

April 18, 2013

MEMORANDUM TO: Anna H. Bradford, Acting 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 APRIL 8, 2013, PUBLIC MEETING TO
DISCUSS CHANGES DURING CONSTRUCTION, NEI 96-07,
APPENDIX C, REVISION 0D, SECTION 4.1.1.1

On April 8, 2013, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category III public teleconference with the public, industry, and Nuclear Energy Institute (NEI) representatives. The purpose of the meeting was to articulate the NRC staff position 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" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13010A304). The associated meeting notice is available in ADAMS under accession number ML13081A023. The NEI presentation (ADAMS Accession No. ML13070A466) from the March 11, 2013, teleconference (ADAMS Accession No. ML13072A362) was discussed during the meeting. The following provides a brief summary of the meeting.

Summary

Mr. Earl Libby, Office of New Reactors (NRO), led the presentation of the NRC staff's position on an acceptable method for meeting the regulations at 10 CFR Part 52, Appendixes, Section VIII.B.5.a when processing emergent plant changes that arise during the construction phase of a Part 52 combined license. The staff presented comparable 50.59 screens and 50.59-like evaluations which provide sufficient regulatory flexibility using the current regulations. This flexibility, to replicate the 50.59 screening process employed by the current operating fleet, to perform the Section VIII.B.5.a simplified evaluation, allows a licensee that is resolving an emergent plant change issue to arrive at a timely determination of whether a plant change requires prior NRC approval.

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Mr. Michael Mayfield, Director of the Division of Advanced Reactors and Rulemaking, and other members of the NRC staff reaffirmed the flexibilities available to the licensee to effect a timely change to the current licensing basis with the 50.59 screen and 50.59-like simplified evaluation processes when determining whether prior NRC approval is required.

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

Mr. Michael Mayfield, Director of the Division of Advanced Reactors and Rulemaking, and other members of the NRC staff reaffirmed the flexibilities available to the licensee to effect a timely change to the current licensing basis with the 50.59 screen and 50.59-like simplified evaluation processes when determining whether prior NRC approval is required.

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

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