

Re-Thinking the Limited Work Authorization Process for New Plant Applicants

Nuclear Energy Institute



NRC's LWA Process Authorizes "Pre-construction" Activities by Applicants

"LWA-1" activities (10 CFR 50.10(e)(1)) include:

- Site preparation (clearing, grading, construction of temporary access roads and borrow areas)
- Installation of temporary construction support facilities (warehouse/shop facilities, utilities, concrete mixing plants, docking/unloading facilities, construction support buildings)
- Excavation for facility structures
- Construction of service facilities (roadways, paving, railroad spurs, fencing, exterior utility and lighting systems, transmission lines, sewerage treatment facilities)
- Construction of SSC that "do not prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public"

NRC's LWA Process Authorizes "Pre-construction" Activities by Applicants

- **"LWA-2 activities" (10 CFR 50.10(e)(3)) include:**
 - LWA-1 activities (50.10(e)(1))
- plus*
- Installation of structural foundations, including subsurface preparation, for SSC that prevent or mitigate consequences of postulated accidents that could cause undue risk to public health and safety

Concerns About Current LWA Process for Part 52 Applicants

- Few Applicants Plan to Reference ESPs
- NRC -- 42 Months To Issue COL
- LWA not Available before COL Hearing Completed & COL Issued
- Industry Projects 18-24 Months of LWA Activities Needed before COL Issuance
- LWAs Currently Unavailable To Support New Plant Construction Effectively

LWA-2 Process: Potential Enhancements

- Industry Objective:
 - Option to begin LWA-2 activities several months before COL issued, to support full-scale construction upon COL issuance
- Possible Approach:
 - COL application to include request for LWA-2 authorization and all safety and environmental information needed for NRC review of LWA-2 issues; DG 1145 to provide guidance
 - Initiate COL hearing on LWA-2 issues immediately after issuance of FEIS and use bifurcated Licensing Board if needed to save time
 - Licensing Board to issue Partial Initial Decision on LWA-2 issues promptly, and before PIDs on other safety or environmental issues
 - Alternatively, initiate hearing on LWA-2 issues based on draft EIS

LWA-1 Process: Potential Enhancements

- Prerequisites for LWA-1 Activities
 - › Issuance of FEIS
 - › Issuance of Licensing Board environmental findings at completion of COL hearing
- Part 50 LWA-1 process not timely, flexible enough for Part 52 new plant applicants
- LWA-related revisions in 10 CFR Part 52 rulemaking do not resolve this concern

LWA-1 Process: Potential Enhancements

- Industry Objective:
 - Make LWAs available on a schedule that supports applicants' needs and protects public health and safety and the environment

- Possible Approach:
 - Consistent with non-nuclear construction, FEIS and Licensing Board findings not needed for LWA-1 activities

 - While the current practice, FEIS not required by NEPA

 - Revise NRC regulations to eliminate need for NRC approval and Licensing Board findings for LWA-1 activities

Discussion

- LWA-1 activities conducted at applicant's risk

- Applicant to inform NRC of LWA-1 activities

- Effect of LWA-1 activities at existing site and on operating limits would be evaluated

- Applicant commits to redress the site if no license issued

- LWA-1 activities will not create irreversible environmental impacts

- LWA-1 activities will not prejudice the NRC's review or consideration of alternatives in the context of its NEPA analysis for an LWA-2 or a COL