

**Draft Statement of Policy on
Conduct of New Reactor
Licensing Proceedings
(72FR32139)**

GE-Hitachi Nuclear Energy

Robert E. Brown

Sr. Vice President, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
P.O. Box 780 M/C A-45
Wilmington, NC 28402
USA

6

**DOCKETED
USNRC**

T 910 675 5242
F 910 362 5242
Bob.Brown@ge.com

August 10, 2007 (4:09pm)

**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

MFN 07-442

10 CFR Part 2

August 10, 2007

Annette L. Vietti-Cook
Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Branch

Subject: Comments on Draft Statement of Policy on Conduct of New Reactor Licensing Proceedings, 72 Fed. Reg. 32,139 (June 11, 2007)

GE-Hitachi Nuclear Energy Americas LLC ("GEH") endorses comments submitted by the Nuclear Energy Institute (NEI) on the subject draft policy statement submitted August 10, 2007. The draft policy statement is a move toward greater standardization in the conduct of license proceedings in anticipation of the near-term filing of a number of combined license applications for nuclear power plants. The 10 CFR Part 52 licensing process relying on standard designs and early site permits offers opportunities to avoid unnecessary delays in the combined license proceedings. Certain of these opportunities are discussed in the draft policy statement. In addition to the issues specifically discussed in the draft policy statement, GEH suggests that the final policy statement address related actions directed by the Commission in the Staff Requirements regarding the combined license review task force recommendations.¹

GEH supplements the NEI comments as follows:

¹ See Staff Requirements – COMDEK-07-0001/COMJSM-07-0001 – Report of the Combined License Review Task Force (June 22, 2007).

Template = SECY-067

SECY-02

- Treatment of Generic Issues: Both the draft policy statement and the combined license task force report recommend treatment of generic or design-specific issues in a manner that minimizes review or litigation of an issue more than once. As NEI comments, in the context of a generic issue, the task force recommends (and the Commission directs) that the NRC staff should resolve such issues through rulemaking. As a design certification applicant for the ABWR (10 CFR Part 52, Appendix A) and the ESBWR (currently under NRC staff review), GEH is interested in achieving finality for standard design issues, as appropriate, including those that may arise in combined license application proceedings.

While the draft policy statement notes that there may be remaining common matters that are not resolved through the design certification rulemaking, GEH believes that there may be opportunities for further standardization through rulemaking, either in the design certification rule(s) or in other NRC regulations. GEH notes, however, that the draft policy statement recognizes that there may be issues – such as those initially certified as design acceptance criteria inspections, tests, analyses and acceptance criteria – that future combined license applicants may seek to resolve through another approach or in a manner that employs more advanced technology and, thus, would not seek to employ an earlier resolution of the issue.

Recommendation: For those issues that are litigated as design-specific issues and which have been resolved in one or more proceedings, the final policy statement should direct that the NRC staff consider – on a case-by-case basis – whether any such issues could be addressed through rulemaking as generic or standard design issues. This approach could afford finality in future proceedings (e.g., for those applications that follow the initial consolidation of a issue), *if and when appropriate*.² In some such cases, it *may* be appropriate to address one or more issues in a revision to a design certification rule. In those cases, the NRC staff should coordinate with the design certification applicant and determine an acceptable approach to amend the design certification rule, as appropriate, particularly for those issues that could enhance standardization.

- Issuance of a Combined License Prior to Design Certification Final Rulemaking: NEI advocates that the Commission need not delay issuance of a combined license referencing a design certification application until the certification rule is final, absent a legal prohibition. We concur with this approach. We request, however, that the Commission's policy continue to support expeditious completion of the final certification rule.

² As NEI points out in the comments, applicants may hold different views as to whether an issue can and should be resolved on a generic or design-specific basis versus on a plant-specific basis. In addition, we recognize that some generic and/or design-specific issues may not lend themselves to rulemaking, but may be better addressed in a revision to NRC guidance; however, this would not provide the same degree of finality as a rule.

- Future Changes to the Policy Statement: The Commission should monitor the license proceedings and adjust the policy statement as experience is gained. In addition, any elements of the policy statement or lessons learned that may apply in other licensing proceedings (e.g., fuel cycle facility licensing) should be incorporated into the hearing process, as appropriate.

Please contact me should you have any questions regarding the information provided herein.

Sincerely,



Robert E. Brown
Sr. Vice President
Regulatory Affairs

CC:
E. Ginsberg (NEI)
Document Control Desk (NRC)

From: "Campbell, Patricia L (GE Infra, Energy)" <patriciaL.campbell@ge.com>
To: <SECY@nrc.gov>
Date: Fri, Aug 10, 2007 4:01 PM
Subject: Comments on Draft Policy Statement

GEH Comments on Draft Statement of Policy on Conduct of New Reactor
Licensing

Proceedings, 72 Fed. Reg. 32,139 (June 11, 2007)

Patricia L. Campbell
Washington Regulatory Affairs Director
GE-Hitachi Nuclear Energy

T 1202.637.4239
F 1202.637.4016
C 1202.664.4511
D *272-4239
E patriciaL.campbell@ge.com
1299 Pennsylvania Avenue, NW
9th Floor
Washington, DC 20004, USA

This electronic message transmission contains information which may be sensitive or confidential. The information is intended solely for the use of the addressee and its use by any other person is not authorized. If you are not the intended recipient, you have received this communication in error, and any review, use, disclosure, copying or distribution of the contents of this communication is strictly prohibited. If you have received this electronic transmission in error, please notify the sender immediately by telephone or by electronic mail and permanently delete the original message.

CC: "Brown, Bob E. (GE Infra, Energy)" <bob.brown@ge.com>, "GINSBERG, Ellen" <ecg@nei.org>, <cag@nrc.gov>, "PDR PDR" <PDR@nrc.gov>

Mail Envelope Properties (46BCC410.730 : 1 : 34608)

Subject: Comments on Draft Policy Statement
Creation Date Fri, Aug 10, 2007 4:00 PM
From: "Campbell, Patricia L (GE Infra, Energy)"
 <patriciaL.campbell@ge.com>

Created By: patriciaL.campbell@ge.com

Recipients

nrc.gov
 TWGWPO02.HQGWDO01
 SECY (SECY)

nrc.gov
 OWGWPO02.HQGWDO01
 CAG CC (Carol Gallagher)

nrc.gov
 TWGWPO04.HQGWDO01
 PDR CC ()

nei.org
 ecg CC (Ellen GINSBERG)

ge.com
 bob.brown CC (Bob E. (GE Infra Energy) Brown)

Post Office

TWGWPO02.HQGWDO01
 OWGWPO02.HQGWDO01
 TWGWPO04.HQGWDO01

Route

nrc.gov
 nrc.gov
 nrc.gov
 nei.org
 ge.com

Files	Size	Date & Time
MESSAGE	982	Friday, August 10, 2007 4:00 PM
TEXT.htm	2593	
Final GE Comments on Draft Policy Statement - Hearings.pdf		70638
Mime.822	103390	

Options

Expiration Date: None
Priority: Standard

ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled