



Changes During Construction

October 6, 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, Section 4.6 in final draft stage
- NRC guidance for processing PARs contained in COL-ISG-025, in final draft stage

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.

- Consensus position presentation to NRO management
 - Normal enforcement discretion is available during the construction phase

- 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
 - Public comments received on the proposed changes to the Enforcement Policy during the September, 2011, final SECY paper to Commission during October

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).

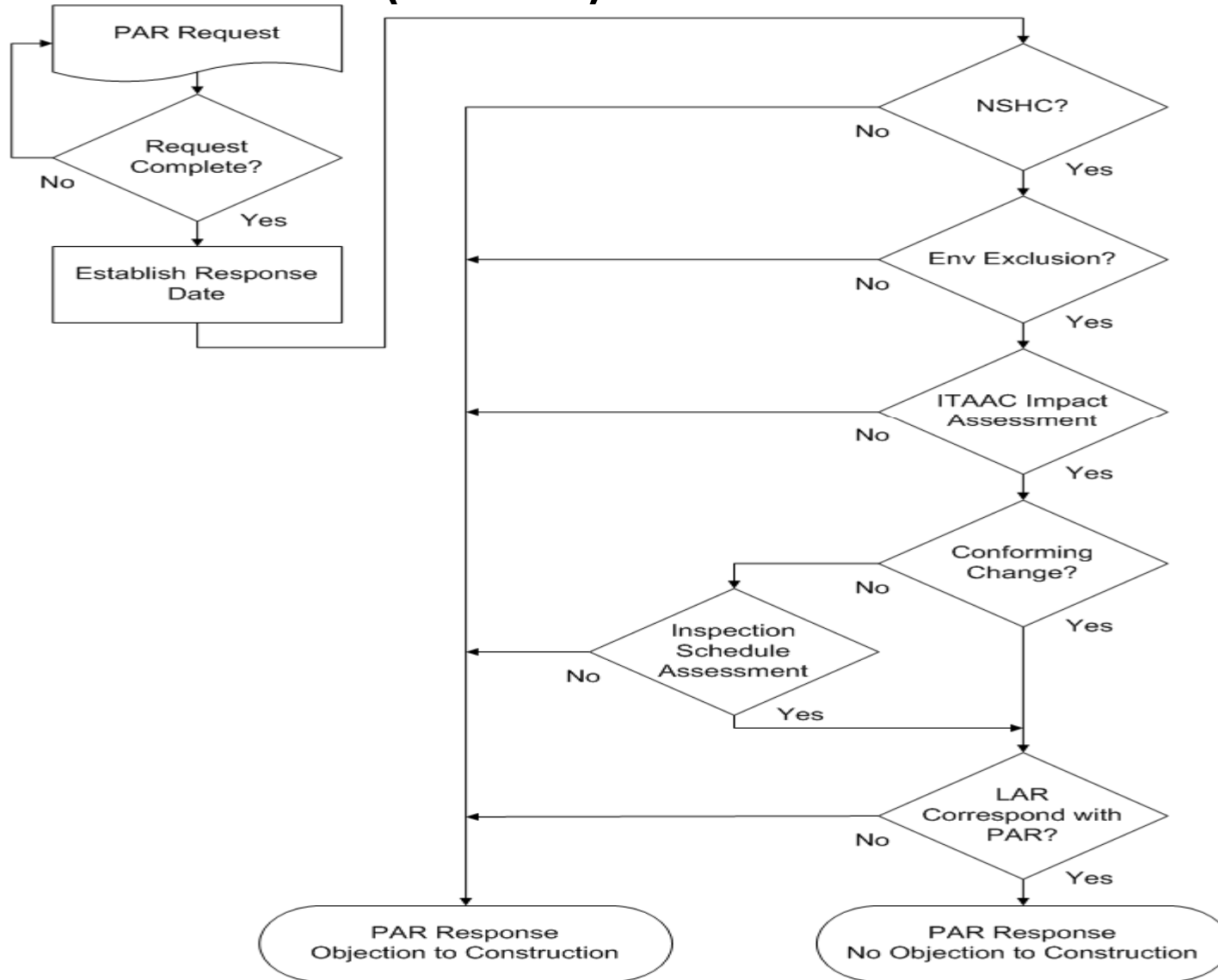
- SRM-SECY-10-0121, Modifying the Risk-Informed Regulatory Guidance for New Reactors, due June 2012
 - Established schedule Thursday, March 24, 2011
 - Table top sessions during May, June to assess existing guidance
- Applicability of NEI 96-07 – Appendix C, including Section 4.6 PAR submittal process
 - Comments Section 4.1.2.2.2 EVSA were transmittal to NEI in September
 - Section 4.6, PAR process, NRC comments work in progress, October

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

ISG-25 PAR Evaluation Template (DRAFT)



Next Steps

Continuing the final resolution phase of the CdC WG
Continue dialog and interactions with the public and industry stakeholders on Changes during Construction

- PS 2 and 4 - Complete
- PS 1, 3a, 3b
 - Continue work in progress on the guidance documents ,NEI 96-07 App C screen, final concurrence path, revision at the end of October
 - ISG-025 *Changes during Construction under Part 52*, release for “Use and Comment” during October