

Limited Work Authorization Rule Interim Staff Guidance

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Interim Staff Guidance

- ◆ Draft issued for comment on April 8, 2008
- ◆ Public comment period closes today
- ◆ Can be found on NRC website:
<http://www.nrc.gov/reading-rm/doc-collections/isg/col-esp-isg-4.pdf>
- ◆ Guidance will be incorporated into RG 1.206, RG 4.2, SRP, & ESRP

Guidance Implements LWA Rule

- ◆ Final LWA rule issued October 9, 2007 (72 FR 57415)
- ◆ Rule became effective November 8, 2007
- ◆ LWA process allows applicants to perform limited construction before COL issuance

Major Rule Changes

- ◆ New definition of “construction” consistent with agency statutory authority
- ◆ What construction does not include is referred to as “preconstruction”
- ◆ Changes affect all new reactor applications

What is Construction?

- ◆ Installation of foundation, including placement of permanent materials as part of the foundation
- ◆ **Onsite, in-place** fabrication, erection, integration, or testing
- ◆ Driving of piles
- ◆ SSCs within scope of construction

Separation of Impacts

- ◆ 51.45(c) - “description of impacts of the preconstruction activities performed by the applicant necessary to support construction and operation of the facility”
- ◆ Separate environmental impacts of preconstruction and construction activities
- ◆ Allows appropriate evaluation of impacts of construction activities being authorized

Separation of Impacts (cont'd)

- ◆ Level of analysis to separate impacts commensurate with level of impact
- ◆ Simple analyses sufficient in most cases

Cumulative Impacts

- ◆ 51.45(c) - “analysis of the cumulative impacts of the activities to be authorized ... in light of the preconstruction impacts”
- ◆ Level of information presented under previous rule sufficient to address cumulative impacts

LWA Activities

- ◆ Activities that may be authorized under an LWA include:
 - Driving of piles
 - Subsurface preparation
 - Placement of backfill, concrete, or permanent retaining walls
 - Installation of foundation

Interactions with Other Permitting Authorities

- ◆ Potential timing issues for LWAs and permits for preconstruction activities
- ◆ NRC is seeking to update 1975 MOU with Army Corp of Engineers to address Part 52 and LWA rules

Forms of Application

- ◆ An LWA request may be submitted
 - As part of complete COL application
 - As one part of phased COL application
 - As part of an ESP application
 - As an ESP amendment

Contents of Applications

- ◆ Safety Analysis Report
- ◆ Applicable ITAAC
- ◆ Environmental Report
- ◆ Redress Plan

Effect of LWA

Any activities undertaken under an LWA are entirely at the risk of the applicant and issuance of the LWA has no bearing on issuance of the underlying COL

Implementation of Redress Plan

- ◆ Implementation of redress plan required if:
 - LWA activities terminated by licensee
 - LWA revoked by NRC
 - NRC denies associated COL application
- ◆ Redress must begin in reasonable time
- ◆ Redress must be complete within 18 months

NRC Resources and Schedules

- ◆ Timely notification of LWA and COL requests allows proper resource and schedule planning
- ◆ Later notification of LWA request will be addressed on a case-by-case basis
- ◆ Commission provided guidance on prioritization of work in SECY-06-0187