

February 28, 2013

MEMORANDUM TO: Amy E. Cabbage, Chief
Policy Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors

FROM: Earl R. Libby, Project Manager /RA/
Policy Branch
Division of Advanced Reactors and Rulemaking
Office of New Reactors

SUBJECT: SUMMARY OF THE FEBRUARY 12, 2013, PUBLIC MEETING
TO DISCUSS CHANGES DURING CONSTRUCTION, NEI 96-07,
APPENDIX C, REVISION 0D, SECTION 4.1.1.1

On February 12, 2013, the U.S. Nuclear Regulatory Commission (NRC) staff held a public teleconference with the public, industry, and the Nuclear Energy Institute (NEI) representatives. The purpose of the meeting was to conduct a workshop on emergent plant change processes contained within NEI 96-07, Appendix C, "Guideline for Implementation of Change Control Processes for New Nuclear Power Plants Licensed Under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52," Revision 0D, Section 4.1.1.1 "Nonconforming Conditions during Construction." The associated meeting notice is available at NRC Agencywide Documents Access and Management System (ADAMS) accession number ML13031A494. The NEI timeline figure discussed during the meeting is available at ADAMS accession number ML13042A229. The following provides a brief summary of the meeting.

Summary:

Mr. Earl R. Libby, Policy Branch (APOB), Division of Advanced Reactors and Rulemaking (DARR), Office of New Reactors (NRO), conducted the meeting.

Ms. Kati Austgen, NEI, lead the discussion on the industry's perspective on a method for processing emergent plant changes and modifications that arise during the construction phase of the Part 52 reactors. Mr. Al Paglia, SCANA, Mr. Ted Amundson, Southern, and other industry and vendor representatives contributed to the discussion, supporting NEI's position that the process proposed in Section 4.1.1.1 is consistent with NRC regulations.

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A. Cabbage

-2-

Ms. Denise McGovern, Ms. Amy Cabbage, and other members of the NRC staff reiterated the NRC staff's position that construction must be in accordance with the current licensing basis of the facility.

New reactors follow the 10 CFR Part 52 regulatory structure of design approval, combined license (COL) approval, current licensing basis changes evaluated and the license amended as necessary. NRC staff stated that the staff's interpretations of the regulations at VIII.B.5.a does not support approval of the process proposed by NEI via a guidance document and that industry could propose the use of a different regulatory vehicle, such as a COL condition, to establish a process for emergent construction changes to the current licensing basis when resolving a plant's nonconformance.

Mr. Libby will continue the discussions with staff, compiling the NRC staff comments on NEI 96-07, Appendix C, Revision 0D. Additional public meetings on the Changes during Construction topics including the applicability and use of NEI 96-07, Appendix C and to resolve NRC staff comments will be scheduled.

Enclosure:
Attendance List

cc w/encl: See next page

A. Cubbage

-2-

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