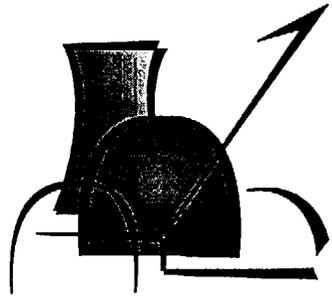


Resolution of NRC Review Fee Issue for RETRAN-3D

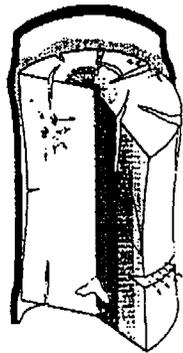
**Ted Marston
Gary Vine**

May 2, 2000



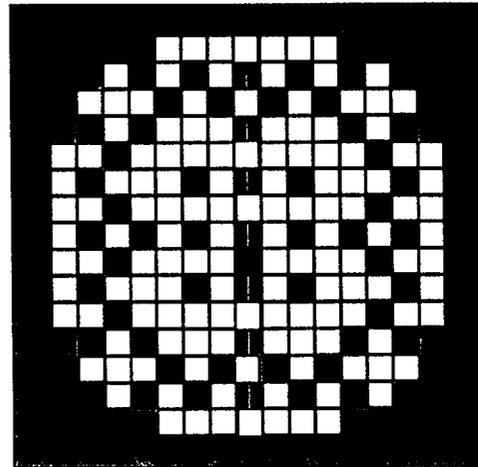
Industry Standard Analysis Package (ISAP)

Fuel → Core → System → Containment



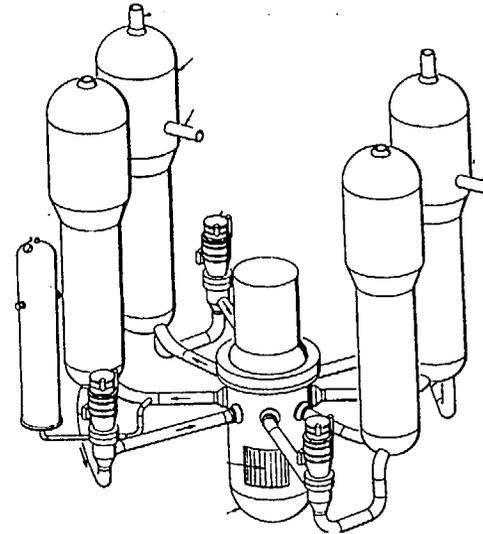
CPM-3

Lattice
Physics



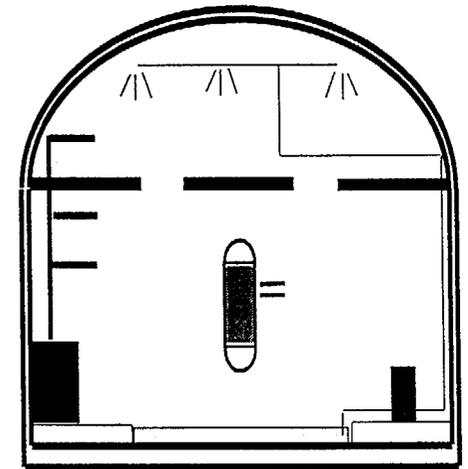
CORETRAN

Core Physics
Simulator



RETRAN

System
Response

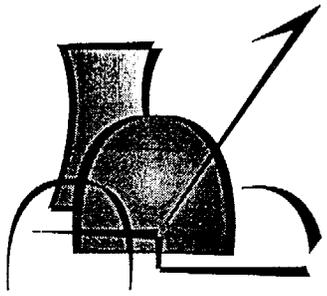


GOTHIC

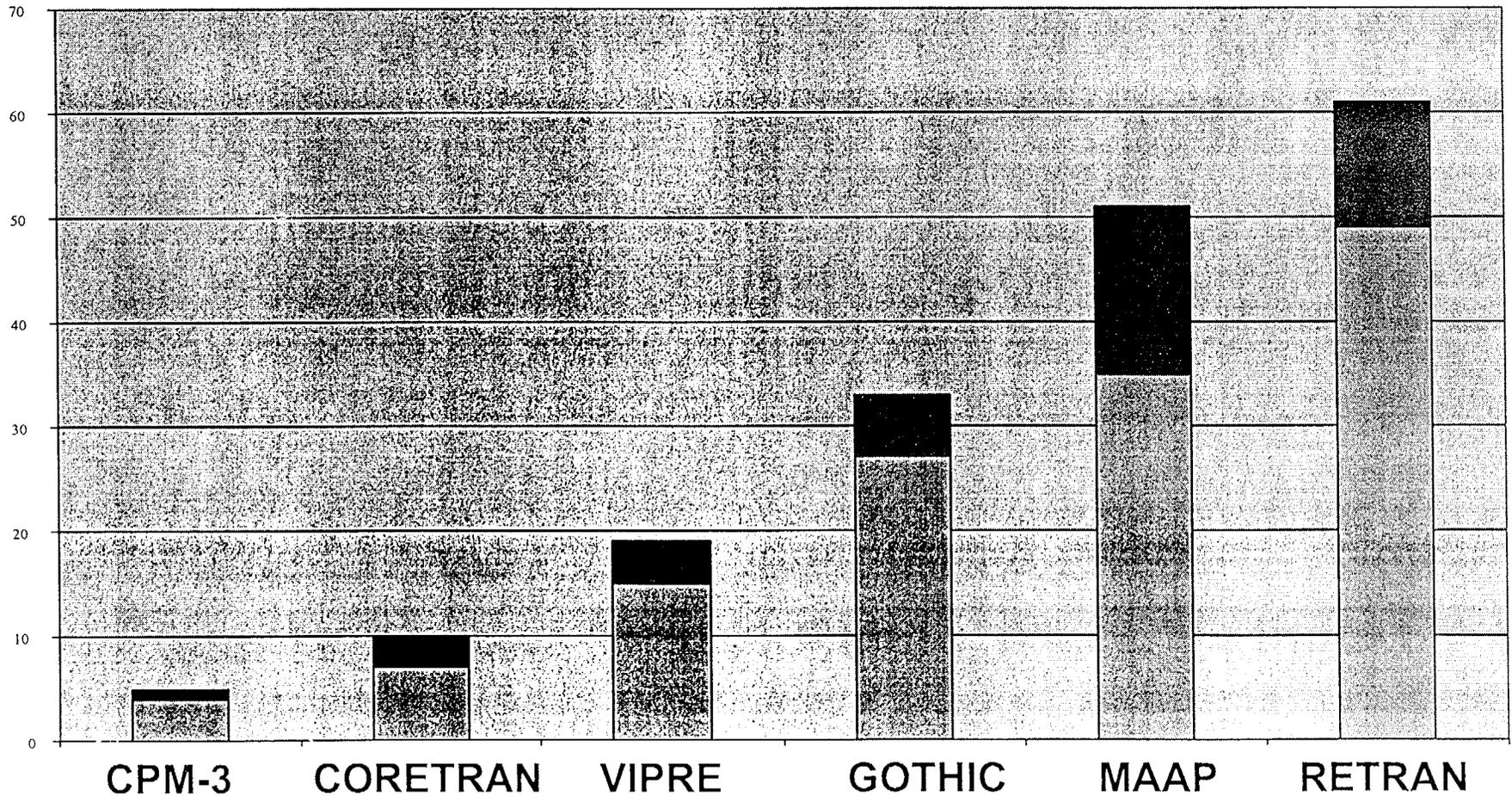
Containment
Analysis

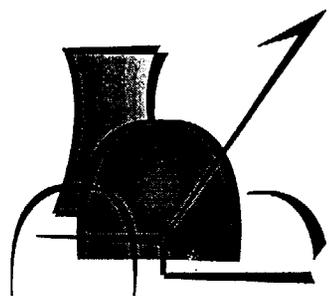
MAAP

Severe
Accidents



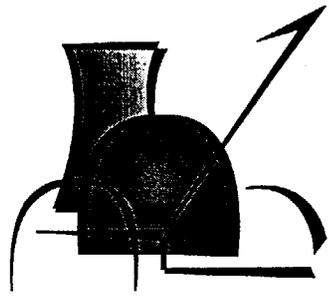
Number of Organizations Using EPRI Codes





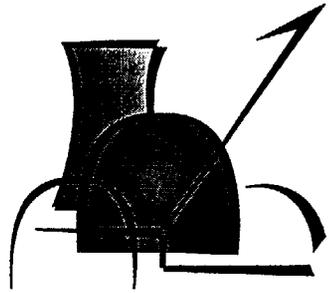
Basis for Waiver: Part 170

- The regulatory basis for granting an exemption from review fees is footnote 4 to the Special Projects fee category in the table presented in 10CFR50.170.21, which says:
- [footnote] "4. Fees will not be assessed for requests/reports submitted to the NRC:
 - 1. In response to a Generic Letter or NRC Bulletin that does not result in an amendment to the license, does not result in the review of an alternate method or reanalysis to meet the requirements of the Generic Letter, or does not involve an unreviewed safety issue;
 - 2. In response to an NRC request (at the Associate Office Director level or above) to resolve an identified safety, safeguards, or environmental issue, or to assist NRC in developing a rule, regulatory guide, policy statement, generic letter or bulletin; or
 - 3. As a means of exchanging information between industry organizations and the NRC for the purpose of supporting generic regulatory improvements or efforts."



Intent of Fee Waiver Criteria: “...Generic...”

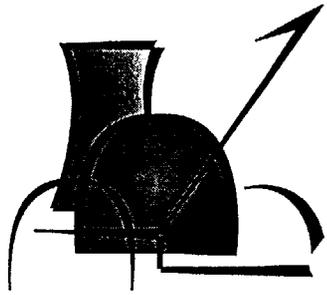
- **RETRAN is clearly generically applicable**
 - Essentially all U.S. licensees use RETRAN today
- **Problems with restrictive interpretations (“initial use,” “most likely use,” etc.):**
 - Not required by regulation
 - Implementation details not known at time of submittal
 - If generically applicable, then regulatory criterion met. A plant specific application should not become basis to disqualify
 - If generic use required to precede plant specific uses, then pilot applications are problematic
 - Generic applicability never an issue with ALWR, RI-ISI, etc.
- **Long standing NRC practice of waiving fees for generic product, charging fees for plant specific applications**



Intent of Fee Waiver Criteria:

“...regulatory improvements or efforts...”

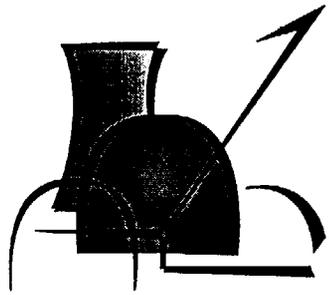
- **RETRAN will be used for reg. improvements:**
 - Long history of reg. use of RETRAN-02 (GSIs, etc.)
 - NRC and NRC contractors have used RETRAN
 - Risk-informed regulation requires realistic tools
 - Non-physical results can distort RIR
 - Analysis supporting RIR needs to be best estimate
 - RETRAN-3D will be a primary source of best estimate analysis and insights for both Option 3 and GSIs
 - Important element in implementing Option 3: best estimate DBA and transient analyses
 - GSIs: ATWS, BWR stability, mid-loop ops., etc.



Intent of Fee Waiver Criteria:

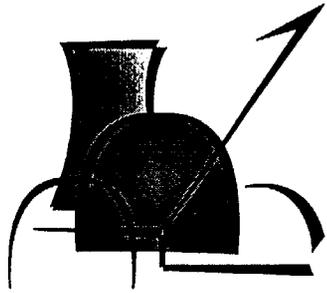
“...regulatory improvements or efforts...”

- **Part 170 exemption criterion is neutral on issue of which organization identifies the need:**
 - **“As a means of exchanging information between industry organizations and the NRC for the purpose of supporting generic regulatory improvements or efforts”**
 - **Doesn’t say “...if requested by NRC...”; “...if NRC intends to review the product for its own use...”, etc.**
 - **Regulation allows for unsolicited, proactive industry proposals**



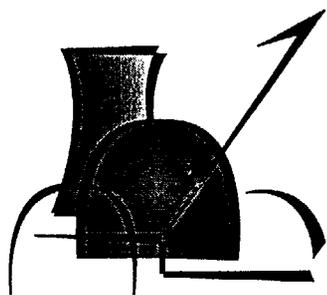
Issues that are Resolved and/or Irrelevant to Fee Decision

- **Technical Quality of Submission**
 - Judged adequate when accepted for NRC review
 - RAI process being used to resolve staff/ACRS issues
- **EPRI did not properly identify its request for waiver of review fees in its initial submittal**
 - True. EPRI has acknowledged this to NRR
 - EPRI's lapse should not become basis for not granting fee waiver. Decision should be based on the merits
- **Proprietary issues**
 - EPRI has provided strong case for broad access
 - Matter is not relevant to fee waiver decision



Prior Practice and Precedent

- **NRC has waived review fees for:**
 - NEI (and prior NUMARC) submittals
 - EPRI products submitted by NEI to NRC, e.g.,:
 - SAM Guidelines technical basis report
 - MOV Performance Prediction Methods
 - SGMP documents supporting NEI 97-06
 - **Generic EPRI products, including:**
 - ALWR Utility Requirements Document
 - BWR VIP documents; other SGMP documents
 - RI-ISI Generic methodology
 - Generic digital I&C guideline documents
- **Industry concerned that policy and legal interpretation have changed**

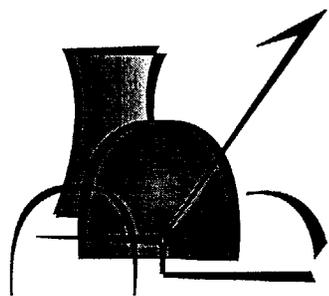


Incentives; Common Objectives

- **Incentives and Benefits**, given an industry submittal that industry views as meeting “generic regulatory improvements or efforts” criterion:

	NO WAIVER	GRANT WAIVER
NRC	NONE	MAJOR
INDUSTRY	NONE	MAJOR

Both NRC and industry benefit from appropriate granting of review fee waiver



Incentives; Common Objectives

- **Granting waiver is “revenue neutral” to NRC**
- **Fees impediment to generic code development**
- **Benefits of granting fee waiver:**
 - Encourages industry initiatives
 - Engages stakeholders in regulatory improvements
 - Encourages generic approaches
 - Reduces unnecessary resource demands
 - Expedites resolution of issues
 - Enhances regulatory efficiency and effectiveness