

# **CORRECTED** Official Transcript of Proceedings

## **NUCLEAR REGULATORY COMMISSION**

Title: Public Meeting on the Alignment of Licensing  
Processes and Lessons Learned from  
New Reactor Licensing Rulemaking

Docket Number: NRC-2009-0196; RIN 3150-AI66

Location: Teleconference

Date: Wednesday, April 29, 2020

Work Order No.: NRC-0886

Pages 1-55

**NEAL R. GROSS AND CO., INC.  
Court Reporters and Transcribers  
1323 Rhode Island Avenue, N.W.  
Washington, D.C. 20005  
(202) 234-4433**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
  
+ + + + +  
  
PUBLIC MEETING ON THE ALIGNMENT OF LICENSING  
PROCESSES AND LESSONS LEARNED FROM NEW REACTOR  
LICENSING RULEMAKING

+ + + + +  
WEDNESDAY,  
APRIL 29, 2020

+ + + + +

The Public Meeting convened via  
teleconference webinar at 1:00 p.m. Eastern Time, Jim  
O'Driscoll, Facilitator, presiding.

NRC STAFF PRESENT:

JIM O'DRISCOLL, NMSS/REFS/RRPB  
ANNA BRADFORD, NRR/DNRL  
ALLEN FETTER, NRR/DNRL/NRLB  
VICTORIA HUCKABAY, NMSS/REFS/RRPB  
JOHN TAPPERT, NMSS/REFS

ALSO PRESENT:

GARY BECKER, NuScale Power  
AMY CHAMBERLAIN, Southern Nuclear  
PETER HASTINGS, Kairos Power  
MICHAEL TSCHILTZ, NEI

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

1:01 p.m.

MR. O'DRISCOLL: Hi, everybody. My name is Jim O'Driscoll. I am the lead rulemaking project manager on this effort. My role is to help the meeting go smoothly to achieve a common objective. My approach will be to set ground rules, encourage participation, and have an open dialogue and maintain a respectful and professional environment.

I will keep the meeting focused on the topic at hand and keep track of the agenda to ensure time limits and that all topics are covered.

This is a Category 3 public meeting, which means that it is structured to provide opportunities for the public interaction.

We have provided an agenda which includes time to discuss your questions on the status of the rulemaking since the last public meeting on November the 21st, 2019, and the specific public comments the NRC staff has received since that date. Our meeting is scheduled for one two-hour session with no breaks.

Next slide, on slide two. Before I'd like to get started, I'd like to go over some logistics and housekeeping items. For ground rules, one speaker at a time.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1           Please state your name before speaking as  
2           this meeting is being recorded and transcribed.  
3           Please hold your questions until after the NRC  
4           presentation. Please try to be concise to ensure all  
5           stakeholders can share their perspectives.

6           The operator will place you in a queue to  
7           ask a question. Please press star-1 to indicate that  
8           you have a question at the appropriate time. If you  
9           choose to speak, please speak slowly and clearly.  
10          Remember to state your organizational affiliation.

11          We have an operator on the line to help  
12          us. You'll be in listen only mode unless you notify  
13          the operator that you wish to speak, and that's going  
14          to be at certain points in the presentation. You can  
15          accomplish that -- you can identify yourself if you  
16          wish to speak by pressing star-1 on your phone and we  
17          will remind you of that when we get to the discussion  
18          part of the meeting.

19          Also, if you're at a computer and are not  
20          using Skype but still would like to see the slides for  
21          today's meeting, you can access them from the NRC's  
22          home page, [www.nrc.gov](http://www.nrc.gov) under the public meetings and  
23          involvement heading.

24          Click on the link to the public meeting  
25          schedule. Scroll down to today's date and meeting

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 time. Find the information for this meeting and click  
2 on the "more" link. It will bring up more details on  
3 meeting.

4 At the bottom of the page under related  
5 documents you'll find a link to the presentation  
6 slides. Please note that a list of ADAMS accession  
7 numbers to the documents referenced in the NRC staff's  
8 presentation can be found at the end of the staff's  
9 slide presentation.

10 Please be careful not to discuss any  
11 safeguards, security-related, classified, or  
12 proprietary information during this meeting. Although  
13 we intend to have an open dialogue, please note that  
14 the NRC will not make any regulatory commitments  
15 during the meeting.

16 Question -- is the court reporter online?  
17 Can you please press star-1 on your phone if you're  
18 online? Okay so I guess the court reporter is not  
19 online.

20 Okay. Anyway --

21 OPERATOR: Someone just queued in on star-  
22 1. Let me check who that is. One moment, please.

23 MR. O'DRISCOLL: Okay.

24 OPERATOR: And it is the court reporter so  
25 your line is open.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. O'DRISCOLL: Okay. Excellent.

2 THE COURT REPORTER: This is the court  
3 reporter, I'm here, everything sounds good.

4 MR. O'DRISCOLL: All set. Excellent.  
5 Thank you, sir.

6 All right. We will continue. Thank you.  
7 We can go back to listen only mode.

8 Okay. Next slide. I'll hand it over now  
9 to Allen Fetter, who's going to speak for a few  
10 minutes.

11 MR. FETTER: Yes. Good afternoon. Thank  
12 you, Jim. We are on slide three.

13 The purpose of today's meeting is to  
14 provide an update on the staff's efforts since the  
15 last public meeting the NRC held on this topic, which  
16 took place on November 21st of last year.

17 A summary of that meeting can be found in  
18 ADAMS under accession number 19344C768.

19 This meeting will provide an opportunity  
20 to discuss specific items in the scope described in  
21 SECY-19-0084 and the changes of the scope since the  
22 issuance of that SECY in August of last year.

23 The purpose of today's meeting is also to  
24 discuss specific public comments received since last  
25 August of last year.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Finally, we will provide an update on the  
2 rulemaking and conduct a question and answer session  
3 on topics of interest to stakeholders. We hope this  
4 interaction will help you understand the current  
5 status of the regulatory basis and the rulemaking.

6           Like previous meetings, we will take the  
7 information, perspectives, and questions we hear today  
8 into consideration when developing and finalizing the  
9 draft regulatory basis.

10           We hope to plan additional public meetings  
11 after the regulatory basis is published for comment.  
12 Next slide, please.

13           I'd now like to introduce Anna Bradford,  
14 Director of the Division of New and Renewed Licenses  
15 in NRR for opening remarks.

16           MS. BRADFORD: Hello, everyone. This is  
17 Anna Bradford. As Allen mentioned, I am the Director  
18 of the Division that has the technical project  
19 management lead for this rulemaking and today's  
20 meeting will focus on the status of the rulemaking  
21 activities to align Part 50 and 52 since the last  
22 meeting. You'll be hearing a lot more details about  
23 that.

24           We have received some comments from the  
25 public since the November meeting on specific issues

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 being covered by the rule and we are going to address  
2 those today also.

3 So we are hoping that this meeting will  
4 facilitate your understanding of the current status of  
5 our activities and the rulemaking. You'll hear more  
6 about this also, but we plan to issue the regulatory  
7 basis for comment later this year.

8 We will request formal comments on that  
9 and we appreciate any and all comments that you would  
10 like to submit on that regulatory basis once it's been  
11 issued for public comment, and we look forward to the  
12 discussion and your questions today regarding the  
13 items identified in the SECY paper.

14 So, Jim, if you want to continue.

15 MR. O'DRISCOLL: Thanks, Anna.

16 On slide five now, we will roll into the  
17 staff's presentation. So I am on slide six.

18 Good afternoon. I am Jim O'Driscoll, as I  
19 said, the lead rulemaking project manager on this  
20 activity.

21 I am in the Office of Nuclear Materials,  
22 Safety, and Safeguards in the Division of Rulemaking,  
23 Environmental, and Financial Support, known as REFS.

24 Also, we have -- with me is Victoria  
25 Huckabay, who's the backup project manager also in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 REFS. Also joining me today is Allen Fetter and Joe  
2 Colaccino, both from the NRC's Office of Nuclear  
3 Reactor Regulation. We have several other NRC staff  
4 on the call as well.

5 Next slide. We are on slide seven. The  
6 staff is engaging in rulemaking to better align that  
7 Regulation 10 CFR Parts 50 and 52 in the four areas  
8 that are described on pages 4 and 5 of SECY-19-0084.

9 The staff will also address items derived  
10 from lessons learned from previous new reactor  
11 licensing activities described in the enclosure of  
12 that SECY.

13 The purpose of the rulemaking is to  
14 implement the commission's direction in SRM-SECY-15-  
15 0002. The goal of that -- of the rulemaking is to  
16 better align the Part 50 and 52 licensing processes  
17 such that equivalent designs submitted for NRC review  
18 under each process are assessed against consistent  
19 technical standards that yield outcomes with  
20 equivalent demonstration of adequate safety, security,  
21 and environmental protection.

22 In SECY-15-0002, issued in January 8,  
23 2015, the staff made several recommendations to the  
24 Commission regarding policy and regulatory updates to  
25 ensure consistency in new reactor licensing reviews.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The staff also made recommendations to  
2 address staff-identified lessons learned obtained  
3 through the licensing reviews completed up to July  
4 2019.

5           These changes are intended to improve the  
6 clarity and reduce unnecessary burden on applicants  
7 and staff. As well as these, staff has addressed or  
8 intends to address editorial and administrative  
9 changes as well.

10           Next slide. Okay. We are on slide eight.  
11       So this slide, slide eight, shows our typical  
12 rulemaking process, and rulemaking, of course, is how  
13 the NRC develops its regulations.

14           We are in the second box, the regulatory  
15 basis box, where our present task is to develop the  
16 regulatory basis. As we said at our last meeting, we  
17 have completed our activities to define the scope.

18           We have communicated the scope to the  
19 Commission in SECY-19-0084 and we continue to develop  
20 the regulatory basis for that scope.

21           For a typical rulemaking, the development  
22 of the regulatory basis takes about 12 months after  
23 the scope is defined. So we anticipate publication of  
24 the regulatory basis for public comment in the fourth  
25 quarter of this calendar year. But the date may

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 change depending on the results of the staff's current  
2 effort to align on the alternatives for each issue.

3 After we develop and publish the  
4 regulatory basis there will be a 75-day public comment  
5 period. The written comments we receive during that  
6 comment period will go back on the docket for the  
7 rule.

8 In the proposed rule we will include a  
9 summary of the stakeholder interactions, comments, and  
10 key messages we receive from the public on the  
11 regulatory basis.

12 The next two major steps are the  
13 publication of the proposed rule and the publication  
14 of the final rule. We will continue to provide  
15 opportunities for public comment on this process.

16 Upon a publication of the proposed rule in  
17 the Federal Register you will have the opportunity to  
18 review the proposed rule and provide written comments  
19 to the NRC. We expect to hold a public meeting during  
20 that public comment period.

21 Next slide. We are on slide nine.

22 The NRC requires a regulatory basis for  
23 most of its rulemakings in order to ensure sound and  
24 informed decision-making throughout the rulemaking  
25 process. The regulatory basis documents the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 justification for why rulemaking is the best way to  
2 resolve a regulatory issue.

3 The regulatory basis also describes the  
4 technical, legal, and/or policy information that would  
5 support the content of the rule.

6 The regulatory basis will include a  
7 preliminary cost-benefit analysis of the proposed  
8 changes. Next slide.

9 We are on slide 10. Although the staff  
10 received direction to commence rulemaking in 2015, the  
11 Commission directed the staff to prioritize the  
12 project in accordance with Project Aim.

13 If you recall, the purpose of Project Aim  
14 was to ensure the staff continues its focus on those -  
15 - on those tasks seen as essential for our Commission  
16 as seen in the next few years.

17 To that end, this rulemaking project was  
18 deliberately budgeted to start in fiscal year 2019.  
19 The staff commenced work in October of 2018. The  
20 staff's first task was to clearly define the scope of  
21 the regulatory basis for the rulemaking.

22 From the staff's outreach efforts inside  
23 and outside the NRC, the staff collected a large  
24 number of items in consideration for inclusion.

25 On January 15th of last year, the staff

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 held a category 3 public meeting to request feedback  
2 from external stakeholders on what would be included  
3 in the scope.

4 NEI arranged for a panel of industry  
5 experts to attend. Using input from the staff and  
6 stakeholders, the staff aligned on the scope in July  
7 of last year.

8 In late August of last year, the staff  
9 issued information paper SECY-19-0084, which provided  
10 information to the Commission and the public for the  
11 status and scope of the regulatory basis.

12 In late September, the staff briefed the  
13 members of the Advisory Committee on Reactor  
14 Safeguards, Subcommittee on Regulatory Policies and  
15 Practices.

16 The staff received views and comments from  
17 the ACRS and individual members. There was no ACRS  
18 letter issued on the topic. The slides and transcript  
19 for that meeting are available in ADAMS at accession  
20 number ML19294A009.

21 Next slide. We are on slide 11.

22 The last public meeting we had was held on  
23 November 21st of last year. In that meeting, NEI and  
24 other industry representatives asked questions and  
25 provided comments on the scope of the rule as it was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 described in SECY-19-0084.

2 NEI expressed interest in further public  
3 meetings to delve into the details of several items of  
4 interest to them.

5 As Allen previously said, the slides and  
6 transcript of that meeting are available in ADAMS at  
7 ML19344C768.

8 In February of this year, the senior  
9 technical project manager, Allen, received the first  
10 drafts of the regulatory basis inputs for the -- from  
11 the technical writers.

12 These have been reviewed and approved at  
13 the branch chief level. Staff members on the project  
14 have been instructed to keep their entire management  
15 team apprised of the latest information and  
16 recommendations on this topic in order to ensure that  
17 the process goes smoothly during the upcoming  
18 interdivision interoffice concurrence.

19 Staff and management are currently  
20 reviewing and refining these inputs. The primary task  
21 at hand is to have them reviewed by our cost analysts  
22 in order to formulate the complete picture of the  
23 impacts of the changes. Also ongoing are reviews that  
24 would -- by the working group members from our Office  
25 of General Counsel staff who are reviewing the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 analyses and recommendations from a legal standpoint.

2 All of these efforts are in direct support  
3 of the next steps, which I'll talk about in a few  
4 minutes. Next slide. Okay. We are on slide 12.

5 Here I'll try to provide a snapshot of the  
6 overall project. Currently, there are 54 items in  
7 scope. This is very close to the same as what was  
8 communicated in SECY-19-0084. But there have been a  
9 few changes which I'll -- we will discuss later.

10 Among these items is staff evaluated and  
11 discussed 129 alternatives. These are primarily a --  
12 primarily a no action, a rulemaking, and guidance only  
13 alternatives to each item.

14 However, for several items there are  
15 additional alternatives analyzed, depending on the  
16 issue. Most of these are multiple different  
17 rulemaking options.

18 Of the 54 items that are in scope, 46  
19 items are recommended for the rulemaking option. So  
20 you can see a good many items continue to be screened  
21 in. Of these, 25 items will require guidance,  
22 updates, or new guidance to be developed and issued  
23 for comment with the proposed rule.

24 Based on my survey of the draft regulatory  
25 basis document, updates to 17 different guidance

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 documents are mentioned. This will also span a large  
2 number of CFR sections besides Parts 50 and 52. In  
3 order to make conforming changes, these parts include,  
4 but may not be limited to Parts 2, 21, 26, 50, 51, 52,  
5 55, 73, and 100.

6 Next slide. We are on slide 13.

7 For the next steps of this project the  
8 staff plans to complete the technical development of  
9 the regulatory basis in Summer. The document will be  
10 handed over to the Division of Rulemaking,  
11 Environmental, and Financial Support for the  
12 concurrence. It should be complete by November 2020  
13 or earlier.

14 We continue to work -- look at processes  
15 and efficiencies in order to improve the schedule.  
16 The regulatory basis should be published for public  
17 comment in December of 2020 for a 75-day public  
18 comment period. During this period, about 30 days  
19 after publication, we plan to hold a public meeting to  
20 discuss the regulatory basis and seek public comment.

21 After the public comment period concludes, we will  
22 commence drafting the proposed rule in February of  
23 2021.

24 Next slide. We are on slide 14.

25 As I said, in July of last year, the staff

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 were aligning on the scope of the regulatory basis.  
2 The scope consists of four items meant to align Parts  
3 50 and 52, which are discussed in pages 4 and 5 of the  
4 SECY-19-0084.

5 The scope also includes 52 lessons learned  
6 items listed in closure to the SECY. Eight  
7 administrative corrections were also identified during  
8 the final screening process and were addressed in the  
9 NRC's 2019 administrative corrections rule. The  
10 citation for that final rule is 84 FR 63565, dated  
11 November 18, 2019.

12 Next slide. So we are on slide 15.

13 There's a few scope changes, a few items  
14 in the scope that have changed from what we have  
15 described in SECY-19-0084, due to several reasons.  
16 The details of all these changes are provided in the  
17 supporting information slides at the end of this  
18 presentation. Four items changed due to either typos  
19 or small inaccuracies in the description of the item.

20 Three items were deleted from the scope.  
21 For the first bullet on page 4 of SECY included --  
22 it's an item on page 4 of the SECY enclosure -- we had  
23 said that the staff would consider changes to 10 CFR  
24 100.20(a) third paragraph that would require a site  
25 safety analysis report to identify physical

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 characteristics that could pose significant impediment  
2 to developing our emergency plans.

3 The staff was to consider removing the  
4 requirements from the paragraph. We believe that this  
5 requirement was already included in 10 CFR Parts 50  
6 and 52 and was therefore to be done with.

7 Very soon after the SECY issuance, the  
8 staff reevaluated the item and decided that this item  
9 should not be removed from the scope or developed  
10 because the staff no longer believed that it's  
11 redundant.

12 For the second bullet on page 9 of the  
13 SECY enclosure there is an item related to applying  
14 the financial protection, insurance, an indemnity  
15 regulations at 10 CFR 50 Part 140 subpart B and  
16 appendices.

17 We have said that the staff would consider  
18 revising these regulations to address challenges faced  
19 during COL licensing due to ambiguous language and the  
20 applicability to greenfield sites and to revise the  
21 monetary amounts in the form indemnity agreements that  
22 are out of date.

23 After the SECY was issued, the staff had  
24 decided not to pursue or develop the items because the  
25 staff did not see a net benefit to the proposed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 change.

2 For the -- for the third bullet on page 10  
3 of SECY -- of the SECY enclosure, the staff said that  
4 it would consider revising the application for mission  
5 requirements of one or more of the paragraphs to  
6 account for multi-module small modular reactors to  
7 produce a mix of energy and processed steam.

8 The reason for this change is at least one  
9 potential applicant for a combined license referencing  
10 a small modular reactor is contemplating such an  
11 arrangement at the facility and we believe that  
12 changes would be beneficial.

13 However, recently a petition for  
14 rulemaking covering this matter was rejected. The  
15 specific petition for rulemaking submitted on November  
16 the 20th, 2019, with accession number ML20008D640,  
17 asked NRC to revise its regulations for operating  
18 nuclear power plants to standardize the safe recovery  
19 -- the safe recovery and utilization of waste heat  
20 generated from power operations, including the  
21 construction operation and maintenance of methods of  
22 recovering and utilizing waste heat.

23 The petition was rejected because the NRC  
24 regulations do not currently prohibit an applicant or  
25 licensee from designing and implementing waste heat

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 recovery systems and optimizing use of waste heat is  
2 not within NRC's regulatory purview.

3 Therefore, it was decided that no changes  
4 to Section 52.79 would be necessary.

5 One item described in enclosure 1 page 8  
6 of the SECY was expanded to include early site  
7 permits. During the development of the reg basis for  
8 comment and input the staff identified the need to add  
9 early site permits to the issue related to changes to  
10 10 CFR 50.109.

11 Certain provisions in this section address  
12 design approvals and manufacturing licenses. The  
13 staff is considering revising the section to clarify  
14 that design approvals and manufacturing, and now,  
15 early site permits, are covered by 10 CFR 52.145 and  
16 52.171 finality sections, respectively.

17 This change would eliminate any confusion  
18 regarding the appropriate criteria for imposing new  
19 requirements to early site permits, design approvals,  
20 and manufacturing licenses.

21 Next slide. We are on slide 16.

22 One item in -- described in SECY enclosure  
23 1 page 1 was changed. During the reg basis for  
24 comment writing process the staff decided to pursue a  
25 change to 10 CFR 55.31 rather than the original

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 section identified because 10 CFR 55.31 addresses  
2 operator license applicants for whom the requirements  
3 would apply.

4 Next slide. I'll now pass you off to  
5 Victoria to discuss the next item.

6 MS. HUCKABAY: Thank you, Jim.

7 So on this slide here I'll talk about one  
8 item that was not described in the SECY paper and was  
9 recently added to the scope.

10 The staff is considering revising the  
11 regulations in Part 50 to include the new requirements  
12 for a written notification to be submitted to the NRC  
13 by the new Part 50 power reactor licensees for new  
14 Part 50 COL holders upon successful completion of  
15 power ascension testing.

16 This change would support the proposed  
17 change to Part 171 titled "Annual Fees for Reactor  
18 Licenses and Material Licenses Including Holders' of  
19 Certificates of Compliance, Registrations, and Quality  
20 Assurance Program Approvals and Government Agencies  
21 Licensed by the NRC."

22 I will refer you to Federal Register  
23 Notice Number 85 FR 9328, which was published on  
24 February 18th, 2020.

25 In that proposed rule, the staff proposes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 rulemaking to amend Part 171 to require that the  
2 annual licensing fee starts to be assessed on the date  
3 when power ascension testing is completed.

4 I will now provide an overview of the  
5 possible alternatives that are being considered by the  
6 staff.

7 Next slide, please. I am on slide 18.

8 So as I just mentioned, on February 18th,  
9 2020, the NRC published a proposed rule which aims to  
10 modify the timing of the start of assessment of annual  
11 fees for a Part 52 COL holder.

12 Specifically, the proposed rule recommends  
13 changes to amend Section 171.15(a) so that the  
14 assessment of annual fees for Part 52 COL holders  
15 commences upon successful completion of power  
16 ascension testing rather than after the Commission  
17 makes a finding under Section 52.103(g).

18 In the same Federal Register notice, the  
19 NRC also proposed to apply this approach to future  
20 part 50 power reactor licensees.

21 This change was proposed in response to a  
22 petition for rulemaking number PRM-171-1, titled,  
23 "Nuclear Power Plants License Fees Upon Commencing  
24 Commercial Operations."

25 In order for the NRC to be able to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 correctly identify the date when the assessment of  
2 Part 171 fees is to begin, the clear and unambiguous  
3 requirements should exist that would compel the  
4 licensee to make a prompt notification to the NRC  
5 upon conclusion of power ascension testing.

6 Similarly, if the proposed change in  
7 regulations have extended to future Part 50 power  
8 reactor license fees, the same or similar mechanisms  
9 should be used to require that those licensees notify  
10 the NRC of conclusion of power ascension testing.

11 Part 171 does not contain any notification  
12 or reporting requirements. Although Parts 50 and 52  
13 do contain various reporting and notification  
14 requirements, there is not a specific requirement at  
15 this time for licensees to notify the NRC of  
16 completion of power ascension testing.

17 Only current Part 52 COL holders have a  
18 standard license condition that requires a written  
19 notification to be submitted to the NRC upon  
20 successful completion of power ascension testing.

21 Therefore, the staff is considering the  
22 following two possible alternatives. Alternative one  
23 is no action. In this alternative, the staff would  
24 maintain the current regulatory framework and would  
25 not require a new Part 50 power reactor licensee or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Part 52 COL holder to provide written notification  
2 upon completion of power ascension testing.

3 In this alternative the staff will  
4 continue to rely on the inclusion of license  
5 conditions in all new licenses to ensure that timely  
6 notification occurs.

7 Alternative two is rulemaking. In this  
8 alternative the staff would recommend rulemaking to  
9 revise Part 50, to add a new requirement in section  
10 50.71 for a new Part 50 power reactor licensee or a  
11 Part 52 COL holder to provide a prompt written  
12 notification to the NRC of the successful completion  
13 of power ascension testing.

14 And I will now turn over back to Jim.

15 MR. O'DRISCOLL: Thanks, Victoria.

16 Going on to the next slide, slide 19. We  
17 are on slide 19.

18 This item pertains to efforts to more  
19 precisely define the term "essentially complete  
20 design." The term is mentioned in several sections in  
21 Part 52 but the term is not defined within those  
22 sections.

23 The staff has observed that numerous RAIs  
24 could have been avoided if there was a more precise  
25 definition of this term. In addition, the existing

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1       ambiguity implies that a design cannot be considered,  
2       quote, "essentially complete," unquote, if it omits  
3       any elements that cannot specifically be identified as  
4       site-specific.

5               This is not our intent. So we are looking  
6       at the first alternative. Alternative one is the  
7       status quo and the alternative would leave the current  
8       guidance and regulations unchanged, resulting in the  
9       current need to further extend into discussions and  
10      pre-application activities, et cetera, with the NRC  
11      staff and applicants on the proper interpretation of  
12      that term.

13              Alternative two is rulemaking. This  
14      alternative would modify Section 52.1 to state that  
15      the term "essentially complete design" refers to, one,  
16      those design elements of a plant other than site-  
17      specific elements, that can affect its safe operation  
18      and, two, sufficient design information to allow the  
19      staff to resolve all technical issues using an  
20      approach rated on safety significance.

21              Next slide. We are on slide 20. We have  
22      a third alternative, which is just pure guidance. The  
23      alterative would be limited to modification of the  
24      applicable guidance in Reg. Guide 1.206 to define  
25      terms. The staff is still evaluating the benefits and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 costs between alternative two and alternative three.

2 Next slide. I'll now hand it over to  
3 Allen who will discuss the next item.

4 MR. FETTER: Hello, again. Yes, so this  
5 item -- we are on slide 21 -- this item pertains to  
6 continuing training for operator license applicants  
7 following completion of the NRC's initial operator  
8 licensing examination.

9 Alternative one is the status quo. This  
10 alternative would maintain the approach most -- used  
11 most recently at Vogtle and Summer, which is to rely  
12 on the use of regulatory exemptions as necessary to  
13 support operator licensing activities at cold plants.

14 As such, no changes to the current  
15 requirements in 10 CFR Part 55 and no staff efforts to  
16 develop additional guidance related to these topics  
17 would be implemented.

18 Alternative two would be the rulemaking  
19 alternative and this alternative would use rulemaking  
20 to establish a new requirement for facility licensees  
21 at cold plants to maintain the knowledge, skills, and  
22 abilities of operator license applicants who have  
23 successfully completed the NRC initial licensing  
24 examination.

25 Next slide. I will now turn it back over

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to Jim.

2 MR. O'DRISCOLL: Okay. Thanks, Allen.

3 So we were thinking we were going to  
4 change it up a little bit here and we were going to go  
5 right into discussion of the public comments, the  
6 specific that we received after November.

7 But, first, we'd like to -- I think we  
8 want to open the lines up for any questions on the  
9 preceding, you know, half dozen slides where we  
10 discussed those several items to give you a flavor of  
11 what we are working on.

12 So I'll ask the operator to ask the folks  
13 that are in listen only mode to indicate if they have  
14 any -- if they have a question they will use star-1 on  
15 the phone.

16 OPERATOR: Okay. If you do have a  
17 question please unmute your line, press star-1 and  
18 record your name when prompted, once again, press  
19 star-1. One moment for our first question.

20 MR. O'DRISCOLL: And if you could, state  
21 your name and your -- again, your name and your  
22 organization before asking a question. Thanks.

23 Do we have any questions?

24 OPERATOR: No.

25 MR. O'DRISCOLL: Say it again.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 OPERATOR: Currently there are no  
2 questions holding.

3 MR. O'DRISCOLL: Okay. I am going to move  
4 on. We could always ask later anything that comes up.  
5 So I am going to go ahead.

6 So we are right now on slide 22. We are  
7 going to transition to a discussion session where we  
8 will discuss the public's comments received since the  
9 last public meeting.

10 After each topic we are going to open the  
11 lines for questions on that particular topic. So  
12 please press star-1 if you have a question.

13 Also, if you have -- in an effort to give  
14 as many people as possible the opportunity the speak,  
15 please ask only one question.

16 If time permits, after everyone has -- who  
17 would like to speak has had the opportunity to ask  
18 questions we can open up the floor for an additional  
19 round of questions.

20 Next slide. I'll now hand it off to John  
21 Tappert, our Director, to tell us -- discuss this  
22 first bullet on this slide 23.

23 Go ahead, John.

24 MR. TAPPERT: Thanks, Jim. So, this first  
25 item relates to increasing our transparency in this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 rulemaking, and I'd first like to say that as the  
2 first principle we always strive to implement our  
3 principles of good regulation, which includes being a  
4 transparent and open regulator, and we recognize that  
5 this rulemaking is of great interest to some  
6 stakeholders and we are committed to active public  
7 engagement, consistent with our rulemaking processes.

8 Now, as Jim outlined, there are a large  
9 number of issues addressed in this activity and it has  
10 taken us some time to develop the regulatory basis,  
11 which is why we are providing this update today.

12 Now, when that regulatory basis is issued  
13 later this year and we are working to issue that as  
14 soon as possible, there will an opportunity to have a  
15 more fulsome engagement on all issues of interest.

16 And, of course, when the proposed rule is  
17 published there will be additional opportunities to  
18 meaningfully participate in this process.

19 So at this point, would anyone on the  
20 phone like to comment on this item?

21 MR. O'DRISCOLL: Operator, are there any -

22 OPERATOR: It looks like some questions  
23 are queuing up. One moment please.

24 MR. O'DRISCOLL: Okay.

25 OPERATOR: And the first question comes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 from -- it sounds like he's saying Gary Becker. Your  
2 line is open.

3 MR. BECKER: Thank you. Yes, Gary Becker  
4 with NuScale Power.

5 I wanted to ask on this point regarding  
6 the increased engagement after the regulatory basis is  
7 published, will there be any opportunity to adjust the  
8 scope of the rulemaking at that point or will it stick  
9 to the, largely, to the SECY -- the documented issues  
10 in the SECY that are currently being undertaken?

11 MR. O'DRISCOLL: This is Jim O'Driscoll.

12 Yes, there's going to be ample time to --  
13 and ample opportunity to change the scope. I mean,  
14 really, what we are engaged in is a -- this scope is  
15 not set in stone.

16 This is a process where we use notice and  
17 comment from various sources to come up with an  
18 optimal solution. So right now, you know, like I just  
19 went over, you know, we have some movement on the  
20 scope and we are going to have more movement on the  
21 scope as we -- as we start drilling down onto these  
22 items.

23 You know, the description might change.  
24 What we really want to do might change and we will  
25 have to, you know, keep everybody up to speed on that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 But yeah, this is going to -- this is the whole idea.

2 We want to have this -- a good discussion  
3 when we have, you know, and a good solid regulatory  
4 basis to base your comments on and then when we go  
5 into the proposed to final rule phase you'll have a  
6 good proposed rule with good language that you can --  
7 you can comment on so that you can make a good final  
8 rule.

9 I don't know if that answers your  
10 question.

11 MR. BECKER: Yes. Yes, it does. Thank  
12 you. I just want to make sure because, you know, the  
13 SECY -- the scope defined by the SECY doesn't really  
14 have -- you know, there's a limited opportunity to  
15 have input on that. So I just wanted to make sure  
16 that it's not, you know, it's still open for further  
17 adjustment. I appreciate the feedback.

18 MR. O'DRISCOLL: Absolutely. Are there  
19 any other questions on the line?

20 OPERATOR: Next question comes from Mike  
21 Tschiltz. Your line is open.

22 MR. TSCHILTZ: Hello, everyone. I hope  
23 everyone is doing well in these challenging times.

24 First of all, thank you to the NRC for  
25 having this meeting. John, I appreciate your comments

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 on NRC's commitment to transparency.

2 I think one of the challenges we have is  
3 that the interactions on this rulemaking are so few  
4 and far between it's hard to say where the rule is  
5 headed in some areas, and I guess you'll probably get  
6 into it more as you go into further discussion of the  
7 public comments.

8 But there were several areas that were,  
9 you know, kind of left open and one in particular, the  
10 area of "essentially complete," which you've addressed  
11 somewhat in your comments, but I think in our letter  
12 on March 9th to Ho Nieh we made the point that, you  
13 know, the staff could benefit from public interaction  
14 on trying to better define what "essentially complete"  
15 means through interactions with the industry.

16 So I think what we are trying to advocate  
17 is that, you know, staff is spending a lot of time on  
18 the development of the regulatory basis and I guess  
19 the industry is looking for more opportunities to  
20 engage, to inform, the development of that regulatory  
21 basis rather than waiting until it's all done and then  
22 going through the public comment process, which is  
23 lengthy as well.

24 You know, part of the reason that we are,  
25 you know, advocating this is that we'd like to see the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 acceleration of the rulemaking. So I'll stop at this  
2 point and turn it back over to someone else.

3 MR. TAPPERT: So this is John Tappert  
4 again. So thanks, Mike. I appreciate that and, you  
5 know, it's always a balancing act, right.

6 You know, we want to have input but at the  
7 same time we need to produce these products to keep  
8 the process moving along.

9 We think it would be the most useful way  
10 going about this is for us to put the recommendations  
11 on paper and put that out there and then let people  
12 react to that.

13 I think we understand for the most part  
14 what the issues and challenges are and we are going to  
15 take our best shot at addressing them, and to the  
16 extent that we need -- you know, we seek feedback in  
17 order to better understand that, going forward, as  
18 well.

19 So I think we are on a reasonable path.  
20 We also recognize the comments about the length of the  
21 -- of the process and we will talk about that a little  
22 bit later.

23 But we are, particularly for internal  
24 processes, we are looking for opportunities to  
25 increase efficiencies and do parallel concurrences and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 what have you, in order to try and tighten it up,  
2 going forward.

3 But when we do try to shorten the  
4 rulemaking time frames, we are not going to shortcut  
5 the public engagement portions.

6 Thank you.

7 MR. O'DRISCOLL: All right. Are there any  
8 other questions for us on this item before I go on to  
9 the second bullet?

10 OPERATOR: No further.

11 MR. O'DRISCOLL: Say that again. I didn't  
12 quite catch that.

13 OPERATOR: There are no other questions.

14 MR. O'DRISCOLL: Okay. I am going to  
15 continue. The second item on this slide relates to  
16 the issue of delays to issuance of COLs due to errors  
17 found in certified designs. NEI has raised this item  
18 several times and it's very clear to us that this is  
19 one of the issues of concerns.

20 In May 9, 2018, a letter was sent to NEI  
21 where we responded -- the NRC responded that we would  
22 consider this item in the scope of this rulemaking.  
23 However, this issue is not in the scope of this  
24 activity. We believe that the Atomic Energy Act would  
25 prevent us from doing anything different here. We

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 need the resolution of all technical and safety issues  
2 to be done prior to issuance of a license. Would  
3 anyone like to speak or have a question on this item?

4 (No response.)

5 MR. O'DRISCOLL: Is there any questions?

6 OPERATOR: No.

7 MR. O'DRISCOLL: Okay.

8 OPERATOR: Actually, one just popped in.

9 MR. O'DRISCOLL: Okay. Great. Okay.

10 OPERATOR: And it's from Mike Tschiltz.  
11 Your line is open.

12 MR. TSCHILTZ: Hi. This is Mike Tschiltz  
13 from NEI.

14 We, too, have been trying to get this  
15 issue addressed for a number of years and it's  
16 involved a number of correspondences from NEI to the  
17 NRC, and I think our concern is that, you know, this  
18 issue will likely occur again. Certified designs are  
19 fairly complicated documents and I think it's  
20 unrealistic to think that we would go forward in the  
21 future and not have any errors discovered in a  
22 certified design at some point.

23 And in the past these have caused  
24 significant economic impact without any safety benefit  
25 in delaying COLs. So if the NRC doesn't intend to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 address this as a part of this rulemaking, how does it  
2 intend to address this issue?

3 MS. BRADFORD: Mike, this is Anna Bradford  
4 from the NRC and you're right, we have had several  
5 letters going back and forth on this topic including  
6 back with the AP1000 and the COLs that were  
7 referencing the AP1000 when some issues were found  
8 with that design.

9 And we have gone back and explored this  
10 and, as you know, we had meetings with NEI about  
11 different options -- what about a license condition,  
12 what about something else -- and fundamentally, like  
13 Jim just said, it does come back to the Atomic Energy  
14 Act and what it does or does not allow us to do, and  
15 there are certain things that we are just bounded by  
16 and are not under our control, I would say, in terms  
17 of rulemaking.

18 So it looks like there's really no wiggle  
19 room here in terms of being able to issue a COL when  
20 we know there's a safety issue with the design. So we  
21 have explored this. We looked into it several times.

22 I think you just asked how will we address it.

23 I think the question is we are not going  
24 to continue to look at this because we feel we have  
25 looked at it several times and we are comfortable with

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 our -- with where we are on this in terms of what we  
2 are allowed to do and what we are not allowed to do  
3 with the AEA.

4 MR. TSCHILTZ: So am I still on the line  
5 here?

6 MS. BRADFORD: I can hear you.

7 MR. TSCHILTZ: Okay. So thank you, Anna,  
8 I appreciate that response. I would appreciate it if  
9 the NRC could put that in writing as an update to your  
10 letter that you sent on how this issue is going to be  
11 dispositioned to give us a point for our path forward  
12 on this.

13 MS. BRADFORD: Yes. So we will go back.  
14 You're talking about the letter from 2018, I think?

15 MR. TSCHILTZ: Yes, May 9th.

16 MS. BRADFORD: Okay. Let us go back and  
17 look at that and then we will think about whether a  
18 response will be helpful so that you guys have the  
19 final response on that.

20 MR. TSCHILTZ: Thank you.

21 MR. O'DRISCOLL: Are there any other  
22 questions?

23 OPERATOR: The next question comes from --  
24 yes, from Gary Becker. Your line is open.

25 MR. BECKER: Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Yes, just a follow up. Anna, I think you  
2 partially just answered my question. But I was going  
3 to ask if the regulatory basis document would  
4 disposition the determination not to proceed on this  
5 issue so that we had a means to see the -- to, you  
6 know, read the determination and potentially comment  
7 on it. But, of course, it's a -- you're doing a  
8 separate letter. That would potentially replace that  
9 request.

10 MR. O'DRISCOLL: This is Jim O'Driscoll.

11 So the item screened out prior to the --  
12 putting in an activity. So it actually is not going  
13 to be in the regulatory basis. Does that answer your  
14 question?

15 MR. BECKER: It does. Yeah. I guess I  
16 would just hope that there's some way to sort of  
17 understand the reading a little bit clearer. Whether  
18 that's in a letter or somewhere else would be  
19 appreciated.

20 MR. O'DRISCOLL: Okay. All right. Is  
21 there another question for us on this?

22 OPERATOR: There are no questions holding.

23 MR. O'DRISCOLL: Okay. Great. I am going  
24 to move on to slide 24, and this one is -- the first  
25 bullet on this slide relates to several comments we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 received requesting more open engagement on our  
2 efforts to improve or streamline the process for NRC  
3 review and approval of changes during construction.

4 We have previously communicated that this  
5 item could be addressed outside this rulemaking with  
6 the development of a regulatory guide. We have issued  
7 SECY-19-0034, which is improving design certification  
8 content that partly addresses the topic. The topic is  
9 in the current scope of this rule. We believe that  
10 our effort to issue Draft Guide 1321 will address your  
11 concern for early engagement. The draft Reg. Guide  
12 will be going out for public comment in the very near  
13 term.

14 MS. BRADFORD: Jim, this is Anna Bradford.

15 If I could just update. This actually just got  
16 released for public comment late yesterday afternoon.

17 So it is out for public comment. We encourage  
18 comments on this to help us make sure that we got it  
19 right.

20 MR. O'DRISCOLL: Thanks, Anna. So would  
21 any -- does anybody have any questions on this item?

22 Operator, are there any questions?

23 OPERATOR: Yes. Our question comes from  
24 Amy Chamberlain. Your line is open.

25 MS. CHAMBERLAIN: Hi, this is Amy

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Chamberlain from Southern Nuclear. We did see that  
2 the Draft Guide 1321 did come out. One thing that we  
3 did notice, and I'll submit this for a public comment,  
4 was that the Draft Guide it seems to be unclear on  
5 Tier 2\* for those licensees that have a significant  
6 portion of Tier 2\* in their licensing basis. I would  
7 suggest making some clarifications there.

8 MS. BRADFORD: This is Anna at the NRC.  
9 Thank you, Amy. That's a good comment because,  
10 obviously, we want it to be as clear as possible when  
11 it comes to Tier 1, Tier 2\*, Tier 2. So that comment  
12 would be appreciated, and then we will go back and  
13 look at the wording.

14 MS. CHAMBERLAIN: Thank you.

15 OPERATOR: There are no other questions  
16 holding.

17 MR. O'DRISCOLL: Okay. Great. I am going  
18 to continue.

19 The second bullet on this slide relates to  
20 several times we received requesting more information  
21 on how the NRC reviewed Vogtle 3 and Vogtle 4 license  
22 amendment requests to discern lessons learned. At the  
23 last public meeting in November we provided some  
24 details on this including informing you that the staff  
25 does not have a line by line adjudication of each

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 license amendment request as it relates to lessons  
2 learned.

3 We, and, I am sure, you realize, that not  
4 all LARs are related to deficiencies in the underlying  
5 regulations but are requested for a variety of  
6 reasons. However, staff that were involved in  
7 addressing those LARs are also engaged in this  
8 rulemaking and their insights from those activities  
9 have informed the scope.

10 Would anybody like to -- on the phone have  
11 a comment on this item?

12 (Pause.)

13 OPERATOR: And a question just came in.

14 MR. O'DRISCOLL: Say that again. I am  
15 sorry, Operator. Go ahead.

16 MR. TSCHILTZ: Hello. This is Mike  
17 Tschiltz of NEI. Can you hear me?

18 MR. O'DRISCOLL: Yes, Mike.

19 MR. TSCHILTZ: Okay. Okay. So the issue  
20 here, I think, gets to the issue of transparency in  
21 the NRC's activities because it's difficult to make an  
22 evaluation of what the NRC considered and the basis of  
23 why it was included or not included, you know, based  
24 upon the information we are being given.

25 So I recognize that there were a large

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 number of license amendments, some of which I think  
2 could be screened rather quickly as to whether or not  
3 they have any impact on the rulemaking. But from a  
4 public transparency point of view, I think it's  
5 rather, you know, unclear to us how these have been  
6 dispositioned.

7 So, you know, it's hard to accept that the  
8 NRC has looked at these and that they are within the  
9 scope of the existing changes. There's no clarity  
10 there.

11 MS. BRADFORD: This is Anna from the NRC  
12 again. Mike, yeah, I understand your comment and you  
13 had mentioned this at the November meeting, and I  
14 think -- our thinking on this is that, you know, the  
15 LARs are just one piece of why we are doing this  
16 rulemaking and all the changes that are being made for  
17 this rulemaking.

18 It's really a wider lessons learned type  
19 of thing, and we believe that the lessons we have  
20 learned from this LARs or things that repeatedly come  
21 up in LARs are covered in what we are doing.

22 You know, not all of the LARs, as Jim  
23 said, had to do with a regulatory issue. Some of them  
24 are, you know, they wanted to change the way they were  
25 constructing it or they wanted to use a different

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 material maybe for Vogtle 3 and 4. So not a  
2 regulatory issue, per se.

3 So we believe that what needs to be  
4 considered under these LARs is in the scope and I  
5 think we feel like we have done our due diligence. I  
6 would say that if you believe we have missed something  
7 then comments along those lines about what we missed  
8 when the reg basis goes out for comment would be much  
9 appreciated.

10 MR. TSCHILTZ: Thanks. I appreciate that  
11 response. I still don't think it gets to the issue of  
12 transparency.

13 MS. BRADFORD: So I think -- I think the  
14 transparency comes out of these conversations that we  
15 have had in these public meetings about how we think  
16 we have included these lessons learned in our rule.  
17 Yeah, there won't be a specific write-up in the reg  
18 basis but I think we feel like we have had  
19 communications on this.

20 Like I said, if you think we missed  
21 something, if you look at LARs or if Southern or  
22 another stakeholder looks at them and thinks we have  
23 missed something we certainly would want to hear that.

24 MR. O'DRISCOLL: Are there any other  
25 questions on this item?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 OPERATOR: Yes. Our next question comes  
2 from Amy Chamberlain. Ma'am, your line is open.

3 MS. CHAMBERLAIN: Thank you. So this is  
4 more for looking on my part. But, you know, we are  
5 not finished with construction or start up or reaching  
6 operations, and we are continuing to, you know,  
7 exercise parts of the regulation for the first time.  
8 And so this isn't -- we are not at a point where we  
9 learned all the lessons, I would say. One that we  
10 recently discussed with the staff was maintenance of  
11 Tier 1 after operation.

12 And so this is -- not to discuss that here  
13 in particular, but how does the staff plan on  
14 addressing that we are still in a learning mode and  
15 parts of Part 52 haven't even been exercised yet?

16 MR. O'DRISCOLL: This is -- go ahead.

17 MS. BRADFORD: Jim, go ahead. Go ahead.  
18 Go ahead.

19 MR. O'DRISCOLL: I was just going to say  
20 we just, in general -- you know, we are always  
21 learning. I just wanted to make the point, as you  
22 know, and we -- you know, this is not going to be, you  
23 know, the final word on anything, and if problems come  
24 up as we go into new territory, new situations, we --  
25 it's our job to identify the deficiencies in our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 regulations and to make appropriate changes if it's a  
2 rulemaking change, if it's guidance or whatever.

3 So but we think the reason why we started  
4 now is that we have, certainly, a critical mass of  
5 stuff to get done. I mean, in fact, there's quite a  
6 lot of stuff that we -- that we are trying to do  
7 because there's quite a lot of lessons learned. And  
8 that being said, we are not declaring victory and, you  
9 know, on anything here. We are going to just put a  
10 stake in the ground and continue on and if things come  
11 up, you know, they come up.

12 I don't know if that answers your  
13 question. But that was just my opinion as a staff  
14 member.

15 MS. CHAMBERLAIN: Yeah. So this is Amy  
16 again. It was less not -- there's, clearly, enough  
17 here that we need to keep moving forward and I think  
18 there's folks within the industry that really do want  
19 to see us get to a point where some of these changes  
20 are made in the regulations.

21 But my question was more of as new items  
22 come up are they still going to be considered for this  
23 Part 52 lessons learned activity or are you going to  
24 have some other mechanism to do like a round two or  
25 something like that, and how would you decide.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. BRADFORD: So, Amy, this is Anna at  
2 the -- Anna Bradford at the NRC.

3 I think what you're saying is as you move  
4 along under Part 50, like you said, some of them -- 52  
5 -- some of them have not been exercised. For example,  
6 maybe ITAAC hearing or the 103(g) finding and maybe we  
7 are going to have lessons learned from that that we  
8 would want to incorporate. And I think the answer  
9 goes back to maybe what Jim O'Driscoll and John  
10 Tappert said earlier that as we go along we are open  
11 to adding things. I am not sure we would want to  
12 pause in the rulemaking in order to let Vogtle 3 and 4  
13 get through the entire Part 52 startup process and all  
14 that in order to incorporate those lessons.

15 In my -- my belief would be that we would  
16 continue with this rulemaking, incorporate those  
17 lessons that we can when it comes to the timing and  
18 then the next ones might have to be kind of added to  
19 our list for the next time we have to do a lessons  
20 learned rulemaking. That's just my thought off the  
21 top of my head.

22 MR. O'DRISCOLL: Right. And I just want  
23 to add too to my earlier comment a question about how  
24 set in stone is the scope, and the answer to that is  
25 that if we find out tomorrow that there's something

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 really, really important that we need to get in this  
2 rule, we are going to get it into the scope.

3 So this is not going to be final for -- I  
4 need to look at the schedule, but for a while. So,  
5 you know, the process bakes in a certain amount of  
6 flexibility. I mean, that's what it's all designed  
7 for is for change, for adjustments based on feedback  
8 from the public and things that change.

9 Are there any other questions?

10 MS. CHAMBERLAIN: Thank you.

11 MR. O'DRISCOLL: Sure. Sure. Are there  
12 any other questions on this item?

13 OPERATOR: There are no other questions at  
14 this time.

15 MR. O'DRISCOLL: Okay. I am going to move  
16 on to slide 25. The first bullet on this slide  
17 relates to several comments we received requesting  
18 more information on what the staff would do to define  
19 the term "essentially complete" in its regulation as  
20 it relates to the scope and detail of the design  
21 information required for adequate staff review of COL  
22 applications.

23 Our current thinking on this topic was  
24 discussed earlier so but maybe folks have come up with  
25 a question on that. So is there any questions on this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 bullet?

2 (Pause.)

3 OPERATOR: And our question comes from  
4 Gary Becker. Your line is open.

5 MR. BECKER: Thank you. Gary Becker for  
6 NuScale Power again. I wanted to ask, earlier you  
7 mentioned one component of this rule definition would  
8 incorporate the notion of design that can affect --  
9 design features that can affect safe operation.

10 Do you intend to clarify that term  
11 further? I mean, that's what's -- that's what's in  
12 the statements of consideration for the original Part  
13 52 role and, of course, its interpretation has a lot  
14 of bearing on what exactly this definition means.

15 MR. O'DRISCOLL: So this is Jim  
16 O'Driscoll. We are just starting to flesh out that  
17 definition, and just a little bit of detail and how  
18 this works is, you know, the reg basis is going to be  
19 -- is going to have a pretty fulsome discussion about  
20 the options and what the staff intends to do.

21 But at this point, you know, we are still  
22 trying to figure out what's the appropriate level of  
23 detail for that definition, what is the -- what's  
24 going to strike the right balance between, you know,  
25 giving enough guidance for a designer to provide

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 design information such that so we don't have to keep  
2 going back and forth with questions about, you know,  
3 nuts and bolts or something small.

4 And, of course, you know, the ability for  
5 our staff to come to a safety finding that, you know,  
6 that they are required to make on the specific areas  
7 they are reviewing. So this is going to be a process  
8 of, like I said, notice and comment. You're going to  
9 see our initial thoughts in the reg basis and then we  
10 will take your comments.

11 When we write the proposed rule you'll  
12 actually see the language then. You'll actually see  
13 proposed rule language that would be put into the CFR  
14 if that's the way we were going to go with this one.  
15 And then you'll also get a chance to comment on that,  
16 and if we need to engage in a -- you know, a specific  
17 breakout discussion, you know, because it's something  
18 very important then, of course, that's how we manage  
19 this.

20 We will do that, whatever it takes to  
21 understand each other. I don't know if that answers  
22 your question.

23 MR. BECKER: Yes. Thank you. I  
24 understand it's still in preliminary stages. I'd just  
25 offer not really questions but a few comments for you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to consider as you -- as you flesh out that  
2 definition.

3 So in addition to attention to the -- can  
4 affect safe operation that I just mentioned, I would -  
5 - I hope you'll focus on the relationship of that  
6 definition with the level of design information that's  
7 specified in the first two sentences of 10 CFR 52.47  
8 because the second element of the definition that you  
9 identified that you're considering has a pretty clear  
10 relationship with the sentences in the beginning of  
11 52.47. So, hopefully, you'll pay attention to that.

12 And the other thing I would mention is  
13 that the SDA scopes -- standard design approval scope  
14 at 10 CFR 52.137 uses the phrase "entire facility" and  
15 there may be an opportunity to reflect the  
16 "essentially complete" definition in the SDA  
17 regulations as well, just to ensure clarity there.

18 The SDA says, essentially, "the entire  
19 facility or a major portion thereof." So there may be  
20 an opportunity to kind of harmonize the two with the  
21 "essentially complete" definition.

22 MR. O'DRISCOLL: Thank you. That's a good  
23 comment. We will certainly look at that.

24 MR. BECKER: Okay. Thank you.

25 MR. O'DRISCOLL: Are there any other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 questions on this first bullet?

2 OPERATOR: There are no other questions.

3 MR. O'DRISCOLL: Okay. So the next bullet  
4 on the slide relates to comments the NRC received that  
5 request NEI engagement on several transformational  
6 items and concurrent with the staff's development of  
7 recommendations for those items.

8 The items cited in this area is our  
9 efforts to align the DC change process with 50.59, our  
10 efforts to better define Tier 1, Tier 2, and Tier 2\*  
11 information, and our efforts to examine and make  
12 changes to regulatory requirements associated with  
13 maintenance of standardization in certified design.

14 The staff understands the concerns raised  
15 by NEI. As we discussed earlier in slide 23, the NRC  
16 tries to follow its principles of good regulation by  
17 being an open regulator. We believe following an  
18 ordered notice and comments process will produce the  
19 best balance between the need to adhere to a timely  
20 schedule and the need to engage with the public as the  
21 rule is being developed.

22 We feel that NEI and others will have  
23 adequate opportunity to engage with the NRC on these  
24 and other issues as they are developed. Is there any  
25 questions on this bullet?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 OPERATOR: We do have a question from  
2 Peter Hastings. Your line is open.

3 MR. HASTINGS: Hi. This is Peter Hastings  
4 with Kairos Power. I actually was trying to get in to  
5 ask or make a comment, excuse me, on the prior bullet.  
6 I just didn't get in on time.

7 So, very briefly, I want to certainly  
8 agree with everything that Gary Becker said, and in  
9 addition, in defining the term "essentially complete,"  
10 I'd like to suggest that the staff pays particular  
11 attention to the use of risk-informed techniques  
12 through the licensing modernization project that's  
13 used -- being used for most advanced reactor  
14 application development to make sure that it -- that  
15 the definitions comport.

16 I'd also like to suggest that enhancing  
17 the definition in guidance may be preferable to make  
18 sure that we maintain flexibility in how that  
19 definition is employed.

20 For example, if the definition focused on  
21 features and that were taken to perhaps the logical  
22 extreme, then that would obviate the opportunity to  
23 take advantage of some of the improvements in SRP  
24 Chapter 7 where the review focuses more on criteria  
25 than on design features, and if the definition needed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 some adjustment in a future application it would be a  
2 lot easier to explain a variation from guidance than  
3 to request an exemption simply because of a definition  
4 that we didn't realize was clunky at the time.

5 That concludes my remarks. Thank you.

6 MR. O'DRISCOLL: Thank you. That's a good  
7 comment. Is there anybody else that would like to  
8 discuss either of these two items?

9 OPERATOR: There are no questions holding.

10 MR. O'DRISCOLL: Okay. I'll move on to  
11 slide 26. So this slide relates to comments the NRC  
12 received regarding the schedule for the rulemaking.  
13 The comments point out that the rulemaking schedule  
14 seems exceptionally long and the planned final rule  
15 effective date of 2025 would not support current  
16 commercial activities adequately.

17 The comments also indicated that there  
18 does not seem to be enough time stays between the  
19 planned issuance of the final rule for this project  
20 and the mandated date for the NRC to issue a  
21 technology-inclusive regulatory framework in 2027.

22 This situation is causing regulatory  
23 uncertainty for applicants. I hope that the previous  
24 discussion on the description of the task before us is  
25 adequate for you to conclude that this rulemaking will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 take some time. In November you also suggested that  
2 the NRC should reprioritize the rulemaking from medium  
3 priority to high priority. The staff responded with  
4 the -- that the reprioritization of the rule itself  
5 would not necessarily result in any improvement in the  
6 time line.

7 The prioritization of the rules allow  
8 management a means to better judge how this activity  
9 would score against other rulemakings the NRC does, in  
10 order to provide management the insight it needs on  
11 decision-making that's needed to establish the best  
12 use of limited resources.

13 The staff also explained that the  
14 rulemaking is designed to be a deliberative process  
15 and involves input and activities by other outside  
16 agencies such as the Office of Management and Budget  
17 and the Office of the Federal Register.

18 These agencies must also prioritize their  
19 work and thus there are elements to the rulemaking  
20 schedule that are outside of the NRC's control.  
21 However, the staff recognizes the long projected  
22 duration of this rulemaking and is committed to  
23 seeking opportunities to improve the schedule through  
24 various initiatives to expedite the internal review  
25 and coordination without infringing on the stakeholder

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 engagement. Would anybody like to comment on that one?

2 (Pause.)

3 MR. O'DRISCOLL: Are there any questions,  
4 Operator?

5 OPERATOR: No. Unfortunately, no  
6 questions have come in.

7 MR. O'DRISCOLL: Okay. I am going to move  
8 on to slide 27. So, briefly, recapping the next  
9 steps, the staff is going to finalize and issue the  
10 regulatory basis for public comment. We plan to hold  
11 a public meeting approximately 30 days into the  
12 comment period.

13 In order to be more efficient, the staff  
14 will address the public comments when it drafts the  
15 proposed rule. The staff will hold additional  
16 stakeholder meetings during the proposed rule phase.  
17 Next slide. We are on slide 28.

18 The staff plans to issue the regulatory  
19 basis for comments in December of this year. The  
20 proposed rule is expected to be issued for public  
21 comment no later than two years after this, in October  
22 of 2022, and the final rule is expected to be issued  
23 no later than October 2024.

24 Next slide. We are at slide 29 now. You  
25 can reach out to us here if you have any further

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 information. Next slide.

2 So, again, thank you very much for your  
3 attention and the questions you gave us today. We  
4 welcome feedback in our public meetings. We want to  
5 know if you are satisfied with today's public meeting  
6 or if you have any suggestions on how we can make it  
7 more effective. You can access the link to the online  
8 feedback form and the meeting -- details of the  
9 meeting on the NRC's public meeting schedule page.

10 Alternatively, you can scan this QR code  
11 and that'll bring you directly to the online feedback  
12 form for this meeting. And you can also access the  
13 online feedback form for this meeting by going to the  
14 public meeting website below the link.

15 Next slide. You can find information  
16 about this rulemaking activity on regulations.gov.  
17 The meeting materials and the meeting summary will be  
18 posted soon. So search for the docket ID NRC-2009-  
19 0196.

20 Thanks for attending and have a great  
21 afternoon, and our meeting is over. Thank you very  
22 much.

23 (Whereupon, the above-entitled matter was  
24 concluded at 2:15 p.m.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701