



# **Changes During Construction**

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## **Background Information:**

- NEI correspondence dated 19 May 2010 stated they are developing a document similar to NEI 96-07 to provide guidance on implementing the Part 52 change control processes.
- Initial priority on extent of implementation activities that may be performed prior to approval of a requested license amendment.
- NRC created a working group to interact with nuclear industry representatives and prepare recommendations and guidance for evaluating changes to the licensing basis during construction.

## **Present Status Problem Statement #1**

Determine the activities that can be performed by licensees during construction while the NRC is reviewing requested changes to the licensing basis (license amendments).

- Alternative Process, Preliminary Acceptability Review, an elective part to License Amendment Request
- CdC License Condition effective through the 103(g) finding
- Addresses Industry question of at risk plant change or modification to the licensing basis during the construction phase, NRC no objection to proceeding
- Progressing on methodology for processing emergent PARs



## **Present Status Problem Statement #2**

Determine if changes should be recommended for the NRC's enforcement policy to provide for enforcement discretion during new plant construction.

- Consolidating position for presentation to management during May
- Additional efforts underway:
  - SRM-SECY-09-0190, includes the evaluations of licensee changes during the construction phase of nuclear facilities, Part 50, Part 52, and Part 70
  - OE Working Group will provide recommendations supporting a consistent, cohesive process
  - Public comment on proposed changes to the Enforcement Policy during the summer, 2011

## **Present Status Problem Statement #3**

Determine for new plants what revisions to the risk-informed guidance for evaluating changes to the licensing basis should be required and determine the applicability of the 10 CFR 50.59 guidance (NEI 96-07, rev 1).

- SRM-SECY-10-0121, Modifying the Risk-Informed Regulatory Guidance for New Reactors, due June 2012
  - Established schedule Thursday, March 24, 2011
  - Table top sessions during May, June to assess existing guidance
- Applicability of NEI 96-07 – Appendix C, including Section 4.6 PAR submittal process
  - Compiling comments for transmittal to NEI
  - No major concerns or questions yet identified

## **Present Status Problem Statement #4**

Establish guidance that should be used for evaluating changes to the severe accident design features (VIII.B.5.c) of each design certification rule (construction & operation).

- Ex-vessel severe accident design features changes per VIII.B.5.c.(1) and (2) of DCRs
  - “*Substantial Increase*” in probability, recommended adopting a definition along the lines of “A particular ex-vessel severe accident previously reviewed and determined to be not credible could be credible.”
  - “*Substantial increase*” in public consequences, recommended adopting a combination of qualitative and quantitative criteria
    - Remove or significantly degrade an ex-vessel severe accident mitigation design feature or
    - A combination of relative increase and contribution of the change to total containment failure probability/ release fraction

## **Present Status**

### **Problem Statement #4 (continued)**

Establish guidance that should be used for evaluating changes to the severe accident design features (VIII.B.5.c) of each design certification rule (construction & operation).

- Expect NEI 96-07 Appendix C ex-vessel severe accident sections during May
  
- Additional efforts underway:
  - SRM-SECY-10-0121, Modifying the Risk-Informed Regulatory Guidance for New Reactors, due June 2012
  - Staff will leverage activities to revise NEI 96-07 (new Appendix C) under the Changes During Construction effort

## Next Steps

Entering the resolution phase of the CdC Working Group  
Continue dialog and interactions with the public and industry stakeholders on changes during construction

- PS 1, 3a, 3b and 4
  - April 28 and May 12, 2011
  - Tabletop session walking changes through the CdC process
  - NEI 96-07 App C screen and ISG-025 PAR review
- PS 2, NRC management recommendation during May
- *ISG-025 Changes during Construction under Part 52*, public comment period during May