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5/3/01

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NUCLEAR GENERATION

(2)

May 29, 2001

Chief, Rules and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T-06 D59
Washington, DC 20555-0001

SUBJECT: Workshop on Reducing Unnecessary Regulatory Burden

The subject workshop was noticed in the *Federal Register* on May 3, 2001 (66 FR 22134). Initial NEI comments in response to the notice were submitted to you by letter dated May 11, 2001.

The purpose of the May 11 letter was to provide NRC with a draft list of burden-reduction issues that have been identified over the past several years. NEI has updated the draft list and compiled a final draft for use at the NRC workshop on May 31, 2001. The final draft list is attached.

Please contact me at (202) 739-8109 (lxh@nei.org) or Mike Schoppman at (202) 739-8011 (mas@nei.org) if you have any question or desire further communication regarding NEI participation in the workshop.

Sincerely,

Lynnette Hendricks

Attachment

Template = ADM-013

E-RIDS = ADM-03
Call = M. KARABELNIKOVA (MMK)



Public Workshop on Reducing Unnecessary Regulatory Burden While Maintaining Safety May 31, 2001

NEI Issue Matrix

- NOTE 1: The row of numbers at the top of the table indicate the references that were reviewed to identify the issues in the first column. The title of each reference is listed on page 11 at the end of the matrix.
- NOTE 2: The notations within the matrix (e.g., Section, Table, Enclosure, and Attachment numbers) direct the reader to the location within the given reference where the associated issue is discussed.
- NOTE 3: The issues have been "binned" by category in the last column. The categories are shown at the bottom of each page of the matrix:
- | | | |
|--|--|-------------------|
| BIN A1 = New action (short term, < 1 year) | BIN B1 = Work in progress (short term) | BIN C = Completed |
| BIN A2 = New action (mid term, 1-3 years) | BIN B2 = Work in progress (mid term) | BIN D = Drop |
| BIN A3 = New action (long term, > 3 years) | BIN B3 = Work in progress (long term) | |
- NOTE 4: The binning reflected in this edition of the matrix (5/29/01) is preliminary. NEI staff and LATF peer review is in progress.
- NOTE 5: The summary section of the Federal Register noticing the May 31 public workshop (66FR22134), states "this workshop will focus on three areas: Risk informing portions of 10 CFR Part 50, reforming outdated or paperwork oriented regulations, reviewing other regulatory requirements (e.g., technical specifications) for burden reduction opportunities." The focal point(s) for each Bin A or Bin B issue is stated in the first column of the table as:
- ❖ Risk informing Part 50 (or, Risk informing Part 70)
 - ❖ Paperwork reduction
 - ❖ Other regulatory process
- NOTE 6: In column 12, the designation "LATF" means that the issues is within the scope of the Licensing Action Task Force.
- NOTE 7: In column 12, the designation "X" means that the issue is within the scope of an industry group other than the LATF.

| ISSUE MATRIX | DOCUMENTS THAT TRACK EVOLUTION OF THE ISSUE (see list of references on page 11) | | | | | | | | | | | | BIN |
|---|---|------|------|--------------------|---------|---------|---|---|--------------------|----|----|------|-----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| Anticipated transients without scram (10 CFR 62) • <i>Prescriptive rule. Hardware-oriented QA requirements associated with ATWS could be reassessed using a "graded QA" approach.</i> ❖ Risk informing Part 50 | | | | Table 2 | | | | | App A | √ | | | A3 |
| Antitrust Review (10 CFR 50.33a & App. L) • <i>Not a safety issue. Could be eliminated from NRC jurisdiction.</i> ❖ Paperwork reduction | §3.3 §3.10 | | | Table 2 | Table 2 | | | | | | | X | B1 |
| Backfit Rule (10 CFR 50.109) • <i>The regulation should not be interpreted to preclude reduction of non-safety requirements.</i> | §2.5 | | | | | Encl 15 | | | App A | | | X | D |
| BWR Main Steam Isolation Valve Leakage Control Systems • <i>Elimination of this system would improve safety. The issue has been resolved on a plant-specific basis.</i> | §3.24 | §3.0 | | Table 3 Table 4 | Table 2 | | | | | | | | C |
| Changes, tests, & experiments (10 CFR 50.59) • <i>The near-term issue (interpretation of "margin-to-safety" and other terms) has been resolved by rulemaking and NRC endorsement of NEI Guideline 96-07. However, the regulation is a candidate for risk-informed improvements.</i> ❖ Risk informing Part 50 | | | | Table 2 | Table 2 | | | | §2.3.12 §2.3.19 | √ | | X | B3 |
| Codes and Standards (10 CFR 50.55a) • <i>There are a variety of "codes & standards" issues. For example, risk-informed inservice inspection, development of standards for the use of risk information, and the complexity of 50.55a.</i> ❖ Risk informing Part 50 ❖ Other regulatory process | §3.4 | | | Table 2 | Table 2 | | | | §2.3.7 App A | √ | | LATF | B3 |
| Combustible Gas Control (10 CFR 50.44) • <i>Eliminate the regulation based on a better understanding of phenomenology & the use of risk-informed concepts.</i> ❖ Risk informing Part 50 ❖ Other regulatory process | §2.11 | | §4.0 | Table 2 | Table 2 | Encl 11 | | | | √ | | X | B1 |

BIN A1 = New action (short term, < 1 year)
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 BIN A3 = New action (long term, > 3 years)

BIN B1 = Work in progress (short term)
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|--|---|------|---|--------------------|---------|---------|--------|-------|--------|----|----|----|-----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| Commercial Grade Procurement & Dedication • Given the changing nature of the supplier marketplace, flexibility is needed to assist licensees in dedicating commercial grade items for safety functions. ❖ Risk informing Part 50 ❖ Other regulatory process | §3.2 | | | | | Encl 10 | Encl 4 | Att 7 | §2.3.1 | | | X | B1 |
| Commitment Management • Resolved in large part through NEI Guideline 99-04 and Regulatory Issue Summary 2000-17. NEI is reviewing the process from a risk-informed perspective. ❖ Risk informing Part 50 ❖ Other regulatory process | | | | | | | | | §2.3.2 | | | X | B3 |
| Computer Software • Generate guidance to facilitate the use of digital computer systems. ❖ Other regulatory process | | | | Table 4 | | | | | | | | X | B2 |
| Construction Permits (10 CFR 50.55(e)) • Check consistency among 10 CFR 50.55(e), 10 CFR 21, and QA requirements. ❖ Paperwork reduction ❖ Other regulatory process | §3.5 | | | Table 2 | | | | | | | | | B3 |
| Containment Leakage Testing (10 CFR 50 App. J) • The issue (performance-based testing) was resolved by rulemaking in 1995. However, the regulation is a candidate for risk-informed improvements. ❖ Risk informing Part 50 | §2.12 | §2.0 | | Table 2 Table 3 | Table 2 | Encl 18 | Encl 7 | Att 6 | | √ | | X | B3 |
| Contents of Applications (10 CFR 50.34) • A candidate regulation for risk-informed improvements and to establish consistency among guidance documents (e.g., Reg. Guides and SRP) ❖ Risk informing Part 50 | | | | | | | | | | √ | | | B2 |
| Control of Heavy Loads (NUREG-0612) • The issue (establish plant-specific heavy loads management programs consistent with the intent of NUREG-0612) has been resolved on a plant-specific basis. | §3.29 | | | | | | | | | | | | C |
| Control Room Habitability • A plant-specific design basis & compliance issue. ❖ Risk informing Part 50 ❖ Other regulatory process | §3.22 | | | Table 4 | Table 2 | | | | | | | X | B1 |

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|--|---|------|---|--------------------|---------|---------|--------|---|------------------|----|----|----|-----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| Criticality Accident Analysis • A candidate regulation for risk-informed improvements and to ensure consistency among guidance documents (e.g., Reg. Guides and SRP) ❖ Risk informing Part 50 | | | | | | | | | | √ | | | B2 |
| Decommissioning • Check consistency with license termination requirements (10 CFR 50.82) and interfaces with other programs (e.g., security and emergency preparedness, etc.). ❖ Other regulatory process | | | | | | | | | §2.3.3 | | | X | B1 |
| Design Basis (10 CFR 50.34) • The issue (clarify the definition of "design basis") has been resolved through revision of NEI Guideline 97-04, "Design Basis Program Guidelines." | | | | Table 2 | | | | | §2.3.10 App A | | | X | C |
| Design Basis Tornado • Update 1974 regulatory guidance. Subsume this issue into a broader review of Regulatory Guides and SRP sections for consistency with current information. | | | | Table 4 | Table 2 | | | | | | | | D |
| Domestic Licensing of Special Nuclear Materials • Incorporate the SNM license into a commercial reactor's construction permit or operating license. Defer to current 10 CFR 70 rulemaking. | §3.12 | | | | | | | | | | | X | D |
| ECCS Evaluation Models (10 CFR 50, App. K) • Use risk-informed concepts to consider revising, relocating, or eliminating requirements associated with low-frequency LOCA events. ❖ Risk informing Part 50 | §2.7 | §4.0 | | Table 2 | | | | | | √ | | X | B1 |
| Emergency Planning (10 CFR 50.47 & App. E) • A candidate regulation for risk-informed improvements and to ensure consistency among guidance documents (e.g., Reg. Guides and SRP) ❖ Risk informing Part 50 | §2.4 | | | | | | | | App A | √ | √ | X | B3 |
| Environmental Qualification of Electric Equipment (10 CFR 50.49) • A candidate regulation for risk-informed improvements and to ensure consistency among guidance documents (e.g., Reg. Guides and SRP) ❖ Risk informing Part 50 | §2.6 | | | Table 3 Table 4 | | Encl 12 | Encl 9 | | App A | √ | | X | B2 |

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | | |
| Environmental Reports for Nuclear Power Stations • <i>Re-evaluate the usage & content of environmental reports.</i> ❖ Paperwork reduction | §3.27 | | | | | | | | | | | | | A1 |
| Exemptions (10 CFR 50.12) • <i>The regulation is an accepted practice within NRC and the nuclear industry and does not need further review.</i> | | | | | | | | | App A | | | LATF | | D |
| Final Safety Analysis Report (10 CFR 50.71(e)) • <i>The issue (provide for FSAR updates on a refueling-cycle basis) has been resolved through rulemaking.</i> | §3.7 | | | Table 2 | | Encl 3 | | | | | | X | | C |
| Financial Qualifications (10 CFR 50.33(f) & App. C) • <i>Relocate requirements to guidance documents. Eliminate requirements if there is no causal relationship between financial qualifications and safety.</i> ❖ Paperwork reduction | §3.9 | | | Table 2 | Table 2 | | | | | | | X | | B1 |
| Fire Protection (10 CFR 50 App. R) • <i>A candidate regulation for risk-informed improvements and to ensure consistency among guidance documents (e.g., Reg. Guides and SRP)</i> ❖ Risk informing Part 50 | §2.2.1 thru §2.2.7 | | | Table 2 | Table 2 | | | | §2.3.4 §2.3.14 App A | √ | | X | | B1 |
| Fitness for Duty (10 CFR 26) • <i>Revise selected requirements based on several years experience in implementing the initial 1992 regulation.</i> ❖ Other regulatory process | | | | | | Encl 4 | | Att 1 | | | √ | X | | B2 |
| Fuel-Related Issues • <i>Use new methodologies and removal of unnecessary conservatism to revise, relocate, or eliminate specific technical specifications.</i> ❖ Other regulatory process | | | | | | | | | | | √ | | | B2 |
| General Design Criteria (10 CFR 50, App. A) • <i>A candidate regulation for risk-informed improvements and to ensure consistency among guidance documents (e.g., Reg. Guides and SRP)</i> ❖ Risk informing Part 50 | | | | Table 2 | | | | | App A | √ | | | | B3 |

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| Generic Communications <ul style="list-style-type: none"> Improve generic communications by identifying underlying regulatory requirements, inviting early stakeholder participation, and giving greater consideration to the cost of responding. Resolved by NRC re-categorization of generic communications (Regulatory Issue Summary 1999-01). | | | | | | | | | §2.3.6 | | | X | C |
| Hot Particles <ul style="list-style-type: none"> Revise the methodology for evaluating the dose impact from hot particles. ❖ Other regulatory process | | | | | | Encl 21 | | | | | | | B1 |
| Human Performance <ul style="list-style-type: none"> Determine the feasibility of regulatory guidance. This issue is in the research & development phase. ❖ Other regulatory process | | | | Table 4 | | | | | | | | | B3 |
| Initial plant test program (10 CFR 50.34(g)) <ul style="list-style-type: none"> Update the requirements for initial testing of a new plant. Subsume this item in a general update of Regulatory Guides and the SRP. | | | | Table 2 Table 3 | | | | | | | | | D |
| Inspections (10 CFR 70 materials licensees) <ul style="list-style-type: none"> Use risk information and the results of prior inspections to determine inspection plans. ❖ Risk informing Part 70 | §3.6 | | | | | | | | | | | X | B3 |
| Individual Plant Examinations for External Events <ul style="list-style-type: none"> Re-evaluate the methodologies, especially seismic, for IPEEE. ❖ Risk informing Part 50 | | | | | | Encl 13 | | | | | | X | B2 |
| License Amendment Fees (10 CFR 170) <ul style="list-style-type: none"> Reduce administrative burden and establish "user fee" equity. Resolved by legislation and rulemaking. | §3.14 | | | | | | | | | | | X | C |
| License Amendment Process (10 CFR 50.90, 50.91, & 50.92) <ul style="list-style-type: none"> Look for opportunities to expedite the license amendment process for corrective, emergency, and exigent amendments. Establish model amendments for the different categories. For example the NEI LATF has proposed the "Unintended Tech Spec Action" (UTSA) process for use in correcting minor discrepancies. ❖ Other regulatory process | §2.3 | | | | | Encl 2 | Encl 3 | Att 8 | | √ | | LATF X | B1 |

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| Licensee Control of Programs <ul style="list-style-type: none"> Seek consistent treatment of QA, security, emergency, and fire protection plan changes ❖ Other regulatory process | | | | | | | | | §2.3.9 | | | LATF | B1 |
| Low-Trajectory Turbine missiles <ul style="list-style-type: none"> Credit improvements in materials and turbine design. Subsume this item in a general update of General Design Criteria and regulatory guidance. | §3.26 | | §3.0 | Table 4 | | | | | | | | | D |
| Marginal-to-Safety Review (1992) <ul style="list-style-type: none"> The goal to complete regulatory changes by 1995 remains a work in progress. A separate line item for this issue is unnecessary. | | | | | | | | Att 10 | | | | X | D |
| Mixed Waste <ul style="list-style-type: none"> The processing of mixed waste (waste classified as both hazardous waste and radiological waste) is unnecessarily complex and expensive because of dual regulation by NRC and EPA. ❖ Other regulatory process | | | | | | Encl 20 | | | | | | X | B3 |
| Operability Guidance (Generic Letter 91-18) <ul style="list-style-type: none"> Resolved by issuance of GL 91-18, supplement 1. | | | | | | Encl 17 | | | | | | X | C |
| Operator Licensing/Training <ul style="list-style-type: none"> Update guidance documents to reflect licensee responsibility for exams. Resolved by rulemaking. | §3.28 | | | Table 3 | | Encl 6 Encl 16 | Encl 5 | | | | | X | C |
| Post-Accident ESF Atmosphere Cleanup Systems <ul style="list-style-type: none"> Reconsider charcoal filter requirements based on a better understanding of Iodine chemistry and the radiological "source term." Resolved by Generic Letter and plant-specific license amendments. | §3.17 | | §5.0 | | | | | | | | | | C |
| Post-Accident Plant & Environs Conditions Assessment Instrumentation (Reg. Guide 1.97) <ul style="list-style-type: none"> Subsume this item in a general update of Regulatory Guides and the SRP. | §3.25 | | | | | | | | | | | | D |
| Post Accident Sampling System (NUREG-0737, II.B.3) <ul style="list-style-type: none"> Use risk information and value-impact analysis to eliminate PASS. Use PASS elimination to pilot the Consolidated Line Item Improvement Process (CLIIP). The issue is closed for some plants. ❖ Risk informing Part 50 ❖ Other regulatory process | §2.15 | | §2.0 | | | Encl 11 | Encl 2 | | | | | LATF X | B1 C |

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| Pressurized Thermal Shock (10 CFR 50.61) • A candidate regulation for risk-informed improvements and to ensure consistency among guidance documents (e.g., Reg. Guides and SRP) ❖ Risk informing Part 50 | | | | | | | | | | √ | | | B3 |
| Quality Assurance (10 CFR 50, Appendix B) • Use risk-informed concepts to update regulatory guidance. Shift from paperwork inspections to "readiness reviews." Integrate the QA function into design and field engineering. ❖ Risk informing Part 50, ❖ Paperwork reduction ❖ Other regulatory process | §2.14 §3.20 §3.23 | | | Table 2 Table 3 Table 4 | | Encl 8 | Encl 8 | | §2.3.13 | √ | | LATF X | B1 |
| Radiation Protection (10 CFR 20) • Revise selected requirements based on several years experience in implementing the 1991 revision of Part 20. ❖ Other regulatory process | | | | | | | | Att 4 | App A | | √ | X | B2 |
| Radiological Consequences of Loss of Coolant Accidents • Use risk-informed concepts and credit new information & methods. Update regulatory guidance. ❖ Risk informing Part 50 | §3.5 | | | Table 4 | | | | | | | | X | B2 |
| Reactor Vessel Level Indication System • TMI issue (NUREG-0737, II.F.2) resolved on a plant-specific basis | §2.10 | | | Table 4 | | | | | | | | | C |
| Reactor Vessel Material Issues • Apply risk-informed concepts to determine compliance with 10 CFR 50 Appendix G (fracture toughness) and Appendix H (surveillance capsules). ❖ Risk informing Part 50 | | | | | | | | | | √ | | | B2 |
| Receipt Back of Waste • Perform low-level waste processing offsite and receive back for onsite storage ❖ Other regulatory process | | | | | | Encl 5 | | | | | | X | B1 |
| Records & Reports (10 CFR 50.71, 50.72, & 50.73) • Use risk information to re-evaluate reportability requirements. Screen requirements for duplication, uniformity of thresholds, and consistency of time limits. ❖ Risk informing Part 50 ❖ Paperwork reduction. | §2.9 | | | Table 2 | | Encl 7 | | | | √ | | X | B2 |

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| <p>Regulatory Guide Review</p> <ul style="list-style-type: none"> Conduct a broad review of Reg. Guides against regulations and other guidance documents to ensure consistency. Publish revisions as needed to incorporate risk concepts and new information. Risk informing Part 50 Other regulatory process | | | | | | | | | §2.3.15 | | | | A3 |
| <p>Reporting Requirements</p> <ul style="list-style-type: none"> Conduct a broad review to consolidate in one change process the updating of 10 CFR reporting requirements. If a report does not serve an important stakeholder function, it should be reduced in size, consolidated with other reports, or eliminated. There are over 100 reporting requirements within this issue. Paperwork reduction | | | | Table 2 Table 4 | | Encl 1 | Encl 1 | Att 5 | §2.3.16 | | √ | LATF | A1 |
| <p>Residual Contamination</p> <ul style="list-style-type: none"> Establish a threshold for unrestricted use of decontaminated materials and equipment. Other regulatory process | §3.1 | | | | | Encl 19 | | | | | | X | B2 |
| <p>Risk-Informed, Performance-Based Regulation</p> <ul style="list-style-type: none"> Revise regulatory thresholds to implement risk-informed Part 50, Options 2 & 3. Implement the NRC Risk Informed Regulation Implementation Plan (RIRIP). Risk informing Part 50 | | | | | | | | Att 11 | Vol 4 | √ | | X | B1 |
| <p>Rulemaking Process</p> <ul style="list-style-type: none"> Open a dialogue to identify opportunities to reduce the complexity and improve the efficiency of the process & associated procedures. Other regulatory process | | | | | | | | | §2.3.17 | | | LATF | A3 |
| <p>Security (10 CFR 73)</p> <ul style="list-style-type: none"> A long-standing issue with many subparts. Risk informing Part 50 Other regulatory process | §2.8 | | | Table 2 Table 4 | | Encl 9 Encl 14 | Encl 6 | Att 2 Att 9 | §2.3.18 | √ | √ | X | B1 |
| <p>Seismic & Geologic Siting Criteria for Nuclear Power Plants (10 CFR 100, App. A)</p> <ul style="list-style-type: none"> Establish realistic design margins. Changes in siting criteria were issued by rulemaking in 1996. Subsume the seismic aspect into the "seismic design" issue. | §3.13 | | | Table 2 Table 4 | | | | | | | | | D |

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| Seismic Design • Update regulatory guidance (seismic classification, damping values, and response spectra & analysis techniques). Take advantage of new information and risk-informed concepts. ❖ Risk informing Part 50 | §3.16 §3.18 §3.19 | | | Table 4 | | | | | | | | | | B2 |
| Severe Accident Issues • Credit new information and methods to evaluate "severe accidents" that are beyond the design basis. ❖ Other regulatory process | | | | | | | | | §2.3.11 | | | X | | B1 |
| Standard Format & Contents of Safety Analysis Reports for Nuclear Power Plants • Eliminate repetition of information. Resolved by a 1996 rulemaking that addressed FSAR updates. | x §3.21 | | | | | | | | | | | | | C |
| Standard Review Plan (10 CFR 50.34(g)) • Eliminate reference to the SRP in regulations because compliance with the SRP is not a requirement. Use SRPs as guidance and update them to include risk-informed concepts. ❖ Risk informing Part 50 ❖ Other regulatory process | §2.13 | | | Table 3 | | | | | | | | | | A3 |
| Station Blackout (10 CFR 50.63) • Incorporate risk-informed concepts and operating experience. ❖ Risk informing Part 50 | §3.8 | | | | | | | | App A | | | X | | B3 |
| Systematic Assessment of Licensee Performance • Resolved by evolving from the SALP process to the Revised Oversight Process. | | | | | | | | Att 12 | | | | X | | C |
| Technical Specifications (10 CFR 50.36) • Revise the method of referencing Topical Reports. When possible, relocate Tech Specs to licensee-controlled documents. Expedite review, approval, and implementation of risk-informed Tech Spec initiatives. ❖ Risk informing Part 50 ❖ Other regulatory process | §2.1.1 §2.1.2 §2.1.3 §2.1.4 §2.1.5 | | | Table 4 (EDG) | | | | Att 3 (EDG) | §2.3.8 §2.3.10 | √ | | LATF X | | B1 |
| TMI Action Plan Requirements (10 CFR 50.34(f)) • Revise, eliminate, or relocate outdated requirements for new license applicants. ❖ Other regulatory process | §3.30 | | | Table 2 | | Encl 11 | | | | | | | | A3 |

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 BIN D = Drop

REFERENCES:

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