

AGENDA
APRIL 1, 2002, MANAGEMENT MEETING
WITH NUCLEAR ENERGY INSTITUTE (NEI)
T10A1 2:00-4:00 pm

<u>Agenda Item</u>	<u>Presenter</u>	<u>Duration (min)</u>
Introductions	J. Lyons	5
Background for Meeting*	J. Lyons	5
Efficient Management of concurrent Early Site Permit applications	J. Cushing	20
Industry Petitions for Rulemaking	N. Gilles	10
Part 52 Update issues	J. Wilson	25
Testing requirements for COL applicants		
Backfit protection for certified designs		
Change process for severe accident-related information		
Proposal that COLs should contain ITAAC on operational programs	J. Sebrosky	15
Need for appropriate finality of ITAAC sign-offs by NRC	J. Sebrosky	15
Identification of emerging issues	NEI	10
Number of licenses/license term		
Duration of design approval under a COL		
Opportunity for Public Comment	Public	10
Summary/Wrap-up	J. Lyons	5

*Meeting requested by NEI in February 8, 2002, letter to William Kane to discuss topics related to 10 CFR Part 52, Early Site Permits, and Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC).



Marvin S. Fertel
Senior Vice President
Business
Operations

February 8, 2002

Mr. William F. Kane
Deputy Executive Director for
Reactor Programs
U.S. Nuclear Regulatory Commission
Mail Stop O-16E15
Washington, DC 20555

Dear Mr. Kane:

I appreciated the opportunity to visit with you and members of your staff on January 17. I'm writing to follow up on the need we discussed for periodic meetings between NRC management and industry senior managers to discuss key issues related to new plant licensing. Such meetings have proven effective in the past (in license renewal and other areas) as a means to ensure the early identification of key issues warranting senior management attention, to monitor progress of key activities and ensure the efficient use of limited resources.

For our initial meeting, we would propose discussion of the following:

- The proposal that COLs should contain ITAAC on operational programs
- Integration of industry petitions for rulemaking (PRM-52-1 & PRM-52-2) with the Part 52 update
- Additional Part 52 update issues, including
 - Testing requirements for COL applicants
 - Backfit protection for certified designs
 - Change process for severe accident-related information
- Efficient management of concurrent pilot ESP applications and NRC reviews
- Need for appropriate finality of ITAAC sign-offs by NRC

Looking at the status and schedule for new plant licensing activities, we believe that the week of March 11 would be an excellent time to meet. I will ask Ron Simard of my staff to coordinate a meeting time and agenda with Jim Lyons.

Sincerely,

Original Signed By:

Marvin S. Fertel

c: William Borchardt
James E. Lyons

EFFICIENT MANAGEMENT OF CONCURRENT EARLY SITE PERMIT (ESP) APPLICATIONS

SCHEDULE

- **Three potential applicants: Exelon, Entergy and Dominion to review concurrently.**
- **Exelon: Will submit ESP by June 2003. Will identify site by June 30, 2002.**
- **Entergy: Targeting a June 2003, submittal date.**
- **Dominion: Targeting Fall of 2003, submittal date.**

ISSUE

How does the staff and industry efficiently manage the review of three or more ESP applications at the same time?

- **Staff Preparation**
- **Develop a resource loaded schedule- Goal reduce estimated review time**
- **Identify review team**
- **Line up contract resources**

Interactions with Applicants/NEI

- **Goal high quality application, minimize RAls and review time.**
- **Schedule meetings with industry to discuss format, scope and depth of information.**
- **Ensure generic information is the same in all three applications.**

Conclusion

- **Performing three ESP reviews efficiently and concurrently will challenge staff resources.**
- **It can be done, with proper preparation.**

Part 52 Petitions

Summary

- **PRM-52-1: NEI proposes changes allowing treatment of information previously reviewed and approved by NRC as resolved siting and programmatic information.**
- **PRM 52-2: NEI proposes to eliminate NEPA requirements:**
 - **For early site permit (ESP) applicant to include, and for the NRC to review, alternatives sites**
 - **In Parts 2, 50, & 51 related to alternate sites, alternative sources of energy, and need for power**

Part 52 Petitions

Status

- **Petitions submitted July 18, 2001**
- **Petitions published in the Federal Register September 24, 2001**
- **Nine comments on PRM-52-1 all in support**
- **Eleven comments on PRM-52-2, nine in support and two opposed**
- **Petitions presented to Petition Review Board**
- **Target date for notifying Commission is September 2002**

10 CFR Part 51 Update Issues



Jerry Wilson, Senior Policy Analyst
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Testing of New Design Features for A Combined License

NEI POSITION:

- **COL applicants who do not reference a certified design should not be subject to the same testing requirements as design certification applicants.**
- **Potential to require prototype testing to support issuance of a COL is contrary to Commission guidance in the SOC for Part 52.**

Testing of New Design Features for Combined License

STAFF POSITION:

- Commission policy requires proof-of-performance testing for all advanced reactors
- 10 CFR Part 52 requires qualification testing for certification of standard designs
- Draft rule language for 10 CFR Part 52 would require qualification testing for custom plant designs

Backfit Protection for Certified Designs

NEI POSITION:

- **It is not necessary to modify 10 CFR 52.63(a)(1) in order to make conforming, administrative changes to the design certification rules, i.e. 50.59-like process. 10 CFR 52.63(a)(1) is intended for design changes.**

Change Process for Severe Accident Information in DCDs

- **NEI POSITION:**

- **The “substantial increase” threshold should be retained in the 50.59-like change process for determining when prior NRC approval is required for changes affecting severe accident information**

Change Process for Severe Accident Information in DCDs

■ STAFF POSITION:

- The proposed rule will change the “substantial increase” threshold to “minimal increase”**
- The “substantial increase” threshold was originally adopted to resolve industry’s concern with the “any increase” threshold for 50.59-like change process**
- Proposed rule will take advantage of the definitions and standardized guidance for the new threshold**

Programmatic inspections, tests, analyses and acceptance criteria (ITAAC)

- **Should a COL application contain ITAAC on operational programs such as training and emergency planning (programmatic ITAAC)**
- **Background Documents**
 - **SECY-00-0092, “Combined License Review Process” discussed issue**
 - **Staff requirements memorandum directed the staff, after discussions with stakeholders to provide a recommendation to the Commission**
 - **May 14, 2001, letter from NEI restated their position and requested early resolution of the issue**
- **Programmatic ITAAC issue separated from Part 52 rulemaking and a Federal Register Notice issued in June of 2001 to solicit comments**

Programmatic ITAAC

- **Federal Register Notice Issued June 25, 2001, seeking public comment**
 - **13 Comment letters received**
 - 10 from industry
 - 2 from Illinois Department of Nuclear Safety
 - 1 from Public Citizen
- **Paper due to the Commission in April**

ITAAC signoffs

- **Series of Meetings held with NEI to discuss ITAAC implementation**
 - **June 15, 2001**
 - **September 7, 2001**
 - **January 10, 2002**
- **NEI November 20, 2001, ITAAC implementation letter**
 - **Staff provided hi-level comments to NEI during a January 10, 2002, meeting**
 - **NRC to provide detailed written comments by May 2002**
 - **Early issue identified is the ITAAC verification process**

ITAAC signoffs

- **10 CFR 52.99 discusses Federal Register Notifications (FRN) of successful completion of inspections, tests, and analyses**
- **NEI equates 52.99 ITAAC notification to an NRC finding**
- **Staff's initial feedback to NEI**
 - **Never its intention for 52.99 notification to be a finding**
 - **NRC inspections are audit based**
 - **Information obtained through FRN could affect NRC finding**

ITAAC signoffs

- **Alternative process is sign-as-you-go (SAYGO)**
 - **Described in SECY-92-134, "NRC Construction Inspection Program for Evolutionary and Advanced Reactors under 10 CFR Part 52"**
 - **Also described in Draft Report on the Revised Construction Inspection Program issued in 1996**
- **SAYGO's purpose**
 - **Establish regulatory commitments have been met**
 - **Enhance stability and predictability of the licensing process**
 - **Identify and resolve construction problems as early as possible**

ITAAC signoffs

- **Construction Inspection Team formed in February looking at SAYGO process and NEI's November 20, 2001, letter**
- **Comments to be provided to NEI by May 2002**

Number of Licenses for a Facility with Multiple Reactors

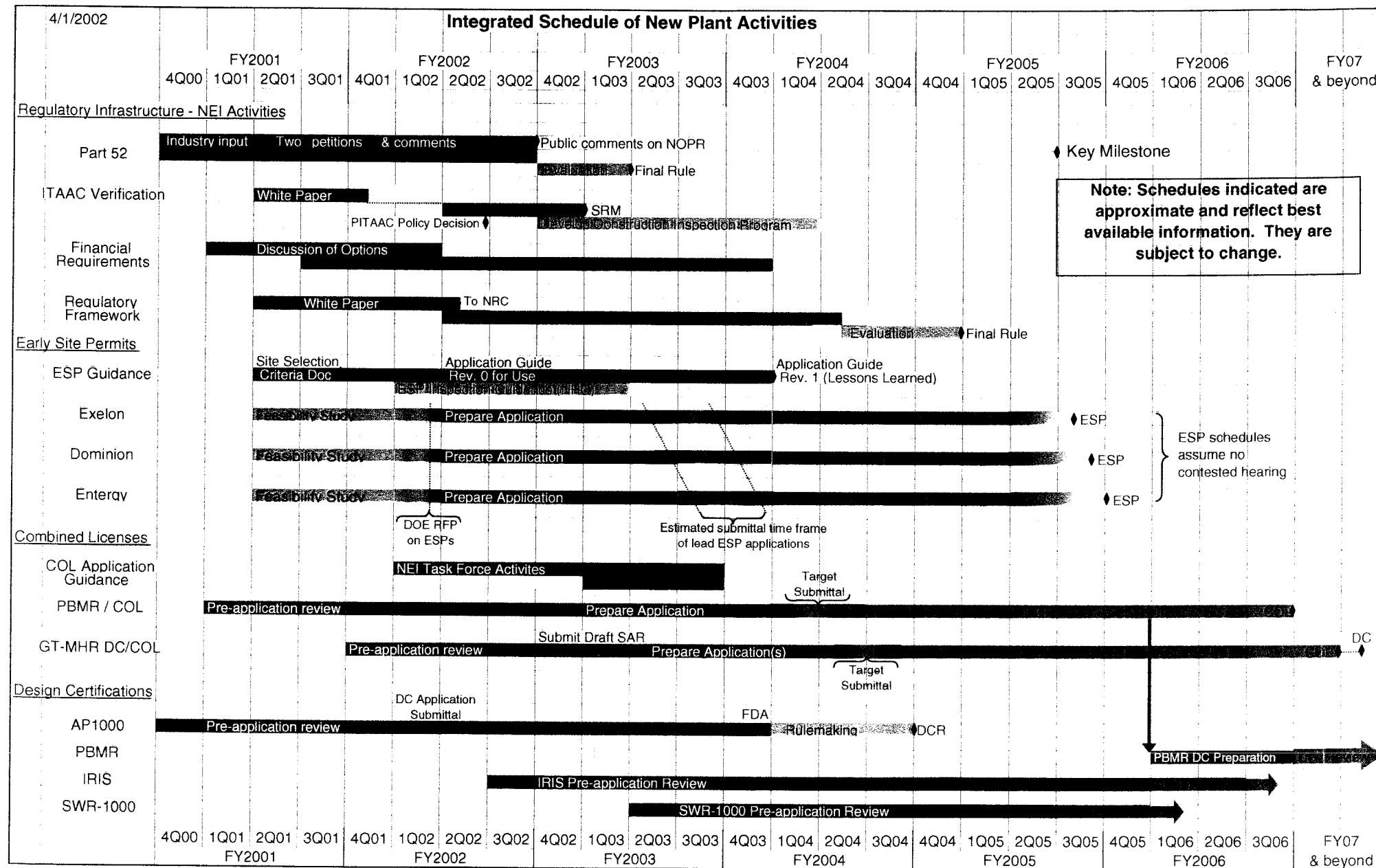
STAFF POSITION:

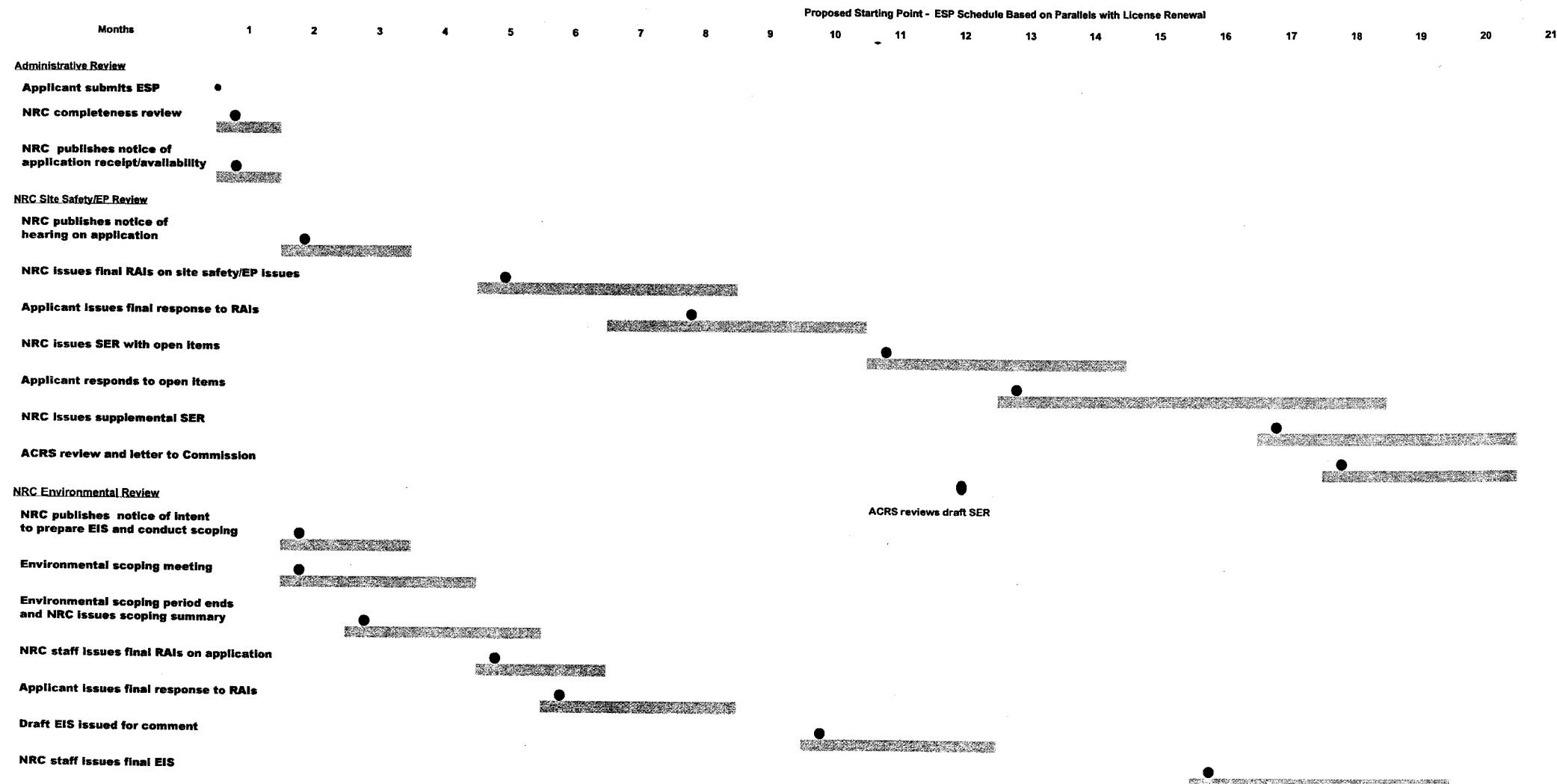
- **The Commission may combine individual COLs for reactor modules of the same design into a single license**
- **However:**
 - **Term of single combined COL limited to 40 years from issuance of COL**
 - **Effective duration of design approval under single combined COL should be limited to 5 years**
 - **Not clear that single combined COL would confer all benefits anticipated by Exelon**

Topics for Discussion in Support of ESP Applications and Reviews

<u>ESP Discussion Topic</u>	<u>Target Discussion Time Frame</u>
1. ESP application template elements, e.g., Table of Contents, etc.	April 2002
2. Applicability/adaptability of existing guidance for ESP purposes	April 2002
3. ESP inspection guidance	April 2002
4. Nature and timing of NRC activities prior to ESP application submittal	April 2002
5. QA requirements for ESP information	April 2002
6. Nominal NRC review timeline	April 2002
7. Vehicle(s) for documenting resolution of ESP issues	April 2002
8. Use of bounding plant parameter envelope approach for ESP	May/June 2002
9. Guidance for satisfying §52.17(a)(1) requirement for description and safety assessment of the facility	May/June 2002
10. Use of a bounding approach for providing fuel cycle and transportation info required by NEPA (Tables S-3 & S-4)	May/June 2002
11. Criteria for assuring control of the site by the ESP holder	May/June 2002
12. Use for ESP of relevant findings from 10 CFR 51, Subpart B, Appendix B (License Renewal GEIS)	May/June 2002
13. Criteria for determining the initial duration of an ESP (10-20 years)	May/June 2002
14. Use of common analyses/methodologies for generic issues	May/June 2002
15. Guidance for satisfying NEPA requirement to discuss severe accident mitigation alternatives	May/June 2002
16. Guidance for seismic evaluations required by 10 CFR 50, Appendix S	May/June 2002
17. Applicability of Federal requirements concerning environmental justice	July 2002 and beyond
18. Appropriate level of detail for site redress plans	July 2002 and beyond
19. Guidance for ESP approval of "complete" emergency plans	July 2002 and beyond
20. Use of existing site/facility information (PRM-52-1)	July 2002 and beyond
21. NEPA -required review of alternatives (PRM-52-2)	July 2002 and beyond

April 1, 2002





■ indicates NRC staff schedules for equivalent license renewal activity. Durations are based on schedules from six NRC reviews. NRC staff actual performance has equaled or bettered the estimated schedules shown above.

● indicates ESP target milestone for activity.

LEGEND