

March 7, 2002

MEMORANDUM TO: James E. Lyons, Director  
New Reactor Licensing Project Office  
Office of Nuclear Reactor Regulation

FROM: Amy E. Cubbage, PBMR Project Manager */RA/*  
New Reactor Licensing Project Office  
Office of Nuclear Reactor Regulation

SUBJECT: FORTHCOMING WORKSHOP TO OBTAIN STAKEHOLDER  
FEEDBACK ON THE PRELIMINARY POSITIONS PRESENTED IN  
SECY-01-0207, "LEGAL AND FINANCIAL ISSUES RELATED TO  
EXELON'S PEBBLE BED MODULAR REACTOR (PBMR)," DATED  
NOVEMBER 20, 2001

DATE & TIME: Wednesday, March 27, 2002  
1:00 p.m - 5:00 p.m.

LOCATION: U.S. Nuclear Regulatory Commission  
Two White Flint North  
11545 Rockville Pike  
Rockville, Maryland 20852  
TWFN Auditorium

PURPOSE: See attached preliminary agenda.

PARTICIPANTS

<u>NRC</u> F. Cameron, OGC M. Gamberoni, NRR A. Cubbage, NRR, et al.	<u>Exelon</u> K. Borton, et al.
<u>Greenpeace</u> James Riccio*	<u>General Atomics</u> Laurence Parme, et al.
<u>Nuclear Control Institute</u> Edwin Lyman*	<u>Nuclear Information and Resource Service</u> Paul Gunter*
<u>NEI</u> Russell Bell, et al.	<u>Union of Concerned Scientists</u> David Lochbaum*
<u>PUBLIC</u> Any other interested members of the public	<u>Public Citizen's Critical Mass Project</u> Hugh Jackson*

Attachment: Preliminary agenda

cc w/att: See next page

CONTACT: Amy E. Cubbage, NRR  
301-415-2875

\*Notified and invited

Members of the public may pre-register for this meeting by contacting Amy Cubbage at 301-368-5642, ext. 2875, or by Internet at [aec@nrc.gov](mailto:aec@nrc.gov) by March 21, 2002.

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Distribution: See next page

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NAME	ACabbage	MGamberoni	JLyons
DATE	3/6/2002	3/6/2002	3/7/2002

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NRLPO RF  
A. Cabbage  
J. Lyons  
M. Gamberoni  
OWFN Receptionist  
TWFN Receptionist

**E-MAIL:**

S. Collins	R. McIntyre
J. Johnson	M. Dusaniwsky
B. Sheron	S. Rubin
R. Borchardt	B. Zalcmn
D. Matthews	J. Giitter
F. Gillespie	T. Collins
J. Strosnider	T. Quay
G. Holahan	D. Allison
S. Black	R. Eckenrode
B. Boger	D. Trimble
W. Dean	R. Barrett
J. Zwolinski	R. Jenkins
C. Carpenter	G. Mizuno
J. Moore, OGC	C. Abrams
S. Duraisamy, ACRS	T. Harris
A. Thadani, RES	M. Weber
J. Shea	P. Rabideau
J. Flack	G. Jackson
F. Eltawila	D. Dandois
C. Ader	S. Steele
J. Ibarra	W. Gleaves
M. O'Neill	M. Virgilio
J. Nakoski	R. Zimmerman
P. Harris	
OPA	
NRLPO Group	
PMNS	

cc: Mr. Ralph Beedle  
Senior Vice President  
and Chief Nuclear Officer  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Ms. Wenonah Hauter  
Public Citizen  
Critical Mass Energy Project  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Charles Brinkman  
Westinghouse Electric Co.  
Washington Operations  
12300 Twinbrook Parkway, Suite 330  
Rockville, MD 20852

Mr. Doug Walters  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. David Lochbaum, Nuclear Safety Engineer  
Union of Concerned Scientists  
1707 H Street, NW, Suite 600  
Washington, DC 20006-3919

Mr. Thomas P. Miller  
U.S. Department of Energy, NE-20, Rm. A286  
Headquarters - Germantown  
19901 Germantown Road  
Germantown, MD 20874-1290

Dr. Gail Marcus  
U.S. Department of Energy  
Office of Nuclear Energy, Science & Technology  
NE-1, Room 5A-143  
1000 Independence Avenue, SW  
Washington, DC 20585

Mr. Steve Degerdon  
Fagan Engineers  
113 East Chemung Place  
Elmira, NY 14904

Mr. William D. Magwood, IV  
U.S. Department of Energy  
Office of Nuclear Energy, Science & Technology  
Director of the Watchdog Project  
NE-1, Room 5A-143  
1000 Independence Avenue, SW  
Washington, DC 20585

Ms. Marilyn Kray  
Vice President, Special Projects  
Exelon Generation  
200 Exelon Way, KSA3-E  
Kennett Square, PA 19348

Mr. Paul Gunter  
Nuclear Information & Resource Service  
1424 16<sup>th</sup> Street, NW, Suite 404  
Washington, DC 20036

Mr. Edward F. Sproat, III  
Vice President-Int'l Projects  
Exelon Generation  
200 Exelon Way  
Kennett Square, PA 19348

Mr. James Riccio  
Greenpeace  
702 H Street, NW, Suite 300  
Washington, DC 20001

Mr. Kevin Borton  
Exelon Generation  
200 Exelon Way  
Kennett Square, PA 19348

Mr. Ron Simard  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. Laurence Parme  
General Atomics  
2237 Trinity Drive  
Los Alamos, NM 87544

Mr. Edward L. Quinn  
MDM Services Corporation  
Utility Operations Division  
28202 Cabot Road, Suite 205  
Laguna Nigual, CA 92677

Mr. Michael Corletti  
Advanced Plant Safety & Licensing  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

Mr. H. A. Sepp  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230

Lynn Connor  
Doc-Search Associates  
2211 sw 1<sup>ST</sup> Ave - #1502  
Portland, OR 97201

Barton Z. Cowan, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street 44<sup>th</sup> Floor  
Pittsburgh, PA 15219

Mr. Ed Rodwell, Manager  
PWR Design Certification  
Electric Power Research Institute  
3412 Hillview Avenue  
Palo Alto, CA 94304-1395

Mr. Greg O. Smith (Mail Drop 927M)  
Vice President, Generation  
Energy Northwest  
P.O. Box 968  
Richland, WA 99352-0968

Mr. Albert E. Mouncer (Mail Drop 1396)  
Chief Counsel  
Energy Northwest  
P.O. Box 968  
Richland, WA 99352-0968

Ms. Deborah J. Ross, Chairman  
Energy Facility Site Evaluation Council  
P.O. Box 43172  
Olympia, WA 98504-3172

Mr. D. W. Coleman (Mail Drop PE20)  
Manager, Regulatory Affairs  
Energy Northwest  
P.O. Box 968  
Richland, WA 99352-0968

Mr. Edwin Lyman  
Nuclear Control Institute  
1000 Connecticut Avenue, NW  
Suite 410  
Washington, DC 20036

Regional Administrator  
U.S. Nuclear Regulatory Commission  
Harris Tower & Pavilion  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-8064

Chairman  
Benton County Board of Commissioners  
P.O. Box 69  
Prosser, WA 99350-0190

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
P.O. Box 69  
Richland, WA 99352-0069

Mr. Rodney L. Webring (Mail Drop PE08)  
Vice President, Operations Support/PIO  
Energy Northwest  
P.O. Box 968  
Richland, WA 99352-0968

Thomas C. Poindexter, Esq.  
Winston & Strawn  
1400 L Street, N.W.  
Washington, DC 20005-3502

Mr. Bob Nichols  
Executive Policy Division  
Office of the Governor  
P.O. Box 43113  
Olympia, WA 98504-3113

Ms. Lynn Albin  
Washington State Dept. of Health  
P.O. Box 7827  
Olympia, WA 98504-7827

Nina Bell, Rep.  
Northwest Environmental Advocates  
133 South West 2<sup>nd</sup>  
Suite 302  
Portland, OR 97204

David A. Repka, Esq.  
Winston & Strawn  
1400 L St., NW  
Washington, DC 20005

Mr. J. V. Parrish  
Chief Executive Officer  
Energy Northwest  
P.O. Box 968 (Mail Drop 1023)  
Richland, WA 99352-0968

Mr. W. Edward Cummins  
Advanced Plant Safety & Licensing  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

Mr. Steven A. Hucik, General Manager  
Nuclear Plant Projects  
GE Nuclear Energy  
175 Curtner Avenue, M/C 780  
San Jose, CA 95125-1088

Dr. Regis A. Matzie  
Senior Vice President of Nuclear Systems  
Westinghouse Electric Company  
P.O. Box 500  
2000 Day Hill Road  
Windsor, CT 06095-0500

Mr. Jack W. Roe  
SCIENTECH, INC.  
910 Clopper Road  
Gaithersburg, MD 20878

Mr. Russell Bell  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. John Schlecht  
Institute of Iron Working Industry  
Suite 400  
1750 New York Avenue, NW  
Washington, DC 20006

Rod M. Krich, Vice President  
Licensing Projects  
Exelon Nuclear  
4300 Winifield Road, 2nd Floor  
Warrenville, IL 60555

Mr. Stephen P. Frantz  
Morgan, Lewis, & Bockius, LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Hugh Jackson  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. James F. Mallay, Director  
Regulatory Affairs  
FRAMATOME, ANP  
3315 Old Forest Road  
Lynchburg, VA. 24501

## Preliminary Agenda

By letter dated December 5, 2000, Exelon Generation Corporation expressed an interest in pre-application activities for the pebble bed modular reactor (PBMR). The staff began its pre-application review at a meeting with Exelon on April 30, 2001. As part of the meeting, Exelon discussed legal and financial issues that they believe merit special consideration due to the unique features of the modular facility, the gas-cooled reactor design and their intention to operate the PBMR as a merchant plant. By letter dated May 10, 2001 (ML011420393), Exelon submitted nine white papers on these legal and financial issues and requested an agency response. The nine white papers addressed requirements associated with:

- operator staffing
- fuel cycle impacts
- financial qualifications
- decommissioning funding
- minimum decommissioning costs
- antitrust review
- number of licenses
- annual fees
- financial protection

In addition to issues discussed in the white paper proposals, the staff identified the following related issues to Exelon's proposals that may affect the PBMR application:

- license life for one combined license for multiple reactors
- duration of design approval under a combined license (COL) for multiple reactors
- commencement of annual fees
- testing of new design features for a COL

SECY-01-0207, "Legal and Financial Issues Related to Exelon's Pebble Bed Modular Reactor (PBMR)," dated November 20, 2001 (ML012850139), presents preliminary positions related to the staff's assessment of Exelon's proposals on legal and financial issues and additional staff-identified licensing-related issues that may affect the Exelon application. The staff committed to hold a workshop to apprise Exelon and other stakeholders on the positions presented in the paper and receive their feedback. Based on this feedback, the staff will amend its positions, as necessary, and make recommendations on policy issues related to the legal and financial issues for Commission approval later this year.

For each of the issues discussed above, the NRC staff will provide a brief summary of the issue. This will be followed by an open discussion and opportunity for all stakeholders, including members of the public, to provide feedback on the preliminary staff positions presented in SECY-01-0207. A final agenda will be posted on the NRC web site prior to the workshop. Comments on SECY-01-0207 may also be submitted in writing by April 10, 2002. Comments should be addressed to Amy Cubbage, U.S. Nuclear Regulatory Commission, Mail Stop O-11-D-17, Washington, DC 20555-0001.