

**NRC PRESENTATIONS**  
**STARS/NRC LICENSING WORKSHOP**

**June 10 and 11, 2003**

**Kansas City, Kansas**

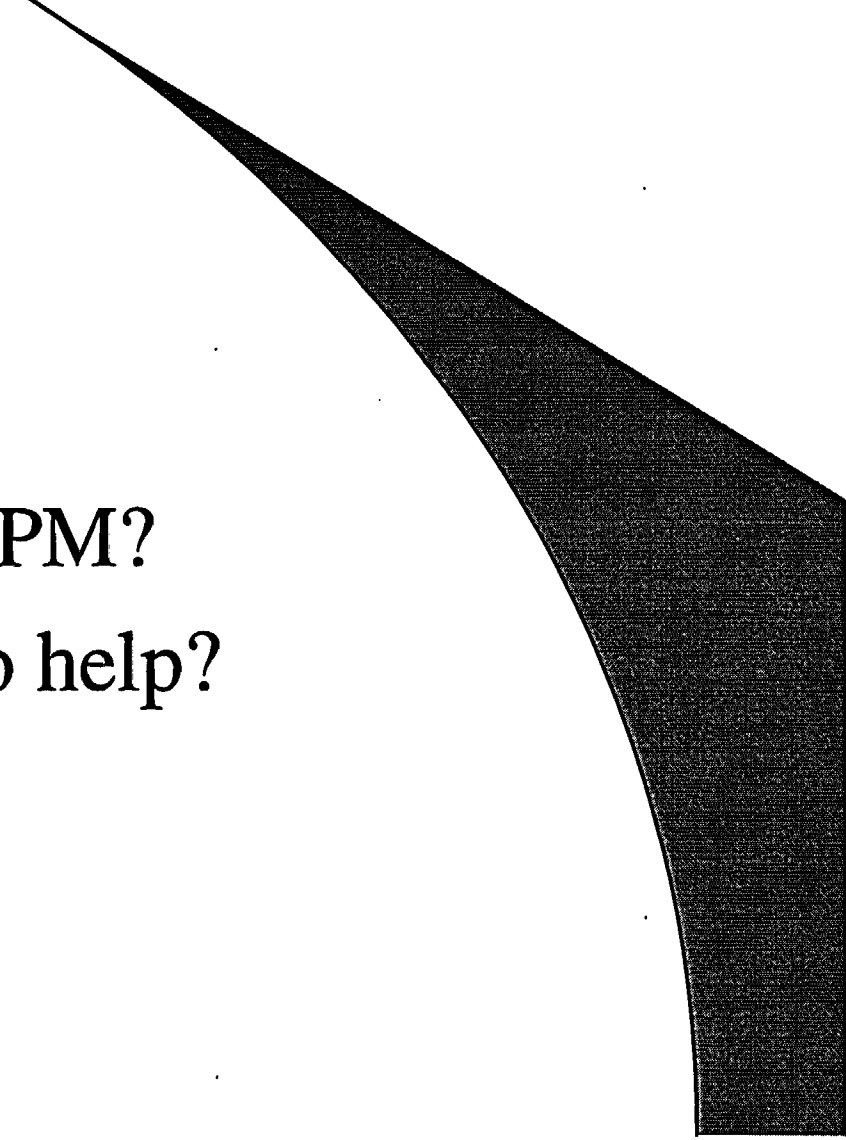


# NRC Work Controls

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Section Chief, NRC

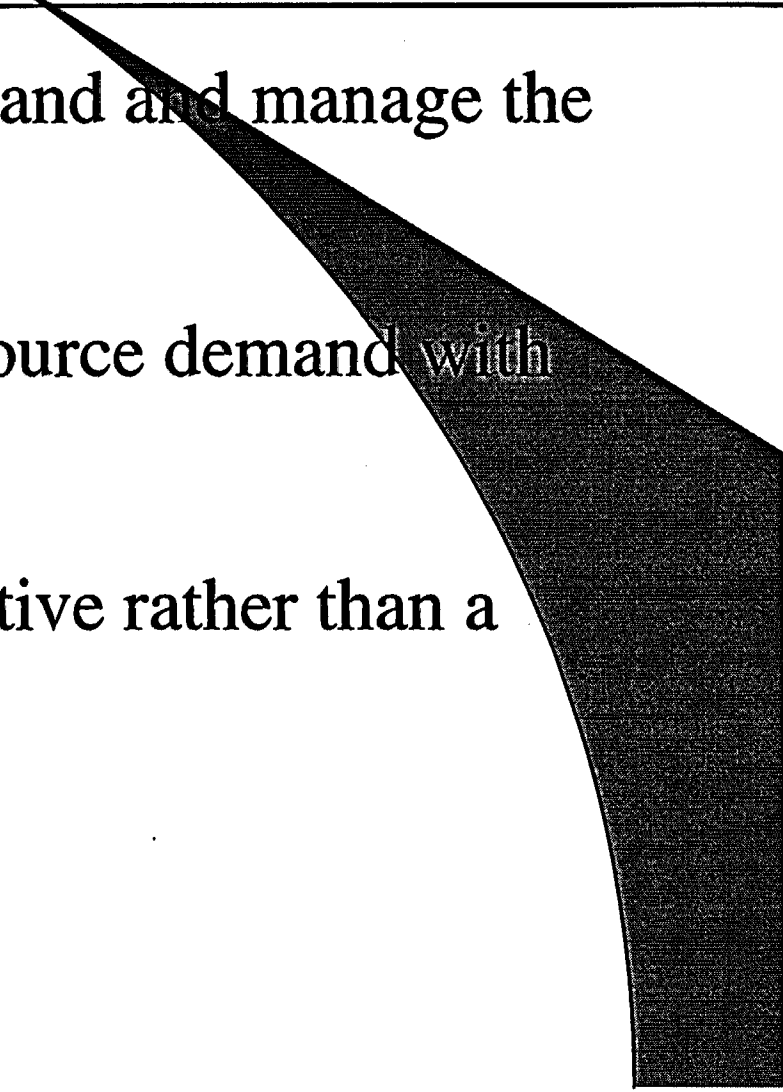
Tuesday, June 10, 2003

# Overview of Presentation

- What is CWP?
  - Desired outcomes
  - Critical information
  - What's different for the PM?
  - What can licensees do to help?
  - Implementation plan
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# What is NRC's Centralized Work Planning Process?

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- Tool to help organize, understand and manage the workload of the office
  - Optimizes the matchup of resource demand with resource availability
  - Works from an office perspective rather than a project perspective
  - Integrates work of the office
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# Desired Outcomes

- More efficient and effective use of office resources
- Better predictability
- Better quality control
- Continuous improvement

# Critical Information Needed

- Skill demand:
  - Which skills and how many hours of each needed
- Skill availability =
  - Total skill pool minus current loading
    - Current loading = previous skill demands minus hours already expended
- Dependencies
  - Whose work depends upon who
- Relative priority of work
  - Office decision independent of skills

# What's Different for the PM?

- See Handout

# What can licensees do to help?

- Nothing surprising here:
  - Submit high quality documents
  - Make it easy for NRC to determine which review branches/sections are needed
  - Give target date and basis
  - Give previous examples, if action has been done before
  - Quickly respond to RAI requests

# Implementation Plan

- FY03

- Define and communicate responsibilities to staff
- Pilot standardized characterization process
- Pilot standards development process
- Standardize process steps for another product

- FY04

- Apply characterization and standards development processes to at least two more products
- Standardize process steps for another product (or two)
- Update skills database and prioritization scheme
- Develop and pilot performance monitoring scheme



# Implementation Plan (continued)

- FY05

- Repeat cycle of standards development and process definition as needed
- Develop scheduling and planning optimization tools
- Implement performance monitoring scheme

- FY06

- Start cycle of systematic process review and improvement
- Pilot centralized scheduling



# Centralized Work Planning

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Section Chief, NRC

Tuesday, June 10, 2003

## The Role of the DLPM Project Manager Before and After the Centralized Work Planning Pilot Program

#	Before Pilot	After Pilot
1	PM receives license amendment application	Same
2	PM requests TAC for a license amendment	Same
3	PM prepares Federal Register notice	Same
4	PM initiates Work Request Form	WPC initiates the new Work Form upon TAC request
5	PM determines which sections are involved	PM lists which sections may be involved, DPR makes determination
6	PM may prepare multiple Work Request Forms for one TAC	PM fills in information on the new Work Form one time
7	PM performs precedent search and provides resulting precedents	<ul style="list-style-type: none"> <li>▶PM provides precedents referenced or used by the licensee</li> <li>▶Technical review section provides precedents that they have done and which are still appropriate to use</li> <li>▶WPC performs precedent search if requested</li> </ul>
8	PM "negotiates" completion date with each involved section	SC provides completion date based on PM's required completion date
9	PM "negotiates" hours with each involved section	STR provides hours along with basis for hours
10	PM coordinates review dependencies, and who compiles the inputs, with each section	Technical Branch DPRs coordinate review dependencies, and who compiles the inputs, with each section
11	PM checks each returned Work Request Form for appropriate hours and dates	PM checks each returned Work Form for appropriate hours and dates, review dependencies, and who compiles the inputs
12	PM forecasts his estimated completion date	PM forecasts his estimated start date, completion date, and level of effort
13	PM resolves or coordinates resolution of technical issues	Same
14	PM periodically checks if review is on schedule	Technical Branch DPRs periodically check if review is on schedule, and reports back to PM. Special attention is paid to urgent/outage related amendments
15	PM issues final product (FR Notice, SE, Amendment, and Transmittal letter)	Same

DPR - Division Planning Representative  
PM - DLPM Project Manager

SC - Technical Branch Section Chief  
STR - Senior Technical Reviewer

WPC - Work Planning Center





# Managing Schedules for LARs to Support Plant Activities

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Senior Project Manager, NRC

Comanche Peak Steam Electric Station

Tuesday, June 10, 2003



# Routine Communications (No Surprises)

- Discuss Schedules with PM Weekly  
(Use TAC Nos. to Avoid Confusion)
- Occasionally Remind Us of Planned Outages
- Inform Us Promptly of Emergent Situations
- Occasionally Contact Section Chief  
(Important for Emergent Situations)

# The BIG Picture

- Only Submit LARs that you can support  
(Assume you can Answer a Reasonable 10 to 15 Question RAI in 60 days)\*
- No Licensing Actions at the NRC for more than One Year (Subdivide Review into Parts)
- Schedule as a Prominent Part of Submittal  
(Key to Specific Event and Defensible)

\* 10 CFR 2.108 Allows the NRC to Deny an Application for Failure to Respond to an RAI

# Schedule for Routine LAR Moderate Complexity (No Generic Problems)

Time Table	Action Taken
1 <sup>st</sup> Day	Submit LAR
1 <sup>st</sup> Month	Reviewers Assigned Noticed in Federal Register
3 <sup>rd</sup> Month	RAI to Licensee
5 <sup>th</sup> Month	Response to RAI
7 <sup>th</sup> Month	Issue License Amendment

- High Quality Submittal
- Plenty of Support

# Emergency/Exigency

- Emergency (10 CFR 50.91(a)(5))
  - Requires an Explanation of Why the the Action Could NOT be Handled in a Routine Manner (Act in 0 to 7 Days)
- Exigency (10 CFR 50.91(a)(6))
  - Required when Licensee and NRC Must Act “Quickly” (Act in 1 to 3 Weeks)
  - NRR NOED (Followed by an Amendment within 4 Weeks)



# Managing Schedules for LARs to Support Plant Activities

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Senior Project Manager, NRC

Comanche Peak Steam Electric Station

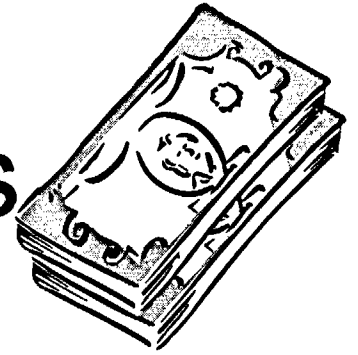
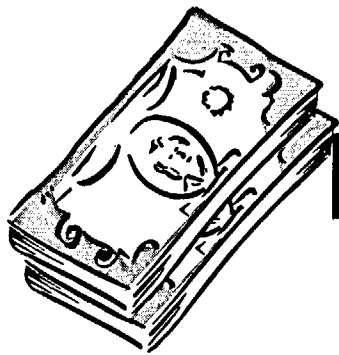
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# NRC Fees and Fee Waivers

Stephen Dembek  
Section Chief, NRC

Tuesday, June 10, 2003



# Requirements for Fees

- Required by law to assess fees to recover most of our budget
  - FY2002 annual fee for power reactors licensed to operate is \$2,849,000 and the hourly rate for staff work is \$156
  - FY2003 numbers should be available before the end of the month
- Fees are sent to treasury, are not retained by the NRC, and do not directly affect amount of funds available to NRC



# Fees for Licensing Actions

- Regarding licensing actions, NRC assesses fees for:
  - Pre-application consultations
  - New applications, amendments, & renewals
  - Standard technical specifications
  - Other licensing tasks requiring NRC approval

# Billable Docket Related Activity



- Billable Project Manager activities include:
  - Docket specific activities, such as:
    - Work licensing actions
    - Discussions with NRC staff on plant specific issues
    - Site visits
    - Responding to licensee questions
    - Attendance at this meeting

# Billable Non-Docket Related Activities

- Non-docket specific activities, such as:
  - Training
  - Performing administrative tasks
  - Scheduling, planning, coordinating work with technical staff
  - Staff meetings
- If a Project Manager has more than one on docket, the non-docket specific activities are prorated equally to all assigned dockets

# Non-Billable Activities

- Can not bill licensees for the following Project Manager activities:
  - Leave, rulemaking, voluntary (unpaid) overtime, preparation of generic guidance documents, Freedom of Information Act requests, union activities, Combined Federal Campaigns

# Fee Exemptions

- NRC grants fee exemptions as follows (see 10 CFR 170.11):
  - 1) Nonprofit educational institutions
  - 2) Performance assessments or evaluations for which the licensee volunteers at NRC's request and that are selected by the NRC

# Fee Exemptions (continued)

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- 3) Requests or reports submitted to the NRC:
  - Response to a GL or Bulletin (except if requesting an amendment)
  - Response to an NRC request (Associate Office Director or above, e.g., Brian Sheron or Bill Borchardt in NRR) to resolve an identified safety, safeguards, or environmental issue, or to assist NRC in developing a rule, regulatory guide, policy statement, generic letter, or bulletin; or
  - Means of exchanging information between industry organizations and the NRC to support NRC's generic regulatory improvements or efforts.

# Fee Exemptions (continued)

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- Regarding requests or reports submitted to the NRC:
  - This fee exemption applies only when:
    - 1) Report/request has been submitted to the NRC to support the NRC's development of generic guidance and regulations (e.g., regulations, guides, and policy statements; and
    - 2) The NRC, at the time the document is submitted, plans to use it for one of the purposes stated in the above paragraph
- If you believe you meet the criteria for a fee exemption, request it with the application
- The decision on the fee exemption should be made prior to significant work being performed on your request
- Examples (See Handout)

# OCFO WAIVERS UNDER 10 CFR 170.11

DATE OF LETTER	LICENSEE NAME	SUBJECT	DECISION	BASIS
04/15/2002	GE Nuclear Energy	GE disputes the \$1,377,000 of deferred costs assessed under Part 170 for the review of the General Electric Standard Safety Analysis Report (GESSAR). Reviews were ended in 1985 and 1986, costs were deferred under the fee rule.	Denied	Licensee was aware of deferred costs, delayed billing does not relieve GE of its legal obligation to pay the fees associated with the services that the NRC provided in response to GE's request for a standardized design review.
02/14/2002	Electric Power Research Inst.	Request waiver of fees for review of EPRI's Topical Report TR-102323, Rev 2, "Guidelines for Electromagnetic Interference (EMI) Testing in Power Plant Equipment.	Denied	TR-102323, Rev. 2 was not submitted for the purpose of supporting NRC generic regulatory improvements or efforts, and NRC has no plans to revise RG 1.180 to endorse TR-102323, Rev 2.
02/05/2002	Nuclear Energy Institute	Request waiver of fees to review EPRI Technical Report entitled, "Guidelines for Addressing Fatigue Environmental Effects in a License Renewal Application"	Granted	Revisions F and G were submitted for the purpose of supporting NRC's generic regulatory improvements related to the treatment of fatigue environmental effects.
12/20/2001	Dairyland Power Cooperative	Exemption from assessment of new Part 171 Decommissioning and Spent Fuel Pool annual fee. Request based on old, and small.	Denied	OBRA-90 is consistent with the intent of the statute to collect 100 percent of the NRC's budget authority as it applies to all licensee in the class, thereby establishing a fair and equitable basis for assessing annual fees for those licensees in decommission and/or have spent fuel pools.
12/05/2001	Southern Nuclear Op. Co.	Partial exemption to 10 CFR 170 fees for License Renewal	Granted	As the first BWR, a part of the safety review contributed to the development of generic regulatory documents.
10/23/2001	CEOG	CE NPSD-994, -995, and -996, "Joint Application Reports for Safety Injection Tank (SIT), Low Pressure Safety Injection (LPSI), and Emergency Diesel Generator, (EDG) Allowed Outage Time (AOT) Extensions"	Granted - Partial	The review effort from Jan. 3, 1996 the February 28, 1997, was used to support generic regulatory improvements.
09/17/2001	CEOG	CE NPSD-1186 - TECHNICAL JUSTIFICATION FOR RISK INFORMED MODIFICATION TO SELECTED REQUIRED ACTION END STATES FOR CEOG PWRs	DENIED	SUBMITTAL OF REPORT DOES NOT MEET THE THE FEE WAIVER CRITERIA OF FOOTNOTE 4 TO 10 CFR 170.21.
09/13/2001	YLAND POWER COOPERA	FULL OR PARTIAL EXEMPTION FROM THE SPENT FUEL STORAGE/REACTOR DECOMMISSIONING ANNUAL FEE	DENIED	EXAMINED BUDGETED COSTS ALLOCATED TO THE LACBWR AND HAVE DETERMINED THAT THERE IS NO SIGNIFICANT DIFFERENCE BETWEEN THE NRC'S REGULATORY COSTS FOR THE LACBWR AND THOSE FOR OTHER LICENSEES IN THE SPENT FUEL STORAGE/REACTOR DECOMMISSIONING CLASS.



DATE OF LETTER	LICENSEE NAME	SUBJECT	DECISION	BASIS
06/13/2001	EPRI	REVISED RISK-INFORMED INSERVICE INSPECTION EVALUATION PROCEDURE	GRANTED	FOOTNOTE 4 - INFORMATION TO BE USED TO SUPPORT NRC'S GENERIC REGULATORY IMPROVEMENTS, SPECIFICALLY RE: RI-ISI
03/02/2001	TVA	RI-ISI AS AN ALTERNATIVE FOR ASME SECTION XI CODE CLASS PIPING AND AUSTENITIC STAINLESS STEEL PIPING FOR BROWNS FERRY UNITS 2 AND 3	ANTED - PART	PART 170.11(b)(1) - PARTIAL WAIVER IS APPROPRIATE FOR THAT PORTION OF THE BFN'S UNIT 3 SUBMITTAL THAT STAFF DETERMINED HAD GENERIC APPLICABILITY.
02/27/2001	VEPCO	REQUEST FEE WAIVER FOR SURRY INDEPENDENT SPENT FUEL STORAGE INSTALLATION LICENSE RENEWAL	GRANTED	PART 170.11(b)(1) - PARTIAL WAIVER FOR PORTION OF THIS FIRST-OF-A-KIND REVIEW EFFORT THAT SUPPORTS DEVELOPMENT OF THE GENERIC PART 72 LICENSE RENEWAL PROCESS.
01/18/2001	CON EDISON CO.	ACCIDENT SOURCE TERMS FOR LIGHT-WATER NUCLEAR POWER PLANTS	GRANTED	PART 170.11(b)(1) - STAFF USED EXPERIENCE TO ASSIST IN PREPARATION OF THE REGULATORY GUIDANCE, STANDARD REVIEW PLAN AND RULEMAKING.
01/16/2001	VEPCO	ALTERNATIVE RADIOLOGICAL SOURCE TERMS FOR EVALUATION DESIGN BASIS ACCIDENTS AT NUCLEAR POWER RXs	GRANTED	PART 170.11(b)(1) - STAFF USED EXPERIENCE TO ASSIST IN PREPARATION OF THE REGULATORY GUIDANCE, STANDARD REVIEW PLAN AND RULEMAKING.
01/16/2001	GRAND GULF NGS	ALTERNATIVE SOURCE TERM PILOT PLANT PROGRAM	GRANTED	FOOTNOTE 4 - PARTICIPATION OF GGNS AS PILOT PLANT AND MEMBER OF NEW TASK FORCE SUPPORTED THE DEVELOPMENT OF THE RULE AND ASSOCIATED RG.
07/31/2000	TXU ELECTRIC CO.	CONTROL OF HAZARD BARRIERS	GRANTED	PART 170.11(b)(1) - INFORMATION PROVIDED IN THE TOPICAL REPORT LED TO THE CONCLUSION THAT THE RESOLUTION OF THIS ISSUE IS GENERIC IN NATURE AND NOT PLANT SPECIFIC
02/08/2000	TXU ELECTRIC	FIRST-OF-A-KIND RISK-INFORMED INSERVICE TESTING PROGRAM TO DETERMINE INSERVICE TEST FREQUENCIES FOR CERTAIN VALVES AND PUMPS THAT ARE CATEGORIZED AS LOW SAFETY SIGNIFICANT	GRANTED	PART 170.11(b)(1) - TXU ELECTRIC PARTICIPATION IN THE RI-IST PILOT EFFORT PROVIDED NRC WITH A PERMANENT APPROACH TO RI-IST. EXPERIENCE GAINED THROUGH THE PILOT APPLICATION IN THE PROPOSED RULEMAKING PROCESS TO MODIFY 50.55a TO EXPLICITLY ENDORSE RI-IST METHODOLOGY.
01/06/2000	MOAB MILL SITE	COURT APPOINTED PRICEWATERHOUSECOOPERS LLP (PWC), TRUSTEE FOR ATLAS MOAB MILL	GRANTED	PART 170.11(b)(1) - ALL FUNDS AVAILABLE TO PWC FROM THE TRUST SHOULD BE USED TO OPTIMIZE SITE REMEDIATION. ATLAS DECLARED BANKRUPTCY AND PURSUANT TO THE TERMS OF SETTLEMENT COURT-APPROVED REORGANIZATION NOT REQUIRED TO COMPLETE THE REMEDIATION. EXEMPTION GIVEN TO PWC (TRUSTEE) IN THE PUBLIC INTEREST.

DATE OF LETTER	LICENSEE NAME	SUBJECT	DECISION	BASIS
10/29/1999	ARIZONA PUBLIC SERV.	RISK-INFORMED INSERVICE TESTING PROGRAM PILOT PLANT REVIEW	GRANTED	PART 170.11(b)(1) - APS WAS ASKED TO PARTICIPATE IN PILOT PROGRAM AND NRC ACCEPTED THEIR SUBMITTAL, UTILIZED THE EXPERIENCE GAINED THROUGH THE REVIEW TO MODIFY 50.55a TO EXPLICITLY ENDORSE RI-IST METHODOLOGY.
10/21/1999	PA POWER & LIGHT CO	PART 50 EXEMPTION REQUEST RE: THE CONDUCT OF A FULL PARTICIPATION EXERCISE OF THE ONSITE AND OFFSITE EMERGENCY PLANS	GRANTED	PART 170.11(b)(1) - PA P&L WAS REQUIRED TO REQUEST EXEMPTION FROM PART 50 REQUIREMENT DUE TO FEMA AND NRC REGION I'S NEED TO RESCHEDULE EMERGENCY EXERCISE AT THEIR SITE - SHOULD NOT HAVE TO INCUR COSTS FOR REVIEW OF PART 50 EXEMPTION.
07/27/1999	VARIOUS	NRR'S PILOT INSPECTION PROGRAM - REGULATORY OVERSIGHT PROGRAM - 13 PLANT INSPECTIONS	GRANTED	PART 170.11(b)(1) - FEE IS WAIVED FOR CERTAIN INSPECTION EFFORT RELATED TO NRR'S NEW REGULATORY OVERSIGHT PROCESS THAT AFFECTS ALL NUCLEAR POWER PLANTS. FULL IMPLEMENTATION WILL COMMENCE PENDING SUCCESSFUL COMPLETION OF PILOT PROGRAM.
04/30/1999	IN UNIV.MEDICAL CTR	IUMC AND ROUDEBUSH VETERANS ADMIN. MEDICAL CTR (VAMC) EXPLORING POSSIBILITY OF INCINERATING RADIOACTIVE WASTE GENERATED BY VAMC.	GRANTED	PART 170.11(b)(1) - SEPARATE LICENSES ARE MAINTAINED, FACULTY MEMBERS HAVE JOINT APPOINTMENTS BETWEEN IUMC AND VAMC. IUMC IS CURRENTLY LICENSED BY NRC TO PROCESS/INCINERATE ITS OWN RADIOACTIVE AND HAZARDOUS WASTES. AS PART OF SHARE PROGRAM IUMC WILL INCINERATE VAMC's WASTE WITHOUT A PROFIT MARGIN BUILT INTO THE COST FOR TIME AND MATERIALS. PUBLIC INTEREST.
04/21/1999	ALPHA-IDAHO, LLC	APPLICATION FOR A NEW LICENSE FOR CALIBRATION USING SMALL QUANTITIES OF VARIOUS NUCLEAR MATERIALS FEE CATEGORY 3P. LICENSEE THEN WANTED TO ADD TO LICENSE CATEGORIES 1C AND 2C.	GRANTED	PART 170.11(b)(1) - NO NEED TO AMEND YOUR LICENSE TO INCLUDE FEE CATEGORIES 1C AND 2C BECAUSE OF THE SMALL QUANTITY OF SPECIAL NUCLEAR MATERIALS COULD BE GENERALLY LICENSED. WAIVE APPLICATION FEE 1C AND 2C AS WELL AS AMENDMENT FEE.
03/24/1999	BG&E COMPANY	CALVERT CLIFFS NPP - APPLICATION FOR LICENSE RENEWAL	GRANTED	PART 170.11(b)(1) - APPLICATION REPRESENTS FIRST-OF-A-KIND EFFORT FOR BOTH NRC AND INDUSTRY. STAFF INTENDS TO UTILIZE EXPERIENCE GAINED TO DEVELOP GENERIC IMPLEMENTATION GUIDANCE FOR LICENSE RENEWAL PROCESS FOR WHOLE INDUSTRY. (PARTIAL)
03/24/1999	DUKE ENERGY CORP.	OCONEE NPP - APPLICATION FOR LICENSE RENEWAL	GRANTED	PART 170.11(b)(1) - APPLICATION REPRESENTS FIRST-OF-A-KIND EFFORT FOR BOTH NRC AND INDUSTRY. STAFF INTENDS TO UTILIZE EXPERIENCE GAINED TO DEVELOP GENERIC IMPLEMENTATION GUIDANCE FOR LICENSE RENEWAL PROCESS FOR WHOLE INDUSTRY. (PARTIAL)

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03/11/1999	CENTERIOR	PERRY - LEAD PILOT PLANT APPLICATION FOR THE USE OF THE REVISED ACCIDENT SOURCE TERM METHODOLOGY	GRANTED	PART 170.11(b)(1) - FIRST-OF-A-KIND APPLICATION FOR THE REVIEW OF REVISED ACCIDENT SOURCE TERM - STAFF USED EXPERIENCE IN PREPARATION OF REGULATORY GUIDANCE, STANDARD REVIEW PLAN AND ASSOCIATED RULEMAKING.
09/04/1998	SUPERIOR WELL SERV.	WITHDRAWAL OF AMENDMENT TO ADD A CESIUM 137 SEALED SOURCE TO THEIR LICENSE	GRANTED	PART 170.11(b)(1) - LICENSEE OBTAINED THE GENERALLY-LICENSED DEVICES FROM THE MANUFACTURER AND WITHDREW THE APPLICATION FOR A SPECIFIC LICENSE. NRC REVIEWER DIED AND WORK ASSIGNED TO OTHER STAFF WHO DIDN'T KNOW ABOUT THE WITHDRAWAL OF THE SPECIFIC LICENSE APPLICATION. COSTS REFUNDED
09/01/1998	VT YANKEE NUCLEAR	VT YANKEE PILOT PLANT - RISK-INFORMED INSERVICE INSPECTION	GRANTED	PART 170.11(b)(1) - PROVIDES THE PERMANENT APPROACH TO RI-ISI - STAFF INTENDS TO UTILIZE EXPERIENCE GAINED THROUGH THE PILOT APPLICATIONS IN PROPOSED RULEMAKING PROCESS TO MODIFY 10 CFR 50.55a & RELATED GUIDANCE DOCUMENTS.
08/18/1998	ENTERGY	ANO PILOT PLANT - RISK-INFORMED INSERVICE INSPECTION	GRANTED	PART 170.11(b)(1) - PROVIDES THE PERMANENT APPROACH TO RI-ISI - STAFF INTENDS TO UTILIZE EXPERIENCE GAINED THROUGH THE PILOT APPLICATIONS IN PROPOSED RULEMAKING PROCESS TO MODIFY 10 CFR 50.55a
06/16/1998	VARIOUS	NMSS REQUEST - EXEMPTION FROM FEE REQUIREMENTS FOR LICENSE AMENDMENT FILED BY AND ISSUED TO FIXED GUAGE AND SELF-SHIELDED IRRADIATOR LICENSEES TO CHANGE THE RADIATION SAFETY OFFICER (RSO)	GRANTED	PART 170.11(b)(1) - THERE IS NO TECHNICAL REVIEW ASSOCIATED WITH THE ISSUANCE OF AMENDMENTS; ISSUANCE OF AMENDMENTS IS AN ADMIN. MATTER; MAINTAINING LISTING OF CURRENT RSO IS FOR THE CONVENIENCE OF THE AGENCY
06/12/1998	VEPCO	SURRY PILOT PLANT SUBMITTAL - RISK-INFORMED INSERVICE INSPECTION -	GRANTED	PART 170.11(b)(1) - PROVIDES THE PERMANENT APPROACH TO RI-ISI - STAFF INTENDS TO UTILIZE EXPERIENCE GAINED THROUGH THE PILOT APPLICATIONS IN PROPOSED RULEMAKING PROCESS TO MODIFY 10 CFR 50.55a
02/26/1998	INTERSTATE NUC. SERV.	LICENSEE CONDUCTED SOME SITE REMEDIATION WORK IN VOLUNTARY COOPERATION WITH NRC REGION I STAFF AT A FORMER NUCLEAR LUNDRY FACILITY.	GRANTED	PART 170.11(b)(1) - ONE-TIME ACTIVITY WILL FACILITATE DECONTAMINATION OF THE NUCLEAR LAUNDRY FACILITY THAT IS IN THE POSSESSION OF A NON-LICENSEE. NO FEE CHARGED FOR AMENDMENT TO INS LICENSE TO TEMPORARILY RECEIVE AND STORE RADIOACTIVE WASTE .

DATE OF LETTER	LICENSEE NAME	SUBJECT	DECISION	BASIS
11/12/1997	ATLAS CORP.	FEE FOR MODELING AND DETERMINATION OF SEEPAGE FROM THE TAILINGS INTO THE GROUNDWATER OVER THE 1000-YEAR DESIGN LIFE OF THE RECLAMATION	GRANTED	PART 170.11(b)(1) - NRC AGREED TO FUND ONE TASK IN ORDER TO ISSUE THE FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) SO THAT ATLAS COULD PROCEED TO RECALIM THE 10.5 MILLION TONS OF URANIUM MILL TAILINGS AT THE SITE. TASK IS VIEWED AS A CONFIRMATORY ANALYSIS OF ANALYSIS ALREADY PERFORMED BY NRC AND ORNL FOR WHICH ATLAS WAS BILLED IN THE PAST.
10/03/1997	Arizona Public Service CO.	Request fee exemption under the provision of Part 170.21, footnote 4, item 3 for NRC review of the NIST National Voluntary Lab. Accreditation Program (NVLAP) to determine if it contains controls sufficient to allow NRC licensees and 10 CFR 50 Appendix B audit calibration service providers to not have to audit NVLAP accredited laboratories.	Granted	NRC agrees that the submittal meets the criteria for the fee waiver provided in 170.21, Footnote 4, item 3. The National Technology and Advancement Act of 1995 requires agencies to use consensus technical standards unless they are not appropriate to agency needs. NRR confirmed that clarification of the audit requirements of NVLAP accredited laboratories is a matter of generic interest to all nuclear plant licensees.
09/08/1997	ST. LOUIS UNIV.	REQUEST EARLY IMPLEMENTATION OF REVISED 10 CFR 35.75 DUE TO A PATIENT'S MEDICAL CONDITION AND UNIQUE PERSONAL CIRCUMSTANCES	GRANTED	PART 170.11(b)(1) - LICENSE WAS AMENDED TO GRANT HOSPITAL AUTHORITY TO IMPLEMENT THE PROVISION OF 10 CFR 35.75 EARLY, SO AS NOT TO UNNECESSARILY DELAY MEDICAL TREATMENT TO PATIENT. ALL ELEMENTS WERE IN PLACE FOR ADMINISTERING THE FINAL RULE, NO TECHNICAL REVIEW WAS REQUIRED TO GRANT REQUEST. HOSPITAL WOULD HAVE TO PASS ON COSTS FOR AMENDMENT, IT WAS DEEMED UNFAIR TO BURDEN PATIENT WITH AMENDMENT FEE DUE TO UNFORTUNATE TIMING OF MEDICAL CONDITION. (2 WEEKS PRIOR TO NEW RULE)
06/23/1997	KINNCO/KINNSCAN	OGC REQUESTING THAT NRC NOT ASSESS AN AMENDMENT FEE TO KINNCO OR KINNSCAN FOR NAME CHANGE TO TRANSFER THE TITLE OF ITS MATERIALS LICENSE FROM KINNSCAN TO KINNCO.	GRANTED	PART 170.11(b)(1) - IN PUBLIC INTEREST TO TRANSFER LICENSE BACK TO KINNCO, HAVE SETTLEMENT AGREEMENT SIGNED, COLLECT THE UNPAID ANNUAL FEES AND CIVIL PENALTIES AND CLOSE THE CASE.
04/21/1997	VARIOUS	NRR'S PILOT INSPECTIONS - FIRE PROTECTION FUNCTIONAL INSPECTION (FPFI) PROGRAM	GRANTED	PART 170.11(b)(1) - PRIMARY PURPOSE OF THE PILOT INSPECTIONS IS TO TEST THE DRAFT FPFI PROCEDURE AND IDENTIFY NEED FOR ANY REVISIONS BEFORE PROCEDURE IS INCORPORATED INTO THE REACTOR INSP PROG.
01/24/1997	DR. DALE E. EDLIN	MORE THAN ONE LICENSEE HAVING THE SAME PLACE OF USE ON THEIR LICENSE CAUSES CONFLICTS IN AUTHORITY AND RESPONSIBILITY OVER THE RADIATION SAFETY	GRANTED	PART 170.11(b)(1) - AMENDMENT REQUEST FILED BY DR. EDLIN TO REMOVE THE DUPLICATE LOCATION FROM HIS LICENSE TO CONFORM WITH AGENCY POLICY SHOULD BE EXEMPT FROM FEES

DATE OF LETTER	LICENSEE NAME	SUBJECT	DECISION	BASIS
11/29/1996	NEI	Risk-Informed Inservice Inspection Evaluation Procedure, EPRI Report TR-106706. This is the non-proprietary version of TR-106218.	Granted	The non-proprietary version is not subject to fees in accordance with criterion three of Footnote 4 of 10 CFR Part 170.21.
09/18/1996	VARIOUS	NMSS REQUEST - EXEMPTION FROM REQUIREMENTS FOR LICENSE AMENDMENT FEES FILED BY AND ISSUED TO PORTABLE GAUGE LICENSEES TO CHANGE THE RADIATION SAFETY OFFICER (RSO)	GRANTED	PART 170.11(b)(1) - THERE IS NO TECHNICAL REVIEW ASSOCIATED WITH THE ISSUANCE OF AMENDMENTS; ISSUANCE OF AMENDMENTS IS AN ADMIN. MATTER; MAINTAINING CURRENT RSO IS FOR CONVENIENCE OF THE COMMISSION.
05/30/1996	BG&E and Duke Power Co.	Partial waiver fo Part 170 fees for the review of generic license renewal technical reports for one licensee from each owners group.	Granted-Partial	The part of the NRC review that supports the development of the standard review plan, regulatory guide, and inspection guidance meets criteria 2 of footnote 4 of 170.21. NRR established both a generic and a site specific TAC in order to separately keep track of the time being expended for each review and to provide a record upon which to bill Part 170 fees for the plant specific reviews.
06/02/1994	CEOG	CEN-607 - REACTOR VESSEL HEAD PENETRATION CRACKING	GRANTED	PART 170.11(b)(1) - REPORTS PROVIDE INFORMATION THAT IS BEING USED TO DETERMINE WHAT, IF ANY, GENERIC REGULATORY ACTIONS ARE NEEDED TO ADDRESS A GENERIC SAFETY CONCERN.
06/02/1994	B&WOG	BAW-10190P - REACTOR VESSEL HEAD PENETRATION CRACKING	GRANTED	PART 170.11(b)(1) - REPORTS PROVIDE INFORMATION THAT IS BEING USED TO DETERMINE WHAT, IF ANY, GENERIC REGULATORY ACTIONS ARE NEEDED TO ADDRESS A GENERIC SAFETY CONCERN.
05/27/1994	SQUG	GENERIC IMPLEMENTATION PROCEDURE (GIP) SEISMIC QUALIFICATION UTILITY GROUP GENERIC BASIS FOR UTILITIES TO ADDRESS ISSUES IN GL 87-02	GRANTED	REPORT WAS EXEMPT FROM 170 FEES - SUBMITTED IN RESPONSE TO GENERIC LETTERS& DID NOT RESULT IN THE REVIEW OF AN ALTERNATE METHOD OR REANALYSIS TO MEET THE REQUIREMENTS OF GL 87-02 (BEFORE FOOTNOTE)
05/20/1994	NEI	EPRI-102470 - ANALYSIS OF HIGH-FREQUENCY SEISMIC EFFECTS	GRANTED	BEST INTEREST OF COMMISSION NOT TO ASSESS FEES UNDER PART 170.21 - INFORMATION SUPPORTS POTENTIAL GENERIC REGULATORY IMPROVEMENTS. (BEFORE FOOTNOTE)
04/14/1994	NEI	SAFETY RELATED MOTOR OPERATED VALVE TESTING AND SURVEILLANCE - GL 89-10 EPRI FINAL TOPICAL REPORT	GRANTED	PART 170.11(b)(1) USE OF METHODOLOGY WILL PROMOTE UNIFORMITY IN THE DETERMINATION OF VALVE SWITCH SETTINGS & UTILITY RESPONSES TO GL 89-10



# Quality of Submittals Revisited

Jack Donohew

Senior Project Manager, NRC

Callaway Nuclear Station

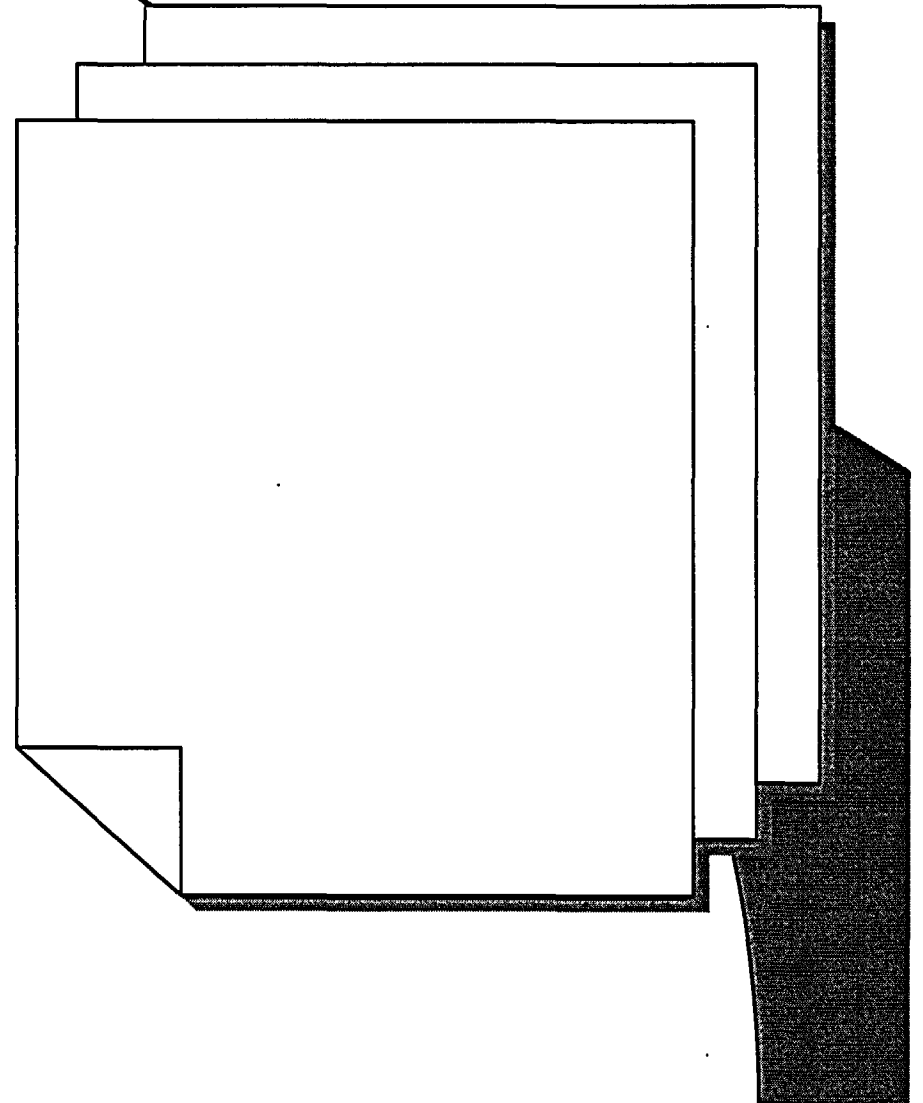
Palo Verde Nuclear Generating Station

Wolf Creek Nuclear Generating Station

Tuesday, June 10, 2003

# Guidance

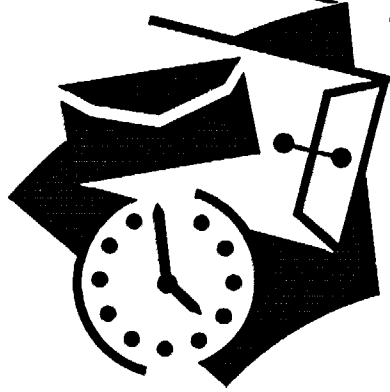
- LIC-101, Amendments
- LIC-102, Relief Request Reviews
- LIC-103, Requests For Exemption From The Regulations
- NEI White Paper Dated August 2001



# Goals of Licensees and NRC

- Licensee sends all the information need for NRC's regulatory decision
- NRC requests only what is needed for regulatory decision in one RAI





# NRC Perspective of Improvements Needed

- Provide date licensing action needed and the basis
- Provide time to implement amendment
- Provide precedents
- Provide electronic copy of submittal and clean copy of TS pages

## 10 CFR 50.4(a)

- Signed original of written correspondence to DCD, Washington, DC 20555
- List NRC-specified addresses on submittal as receiving copy

# Incorrect Addressed Submittal



- Upon receiving, PM sends copy (or original, if possible) to DCD



# Quality of Submittals Revisited

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Wolf Creek Nuclear Generating Station

Tuesday, June 10, 2003



# Quality and Role of SERs Today

Robert A. Gramm  
Section Chief, NRC

Tuesday, June 10, 2003

# ROLE OF SAFETY EVALUATIONS

- LIC-100 defines stature of SE in licensing basis hierarchy (SE vs SER)
- LIC-101 and LIC-102 provide outlines of SE content
  - Introduction
  - Regulatory Evaluation
  - Technical Evaluation
  - Commitments
  - Conclusion
- SEs provide regulatory basis for NRC decisions on licensing actions

# ROLE OF SAFETY EVALUATIONS - continued

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- SEs cite pertinent regulations and review criteria
- SEs describe staff rationale for why change is/is not acceptable

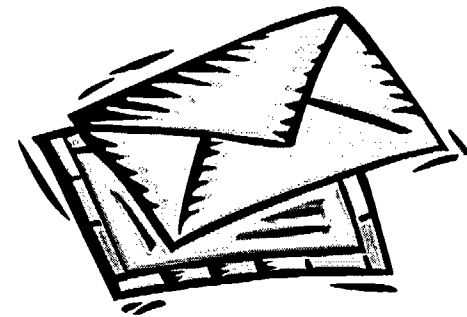
# ROLE OF SAFETY EVALUATIONS - continued

- Licensees provide licensing bases information as part of application
- Staff works with licensee to capture important information into the licensing basis
  - License condition
  - TSs
  - Other licensee controlled document (FSAR, TRM, QA program...)
  - Commitment
- SEs describe licensee commitments relied upon to make licensing decision
- SEs are generally not directly enforceable





# ROLE OF SAFETY EVALUATIONS - continued



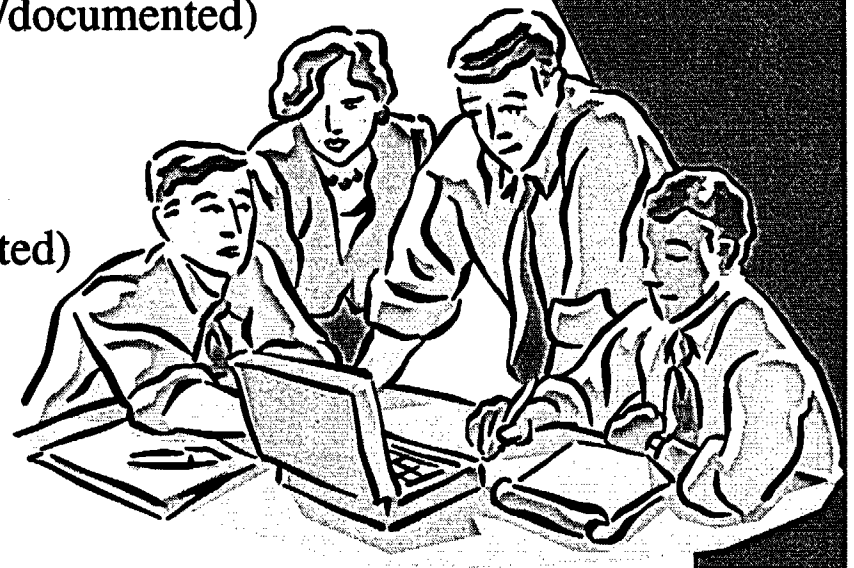
- Unique Cases where SEs may contain new licensing basis information
  - ASME code relief under IST 50.55a(f)(6)(i) and Inservice Inspection 50.55a(g)(6)(i)
  - For relief sought when code requirements are impractical, “The commission may grant relief and may impose alternative requirements”
- SEs provide insights for licensee consideration on what information to include in FSAR updates per 50.71(e) and NEI 98-03
  - NRC insights on relative importance of analysis performed by licensee with respect to NRC approval of the change
- If SE contains a factual error of importance/safety significance – contact PM to discuss need to issue a correction

# QUALITY OF SEs

- Guiding procedures and instructions (LIC-101, LIC-102, DLPM Handbook)
- Multi-level and -functional reviews performed by technical staff, OGC, and DLPM
- Expectation is that staff products are accurate and fully support licensing decisions

# QUALITY OF SEs - continued

- NRR Pilot Initiative on SE Quality for License Amendments
- Quality Attributes for SE extracted from LIC-101 (See Handout)
- SE Quality Checks performed at various stages of SE Development
  - Technical reviewer self-checks
  - Technical staff peer reviewer (optional/documented)
  - Technical SC (documented)
  - PM for SE inputs
  - LA for integrated SE
  - DLPM SC for integrated SE (documented)



# QUALITY OF SEs - continued

- Results evaluated and trended on NRR Office level basis
- Office Instruction to be prepared following pilot
- Quality Initiative to expand to include other NRR work products



# Quality and Role of SERs Today

Robert A. Gramm  
Section Chief, NRC

Tuesday, June 10, 2003

**PROCESS STANDARD: Assessing Safety Evaluation Quality - For Integrated SE Package**

**TASK:** Prepare safety evaluation input for licensing actions satisfying the attributes listed below (i.e., A through F)

ITERATION PC 1 2 3 4 (circle)

Plant & TAC Number(s): \_\_\_\_\_

Prepared By: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Peer Consultation (PC) By: \_\_\_\_\_ Date Reviewed: \_\_\_\_\_

Peer consult is highly recommended; however, it is optional. It should be used to determine if the attributes described below have been successfully incorporated into the safety evaluation input prior to concurrence.

Section Chief Review: \_\_\_\_\_ Date Reviewed: \_\_\_\_\_

	ATTRIBUTE	Y	N	COMMENT
A	The introduction section briefly describes the amendment request (LIC-101, 4.5.1).			
B	The regulatory evaluation section provides the regulatory framework for the licensee's action, including a summary of design features, licensing bases, and relevant regulatory standards/acceptance criteria (LIC-101, 4.5.2).			
C	The evaluation section includes an independent analysis of the proposal in terms of the regulatory requirements, established staff positions, industry standards, or other relevant criteria; document covers the full scope of important issues. Each evaluation subsection specifically identifies the basis for approving or disapproving the amendment request (LIC-101, 4.5.3).			

	ATTRIBUTE	Y	N	COMMENT
<b>D</b>	All information used in the SE to make a regulatory decision is formally submitted to the NRC and properly references the date, author, and subject (or is reasonably inferred from general knowledge, regulatory requirements, or standard industry practice). Where appropriate, the SE identifies the regulatory commitments made by the licensee.			
<b>E</b>	Evaluation Conclusion - Document includes a summary or conclusion that restates the findings of the evaluation.			
<b>F</b>	Clear Writing - Concise sentences, active voice, subject-verb agreement, clear logic, unambiguous, clear pronouns. No typographical or punctuation errors (Provide type of errors). Grade typographical or grammatical errors as Low or High. Errors are low if they are few and manageable such that they are easily corrected, and high if errors are numerous or a consistent pattern of mistakes appear. Return to TB/author if SE contains a high number of errors.			

DLPM Licensing Assistant (LA) (or optional secretary) review includes Attributes D and F from the template above.

LA Review: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Typographical errors detected (See Attribute F for instructions)	Grammatical errors detected (See Attribute F for instructions)

Additional Comments:

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# Use of Task Interface Agreements

DyLanne DuVigneaud  
Intern, NRC

Tuesday, June 10, 2003



# What is a Task Interface Agreement (TIA)

- A request for technical assistance from a region or another NRC office that contains questions on subjects within the scope of NRR's mission and responsibilities

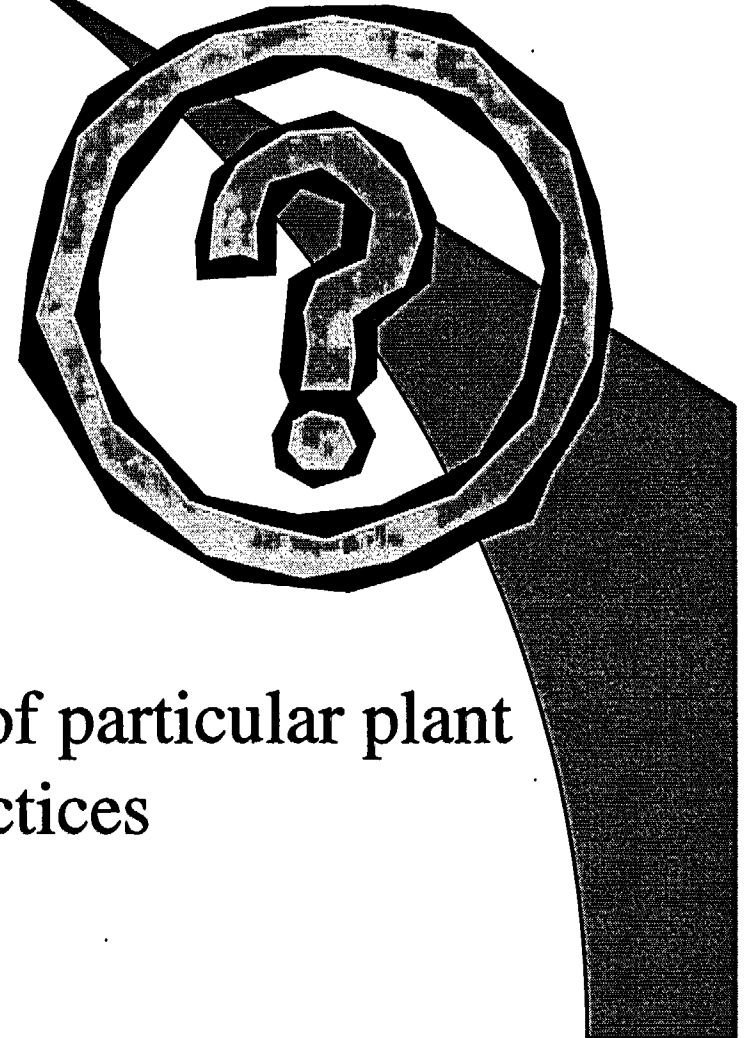


# Reasons for TIAs

- Responses to:
  - A generic issue
  - A policy issue
  - A specific plant event
  - An inspection finding
  - An issue identified by a licensee

# Seeking information on:

- Specific plant licensing bases
- Regulatory requirements
- NRR technical positions
- The safety or risk significance of particular plant configurations or operating practices

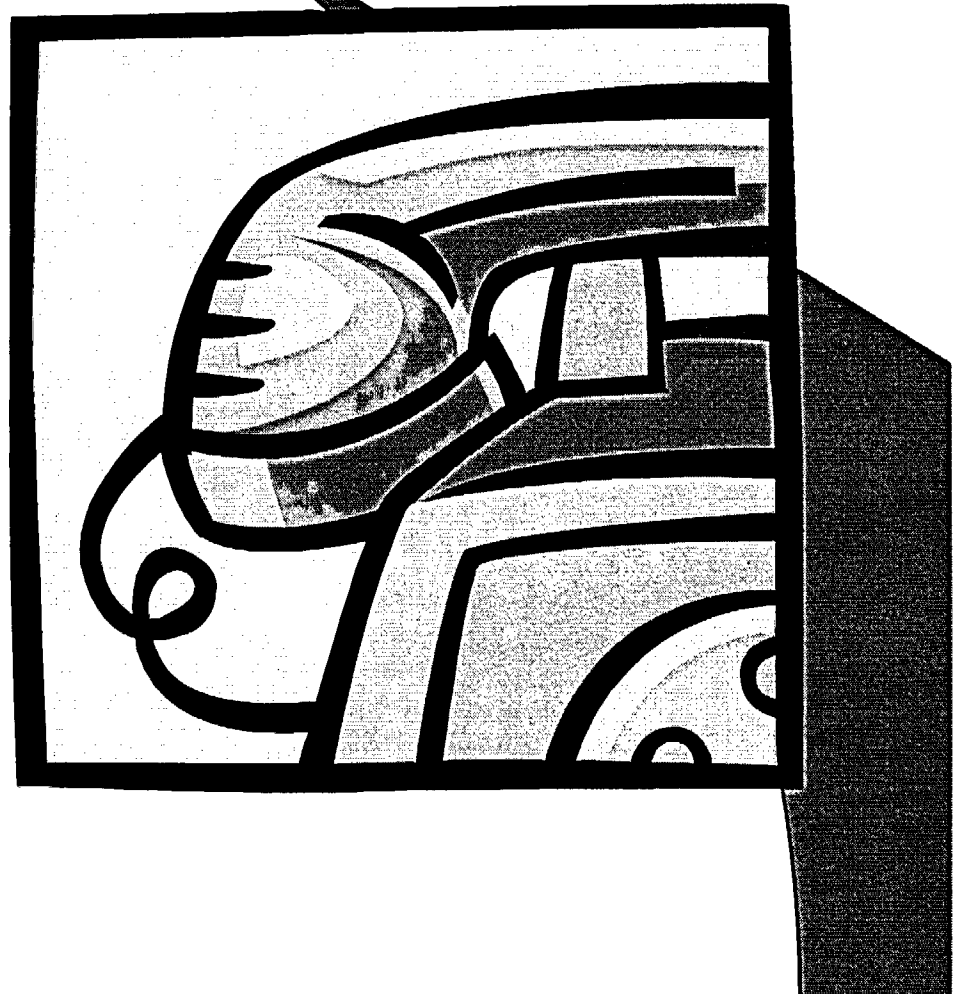


# TIA Panel

- TIA SES Process Owner
- TIA Lead PM
- A management representative of at least the Branch Chief level from the requesting office

# Process

- Issue is discussed by telephone
- Submittal mutually agreed upon within a week of initial request
- Approval of the NRR TIA SES Process Owner



# A TIA is not needed in the following cases:

- The staff has previously expressed a position
- The inspection findings involve the performance of a risk significance evaluation that can be done within the budget
- Inspection finding was determined to be GREEN
- A more efficient means of answering a question would not compromise the NRC's regulatory function

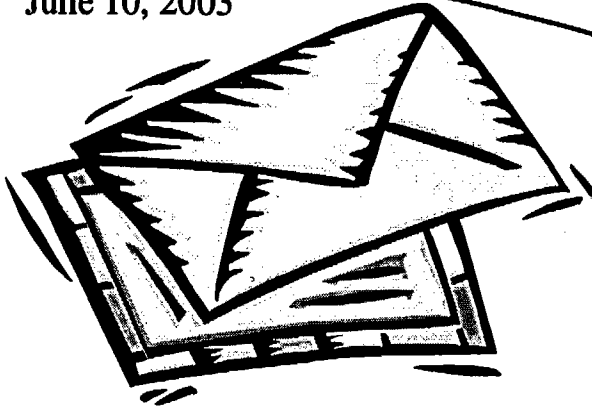
## **TIA not needed (continued):**

- Do not concern policy
- Mutually agreed to have very low safety significance and can be answered by telephone or e-mail

# Priority of a TIA

- Safety and risk significance
- Operational impact
- Regulatory impact





# Licensee Involvement

- Interaction with licensee encouraged to obtain clear and accurate information
- A written submittal from a licensee may be requested
- Adverse impact on the licensee



# Use of Task Interface Agreements

DyLanne DuVigneaud  
Intern, NRC

Tuesday, June 10, 2003



# Bulletin 2002-01 RAI Lessons Learned

Jack Donohew

Senior Project Manager, NRC

Callaway Nuclear Station

Palo Verde Nuclear Generating Station

Wolf Creek Nuclear Generating Station

Tuesday, June 10, 2003

# Bulletin 2002-01 RAI Lessons Learned

- Bulletin 2002-01 not explicit on what NRC wants to know
  - what components were inspected
  - how inspections were performed
  - how discrepancies were dispositioned
- In RAI, staff acknowledged that it was not clear in the bulletin
- NRC generic communication process does not lend itself to being specific
  - evolving knowledge of problem
  - political realities
  - timeliness demanded for generic communication being issued vs. being specific information will be exchanged following the generic communication is this not what is to be expected

# Bulletin 2002-01 RAI Lessons Learned



- NRC and industry have different audiences
  - Licensees need to convey there is no severe problem and it is controlling the problem within existing licensing basis
  - NRC needs to convey there is problem (why else the generic communication) and it is controlling the problem
- Effect of deregulation
  - Can we develop means of industry/NRC interaction in the public domain
  - NRC needs information from industry, but the interaction must be in the public domain
- Perhaps similar situations just can not be avoided
  - Bulletin 2002-01 reflected NRR need to quickly request information



# Bulletin 2002-01 RAI Lessons Learned

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Palo Verde Nuclear Generating Station

Wolf Creek Nuclear Generating Station

Tuesday, June 10, 2003



# Safety Conscious Work Environment

Mohan C. Thadani

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Cooper Nuclear Station

South Texas Project

Tuesday, June 10, 2003

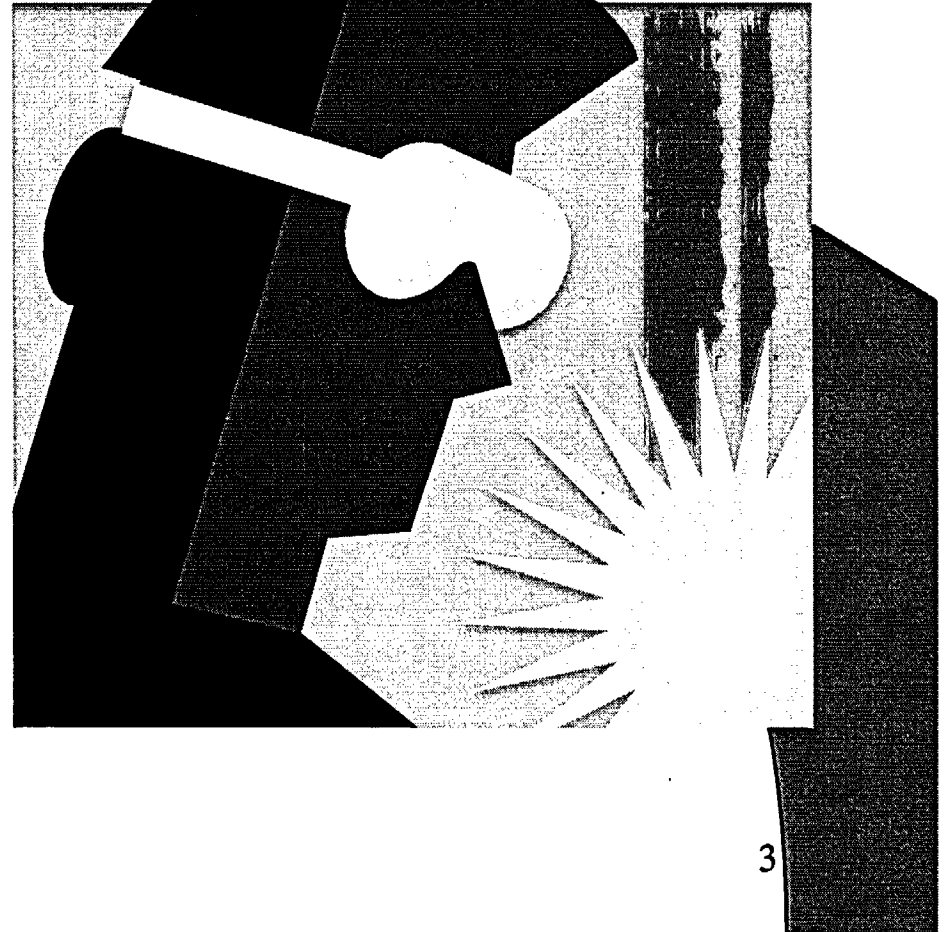
# Safety Conscious Work Environment

- Commission's Statement of Policy
- Safety Conscious Work Environment/Safety Culture
- In a Staff Requirements Memorandum (SRM) Dated March 26, 2003, the Commission Disapproved the Proposed Rulemaking and Approved the Discrimination Task Group (DTG) Recommendations (Revised by Senior Management Review Team (SMRT))



# Safety Conscious Work Environment

- The Staff's Responses to March 26, 2003 SRM
- The SRM Outlines the Commission's Recommendations





# Safety Conscious Work Environment

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Cooper Nuclear Station

South Texas Project

Tuesday, June 10, 2003



# Informal Communications (e.g., email, draft information)

Jack Donohew

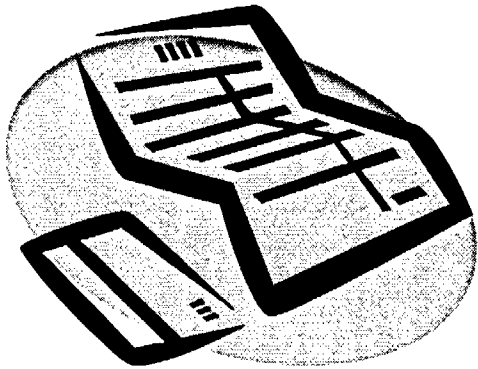
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# Informal Communications (e.g., email)

- Emails and Letters which do not go through the NRC Document Control Desk (DCD) quickly provides copies to PIs of submittals going to DCD provides informal or draft information does not go through licensees' QC/QA checks
- COM-203, "Informal Interfacing and Exchange of Information with Licensees and Applicants"
  - covers conference calls where summaries are written in record books
  - allows for informal communications between NRC/Licensees per 2.102 (a)
  - Information used to make a regulatory decision must be docketed

# Informal Communications (e.g., email)

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- Informal Communications help improve efficiency
  - Quickly helps determine if what NRC needs on the docket is being provided
  - Avoids multiple letter exchanges between NRC/Licensees
- Information used to make a regulatory decision must be docketed
- Substantial information (letter needed) vs. Clarification (email or call from licensee)
  - PM judgment

# Informal Communications (e.g., email)

- RAIs can be docketed several ways
  - letter issued by staff and responded to by licensee
  - letter submitted by licensee referencing emails/calls with staff
- Docketing informal communications in ADAMS
  - memo to docket file describing call and/or describing/attaching email
  - emails may have statements that information provided is confidential
- Informal communications should not include information that would be withheld from public
  - proprietary information
  - safeguards information



# Informal Communications (e.g., email, draft information)

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Palo Verde Nuclear Generating Station

Wolf Creek Nuclear Generating Station

Tuesday, June 10, 2003



# Processing Submittals Associated with Security Issues

David H. Jaffe

Senior Project Manager, NRC

Comanche Peak Steam Electric Station

Wednesday, June 11, 2003



# Protecting Safeguards Information Withholding Sensitive Information

- Regulatory Issues Summary 2003-xx  
– William Reckley
- Fall 2003 NEI Licensing Issues Forum

# Documents Withheld from Public Disclosure

## Classified Information

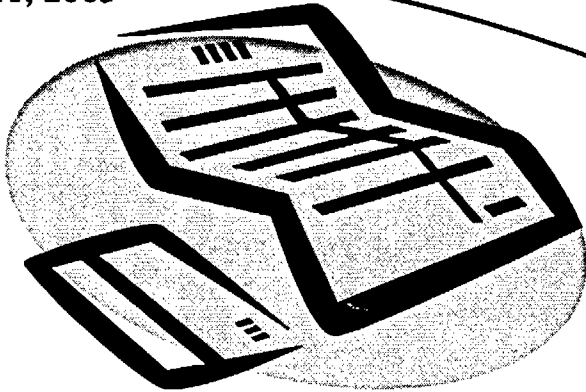
- National Security Information (NSI): information classified by an Executive Order, whose compromise would cause some degree of damage to the national security.
- Restricted Data (RD): information classified by the Atomic Energy Act, whose compromise would assist in the design, manufacture, or utilization of nuclear weapons



# Documents Withheld from Public Disclosure

## Classified Information

- Information concerns physical protection vulnerabilities may be classified information.
- Clearance and “need-to-know” required for access



# Documents Withheld from Public Disclosure

## Safeguards Information (SGI)

- Sensitive unclassified information authorized by the Atomic Energy Act
- SGI concerns the physical protection of operating power reactors, spent fuel shipments, strategic special nuclear material, or other radioactive material.

# Documents Withheld from Public Disclosure

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## Other Sensitive Unclassified Information

- Should be withheld from Public Disclosure but does not meet SGI criteria
- 10 CFR 2.790(d)(1) states:

(d) The following information shall be deemed to be commercial or financial information within the meaning of subsection 9.17(a)(4) of this chapter.

(1) Correspondence and reports to or from the NRC which contain information or records concerning a licensee's or applicant's physical protection, classified matter protection, or material control and accounting program for special nuclear material not otherwise designated as Safeguards Information or classified as NSI or RD

# Documents Withheld from Public Disclosure

## Other Sensitive Unclassified Information

- The NRC expects that licensees will continue to request withholding of some information using this provision
- The NRC believes that the volume of material requested to be withheld from public disclosure according to 10 CFR 2.790(d)(1) may increase.
- The NRC staff will interact with licensees on a case-by-case basis regarding the use of the provisions of 10 CFR 2.790(d)(1).

# Submittals Addressing Security Issues



- Changes Involving Physical Security
- FSAR Updates
- Miscellaneous Issues Under 10 CFR 2.790



# Processing Submittals Associated with Security Issues

David H. Jaffe

Senior Project Manager, NRC

Comanche Peak Steam Electric Station

Wednesday, June 11, 2003





# Making Changes to the Plant Associated to Orders – Process Guidance

Robert A. Gramm  
Section Chief, NRC

Wednesday, June 11, 2003

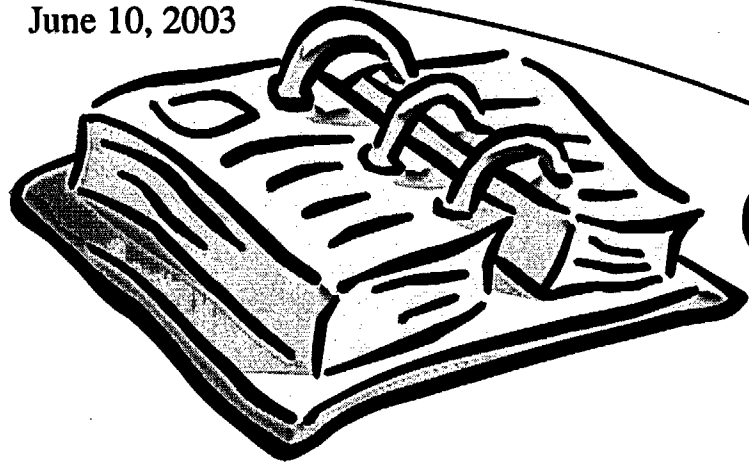
# Orders

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- NRC may modify, suspend, or revoke a license with an order
- License modification orders: change in equipment, procedures, personnel, or management controls
- Suspension orders: remove threat to public health and safety, licensee interference with inspection/investigation
- Revocation orders: for conditions which would warrant refusal of a license on an original application

# Orders - continued

- Cease and desist orders: stop an unauthorized activity
- 10 CFR 2.202
- NRC Enforcement Manual Section 5.8, "Order Modifying, Suspending, or Revoking License"
- Staff Handbooks



## Orders - continued

- The Order will
  - Identify hazardous condition or facts justifying action
  - Specify action to be carried out
  - Require a licensee response in 20 days (or other time as specified in order) under oath and affirmation
  - Require a demand for hearing within 20 days (or other time as specified in order)

# Orders – continued



- Response may consent to order which waives right to hearing
- Response may present facts supporting position for not consenting to the order and reasons why the order should not have been issued
- Response can demand a hearing to move Commission to set aside immediate effectiveness of the order

# MODIFYING AN ORDER

- Provisions of an order can be modified by:
  - Issuance of a follow-on order
  - Issuance of a license amendment
  - Following the self-contained change control process in the order
- Can be immediately effective if circumstances warrant
- If no hearing, becomes effective on day following deadline to request a hearing

# MODIFYING AN ORDER - continued

- If a hearing, becomes effective as determined in the hearing
- Requests for extension of time to request a hearing can be made to OE (or as described in the Order)



# EXAMPLES OF ORDERS

## EA 03-009; Interim Inspection Requirements for PWR RPV Heads

- Order effective immediately until superceded by 50.55a changes, answer or request for hearing does not stay immediate effectiveness
- "...all PWR Licenses identified in the Attachment to this Order shall be modified to include the inspection requirements for RPV heads and associated penetration nozzles identified in Section IV of this Order."
- "The Director, Office of Nuclear Reactor Regulation, may, in writing, relax or rescind any of the above conditions...."
- Requests for relaxation associated with specific penetration nozzles will be evaluated by the NRC staff using its procedure for evaluating alternatives to the ASME code in accordance with 10 C.F.R. 50.55a(a)(3)." Section chiefs can sign out the relief



# EXAMPLES OF ORDERS - continued

## EA 03-038: Compensatory Measures for Fitness-for-Duty Enhancements for Security Force Personnel

- Order effective immediately, answer or request for hearing does not stay immediate effectiveness
- "All Licensees shall...comply with the requirements described in Attachment 2 to this Order except to the Licensee's security plans."
- Licensees given 35 days to inform Commission if unable to comply, if compliance is unnecessary, or if implementation would violate regulations or license
- Licensees to submit an implementation schedule in 35 days and report when full compliance achieved
- "The Director, Office of Nuclear Reactor Regulation may, by letter, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause."



# Making Changes to the Plant Associated to Orders – Process Guidance

Robert A. Gramm  
Section Chief, NRC

Wednesday, June 11, 2003



# Perry Decision

Jack Donohew

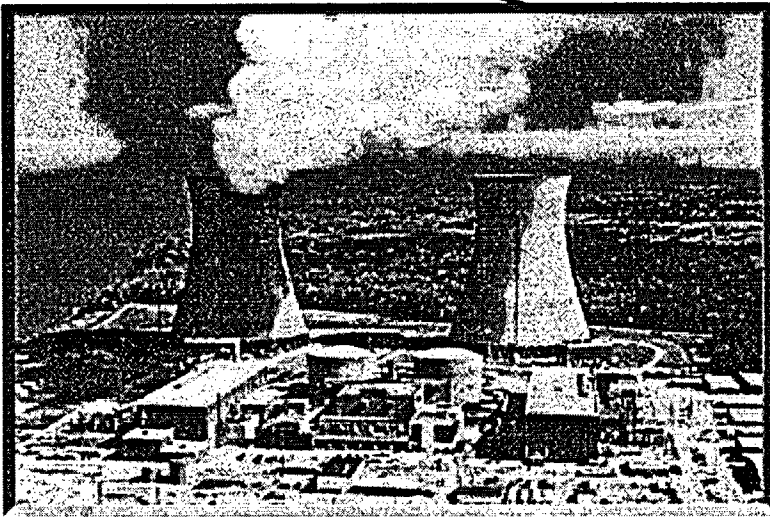
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Tuesday, June 10, 2003



# Perry Decision

- Perry Decision: ASLB decision that a change to the Perry withdrawal schedule for RPV material specimens per Part 50 Appendix H is a licensing amendment.
- Commission reversed decision: Only agency approvals granted that "exceed existing licensing authority" are license amendments.
  - withdrawal schedule change conforming to ASTM standard not a license amendment
  - a change not conforming to ASTM standard is a license amendment.

# Perry Decision

- 10 CFR Parts 2 and 50 allows a few ways for the staff to approve a license change:
  - Exemption per 50.12
  - Relief request per 50.55a
  - Order per 2.202
  - Amendment and Security program change per 50.90
  - QA and EP program change per 50.54
- NRC approval must be by one of the above methods
- Orders can include the method for changing the requirements in the order (i.e., the RPV head inspection order).

# Perry Decision

- Examples

- Comanche Peak RTT change in components and method of verification in TS RT definition
- Diablo Canyon probability of detection in TS Note 2 stating upper voltage repair limit calculated by GL 95-05



# Perry Decision

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Callaway Nuclear Station

Palo Verde Nuclear Generating Station

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Tuesday, June 10, 2003



# 50.59 Revised Rule Follow-up

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Senior Project Manager, NRC

Cooper Nuclear Station

South Texas Project

Wednesday, June 11, 2003



# 50.59 Revised Rule Follow-up

- Revised Rule effective March 13, 2001
- Guidance (RG 1.187, NEI 96-07, Part 9900)
- Inspection Procedure 71111.02

# 50.59 Revised Rule Follow-up

- Experience

- NRC staff has questions about the appropriateness of the licensees implementation
- NEI believes that the NRC is inconsistent in judging the applicability of 10 CFR 50.59

- Future Action

- Industry Meeting – Need for Further Guidance?



# 50.59 Revised Rule Follow-up

Mohan C. Thadani

Senior Project Manager, NRC

Cooper Nuclear Station

South Texas Project

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