

November 16, 2000

MEMORANDUM TO: John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

FROM: Suzanne C. Black, Deputy Director **/RA/**  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MEETING HELD ON SEPTEMBER 20, 2000, BETWEEN  
NRC STAFF AND INDUSTRY LICENSING ACTION TASK FORCE

Members of the staff of the U.S. Nuclear Regulatory Commission (NRC) hosted a meeting with representatives of the Nuclear Energy Institute (NEI) and licensees comprising the Licensing Action Task Force (LATF) on September 20, 2000, at NRC Headquarters in Rockville, Maryland. This meeting was open to the public. A list of attendees is provided as Attachment 1. An agenda of the meeting provided by the LATF is included as Attachment 2. Attachment 3 contains information regarding the NRC's effort to collect data on the safety and/or burden reduction value of NRC products. Attachment 4 is a summary table that will be included in the next revision of Office Letter 807, "Control of Licensing Bases for Operating Reactors." Attachment 5 is one example of an evaluation format that would result from the standardization of licensing action requests.

Topics discussed included the status of a proposed process to deal with unintended technical specification actions (UTSA's), NRC's effort for reducing unnecessary regulatory burden, the status of the consolidated line item improvement process (CLIIP), industry feedback regarding various Office of Nuclear Reactor Regulation (NRR) office letters, the status of a proposed process to deal with TS bases/technical documents changes, the proposed effort to standardize licensee submittals and NRC safety evaluations, and a brief status of other issues. A summary of the discussions is provided below:

#### 1. UNINTENDED TECHNICAL SPECIFICATION ACTIONS

NRC's Office of General Counsel (OGC) had discussed at previous meetings that the proposed process to deal with unintended technical specification actions (UTSA's) did not comply with the Atomic Energy Act. Industry representatives expressed that they were disappointed with that position, especially since much effort has been expended by both industry and NRC regarding this issue. Nuclear Energy Institute (NEI) representatives requested a written response outlining NRC's position.

As a lesson learned from this issue, industry representatives recommended getting OGC input early in order to more efficiently utilize NRC and industry resources.

It was discussed that the amendment request submitted to pilot this proposed process (see Sequoyah amendment request dated August 30, 1999) would be withdrawn.

## 2. NRC'S EFFORT TO REDUCE UNNECESSARY REGULATORY BURDEN

Jack Strosnider, Director of NRR's Division of Engineering, conducted a brief presentation regarding NRC's effort to collect information, on a voluntary basis, to support measuring the safety and/or burden reduction value of NRC products (a separate public meeting was held the afternoon of September 20, 2000, to discuss this issue in more detail). Briefing handouts are included as Attachment 3. The information collected from licensees would facilitate NRR's ability to assess its performance against the desired outcomes of (1) maintaining safety, (2) reducing unnecessary regulatory burden, (3) increasing public confidence, and (4) increasing NRC's effectiveness and efficiency. Generally, the NRC would like licensees, on a voluntary basis, to address how the submittal will help meet the desired outcomes. This information would allow a better connection between NRR's outputs (license amendments, exemptions, reliefs, etc.) and the desired outcomes, and would enhance NRR's planning, budgeting, and performance management (PBPM) process. Further details of the information needed to accomplish this assessment would be discussed in the separate public meeting.

A *Federal Register* (FR) notice describing this effort and requesting input from interested stakeholders will be published.

## 3. CONSOLIDATED LINE ITEM IMPROVEMENT PROCESS (CLIIP)

NRC representatives stated that a FR notice for comment regarding the CLIIP was published on August 11, 2000. The next step will be to publish an FR notice of availability for the removal of the post-accident sampling system (PASS) which was chosen as the issue to pilot the new CLIIP. At the time of the publication of the FR notice of availability, the NRC will place, on its website, a model application which will provide an example of the detail and content.

NEI representatives stated that they submitted comments on the CLIIP on September 11, 2000, that generally supported the process as proposed. Feedback from the industry is positive and industry is very interested in the first test of the process. The industry is very much interested in ensuring the success of the process.

Industry's primary focus is to discuss what kinds of changes could utilize this process and how these changes could be prioritized. Industry representatives see a need for processes to be implemented for incorporating line item improvements related to (1) Technical Specification Task Force (TSTF) improvements, (2) custom technical specification plants, and (3) other generic improvements. NEI would like, by the next LATF meeting, to have a schedule of subsequent projects for implementation of the CLIIP.

The NRC offered that all risk-informed TSTF's are planned to be implemented via the CLIIP, when ready.

#### 4. NEI'S COMMENTS REGARDING VARIOUS NRR OFFICE LETTERS

##### A. Revision 3 to OL 803, "License Amendment Review Procedures" (accession number ML993550418)

NEI stated that the general feedback from the industry is good regarding content of, and adherence to, guidance. As an example, the request for additional information (RAI) process is less burdensome. NEI is drafting a comment letter on Revision 3 to OL 803 and will forward to the NRC in the near future.

Specific comments include the role of OGC in reviewing licensing actions. The industry states that they are unclear as to when and why OGC review is required.

Industry requested that further clarification of when oath and affirmation are required be included in the next revision. NRC representatives stated that the current staff position regarding oath and affirmation is that all license amendment requests and all supplements thereto must be submitted under oath and affirmation (this is currently different than the guidance contained in Revision 3 to OL 803). Industry representatives did not agree with this interpretation and requested further discussion on this topic. Industry was concerned about how this would be communicated to the industry. In response, the NRC representatives stated that this issue would be communicated to the industry at the NEI Licensing Information Forum which is scheduled for early November 2000. Another opportunity to communicate the NRC's position may be to publish a Regulatory Information Summary and subsequently codify this guidance in the next revision of OL 803.

Guidance regarding risk information was included in Revision 3 to OL 803. Industry was surprised that this information was included given that, at the time that Revision 3 was issued, the staff had not responded to the Commission's Staff Requirements Memorandum (SRM) regarding the use of risk-informed information. NRC representatives stated that this information was included to give general guidance regarding when the Probabilistic and Safety Assessment Branch should be consulted and that the guidance was still applicable after the staff responded to the SRM.

##### B. Revision 2 to OL 1201, "Control of Task Interface Agreements"

Industry representatives have forwarded comments via a letter dated November 1, 1999, (ML993420095) regarding Revision 2 of OL 1201. The industry reiterated that they would encourage more involvement of licensees and increased communications with licensees during the resolution of task interface agreements (TIAs) especially if the TIA deals with policy issues.

Additionally, industry representatives encouraged increased sensitivity to TIA's that involve generic issues and the proper use of information involving the resolution of TIA's. The industry gave two examples of TIA's which they feel exhibited inappropriate use of information. In both cases, the industry stated that information was used by the

regions to cite violations even though the TIA had not been fully resolved. The industry also gave an example that they felt exhibited the proper use of a TIA.

- C. OL 807, "Control of Licensing Bases for Operating Reactors," (ML003693397), OL 808, "Relief Request Review," (ML003726878), OL 900, "Managing Commitments Made by Licensees to the NRC," (ML003692416)

NEI had no specific comments regarding these OL's. OL 808 and 807 were cited as good training documents. A summary table regarding control of licensing bases was distributed (see Attachment 4) and will be included in the next revision of OL 807.

## 5. TECHNICAL SPECIFICATION BASES AND TECHNICAL REQUIREMENTS MANUAL CHANGES

A draft NEI whitepaper entitled "Standardized Change Process for Technical Specification Bases and 'Technical Requirements' Documents" was distributed at the last LATF meeting held on June 28, 2000, (see meeting summary - ML003744792). The proposed process would cover changes to TS Bases and Technical Requirements Manual (TRM) and could be utilized by plants that have custom or standard TSs.

NRC representatives stated that, in general, the whitepaper outlined an appropriate way to handle such changes. Providing a clear and already-existing means for control of such changes is highly desirable. Changes to the bases could be controlled in accordance with 10 CFR 50.59 if custom TS plants would add a bases control program to their existing TS (this could be accomplished via the CLIIP when it is available). Changes to the TRM could be controlled by 10 CFR 50.59 and 50.71 by ensuring that the TRM was (1) part of the Updated Final Safety Analysis Report (UFSAR), (2) incorporated into the UFSAR by reference, or (3) establishing a TRM control program.

## 6. NRC REPORTING OF REACTOR TRIPS

Frank Congel from the NRC's Incident Response Organization (IRO) attended the meeting at the industry's request to discuss the NRC's public reporting of reactor trips. The issue is the high cost of replacement power that may result due to the market's knowledge of a plant's unavailability. The IRO reports by 6:00 a.m. daily to the Commission (and places on the NRC website) the operational status of every plant. Industry representatives asked if the posting of information in the public domain could be completed at a later time in the day. NRC representatives stated that it could not answer the question at this time but would need to investigate factors such as the public availability of such information from other sources. It was recommended that the industry should codify its position in writing and forward it to the NRC.

## 7. STANDARDIZATION OF LICENSING SUBMITTALS

NEI is working on standardized format for licensing action requests and has incorporated feedback from licensees.

NRC representatives distributed an example of a format that would support the production of a standardized safety evaluation (see Attachment 5). NRC will prepare a standard format for a safety evaluation.

It was agreed that industry and the NRC will continue to develop this effort and to discuss it at the next LATF meeting.

## 8. OTHER ISSUES

### Reporting Requirements

The industry provided a list of current reporting requirements that may be considered for revision or deletion (see Attachment 1). This list is intended to be a starting point for discussion with the NRC.

The NRC offered some issues that may govern reporting requirements including public availability of the reports.

It was agreed that the NRC would research internal need to review the listed reports.

Attachments: As stated

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Attachments: As stated

### DISTRIBUTION:

PUBLIC	J. Shea	J. Zimmerman
PDI-2 Reading File	R. Croteau	L. Padovan
L. Burkhart	J. Strosnider	R. Hernan
T. Clark	F. Congel	R. Dennig
J. Zwolinski/S. Black	B. Reckley	C. Marco
OGC	L. Raghavan	S. Richards
ACRS	H. Berkow	R. Gramm
E. Adensam	R. Emch	S. Dembek
M. Gamberoni	R. Correia	M. Masnik
J. Clifford	S. Bajwa	G. Suh
A. Mendiola	C. Craig	

Accession Number: ML003762439 \*SEE PREVIOUS CONCURRENCES

OFFICE	LA:PDI-2	PM:PDI-1	PM:PDIV-1	DD:DLPM
NAME	Tclark*	Lburkhart*	WReckley*	SBlack
DATE	11/6/00	11/7/00	11/7/00	11/15/00

OFFICIAL RECORD COPY

November 16, 2000

LICENSING ACTION TASK FORCE MEETING

SEPTEMBER 20, 2000

LIST OF ATTENDEES

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Jack Strosnider	NRC/NRR/DE
Frank Congel	NRC/IRO
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Lawrence Burkhardt	NRC/NRR/DLPM
L. Raghavan	NRC/NRR/DLPM
Rick Croteau	NRC/NRR/DLPM
Tracy Clark	NRC/NRR/DLPM
Jacob Zimmerman	NRC/NRR/DLPM
L. Mark Padovan	NRC/NRR/DLPM
Ron Hernan	NRC/NRR/DLPM
Bob Dennig	NRC/NRR/DRIP
Catherine Marco	NRC/OGC
Alex Marion	NEI
Mike Schoppman	NEI
James Fisicaro	Duke Energy
Pedro Salas	TVA
Steve Wideman	WCNOC/TSTF
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Joe Kelly	FTG
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