

From: [TSCHILTZ, Michael](#)
To: [Fetter, Allen](#)
Cc: [NICHOL, Marcus](#)
Subject: [External_Sender] Part 52/50 Lesson Learned Rulemaking
Date: Monday, February 03, 2020 11:46:05 AM

Allen, Hope all is well with you.

I am hoping to get some clarification on the areas where it was unclear how certain issues suggested by the industry to be included in the rulemaking have been dispositioned.

1. Overall schedule for the Part 50/52 rulemaking – the industry would benefit from accelerating the schedule for the rulemaking. The current schedule for the rule leaves little time between the completion of this rule and the creation of a technology-inclusive regulatory framework by 2027 as required by Nuclear Energy Innovation and Modernization Act. Has the staff considered accelerating the rulemaking?
2. Transformational Changes – the staff has characterized certain changes in the proposed rulemaking as transformational, such as aligning the change process for DCs with the 10 CFR 50.59 process, adding definitions of Tier 1, Tier 2 and Tier 2* information, and consideration of reducing requirements for standardization for certified designs. There has been little to no dialogue on the nature of these changes with the public. Can the NRC make additional information public on what is being developed for the draft regulatory basis?
3. Changes during Construction – the industry has put significant effort into making the case for the need to be able to make changes to the licensing basis of a facility during construction without the need for preapproval from the staff. Previously the industry had been informed that the staff had determined that this issue would require rulemaking to address but at the November 21st meeting the staff noted that they were proceeding with a draft regulatory guide to address this issue and that it was not included in the rulemaking. This remains a significant issue to be resolved and public interaction is needed to ensure this issue is addressed in a thorough and comprehensive manner that doesn't create undue burden without any benefit to public health and safety. It would be beneficial to have a public meeting on the Draft Regulatory Guide to gain a better understanding of the proposed changes before the DG is published for public comment.
4. Delays in issuance of COLs due to errors in certified design – the industry has had several public meetings and there has been several rounds of correspondence in an attempt to propose viable solutions to this issue to prevent recurrence in the issuance of future COLs. The last correspondence from the NRC on May 10, 2019 indicated that this issue would be considered in the rulemaking. It would be beneficial for the staff to provide additional information on how this issue is being addressed.
5. Consideration of Vogtle 3 and 4 license amendments in determining the scope of the rule changes – during the meeting the industry questioned the staff if they were incorporating lessons learned from Vogtle 3 and 4 into the rulemaking. As a part of that effort all license amendments would need to be reviewed to determine if there were issues that could have been avoided through changes/ clarifications to the regulations. NRC indicated that they had considered lessons learned but were unable to provide any details about issues had been included in the rulemaking effort and the screening of other issues. The staff's work on these issues have not been transparent and have lacked public involvement. It would be helpful if the staff could indicate how

each of these issues were considered and why they are or are not being included in the rulemaking.

6. Defining the term “essentially complete” design – developing an accepted definition for the term essentially complete as described in 10 CFR 52.41 has significant ramifications for future applicants and the level of design detail needed to submit design certification application. There should be more public interaction in developing such a definition.

Please let me know if you would like to discuss how to address these concerns.

Best.

Mike Tschiltz
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004
www.nei.org
M: 202.471.0277
E: mdt@nei.org

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