



Changes During Construction

June 3, 2011

Earl R. Libby, Jerry N. Wilson
Office of New Reactors

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, PAR/LAR
- 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
- Licensee guidance for requesting PARs contained in NEI 96-07 Appendix C, in draft stage
- NRC guidance for processing PARs contained in COL-ISG-025, in draft stage

Present Status Problem Statement #1 (cont)

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

- A plant change or modification may screen out under the Section VIII B.5.b, Tier 2 change, were it not for an associated Tier 1, ITAAC change
 - Balance of detailed design information, evaluations and analysis would be contained within the design change package
 - Results of the 50.59 like screening, eight criteria, would be contained within the design change package
- The PAR/LAR would focus on impacts on ITAAC, Tier 1
- Methodology addressed in the two guidance documents, NEI 96-07 and COL-ISG-025

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.

- Consolidated position for presentation to NRO management during June
- 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
 - Initial set of comments were transmittal to NEI
 - Revisions work in progress

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
- 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
 - Continue work in progress on the guidance documents ,NEI 96-07 App C screen, ISG-025 PAR review
 - Continue development of LAR content addressing the Tier 2, associated Tier 1 question
- PS 2, NRC management recommendation during June
- ISG-025 *Changes during Construction under Part 52*, public comment period during June