 You know the focus of the workshop is for stakeholder
9 input at this point. The regulatory topics that we
10 will be discussing have been reviewed internally by
11 four different offices by relevant technical
12 reviewers, subject matter experts. And they have
13 been reviewed by counsel.
14 So, if we can move to the next one, we will start
15 with just a brief overview.
16 So, Regulatory Guide 1.206 Combined License
17 Applications for Nuclear Power Plants from 2007 was
18 a comprehensive, fairly far-reaching document that
19 touched on a lot of different issues that were helpful
20 to Part 52 Nuclear Power Plant Applicants. The
21 audience was, indeed, the applicants and the
22 community at large. And it complemented what, at
23 about the same time, is a major revision to the
24 standard review plan, NUREG-0800.
25 As part of later lessons learned, reported in the New
26 Reactor Licensing Process Lessons Learned Review,
27 RG1.206 was identified as being in need of being
28 updated at this point. That was back in 2013 or so
29 that that document came out and by 2014, we had
30 initiated a revision of 2007, the 2007 document.
31 The Reg Guide 2007 is, indeed the current reg guide
32 and we are scheduled to complete revision sometime in
33 the 2017 calendar year.
34 Just a moment, John Fringer has joined us who is with
35 the Environmental Policy Branch -- what does EPB stand
36 for?
37 MR. FINGER: Projects Branch.
38 MS. HAYES: Environmental Projects Branch of DNRL.
39 So, in 2014 we started and we are actually on our
40 fifth public meeting right now. The project is
41 fairly well along. I think the next slide will talk
42 about some of the changes that happened in October,
43 when we did have a major change in the scope of the
44 project.
45 Can we move to the next slide, Kat, please?
46 So, over on the left-hand side is the original
47 intended format for the overall revision of the
48 regulatory guide and over on the right is what was
49 decided upon back in October 2015.
50 The September 2014 version, basically, very much
51 followed what was in the scope and content of the
52 regulatory guide from 2007 and it included a great
53 deal of technical detail about FSAR and SSAR elements
54 that should be included. This material is quite
55 redundant with what is in the SRP and in 2015, in the
56 fall, there were discussions and decisions made that
57 that redundancy was not advantageous going forward.

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1 We presented the new scope at the October 25th public
2 meeting, and the revised reg guide will now focus
3 more on administrative issues. So, it includes an
4 introduction, discussion, guidance as far as
5 application format and content, and then application
6 regulatory topics, which is what we are currently
7 working on now, as well as implementation.
8 The bulk of what was in the 2007, if you are talking
9 about pounds and pages, really would have been in
10 these appendices. That material is now not going to
11 be included and we have another project that is
12 focused on how to have a reconciliation regarding
13 some of the technical information and the current
14 role of the SRP, the NUREG-0800.
15 So, we have captured all the information that was
16 prepared during that earlier phase of the Reg Guide
17 1.206 revision process and we have a project manager
18 who is focusing on appropriate approaches and options
19 to doing that reconciliation.
20 So, that leaves us, on the right-hand side, a much
21 smaller regulatory guide. So far we have drafted
22 materials for the introduction, discussion, and
23 implementation, as well as the portion of the guidance
24 that is on format and content. These have been
25 discussed in previous public meetings.
26 The remainder of the work is related to application
27 regulatory topics, of which there are 18. In the
28 original 2007 guide, there was an application
29 regulatory topic section and it included I think far
30 less than 18, I think it is around 12 or 14. And
31 basically some of those are still in here. There are
32 some new ones but the old ones have also been revised.
33 So, we are currently going through a process of
34 revising and adding to these application regulatory
35 topics. That is, basically, where we are right now.
36 Any questions or discussions?
37 Okay, great. Let's go to the next slide, then.
38 So, this is what the Table of Contents for the Revised
39 RG 1.206 is expected to look like. We have
40 introduction, discussion and implementation,
41 regulatory guidance. We have Section C.1 Application
42 Format and Content, which is basically administrative
43 and we are working through C.2, which is Application
44 Regulatory Topics.
45 Next slide please.
46 So, looking at our regulatory topics, you will see
47 that the check marks are ones that have been drafted,
48 discussed at public meetings and basically we are
49 working to make sure that we have addressed public
50 comments appropriately.
51 The ones that we are talking about today have the big
52 red arrows and there are seven of them.
53 There are four that have neither checkmarks nor red
54 arrows. Those are basically associated with ITAAC,
55 RCOL, and SCOL, Application Electronic Submittal, as
56 well as Finalizing Licensing-basis Information for
57 COLs. Those are still being drafted. It is unclear

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1 exactly what they are going to look like or when they
2 are actually going to be ready for processing. Once
3 we are at that point and we have done our internal
4 work, then we will be making decisions in terms of
5 whether it is appropriate to reach out and have more
6 discussions via a public meeting like this one.
7 Generally, public meetings with regulatory guides are
8 most often after the DG, the Draft Guide, has actually
9 been issued. And so we will wait and see what we
10 have with those final four topics.
11 The seven topics we are talking about today are
12 actually fairly mature guidance based on lessons
13 learned and updating of previous information that we
14 have had out there publicly. And they have all been
15 reviewed internally by technical reviewers and also
16 by OGC. And so we are looking for input on those
17 now.
18 So, with that, I think we are ready to move to the
19 first regulatory topic, unless there are some
20 questions at this point.
21 Okay, let's take the first one. So, this is on 10
22 CFR Parts 30, 40 and 70 Materials Licenses for COLs.
23 A question for those on the phone. Anybody who has
24 not got a copy of the presentation, please let me
25 know. The ML number is available on the Public Notice
26 Website.
27 Each one of these topics are introduced via the ML
28 number associated with the draft regulatory topic
29 that is being discussed plus a little bit of
30 information regarding the history of the development
31 of the particular regulatory topic.
32 So, we have ML16119A019 and this is a new topic that
33 was not addressed in Reg Guide 1.206, in the original
34 2007 version, the current version.
35 So, just a brief overview. Additional licenses under
36 Parts 30, 40 and 70 are needed by applicants in order
37 to support facility construction and operation.
38 These are related to source material, byproduct
39 material and special nuclear materials.
40 When NRC does its review of the COL application, it
41 does it for compliance with the requirements of Part
42 52 but also requirements with Part 50, as well as
43 other regulations, such as 30, 40, and 70.
44 So, this regulatory topic basically describes the
45 recommended approach for COL applicant to request
46 appropriate authorizations under those other portions
47 of Title 10 CFR Parts 30, 40 and 70. So, that is the
48 intent of the material.
49 And just a note in terms of our internal review. This
50 topic was, indeed, reviewed by different branches
51 within NMSS. This is probably the sole area where
52 NMSS has reviewed regulatory topics.
53 So, guidance. The COL applicant should request
54 authority for activities that are regulated under
55 these other Parts 30, 40 and 70 and they should do it
56 according to their needs. So, each site and each
57 design certification is going to have different needs

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1 in terms of what sort of licenses you will actually
2 need. So, it is really not a one-size-fits-all
3 situation.
4 You would request the relevant 10 CFR Parts 30, 40
5 and 70 materials licenses to be incorporated into the
6 COL application and into the COL. And you should
7 identify and describe and request those material
8 licenses in Part 1, "General & Financial
9 Information."
10 It is important to provide the information that is
11 sufficient to meet the applicable requirements in 10
12 CFR Parts 30, 40, and 70 in the SAR and other parts
13 of the COL application.
14 So, I think the last bullet point is probably the
15 most important one to keep in mind is that your
16 application must satisfy the other authorizations
17 that you are requesting in that same application.
18 Historically, large light water reactor applications
19 have needed authority for receiving an possessing SNM
20 and reactor fuel, receive, possess and use of
21 byproduct source and SNM and sealed neutron sources,
22 et cetera. So, there is a number of different
23 potential uses and authorizations that you will be
24 required to have.
25 So, next slide, please.
26 So, the guidance or the regulatory topic includes
27 some examples of license conditions that would be
28 appropriate. It also describes operational programs
29 to support the Parts 30, 40, and 70 and includes
30 associated milestones. These include radiation
31 protection programs for COLs, Fire Protection
32 Program; a Security Program, including physical
33 security, Safeguards Contingency Programs, Training
34 and Qualification Program; Fitness for Duty Program;
35 non-licensed plant staff training; and Special
36 Nuclear Material Physical Protection Program.
37 So, there is information in the regulatory guide
38 regarding all of those matters. So, next slide,
39 please.
40 So, the guidance includes Parts 30, 40, and 70
41 materials and use with detailed information
42 requirements for before and after the 52.103(g)
43 finding. It also includes guidance regarding
44 application information needs regarding those
45 licenses. And there is also a final note in the
46 regulatory topic regarding applicant's potential for
47 requesting an exemption associated with Material
48 Control and Accounting Program for SNM materials.
49 That exemption actually has been done by other
50 applicants in the past successfully and basically
51 requirements that allow you to use requirements that
52 are consistent with a Part 50 license.
53 So, that basically runs through a list and description
54 of what all is in the regulatory topic that has been
55 developed so far. And I will open it up for
56 discussion, questions.
57 So, are there any questions or comments? Anyone on

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1 the phone?

2 MR. HICKS: This is Tom Hicks, Southern Nuclear. I

3 have a question about the licensing conditions.

4 MS. HAYES: I'm sorry, could you repeat that?

5 MS. AUSTGEN: I think that was in another section.

6 MR. HICKS: Question about licensing conditions. Are

7 you now saying that the applicant has to put licensing

8 conditions in the application? I think in the past

9 there was no requirement to put those in there. The

10 applicant should be requesting licensing conditions

11 now? You know licensing conditions are issued by the

12 staff.

13 The question, I guess, is whether an applicant

14 "should" or "may" request license conditions,

15 generally, in this area but in other areas as well.

16 MS. AUSTGEN: Yes, so I'm not sure what exactly the

17 text said in C.2.13 but later when we get to C.2.12

18 license conditions, it talks about the applicant

19 should propose license conditions for the staff and

20 the others. While that may be beneficial, it sort

21 of sounds like it is now a requirement, at least in

22 that context, which I know we are not there yet. But

23 maybe that is better phrased that the applicant may

24 propose license conditions.

25 So, I can't recall if this section had the same should

26 language.

27 MS. HAYES: Well, I think the comment is clear. It

28 has to do with the process by which license conditions

29 are being prepared. And in terms of 30, 40, and 70,

30 materials licenses, the point is that one would expect

31 that there would be license conditions and there are

32 some examples provided within the regulatory topic.

33 But I think your point is well taken in terms of

34 describing that process of developing that.

35 Okay, if there are no other questions, we can move to

36 the next regulatory topic.

37 So, C.2.10, Applicability of Consensus Standards.

38 The ML number is available for this regulatory topic.

39 This was not addressed in Reg Guide 1.206 (2007).

40 This came out of some earlier discussions at some of

41 the public meetings and I believe NEI had said they

42 are interested in having some description of it. In

43 October there was more discussion.

44 At this point, we have written something that is

45 really very brief and fairly concise. It focuses on

46 the National Technology Transfer and Advancement Act

47 of 1995 and what that requires NRC to do and how NRC

48 has responded.

49 So, NTTAA basically requires that NRC consult with

50 voluntary consensus standard bodies; participate in

51 the development of consensus standards when in the

52 public interest and compatible with agency mission,

53 authorities, and priorities, and resources; and also

54 to use consensus standards as a means to carry out

55 agency policy objectives and activities.

56 So, one of the key documents is described briefly on

57 the next slide, which is NRC's Management Directive

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1 6.5, which describes our policy of being involved
2 with all stakeholders in the regulatory development
3 process; participation in the development of
4 consensus standards that support NRC's mission; use
5 of consensus standards developed by voluntary
6 consensus standards bodies consistent with NTTAA; and
7 also a note that NRC reserves the right to apply
8 conditions on the use of those consensus standards.
9 So, Management Directive 6.5 basically is an overall
10 policy description.
11 And then if we go to the next slide, which summarizes
12 our current use of standards, NRC applies consensus
13 standards in numerous aspects of its regulatory
14 activities. It incorporates them by reference in NRC
15 regulations and it also accepts them in regulatory
16 guidance documents, such as guides, regulatory issue
17 summaries, NUREGs and standard review plans.
18 Next slide please.
19 COL applicants also use standards. They may apply
20 consensus standards accepted by the NRC in its
21 application. If the standard is not accepted in NRC
22 regulations or a regulatory guide, then the COL must
23 justify its use within the COL application.
24 Section C.2.6 of this same draft regulatory guide
25 1.206 provides guidance for standards incorporated by
26 reference or applied as a general reference in the
27 COL application.
28 So, that basically describes what is in the regulatory
29 topic. It is a mere two pages but I think it
30 concisely lays out the key ingredients that are
31 important.
32 So, discussion, comments, questions?
33 MS. AUSTGEN: I don't think we had any comments on
34 2.10. We will have some to discuss on 2.6.
35 MS. HAYES: Okay, very good. Anyone on the phone?
36 Okay, let's move to the next regulatory topic which
37 is C.2.6, which is a COL application that references
38 DC and/or an ESP.
39 So, this is indeed an update to Reg Guide 1.206, the
40 2007 version and it basically uses information from
41 various different portions of the current version.
42 So, that includes C.III.1, C.III.2, C.III.6, which is
43 information needed for a COL application referencing
44 certified design, information needed for COL
45 referencing an ESP and a certified design, and also
46 a section on combined license application timing.
47 So, in terms of an overview, the COL application can
48 reference an Early Site Permit and/or a Design
49 Certification. In both cases, it acquires regulatory
50 finality regarding the site as provided by different
51 portions of the CFR.
52 In addition to the finality -- would you move to the
53 next slide, please -- requirements for FSAR and
54 Environmental Reports change substantially. So, when
55 referencing a Design Certification, the applicant
56 must demonstrate now that the site characteristics
57 fall within the permissible site parameters.

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1 When referencing an ESP, the applicant must
2 demonstrate that the design falls within design
3 parameters. So, there is a requirement that they
4 must reference the DC and/or reference the ESP and
5 then demonstrate that there is sufficient additional
6 information through COL action items, et cetera, to
7 demonstrate that the characteristics fit within the
8 parameters that are required. This isn't to say that
9 there are not additional requirements beyond this
10 interface issue and the referencing of the DC or the
11 ESP.

12 So, after this, the presentation actually gets quite
13 wordy. So, instead of going through all of it, the
14 topics that are really described within the
15 regulatory guidance include materials referenced,
16 FSAR information, design acceptance criteria, COL
17 action items, design interfaces, and conceptual
18 design completion for Design Certification,
19 departures and variances, exemptions, and then there
20 is discussion of conformance with NUREG-0800 and
21 regulatory guides, as well as the completeness and
22 accuracy of a DC or ESP and what to do when there are
23 questions arising related to that.

24 And then finally, there is a section discussing
25 referencing of ESP or a DCD that is concurrently under
26 review.

27 So, I don't know that we really want to go through
28 all of the individual ones but maybe we will ask first
29 if there are questions about the materials referenced
30 issue.

31 MR. HICKS: Tom Hicks from Southern Nuclear. Do you
32 want me to do it, Kati, or are you going to do it?

33 MS. AUSTGEN: Well, since you didn't have any on
34 material referenced, right, I think we can go to the
35 next slide. Your first comment, Tom, was on the FSAR
36 information.

37 MR. HICKS: Yes, I was actually looking at the draft
38 guide, going page by page.

39 MS. AUSTGEN: Right.

40 MS. HAYES: Okay, let's move to the next slide, then.
41 And it sounds like there is a comment or a question
42 on the FSAR information.

43 MS. AUSTGEN: Yes.

44 MR. HICKS: What page are we on now?

45 MS. AUSTGEN: We are on slide 20 and your comment is
46 at the bottom of page 2 for C.2.6.

47 MR. HICKS: Oh, yes, on the format.

48 Again, this is Tom Hicks with Southern Nuclear. On
49 the bottom of page 2, there is a statement that says
50 that the organization and format of the FSAR, for a
51 COL application referencing a Design Certification or
52 ESP should be consistent with NUREG-0800. I think
53 what we see clearly here is the COL application
54 referencing a Design Certification that the FSAR
55 requires the Design Certification format, which may
56 not be the same as whatever the latest version of

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1 NUREG-0800 is. I think that might be required in
2 Part 52, I think.
3 But the statement here on page 2 is not consistent
4 with what the regulations say.
5 Hello?
6 MS. HAYES: We heard you. We are absorbing your
7 comment.
8 MS. AUSTGEN: Diligently taking notes, Tom. Don't
9 worry.
10 MR. HICKS: That's the comment on page 2 of the draft
11 guide.
12 MS. HAYES: I think we have it. I'm not sure we have
13 any response at this point.
14 MR. HICKS: Okay.
15 MS. HAYES: We can actually pull it up on the screen,
16 too.
17 MR. BAVOL: And what you are saying is -- this is
18 Bruce Baval, NRC -- the line item that says should be
19 consistent with NUREG-0800.
20 MR. HICKS: Yes, the second sentence in the bottom
21 paragraph.
22 MR. BAVOL: And what did you recommend? What was
23 your recommendation?
24 MR. HICKS: Well, for a COL that references the Design
25 Certification that format and content of the FSAR, I
26 believe it is in Part 52. And I believe, I don't
27 have it in front me, there is an actual regulation in
28 Part 52 that says that apart from Design Certification
29 format, that they actually have to take a departure.
30 So, that is what COL application will follow for
31 format and content, not necessarily what is in NUREG-
32 0800.
33 MR. BAVOL: That's a reasonable comment.
34 MS. HAYES: Yes, absolutely. Thank you very much for
35 that comment.
36 Any other comments on FSAR information?
37 So, then any comments on design acceptance criteria?
38 MR. HICKS: Yes, we have on page 3, do you want to
39 pull it up? It is the second paragraph under "Design
40 Acceptance Criteria."
41 MS. HAYES: Shall we pull it up, Tom?
42 MR. HICKS: For people to see it in the room. I have
43 it in front of me.
44 MS. HAYES: Okay, pull it up.
45 MR. HICKS: So, do you have it?
46 MR. BAVOL: Not yet.
47 MS. AUSTGEN: We're getting there but a couple of
48 folks have hard copies. So, why don't you go ahead.
49 MR. HICKS: Okay, well the second paragraph says that
50 -- I'll read it. A COL applicant referencing a Design
51 Certification which used DAC should include detailed
52 design information in the design areas where DAC were
53 used. Alternatively, the COL applicant may justify
54 the continued use of DAC in the COL application and
55 provide implementation plans.
56 Okay, right now under Part 52, if you incorporate a

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1 Design Certification, you incorporate the whole
2 thing. That includes Tier 1. It includes any of the
3 DAC that are in Tier 1.
4 So, per the regulation, a COL applicant would be
5 incorporating the DAC that are in any Design
6 Certification and that, essentially, has finality and
7 there is no requirement for a COL applicant to justify
8 the use of something that is in the Design
9 Certification or a requirement to provide detailed
10 design information to supplement the Design
11 Certification. There is no requirement for that.
12 And so it looks like this paragraph is changing Part
13 52 in a reg guide.
14 MR. BAVOL: So what essentially you are saying is the
15 COL applicant is referencing Design Certification not
16 all the DAC and the specifics.
17 MR. HICKS: No, they are. The FAR reference to
18 AP1000 Design Certification for example, there are
19 DACs in Tier 1. So, that would be incorporated into
20 my COL application. There is no reason for me to
21 justify continuing to have those in there. I mean
22 that is as far as Part 52.
23 And I don't have to take them out, either. There is
24 no requirement to take them out. There is no
25 requirement to add detailed design information. All
26 these statements are completely outside the Part 52.
27 MS. AUSTGEN: So, I think we have seen this in some
28 other related discussions and for us, it looks like
29 this is going beyond the current policy as stated in
30 the SECY.
31 So, with respect to DAC, we would recommend keeping
32 language similar to what is currently in Reg Guide
33 1.206.
34 MR. HICKS: You know a COL applicant may choose to
35 put an exemption in a COL application to remove the
36 DAC and then provide the detailed design information
37 to go along with that, if they want to do that. That
38 is an option but is certainly not a requirement.
39 MR. BAVOL: Under the exemption requirements.
40 MR. HICKS: Yes, they can take an exemption, take the
41 DAC out, essentially reference the DAC that had been
42 approved say to the previous plant and that is only
43 an option. That is not a requirement to do that.
44 MR. BAVOL: That is a reasonable comment.
45 MS. HAYES: Okay, any other comments on the Design
46 Acceptance Criteria? COL action items?
47 Let's move to the next slide.
48 So, design interfaces for both DC and ESP. Okay,
49 anyone from the phone? Tom?
50 MR. HICKS: No, I have no comment.
51 MS. HAYES: Okay, conceptual design information for
52 DCs?
53 Departures or variances?
54 MR. HICKS: This is Tom Hicks with Southern Nuclear
55 again. I have a comment on the departures section
56 of the draft guide.

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1 This discussion in the departure section talks about
2 COL applicants requesting a departure that requires
3 Commission approval and there is a paragraph that
4 talks about that. My only comment is that maybe you
5 ought to have another paragraph for departures that
6 do not require prior NRC approval and have a
7 discussion about that. And this is related to
8 discussion in Section C.2.14 on departures. But the
9 two of them are missing from here.

10 MR. BAVOL: Yes, that section, it is also mentioned
11 at the bottom of page 5 of C.2.14, has explanatory
12 information.

13 MR. HICKS: All right. So, that was just a comment
14 on this one, mentioning that.

15 MS. HAYES: Okay, great. Thank you very much.
16 Exemptions?

17 Comments on conformance with NUREG-0800?

18 MR. HICKS: Yes, we have a comment on page 7 of the
19 draft guidance on this topic.

20 It is under the NUREG-0800 as well as the reg guide
21 section. They say the COL applicant that include
22 departures from the referenced Design Certification
23 should evaluate the facility for conformance with the
24 NUREG-0800 revision that is in effect six months prior
25 to the submittal date of the application and there is
26 a similar statement for a reg guide.

27 And my comment is that that is not always true. I
28 will give you an example. If you are making a
29 departure to a specific description in the Design
30 Certification and let's say with Vogtle, many times
31 for large license amendment requests, when you
32 evaluate that license amendment request, you will
33 reference design reg guides and so forth and standards
34 that were used in the Design Certification for that
35 system. You don't necessarily upgrade to a newer
36 standard or a newer reg guide. You are talking about
37 design information.

38 So, you upgrade to a later version when you are
39 evaluating that departure from that system
40 description.

41 MR. BAVOL: So, you are looking at the six months
42 prior to submittal. So for an LAR, you are looking
43 at the change to the existing design certification.

44 MR. HICKS: Yes, I mean the process is saying that
45 just the part about COL application, using it as an
46 example and then you have this amendment request that
47 had been done for Vogtle. It is the idea that you
48 are not going to -- I think you know the concept is
49 the same. You have got to use whatever the standard
50 is, that the Design Certification applies to that
51 system, you know whatever year that standard is.

52 If it is similar to site-specific area to the design,
53 then you would use the latest reg guide or standard
54 but for something that clarifies the Design
55 Certification, I believe you should use what is in
56 the Design Certification.

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1 MR. GLEAVES: This is Billy Gleaves, NRC. I am
2 confused by the comment because I think this talking
3 about a COL application versus someone that already
4 has the COL. And the licensing process for someone
5 that has a COL is definitely different than this
6 process and the requirements that you would have to
7 meet when you file a license amendment versus a COLA
8 application. So, I am not sure where the comment is
9 falling.

10 MS. AUSTGEN: Let me try it, Tom.

11 MR. HICKS: Well, in your COL application, you are
12 going to make a departure to some system, I think in
13 that system in the Design Certification, maybe it
14 is not the reg guide which would apply the standard.
15 This has a certain revision date to it.

16 You know if you are not doing departure, you are not
17 going to have a system to change some piece of it.
18 You are not going to say now that piece of that system
19 now has a different year of the standard applied to
20 it, as opposed to the rest of the system, which has
21 standards defined by the Design Certification.

22 MS. AUSTGEN: Let me try. Hold on, Tom. I was
23 waiting to see if it sunk in or not. So, let me try
24 this.

25 When the applicant is referencing a Design
26 Certification, the Design Certification already
27 contains information about the design and it was
28 designed to a specific standard and it likely
29 references a specific year. So, now the applicant
30 is coming in with their COL application. They are
31 referencing the Design Certification and they have
32 identified something within that Design Certification
33 that they want to take a departure from. But the
34 system, as a whole, is designed to that original
35 standard revision. And so when they take their
36 departure, they are looking at the departure with
37 respect to that original revision and they are not
38 doing a wholesale upgrade of the system to the latest,
39 as may be described in NUREG-0800, at that point.

40 MR. GLEAVES: Just for the scope of that departure
41 you would have to go into -- not for the entire
42 system. Is that what you are trying to make
43 distinguished between whether it is a piece part or
44 whether it is the whole system? Is that what you are
45 trying to distinguish?

46 MS. AUSTGEN: We are trying to distinguish that,
47 assuming it is just a piece part, you are not going
48 to take that piece part and apply a completely
49 different code version to it just because that is
50 what is currently in NUREG-0800. You are going to
51 look at it still based upon the code of design and
52 the Design Certification.

53 MR. HICKS: Yes, I mean a lot of times the reg guide
54 that the Design Certification references will
55 describe a particular methodology or something that
56 was used to evaluate maybe the seismic qualification

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1 of a system or something. Okay?
2 And so when a COL applicant takes a departure to that
3 system for some reason, they are going to apply --
4 when they evaluate whatever the departure is, they
5 are going to apply the same methodology that was used
6 in the Design Certification, which in all of the cases
7 is based on a reg guide revision or a standard, some
8 kind of national standard with a year revision. And
9 that is what the applicant would use to evaluate the
10 departed system. They are not going to a later
11 standard on the books. They are not going to go to
12 the next revision of a reg guide.
13 The statement implies that it is black and white and
14 it is not.
15 MR. GLEAVES: Are you referring to design finality?
16 Because the Design Certification has finality for
17 only the information that is part that is certified
18 in the rule. If you make changes from that, and I
19 assume what you are talking about in your COL
20 application, that that is what the departure, the
21 change from the Design Certification, I don't see why
22 finality would protect you in that case. You are
23 going to have to --
24 (Simultaneous speaking.)
25 MR. HICKS: In the Design Certification rule,
26 actually Tier 2 information has finality. And
27 actually some departures have finality as well and
28 that is defined in the Certification Rule of Section
29 6 of the Certification Rule. But that is really a
30 whole other discussion.
31 MR. KALLAN: This is Paul Kallan.
32 MR. HICKS: I think that you guys need to take this
33 one back and think about it. I think methodology and
34 so forth are defined in Design Certification are the
35 ones that COL applicants have to use to evaluate
36 departures to those Design Certification systems.
37 MR. KALLAN: This is Paul Kallan. Although we are
38 talking about an application that hasn't gone
39 through. It is not approved yet. So, yes, you would
40 -- I don't see how you could just take a small
41 departure and say it is only for this section. You
42 would have to apply whatever change to the whole
43 application and not just one little portion. That
44 is different for a LAR.
45 MR. HICKS: I didn't quite hear all that comment.
46 Can you speak up a little louder or get closer to the
47 microphone?
48 MR. KALLAN: What I was stating was this is an
49 application that hasn't gone through yet. And so
50 yes, if you had a revision, it would apply to the
51 whole application and not just one little portion of
52 it. If it was compared to when you are doing -- you
53 are comparing it to an amendment and that is just a
54 small little portion, but it has already been
55 approved.
56 MR. HICKS: Well, I don't necessarily -- I mean you

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1 have to distinguish between talking about new site-
2 specific information. Let's say you had a site-
3 specific building and that building you have to apply
4 whatever the latest reg guide, NUREG-0800, sections
5 that apply. I'm not talking about that.
6 I'm talking about something that was in the Design
7 Certification that the COL applicant is departing
8 from. And in most cases, the departure can be very
9 specific to an individual system. In fact, they
10 usually are.
11 But I think we need to go back and think about this
12 a little bit maybe. I mean the staff should go back
13 and think about it, about how we apply the Design
14 Certification methodology to the COL applicant, the
15 COL application and how that was done in the past.
16 MR. BAVOL: That's probably a good idea. We will
17 take that question back on that paragraph.
18 MR. HICKS: Yes, and there is a similar one under reg
19 guides as well.
20 MR. BAVOL: Right.
21 MS. HAYES: So, I think that was a great discussion.
22 Are there other comments about completeness and
23 accuracy of referenced DC and ESP? It sounds like
24 there is not, at this time.
25 What about DC and/or an ESP application that is under
26 review and is being referenced in a COLA that it is
27 going through currently?
28 So, I think those are the main issues for the
29 regulatory topic that we are discussing. But is
30 there anything else? Because this is just sort of
31 the highlights. Any other discussion of COLA
32 applications referencing DC and/or ESP?
33 Great. Thank you very much for those comments and
34 for the discussion.
35 We are actually at about the halfway point and I think
36 we are ahead of schedule by close to an hour, about
37 50 minutes. Do you want to take a break now or do
38 we just want to forge onward? It seems like we are
39 moving more quickly than expected.
40 Move forward, okay, that is what I figured.
41 So, let's move to Section C.2.5, which is Application
42 Review and Requests for Additional Information. This
43 is a new topic that was not addressed in the 2007
44 version that is currently applicable.
45 It derives -- well, there are two relevant documents
46 that are worth referencing here. The first one is
47 the NRC Office Instruction NRO-REG-101, "Processing
48 Requests for Additional Information," Revision 1. It
49 is publically available and it provides guidance and
50 instruction to NRO staff, in terms of the RAI process.
51 It is useful for applicants to take a look at this to
52 get an understanding of what the expectations are on
53 our side for the rationale for and the format, et
54 cetera for these. And that is helpful to applicants.
55 There is also a much shorter staff pamphlet that is,
56 "Request for Additional Information Best Practices,"

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1 that is a much shorter read and says similar
2 information and provides some very short examples.
3 So, just briefly, the staff technical review for COL,
4 ESP or DC often require additional information.
5 Typical RAIs address clarifications, omissions, and
6 technical acceptability.
7 The RAI process is a structured, formal, and
8 regulation-based process. The relevant documents
9 that I just mentioned are both useful for
10 understanding what an applicant can expect in the
11 process.
12 So, the next slide.
13 In terms of guidance, communications are very
14 important. Proactive communications are key to an
15 efficient review. There is correction. The
16 regulatory topic refers to an attachment. There is
17 no attachment since it was basically absorbed into
18 the rest of this particular regulatory topic. So,
19 there is no attachment there.
20 So, proactive communications are for the benefit of
21 both NRC staff, as well as the applicant. Technical
22 discussions via phone, meetings, or correspondence
23 are public. If there is any sensitive information,
24 those will basically be treated in a closed portion
25 of that same public discussion.
26 There is also non-public conference calls that are
27 permitted basically to clarify RAI information and
28 discussion before an RAI is actually issued formally.
29 An important topic here is the discussion of the
30 Project Manager role. The project manager is the
31 primary interface between NRC staff and the COL
32 applicant -- the applicant and the PM manages all
33 conversations.
34 Next slide, please.
35 The applicant should know that there is RAI-related
36 information that is readily available from previous
37 applications and that RAIs are processed always
38 electronically going forward. We track RAIs
39 electronically and RAIs will be sent by email either
40 as an attachment or directly in the body of the email.
41 In order to effectively respond to the RAI, it should
42 be not only timely but it should be also
43 comprehensive. And if there are other portions of the
44 application that are somehow affected by the response
45 or changed, it is best practice to include that in
46 the response, rather than going piecemeal.
47 It is also important to identify if any portions of
48 the FSAR or other documents need to be revised and if
49 so, to provide a markup.
50 So, those are the highlights. So, questions?
51 Comments?
52 MS. AUSTGEN: Yes, I have got one comment. Overall,
53 this looks very good and I think we are already seeing
54 improvements in the RAI process.
55 We would note that one more thing that could be added
56 in here to help us keep on track and continue to see

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1 progress is including some information about
2 expectations for the RAI to include a regulatory basis
3 for the request or a specific tie back to why it is
4 needed for the staff's evaluation that can maybe help
5 us avoid scope creep down the line with future RAIs.
6 MS. HAYES: Okay, well noted.
7 MS. KIRKWOOD: Just to clarify, you want the staff
8 to include the regulatory basis.
9 MS. AUSTGEN: Right.
10 MS. KIRKWOOD: And I don't disagree with that
11 comment. I wanted to be careful that this remain
12 guidance to applicants and not an instruction to the
13 staff about how to --
14 MS. AUSTGEN: Right.
15 MS. KIRKWOOD: But I agree with you that an RAI should
16 include that.
17 MS. AUSTGEN: And perhaps it is maybe in the
18 communication section or what the applicant should
19 expect of their Project Manager. You know if they
20 are the gatekeeper for making sure the staff provided
21 a regulatory basis and then the applicant doesn't see
22 that or doesn't recognize it if it is there, then
23 that is a question they should ask their project
24 manager. I think you could get that concept in there
25 as guidance for the applicant.
26 MR. BAVOL: Word it so it is expected from the
27 applicant.
28 MS. HAYES: Any other discussion?
29 MS. CAMPBELL: This is Patricia Campbell on the
30 phone. I just want to ask if this ADAMS ML12220A577
31 is NRC staff pamphlet, which is in your slide and the
32 last reg guide. It doesn't come up as a covered
33 document.
34 MR. BAVOL: On slide 26, the --
35 MS. CAMPBELL: What is the ADAMS ML12220A577, the
36 second bullet under relevant documents.
37 MR. BAVOL: "Request for Additional Information Best
38 Practices?"
39 MS. CAMPBELL: Yes.
40 MS. HAYES: We'll look into that.
41 MS. CAMPBELL: I would let it slide -- if it were
42 just there, it might not be a big deal but it is also
43 in the reg guide. So, how would it be used by
44 licensees if it is not public?
45 MS. HAYES: Thank you.
46 MS. CAMPBELL: Or applicant -- I'm sorry -- applicant
47 or licensee.
48 MR. BAVOL: We'll check that.
49 MS. CAMPBELL: Okay.
50 MS. KIRKWOOD: Were you all able to see that?
51 MS. AUSTGEN: I honestly did not try to find it.
52 MS. HAYES: Yes, it was referenced in the previous
53 attachment. In fact, the attachment contained the
54 information from it.
55 MS. KIRKWOOD: Right. I just assumed it was public.
56 MS. HAYES: So did I.

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1 MS. AUSTGEN: I vaguely remember discussing this I
2 think back in October or whenever we previously
3 discussed this RAI section conceptually what it might
4 contain. I vaguely remember the staff mentioning
5 this pamphlet and us going, oh, we have never heard
6 of that or seen that.
7 MS. HAYES: Well, we will look into that. Thank you
8 very much for that comment.
9 MR. BAVOL: And I'll bet you that is where you are
10 going to find the regulatory requirements for RAIs.
11 MS. KIRKWOOD: It is, yes.
12 MS. CAMPBELL: So, it would be nice to have it as a
13 public document.
14 MR. BAVOL: If possible, yes.
15 MS. HAYES: Yes, I'm assuming that the Office
16 Instruction also says the same thing but --
17 MS. KIRKWOOD: Not as clearly.
18 MS. HAYES: And I don't think it includes the
19 examples.
20 MS. KIRKWOOD: Right. So, I think the thinking was
21 that we referenced the pamphlet and that was the
22 guidance to the staff but that applicants can see it.
23 Well, apparently not. And then this would be more
24 of the guidance to the applicants.
25 MS. HAYES: Okay, thank you very much.
26 So, shall we move on to Application Acceptance Review,
27 C.2.4?
28 So, this updates Reg Guide 1.206 Section C.IV.1
29 Combined License Application Acceptance Review
30 Checklist. And also another important reference here
31 is the publicly available office instruction entitled
32 "Acceptance Review Process for Early Sit Permit,
33 Design Certification, and Combined License
34 Applications," NRO-REG-100. That reference is
35 actually very valuable for applicants to look at.
36 So, the acceptance review is basically for
37 completeness and sufficiency. It does not constitute
38 a detailed review of the application itself. NRC staff
39 looks for significant technical deficiencies and
40 these are defined as missing information that makes
41 the staff unable to evaluate the detailed technical
42 information against acceptance criteria.
43 Now, there are two issues there, in terms of the
44 ability to do the review and then the ability to also
45 predict a time line that is appropriate for it.
46 If it is not a significant technical deficiency, it
47 is a minor technical deficiency, there is an
48 expectation that those issues can be resolved through
49 the RAI process in a reasonable time frame. That is
50 really kind of the cutoff there.
51 So, next slide, please.
52 So, NRC staff has 60 days for their review. I will
53 talk about the second bullet point here. The
54 communications is actually an ongoing process and the
55 applicant should be prepared to respond to any staff
56 initiated communications in a timely and accurate

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1 manner and proactively initiate communication as well
2 with the staff, as appropriate.
3 Staff initiates and maintains communication
4 throughout the process and the applicant actually has
5 the opportunity to address potential acceptance
6 issues during that acceptance review.
7 The top bullet point relates to results from the
8 docketing decision. There are three possible ones.
9 One is that the application is acceptable and is
10 docketed. And with that one the applicant will get
11 a proposed schedule for the actual review that the
12 applicant is expected to be responsive to.
13 With an application that is not acceptable for
14 docketing, the applicant can withdraw the application
15 and resubmit at a later time after addressing some of
16 the information insufficiencies that are needed, the
17 major technical deficiencies.
18 And then number three, an application is acceptable
19 for docketing but it is contingent specific
20 supplemental information.
21 So, those are the highlights of this regulatory topic.
22 I will open it up for discussion at this point.
23 Do you have comments, questions? Anyone on the
24 phone?
25 MS. THOMAS: Hello?
26 MS. HAYES: Hello.
27 MS. THOMAS: Yes, I had a question.
28 MS. HAYES: And who is this please?
29 MS. THOMAS: This is Ruth Thomas and I have been
30 listening trying to follow the agenda. And I am not
31 sure where you are on the agenda. It is hard to hear
32 some of you. And I don't see anything on the agenda
33 about asking questions or getting clarification.
34 MS. HAYES: So, Ms. Thomas, we are discussing
35 application acceptance review on the notice on the
36 public website, there is a document that you can click
37 on that shows you the presentation, as well as this
38 particular regulatory topic.
39 MS. THOMAS: Well, you see, I don't have a computer.
40 So, I am following the printed out agenda and I'm not
41 sure who is discussing it and the people who are on
42 in the workshop. Are they discussing, are they
43 members?
44 MS. HAYES: These are regulatory topics that have
45 been drafted for inclusion in a revision to Regulatory
46 Guide 1.206 for applications for new nuclear power
47 plants. And the regulatory topics that are being
48 discussed today are available publicly, at this
49 point, in draft form and we are looking for
50 stakeholder input in these draft regulatory topics.
51 They have been reviewed internally at this point and
52 we are now seeking stakeholder input and we have
53 various representatives and participants who are on
54 the phone, as well as here in person discussing them.
55 We are going one by one through these draft regulatory
56 topics and we are currently in the part of the meeting

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1 that is on C.2.4, which is referred to as Application
2 Acceptance Review.
3 MS. THOMAS: I would like to have sent to me what is
4 under discussion. Has that been widely circulated?
5 MS. HAYES: It was made publicly available recently
6 in preparation for this particular meeting.
7 Do we have Ms. Thomas' contact information?
8 MR. BAVOL: Yes. Ruth, this is Bruce Baval. I am
9 going to send you a hard copy of the presentation
10 material.
11 MS. THOMAS: Oh, that would be great. You have got
12 my address?
13 MR. BAVOL: I do.
14 MS. THOMAS: Who is this that is talking now? I have
15 trouble recognizing your voices.
16 MR. BAVOL: Okay, I will take care of that.
17 MS. THOMAS: And what is your name?
18 MR. BAVOL: Bruce Baval.
19 MS. THOMAS: Oh, Bruce Baval. Yes, okay. Yes, that
20 would be great. It sure would be helpful.
21 MR. BAVOL: Okay.
22 MS. THOMAS: And you have got my address?
23 MR. BAVOL: I do.
24 MS. THOMAS: Okay, thank you. I will continue
25 listening.
26 MS. HAYES: Thank you very much Ms. Thomas.
27 So, I think we were finishing up with Application
28 Acceptance Review. Were there any questions or
29 comments on this section?
30 MS. THOMAS: Thank you.
31 MS. HAYES: You are very welcome.
32 So, we are moving on to Section C.2.12, which is
33 Operational Programs for Combined Licenses. The
34 draft regulatory topic is on the website and this
35 basically represents an update to Reg Guide 1.206,
36 the 2007 version, Section C.IV.4, Operational
37 Programs.
38 There are two key documents of importance here. One
39 is SECY-05-0197 "Review of Operational Programs in
40 Combined License Applications and Generic Emergency
41 Planning Inspections, Tests, Analyses, and Acceptance
42 Criteria," from 2005 and there is also a section of
43 the standard review plan NUREG-0800 Section 13.4.
44 So, next slide, please Kati.
45 So, operational programs, as we use the terminology
46 here within the setting, these are operational
47 programs that are required by NRC regulations that
48 are reviewed by NRC staff in a COL application review
49 and they are inspected by NRC staff subsequent to
50 license issuance to verify implementation. License
51 conditions do apply here and there is a format that
52 is recommended for that.
53 I will start the discussion now. I assume the
54 previous discussion that you had about the approaches
55 to license conditions would apply to this section, as
56 well.

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1 MS. AUSTGEN: Yes. So, this was where we had
2 identified that in the draft document C.2.12 under
3 the heading License Conditions, the second paragraph
4 begins, "COL applicants should propose." And again,
5 while we agree that that is likely and probably
6 beneficial, it starts to sound like a requirement and
7 we don't believe there is a requirement there. So,
8 perhaps "may" is a better phrasing there.
9 MS. HAYES: Okay, duly noted. Thank you very much.
10 So, the NRC staff uses the applicable sections of
11 NUREG-0800 to review the COL applicant's
12 identification and descriptions of the operational
13 programs and in order to make a reasonable assurance
14 finding. Staff will include a license condition on
15 subsequent implementation milestones and that is when
16 specific implementation requirements are not
17 specified already in the regulations.
18 So, next slide.
19 So, program description and implementation. And here
20 it says COL applicants should fully describe each
21 program, including implementation and milestones in
22 the FSAR. And the primary focus here is to not have
23 to have ITAAC; address action items that are coming
24 from the referenced DCD; and NUREG-0800 identifies
25 operational programs that need to be described in the
26 FSAR, the guidance on format and content, and
27 description of the technical information which should
28 be included in the FSAR.
29 There is additional information in this regulatory
30 topic related to operational program options, which
31 is to incorporate by reference the operational
32 program description that is in the relevant DCD and
33 also to use the described operational program
34 approach in order to describe any additional plant-
35 specific programs beyond that.
36 So, those are the high points of this draft regulatory
37 topic and I will open it up for discussion, comments,
38 questions.
39 I see nothing here in the room. Anything on the
40 phone?
41 MS. THOMAS: Did you ask about being on the phone?
42 MS. HAYES: I was just asking if there are any
43 comments or questions from people who are on the
44 telephone regarding the regulatory topic on
45 operational programs for combined licenses.
46 MS. THOMAS: This is Ruth Thomas. This is, then, a
47 revision to the whole Regulatory Guide 1.206. Is
48 that right?
49 MS. HAYES: Yes, that is correct. This is work that
50 is underway to provide a revision to Regulatory Guide
51 1.206, based on lessons learned in recent years. And
52 the work will culminate in a draft guidance that then
53 goes through the regular regulatory review process
54 that we have for regulatory guides. So, it is not a
55 rulemaking but it is, indeed, a process of vetting it
56 publicly and going through all of our regular reviews

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1 for a regulatory guide.
2 MS. THOMAS: Now and how was it established this
3 needed to be revised? Was that at the workshop that
4 was held?
5 MS. HAYES: There have been a number of public
6 meetings. Some of them have been referred to as
7 workshops related to the revision of Reg Guide 1.206
8 but I think the rationale for doing the changes, doing
9 the revision really comes out of a licensing lessons
10 learned activity that was circa 2012 or so or 2013
11 that resulted in a report in 2013.
12 MS. THOMAS: Was that driven by the priorities what
13 was received, what issues were received for your
14 attention? Is that what this is connected to?
15 MS. HAYES: No, I probably would not characterize it
16 as such. I think this is bringing up guidance that
17 was developed in 2007 for applications that were
18 actually expected under Part 52 and we have had
19 lessons learned in terms of reviewing and preparing
20 applications and so it is not a prioritization or a
21 risk-based approach or anything like that.
22 MS. THOMAS: Well, is it lessons learned connected
23 to Fukushima?
24 MS. HAYES: No, not specifically. It is more lessons
25 learned associated with the Part 52 application
26 process.
27 MS. THOMAS: Oh, the application of what took place?
28 MS. HAYES: No, the application for nuclear power
29 plants.
30 MS. THOMAS: I take part in meetings all the time and
31 I don't know how I missed, of course you have some of
32 them that conflict but also, others in our group.
33 And this is -- you said that there was several public
34 meetings where this particular guidance was outlined
35 and discussed.
36 MS. HAYES: That is correct. We have been working
37 on a revision to this regulatory guide since 2014 and
38 the information --
39 MS. THOMAS: Since March 15th?
40 MS. HAYES: I'm sorry, what?
41 MS. THOMAS: You have been working on it since March
42 15th, is that what you said?
43 MS. HAYES: No, since 2014. And all of the
44 information from previous public meetings is
45 available on the website and you will be receiving
46 from Bruce some information on this particular
47 meeting and the topics that are being discussed.
48 MS. THOMAS: And how were arrangements made for
49 people to receive this if they didn't have the
50 internet? Why do people think that everybody is able
51 to get on the internet? There are places that --
52 maybe I am living too far in the country, but there
53 are places around here where even if you had a
54 computer, you couldn't get on --
55 MS. HAYES: I think those are separate issues and I
56 would like to return to the agenda. We currently

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1 have one last regulatory topic to discuss and that is
2 Limited Work Authorizations.
3 The draft text is available and there are -- it
4 basically updates the Final Interim Staff Guidance
5 COL/ESP-ISG-04, on the "Definition of Construction
6 and on Limited Work Authorizations." That actually
7 replaced what was in Reg Guide 1.206 from 2007.
8 So, just a brief overview. LWA process allows COL
9 applicants and applicants for and holders of ESPs to
10 request approval to perform certain limited
11 construction activities before the issuance of the
12 COL.
13 What is important here is the definition of
14 construction activities, as it relates to LWA. They
15 must fall within NRC's regulatory authority because
16 they have a reasonable nexus to radiological health
17 and safety or the common defense and security.
18 There are other activities that are considered
19 "preconstruction" within the language that we use
20 here and they do not need any limited work
21 authorization from NRC.
22 Move to the next slide, please.
23 MS. THOMAS: Is this Barbara Hayes?
24 MS. HAYES: Yes, it is.
25 MS. THOMAS: Well, should I direct my concerns and
26 the concerns of others about public involvement to
27 you?
28 MS. HAYES: Absolutely. That would be fine. I would
29 welcome that.
30 MS. THOMAS: Okay. Let's see, I think your email
31 address --
32 MS. HAYES: It is available and it sounds like you
33 have it already, barbara.hayes@nrc.gov.
34 MS. THOMAS: Okay. Well, thank you.
35 MS. HAYES: You're very welcome.
36 So, guidance, it is important to note that issuance
37 of an LWA has no bearing on the issuance of the
38 underlying Combined License.
39 A COL applicant must submit a request for an LWA and
40 that can be either as part of a complete application
41 or it can be a partial application. When related to
42 an ESP, it can be part of an application. An Applicant
43 can include a request for an LWA as part of the
44 complete ESP application or as an amendment to an
45 existing ESP application.
46 So, additional guidance. A Safety Analysis Report -
47 - I'll just go through it -- the SSAR and the FSAR
48 must demonstrate that the limited work authorization
49 activities will be conducted in accordance with
50 applicable Commission requirements.
51 The Environmental Report for an LWA shall include
52 elements listed in the guidance, such as description
53 of the activities to be conducted, statement of the
54 need for the activities, description of environmental
55 impacts, description of mitigation measures,
56 discussions of the reasons for rejecting additional

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1 mitigation measures that were considered, and
2 description of the process used to identify new and
3 significant information for an ESP holder.
4 An important component is also a Site Redress Plan.
5 The primary purpose is to address activities that
6 were authorized under the LWA and it describes the
7 scope of actions to be taken following the suspension
8 of construction. Please note that this applies only
9 to activities that are considered construction and
10 requiring LWA. For any other ones that are
11 considered "preconstruction," this does not apply to
12 them.
13 Furthermore, the Site Redress Plan is not considered
14 a substitute for a thorough evaluation of
15 environmental impacts from mitigation measures
16 associated with the LWA.
17 Those are the basic components that are in the draft
18 regulatory topic. I would like to open it up for
19 discussion, comments, questions, at this point.
20 I see nothing coming from participants who are in the
21 room. How about folks who are on the phone?
22 It sounds like we have basically completed the agenda.
23 I think the last item on the agenda would be follow-
24 up action items but I think they are fairly self-
25 evident. We really appreciate the input from
26 everybody who has contributed in this meeting. There
27 is an opportunity to follow-up with additional input
28 during the upcoming period of time.
29 My contact information is available to all and I would
30 be the point of contact for any further input.
31 I would like to thank everybody for their
32 participation and thank our other NRC staff members
33 for their support at this meeting. Thank you very
34 much, everyone.
35 And this closes the meeting.
36 (Whereupon, the above-entitled matter went off
37 the record at 2:29 p.m.)
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