

**Tuesday August 28<sup>th</sup>**

8:30 am Registration (Note: Dress is business casual)

9:00-9:10 am Opening Remarks St. Charles A Lower Level

9:10-9:50 am

PM/Counterpart Discussion Breakout	Room 1301
(Identify questions/issues for sessions and open discussion	1401
per plant basis with PWR/BWR groups at the end)	1501
	1601

9:50-10:00 am Break

10:00-11:00 am St. Charles A Lower Level

Licensing Basis (Bill Reckley - NRR lead) –what constitutes licensing basis  
Entergy insights-design basis reconstitution, license renewal  
(e.g., ANO QCST and battery discussion)  
NRR OI LIC-100 – use table on the last page  
(discuss which box issue falls into)

11:00-12:00 am St. Charles A Lower Level

Entergy Self-Assessment Results (Ron Byrd – Entergy lead)

12:00-1:00 pm Lunch

1:00-2:50 St. Charles A Lower Level

License Amendments (NRR lead)  
NRR OI LIC-101  
LATF/NEI white paper revise SE format  
(ANO QCST SE, GGNS Lube Oil Volume Amendment, and RB  
ISFSI Amendment)  
(Value added for using all aspects of NEI guidance – may be too  
burdensome)  
CLIP, TSTFs  
Process time – short turnarounds for outages, emergency/exigent  
(GGNS or RB example)  
Entergy Outage Milestone Schedule (Mike Krupa – Entergy lead)  
RAI expectations – recent guidance on RAI reductions, draft reviews  
SE – draft reviews and corrections

2:50-3:00 pm            Break

3:00-5:00 pm

St. Charles A Lower Level

Miscellaneous Licensing Topics (NRR lead)

Relief requests

Exemptions/Code Compliance

Pre-application reviews (e.g., Part 20 Submittal – Tom Alexion)

(value for controversial or highly technical issues)

Risk-informed requests (e.g., ANO-1 ODIGA)

NOED – GL 91-18 recent experience

(Region 4 information on relationship between number of NOEDs  
and plant shutdowns due to TS)

(Courtesy call to NRC before need arises)

(UCS Allegation)

e.g., Palisades 50.9 enforcement action

Proprietary information – information resubmittal

**Wednesday August 29<sup>th</sup>**

8:00-8:30 am

St. Charles A Lower Level

Continued discussion from previous day

8:30-9:50 am

St. Charles A Lower Level

**NRC Procedures and Activities**

Generic Communications – RIS

Generic Issues - control room habitability

Fees (Dale James - Entergy lead)

TIAs –Involvement by licensee

EIE/ADAMS – advantages/disadvantages, better ways (GGNS lead)

NRR Role in ROP/SDP

9:50-10:00 am

Break

10:00-11:00 am

St. Charles A Lower Level

**Licensing Basis Document and Procedure Controls**

Draft LI-113 (Drew lead) – NRC understand how Entergy controls  
(Possible electronic LBD maintenance on the Web)

UFSAR

QAPM

Emergency Plan

Fire Protection

TRM

TS Bases

Commitments

Electronic file format (Word vs. Word Perfect)

TS – NRC controls

11:00-11:45 am

St. Charles A Lower Level

**Discussion on How to Improve NRR/Entergy Communications**

Weekly status phone calls

TAC list review meetings

Forthcoming submittals

11:45-12:00 am

Summary of Open Items and Closing

# **NRR/Entergy Licensing Workshop Licensing Bases**

\*\*\*\*\*

---

## **Licensing Bases**

\*\*\*\*\*

- The terms licensing bases or current licensing bases are not defined in 10 CFR Part 50
- A definition of current licensing bases that is generally used for operating reactors is provided in 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants"
- In short - the licensing bases consists of information provided by a licensee or put by the the NRC into a regulation, license or order that is used to justify issuing or revising an operating license

# Licensing Bases

## NRR Office Instruction LIC-100 Control of Licensing Bases for Operating Reactors

- ADAMS Accession Number **ML010660227**
- Office Instruction Structure
  - ▶ Obligations
  - ▶ Mandated Licensing Bases Documents
  - ▶ Regulatory Commitments
  - ▶ Non-Licensing Bases Information
  - ▶ Other Process and Tools

---

### LIC-100

#### Safety Evaluations

- SEs provide the bases for the staff's decisions.
- The staff should not attempt to establish licensing bases information in SEs
- It is important that the licensees provide the licensing bases information so that there is no confusion following the licensing action and to avoid a perception of staff-imposed backfits
- A useful application of the staff's SEs, by both licensees and the staff, can be in assessing what information is incorporated into mandated licensing bases documents (e.g., FSAR update)

# Control of Licensing Bases

## Quick Reference Table in LIC-100

- Attachment 1 to LIC-100 provides a quick reference table for the various elements of the licensing bases

	OBLIGATIONS				MANDATED LIC BASES DOCS					Regulatory Commitments
	Rules	50.55a	TS	Orders	FSAR	QA	EP	Sec Plan	FP	
Regs										
Unplan Changes										
Planned Changes										
Reports										
Public Involvement										
Guidance										

Notices of Enforcement Discretion

50.54(p), 50.90 for changes needing prior approval

**ATTACHMENT 1**  
**Office Instruction LIC-100, "Control of Licensing Bases for Operating Reactors" - Summary Table**

Quick Reference Aid	Obligations							Mandated Licensing Bases Documents									Regulatory Commitments
	Regulations				Operating License & Technical Specifications			UFSAR		Tech Spec Bases Section	QA Program	Emergency Preparedness Program	Security Plan	Fire Protection Program	ODCM	COLR & PTLR	
	General Regulations	50.55a	50.46	License Transfers	License	Technical Specifications	Orders	UFSAR (including design basis)	TRM								
Regulatory Bases	10 CFR	50.55a	50.46 & Appendix K	50.80	10 CFR	50.36	2.202	50.34	License Amendment	50.36 & Admin Controls in Tech Specs	50.34(b), 50.54(a), Appendix B	50.34(b), 50.47, 50.54(q), Appendix E	73.55 and 50.54(p)	GDC 3, 50.48, Appendix R	TS Admin Controls Section	TS Admin Controls Section	n/a (54.3 definition of CLB)
Location of Information	10 CFR	IS/IST Programs	FSAR / topical reports	various	License (including conditions)	Technical Specifications	Order	UFSAR	TRM (as extension of UFSAR)	TS Bases Section	Quality Assurance program	Emergency Plan	Security Plan	Fire protection Program	ODCM	COLR & PTLR	various docketed
Nonconformances or Unplanned Changes	GL 91-18 & C/A Program	Verbal or Interim Relief	C/A program - submit plan to NRC if > 50F	n/a	GL 91-18 & C/A Program	NOED & emergency - exigent changes	GL 91-18 & C/A Program	91-18 & C/A Program	91-18 & C/A Program	91-18 & C/A Program	91-18 & C/A Program	91-18 & C/A Program	As directed by Security Plan	As directed by Fire Protection Program	C/A Program	C/A Program	91-18 & C/A Program
Planned or Routine Changes	Exemptions (50.12)	Relief Requests	NRR review of evaluation model	50.80 & 50.90 applications	50.90	50.90	50.90 or 2.202	50.59	50.59	50.59 (per TS Admin Control)	50.54(a)	50.54(q)	50.54(p), 50.90 for changes requiring prior approval	50.12, standard license condition	Per TS Admin Controls Program	Per TS Admin Controls Program	NEI 99-04 (or similar)
Reporting	no specific	50.55a (including possible prior review)	50.46(a)(3)	prior approval	license specific and prior approval	license specific and prior approval	Order specific and prior approval	50.71 & 50.59 or prior approval	50.71 & 50.59 or prior approval	similar to 50.71 (per TS or admin controls) or prior approval	50.71 or prior approval	50.54(q) (30 days) or prior approval	50.54(p) (2 months) or prior approval	FSAR(50.71) or on site or prior approval	Per TS Admin Controls Program	Per TS Admin Controls Program	NEI 99-04 (or similar)
Verification and Monitoring	Insp Program & Licensing Process	Insp Program & Licensing Process	Licensing Reviews	n/a	Insp Program & Licensing Process	Insp Program & Licensing Process	Insp Program & Licensing Process	Insp Program & some NRR	Insp Program & some NRR	Insp Program & some NRR	Insp Prog & NRR Reviews	Insp Prog & NRR Reviews	Insp Prog & NRR Reviews	Insp Prog & NRR Reviews	Insp Prog & NRR Reviews	Insp Prog & NRR Reviews	NRR periodic assessments (to be developed)
Enforcement	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual	Enf Manual (NOD)
Public Involvement	Public Record	Public Record	Public Record	Hearing Rights	Hearing Rights	Hearing Rights	Hearing Rights	Public Record (see License for changes needing NRC approval)	Public Record (see License for changes needing NRC approval)	Public Record (see License for changes needing NRC approval)	Public Record	Public Record	Limited Public Record (see License for changes needing NRC approval)	Per update process and exemption process	Public Record	Public Record	Public Record
Available Guidance Office Instructions Issued or Planned	LIC-103	OL 808 LIC-102		License Transfer SRP LIC-107	OL 803 LIC-101	OL 803 LIC-101	LIC-106	RG 1.181 RG 1.186 RG 1.187					OL 801 LIC-104		GL 89-01	GL 89-16 GL 96-03	OL 900 LIC-105

---

**ENTERGY ASSESSMENT  
OF NRR SUBMITTALS  
July 16-18, 2001**

Ron Byrd  
Nuclear Safety & Licensing  
Echelon

Entergy/NRC Workshop - August 28-29, 2001



---

***Background***

- ◆ June NRC/EOI Senior Management Meeting
  - “Quality of NRR submittals has declined”
    - » “A to B+”
    - » Below what NRC expects of Entergy
- ◆ Entergy Renewal > 1 year
  - NRR interface shifted to corporate NS&L
- ◆ Entergy/NRC Workshop



## ***Objectives of Assessment***

---

- ◆ Assess the quality of NRR correspondence during the 1999-2001 timeframe.
- ◆ Determine extent causes of errors and RAIs.
- ◆ Determine whether RAIs were necessary.
- ◆ Provide Insights and recommendations for aggressively improving quality.
  - Reduce RAIs.
  - Achieve a higher standard of excellence.



## ***Scope of the Assessment***

---

- ◆ Included all Entergy South facilities.
- ◆ Reviewed 30 of 81 Amendments and Relief Requests.
  - Included RAIs, responses to RAIs, SERs, supplements, etc.
  - ANO - 7, GGNS - 7, RBS - 7, W3 - 6, Common - 3



## ***Assessment Team***

---

<b>Team Leader</b>	<b>NS&amp;L-Ech</b>
<b>Member</b>	<b>NS&amp;L-Ech</b>
<b>Member</b>	<b>NS&amp;L-ANO</b>
<b>Member</b>	<b>NS&amp;L-W3</b>
<b>Member</b>	<b>NSA-RBS</b>
<b>Member</b>	<b>ENI-Ech</b>
<b>Member</b>	<b>OPPD-Ft. Calhoun</b>



## ***Assessment Results***

---

- ◆ **Quality was generally good, but improvement is needed.**
  - **Inattention to details (administrative errors)**
  - **Inconsistency**
  - **A few lacked clarity or technical accuracy and completeness.**
  
- ◆ **Areas for improvement are common to all sites.**



## ***Assessment Results (continued)***

---

- ◆ The majority of RAIs were necessary.
  - A few RAIs requested information already available on the docket or were viewed as outside the scope of the change request.
- ◆ Common thread for RAIs and submittal deficiencies were complexity and time pressure.
- ◆ Findings were entered into the CAP.



## ***Areas for Improvement***

---

- ◆ Presentation
- ◆ Content
- ◆ Process
- ◆ Planning/Strategy



## **Areas for Improvement - Presentation**

- ◆ Inconsistent Formats
- ◆ Administrative Errors (e.g., grammatical, typos)
- ◆ Risk Information
  - Entergy submittals do not present risk information well.
  - NRC SERs are more clear and to the point.



## **Areas for Improvement - Content**

- ◆ Documentation of history and issues
- ◆ Documenting similarities and differences in precedence discussions
- ◆ Supporting justifications for conclusions
- ◆ Separation of unrelated multiple changes when one or more are complex
- ◆ Identification of and comparison to NRC review and acceptance criteria



## **Areas for Improvement - Process**

- ◆ Handling of RAIs
  - When to request written RAIs
  - How to get clarifications
- ◆ Resolution of NRC/Utility differences or problem areas
  - When & how to escalate problems
- ◆ When to document NRC phone calls



## **Areas for Improvement - Planning/Strategy**

- ◆ Scheduling of submittals
  - Reduce outage waves
  - Reasonable lead time from submittal to requested approval
- ◆ Pre-submittal meetings
- ◆ One-time vs. permanent changes



## ***Actions***

---

- ◆ Create a flow chart of the submittal process (include peer group review & quality checks)
- ◆ Develop final checklist for content (include potential pitfalls to avoid)
- ◆ Benchmark other utilities
- ◆ Add details to the desk guide, procedure, and template
- ◆ Develop long range schedules
- ◆ Develop guidance & provide training on process and strategy issues



## ***Summary***

---

- ◆ Quality of NRR submittals was generally good, but improvement is needed.
- ◆ Areas for improvement are common to all sites.
  - Presentation, Content, Process, Planning/Strategy
- ◆ Findings were entered into the CAP.
- ◆ Entergy will aggressively implement improvements.



# **NRR/Entergy Licensing Workshop License Amendments**

---

## **License Amendments**

### **Session Topics**

- NRR OI LIC-101
- LATF/NEI white paper revise SE format
  - ▶ (ANO QCST, GGNS EDG lube oil, River Bend IFST)
- CLLIP, TSTFs
- Process (submittal lead) time
- Exigent/Emergency Amendments
- Entergy outage milestone schedule
- RAI expectations (guidance on RAI reductions, draft reviews)
- SE - draft reviews and corrections
- Generic Issues (e.g., control room habitability)

## **License Amendments**

### **NRR Office Instruction LIC-101 License Amendment Review Procedures**

- ADAMS Accession Number **ML012150100**
- Previously Office Letter 807
- Changes from OL807, Revision 2
  - ▶ Correction to oath or affirmation requirements
  - ▶ Update to Section 7, Risk-Informed Licensing Actions
  - ▶ Addition of Section 8, CLIP
  - ▶ Eliminated NRR Priority System
  - ▶ Emphasized that one RAI is a goal
  - ▶ Added guidance on noticing power uprates

## **License Amendments**

### **LIC-101 - Major Points**

- Frequent and early communications between the staff and the licensee can help avoid unnecessary delays in the processing of license amendment applications.
- Work Planning
  - ▶ Precedence
  - ▶ Technical Complexity
  - ▶ Risk Significance
- Scheduling
  - ▶ Licensee needs
  - ▶ Timeliness goals
  - ▶ Priority (e.g., uprates, transfers)
  - ▶ Resource Availability

---

## **License Amendments**

### **Oath or Affirmation**

- Oath or affirmation may be in the form of a notarized statement or may be within the cover letter for an amendment in the form of a sentence similar to the following:
  - "I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on [date]".
- Oath or affirmation statements are required on license amendment requests and supplements to such requests, including responses to requests for additional information.

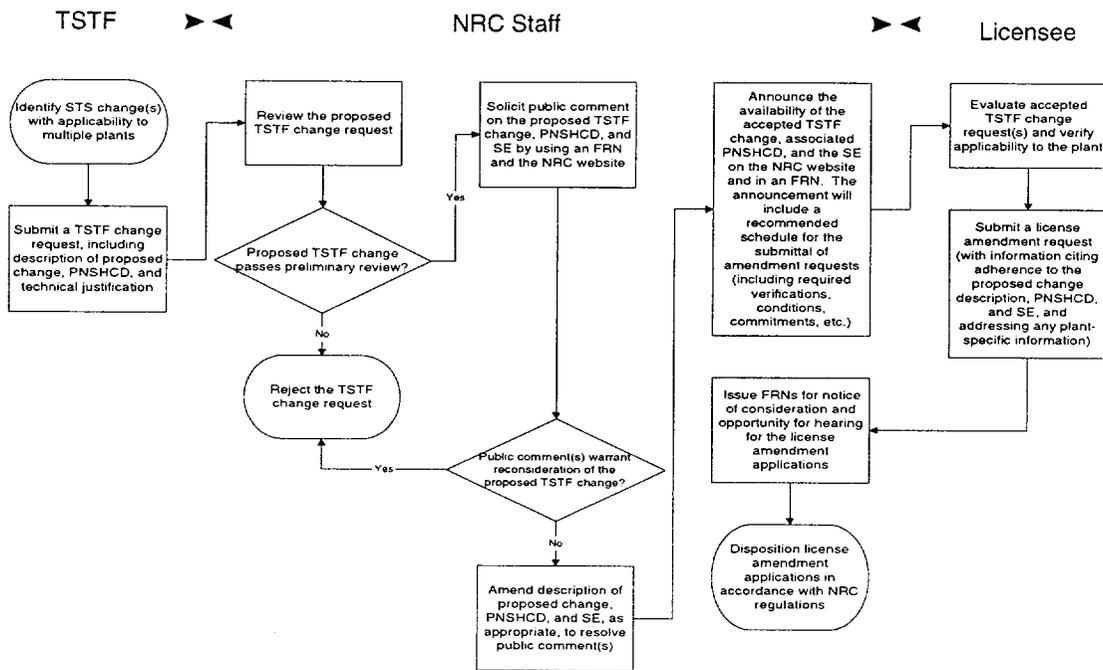
---

## **License Amendments**

### **Safety Evaluations**

- Requests for additional information (RAIs)
  - Regulatory Commitments
  - Safety Evaluation Format
    - ▶ Introduction
    - ▶ Background (regulatory framework for licensing action)
    - ▶ Evaluation (comparison of proposal to regulatory criteria)
    - ▶ Other (EA, State Consult, Environmental, Conclusion)
-

# Consolidated Line Item Improvement Process (CLIIP)



## LIC-100

### ANO Battery Example

- ANO-1 TS 4.6.2.2:
  - ▶ Verify battery capacity is adequate to supply, and maintain in operable status, the required emergency loads for the design duty cycle when subjected to either a battery service test or a modified performance discharge test once every 18 months
- Bases
  - ▶ The SR 4.6.2.2 battery service test is a special test of the battery capability, as found, to satisfy the design requirements (battery duty cycle) of the DC electrical power system. The discharge rate and test length should correspond to the design duty cycle requirements. ... The inability to meet this requirement constitutes an inoperable battery.

# Submittal Lead Time to Support Refueling Outages

- NRC needs at least 8-9 months, depending on complexity
- 1-year lead time is optimum
- May need lead time to absorb emergent work
- NRC cannot provide assurance that review will be completed when lead time < 6 months
- Need to accommodate RAI iteration(s) and supporting analysis

# Submittal Lead Time to Support Refueling Outages (Continued)

- EOI could improve in this area
  - ANO-1 2001 outage
  - ANO-2 2000 outage
  - Grand Gulf 2001 outage
  - River Bend 2001 outage
  - Waterford 2000 outage

# Exigent Amendment

## Local Notification

10 CFR 50.91(a)(6)(i)(B)

- Need in <21 Days (*approx.*)
- No Time for 14-Day FR Comment Period
- Use Local Media for Notification
- FR Notice Not Required
- NoSigHazConsid Determination in SER
- JUSTIFY EXIGENT CIRCUMSTANCES

# **Emergency Amendment**

## **10 CFR 50.91(a)(5)**

- JUSTIFY EMERGENCY CONDITIONS
- Could It Have Been Avoided ?
- Exigent Process Considered ?
- 7-Day “Rule of Thumb”
- Public Notification After Issuance

# **Exigent Amendment**

## **14-Day Notification**

**10 CFR 50.91(a)(6)(i)(A)**

- Need in >~21 Days, but < 4-5 Weeks
- 14-Day Single FR Notice
- 30-Day Period to Request Hearing
- NoSigHazConsid Determination in SER
- JUSTIFY EXIGENT CIRCUMSTANCES

# ***EXPEDITED AMENDMENT OPTIONS***

TIME TO ISSUE AMENDMENT ----->

7 Days

~21 Days

<--- ***Emergency Amendment*** -----> <----- ***Exigent Amendment Local Media Notice*** -----> <--- ***Exigent Amnd-->> 14-Day FR Notice*** ----->

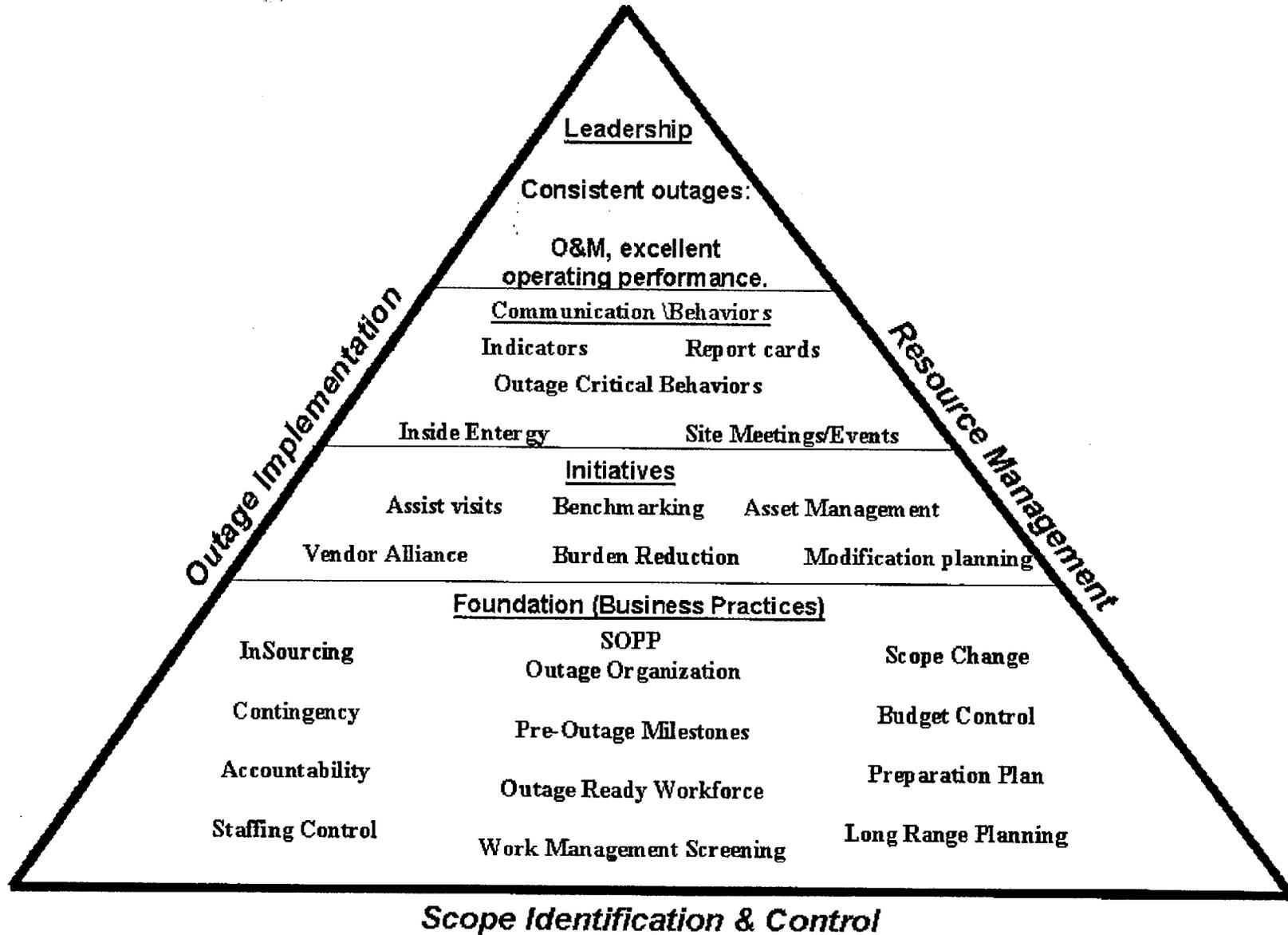
<-----> <----->  
Time for Single Notice into FR      14-Day Comment Period for Single FR Notice

<-----> <----->  
Time for Local Notice      Allow several workdays for Local Comment

# Entergy Outage Milestone Schedule

Mike Krupa

# Outage Performance Achievement Anchor



# Pre-Outage Milestones

- Identify and freeze outage mod scope and special projects
  - Cycle + 2 months prior
  - Completed when the proposed modification scope is approved by site management. Special projects should also be identified. This allows for walkdowns and scoping during prior outage.
  - Responsible Manager - Plant Manager

# Pre-Outage Milestones

- Identify all licensing change requirements for the next refuel
  - 12 months prior
  - Completed when all outage coordinators have acknowledged that they have submitted all necessary licensing changes needed for the upcoming outage to the Outage Manager.
  - Responsible Manager - Director, Licensing

# Pre-Outage Milestones

- Submit license changes to the NRC
  - 8 months prior
  - Complete when the licensing department submits to the NRC the formal request for changes needed to support the upcoming outage.
  - Responsible Manager - Director, Licensing
  - Note - Reload submittal may be a special case due to iterative nature of core design

# Milestone Tracking

- Outage Performance - Achievement Anchor
- INPO Best Practice (97-005)
- Outage Meetings
- Performance Indicator tool
  - Widely broadcast - discussed at least monthly
  - Recovery Plan required, to SVP and Outage Mgr
  - Site Focus Meetings, MRMs

# Scope Additions

- New changes may be identified due to emergent work or plant situations
- Outage mod scope carefully reviewed by Work Control Group
  - Delayed approval may result in unplanned scope
  - Licensing understands NRC review constraints
- Licensing will attempt to optimize review time
  - recognize NOEDs, exigent options
  - minimize late outage LAR requests

# REQUEST FOR ADDITIONAL INFORMATION

(RAI)

- Information needed to make a fully informed, technically correct and legally defensible decision.
- Not for general information or for encouraging commitments.

## STAFF ACCOUNTABLE TO ENSURE PROPER CONSIDERATIONS FOR RAI'S

- Regulatory basis for request
- Risk significance of issue in question
- Existence of precedence
- Appropriate scope and depth of review
- Information on the docket
- Technical complexity and available resources

## GUIDANCE FOR COMMON RAI CONCERNS

- RAI not necessary if information can be inferred with reasonable degree of confidence.  
(Regulatory requirements, previously docketed correspondence, accepted industry practice, or general knowledge.)
- Must have a clear nexus to the staff's regulatory finding.
- RAI's need to be specific and not overly broad.
- Frequent and early communications to help avoid RAI's.
- Every effort for one round of RAI's per tech branch.\*

\* The desire for one round of RAI's should not interfere with the mission of ensuring that we maintain public health and safety.

## ONCE IT HAS BEEN DETERMINED AN RAI IS NEEDED

- FAX or e-mail questions to licensee before discussion.
- Discuss RAI's with licensee in conference call or meeting.

To assure understanding of needed information.

To establish a due date for response.

- Answers (not clarifications) for regulatory finding need to be docketed.
- RAI questions can be docketed by either:

Issuing a formal RAI

Memo to file that is publicly available or

Licensee include questions in their response.

If the RAI response is not adequate a timely discussion with the licensee is needed. Failure to provide timely information may result in a denial or withdrawal of request based on deficiency of information as opposed to a negative finding on the request.

# DRAFT SAFETY EVALUATIONS

- COMPLEX LICENSING TOPICAL REPORTS OFTEN GET DRAFT REVIEWS
- DRAFT SAFETY EVALUATIONS (SE) SENT WITH COVER LETTER ON THE DOCKET
- ROUTINELY DRAFT SE's ARE NOT SENT FOR COMMENT TO LICENSEES. HOWEVER, THE LICENSEE NEEDS TO BE KEPT INFORMED OF THE STATUS OF RESOLUTION.
- IF RESOLUTION CAN NOT BE ACHIEVED THE LICENSEE SHOULD BE GIVEN REASONABLE TIME TO DECIDE TO WITHDRAW OR REQUEST A MEETING.

- ENSURE THAT DOCUMENTS WILL NOT BE PROVIDED TO ONE LICENSEE OR A MEMBER OF THE PUBLIC UNLESS THEY CAN BE MADE AVAILABLE TO ALL PERSONS.
  
- TO ENSURE THAT DOCUMENTS ARE DEVELOPED AND ISSUED WITHOUT IMPROPER INFLUENCE, REAL OR PERCEIVED, BY SPECIAL INTEREST GROUPS OR BY APPLICANTS.

***RELIEF REQUEST***

***DEVIATION FROM  
THE REGULATORY REQUIREMENTS  
CONTAINED IN  
10 CFR 50.55a  
CODES AND STANDARDS***

***THE ALTERNATIVE PROVIDES AN ACCEPTABLE LEVEL  
OF  
QUALITY AND SAFETY  
PURSUANT TO 10 CFR 50.55a.(a)(3)(i)***

**OR**

***COMPLYING WITH THE CODE REQUIREMENT  
WOULD RESULT IN  
HARDSHIP OR UNUSUAL DIFFICULTY  
WITHOUT A COMPENSATING  
INCREASE IN  
QUALITY OR SAFETY  
PURSUANT TO 10 CFR 50.55a.(a)(3)(ii)***

## **EXAMPLES OF HARDSHIP OR UNUSUAL DIFFICULTY ARE:**

- **HAVING TO ENTER INTO MULTIPLE TS LCOs**
- **ALARA CONCERNS**
- **REPLACING EQUIPMENT OR IN-LINE COMPONENTS**

***FOR IST AND ISI EXAMINATION ITEMS  
USE (f)(6)(i) OR (g)(6)(i)  
RESPECTIVELY***

***SHOW THAT CODE REQUIREMENT IS IMPRACTICAL\****

***PURSUANT TO***

***10 CFR 50.55a(f)(6)(i)***

***FOR INSERVICE TESTING ITEMS***

***OR***

***10 CFR 50.55a(g)(6)(i)***

***FOR INSERVICE INSPECTION ITEMS***

***(\*not just "inconvenient")***

## **EXAMPLES OF IMPRACTICAL:**

- **BEING INACCESSIBLE FOR ISI OR IST**
- **REQUIRING MAJOR PLANT/ HARDWARE  
MODIFICATION**
- **HAVING A HIGH POTENTIAL TO CAUSE A  
REACTOR TRIP**
- **CREATING EXCESSIVE PLANT PERSONNEL  
HAZARDS**

AUGMENTED REACTOR VESSEL SHELL WELD EXEMPTION:

*IF UNABLE TO EXAMINE > 90% OF THE EXAMINATION OF RVSWS SPECIFIED IN 10 CFR 50.55a(g)(6)(ii)(A), then*

- *SUBMIT INFORMATION TO SUPPORT YOUR DETERMINATION, and*
- *PROPOSE ALTERNATIVE THAT WOULD PROVIDE AN ACCEPTABLE LEVEL OF QUALITY AND SAFETY, PURSUANT TO 10 CFR 50.55(a)(g)(6)(ii)(A)(5) AND (a)(3).*

## ASME CODE CASES

LICENSEES CAN USE THE ASME CODE CASES  
DISCUSSED IN THE FOLLOWING RGs WITHOUT  
ADDITIONAL NRC APPROVAL:

- RG 1.84, "DESIGN AND FABRICATION CODE CASE ACCEPTABILITY, ASME SECTION III DIVISION 1"
- RG 1.85, 'MATERIALS CODE CASE ACCEPTABILITY - ASME SECTION III, DIVISION 1"

●

RG 1.147, "INSERVICE INSPECTION CODE CASE  
ACCEPTABILITY, ASME SECTION XI, DIVISION 1"

## IN SUMMARY

- NRC AUTHORIZES LICENSEE-PROPOSED ALTERNATIVES IN ACCORDANCE WITH
  - 10 CFR 50.55a(a)(3)(i) *OR*
  - 10 CFR 50.55a(a)(3)(ii)

*OR*

- GRANT RELIEF AND IMPOSE ALTERNATIVE REQUIREMENTS IN ACCORDANCE WITH:
  - 10 CFR 50.55(f)(6)(i) *OR*
  - 10 CFR 50.55(g)(6)(i)

*OR*

- APPROVE THE USE OF LATER CODE EDITIONS AND ADDENDA IN ACCORDANCE WITH
  - 10 CFR 50.55a(f)(4)(iv) *OR*
  - 10 CFR 50.55a(g)(4)(iv)

# Exemptions

- Can be temporary or permanent
- Licensee needs to provide technical justification
- Licensee needs to address special circumstances in 50.12(a)(2) for Part 50 requests
- NRC has to issue Environmental Assessment before issuing Exemption

# Exemptions (Continued)

- Advantages
  - No initial noticing
  - No required public involvement

# Exemptions (Continued)

- Disadvantages
  - No public involvement
  - NRC can condition the exemption without licensee permission

# Pre-Application Reviews

- New issues
- Complex issues
- Precedent-setting issues

# Pre-Application Reviews (Continued)

- Advantages
  - Avoids “completeness and acceptance” reviews
  - Avoids denial of the application
  - Engages the NRC at the working level
  - Reveals NRC’s expectations
  - Ensures the adequacy of the final application
  - No 1-year clock
  - Less formality

# Pre-Application Reviews (Continued)

- Disadvantages
  - Licensees pay fees
  - Resolution of issues may take longer

# Pre-Application Reviews (Continued)

- Pre-application review can be requested by licensee or suggested by NRC
- Pre-application review can be in the form of a draft, signed submittal on the docket (preferred)
- Ultimately, pre-application review needs approval from licensee

# Pre-Application Reviews (Continued)

- Entergy's 09/07/99 proposed Integrated Security Plan
  - Pre-application process not utilized
  - On 06/15/00, NRC issues over 200 questions/comments
  - EOI withdrew application

# Pre-Application Reviews (Continued)

- Entergy's 11/29/99 verbal permission to establish a pre-application TAC for discussions on future application to permit continued operation of ANO-2 based on risk-informed demonstration of SG tube integrity
  - Pre-application process was not really utilized

# Pre-Application Reviews (Continued)

- Formal risk-informed application finally made on 03/09/00, but it was supplemented 11 times
- Greater use of the pre-application process would have streamlined the formal review
- NRC denied application on 07/21/00

# Pre-Application Reviews (Continued)

- Entergy's 05/01/01 Request for Exemption from the Definition of TEDE
  - Pre-application process not utilized
  - On 05/29/01, NRC issues “completeness and acceptance” review
  - Review found that clarification and additional information was needed in many areas

# Risk Informed Requests

- Objective of risk informed regulation
  - + To enhance safety decisions (e.g. TS AOTs)
  - + More efficient use of NRC resources
  - + Reduce unnecessary industry burden (e.g. graded QA, risk informed IST)
  
- Key references
  - RG 1.174, RG 1.175, RG 1.176, RG 1.177, RG 1.178, Office Instruction 101, SRP Chapter 19, RIS 2001-02
  
- NRC policy
  - Staff is responsible to consider risk when reviewing requests

# Risk Informed Requests Cont'd

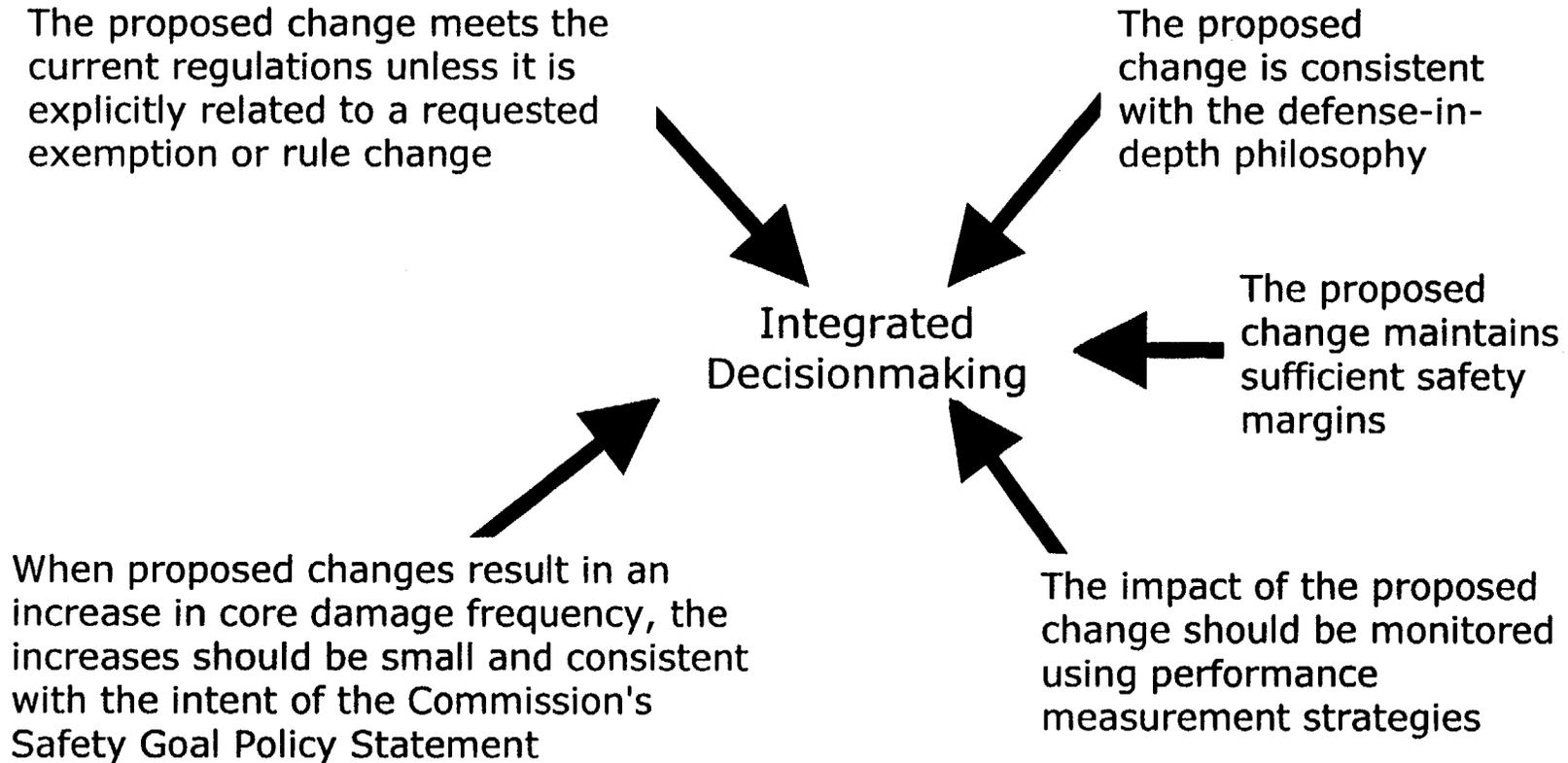
- RIS 2001-02 discusses handling of non-risk informed requests
  - + If request meets deterministic requirements, review for “special circumstances”
    - i. Situation not addressed in development of regulations
    - ii. May warrant new regulation, if widespread
    - iii. Risk impact is not reflected by the licensing basis analysis

# Risk Informed Requests Cont'd

- OI 101 discusses process
  - + Risk insights provide a key component of basis, not just mentioned
  - + Risk Informed Licensing Panel
  - + Evaluate change relative to safety principles
  - + If exceed risk guidelines, more assessment, possible rejection

# Risk-Informed Regulation

## Principles of Risk-Informed Decisionmaking\*



\*Regulatory Guide 1.174, go to <http://www.nrc.gov/NRC/RG/01/01-174.html>

SRP Section 19.0, go to <http://www.nrc.gov/NRC/NUREGS/SRP/chapter19/srp-ch19.html>

# Risk-Informed Regulation

## Risk Informed Initiatives

### ✓ Technical Specification Changes

Reg. Guide 1.177, go to <http://www.nrc.gov/NRC/RG/01/01-177.html>  
SRP Section 16.1, Application Specific Guidance on Technical Specifications

### ✓ Inservice Inspection

Reg. Guide 1.178, go to <http://www.nrc.gov/NRC/RG/01/01-178.html>  
SRP Section 3.9.8, Application Specific Guidance on Inservice Inspection

### ✓ Inservice Testing

Reg. Guide 1.175, go to <http://www.nrc.gov/NRC/RG/01/01-175.html>  
SRP Section 3.9.7, Application Specific Guidance on Inservice Testing

### ✓ Reactor Oversight Process

<http://www.nrc.gov/NRR/OVERSIGHT/index.html>

### ✓ STP Risk-Informed Exemptions

[http://www.nrc.gov/NRC/REACTOR/RISK50/treatment\\_modifications.html](http://www.nrc.gov/NRC/REACTOR/RISK50/treatment_modifications.html)

### ✓ Risk-Informed Rulemaking

SECY-98-300, go to <http://www.nrc.gov/NRC/COMMISSION/SECYS/1998-300scy.html>

# NOED

## Recent Experience

- ❑ Grand Gulf TS 3.3.4.1 EOC-RPT
- ❑ Salem Unit 2
- ❑ Union of Concerned Scientists
- ❑ Not the Only Effective Direction

# Proprietary Information

- Focus on routine handling by PM; not vendor topical reports, FOIA, etc.
  
- References
  - + 10 CFR 2.790
  - + NRC Office Letter LIC-204
  
- 10 CFR 2.790
  - + ... information... to be withheld shall be incorporated, as far as possible, into a separate paper
  - + ... may designate with appropriate markings...
  - + ... affidavit shall be executed by the owner of the information ...

# Proprietary Information Cont'd

- Process (Licensee submittal)
  - + To determine whether information to be withheld is a trade secret, confidential, or privileged
  - + PM and Tech Staff review request using LIC-204
    - i. Use prop. determination criteria in 2.790 (b)(4)
    - ii. Sufficient justification needed
    - iii. If proprietary information is extensive, a nonproprietary version may not be required
  - + If a draft safety evaluation contains proprietary information, only the cover letter is made available to the public, and a nonproprietary version of the SE prepared

# Proprietary Information Cont'd

- + 60 days (need non-prop version to support this)
  - + Need an affidavit with each submittal, including previously reviewed information
  - + Criteria in (b)(4) and (5) - balance between public need and protecting competitive position
  - + Can deny; 30 day notice to be made public; or more justification or withdrawal
  - + Letter issued prior to issuing license amendment
- 
- Process (RAI letters and responses)
    - + Phonecall to discuss content and response time- frame
    - + Response packaging should consider processing by PDR people

# Proprietary Information Cont'd

- Personal privacy information
  - + no affidavit required per (a)(6)
  - + application should indicate that personal information included
- Information related to facility physical protection and information owned by a foreign government automatically withheld
- PM not to release outage schedule

# Generic Communications

- Bulletins
- Generic Letters
- Regulatory Issue Summaries
- Information Notices
- Voluntary Industry Initiative Program

# Generic Communications (Continued)

- Bulletins
  - Significant issues with great urgency
  - Issued without public comment
  - May request information or action or both
  - Actions will be reviewed i.a.w backfit req's
  - Requires response under oath or affirmation
  - Subject to CRGR review

# Generic Communications (Continued)

- Generic Letters
  - Technical issues – routine designation
  - Published for public comment
  - May request information or action or both
  - Actions will be reviewed i.a.w.backfit req's
  - Typically not invoke oath or affirmation
  - Subject to CRGR review before issuance

# Generic Communications (Continued)

- Regulatory Issue Summaries
  - No response or action requested
  - Document NRC endorsement of industry initiative
  - Solicit participation in NRC pilot programs
  - Inform of opportunities for regulatory relief
  - Announce staff technical or policy issues
  - Public comments solicited if appropriate
  - CRGR may review prior to issuance

# Generic Communications (Continued)

- Information Notices
  - Inform industry of significant, recently identified, operating experience
  - Will not request information or actions
  - Public comment not required
  - CRGR review not required

<b>NRR GENERIC COMMUNICATIONS</b>					
<b>YEAR</b>	<b>BL</b>	<b>GL</b>	<b>AL</b>	<b>RIS</b>	<b>IN</b>
2001	1+	0+	N/A	17+	16+
2000	0	0	N/A	25	24
1999	0	4	8	6	37
1998	0	5	11	N/A	51
1997	2	9	4	N/A	99
1996	4	9	7	N/A	76
1995	2	3	8	N/A	71
1994	3	6	17	N/A	107
1993	4	9	5	N/A	107
1992	5	13	N/A	N/A	95
1991	2	20	N/A	N/A	102
1990	3	18	N/A	N/A	93

**BL** Bulletin  
**GL** Generic Letter  
**AL** Administrative Letter  
**RIS** Regulatory Issue Summary  
**IN** Information Notice

**N/A** not applicable

# Generic Communications (Continued)

- Voluntary Industry Initiatives
  - NRC develops VII Program with participation from various stakeholders, including NEI
  - Nearly all stakeholders had negative comments
  - Stakeholders see guidance as burdensome
  - Problems with enforcement
  - On August 2, the Commission approved the staff's plan to withdraw implementation of VII program

# **FEEES**

---

**Part 170 and Part 171**

# Statutory Authority

- Independent Office Appropriate Act - 1952 (IOAA)
- Recover licensing and inspection fees for costs of individually identifiable services (Part 170)
- Omnibus Budget Reconciliation Act - 1990 as amended
- Collect annual fees for 98% budget authority less IOAA fees and Nuclear Waste Fund and General Fund appropriations (Part 171)

# Part 170 and Part 171

## Fee Schedules - Proposed and Final Rules

- Proposed: 3/28/01, work papers available
- Final: 6/14/01, effective on 8/13/01
- \$453m recovery: 98% budget, NWF, general
- \$150/hour for reactor program (Part 170)
- PM activities (non-generic)
- Fee recovery decreasing by 2%/yr to 2005 - 90%

# Annual Fee for Reactors

Part 171

- FY 01 - \$2,753,000
- Includes pro-rated surcharge for international activities, fee exemptions, agreement states...
- Fees re-baselined in FY01 rather than % increase

# PM Aspects

---

- PM fees billed to licensee include general activities (training, coordination...)
- PM fees do not include generic activities (rulemaking)
- PM negotiates review resources on Work Requests for TACs
- PM monthly review of hours charged on TACs

# TASK INTERFACE AGREEMENTS

(TIA)

- TIA IS A REQUEST TO NRR FOR TECHNICAL ASSISTANCE FROM A REGION OR ANOTHER NRC OFFICE.
- TIA IS A FORMAL COMMUNICATION TO ENSURE THAT THE RESPONSE FROM NRR HAS HAD APPROPRIATE REVIEW AND THAT THE POSITION IS DOCUMENTED.

## THE TIA COULD BE A RESPONSE TO:

Generic issue

Policy issue

Specific plant event

Inspection findings or

Licensee identified issue

## TIA MAY BE SEEKING INFORMATION REGARDING:

Specific plant licensing bases

Regulatory requirements

NRR technical positions

Safety significance of plant configurations or operating practices

## TIA PROCESS

TIA does not replace routine discussions between NRR, regional office, and other NRC offices.

## DISCUSSIONS BEFORE RECEIPT OF TIA

Telephone call between requesting office, PM, NRR technical staff, and OE and generic communications branch where appropriate.

- Understand the issue and establish need for a TIA.
- Reasons for no TIA
  - Previous TIA addresses the issue
  - Low safety significance
  - Straightforward answer
  - More efficient means to answer question
  - Risk significance doesn't warrant resources
- Establish target completion date.
- DLPM provides TIA tracking number

## AFTER RECEIPT OF TIA

Requesting office provides TIA request from Division Director to DLPM/DD referencing agreed upon completion target date.

PM coordinates review.

Interaction between NRR, the requesting office, and licensee encouraged for ensuring accurate information unless reason to keep confidential. (i.e. Allegation)

Generic issues forwarded to Generic Communications branch for resolution outside of TIA process

Draft TIA response sent to requesting office for review to assure all questions have been sufficiently answered.

Discuss with requesting office on appropriateness of TIA distribution.

TIA response from DLPM/DD to requesting office Division Director with copies to other regions and NRC offices.

Most cases the TIA is to be placed in public realm.

TIA Office Letter 1201 is presently being revised to emphasize obtaining stakeholder input.

# **Electronic Information Exchange And ADAMS**

---

# Electronic Information Exchange

---

- RIS 2001-5 Covers EIE and CD-ROM submittals
- Voluntary
- RIS provides exceptions to 50.4(c) requirements for case-by-case approval and multiple paper copies for most submittals
- EIE website  
<http://www.nrc.gov/NRC/EIE/index.html>

# EIE - continued

---

- Non public information should not be submitted electronically -can use CD-ROM
- Apply for digital signatures
- PDF, ASCII, multi page TIFF, WP, MS Word, Excel, Power Point
- All Entergy SE plants have Authorized Certificate Lists

# EIE - continued

---

- GGNS most active
- Facilitates integration of document into ADAMs
- Current impediments?

# ADAMS

## Agencywide Documents Access and Management System

- RIS 2000-10 and errata general access information
- Tools to manage unclassified records of lasting value to NRC in electronic vs. paper environment
- Document management -organize and manage documents, search and retrieve
- Recordkeeping system for official records

# ADAMS - continued

---

- EIE document submittal
- Disseminate records to the public
- What happens to external submittals?
- Processed by Document Control Desk (DCD)
- “Addressee Only” routed directly
- Scan and create image and text files

# ADAMS - continued

---

- Adds document to ADAMS
- Electronic mail distribution with link to document (ERIDS)
- New release of ADAMS to public on 8/8/01
- ADAMS Assessment Action Plan updated 8/13/01
- Continued use and enhancement of ADAMS

# INSPECTION MANUAL CHAPTER 0609

## SIGNIFICANCE DETERMINATION PROCESS

### NRR SDP Responsibilities

- Provide overall program direction for the reactor inspection program
- Develop and direct the implementation of policies, programs, and procedures for regional application of the SDP in the evaluation of findings and issues associated with the Reactor Oversight Process.
- Assess the effectiveness, uniformity, and completeness of regional implementation of the SDP
- Approve all SDPs and direct the development of future SDPs and improvements through periodic revisions based on new risk insights and feedback from users.
- Provide oversight and representatives to support the SDP and Enforcement Review Panel (SERP)

# Definitions

**Finding:** an issue with some significance that has been placed in context, and determined to be of sufficient significance to warrant more detailed analysis using the Significance Determination Process (SDP) or that has extenuating circumstances. Must pass through the threshold screening process to be a finding.

**Significance Determination:** the characterization of the significance of an inspection finding using the SDP outcome color scheme to identify the level of significance.

**Green**-----a finding of very low safety significance

**White**-----a finding of low to moderate safety significance

**Yellow**-----a finding of substantial safety significance

**Red**-----a finding of high safety significance

# Graduated 3 Phase SDP Process

Phase 1 - Characterization and Initial Screening of Findings

Phase 2 - Initial Risk Significance Approximation and Basis

Phase 3 - Risk Significance Finalization and Justification

Phases 1 and 2 accomplished primarily by field inspectors and their supervisors/managers. Risk analyst may be needed to assist with some assumptions.

Phase 3 involves review and refinement of the risk significance by a NRC risk analyst. May require assistance from NRR SRA (Probabilistic Safety Assessment Branch) for such things as external events, shutdown, human factors, containment.

# SERP

## Significance Determination Process and Enforcement Review Panel

- Reviews each inspection finding potentially greater than Green in order to ensure consistent application of the process
- Discuss and reach agreement on:
  - the safety significance of the finding
  - the apparent violations and the requirements that should be cited
  - whether the case involves willfulness
- Chaired by the Chief, Inspection Program Branch of NRR
- Participants include: headquarters and region based Senior Reactor Analysts, enforcement specialists, and appropriate NRR technical and project management staff.
- Can make one of several determinations including:
  - Issue is Green. Disposition the issue
  
  - More information needed. Reschedule panel
  
  - Issue is greater than Green. Issue a Choice Letter to licensee offering a Regulatory Conference to address their views on significance of finding
  
  - Panel cannot resolve disagreements on significance of the finding or enforcement strategy. Regional Administrator, Chief- Inspection Program Branch, and Director-Office of Enforcement confer and resolve differences or escalate issue to DEDR (Deputy EDO for Reactor Programs)

**NOTE:** Detailed guidance on the SERP functions will become Attachment 1 to Manual Chapter 0609. Presently, draft Attachment 1 in approval/concurrence process.