

December 15, 2008

MEMORANDUM TO: William D. Reckley, Branch Chief
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Division of New Reactor Licensing
Office of New Reactors

FROM: Eric R. Oesterle, Senior Policy Analyst */RA/*
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Office of New Reactors

SUBJECT: SUMMARY OF DECEMBER 2, 2008, PUBLIC MEETING WITH
INDUSTRY'S NEW PLANT WORKING GROUP ON COMBINED
LICENSE APPLICATIONS

On December 4, 2008, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting at the Nuclear Energy Institute (NEI) Office in Washington, DC, with the industry's New Plant Working Group (NPWG) on Combined License Applications (COLAs). The purpose of the meeting was to discuss issues confronting the industry and the NRC regarding the licensing of new reactors. The associated meeting notice is available through the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession Number ML083240266. The following provides a brief summary of the meeting.

Summary

Mr. David B. Matthews, Director of the Division of New Reactor Licensing (DNRL), provided introductory comments for the meeting noting that the NRC was represented by the Office of New Reactors (NRO) division level management and indicating that this is the level of NRC attention that can be expected for future NPWG meetings.

A summary of a presentation to industry lawyers on November 19, 2008, was provided to emphasize the level of detailed planning the NRC staff is putting into the development of COLA review schedules (ADAMS accession no. ML083450734, Enclosure 2). The presentation summary focused on schedule planning down to the "x.y.z" section level of a COLA, including allocation of individual resources, and the reality that because of the detailed level of resource planning, all COLA review schedules are interrelated through these resource allocations and assignments. It was noted that not one COLA follows the anticipated Part 52 model (i.e., COLA referencing an early site permit and a certified design); instead all COLAs that have been submitted for NRC review are variations of the anticipated model. Despite this fact, it was recognized that the Part 52 regulations were written to accommodate these variations, but at risk to the combined license (COL) applicant.

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The possible results of COLA acceptance reviews were described with the purpose of emphasizing that because of the interrelationship of application reviews through shared resources, failure of an applicant to provide information to the staff on schedule could delay the review because staff could be reassigned and not be available to support the application review for months:

- 1) complete and quality application – accept for docketing and issue review schedule
- 2) quality application but incomplete (needs additional information) and applicant has committed to a schedule providing this additional information – accept for docketing and issue review schedule including some review areas incorporating delayed review schedules
- 3) quality application but incomplete (needs additional information) and applicant commits to providing additional information later – accept for docketing but review schedule cannot be issued until applicant commits to schedule for submitting supplemental information
- 4) application is not quality and not complete – defer docketing and development of review schedule

The potential impacts of operating under a continuing resolution (CR) were also discussed. It was noted that there is no foreseeable impact on new reactor application reviews until after March 31, 2009. If the CR continues beyond March 31, 2009, NRO will have to decide on which application reviews may be delayed and how this process will be carried out. Guidance to be considered in this prioritization process was provided by the Commission in a staff requirements memorandum (SRM-SECY-06-1087) dated November 16, 2006.

Mr. Matthews discussed a process for resolving disputes between staff and industry on technical issues or on issue resolution that has been languishing. The issue, along with the industry position, should be documented on a “one-pager” and raised with the project manager and branch chief for elevation to the division level. NRO management will meet three times a month and discuss these issues to achieve resolution or identify steps to their resolution in a timely manner. Decision-making on these issues will be at the division level. Industry was requested to identify a single-point-of-contact (SPOC) for each design-centered-working-group (DCWG) as a contact point for each reactor technology. NEI volunteered Mr. Russell Bell as the SPOC for generic industry technical issues (i.e., issues that impact all or several DCWGs).

Following the discussions above, industry addressed several issues of concern associated with new reactor licensing reviews:

1. Applicability of General Design Criterion 2, 4, and 5 to offsite power systems for COLAs – industry is preparing a one-pager to submit to staff for division-level issue resolution.
2. Design Certification Document (DCD) reviews and changes while COLA is under review - industry recognition and kudos to staff for draft paper on design freeze for licensing presented during public meeting on November 17, 2008. This issue addresses timing for changes (i.e., when to hold changes for license amendment phase so as not to encumber and potentially delay initial licensing).

3. Seismic issues – industry was concerned that request for additional information resolutions for seismic issues having generic applicability have taken longer than expected. Staff provided the following updates associated with the three seismic related issues: soil-structure interaction (white paper in development which could lead to interim staff guidance (ISG)); seismic source updates (future telecom will be scheduled in January 2009 to discuss staff comments on industry white paper); backfill inspection, test, analysis, and acceptance criteria will be addressed during a meeting scheduled for December 18, 2008.
4. Digital Instrumentation and Control design acceptance criteria – staff indicated that some Topical Reports (TRs) submitted in this area may get review by both NRO and the Office of Nuclear Reactor Regulation. Issues in this area concern level of detail and staff is working on ISG to provide guidance on level of detail for staff and applicants. Industry indicated that, in addition to new reactors, this issue also applies to existing reactors that are considering digital I&C upgrades to control rooms.
5. Future rulemakings – industry suggested that in future rulemakings the staff give more deliberative consideration of applicability to on-going COLA reviews, DCD reviews, and potential near-term COL holders.
6. NEI topical reports – staff provided a general status on staff review of NEI TRs indicating that the majority are expected to come to closure in early 2009.
7. Limited work authorization (LWA) – staff indicated that the ISG on LWAs is being finalized for potential issuance in early 2009.
8. Construction inspection process – industry concerned over NRC treatment of safety culture. NEI is preparing a letter to the Commission regarding industry concerns over perceived “higher standard” for new plants vs. existing plants in the Reactor Oversight Program.

Other issues that were addressed during the meeting were based on comments/questions from members of the public:

- The staff is actively working on a revised Economic Simplified Boiling Water Reactor (ESBWR) DCD review schedule and expects to issue a revised schedule in early 2009.
- Exelon representatives clarified that their decision to pursue reactor technologies other than the ESBWR for their Victoria Station COLA was based on their concern over the remaining amount of detailed design engineering yet to be completed, rather than the U.S. Department of Energy rating of Exelon for loan guarantees.

Enclosures:
As stated

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**PUBLIC MEETING WITH INDUSTRY'S NEW PLANT WORKING
GROUP ON COMBINED LICENSE APPLICATIONS**

December 2, 2008

Attendance List

Name	Organization
Bill Reckley	NRC
Mark McBurnett	STPNOC
A.E. Scherer	SCE
Joe Turnage	UniStar
Kenneth Hughey	Entergy
Patricia Campbell	GE-Hitachi
Ken Ainger	Exelon
Bryan Dolan	Duke
John Paul Cowan	PSEG
Bill McConaghy	Toshiba/TANE
Mark A. Scanlan	Toshiba/TANE
Jean-Pierre Berger	EDF
Jim Maddox	INPO
Mike Lee	NRC/ACRS Staff
Anne Cottingham	NEI
Doug Walters	NEI
Alan Nelson	NEI
Charles Pierce	SNC
Steve Frantz	Morgan Lewis
Ron May	DTE Energy
John Tappert	NRC
Russ Bell	NEI
Adrain Heymer	NEI
Tony Pietrangelo	NEI
Laura Dudes	NRC
Glenn Tracy	NRC
David B. Matthews	NRC
Nilesh Chokshi	NRC
Scott Flanders	NRC
Charles Ader	NRC
Eric Oesterle	NRC
Marilyn Kray	Exelon
Andrea Sterdis	TVA
Jack Bailey	TVA
Ed Cummins	Westinghouse
Ed Hubner	Shaw Group
Joseph Tapia	Mitsubishi (MNES)
Paul Myers	AREVA
Brian McIntyre	AREVA
Mitch Lucas	Luminant
Eugene Greheck	Dominion

Gary Fader	INPO
Steven Dolley	Platts
Rebecca Cooper	Nuclear New Build Monitor
Ted Garrish	CH2M Hill
Matthew Fraser	Harmon Curran
Christine Tschiderer	Harmon Curran
Kazuya Hayashi	Mitsubishi (MNES)
Ed Davis	Pegasus
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(Revised 12/08/2008)

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