June 6, 2003

MEMORANDUM TO: Marsha Gamberoni, Deputy Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

FROM: Joseph M. Sebrosky, Senior Project Manager ***/RA/***
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

SUBJECT: RATIONALE FOR CLOSING VISIT WITH FRAMATOME ADVANCED NUCLEAR POWER (ANP) ON JUNE 23-27, 2003

As you are aware, the staff is currently performing pre-application review activities for the Framatome ANP's SWR-1000 boiling water reactor design. As part of the pre-application activities, the staff plans to visit Framatome ANP's test facilities in Germany for one week in June of this year. Framatome ANP requested the visit in order to obtain timely feedback on the test programs that may be used to support the design certification application for the SWR-1000. Framatome ANP is particularly interested in obtaining feedback from the NRC on its quality assurance program related to the test program.

From June 23 through June 27, 2003, the NRC staff plans on visiting Framatome ANP facilities in Offenbach, Karlstein and Erlangen, Germany. After a review of Management Directive (MD) 3.5 the staff considers that this visit should be closed based on the following criteria (as reflected in MD 3.5):

- One example of meetings that are typically closed to the public is when opening a meeting would place "an undue administrative burden" on the licensee or applicant. This justification has been routinely used for NRC inspector meetings on-site with the licensee to discuss technical issues. One aspect of the "undue administrative burden" is associated with establishing access authorization to the protected area for members of the public. If these meetings at domestic nuclear power plants are closed to U.S. citizens, then certainly, U.S. citizens' access to a foreign test facility with different security standards place an "undue administrative burden" on Framatome ANP.

- In Germany, routine meetings with licensees and access to nuclear test facilities for German citizens is not permitted. It is unclear how Framatome ANP would accommodate any U.S. citizens that may decide to attend if this meeting was open to the public.

The staff does intend to document the results of the visit and any non-proprietary presentation material provided during the audit in the publicly-available portion of the ADAMS project file for the SWR-1000.

Project No. 723

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