



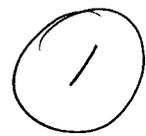
NUCLEAR ENERGY INSTITUTE

Russell J. Bell
DIRECTOR
NEW PLANT LICENSING
NUCLEAR GENERATION DIVISION

1/11/2012
77 FR 1749

March 26, 2012

Ms. Cindy K. Bladey
Chief, Rules, Announcements, and Directives Branch (RADB)
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001



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Subject: NEI Comments on Interim Staff Guidance (ISG) COL-ISG-25, *Interim Staff Guidance on Changes during Construction Under 10 CFR Part 52, 77 Fed. Reg. 1749*, Docket ID NRC-2011-0288

Project Number: 689

Dear Ms. Bladey:

The Nuclear Energy Institute (NEI)¹ is pleased to submit the attached comments on the subject interim staff guidance. ISG-25 provides guidance to the NRC staff on the Preliminary Amendment Request (PAR) review process available to combined license (COL) holders for use as an elective precursor to the license amendment process.

We appreciate that ISG-25 establishes a PAR process that enables licensees to proceed at-risk to construct plant changes prior to NRC approval of required License Amendment Requests (LARs). The process will enable licensees to maintain schedule during construction because a PAR review can be completed quickly, allowing construction to proceed in parallel with the NRC's review of the LAR. ISG-25 is the result of constructive interactions between the public and the NRC staff over the past year.

Subject to the comments provided in the attachment, we agree with the NRC staff that the proposed ISG will effectively achieve the NRC's stated purpose. This purpose is to establish a PAR process that maintains licensing basis configuration control and avoids unnecessary construction delays related to

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

SOWSI Review Complete

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1776 I Street, NW | Suite 400 | Washington, DC | 20006-3708 | P: 202.739.8087 | F: 202.533.0105 | rjb@nei.org | www.nei.org

Template = ADM-013

Cell = A. Cabbage (AKC)

Ms. Cindy Bladey

March 26, 2012

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changes during construction arising after the issuance of the COL and before the 10 CFR 52.103(g) finding.

If you have any questions concerning this letter or the attached comments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "RJ Bell", written in a cursive style.

Russell J. Bell

Attachment

c: Ms. Amy E. Cabbage, NRO/DARR/APOB, NRC
Mr. Earl R. Libby, NRO/DARR/APOB, NRC
NRC Document Control Desk

Industry Comments on Interim Staff Guidance (ISG) COL-ISG-25, *Interim Staff Guidance on Changes during Construction Under 10 CFR Part 52 – March 26, 2012*

Affected Section	Comment/Basis	Recommendation
1. Page 1, para. 2, second sentence	Editorial and Clarification	Insert an apostrophe in "licensee's." Additionally, to be clear about how the process works, revise the end of the same sentence as follows, "...including an applicability determination evaluation , the safety-security interface evaluation, the construction impacts evaluation and the 10 CFR 50.59-like <u>review (including applicability determination, screening, and evaluation, as applicable).</u> "
2. Page 2, para. 1	When not referring to a specific element of the 50.59-like process (such as applicability determination, screening or evaluation), the ISG should refer to the 50.59-like "review" process.	Revise the first sentence as follows: "When the licensee's screening evaluation -10 CFR 50.59-like review process determines..."
3. Page 2, para. 3	This paragraph discusses the use of the PAR and LAR processes to describe proposed plant changes or modifications that are solely due to a change in Tier 1 or Tier 2* information and not because the change represents a potential safety issue. Like 10 CFR 50.59, the 50.59-like process is not a "safety" evaluation, but rather a review to determine if prior NRC approval is required. It is proposed	Re-word the last part of the first sentence of paragraph three as follows: "...and not because the change represents a potential safety issue has been determined to require prior NRC approval."
4. Page 3, para. 2	Clarification	Insert ", Appendix C," after "NEI 96-07."

Affected Section	Comment/Basis	Recommendation
5. Page 4, para. 4 and page 5, para. 1 & 2	Given the similar preliminary nature of the "no significant hazards consideration" determination and the preliminary determination of categorical exclusion from environmental review, we recommend the focus of the staff's PAR review be on the reasonableness of the preliminary determinations, not their adequacy. Adequacy of these licensee (final) determinations is determined as part of the LAR review.	Modify ISG-25 to reflect that the PM shall review the reasonableness of the PAR's preliminary "no significant hazards consideration" determination.
6. Page 6, para. 3	It may be determined later that it might be best to endorse NEI 96-07, Appendix C, via a separate regulatory guide for new plants, so that RG 1.187 remains focused on Part 50 licensees. We expect that the best approach will be determined based on further discussions of Appendix C.	Modify ISG-25 under Final Resolution Method to allow the option for a separate regulatory guide to be used to endorse NEI 96-07, Appendix C.
7. PAR Process, pg. 3	In various NRC-industry meetings on ISG-025, the NRC staff has said that licensees should use the PAR process when approval of the LAR is needed within one year of submittal of the LAR.	It is recommended that this timing aspect be addressed in ISG-025.