

From: Stuart Rubin  
To: Farouk Eltawila  
Date: Friday, May 03, 2002 4:26PM  
Subject: PBMR Pre-Application Closure

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The following are notes from a phone call with Exelon (Kevin Borton and Rod Krich) today on plans for closure of the PBMR pre-application review activities and plans for the May 16 NRC/Exelon meeting:

Exelon will take about 45 minutes at the meeting to discuss the following:

They want to bring closure the pre-application review in a manner which provides for both scrutability and the maximum value to others who may continue interactions on the PBMR pre-application or license application.

Exelon will discuss their decision to not prepare or submit any of the remaining white papers that were identified in the November 15, 2001 letter from Jim Muntz to Thomas King. Exelon may, however, submit responses to selected issues in the April 2, 2002 letter from Farouk Eltawila to Kevin Borton on fuel cycle, transportation and waste issues.

Exelon plans to submit a 10 page high level white paper which documents Exelon's "position" on the containment design for PBMR

Exelon plans to resubmit a revised version of the previously withdrawn white paper on "PBMR Nuclear Fuel." The revised white paper will make most of the original contents non-proprietary and redact only limited information as proprietary.

Exelon plans to submit a "reference document" which provides detailed information on German fuel irradiation testing, accident condition testing and operating experience. The reference document will support and backup statements made in the PBMR Fuel Qualification Test Program white paper and is intended to strengthen the case for not having to repeat certain aspects of fuel testing previously conducted in Germany.

In general they do not plan to respond to any staff RAIs. However, in some cases they may chose to respond to selected RAIs if doing so can be done efficiently and effectively and would provide significant value added to the pre-application closeout.

Exelon plans to write a letter to the NRC to document where they agree and where they disagree with the staff's positions and recommendations in the final SECY paper on the PBMR legal and financial issues.

Exelon plans to submit a letter to the NRC which respond to Dr. Dana Powers' trip report on his participation at the October 2001 NRC Workshop on HTGR safety issues and research needs.

They will provide a schedule for each of the planned submittals.

Exelon would like further fee-billable charges to be limited to work associated with the completion, cataloging and transmittal of RAIs on the previously submitted technical white papers. They understand from previous discussions with the staff that work on the final SECY paper on legal and financial issues is now considered generic. As such they understand that work on this paper will not be fee billable to Exelon. They request that the staff limit and control fee billable work to the white paper RAIs only.

They request that the staff take the additional time and resources needed to catalogue the RAIs for each white paper as previously planned.

Exelon will place a call to PBMR next week to see if they can obtain some German archive fuel pebbles from PBMR Pty. for use in the US fuel testing program.

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I indicated that the NRC would need about 15- 20 minutes to explain its plans for completing work and work products for the pre-application review:

These would involve three NRC letters that would document the staffs RAIs for each of the white papers submitted by Exelon.

The staff had developed RAIs on the PBMR preliminary internal at power LBEs and these would be sent to Exelon in a separate (4th) letter.

The staff was finalizing SECY 01-0207 and would submit it to the Commission about June 2002.

The staff had planned to prepare a Commission information paper on potential policy issues associated with the PBMR design. However, the staff was now reevaluating the need to interact with the Commission on these issues at this time in light of the change in Exelon's plans.

At the meeting additional time would be provided, as needed, to discussion other issues, potential actions or work products, as well as time for stakeholder comments.

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**CC:** Amy Cabbage; Caponiti, Alice; Charles Ader; Donald Carlson; James Lyons; John Flack; Stephen Koenick; Thomas King