

February 15, 2011

MEMORANDUM TO: William F. Burton, Chief
Rulemaking and Guidance Development Branch
Division of New Reactor Licensing
Office of New Reactors

FROM: Earl R. Libby, Project Manager */RA/*
Rulemaking and Guidance Development Branch
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: SUMMARY OF THE JANUARY 20, 2011, PUBLIC MEETING TO
DISCUSS CHANGES DURING CONSTRUCTION, LICENSE
AMENDMENT REQUEST PROCESS

On January 20, 2011, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting at One White Flint North Conference Room O-7B04 Rockville, Maryland, with industry and Nuclear Energy Institute (NEI) representatives. The purpose of the meeting was to discuss the acceptability review/decision process for a license amendment request. The associated meeting notice is available at NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Number ML110050481. The following provides a brief summary of the meeting.

Summary

Mr. Earl R. Libby, Rulemaking and Guidance Development Branch (NRGA), Division of New Reactor Licensing (DNRL), Office of New Reactors (NRO), conducted the meeting.

Mr. Libby presented the NRC staff responses to the process questions submitted by the NEI on how changes during construction would be conducted using a modified license amendment request (LAR) process (ADAMS Accession Number ML110390413). The two background information bases supporting the change to the LAR process were presented. During the time period from issuance of a combined license until the Title 10 of the *Code of Federal Regulations* (10 CFR), Part 52.103(g) finding, there will be a license amendment "acceptance" process: Under the license amendment "acceptance" process, the NRO staff performs an initial acceptance review predominantly using a criterion of inspectability. Following the NRC LAR "acceptance" evaluation of the proposed plant change or proposed modification to a structure, system or component, and evaluation of the licensee's submitted schedule for installation/testing, the NRC will issue an "acceptance" decision reflecting whether or not the NRC has any objection to the licensee proceeding, at its own risk, with the proposed plant change or proposed modification installation and testing pending the outcome of the NRC's detailed technical review of the requested amendment. The timeframe for issuance of the

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“acceptance” decision will be established in consideration of the schedule expectations of the licensee with the goal of minimizing delays in their construction plans schedules. An NRO “acceptance” decision is not a pre-approval of the LAR, nor does it imply any NRC approval of the LAR. In addition, there is one license amendment request review and decision process, 10 CFR Part 2.101. The “acceptability review/decision” (ARD) is an elective part of that process, contained within a condition of the license, by which a licensee may request a decision from the NRC that there is no objection to the licensee proceeding, at its own risk, with the proposed plant change or proposed modification installation and testing pending the outcome of the NRC’s detailed technical review of the requested amendment.

The content of template for a licensee ARD request was discussed as containing: a description of the proposed plant change or modification; the timeframe which the licensee requests notification from the NRC of its ARD decision; a proposed no significant hazards determination, the proposed environmental exclusion category, inspection schedule changes identifying limited timeframe and one time availability for inspection; and any changes, additions, deletions of the inspection, test, analysis and acceptance criteria (ITAAC). It was proposed that the ARD template reside in NEI 96-07. The ARD request excludes the technical attributes of the LAR. Technical details relevant to the inspection of the LAR will be available in the detailed design package of the LAR maintained by the licensee.

The review criteria for the NRC ARD determination was discussed as containing: evaluation of the inspection schedule impact on NRC Region II Center for Construction Inspection (CCI); evaluation of the no significant hazards determination; evaluation of the environmental exclusion; and evaluation of any changes, additions or deletions of the ITAAC. It was proposed that the ARD evaluation criteria and process reside in an Interim Staff Guidance (ISG). It was noted that the ARD determination for inspectability is separate and distinct from the LAR technical content review for NRC staff acceptance of a LAR.

The staff will inform the NRC Commission of the staff’s proposal following additional development work on this LAR ARD process.

Enclosures:
As stated

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