

June 27, 2012

MEMORANDUM TO: Amy E. Cubbage, Chief  
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Division of Advanced Reactors and Rulemaking  
Office of New Reactors

FROM: R. Frederick Schofer, Project Manager */RA/*  
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SUBJECT: SUMMARY OF JUNE 6, 2012, PUBLIC MEETING WITH INDUSTRY'S  
NEW PLANT WORKING GROUP ON COMBINED LICENSE  
APPLICATIONS

On June 6, 2012, 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 (COL) applications. 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. ML12143A104. The following provides a brief summary of the meeting.

### **Summary**

Mr. R. Frederick Schofer, Policy Branch (APOB), Division of Advanced Reactors and Rulemaking (DARR), Office of New Reactors (NRO), opened the meeting and with an introduction and brief summary of the meeting agenda. The meeting addressed the following topics.

1. NRO Application Reviews, Budgets and Schedules Update
2. Efforts Underway to Efforts Underway to Capture Lessons Learned from DC and COL Reviews
3. Lessons Learned from Initial License Amendment Requests
4. Construction Reactor Oversight Process (cROP) Oversight Process Self-Assessment and Path Forward
5. ITAAC Notification (e.g. 225-day Letter) Content and 52.103 Process
6. Standard Review Plan Update Program Status
7. NPWG Identified Issues
8. Public Questions and Comments

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**Discussion Topics:****NRO Application Reviews, Budgets and Schedules Update**

Mr. David B. Matthews, Director of the Division of New Reactor Licensing (NRO/DNRL) acknowledged the significant work that the New Plant Working Group completed in providing input for the Changes during Construction process described in COL-Interim Staff Guidance (ISG)-025, "Interim Staff Guidance on Changes during Construction Under 10 CFR Part 52" (ADAMS Accession No. ML111530026). Through this process, the NRC issued its letter of notice of no objection for a preliminary amendment request (PAR) (ADAMS Accession No. ML12145A337). Mr. Matthews explained that this letter documents that the NRC has no objection for the licensee to proceed with the installation of the proposed plant change identified in the PAR, pending the outcome of the NRC's detailed technical review of the associated licensing amendment request (LAR). He further explained that if the associated LAR is denied then the licensee will return the plant to its current licensing basis. Mr. Matthews concluded that this accomplishment is the result of the effectiveness of this group.

Mr. Matthews also informed the meeting attendees that the Application Schedule for New Reactors table located on the NRC public website at <http://www.nrc.gov/reactors/new-reactors.html> was updated on May 30, 2012, to incorporate schedule revisions based on input provided by the respective applicants.

**Efforts Underway to Capture Lessons Learned from DC and COL Reviews**

Mr. Eric R. Oesterle (NRO/DARR/APOB) stated that in September 2009, some members of Congress documented their concern in a letter to the Chairman about the NRC potentially being at the center of a regulatory bottleneck for licensing of new reactors under the 10 CFR Part 52 process (ADAMS Accession No. ML092610843). About that time, the NRC public website identified 18 combined license applications that were submitted for the NRC to review. The NRC provided responses to the questions included in that Congressional correspondence and in addition, the Chairman requested that the Bipartisan Policy Center conduct an independent review of the NRC's licensing process for new reactors.

The Bipartisan Policy Center, led by former Sen. Pete Domenici and former NRC Chairman Richard Meserve, issued a report on NRC's licensing process for new reactors (ADAMS Accession No. ML101060212), which concluded that "although the licensing process is new, both the NRC and the industry have done a remarkable job in very trying circumstances in assuring the thorough and timely evaluation of license applications." The Bipartisan Policy Center further recommended NRC apply lessons learned from current review to subsequent new reactor license application review. In response to this recommendation, the staff formed a Lessons Learned Working Group to identify, assess, and document enhancements to the Part 52 licensing review process. The scope of the review includes combined licenses, design certification rulemaking, and early site permit licensing processes. The working group plans to solicit input from both internal and external stakeholders. In response to NPWG member questions, Mr. Oesterle stated that the scope does include lessons learned from finalizing licensing basis information during the licensing review and the control of that licensing basis information during and following the initial review of design certification or combined licenses,

and during construction. Mr. Oesterle stated that future public outreach meetings to discuss this topic will be scheduled to support completion of this lessons learned report by February 2013.

### **Lessons Learned from Initial License Amendment Requests**

Mr. Richard F. Schofer (NRO/DARR/APOB) stated that DC/COL-ISG-025 "Changes during Construction under 10 CFR Part 52," (ADAMS Accession No. ML111530026) was issued for use and comment in the *Federal Register* (FR) on January 11, 2012 (77 FR 1749). This document describes the 10 CFR 50.90 license amendment request PAR process, to maintain licensing basis configuration control during the period after the issuance of the COL and before the 10 CFR 52.103(g) finding.

The PAR process preserves the design configuration control mechanisms while avoiding unnecessary construction schedule delays by creating a process whereby the licensee can request a notification that the NRC has no objection to the licensee installing and testing the proposed changed design feature pending NRC's review of the LAR.

The result of the PAR process is a determination of whether the NRC has any objection to a licensee proceeding with the installation and testing of a proposed plant change or proposed modification requiring a license amendment or exemption while the NRC is conducting the technical review of the related LAR. A licensee may proceed with installation and testing only upon receipt of the No Objection PAR determination notification. The NRC "No Objection" determination of the PAR is not a preapproval of the LAR on its technical merits, nor does it imply any NRC approval of the LAR. If the LAR is subsequently approved, the licensee would change the licensing basis in its Final Safety Analysis Report (FSAR). If the LAR is subsequently denied, the licensee must return the facility to its current licensing basis. In all cases, the licensee must obtain the NRC LAR determination for the changed or modified SSC prior to the completion of its inspections, tests, analyses and acceptance criteria (ITAAC) and the related ITAAC Closure Notification submittal to the NRC.

If a licensee's PAR is incomplete, the NRC will contact the licensee and arrange for the information to be submitted. Under these circumstances, the licensee may withdraw the request or may correct the deficiencies within a mutually agreed upon time.

To date, five LARs were submitted to the NRC for review. Of these, one letter of notice of no objection was issued on June 4, 2012, as previously mentioned by Mr. Matthews, two LARs are being reviewed, and one LAR was withdrawn.

Mr. Russ Bell, NEI, stated that the NPWG members have some experience with this new process and are working through issues such as the level of content required in LARs and issues complying with the design control document as written. As a group, the NPWG want to gain additional experience using this process on a variety of LARs before approaching the staff with alternatives and suggestions on how to apply lessons learned to designs not yet certified.

### **cROP Oversight Process Self-Assessment and Path Forward**

Ms. Laura Dudes, Director of Construction Inspection and Operational Programs (DCIP) was introduced to discuss two topics. Ms. Dudes stated that the results of the staff's first annual

self-assessment of the cROP are documented in SECY-12-0059, "Construction Reactor Oversight Process Self-Assessment for Calendar Year 2011" (ADAMS Accession No. ML120440691). Ms. Dudes continued by stating that the NRC has begun a 12-month pilot program for the new cROP at Vogtle Electric Generating Plant, Units 3 and 4 and at Virgil C. Summer Nuclear Station, Units 2 and 3. The purpose of this 12-month pilot program is to exercise the new oversight process, identify problems, develop lessons learned, and make any necessary process changes before full implementation at all sites under construction.

Ms. Dudes also mentioned that during the April 2012 Agency Action Review Meeting she presented an overview of the cROP and may discuss programmatic enhancements at next year's meeting based on pilot program results.

### **ITAAC Notification (e.g. 225-day letter) Content and 52.103 Process**

Ms. Dudes noted that NEI has proposed changes to the ITAAC notification letter content in NEI 08-01, Rev. 5 (draft) (ADAMS Accession No. ML12045A519). At the May 10, 2012, Category 3 public meeting, "Construction Inspection Program Related Activities" (ADAMS Accession No. ML12156A217), the staff provided their preliminary views. A final response will be issued the week of June 18, 2012. Ms. Dudes stated it is necessary to keep the end game in mind in that the letter is planned to be used as a mitigator for the expected surge of ITAAC closure letters. This letter may become less useful if the level of detail is reduced in this letter. The next construction inspection program public meeting is scheduled for August 2012. Ms. Dudes added that she hopes that between June 18, 2012, and the August 2012 meeting that content for this notification letter is resolved.

Ms. Dudes continued by stating that the staff is beginning to shift focus from the 10 CFR 52.99 licensing submittal process to the 10 CFR 52.103 process. In preparation for developing a Commission paper, the staff is beginning to shape policy and procedure on 10 CFR 52.103(c) and 10 CFR 52.103(g). In response to a question on whether there would be a Commission hearing to make the 10 CFR 52.103(g) finding, Mr. Matthews responded that the Commission has not yet addressed this in their internal procedures.

Ms. Dudes added that on June 28, 2012, the NRC will be holding its Third Workshop on Vendor Oversight for New Reactor Construction in Baltimore, MD. The purpose of this workshop is to bring together NRC staff, regulated utilities, vendors of nuclear components, and other interested stakeholders to discuss vendor oversight issues related to new reactor construction. Vendor inspection support topics at this workshop will include counterfeit, fraudulent and substandard items, and vendor perspectives on third party inspections, audits, and surveys. The NRC anticipates presentations from the NRC, Nuclear Procurement Issues Committee (NUPIC), NEI, Electric Power Research Institute (EPRI), and nuclear vendors. Additional details regarding this workshop are available on the NRC public website at <http://www.nrc.gov/reactors/new-reactors/oversight/quality-assurance/vendor-oversight.html>.

### **Standard Review Plan Update Program Status**

Mr. Ram Subbaratnam (NRO/DARR/APOB) stated that the staff is working to finalize regulatory guidance that supports the mPower design specific review standard (DSRS), which is a standard review plan tailored to a specific design to support efficient review of small modular

reactor applications. The staff plans to complete an update of those sections of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition," supporting the mPower DSRS by May 2013. The SRP section updates incorporate lessons learned from completed licensing reviews of large light water reactors, reflect rule changes, changes in staff position, incorporating interim staff guidance, and regulatory guides. Updates to five sections of Chapter 19 of NUREG-0800 are in progress. The staff plans to complete the update of these five sections by December 2012. Mr. Subbaratnam announced that recently a proposed Revision 3 to SRP, Section 19.1 on "Determining the Technical Adequacy of Probabilistic Risk Assessment for Risk-Informed License Amendment Requests After Initial Fuel Load," was published in the *Federal Register* on May 22, 2012 (77 FR 30335) for public comment. Comments are due by June 19, 2012. Other chapter 19 sections planned to be updated are Section 19.0, "Probabilistic Risk Assessment and Severe Accident Evaluation for New Reactors," Section 19.2, "Review of Risk Information used to support Permanent Plant-Specific Changes to the Licensing Basis: General Guidance," Section 19.3, "Regulatory Treatment of Non-Safety Systems (Passive Advanced Light Water Reactors)," and Section 19.4, "Strategies and Guidance to Address Loss of Large Areas of the Plant due to Explosions and Fires."

### **NPWG Identified Issues**

Mr. Russell Bell, NEI, provided an update of the NPWG effort on counterfeit, fraudulent, and suspect items (CFSI) activities. He stated that CFSI activities were a topic for the May 10, 2012, public meeting on the Construction Inspection Program (ADAMS Accession No. ML12156A217). Mr. Bell stated that industry plans to give presentations on voluntary initiatives to adopt "proactive strategies" and plans to standardize best practices regarding CFSI at the next Construction Inspection Program public meeting scheduled for August 2012. Ms. Dudes commented that the NRC has identified 19 planned actions to address improvement areas regarding strategies to detect and prevent CFSI into equipment, components, systems, and structures regulated by the NRC. These actions and strategies were documented in Commission paper, SECY-11-0154, "An Agencywide Approach to Counterfeit, Fraudulent, and Suspect Items" (ML112200150).

Mr. Bell, NEI, asked NEI could expect the balance of comments on the proposed NEI 96-07, Appendix C, Revision 0C. "Guideline for Implementation of Change Control Processes for New Nuclear Power Plants Licensed Under Title 10 of the *Code of Federal Regulations*, Part 52" (ADAMS Accession No. ML113220426), including the two sections amended on November 30, 2011, Section 4.1.1, "Construction Change Applicability" (ADAMS Accession No. ML113390052) and Section 4.4.2.2, "Evaluation of Departures From Tier 2 Information That Do Not Affect Ex-Vessel Severe Accident Criteria" (ADAMS Accession No. ML113390051) The NRC plans to provide comments on this document to NEI by the middle of July 2012.

Mr. Gene Grecheck, Chairman of the NPWG, thanked the NRC staff who travelled to the meeting and those who participated via teleconference for the presentations provided and stated that he had no additional comments or questions. Mr. Schofer added that the next NPWG meeting is planned for September 12, 2012.

**Public Questions and Comments**

Mr. Steven Dolley, PLATTS, asked for clarification as to when the staff planned to get back to the Commission on 10 CFR Part 52 lessons learned. Mr. Oesterle responded that the staff is in the early stages with respect to collecting information that would inform a Commission paper scheduled to be completed by February 2013.

Mr. Dolley asked the staff when the first quarter new reactor status report will be publicly available. Mr. Matthews responded that the Commission decides whether or not to make this report public.

Mr. Dolley also asked the staff whether any of the new plant licensing schedule extensions were a result of NRC resource constraints. Mr. Matthews replied that the respective applicants initiated these schedule changes and were not a result of NRC resource availability.

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

Enclosure:  
Attendance List

cc w/encl: See next page

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

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cc w/encl: See next page

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**ADAMS Accession No.: ML12177A067-pkg \*via e-mail**

**NRC-001**

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**Public Meeting with Industry's New Plant Working  
Group on Combined License Applications  
June 6, 2012**

**Attendance List**

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Fred Schofer	NRC/NRO/DARR	Robert Schrauder	TANE
David Matthews	NRC/NRO/DNRL	Geoff Grant	Shaw
Ram Subbaratnam	NRC/NRO/DARR	Paul Russ	Westinghouse
Amy Cubbage	NRC/NRO/DARR	Rocky Sgarro	PPL
Eric Oesterle	NRC/NRO/DARR	Frank Gillespie	Mitsubishi
Russ Bell	NEI	Mark Finley	Unistar
Mark Nelson	SCE	Ron Clary	SCE&G
Chris Fallon	Duke Energy	Chris Kerr	Exelon
Mark McBurnett	NINA	Steve Aitken	INPO
Charles R. Pierce	Southern Nuclear	JJ Kruhm	INPO
Robert Kitchen	PGN	Dave Berko	INPO
Brian Johnson	GEH	Peter Smith	Detroit Edison
Pat Cryderman	Amergen Missouri	Eugene Grecheck	Dominion
Bill Maher	FPL	Dave Robillard	PSE&G
Doug Walters	NEI	Steve Frantz	Morgan Lewis
Kati Austgen	NEI	Steven Dolley	PLATTS
<b>Participants Via Teleconference</b>			
Laura A. Dudes	NRC/NRO/DCIP	Dave Marroni	self
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Enclosure



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(Revised 05/21/2012)

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(Revised 05/21/2012)

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