

August 19, 2011

MEMORANDUM TO: William F. Burton, Chief  
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Office of New Reactors

FROM: R. Frederick Schofer, Project Manager **/RA/**  
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SUBJECT: SUMMARY OF JULY 26, 2011, PUBLIC MEETING WITH INDUSTRY'S  
NEW PLANT WORKING GROUP ON COMBINED LICENSE  
APPLICATIONS

On July 26, 2011, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting at the Nuclear Energy Institute (NEI) Office in Washington, D.C., with the industry's New Plant Working Group (NPWG) on combined license applications (COLAs). The purpose of the meeting was to discuss issues confronting the industry and the NRC regarding the licensing of new reactors. The associated meeting notice is available through the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML111780176. The following provides a brief summary of the meeting.

### **Summary**

Mr. R. Frederick Schofer, Rulemaking and Guidance Development Branch (NRGA), Division of New Reactor Licensing (DNRL), Office of New Reactors (NRO), opened the meeting and announced that the NRC was prepared to address the following topics. The NRC would also respond to industry questions and concerns raised during these discussions and any additional industry topics that may have been raised during internal industry discussions of the NPWG.

1. NRO Application Reviews, Budgets and Schedules Update
2. Changes During Construction Update
3. SCOL Adherence to RCOL License Amendments
4. Preview of Forthcoming Federal Register Notice Proposing a Change to Enforcement Policy During Construction
5. Path Forward for the Construction Reactor Oversight Process (Crop) Assessment Program Update
6. SECY-11-0042, Mandatory Hearing Process for COL Proceedings Update

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## Discussion Topics:

**NRO Application Reviews, Budgets and Schedules Update (D. Matthews)**

Mr. David B. Matthews, Director of NRO/DNRL, stated that the new reactor licensing schedule information on the NRC public website was last updated on April 2011. Schedule updates were not performed because of uncertainty with respect to applicant submittals to the NRC of information necessary to complete its review and the limitation on NRC resources imposed by a third continuing budget resolution. Mr. Matthews stated that with the recent submittal of AP1000 Design Control Document (DCD), Rev. 19, the staff can update the completion schedule for AP1000 design certification rulemaking followed by the updates to the Vogtle and V.C. Summer COL schedules.

On March 23, 2011, the Commission tasked the staff to establish a senior level agency task force to conduct a methodical and systematic review of NRC processes and regulations to determine whether the agency should make additional improvements to our regulatory system and make recommendations to the Commission for its policy direction. Consistent with that direction, the Task Force Report, SECY-11-0093, "Near-Term Report And Recommendations for Agency Actions Following the Events in Japan," with its recommendations for agency actions following the events in Japan, was submitted on July 12, 2011 for Commission's consideration. In addressing the impact of the Fukushima event on new reactor licensing activities, Mr. Matthews referred to slides 25 through 27, which were included in the July 19, 2011 Commission Briefing on the Task Force Review of NRC Processes and Regulations Following Events in Japan, and which are available on the NRC public website at <http://www.nrc.gov/reading-rm/doc-collections/commission/tr/2011/>. Mr. Matthews stressed that it is necessary to carefully read these slides to understand the task force recommendations. Mr. Matthews stated that the staff is proceeding with design certification rulemaking for both AP1000 amendment and the Economic Simplified Boiling-Water Reactor (ESBWR) as these designs were presented to the NRC and as they were reviewed. The NRC does not plan to reissue these rules for public comment. Mr. Matthews added that the Commission has not taken any action on the SECY-11-0093 recommendations.

Mr. Matthews reported that within a few weeks the U.S. ABWR Aircraft Impact (AIA) Amendment DCR will be submitted to the Commission for action. This will be followed by the submittal of the AP1000 Amendment final rule and then the ESBWR final rule. Mr. Matthews stated that the NRC is proceeding on completing this work on the best schedules possible.

Mr. Steve Byrne, SCANA, asked Mr. Matthew how he sees the DNRL personnel factored into Fukushima reviews? Mr. Matthews replied that DNRL personnel are already involved as his staff prepares final rule documentation for submittal to the Commission.

**Changes During Construction Update (E. Libby)**

Mr. Earl R. Libby (NRO/DNRL/NRGA) presented this topic. Mr. Libby stated that the staff has made good progress in developing this alternative procedure with the majority of issues addressed. The preliminary acceptability review (PAR) process will be contained in interim staff guidance (ISG) document COL-ISG-025, "Changes during Construction under Part 52." This document is undergoing internal NRC review before the document is published in the *Federal*

*Register* for a 30-day public comment period. The NRC discussed previous drafts of this document in past Category 2 public meetings.

Mr. Bell, Nuclear Energy Institute (NEI), acknowledged that the staff has made a lot of progress on the PAR process. He also stated that NEI is currently revising NEI guidance document NEI 96-07, Appendix C, "Guideline for Implementation of Change Control Processes for New Nuclear Power Plants Licensed under 10 CFR Part 52," and that additional work needs to be completed before this document can be sent to NRC for endorsement. NEI is scheduled to issue the revision to NEI 96-07 after COL-ISG-025 is issued. Mr. Bell asked what method can the staff use to endorse the revision to NEI 96-07. Mr. Libby responded that the staff plans to endorse this NEI guidance document in Regulatory Guide 1.187, "Guidance for Implementation of 10 CFR 50.59, Changes, Tests, and Experiments," (ADAMS Accession No. ML003759710) which endorsed the current version of NEI 96-07.

#### **SCOL Adherence to RCOL License Amendments (F. Schofer)**

Mr. Schofer stated the concept of design centers, standardization, and one decision – multiple application during the licensing process has resulted in efficiency gains and has reduced the resource needs to review applications. He continued by asking the meeting attendees what are the implications of maintaining a design center approach following licensing. Mr. Schofer stated that the benefits include maintaining standardization and efficiencies in reviewing similar licensing amendments. The NRC also expects a significant number of licensing amendment requests due to design changes that occurred after the COL application freeze point, changes during construction, and changes resulting from individual applicant preferences. Mr. Steve Byrne, SCANA, stated the Nuclear Plant Oversight Committee to which the NPWG reports, developed guidance on this issue in 2007. Mr. Byrne agreed that the design center approach has served the nuclear industry well and he believes that maintaining standardization is reasonably achievable during construction up to unit operation. Issues faced by nuclear plant operators include supply chain issues that cause substitution with different parts and/or equipment and program issues in which the nuclear operator must decide whether to maintain consistency with other nuclear plant programs in its fleet or with the design center working group. Mr. David Matthew commented that maintaining standardization across the design center should be a point of consideration either collectively or individually for each licensee.

#### **Preview of Forthcoming Federal Register Notice Proposing a Change to Enforcement Policy During Construction (E. Libby)**

Mr. Earl Libby announced that in early August the NRC plans to publish a *Federal Register* Notice soliciting public comments on enforcement during construction activities for reactor or uranium enrichment plants. The public comment period is for 30 days. The NRC will also host a public meeting to solicit public comments on the proposed construction related revisions to the Enforcement Policy. This request for comments and planned public meeting will inform the staff NRC in efforts to revise its Enforcement Policy and to prepare a Commission paper scheduled to be completed later this year.

**Path Forward for the Construction Reactor Oversight Process Assessment Program (F. Schofer)**

Mr. Schofer provided an update on the cROP Assessment Program discussed in Commission paper, SECY-10-0140, "Options for Revising the Construction Reactor Oversight Process Assessment Program," (ADAMS Accession No. ML102500499). Mr. Schofer stated that the cROP assessment program is described in IMC 2505 and will be implemented at Vogtle Units 3 and 4. In SECY-10-0140, the staff proposed that the Commission approve the development of a construction assessment program that includes a regulatory framework, the use of a construction significance determination process (SDP) to determine the significance of findings identified during the construction inspection program, and the use of a Construction Action Matrix (contained within IMC 2505) to determine the appropriate NRC response to degrading licensee performance.

Mr. Schofer stated that the staff has finalized the cROP regulatory structure, including strategic performance areas and cornerstones. The remaining development work involves finalizing the construction SDP. Plans for the construction SDP are to use a flow chart for programmatic findings and a matrix for technical findings. An expert panel consisting of industry and NRC staff met in mid-June and finalized the risk importance portion of the construction SDP matrix. In addition, the quality of construction portion of the matrix is nearing completion. Tomorrow a Category 2 public meeting (ADAMS Accession No. ML111870222) will be held to perform a table top exercise during which hypothetical and actual recent construction findings will be processed through the SDP. The purpose of these table-tops are to exercise the proposed construction SDP using historical construction findings in order to evaluate those areas that work, and those that need additional development prior to the start of the cROP pilot. Following the tabletop, NRC can address any outstanding issues at a future NPWG meeting. After the SDP is finalized, the working group will focus on modifying program guidance documents, training the staff on the new process, and preparing for piloting the new program. Mr. Schofer added that the staff plans to brief the Advisory Committee on Reactor Safeguards (ACRS) on December 1, 2011 and begin the pilot of the new assessment process at Vogtle and V.C. Summer on January 1, 2012. The pilot will be conducted in parallel with the existing assessment program.

**SECY-11-0042, Mandatory Hearing Process for COL Proceedings Update (D. Matthews)**

Mr. Matthews stated that the Commission made public SRM-SECY-10-0082, "Mandatory Hearing Process for Combined License Application Proceedings under 10 CFR Part 52," (ADAMS Accession No. ML103570203). This document lays out the framework for how the agency will conduct mandatory hearings on the first COLAs for nuclear power reactors. Mr. Matthews also referred meeting attendees to the revised internal commission procedures for the mandatory hearings contained in Commission paper, SECY-11-0042, "Revisions to Internal Commission Procedures Section on Mandatory Hearings," dated March 25, 2011, which is publicly available on the NRC Web site (<http://www.nrc.gov/reading-rm/doc-collections/commission/secys/>). Mr. Matthews noted that the controlled process begins as soon as practicable after the staff submits to the Commission an information paper that describes key issues, the license application, final safety evaluation report (FSER), final environmental impact statement (FEIS), pertinent letter from the ACRS, and a proposed license. Mr. Matthews confirmed that the COL submitted with this information paper is for sufficiency of review and not

for approval. The approval authority for the COL is the Director of NRO. Mr. Matthews confirmed that the Office of the Secretary (SECY) owns the process including the conduct of the hearings and the schedule.

Several NPWG members asked questions regarding the duration of the hearing, the timing for filing pre-filed testimony, the submittal of the applicant's witness list, and the conduct of the hearing. Mr. Matthews responded that the staff envisions a one to two day public hearing with witnesses at the table. He further added that if the SRM does not adequately answer your questions you should contact SECY.

### **Industry Identified Issues**

Mr. Bell asked whether NRC operations would be impacted if the Federal government does not raise its debt ceiling and goes into default. Mr. Matthews responded that the NRC will continue to operate under a continuing budget resolution and has not issued contingency plans.

### **Public Comments**

Mr. Steven Dolley, Platts, asked Mr. Matthews to confirm the schedule for updating the COL application schedules and the schedules for submitting the final design certification rules for the U.S. ABWR AIA DC Amendment, the AP1000 Amendment, and the ESBWR presented earlier.

Mr. Ken Fletcher, Exchange Monitor, asked what the schedule and cost impacts are to the combined license applicants if the recommendations in paper SECY-11-0093 are adopted. Mr. Matthews replied that the Commission has not acted on the recommendations within this report and it is premature to conjecture what the range of schedule and cost implications would be.

Hearing no further questions, Mr. Schofer adjourned the meeting.

Enclosure:

1. Attendance List

cc w/encl: See next page

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**ADAMS Accession No.: ML112270098 (pkg) \*via e-mail NRC-001**

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**PUBLIC MEETING WITH INDUSTRY'S NEW PLANT WORKING  
GROUP ON COMBINED LICENSE APPLICATIONS  
July 26, 2011**

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Earl Libby	NRC/NRO/DNRL	Steve Frantz	Morgan Lewis
Jerry Wilson	NRC/NRO/DNRL	Rolf Ziesing	Westinghouse
Steve Byrne	SCANA	Tom Houghton	NEI
Doug Walters	NEI	Brian Johnson	GE-Hitachi
Russ Bell	NEI	Brian McIntyre	Areva
Greg Gibson	Unistar	Mark Harvey	NEI
Mark McBurnett	NINA	Tom Houghton	NEI
Charles Pierce	SNC	Geoff Grant	Shaw
Marilyn Kray	Exelon	Ken Fletcher	Exchange Monitor
David Harwood	DTE Energy	Rocco R. Sgarro	PPL
Tony Pietrangelo	NEI	Sue Perkins-Grew	NEI
Ken Barry	EPRI	Mike Caverly	PPL
Kimberly Keithline	NEI	Patricia Campbell	GE-Hitachi
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Frank Gillespie	MNES	Ian Didion	Nuclear Infrastructure Council
Bill Maher	Next Era Energy	Harrison Akins	Nuclear Infrastructure Council
Greg Grecheck	Dominion	Steven Dolley	Platts
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(Revised 07/21/2011)

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