

From: Glenda Jackson
To: Jesse Funches; Peter Rabideau
Date: 3/27/02 10:54AM
Subject: Today's public workshop on Exelon's pebble bed reactor

We have been in discussion with NRR on whether today's public meeting on the Exelon pebble bed reactor should be billed to Exelon. The question may come up at the fee session this afternoon. I would appreciate your guidance on this issue, based on the following:

The background attached to the agenda for the workshop refers to SECY-0010-0207 "Legal and Financial Issues Related to Exelon's Pebble Bed Modular Reactor (PBMR), which "presents 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 recommendations section of SECY-01-0207 states "The staff intends to engage Exelon and other stakeholders on the positions presented in this paper and receive their feedback. Stakeholder interactions will include a workshop in early 2002. Based on these pre-application interactions, the staff will amend its positions, as necessary, and make recommendations on policy issues related to the legal and financial issues for Commission approval."

The January 14, 2002 SRM for SECY-01-0207 states that the Commission does not object to "the staff publishing its preliminary positions on the legal and financial issues related to Exelon's pebble bed modular reactor (PMBR) so that the staff can engage stakeholders on these preliminary positions prior to providing the Commission with its policy recommendations in June 2002."

NRR believes that today's public workshop with stakeholders should not be billable to Exelon, even though the title of the meeting is: Legal and Financial Issues Related to Exelon's Pebble Bed Modular Reactor - SECY-01-0207". NRR's bases are: issues not directly related to the pre-application were put in the SECY (e.g., testing requirements--which there will be a rulemaking on); it is a stakeholder workshop, not an Exelon/NRC meeting and Exelon does not have to attend the meeting; and issues are generic to GT-MHR technology for other than Exelon; e.g., any applicant for a merchant plant.

On the one hand, I can see NRR's side of this issue, on the other hand, there would probably not be a public workshop but for the Exelon pebble bed issue. We have been billing Exelon for meetings to date as preapplication costs, except the very first preliminary meeting which was not considered to be preapplication.

CC: Sharon Hudson; Sheila McKelvin

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