

May 20, 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 APRIL 28, 2011, PUBLIC MEETING TO DISCUSS
CHANGES DURING CONSTRUCTION, PRELIMINARY
ACCEPTABILITY REVIEW PROCESS

On April 28, 2011, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting at Headquarters located at Two White Flint North, Conference Room T-7A04, Rockville, Maryland, with industry and Nuclear Energy Institute (NEI) representatives. The purpose of the meeting was to conduct a workshop and tabletop session discussing the changes during construction (CdC) preliminary acceptability review (PAR) process for combined license (COL) holders. The associated meeting notice is available at NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML110880570. 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 draft proposed Interim Staff Guidance (ISG) COL-ISG-025, "Changes during Construction Under Part 52," (Enclosure 2; ADAMS Accession No. ML111390385) for assessment of COL PARs. NEI provided six PAR request examples (Enclosure 3; ADAMS Accession No. ML111390403) for tabletop assessment using COL-ISG-025. The majority of the session involved discussions on COL-ISG-025. One topic was the underlying philosophy of COL-ISG-025. Industry representatives stated their expectation that if a COL licensee follows the ISG, the NRC will issue a "no objection to proceeding" letter in response to every PAR request. Mr. Jerry N. Wilson, NRGA, stated that based on discussions with NRO management, some PAR requests would result in an objection to proceeding with construction pending the outcome of the license amendment request (LAR) review. Mr. Wilson stated that sometimes the "shared risk" of proceeding with a plant change or modification requiring a license amendment would exceed any benefit of installation and testing pending the LAR review.

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Another topic involved the proposed criteria for assessing whether a PAR request could result in a no objection determination by the NRC. The draft proposed ISG contains deterministic yes/no criteria, e.g., does the PAR involve complex inspection, test, analysis, and acceptance criteria (ITAAC). Industry representatives questioned the rigidity of those criteria, discussing a gradient scaling involving an analysis to determine the outcome of the PAR evaluation. Mr. Wilson stated that in order to process a PAR request in a timely manner with minimal staff effort, the evaluation guidance needed to be clear and objective, otherwise the review and evaluation will take additional time to complete.

Mr. Libby will revise COL-ISG-025 with comments provided during this tabletop session and publish the ISG for public comment following the completion of the next CdC tabletop session scheduled for May 12, 2011.

There were two open items at the conclusion of the tabletop session. The staff will evaluate and respond to these industry questions. The industry asked if a PAR request could be submitted before a COL was issued. The industry also asked about design changes that would result in changes to or displacement of an existing ITAAC. Industry suggested that the licensee would propose a test that would be equivalent to a final safety analysis report commitment and would meet verification needs. However, the licensee would not propose an ITAAC for the changed design feature. Industry asked if that approach would be acceptable and also asked about the impact on ITAAC maintenance.

The staff will inform the NRC Commission of the staff's proposal following additional development on this LAR PAR process.

Enclosures:
As stated

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