

has had a number of site-specific issues attached to it, but the Advisory Committee on Reactor Safeguards believes that the issues are being adequately addressed. On December 14, the ACRS submitted a letter report to Nuclear Regulatory Commission Chairman Stephen Burns, stating that the combined operating licenses (COL) sought for the two reactors should be issued.

During the NRC staff's technical reviews of the Lee plant's departures from the standard design of the AP1000, such as the condensate return system and potential radiation dose and heat load in the main control room, the staff's requests for additional information led to sharp criticism by Duke of what it referred to as errors by Westinghouse. The provision of additional data by Westinghouse and Duke finally led to the resolution of these and other issues to the staff's satisfaction.

The ACRS's report, however, addressed in more detail matters that are more external to the plant, such as seismicity and potential flooding, and, even more external, the siting of the emergency operations facility 40 miles from the site, in the facility Duke uses for the operating Catawba, McGuire, and Oconee plants. In every instance, the ACRS either endorsed the staff's findings in favor of the plant's

ability to withstand the external conditions (which the U.S. Geological Survey had found to pose greater potential hazards than were previously known), or concurred that the in-plant generic changes (including condensate return and control room dose control) will be acceptable once they are approved in final form by the NRC staff.

The issuance of the ACRS report closed the third of the four phases of the COL safety review. The last phase is the NRC's issuance of the final safety evaluation report (SER), the timing of which may depend on when the exact wording of the passages on the in-plant generic changes is finished. The environmental review was closed in December 2013 with the issuance of the final environmental impact statement, and no contentions were admitted for an adversarial hearing. This means that after the final SER is issued, the only remaining step in the COL application process will be the mandatory hearing conducted by the commissioners. Duke has not yet committed to building the Lee reactors, nor has the company signed an engineering, procurement, and construction contract with Westinghouse, so there appears to be no immediate need for Duke to receive the COLs for Lee-1 and -2.

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 PETITIONS

## NRC seeks to define the term "important to safety"

The regulations in 10 CFR Part 50 on reactor safety designate some structures, systems, and components as safety related. Outside of this group, the Nuclear Regulatory Commission routinely refers to some non-safety-related items as "important to safety." The NRC has received a petition for rulemaking requesting that the agency amend its regulations to define the term "important to safety," and the NRC has docketed the petition and opened it to public comment.

The petitioner, Kurt T. Schaefer, a nuclear licensing contractor and consultant, states that there is "no clear definition of what is 'important to safety'" and "there is no excuse for not having a concise set of functional criteria defining such a used term." Schaefer provides his own 10-point definition, which is listed in the NRC notice published in the January 6 *Federal Register*. In addition to the defined safety-related items, Schaefer proposes the inclusion of items that prevent common-cause failures, items whose failure could impair a safety-related item's functionality, items that control the release of radioactive materials, items related to severe accident mitigation, and others.

Comments on the petition will be accepted through March 21 and can be submitted by mail to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attn.: Rulemakings and Adjudications Staff; or electronically to <[www.regulations.gov](http://www.regulations.gov)>, with a search for Docket ID NRC-2015-0213.

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 NRC

## Staff: Don't revise regulatory framework

In a policy issue paper dated December 18, the Nuclear Regulatory Commission staff recommended that the commissioners take no action aimed at the establishment of a risk management regulatory framework that would substantially alter the ways in which the agency pursues its missions. Instead, the staff's proposal for the commissioners' vote is that "the NRC maintain its existing regulatory framework for nuclear power reactor safety and continue to make risk-informed regulatory improvements on an incremental basis." The staff also did not recommend the development of an agency-wide risk management policy statement, concluding that "the NRC resources are not justified

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## Power Briefs

**DENNIS BLEY WILL CHAIR THE ACRS FOR 2016**, based on an election by the members of the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards. Bley, president of Buttonwood Consulting, was the ACRS vice chairman in 2015 and succeeds John Stetkar as chairman. The ACRS has also elected Michael Corradini, chairman of the Department of Engineering Physics at the University of Wisconsin and ANS past president (2012–2013), as vice chairman, and Peter Riccardella, who has more than 45 years of experience working on the structural integrity of nuclear power plant components, as member-at-large, succeeding Corradini. The ACRS advises the NRC—independently from the agency's staff—on power reactor licensing and operation safety issues, and also on health physics and radiation protection.

**A SPECIAL INSPECTION WAS CONDUCTED AT OCONEE** in January to assess the degradation of power cables for startup transformers at Duke Energy's three-unit plant in South Carolina. The Nuclear Regulatory Commission assigned to the site the senior resident inspector from Oconee and an inspector from the NRC's Region II Office in Atlanta. Another NRC expert, working from the Atlanta office, will assist in analyzing the data that is gathered. During a routine inspection on December 7, a plant operator found that a cable that should have been connected to the Unit 3 transformer was disconnected, and further inspection revealed that cables linked to the Unit 1 transformer were in a degraded condition. All of the cables have since been repaired.

**A GENERIC LETTER ON NEUTRON ABSORBERS** in spent fuel pools was posted online by the Nuclear Regulatory Commission on January 7. The letter, *Monitoring of Neutron Absorbing Materials in Spent Fuel Pools*, which applies to licensees of spent fuel pools for both power and nonpower reactors, cites operating experience in which neutron-absorbing materials credited for keeping pools subcritical had degraded. Licensees are asked to provide, within seven months of the issuance of the letter, information indicating their ability to prevent criticality anywhere within their spent fuel pools. The letter was posted on the NRC's ADAMS document system at <[www.nrc.gov](http://www.nrc.gov)>, with accession number ML15224A005.