

Dated at Rockville, Maryland, this 1st day of May 2014.

For the Nuclear Regulatory Commission.

**Mark Delligatti,**

*Deputy Director, Division of New Reactor Licensing, Office of New Reactors.*

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## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2015-0048]**

### **Compliance With Phase 2 of Order EA-13-109**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Interim staff guidance; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing its Japan Lessons-Learned Division Interim Staff Guidance (JLD-ISG), JLD-ISG-2015-01, "Compliance with Phase 2 of Order EA-13-109, Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions." This ISG provides guidance and clarifies the Phase 2 requirements in the order to assist the licensees that have Boiling Water Reactors (BWRs) with Mark I and Mark II containments in the design and implementation of either a vent path from the containment drywell or a strategy that makes it unlikely that venting would be needed from the drywell before alternate reliable containment heat removal and pressure control is reestablished. This ISG also endorses, with clarifications, the industry guidance contained in Nuclear Energy Institute (NEI) 13-02, "Industry Guidance for Compliance with Order EA-13-109," Revision 1.

**ADDRESSES:** Please refer to Docket ID NRC-2015-0048 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0048. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the

ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. The JLD-ISG-2015-01 is available in ADAMS under Accession No. ML15104A118. The ISG for complying with Phase 1 requirements of the order (JLD-ISG-2013-02) was issued on November 14, 2013 (ADAMS Accession No. ML13304B836). The NEI 13-02, Revision 1 is available in ADAMS under Accession No. ML15113B318.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Interim Staff Guidance Web site:* JLD-ISG documents are also available online under the "Japan Lessons Learned" heading at <http://www.nrc.gov/reading-rm/doc-collections/isg/japan-lessons-learned.html>.

**FOR FURTHER INFORMATION CONTACT:**

Rajender Auluck, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1025; email: [Rajender.Auluck@nrc.gov](mailto:Rajender.Auluck@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC developed JLD-ISG-2015-01 to provide guidance and clarification to assist nuclear power reactor licensees with the identification of methods needed to comply with Phase 2 requirements in Order EA-13-109 (ADAMS Accession No. ML13130A067), "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions." This ISG is not a substitute for the requirements in Order EA-13-109, and compliance with the ISG would not be a requirement.

The accident at the Fukushima Dai-ichi nuclear power station reinforced the importance of reliable operation of containment vents for BWR plants with Mark I and Mark II containments. As part of its response to the lessons learned from the accident, on March 12, 2012, the NRC issued Order EA-12-050 (ADAMS Accession No. ML12056A043) requiring licensees to upgrade or install a reliable hardened containment venting system (HCVS) for Mark I and Mark II

containments. While developing the requirements for Order EA-12-050, the NRC acknowledged that questions remained about maintaining containment integrity and limiting the release of radioactive materials if licensees used the venting systems during severe accident conditions.

The NRC staff on November 26, 2012, presented the Commission with options to address these issues in SECY-12-0157, "Consideration of Additional Requirements for Containment Venting Systems for Boiling Water Reactors with Mark I and Mark II Containments" (ADAMS Accession No. ML12325A704). In the staff requirements memorandum (SRM) for SECY-12-0157, dated March 19, 2013 (ADAMS Accession No. ML13078A017), the Commission directed the staff to: (1) Issue a modification to Order EA-12-050 requiring BWR licensees with Mark I and Mark II containments to upgrade or replace the reliable hardened vents required by Order EA-12-050 with a containment venting system designed and installed to remain functional during severe accident conditions, and (2) develop a technical basis and rulemaking for filtering strategies with drywell filtration and severe accident management of BWR Mark I and II containments. The NRC subsequently issued Order EA-13-109 to define requirements and schedules for licensees for BWRs with Mark I and Mark II containments to install severe accident capable containment venting systems.

In recognition of the relative importance of venting capabilities from the wetwell and drywell, a phased approach to implementation is being used to minimize delays in implementing the requirements originally imposed by Order EA-12-050. Phase 1 involves upgrading the venting capabilities from the containment wetwell to provide reliable, severe accident capable hardened vents to assist in preventing core damage and, if necessary, to provide venting capability during severe accident conditions. Phase 2 involves providing additional protection during severe accident conditions through installation of a reliable, severe accident capable drywell vent system or the development of a reliable containment venting strategy that makes it unlikely that a licensee would need to vent from the containment drywell during severe accident conditions. For implementation of Phase 1 order requirements, the NRC issued JLD-ISG-2013-02 on November 14, 2013 (78 FR 70356), which endorsed, with exceptions and clarifications, the

methodologies described in the industry guidance document NEI 13-02, Rev. 0, "Industry Guidance for Compliance with Order EA-13-109" (ADAMS Accession No. ML13316A853). As required by the order, licensees submitted their site-specific overall integrated plans (OIPs) by June 30, 2014. The NRC staff has completed its review of the OIPs and has issued interim staff evaluations.

On March 10, 2015, the NRC staff issued a **Federal Register** notice (80 FR 12649) to request public comments on draft JLD-ISG-2015-01 (ADAMS Accession No. ML15051A143). In response, the NRC received comments from SimplyInfo by letter dated March 11, 2015 (ADAMS Accession No. ML15083A277), and the NEI by letter dated April 9, 2015 (ADAMS Accession No. ML15104A316). Several of these comments have been previously submitted to the NRC for staff's consideration. The resolution of these comments has been documented and publicly available (ADAMS Accession No. ML15114A051).

The focus of this ISG is to provide guidance for implementing Phase 2 requirements of the order. The Phase 2 portion of Order EA-13-109 builds on the Phase 1 activities, and is intended to be consistent with the expected outcome of the development of a regulatory basis for the Containment Protection and Release Reduction (CPRR) rulemaking. Specifically, the industry described a containment venting approach that includes severe accident water addition (SAWA) and severe accident water management (SAWM) strategies that would preserve the use of a wetwell vent path, in addition to providing other benefits. Evaluations performed in support of the CPRR rulemaking confirmed significant benefits to including SAWA as part of a severe accident management strategy. Therefore, SAWA will facilitate implementation of Phase 2 of Order EA-13-109 by establishing the design conditions for a drywell vent and supporting SAWM for licensees choosing to pursue that option as a strategy that makes it unlikely that a licensee would need to vent from the drywell.

On April 23, 2015, NEI submitted NEI 13-02, "Industry Guidance for Compliance with Order EA-13-109," Rev. 1 (ADAMS Accession No. ML15113B318) to assist nuclear power licensees with the identification of measures needed to comply with the Phase 2 requirements of Order EA-13-109 regarding reliable hardened containment vents capable of operation under severe accident conditions. The

NEI document includes guidance for implementing order requirements for both Phase 1 and Phase 2, including the industry's proposed approach to use the SAWA and SAWM strategies to control the water levels in the suppression pool and maintain capabilities to address over-pressure conditions without a severe accident drywell vent. This ISG endorses, with clarifications, the methodologies described in the industry guidance document NEI 13-02, Revision 1.

Dated at Rockville, Maryland, this 29th day of April 2015.

For the Nuclear Regulatory Commission.

**Jack R. Davis,**

*Director, Japan Lessons-Learned Division,  
Office of Nuclear Reactor Regulation.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74856; File No. SR-MIAX-2015-31]

### Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

May 1, 2015.

Pursuant to the provisions of section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 29, 2015, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to modify the Market Maker Trading Permit Fee.

The text of the proposed rule change is available on the Exchange's Web site at [http://www.miaxoptions.com/filter/wotitle/rule\\_filing](http://www.miaxoptions.com/filter/wotitle/rule_filing), at MIAX's principal office, and at the Commission's Public Reference Room.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to modify the monthly Trading Permit fees that apply to Market Makers ("MMs"). Specifically, the Exchange proposes to adopt the following fees: (i) \$7,000 for MM Assignments in up to 10 option classes or up to 20% of option classes by volume; (ii) \$12,000 for MM Assignments in up to 40 option classes or up to 35% of option classes by volume; (iii) \$17,000 for MM Assignments in up to 100 option classes or up to 50% of option classes by volume; and (iv) \$22,000.00 for MM Assignments in over 100 option classes or over 50% of option classes up to all option classes listed on MIAAX.

The Exchange issues Trading Permits that confer the ability to transact on the Exchange.<sup>3</sup> Currently, all MMs, whether they are a RMM, LMM or PLMM, are assessed \$15,000 per month for a Trading Permit for an assignment in up to 250 option classes, or \$22,000 per month for a Trading Permit for an assignment in over 250 option classes up to all option classes listed on the Exchange.<sup>4</sup> The Exchange notes that the

<sup>3</sup> There is no limit on the number of Trading Permits that may be issued by the Exchange; however the Exchange has the authority to limit or decrease the number of Trading Permits it has determined to issue provided it complies with the provisions set forth in Rule 200(a) and section 6(c)(4) of the Exchange Act. See 15 U.S.C. 78(f)(c)(4). For a complete description of MIAAX Trading Permits, see MIAAX Rule 200.

<sup>4</sup> The monthly Trading Permit Fee is in addition to the one-time application fee for MIAAX Membership. The Exchange charges a one-time application fee based upon the applicant's status as either an Electronic Exchange Member ("EEM") or as a Market Maker. Applicants for MIAAX Membership as an EEM are assessed a one-time Application Fee of \$2,500.00. Applicants for MIAAX Membership as a Market Maker are assessed a one-time Application Fee of \$3,000.00. The difference in the fee charged to EEMs and Market Makers