

Exelon Questions and Comments on  
attachment to SECY-01-0188, dated October 12, 2001

The following questions and comments correspond to the SECY 01-0188 attachment and were generated in order to gain clarity and engage in early discussions with the NRC.

Page III-2      Fuel infrastructure item E. Identify basis for potential Part 70 rulemaking.

Page III-3      Fuel infrastructure item I. Identify basis for the potential need for exemptions to Part 74.

Page IV-1      Rulemaking Activities. The indicated rulemaking activities for the most part will lag expected applications for ESP and COL and might impact the schedule for issuance of the ESP and COL if the rulemakings are completed late during the review process. Are there plans to expedite the rulemaking or manage applications that have been submitted prior to rulemaking?

Page IV-2      10 CFR Part 51 Alternate Site Review Rulemaking. Why are the petitions regarding these issues considered a separate activity from the rulemaking to revise Part 52? Will they be incorporated in the current Part 52 rulemaking plans?

Page IV-3      10 CFR Part 50 Appendix I Rulemaking. What specific ICRP methodology considerations will be required of new plants?

Page IV-4      NEI petitions for Rulemaking Regarding Part 52. Exelon's position is that the rule changes identified in the Industry petitions are necessary to effectively and efficiently utilize 10 CFR 52. Are there plans today to include these changes in the current Part 52 rulemaking? Other noted rulemaking issues have initiation dates, but the NEI petitions do not? What is NRC's schedule for acting on these petitions?

Page IV-6      Regulatory and Review Guidance. The assessment states a need to update certain regulatory guides (e.g., RG 4.7, SRP Chapter 14 ITAAC). The NRC has not made the reasons for the revisions known to potential applicants. The NRC states that revisions to guidance will be needed to reflect the changes in technology and practice. Will the revised guidance contain new requirements or new proposed policy? Specifically: R.G. 4.7 (1998), R.G. 1.68 (initial test program), R.G. 1.101, ISO-900, SRP chapters on "Conduct of Operations" and "ITAAC," NUREG -0555 with regard to NEPA requirements, and ESRPs.

Page V-3      Schedules. The NRC time estimates for COL review appear excessive. What are the assumptions or basis for estimates? What actions are controllable by the NRC in order to improve the schedule?

Page V-4      ESP Schedule Assumptions. What new, and more accurate modeling techniques are required for new applications? (Footnote 1) What is NRC's regulatory basis for stating that it must use new and more accurate modeling techniques? If the modeling

techniques used for the current licensing basis for an existing reactor site provide acceptable results, why can't those models be used for the ESP application?

Pages V-4 and V-20 Design Certification Schedule Assumptions. What are the assumptions for the estimate of 42-60 months to issue a design certification? Such a duration seems excessive. What actions are controllable by the NRC in order to improve the schedule?

Pages V-4 and V-24 COL Schedule Assumptions. What are the assumptions for the estimate of 27 months to issue a COL that references an ESP and design certification? Such a duration seems excessive, since almost all environmental and safety issues will have been resolved at the time the COL application is filed.

Pages V-4 and V-28 COL Schedule Assumptions. What are the assumptions for the estimate of 33-60 months to issue a COL with a custom design that references an ESP? Such a duration seems excessive.

Page V-11 Table V.C-1. The attachment states that the NRC will rely on generally 60% on contractor services. It appears that the FTE assumption for activities rely more on NRC services (e.g., PBMR total approximately \$1.9Million staff compared to \$700K contract services). This relationship is constant throughout the assessment for ESP, COL, and design certification activities. What is the total number of hours assumed for an FTE?

Page V-17 EP Review. Is there an estimate for NRC review of option 2 of the two options regarding satisfying ESP EP requirements?

Page V-24 Combined License Reviews. The NRC estimates 19 FTE and more than \$1 million for a review of a COL application that references an ESP and design certification. That estimate seems excessive, given the very limited number of issues that need to be reviewed for such an application. What is the basis for this estimate?

Page V-26 Inspection Resources Estimates From SECY 89-104. The referenced SECY document is outdated. NRC will require more realistic estimates and methods to perform inspections. Exelon suggests looking into ways to streamline the process to keep up with industry estimates.

Page V-27 COL Inspection Schedule. The NRC assumes that construction schedules will be "compressed." However, applicants are likely to use new work methods, and some advanced designs will have less scope of work. Therefore, the number and types of inspections may change and may be less than estimated by NRC for evolutionary light water reactors. For example, a PBMR will have substantially less piping and systems than an LWR, and therefore should require less NRC inspection.

Page V-28 Fitness for Duty. This page states that review of a COL application will include fitness for duty. Currently, NRC regulations do not require a COL application to include a description of the applicant's fitness for duty program and do not require NRC to approve the program. Instead, the program is subject to NRC inspection.

Page V-29 Table V.F-2 COL Resource Estimates, Custom Design (PBMR) with ESP. The NRC's review and inspection estimates are high and appear to be based on a prolonged schedule for review of the application and construction.

Page V-30 Inspection Resources. The assessment states that the Exelon's information differs from that postulated for COL inspection. The assessment also states that although ITAAC will be supplied with the application, the staff may decide to defer work on the detailed procedures pending resolution of issues associated with ITAAC. Exelon would like to discuss the sequencing of the planned ITAAC review process.

Page V- 42 Regulatory Guides and Guidance Document Updates. Do the specific guidance changes support the current regulations and policy? What specific changes are planned? Will changes enhance or delay early application reviews?