

October 13, 2000

LICENSEES: Consolidated Edison Company of New York, Inc.
The Power Authority of the State of New York
Niagara Mohawk Power Corporation
Rochester Gas and Electric Corporation

FACILITY: James A. Fitzpatrick Nuclear Power Plant
R. E. Ginna Nuclear Power Plant
Indian Point Nuclear Generating Unit Nos. 2 and 3
Nine Mile Point Nuclear Station, Unit Nos. 1 and 2

SUBJECT: SUMMARY OF THE SEPTEMBER 20-21, 2000, LICENSING WORKSHOP
WITH LICENSEES IN NEW YORK STATE (TAC NO. MA8398)

On September 20-21, 2000, the U.S. Nuclear Regulatory Commission (NRC) staff held a meeting at the James A. FitzPatrick Nuclear Power Plant Training Building, Scriba, New York, with representatives from the above-listed licensees. The meeting agenda is enclosed (Enclosure 1). The list of meeting participants is included as Enclosure 2. Enclosures 3 thru 10 are copies of the slides or handouts presented at the meeting by the participants.

This was the last of a series of regional licensing workshops held as follow up to the national workshop in the summer of 1998. Staff participants announced that there will be another national licensing workshop to be held in Rockville, Maryland, November 1-2, 2000. Issues that are observed to be of general interest in the regional licensing workshops would be included in the agenda of the national workshop.

The presentations and discussions closely followed information presented in Enclosures 3 thru 10, and are not summarized here. However, as a result of the discussions, certain issues are noted as warranting some follow up actions by the staff; these issues are summarized below. Text in *italics* after some items describe the staff's actions/findings after the adjournment of the workshop.

1. The staff agreed to convey the licensees' request that the NRC external web site add entries to include a listing of recently issued publicly available internal documents, such as NRR Office Letters and Management Directives (MDs). *The NRC external web site is being redesigned, with completion being targeted for about the beginning of 2001. Such listings would be included in the redesigned external web site.*

2. The staff requested licensee participants to ensure that copies of incoming documents be expeditiously dispatched to the assigned project manager via mail, e-mail, or fax. The delayed receipt of a document by the project manager adds unnecessary age to a review, and postpones completion of the same. The licensee participants, in turn, also requested the staff to send copies of time-sensitive staff issuances by fax or e-mail. *The staff's current practice of expeditiously dispatching certain issuances by fax or e-mail is sufficient.*
3. The licensees noted that the Plant Information Books in the NRC external web site contain outdated and inaccurate information. *The Office of Nuclear Reactor Regulation (NRR) is in the process of reconciling its web collections. As part of that reconciliation process, NRR has identified areas that are deemed critical to the public trust. Included in this inventory is the Plant Information Books. While the process is ongoing, persons outside NRC may contact Bill Reckley (wdr@nrc.gov) to communicate comments on the current Plant Information Books.*
4. Administrative Letter 99-05, Rev. 2 (regarding the Notice of Enforcement Discretion (NOED) process) specifies, among other things, that a NOED may not be issued if the licensee failed to take appropriate action on a timely basis. The licensees asked the staff to find out if such condition is a regulatory requirement, or just the staff's position. *After the workshop, the staff confirmed that the above stipulation is not a legal requirement per se, but is a staff policy explicitly stated in NRC Inspection Manual, Part 9900, regarding NOEDs.*
5. 10 CFR 50.55a provides that, among other things, a relief to the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section XI may be granted when the licensee encounters "burden" in complying with the Code. The licensees asked the staff to find out where and how "burden" is defined. *After the workshop, the staff confirmed that "burden", as well as other words such as "hardship," are not explicitly defined in the subject regulation, its associated statement of consideration, or other guidance documents. The staff is aware that, despite the absence of written definitions, some individuals have surmised functional "definitions" based on survey of approved reliefs.*

The licensees urged the staff to expeditiously institute a process whereby alternatives per 10 CFR 50.55a may be approved verbally, then followed up shortly in writing. The Nine Mile Point licensee cited an example (letter approving an alternative, S. Bajwa to J. Mueller, July 23, 1998) where the staff acknowledged a previous verbal approval.

6. Meeting participants have the general impression that since the summer of 1998 when the industry asked the staff to give requests for additional information (RAIs) "kinder and gentler" treatment by first discussing proposed RAIs with the licensees, the overall process has improved. However, some licensees experienced more informal RAIs. The licensees observed that informal processing of RAIs could lead to more RAIs being generated since very often informal RAIs were communicated directly to the licensees, bypassing management review. The staff also agreed to check with technical review groups to see if there is any trend in the numbers of RAIs being generated. *The staff has not been trending this issue. The staff will review this issue before revision of NRR Office Letter 803, "License Amendment Review Procedures."*
7. The licensees asked if they can participate in the NRC's 10 CFR 50.59 panel in the upcoming national licensing workshop. *At this time, 10 CFR 50.59 is a topic for a breakout session on the national licensing workshop agenda .*

The staff agreed to obtain slides used by Eileen McKenna in a past presentation regarding 10 CFR 50.59. *Those slides were used by Eileen McKenna in the American Nuclear Society Utility Working Conference that took place in Amelia Island, Florida, on August 7-9, 2000; a copy of the slides is provided as Enclosure 11 to this summary.*

8. The licensees complained that the fees they pay under 10 CFR Part 170 have gone up significantly, very often by increases in the six-figure range. The staff advised the licensees to contact the Licensee Fees and Accounts Receivable Branch to voice their concerns or to seek details about charges. The staff agreed to request the organizers of the national licensing workshop (November 1-2, 2000) to determine if there is sufficient interest to make licensee fees a topic in the agenda. *At this time, there does not appear to be sufficient interest to make this into a national licensing workshop topic.*
9. The licensees asked if NRC Management Directives (MDs) are public documents, and if so, can they receive copies of MD 3.4, "Release of Information to the Public," and MD 3.53, "NRC Records Management Program." *After the workshop, the staff confirmed that these MDs are publicly available in the NRC Public Document Room (PDR). The PDR is currently the only official channel for licensees and the public to access the MDs.*
10. The licensees asked if NRC can provide a tally of current allegations for a given plant, breaking down the tally into allegations that originated from the plant site, and those from outside the plant. *The tally of allegations for each plant site is publicly available at <http://www.nrc.gov/NRC/PUBLIC/ALLEGATION/discrimi.html>. However, the staff does not plan to provide the tally in the breakdown format as requested by the licensees.*

11. Participants exchanged comments about the need for oath or affirmation (10 CFR 50.30(b)) for various licensee submittals. No conclusion was drawn since the staff's efforts in this area are ongoing.

/RA/

Peter S. Tam, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-220, 50-410, 50-247, 50-286, 50-244, and 50-333

- Enclosures:
1. Meeting Agenda
 2. List of Meeting Participants
 3. Slides by M. Gamberoni for Introduction
 4. Slides by C. Faison for Introduction
 5. Slides by P. Milano Regarding Project Manager Responsibilities
 6. Slide by M. Gamberoni on Licensing Action Milestones
 7. Slide by D. Wolniak on Reliefs
 8. Slides by E. Adensam on TIAs
 9. Slides by G. Tasick on NOEDs
 10. Slide by G. Wrobel on 10 CFR 50.59
 11. Slide by E. McKenna on 10 CFR 50.59, Used Previously in a Conference in August 7-9, 2000

cc w/encls 1 and 2: See next page

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cc w/encls 1 and 2: See next page

Accession No. ML003756400

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DATE	10/12/00	10/5/00	10/13 /00

Official Record Copy

*see previous concurrence

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PUBLIC PDI-1 Rdg File

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NRC LICENSING WORKSHOP WITH LICENSEES IN NEW YORK STATE

(NINE MILE POINT, UNITS 1 AND 2; INDIAN POINT, UNITS 2 AND 3;
GINNA; AND FITZPATRICK)

September 20, 2000

<u>Time</u>	<u>Subject</u>	<u>Discussion Leader</u>
10:30 - 11:00 a.m.	Introduction	Faison (NYPA) Gamberoni (NRC)
11:00 - 12:00 p.m.	PM Responsibilities & Licensing Interface	Milano (NRC)
<i>Lunch</i>		
1:00 - 2:00 p.m.	Licensing Submittal Timeliness and Quality	Gamberoni (NRC) Wunder (NRC)
2:00 - 3:00 p.m.	Amendment Requests (NRR OL 803), including 10 CFR 50.30(b)	Vissing (NRC)
3:00 - 4:00 p.m.	Relief Requests (NRR OL 808)	Wolniak (NMPC)
4:00 - 4:30 p.m.	Task Interface Agreement (TIA)	Kokolakis (NYPA) Adensam (NRC)

September 21, 2000

8:30 - 9:30 a.m.	RAI: Informal vs. Formal Communication (Experience since summer 1998)	Goetchius (ConEd) Tam (NRC)
9:30 - 10:00 a.m.	Notice of Enforcement Discretion (NOED)	Tasick (NYPA)
10:00 - 11:00 a.m.	Improved Tech Spec Review Process	Vissing (NRC) _____ (NYPA)
11:00 - 11:30 a.m.	10 CFR 50.59 Experience	Wrobel (RGE)
<i>Working Lunch</i>		
11:45 - 12:15 p.m..	NRC Fee Billing Process	Tam (NRC)
1:00 - 1:15	Wrap Up	Faison/Gamberoni

Enclosure 1

NRC LICENSING WORKSHOP WITH LICENSEES IN NEW YORK STATE

(NINE MILE POINT, UNITS 1 AND 2; INDIAN POINT, UNITS 2 AND 3;
GINNA; AND FITZPATRICK)

September 20-21, 2000

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Michele Evans	NRC/Region I/Division of Reactor Projects
Charlene Faison	New York Power Authority (NYPA)
Marsha Gamberoni	NRC/NRR/Project Directorate I-1 (PDI-1)
Ed Goetchius	ConEd/Indian Point 2
Thomas Harding	Rochester Gas & Electric (RG&E)
John Kelly	NYPA
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Pat Milano	NRC/NRR/PDI-1 (project manager, Indian Point 2)
Peter Tam	NRC/NRR/PDI-1 (project manager, Nine Mile Point 1 & 2)
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