



NUCLEAR ENERGY INSTITUTE

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October 22, 2010

Mr. David B. Matthews
Director, Division of New Reactor Licensing
Office of New Reactors
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Change Processes for New Plants.

Project Number: 689

Dear Mr. Matthews:

In response to your letter of October 18, 2010, attached is additional information requested by the NRC staff to support consideration of the approach recommended in our September 15, 2010 letter concerning changes during construction (CdC). We have also attached for reference our September 15 letter which describes the industry proposal and the major policy and regulatory bases for it.

As discussed in our September 15 letter, new plant licensees need a workable process for making changes during construction that require a license amendment. The approach discussed by the NRC staff in recent public meetings is not workable because it would preclude construction activities related to changes that require a license amendment prior to implementation—an unnecessary constraint not imposed by current regulations.

The process we have proposed provides the flexibility licensees need to make changes to enhance the facility design and/or resolve construction issues, while also assuring that changes requiring a license amendment are thoroughly reviewed by the NRC staff and approved prior to plant operation. The attachment to this letter provides additional discussion of how the industry proposal:

- Is consistent with 10 CFR Part 52 as well as other existing NRC regulations and regulatory guidance for existing plants
- Assures clarity of the facility licensing basis throughout construction and assures that facility construction is completed in accordance with the approved design and licensing basis

Mr. David B. Matthews

October 22, 2010

Page 2

- Assures required NRC approval of changes before they are implemented
- Preserves the licensee's ability to make changes in accordance with applicable change control processes

As requested by the staff, the attachment includes an example of a change made using the proposed approach and the construction related activities that would be expected to occur before and after NRC approval of the associated license amendment. We also describe NEI's rationale for concluding that the 10 CFR 50.10 definitions of "construction" and "not construction" do not inform and do not apply to the process for making changes after an NRC combined license (COL) is issued.

As discussed in the attachment and our September 15 letter, the industry's proposal on changes during construction is supported by sound regulatory and policy bases. NEI's October 5, 2010 letter to the NRC providing draft Appendix C of NEI 96-07 includes language in Section 4.6 that reflects the industry proposal as a basis for further discussion of implementation details with NRC staff. Subject to consideration of the additional information provided with this letter, we request that the NRC staff make a determination and respond on the acceptability of the industry proposal as soon as possible. To facilitate a timely determination by the staff, we are prepared to discuss the matter further with you as necessary.

If you have any questions, please contact me at 202.739.8087; rjb@nei.org or Kimberly Keithline at 202.739.8121; kak@nei.org.

Sincerely,



Russell J. Bell

Attachments

c: Mr. Glenn M. Tracy, NRO/DCIP, NRC
Mr. William F. Burton, NRO/DNRL/DDIP/NR, NRC
Mr. Earl R. Libby, NRO/DNRL/DDIP/NR, NRC
Mr. Jerry N. Wilson, NRO/DNRL/DDIP/NR, NRC
Ms. Marian L. Zabler, OGC/GCHEA/AGCNRP, NRC
NRC Document Control Desk