

February 28, 2013

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

FROM: Earl R. Libby, Project Manager /RA/
Policy Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors

SUBJECT: SUMMARY OF THE FEBRUARY 12, 2013, PUBLIC MEETING
TO DISCUSS CHANGES DURING CONSTRUCTION, NEI 96-07,
APPENDIX C, REVISION 0D, SECTION 4.1.1.1

On February 12, 2013, the U.S. Nuclear Regulatory Commission (NRC) staff held a public teleconference with the public, industry, and the Nuclear Energy Institute (NEI) representatives. The purpose of the meeting was to conduct a workshop on emergent plant change processes contained within NEI 96-07, Appendix C, "Guideline for Implementation of Change Control Processes for New Nuclear Power Plants Licensed Under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52," Revision 0D, Section 4.1.1.1 "Nonconforming Conditions during Construction." The associated meeting notice is available at NRC Agencywide Documents Access and Management System (ADAMS) accession number ML13031A494. The NEI timeline figure discussed during the meeting is available at ADAMS accession number ML13042A229. The following provides a brief summary of the meeting.

Summary:

Mr. Earl R. Libby, Policy Branch (APOB), Division of Advanced Reactors and Rulemaking (DARR), Office of New Reactors (NRO), conducted the meeting.

Ms. Kati Austgen, NEI, lead the discussion on the industry's perspective on a method for processing emergent plant changes and modifications that arise during the construction phase of the Part 52 reactors. Mr. Al Paglia, SCANA, Mr. Ted Amundson, Southern, and other industry and vendor representatives contributed to the discussion, supporting NEI's position that the process proposed in Section 4.1.1.1 is consistent with NRC regulations.

CONTACT: Earl R. Libby, NRO/DARR
301-415-0522

A. Cabbage

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Ms. Denise McGovern, Ms. Amy Cabbage, and other members of the NRC staff reiterated the NRC staff's position that construction must be in accordance with the current licensing basis of the facility.

New reactors follow the 10 CFR Part 52 regulatory structure of design approval, combined license (COL) approval, current licensing basis changes evaluated and the license amended as necessary. NRC staff stated that the staff's interpretations of the regulations at VIII.B.5.a does not support approval of the process proposed by NEI via a guidance document and that industry could propose the use of a different regulatory vehicle, such as a COL condition, to establish a process for emergent construction changes to the current licensing basis when resolving a plant's nonconformance.

Mr. Libby will continue the discussions with staff, compiling the NRC staff comments on NEI 96-07, Appendix C, Revision 0D. Additional public meetings on the Changes during Construction topics including the applicability and use of NEI 96-07, Appendix C and to resolve NRC staff comments will be scheduled.

Enclosure:
Attendance List

cc w/encl: See next page

A. Cubbage

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OFFICE	NRO/DARR/APOB	NRO/DARR/APOB	NRO/DARR/APOB	NRO/DARR/APOB
NAME	ELibby	BAbeywickrama (via e-mail)	ACubbage	ELibby
DATE	02/14/13	02/14/13	02/28/13	02/28/13

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NEI New Reactors Mailing List
cc:

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Mr. Gary Wright, Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

NEI New Reactors Mailing List

Email

4pareez@gmail.com
Alan.Levin@areva.com (Alan Levin)
alsterdis@tva.gov (Andrea Sterdis)
APAGLIA@Scana.com (Al Paglia)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
awyche@bechtel.com (Altheia Wyche)
bellesrj@ornl.gov (Randall Belles)
bendoj@asme.org (John Bendo)
bevans@enercon.com (Bob Evans)
bevardbb@ornl.gov (Bruce Bevard)
Bojan.Petrovic@gatech.edu (Bojan Petrovic)
brian.turner@oca.iowa.gov (Brian Turner)
BSims@Becht.com (Robert Sims)
bwwaites@southernco.com (Brandon Waites)
carey.fleming@cenglic.com (Carey Fleming)
ccmsc@verizon.net (Mike Callahan)
cee@nei.org
charles.bagnal@ge.com (Charles Bagnal)
collinlj@westinghouse.com (Leslie Collins)
cposlusny@babcock.com (Chester Poslusny)
CumminWE@Westinghouse.com (Edward W. Cummins)
curtisslaw@gmail.com (Jim Curtiss)
cwaltman@roe.com (C. Waltman)
david.distel@exeloncorpo.com (David J. Distel)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
david.newland@cnsccsn.gc.ca (David Newland)
dchapin@mpr.com (Douglas Chapin)
DeLaBarreR@state.gov (R. DeLaBarre)
dianed@nirs.org (Dianed)
dominiquef@nirs.org (Dominique French)
don.tormey@iub.iowa.gov
donald.woodlan@luminant.com (Donald Woodlan)
DPStout@tva.gov (Dan Stout)
draleigh@curtisswright.com (Denna Raleigh)
duane.fournier@iub.iowa.gov
ecullington@earthlink.net (E. Cullington)
ed.burns@earthlink.net (Ed Burns)
eddie.grant@excelservices.com (Eddie Grant)
elyman@ucsusa.org (Ed Lyman)
erg-xl@cox.net (Eddie R. Grant)
esmith@moenviron.org (Edward Smith)
ewallace@nuscalepower.com (Ed Wallace)

NEI New Reactors Mailing List

F.Shahrokhi@areva.com (Farshid Shahrokhi)
fletcher@exchangemonitor.com
garent@tva.gov (Gordon Arent)
gcesare@enercon.com (Guy Cesare)
ggeaney@mpr.com (George Geaney)
GovePA@BV.com (Patrick Gove)
gyoung4@entergy.com (Garry Young)
gzinke@entergy.com (George Alan Zinke)
hankwon.choi@wgint.com (Hankwon Choi)
hickste@earthlink.net (Thomas Hicks)
hwilchins@epsilonsystems.com (Howard Wilchins)
jack.kasper@parsons.com (Jack Kasper)
jahalfinger@babcock.com (Jeff Halfinger)
james1.beard@ge.com (James Beard)
james2.ross@ge.com (James Ross)
jason.parker@pillsburylaw.com (Jason Parker)
jason.tokey@nuclear.energy.gov (Jason Tokey)
jennifer.easler@oca.iowa.gov (Jennifer Easler)
jerald.head@ge.com (Jerald Head)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
Jim.Kinsey@inl.gov (James Kinsey)
jim.sundermeyer@iub.iowa.gov
jmr@nei.org (Jeannie Rinckel)
JNR@NuScalePower.com (Jose N. Reyes)
john.elnitsky@pgnmail.com (John Elnitsky)
john.holt@nreca.coop (John Holt)
john.oneill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
jrappe@nuscalepower.com (Jodi Rappe)
jwh1@nreca.coop (John Holt)
kahtan1234@yahoo.com
KAK@nei.org (Kimberly Keithline)
kerri.johannsen@iub.iowa.gov
klingscl@westinghouse.com (Charles Kling)
kouhestani@msn.com (Amir Kouhestani)
kra@nei.org (Katie Austgen)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
Kwelter@NuScalePower.com (Kent Welter)
larry.stevens@iub.iowa.gov
lauren.klee@hq.doe.gov (Lauren Klee)
lchandler@morganlewis.com (Lawrence J. Chandler)
libby.jacobs@iub.iowa.gov
mack.thompson@iub.iowa.gov
marcel.deVos@cnsccsn.gc.ca (Marcel DeVos)

NEI New Reactors Mailing List

maria.webb@pillsburylaw.com (Maria Webb)
marilyn.kray@exeloncorp.com
mark.beaumont@wsms.com (Mark Beaumont)
mark.holbrook@inl.gov (Mark Holbrook)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
mgiles@entergy.com (M. Giles)
mirskys@saic.com (Steven Mirsky)
MSF@nei.org (Marvin Fertel)
murawski@newsobserver.com (John Murawski)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
P.Stefanovic@Holtec.com (Peter Stefanovic)
parveen.baig@iub.iowa.gov
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gallagher@parsons.com (Paul Gallagher)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
pcarlone@mpr.com (Pete Carlone)
peter.hastings@duke-energy.com (Peter Hastings)
phg@nei.org (Paul Genoa)
PLorenzini@NuScalePower.com (Paul Lorenzini)
poorewpiil@ornl.gov (Willis P. Poore III)
ramana@Princeton.EDU (M. V. Ramana)
rbarrett@astminc.com (Richard Barrett)
rclary@scana.com (Ronald Clary)
Richard.Black@eh.doe.gov (Richard Black)
richard.sweigart@duke-eneergy.com (Richard Sweigart)
RJB@NEI.org (Russell Bell)
robert.haemer@pillsburylaw.com (Robert Haemer)
robert.kitchen@pgnmail.com (Robert H. Kitchen)
ronald.polle@oca.iowa.gov
rritzman@firstenergycorp.com (R. Ritzman)
RSnuggerud@NuScalePower.com (Ross Snuggerud)
rxm@nei.org (Rod McCullum)
sabinski@suddenlink.net (Steve A. Bennett)
sfrantz@morganlewis.com (Stephen P. Frantz)
shobbs@enercon.com (Sam Hobbs)
siciliatom@hotmail.com (Mark Campagne)
stan.wolf@iub.iowa.gov
stephan.moen@ge.com (Stephan Moen)
stephen.markus@pillsburylaw.com (Stephen Markus)
steven.hamrick@fpl.com (Steven Hamrick)
strambgb@westinghouse.com (George Stramback)
swkline@bechtel.com (Steve Kline)

NEI New Reactors Mailing List

tammy.way@nuclear.energy.gov (Tammy Way)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)
tcerafic@bechtel.com (T. Cerafic)
tedquinn@cox.net (Ted Quinn)
tgado@roe.com (Burns & Roe)
tjhester@midamerican.com (Tom J. Hester)
tjk@nei.org (T.J. Kim)
tom.miller@hq.doe.gov (Tom Miller)
tom.miller@nuclear.energy.gov (Thomas P. Miller)
troche@absconsulting.com (Thomas Roche)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
vince.gilbert@excelservices.com (Vince Gilbert)
vka@nei.org (Victoria Anderson)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
wayne.marquino@ge.com (Wayne Marquino)
whorin@winston.com (W. Horin)
william.mcint.com (William Mctigue)
wwbx@hyperionpowergeneration.com (Willis Bixby)
x2gabeck@southernco.com (Gary Becker)