

New York Licensing Workshop

**Marsha Gamberoni
Chief, Projects Section I-1**



NRC Attendees

- Guy Vissing
 - Patrick Milano
 - George Wunder
 - Peter Tam
 - Marsha Gamberoni
 - Elinor Adensam
- Fitzpatrick/Ginna
 - Indian Point 2
 - Indian Point 3
 - Nine Mile Point
 - Section Chief, PDI-1
 - Project Director, PDI



Licensing Workshop Objectives

- Enhance regulatory interface
- Promote understanding of entire licensing process
- Generate proposals for change
- Improve licensing submittal quality
- Improve safety evaluation quality
- Exchange information on current topics of interest



Objectives

- Improve the business relationship between the NRC NRR Project Managers and their Utility counterparts
- Leads to more effective use of available licensee and staff resources



Goals of Improved Licensing Performance

- Budget and resource challenges
- Operating Plan Goals
- Efficiency and Effectiveness
- Faster response to licensee needs
- Need for more stable regulatory environment



Benefits of Improved Submittals

- **SIMPLIFY** — Reduce extent and duration of interactions between reviewer and requester (reduce RAIs, supplemental submittals)
- **MAXIMIZE** — NRR review assets (schedule control, labor rate, use of precedents)
- **REDUCE** — Actions rejected or withdrawn, cost



Preview of Closing Session Feedback Areas

- Was workshop effective in meeting objectives?
- What parameters can be used to assess licensing submittal quality?
- What lessons learned can you integrate into your routine licensing practices?
- Suggestions for improving communications at NRC-licensee interface?
- Need for follow-on workshops?

New York State Utilities - NRC

Con Edison



RG&E

Niagara Mohawk



Licensing Workshop

September 20-21, 2000

James A. FitzPatrick Training Center
Lycoming, NY



**New York Power
Authority**

***Welcome to the NRC - New
York State Licensing Workshop***

September 20-21, 2000

**James A. FitzPatrick Training Center
Lycoming, NY**

Licensee Attendees

■ Consolidated Edison

- Ed Goetchius

■ Rochester Gas & Electric

- George Wrobel

- Tom Harding

■ NYPA

- John J. Kelly

- Charlene Faison

- George Tasick

- Mark Abramski

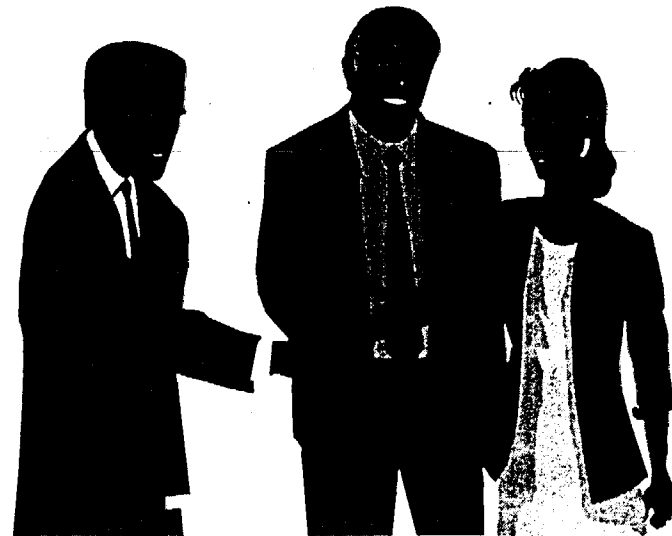
■ Niagara Mohawk

- Denise Wolniak

- Steve Leonard

An opportunity to improve communications

- *...between NRC staff members and licensing managers.*



Licensing Workshop Objectives

Utility Perspective

- Enhanced Regulatory Interface
- Better Understanding of Entire Licensing Process
- Improved Licensing Submittal Quality
- Exchange of Information on Current Topics

Licensing Workshop Desired Outcome

Utility Perspective

- Improved Business Relationships Between the Utility Licensing Managers and their NRC NRR Project Manager Counterparts -- which leads to



- ***...more effective use of available licensee and staff resources***

Agenda - Morning Day 1

■ 10:30 - 11:00 Introduction

| *Discussion Leaders: Faison (NYPA) and Gamberoni (NRC)*

■ 11:00 - 12:00 PM Responsibilities & Licensing Interface

| *Discussion Leader: Milano (NRC)*

■ 12:00 - 1:00 *Lunch*

Agenda - Afternoon Day 1

- 1:00 - 2:00 Licensing Submittal Quality and Timelines
 - | *Discussion Leaders: Gamberoni (NRC) and Wunder (NRC)*
- 2:00 - 3:00 Amendment Requests (NRR OL 803) including 10 CFR 50.30(b)
 - | *Discussion Leader: Vissing (NRC)*
- 3:00 - 4:00 Relief Requests (NRR OL 808)
 - | *Discussion Leader: Wolniak (NMPC)*
- 4:00 - 4:30 Task Interface Agreement (TIA)
 - | *Discussion Leaders: Kokolakis (NYPA) and Adensam (NRC)*

Agenda - Morning Day 2

■ 8:30 - 9:30 RAIs

- Informal vs. Formal Communication

- Experience since summer 1998

- | *Discussion Leaders: Goetchius (ConEd) and Tam (NRC)*

■ 9:30 - 10:00 Notice of Enforcement Discretion (NOED)

- | *Discussion Leader: Tasick (NYPA)*

■ 10:00 - 11:00 Improved Technical Specification Review Process

- | *Dicsussion Leaders: Vissing (NRC) and Tasick (NRC)*

■ 11:00 - 11:30 10 CFR 50.59

- | *Discussion Leader: Wrobel (RGE)*

Agenda - Afternoon Day 2

■ 11:30 - *Working Lunch*

■ 11:30 - 12:30 NRC Billing Process

| *Discussion Leader: Tam (NRC)*

■ 12:30 - 12:45 Wrap Up

| *Discussion Leaders: Faison (NYPA) and Gamberoni (NRC)*

Task Interface Agreements (TIAs)

- TIA process described in NRR Office Letter 1201, Rev. 2 (July 26, 1999)
- TIA responses can result in a determination of non-compliance
- Concern: Need for licensee input before TIA response is finalized.

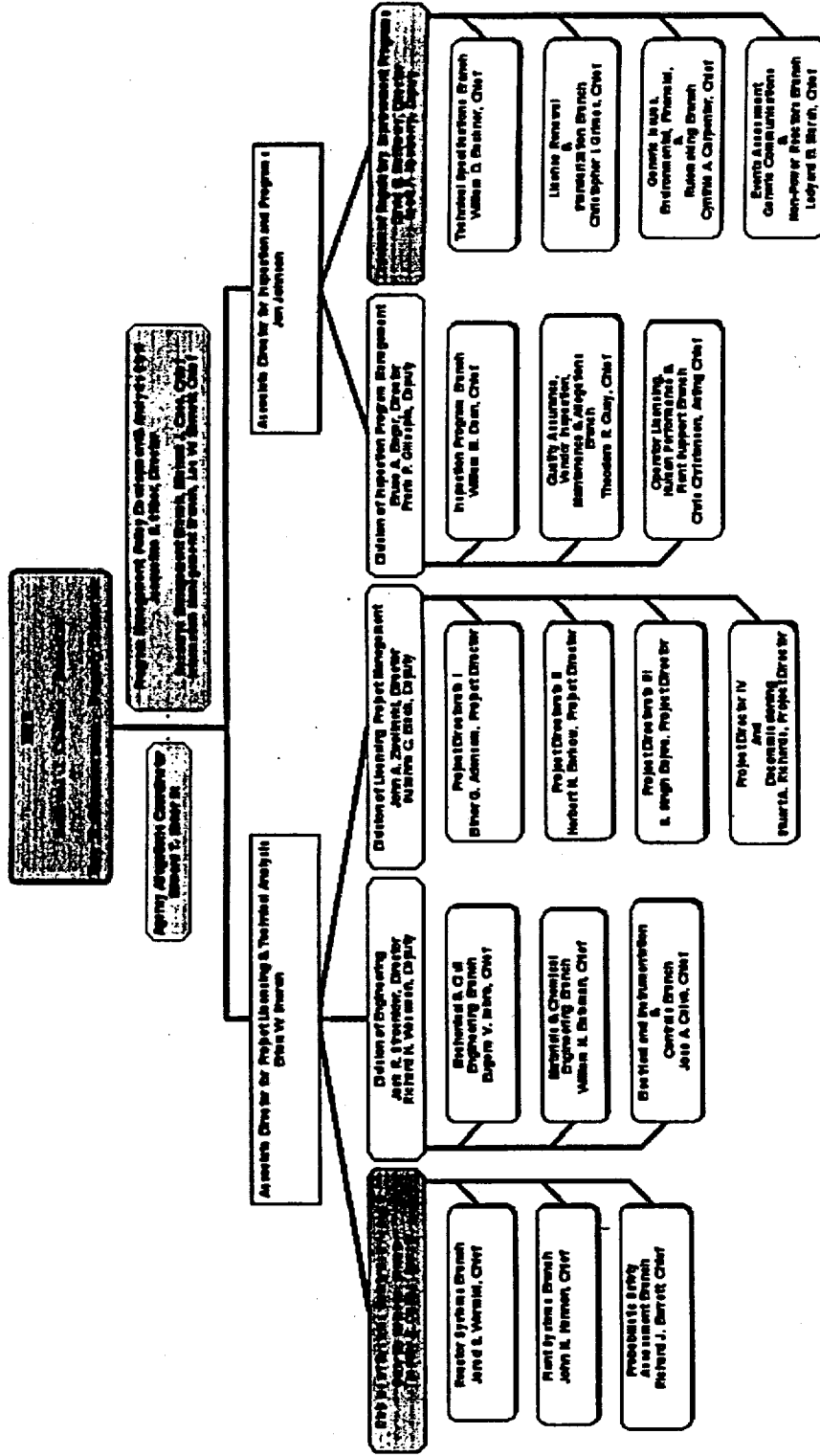
PROJECT MANAGER RESPONSIBILITIES AND LICENSING INTERFACE

NRC LICENSING WORKSHOP WITH LICENSEES IN NEW YORK STATE

September 20, 2000

**Patrick D. Milano
Project Directorate I
Section I**

NRR Organization- Branch Level



Revised or Updated: January 7, 2000 Contact point: S. Bell PARS FPRR

OFFICE OF NUCLEAR REACTOR REGULATION

Sam Collins, Director

Roy Zimmerman, Deputy Director

Responsible for ensuring the public health and safety through licensing and inspection activities at all nuclear power reactor facilities in the United States. Responsible for the oversight of all aspects of licensing and inspection of manufacturing, production, and utilization facilities (except for facilities reprocessing fuel and performing isotopic fuel enrichment), and receipt, possession, and ownership of source, byproduct, and special nuclear material used or produced at facilities licensed under 10 CFR Part 50. Develops policy and inspection guidance for programs assigned to the regional offices and assesses the effectiveness and uniformity of the region's implementation of those programs. Identifies and takes action in coordination with the regional offices regarding conditions and licensee performance at such facilities that may adversely affect public health and safety, the environment, or the safeguarding of nuclear facilities and assesses and recommends or takes action in response to incidents or accidents. Responsible for licensing issues and regulatory policy concerning reactor operators, including the initial licensing examination and requalification examinations; emergency preparedness, including participation in emergency drills with federal, state, and local agencies; radiation protection; security and safeguards at such facilities, including fitness for duty; and the inspection of nuclear component supplier facilities. NRR responsibilities include the technical review, certification, and licensing of advanced nuclear reactor facilities and the renewal of current power reactor operating licenses.

Associate Director for Technical Review

Brian Sheron

Mission:

Provides management direction of technical evaluations and assessment of technical issues including: systems safety, engineering, operator licensing, licensee and vendor quality programs, risk assessment, and human factors. Reviews and evaluates quality assurance aspects of nuclear facility licensees and applicants and initial/pre-operational test programs and special test programs. Interacts with the other directors to resolve or recommend resolution of policy on major office-level programmatic issues.

Division of Licensing Project Management

John Zwolinski, Director
Suzanne Black, Deputy Director

Implements the policy, programs, and activities, including coordinating licensing and technical reviews associated with the overall safety and environmental project management for individual power reactors located in the Regions.

Operating Plant Project Directorates

Performs the overall safety and environmental project management and monitors routine operations of power reactors in the Regions. (Reactors owned by one utility or related utilities will be generally assigned to the same project directorate.) Manages the review and processing of license amendments and other requests requiring NRC approval. Serves as headquarters contact with licensees, the Regions, and other stakeholders in matters pertaining to assigned facilities. Coordinates other licensing tasks such as evaluating information received from licensees in response to NRC requests, preparing responses to public petitions and correspondence, and providing assistance to the Regions or other NRC organizations. Coordinates and provides presentations to the Commission, ACRS, industry groups, and other government offices on specific projects and subjects.

Decommissioning Project Directorate

Develops and implements decommissioning policy; and provides project management and technical review of reactor projects being decommissioned in NRR (similar to functions described above for project directorates for operating plants).

DLPM Re-invention and Implementing Plan

History

OIG Audit of the NRR Project Manager (PM) Function (dated July 13, 1998)

Report concluded that the PM job expectations needed to be ...

- **Re-evaluated**
- **Clearly defined, and**
- **Communicated to the staff.**

NRR Office Director requested DLPM to define its organization

May 14, 1999 - DLPM Management Retreat

Define Functional Responsibilities

Stakeholder involvement and Feedback

Retreat Outcomes (functional responsibilities)

1. Primary responsibility for conducting the reactor licensing program.

Goal - Centralize and improve the control of licensing-basis information

2. Primary responsibility for improving the reactor licensing program.

Goal - Centralize and approve the control of licensing-basis information and the associated regulatory framework.

3. Primary HQ responsibility for ensuring that the various programs within the Nuclear Reactor Safety strategic arena are coordinated in terms of outputs and communications.

Goal - Ensure that the various components of the Reactor Safety strategic arena are providing consistent and clear messages and direction to stakeholders.

4. Supportive role in providing plant-specific information to staff and management associated with the Nuclear Reactor Safety strategic arena.

Goal - Ensure efficiency and limit calls to regional personnel in supported of HQ activities.

Goal - Ensure consistent messages (increase public confidence) by minimizing points-of-contact for plant specific information.

DLPM Implementation Plan (Who we are and what we do)

Defines DLPM Program Areas as:

- *Licensing Authority (Expectation - Licensing Expert For Plant)*

Center of knowledge of plant design, design basis and current licensing basis:

Licensing actions and activities

Current issues

FSAR/USAR

10 CFR 50.59 changes

TIAs

Enforcement

Applicability of generic communications / Lead PM for multi-plant actions

Incident response

Event assessment and follow-up

Decommissioning

10 CFR 2.206 Petitions and Allegations

Program Areas- continued

- ***Interfaces (Expectation - Point of Contact for Plant)***

Communications with:

Management
Licensee
Region
Public
Other NRC offices
Other government agencies

- ***Regulatory Improvements***
- ***(Expectation - Development of licensing rules and guidance)***
- ***Planning***

(Expectation - Forecasting, planning, scheduling, budgeting, and coordinating license actions and activities for NRR)

DIVISION OF LICENSING PROJECT MANAGEMENT (DLPM)

DLPM Efforts (products) Include:

1. Event Support and Coordination, for example:

- Respond to related controlled correspondence
- Process related 2.206 Petitions
- Brief Senior NRC management on overall activities
- Coordinate meetings
- Facilitate/coordinate briefings of external stakeholders
- Use media to facilitate public outreach (such as event/NRC information WEB site)
- Maintain Event/Project Timeline

2. Project management/Licensing actions

Goals

- Complete at least 1500 licensing actions during FY2000 (through 9/00 - 1460 LAs completed) .
- Maintain 95% of the licensing action inventory at or below 1 year and 100% of the inventory at less than or equal to two years old.
- Complete 800 other licensing actions during FY2000
- Address 2.206 petitions within 120 days from the time the petition is acknowledged.

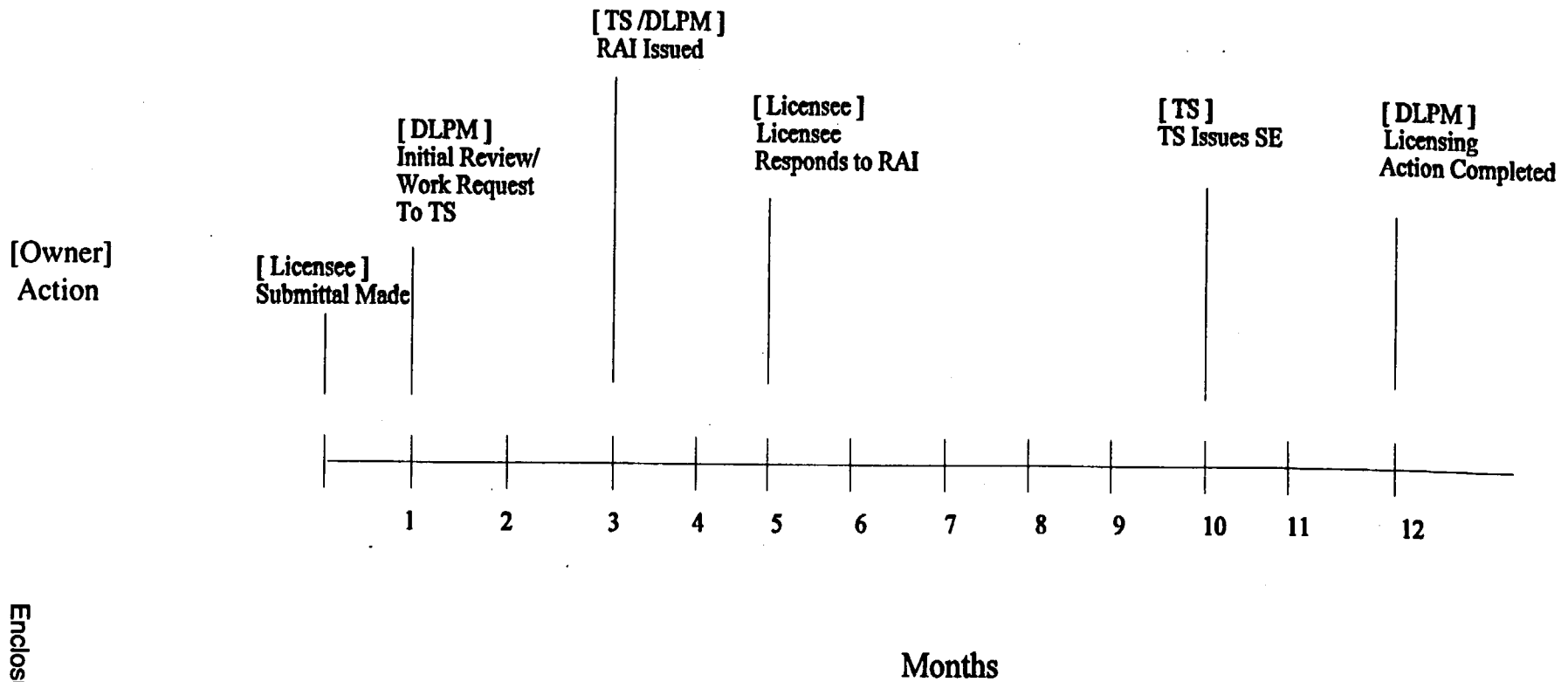
3. Decommissioning (rulemaking and project management)

Continuing Integration and Development

- ADAMS
- PBPM Process
- Work Planning Center/Control

LICENSING ACTION MILESTONES

TO MEET ONE YEAR AGE GOAL



Relief Requests

- Definition of "burden"
- Verbal approvals of alternates
- Expectations for review time
- Feedback on quality of submittals

Task Interface Agreements (TIAs)

SEPTEMBER 2000

TIAs - Current Status

(as of AUGUST 31, 2000)

■ Inventory; Total - 11

- ▶ Region 1 - 1
- ▶ Region 2 - 2
- ▶ Region 3 - 8
- ▶ Region 4 - 0

■ FY 2000

- ▶ Closed - 31
 - ▶ Opened - 23
-

NEI COMMENTS ON OL 1201, REVISION 2

- Opportunities for Licensee Input
 - Licensee participation in the TIA process
 - Consider need for licensee input into the TIA process
 - Minimize the predecisional classification
 - Licensee receipt of TIA request
 - No surprises! Include licensees in the process, beginning, middle and end.
-

NRC VIEWS

- Licensees can be a valuable information resource
 - Retain flexibility in communicating internally
 - OL provides decision points on release of information and licensee interaction
 - Expectation is that licensees are aware of regional issues
 - Issue of release of TIA requests is under discussion
-

NRC VIEWS

- Concerns with surprises should be addressed through increased interactions during the review.
 - In future, OL may address special circumstances: Operability determinations and LCOs
 - Handle generic issues through generic issue processes vs. Establishing positions in TIA responses
-

TIAs - Challenges

- Defining Generic Issues and Implementing Their Resolution
 - Communicating with the industry and resolving their concerns
 - Risk informing TIAs
-

LICENSING WORKSHOP

- NOED will be issued for a departure from TS that is not:
- addressed by 10CFR50.54(x)
- a result of the failure to apply for a TS amendment in a timely manner

LICENSING WORKSHOP

- NOED Process described in NRC Administrative Letter 99-05 Rev. 2 (July 27, 1999)
- NOED Criteria:
- Situations Affecting Radiological Safety
- Situations Arising From Severe Weather or Other Natural Events

LICENSING WORKSHOP

- Situations involving Radiological Safety NOED criteria:
- Operating Plant - Avoid undesirable transients or eliminate undesirable testing, inspection or system realignment.
- Shutdown - reduce shutdown risk by avoiding inappropriate testing, inspection or system realignment.

LICENSING WORKSHOP

- Situations involving Radiological Safety
NOED criteria (continued):
- Attempting Startup - Need for NOED is expected less often since a delay in starting up does not usually leave the plant in condition where it would experience undesirable transients.

LICENSING WORKSHOP

- Severe Weather or Natural Events Criteria:
- Severe weather or other natural events may result in a government entity or responsible independent entity making the assessment that the need for power and immediate overall public (non-radiological) health and safety considerations constitute an emergency situation.

LICENSING WORKSHOP

- Region issued NOED is appropriate when the noncompliance is nonrecurring, will not exceed 14 days in duration and a license amendment is not practical because the plant will return to compliance in a short time.

LICENSING WORKSHOP

- NRR issued NOED may address:
- Noncompliance with an element specified in a LCO until the element can be revised by a license amendment.
- A noncompliance with an action statement time limit for which a license amendment will be processed.

LICENSING WORKSHOP

- NRR issued NOED may address (continued):
- A noncompliance with a surveillance interval or change to a surveillance requirement that will be incorporated by an amendment.
- Follow-up exigent amendment submitted within 48-hours.

LICENSING WORKSHOP

- Enforcement:
- Noncompliance with TS.
- Enforcement action will normally be taken for any violations that contributed to the root causes leading to the noncompliance.
- NOED is not a substitute for TS compliance or for requesting a license amendment.

SCOPE OF 50.59 EVALUATION (VS. SCREEN)

4.2.1 of NEI 96-07 Draft Rev. 1 defines "change" as an activity which affects an SSC design function as credited in the safety analysis.

Recent history/practice is to perform 50.59 evaluation if an activity affects an SSC as described in the UFSAR.

Discussion Topic:

Scope of 50.59 appears to diverge from NEI 96-07 by use of term "as credited in Safety Analysis".

Note that current 50.59 and proposed 50.59 both ask 7 or 8 questions regarding the effect of the change on:

- accidents as described in the UFSAR
- malfunctions of equipment important to safety as described in the UFSAR

These 7/8 questions imply more limited scope of 50.59 per 96-07 Rev. 1 guideline.

Background

- **Final rule approved June 22, published October 4, 1999 (64 FR 53582)**
- **Rule revisions become effective 90 days after approval of guidance**
- **RG is planned to be endorsement of NEI 96-07 (revision)**

Changes to Rule Requirements

- **Organization and format**
- **Definitions (change, facility, departure from method...)**
- **Screening capability (using definitions)**
- **Evaluation criteria (“minimal” increases, design basis limits, departure from methods of evaluation)**
- **Other clarifications and conforming changes**

DG-1095 Timeline

- **SECY-00-0071 dated March 24, 2000, forwarded draft RG to Commission for information**
- **Draft RG issued for public comment (FR notice, web site posting, mailing) on April 25**
- **45 day comment period ended June 9**
- **Final RG (reflecting resolution of comments) due to Commission in September 2000**
- **Upon approval by Commission (and FR notice), rule becomes effective in 90 days - estimated to be February 2001**
- **Section 72.48 effective date is April 5, 2001**

Regulatory Guide Contents

DG-1095 proposed to endorse NEI 96-07 with the following clarifications and additions

- **Screening on (adversely) affects design function**
 - **understanding of design function definition**
 - **screen on “affect” not on whether a design function if function is in FSAR**
 - **relocation of text on “adversely” affect under 4.2.1.1**
 - **evaluation not screening if new analyses needed**
- **Relationship to Maintenance assessments**
 - **activity must be needed to support maintenance**
 - **discussion about how requirements apply to modifications**

Regulatory Guide Contents (continued)

- **Guidance on increases in likelihood of malfunction**
- factor of 2 at component level
- **Methods**
- clarifications about using a plant-specific “approvals” as the basis, relevant plant differences and slight modifications need to be assessed on the basis of “essentially the same”
- **License renewal coverage**
- **Section 72.48 Applicability**

Comments on DG-1095

- **Comments sent by NEI, utilities endorsing those comments and from a few individuals**
- **Issues**
 - **Screening (functions in SAR not “design functions”)**
 - **Engineering assessments for screenings (not evaluations)**
 - **Methods**
 - **Fire protection**
- **NEI-Proposed changes to NEI 96-07 (as result of DG process)**
 - **meaning of design function**
 - **guidance on adverse effects**
 - **other clarifications (mission doses, human actions, maintenance procedures)**
- **Transition questions**

Transition Topics

- **Timing of licensee Implementation**
 - what happens if programs and training not complete in 90 days? (Revised rule is relaxation)
 - exemption not required if implementation is delayed
- **Evaluations in progress**
 - at what point in process is revised rule to be used
- **Applicability to evaluations performed in the past**
- **Maintenance rule implementation coordination**
 - see SRM on maintenance rule RG
- **Other questions (e.g., applicability of other NRC documents)**

Implementation

- **New baseline inspection program includes procedure to inspect sample of 50.59 evaluations**
- **Part 9900 inspection guidance (used for reference), will be issued shortly after issuance of final RG**
- **Training for NRC staff will be conducted on the revisions to the rule and what the guidance contains**
- **Enforcement policy discussed in May 2000 Federal Register Notice of revised policy**