

April 11, 2002

ORGANIZATION: Nuclear Energy Institute

SUBJECT: SUMMARY OF MANAGEMENT MEETING WITH THE
NUCLEAR ENERGY INSTITUTE (NEI) REGARDING NEW REACTOR
LICENSING

On April 1, 2002, representatives from NEI met with Nuclear Regulatory Commission (NRC) staff and management. The meeting was requested by NEI as a follow-up to the January 17, 2002, meeting and is the first of several public periodic meetings between industry and NRC senior management to discuss issues related to new reactor licensing. The main topics of this meeting were: scheduling of concurrent Early Site Permit (ESP) applications, Part 52 update, industry petitions for rulemaking, programmatic inspections, tests, analyses, and acceptance criteria (ITAAC), and finality of ITAAC sign-offs.

Enclosure 1 is a listing of the meeting attendees. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. A copy of the handouts from the meeting are provided as Enclosure 2, and may be accessed through the ADAMS system under Accession No. ML020980417. If you do not have access to ADAMS or if there are problems in accessing the handouts located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Early Site Permit (ESP) Applications

Representatives from Dominion Generation (Dominion), Exelon Generating Company (Exelon) and Entergy Operations, Incorporated (Entergy) were in attendance. Dominion identified the North Anna Nuclear Plant as the site selected for its ESP application. This is the first site that has been identified by a potential applicant. Entergy expects to identify a site in the next two to three weeks and Exelon expects to do the same in September 2002. NEI identified a list of 21 issues that they would like to discuss in subsequent meetings related to ESPs.

NEI identified an industry concern regarding NRC public meetings that would be held before an ESP application is received. In response, NRC agreed to develop a protocol for pre-application activities related to ESPs such as public meetings near the site.

10 CFR Part 52 Update

In response to questions from NEI during the meeting regarding the draft rule language for Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, the staff stated that the *Federal Register* Notice for the proposed rule will include a discussion of substantive changes.

NEI questioned the change from "substantial increase" to "minimal increase" with respect to the changes affecting severe accident information associated with certified designs. NEI will consider what they would propose as a definition to the term "substantial increase."

Industry Petitions for Rulemaking

NEI pointed out that they would like to have the two petitions for rulemaking, PRM-52-1 and PRM-52-2, resolved concurrently with 10 CFR Part 52 rulemaking. The NRC staff agreed to consider this matter at the time the Commission reaches a decision on the petitions.

Programmatic Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)

NEI restated their position that programmatic ITAACs are not necessary because these issues are already covered in 10 CFR Part 50. The NRC is in the process of preparing a Commission paper on programmatic ITAACs which is due in April.

Finality of ITAAC Sign-offs

NEI stated that they are looking for finality on ITAAC sign-offs. The NRC will meet with NEI to discuss this process.

Summary

The following actions resulted from this meeting:

- Meetings on Early Site Permit issues and ITAAC sign-offs will be arranged;
- NRC will work towards resolving industry petitions concurrently with Part 52 rulemaking;
- NRC to include a discussion of substantive changes in *Federal Register* Notice for the proposed rule;
- NRC to develop a protocol for interactions with the public prior to ESP application;
- NEI will consider what they would propose as a definition to the term "substantial increase" with respect to changes affecting severe accident information associated with certified designs; and
- NEI intends to submit a white paper on legal and financial issues associated with new reactor licensing.

/RA/

Julie Olivier, Project Manager
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Office of Nuclear Reactor Regulation

Project No. 689

Enclosures: As stated

cc w/encls: See next page

Industry Petitions for Rulemaking

NEI pointed out that they would like to have the two petitions for rulemaking, PRM-51-1 and PRM-51-2, resolved concurrently with 10 CFR Part 52 rulemaking. The NRC staff agreed to consider this matter at the time the Commission reaches a decision on the petitions.

Programmatic Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)

NEI restated their position that programmatic ITAACs are not necessary because these issues are already covered in 10 CFR Part 50. The NRC is in the process of preparing a Commission paper on programmatic ITAACs which is due in April.

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Summary

The following actions resulted from this meeting:

- Meetings on Early Site Permit issues and ITAAC sign-offs will be arranged;
- Meeting on ITAAC sign-offs;
- NRC will work towards resolving industry petitions concurrently with Part 52 rulemaking;
- NRC to include a discussion of substantive changes in *Federal Register* Notice for the proposed rule;
- NRC to develop a protocol for interactions with the public prior to ESP application;
- NEI will consider what they would propose as a definition to the term "substantial increase" with respect to changes affecting severe accident information associated with certified designs; and
- NEI intends to submit a white paper on legal and financial issues associated with new reactor licensing.

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ACCESSION NUMBER: Pkg. #ML021010275

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Document Name: C:\MYFILES\Copies\040102 mtg summary.wpd

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Management Meeting
With the Nuclear Energy Institute
April 1, 2002

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Bill Borchardt, NRR
James Lyons, NRR
Farouk Eltawila, RES
Julie Olivier, NRR
Jack Cushing, NRR
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Jerry Wilson, NRR
Stephen Koenick, NRR
Leslie Fields, NRR
Ronaldo Jenkins, NRR
Nanette Gilles, NRR
Goutam Bagchi, NRR
Bob Prato, NRR
Tammy Croote, NRR
Edwin Fox, NRR
Kamal Manoly, NRR
Janice Moore, OGC
Raji Tripathi, RES
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Barry Zalcman, NRR
John Flack, RES

Nuclear Energy Institute

Russell Bell
Doug Walters
Marvin Fertel
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Robert Bishop
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Mitch Singer

Other Interested Attendees

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Marilyn Kray, Exelon Generation
Kenneth Hughey, Entergy Nuclear
Eugene Grecheck, Dominion Energy
Herb Fontecilla, Dominion
Jay Holbus, Tetrattech NVS
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