

February 25, 2008

MEMORANDUM TO: Timothy Frye, Chief
Health Physics Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

FROM: Sara Bernal, Health Physicist */RA/*
Health Physics Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

SUBJECT: SUMMARY OF JANUARY 29, 2008, CATEGORY 2 PUBLIC
MEETING WITH THE NUCLEAR ENERGY INSTITUTE TO DISCUSS
HEALTH PHYSICS ISSUES FOR NEW REACTORS

On January 29, 2008, the Nuclear Regulatory Commission (NRC) staff met with members of the Nuclear Energy Institute (NEI) to discuss new reactor health physics issues. Enclosure 1 lists the meeting attendees.

A public meeting notice was issued on January 18, 2008, and was posted on the NRC's external (public) web page (Agencywide Document Access Management System (ADAMS) Accession No. ML080180395). The notice included the meeting agenda, which was also available as a handout at the meeting. The discussions included:

- Scope and Content of Template NEI 07-09, NEI 07-11 and NEI 07-10
- Overview of NRC Licensing Activities and Industry Activities
- Combined License Application (COLA) Acceptance Review Lessons Learned
- Status of Draft Guide 4012 for compliance with 20.1406
- Status of NEI 07-03 and NEI 07-08

NEI representatives provided a meeting handout (ML080440024) which described their planned updates to NEI 07-11, Draft Revision 1, "Generic Template Guidance for Cost-Benefit Analysis for Radwaste Systems for Light-Water-Cooled Nuclear Power Reactors." Before reviewing the template, NRC staff discussed the fact that 10 CFR Part 50 Appendix I regulations and Regulatory Guide RG 1.110 guidance regarding cost-benefit analysis are generally out of date. Due to the regulations and regulatory guidance being out of date, NRC staff had previously discussed the need for a sensitivity analysis to support the development of a cost benefit analysis template. Such an analysis would serve to update, in part, the outdated guidance with information on current radioactive waste management technologies and costs until the NRC could complete a revision of the associated regulations and guidance. However, as the NRC

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has no budgeted resources to do this work at this time, and industry representatives have stated that it would be inappropriate for them to do the necessary research on NRC regulatory guidance, the NRC Health Physics Branch staff has concluded that there is no longer any benefit to preparing a generic template in this area.

Therefore, NRC will not continue its review of the industry template for cost benefit analysis (NEI 07-11) for generic use by Combined Operating License (COL) and Design Certification (DC) applicants.

Instead, future COL or DC applicants will be expected to demonstrate compliance with the requirements of 10 CFR Part 50, Appendix I, Section II.D, by performing their own cost-benefit analysis using site and plant specific information, in accordance with current Regulatory Guides 1.110 and 1.206 and Chapter 11 of the Standard Review Plan (NUREG-0800). If the applicant chooses not to follow this guidance they will be required to describe the alternative method used, including providing sufficient details for the staff to conduct its review and to determine whether the alternate method is adequate and complies with regulatory requirements. In the long term, the NRC staff will continue to evaluate the need to revise the radiation protection regulations, including 10 CFR 50 Appendix I.

In response to NRC's statement, industry representatives questioned how the decision to stop work on the NEI 07-11 template would impact COL applications which already had been or were just about to be submitted to the NRC. The industry was concerned that any COL application that referenced the template might now be considered unacceptable for review. NRC staff responded that a memorandum would be issued to NEI formally documenting this decision, and that any COL applications submitted within 6 months of the date of issuance of this memo would be able to reference NEI 07-11 and still be considered acceptable for docketing. However, these applications would then be expected to correct this reference and perform a site specific cost-benefit analysis as part of a later revision to the application. Those COL applications submitted beyond 6 months from this date would be expected to include a site specific cost-benefit analysis, since the incorporation of NEI 07-11 by reference would no longer be acceptable.

NRC staff provided feedback to industry representatives on the scope and content of NEI 07-09, "Generic FSAR Template Guidance for Offsite Dose Calculation Manual (ODCM) Program Description." A revised draft of NEI 07-11, incorporating the feedback provided by NRC staff, will be submitted for NRC review prior to the next public meeting on new reactor health physics issues.

Following this discussion NRC staff provided two additional meeting handouts (ML080440353 and ML080440435) detailing their comments and feedback on a draft version of NEI 07-03, Revision 4. Industry representatives responded that they would be submitting a revised draft of NEI 07-03 prior to the next public meeting with NRC comments incorporated. Prior to the next meeting, NEI agreed to submit revised drafts for all the NEI health physics templates with the exception of NEI 07-11, Cost-Benefit Analysis.

At this meeting, NRC also provided a handout describing NRC lesson's learned during COL application acceptance reviews (ML080440225).

T. Frye

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NRC stated that they would issue a final regulatory guide providing guidance on compliance with 10 CFR Part 20.1406 in the first quarter of 2008.

Enclosure:

List of Attendees

Meeting Handouts

cc w/encl: See next page

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NRC stated that they would issue a final regulatory guide providing guidance on compliance with 10 CFR Part 20.1406 in the first quarter of 2008.

Enclosure:
List of Attendees
Meeting Handouts

cc w/encl: See next page

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ADAMS Package Accession Number: ML080520546
Meeting Summary Accession Number: ML080510379
Meeting Notice Accession Number: ML080180395
Meeting Handout 1 Accession Number: ML080440024
Meeting Handout 2 Accession Number:ML080440353
Meeting Handout 3 Accession Number:ML080440435
Meeting Handout 4 Accession Number:ML080440225

OFFICE	NRO/DCIP/CHPB	NRO/DCIP/CHPB (BC)
NAME	SBernal	TFrye
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**Public Meeting with the Nuclear Energy Institute (NEI)
Discussion of New Reactor Health physics Issues
January 29, 2008
Meeting Attendees**

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Glenn Tracy	NRC
Tim Frye	NRC
Jean Claude Dehmel	NRC
George Cicotte	NRC
Mark Paul	Dominion
Sheryl Burrows	NRC
George R. Simmons	Dominion
William E. Smith	SNC
Ralph Andersen	NEI
Tom Williamson	Entergy/Nustart
Edward Roach	NRO
Charles Hinson	NRC
Deann Raleigh	Advantage, Sciencetech
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Philip Shultz*	SCANA
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