

From: *nrr* Amy Cabbage *OC*
 To: *nrr* Allison, Dennis; Cameron, Francis; Dusaniwskyj, Michael; Gamberoni, Marsha;
 Goodman, Clare; Harris, Tim; Jackson, Glenda; Lloyd, Ron; Rubin, Stuart; Wilson, Jerry
 Date: *nrr* 3/19/02 5:33PM *NMS* *OCFO* *RES* *RES* *nrr*
 Subject: final agenda for 3/27 workshop

The final agenda for the workshop is attached. As a reminder, I need slide input from the lead staff member for each agenda item by the end of this week.

Thanks,
Amy

CC: Benner, Eric; Dandois, Diane; Eckenrode, Richard; Eltawila, Farouk; Fields, Leslie;
 Flack, John; Ibarra, Jose; Koenick, Stephen; Nakoski, John; Norris, Ann; Trager, Eugene; Trimble,
 David; Zalcman, Barry

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WORKSHOP AGENDA

- 1:00 - 1:05 AGENDA OVERVIEW/WORKSHOP FORMAT (F. Cameron)
- 1:05 - 1:10 OPENING REMARKS (M. Gamberoni)
- 1:10 - 1:20 BACKGROUND/PBMR PRE-APPLICATION (A. Cubbage)
- 1:20 - 2:45 ISSUES/DISCUSSION
- NUMBER OF LICENSES (J. Wilson)*
 - Number of licenses for a facility with multiple reactors
 - License duration of one combined license for multiple reactors
 - Duration of design approval under a combined license for multiple reactors
 - ANNUAL FEES: (G. Jackson)*
 - Annual fee requirements in 10 CFR Part 171 including commencement of annual fees for Part 52 combined licenses
 - TESTING OF NEW DESIGN FEATURES FOR COL (J. Wilson)*
- 2:45 - 3:00 BREAK
- 3:00 - 5:00 ISSUES/DISCUSSION (CONTINUED)
- FUEL CYCLE ISSUES:*
 - Tables S3 and S4 in 10 CFR 51.51 and 51.52 (D. Allison)
 - Waste Confidence Rule in 10 CFR 51.23 (T. Harris)
 - FINANCIAL ISSUES:*
 - Financial protection requirements in 10 CFR Part 140 (J. Moore)
 - Antitrust review requirements in 10 CFR 50.33a (J. Moore)
 - Financial qualifications in 10 CFR 50.33(f) (M. Dusaniwskyj)
 - OPERATOR STAFFING REQUIREMENTS IN 10 CFR 50.54(m) (C. Goodman)*
 - DECOMMISSIONING FUNDING (M. Dusaniwskyj)*
 - Decommissioning funding requirements in 10 CFR 50.75
 - Minimum decommissioning cost estimates in 10 CFR 50.75(c)
- 5:00 ADJOURN

* NRC staff will provide brief presentation followed by an open discussion and opportunity for stakeholder comments.

BACKGROUND AND ADDITIONAL INFORMATION

By letter dated December 5, 2000, Exelon Generation Company 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. Comments on SECY-01-0207 may also be submitted in writing by April 10, 2002. Comments should be addressed to Amy Cabbage, U.S. Nuclear Regulatory Commission, Mail Stop O-11-D-17, Washington, DC 20555-0001.