



STARS / NRR PROJECTS

LICENSING WORKSHOP

**June 10 and 11, 2003
Kansas City**

Following is a workshop agenda. The flow of the workshop is from Licensing submittal scheduling issues to quality to change processes. The workshop is meant to be panel discussion with one or more NRC and STARS person on the panel (as indicated by the topic). Each panelist will present an aspect or perspective of the topic. Once complete, the session will be open for questions with a member of RASIG taking turns as moderator / facilitator. STARS panelists will either be a COE Lead (as indicated), IRAG member or IRAG backup member. Times have been scheduled based on breadth of the topic. One break is scheduled for each morning with two in the afternoon. A discussion session has been scheduled for the second afternoon. Since IRAG will begin their Quarterly meeting that afternoon, the intent is to have a seasoned STARS Licensing person from each plant there as a facilitator. This is a session for the exchange of experience and discussion.

Tuesday, June 10, 2003
MORNING SESSION

8:00 – 8:30 **WELCOME and INTRODUCTION** NRC – Herb Berkow
STARS – Don Woodlan

8:30 – 10:00 **LICENSING ACTIONS – SCHEDULING (Panel Discussion)**

NRC Work Controls NRC – Steve Dembek

- ☆ Impact on submittals
- ☆ Improving efficiency (things licensees can do to improve work assignment, work flow)
- ☆ Revised Project Manager Responsibilities

Potential Benefit:

If the licensee understands the recent changes to NRC's work controls program and the impact on workflow, there may be things that licensees can do to ensure efficiency.

Managing Schedules for LARs to Support Plant Activities NRC-Dave Jaffe
STARS – Glenn Michael

- ☆ Scheduling and timing of submittals

Potential Benefit:

Submittals associated to outage implementation are always of interest. Additional plant evolutions (e.g., steam generator replacement, power uprates) would also fall in this category. Licensees depend on the license amendment to exit their outage. The NRC requires submittals of quality to ensure the schedule can be met. This discussion is intended to focus on the elements that ensure both NRC and Licensee are satisfied.

9:45 – 10:00

Break

Tuesday, June 10, 2003
AFTERNOON SESSION

12:30 – 4:30 QUALITY ISSUES CONTINUED (Panel Discussion)

**(12:30 – 1:30) Quality and Role of SERs Today NRC – Robert Gramm
IRAG – Dave Shafer**

- ☆ Obligations and Responsibilities
 - NRC perspective (enhancements – Technical Review Guidance)
 - Licensee perspective (trends)
- ☆ Correcting or Clarifying Information
 - NRC experience
 - Licensee experience (trends)

Potential Benefit:

In recent years the role of SERs has been down played. However, they are still play a role in the regulatory process. This session would review that role and issues associated to the issuance and receipt of SERs. The intent of this session would be to identify issues that ensure a quality SER, ensure the SER is appropriately addressed upon receipt and identify mechanisms for changing SERs.

**(1:30 – 1:45) Use of Task Interface Agreements NRC – Dylanne Duvigneaud
(TIAs)**

Potential Benefit:

Discussion of the use of TIAs will help Licensees understand their function.

1:45 – 2:00

BREAK

Tuesday, June 10, 2003
AFTERNOON SESSION (after break)

(2:00 – 2:45) **Bulletin 2002-01 RAI Lessons Learned** NRC – Jack Donohew
STARS – Ken Peterson

- ☆ Ways to avoid another industry RAI.
 - NRC perspective
 - Licensee perspective (i.e., determining the balance between too much information and too little)

Potential Benefit:

This iteration of bulletin, response, RAI impacted resources both within the NRC and licensees. A discussion of the lessons learned may prevent another similar situation.

(2:45 – 3:15) **Safety Conscious Work Environment** NRC – Mohan Thadani
IRAG – Stan Ketelsen

- ☆ NRC perspective
- ☆ Licensee perspective

Potential Benefit:

This is a topic of interest that increased understanding and awareness will improve especially in the area of communications (if we are all talking about the same thing and thinking the same thing, communications will certainly improve).

3:15 – 3:30

BREAK

3:30 – 4:30 **Informal Communications (e.g., email)** NRC – Jack Donohew
STARS – Fred Madden

- ☆ Guidelines; when and how to use it
- ☆ What to expect
- ☆ Experiences

Potential Benefit:

During the 2002 Licensing Information Forum the issue of emails was discussed. Since this communication mechanism is one that can be efficient but also embarrassing, a review of guidance and expectations and use will encourage effective use.

4:30

End of First Day

Wednesday, June 11, 2003
MORNING SESSION (after break)

- (9:45 – 10:15) Perry Decision** NRC – Jack Donohew
STARS – Don Woodlan
- ☆ Implications – How to stay out of the same situation
 - ☆ Application continues?

Potential Benefit:

Although it was stated at the 2002 Licensing Information forum that the Perry Decision was a document with one time use, it continues to be an issue. Licensees do not wish to find themselves in a situation where there is question as to the limits of the license. Discussion on this point and insight from both the industry and regulator will improve communications.

- (10:15 –10:45) 50.59 Revised Rule Follow-up** NRC – Mohan Thadani
STARS - Jimmy Seawright
- ☆ Quality of the Annual Report
 - ☆ NRC perspective on use and application
 - ☆ Inspection Results (sharing)
 - ☆ Other rule language – new emphasis and results (e.g., trends in submittals)

Potential Benefit:

This section would provide an opportunity to benchmark on how the industry is doing in the area of 50.59 and look for improvements.

- 10:45 – 11:15 Open Session** NRC – All
STARS – Don Woodlan
- NRR Projects involvement in level 3 SDPs
 -
 -
 -
 -

Wednesday, June 11, 2003
MORNING SESSION (wrap-up)

11:15 – 12:00 WORKSHOP WRAP-UP

NRC – Herb Berkow
STARS – Diane Hooper

This session should be a joint effort between the NRC and the STARS attendees. The topics below should be brainstormed and condensed into a list of discreet items. A summary of take away items should also be developed. The list should include improvement items and may be fashioned after the STARS delta/plus model.

- | | | | |
|-----------------------------|------------------------|----------------------|---------------------|
| ☆ Effectiveness | ☆ Challenges | ☆ Measurable Success | ☆ Future Activities |
| ▪ What was most beneficial? | ▪ Types of challenges? | ▪ PI ideas? | ▪ Follow-up |
| ▪ What was most effective? | ▪ Barriers? | ▪ Other? | ▪ Improvements |
| | | | ▪ Communication |

12:00

Adjourn / Lunch

Wednesday, June 11, 2003
AFTERNOON (Post Workshop Session)

1:00 – 3:00

Licensee Closed Session

STARS -

This is an impromptu session for sharing experience and discussing workshop questions. The session should be facilitated by an experienced licensing person from each STARS plant.



STARS Presentations



Strategic Teaming and Resource Sharing

WELCOME AND INTRODUCTION

STARs/NRR Projects Licensing
Workshop, June 10, 2003
Don Woodlan

6/10/03

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Strategic Teaming and Resource Sharing

Welcome

- Strategic Teaming and Resource Sharing
- AmerenUE, TXU Electric, Pacific Gas and Electric, STPNOC, Arizona Public Service Co. and Wolf Creek NOC
- NRR Projects representatives
- Members of the Public

6/10/03

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Strategic Teaming and Resource Sharing

Introductions

- Please introduce yourself with brief bio
 - Current job
 - Work history
 - Years in licensing/projects or related work
 - Area of expertise
 - Other info of interest

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STARS Training and Technical Series

Purpose and Objectives

- Meet your STARS regulatory affairs counterparts
- Meet your NRR projects people
- Open discussion on several key topics

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STARS Training and Technical Series

Workshop Structure

- Discussion Topics Identified
- 1/3 of time for STARS presentation
- 1/3 of time for NRR presentation
- 1/3 of time for open discussion
- Ask questions as they occur - may hold off discussion until open discussion period

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STARS Training and Technical Series

Housekeeping

- Meals
- Breaks
- Restrooms
- Attendance List
- Other

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Managing Licensing Action Request (LAR) Schedules to Support Plant Activities

Glenn Michael
Palo Verde Nuclear Generating Station
June 10, 2003

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Types of LARs that may be Needed to Support Plant

- Relief Requests
 - ISI/IST
 - NRC Orders
- Tech Spec Changes
 - Core Reloads (e.g., DNBR)
 - New Methods
 - Power Uprate
- Exemptions

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Challenges

- LAR Scheduling must Consider:
 - Licensing resources
 - Preparation time
 - Peer quality-review time
 - Cross organization reviews
 - On- and Off-site Safety Committee Reviews
 - NRC review
 - Implementation time
- LARs to support the plant require early, complete planning

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Licensing Document Change Request (LDCR) Process

- LARs may be identified by anyone on site by using the LDCR process.
- Licensing must determine where the LDCR fits in with the other LARS being prepared.
- Licensing manages the LARs by using the Licensing priority List (LPL).

Licensing Priority List (LPL)

- List of "Top Ten" LARs.
 - Actively being prepared
 - Submittal/approval schedule identified
- List of "Honorable Mention" LARs.
- List of LARs currently with the NRC.
 - Approval schedule identified.
- List of LARs approved by the NRC.

Licensing Priority List (LPL)

- Licensing works to the LPL.
- Input meetings with individual stakeholders to identify potential LPL items and restraints.
- Work with responsible groups to address any restraints.
- Licensing meets monthly with Nuclear Fuels to ensure needed LARs are identified.

Licensing Priority List (LPL)

- Management stakeholders meet semi-annually to review LPL and verify that plant needs are being met.
 - Licensing
 - Operations
 - Engineering
 - Outage Management
 - PRA
 - Nuclear Fuels

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Licensing Priority List (LPL)

- LPL Performance Indicators
 - Input to monthly departmental report
 - Number of LARs submitted
 - Average age of LARs
 - NRC review time
 - NRC review fees

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Licensing Priority List (LPL)

- Emergent needs may push LARs down the list:
 - NRC Order relief requests
 - Emergent ISI relief request

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Licensing Priority List (LPL)

- Challenges that affect LPL schedule projections:
 - Not resource loaded (outage volunteering, vacations, training, etc.)
 - Unexpected emergent work sometimes significant (NRC Orders, etc.)

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LAR "Need" Dates

- The "need" date requested in the LAR letter may be based on plant preparation need, which may be months prior to startup need.
 - Intent is to have confidence that LAR will be approved as-requested so that design work can be done.
 - NRC often needs to know startup date for their work management.
 - Should standard submittal format specify both dates?

11

Notification of LAR Implementation?

- There is no standard guidance for the need and the format to notify the NRC when an approved LAR is implemented.

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Licensing Priority List (LPL)
Changes to be actively worked

	Description of Change	Restraints	NRA RE	Submittal Schedule	Sponsoring Org	Date Started Working	LDCR No.	STARS?
1	TSTF-283 for EDG surveillance limitations (TS 3.8.1 and 3.8.4)	None	J Proctor	Second Qtr 2003	PRA	6/4/02	03-T001	Y
2	MSSV TS changes (TS 3.7.1)	None	G Michael	Third Qtr 2003	NFM	11/14/01	01-T001	N
3	Request NRC approval for higher fuel pin pressure for ZIRLO fuel	None	J Proctor	Third Qtr 2003	NFM	11/15/02	02-F047	N
4	Movement of "recently" irradiated fuel (TSTF-51)	None	R Wilferd	Third Qtr 2003	ENG	3/20/03	Not yet assigned	Y
5	Relaxation of RX Vessel Head Order for UT testing to the "bottom of the nozzle" for Units 1 and 2.	Need Hoop Stress reports for Units 1 and 2	R Rogalski	Third Qtr 2003	ISI	TBD	NA	N
6	EDG AOT increase to 14 days (TS 3.8.1)	None	J Proctor	Third Qtr 2003	PRA	5/20/03	99-T002	N
7	Relaxation of specific requirements in License Order Sections IV.C (1) and IV.C (2) requiring volumetric examination of the RPV head vent nozzle	ISI	R Rogalski	TBD Need by Spring 2004 outage	ISI	TBD	NA	N
8	Administrative changes: delete reporting license condition, remove round cell batteries, add note to SR 3.8.1.2, and correct MSIV/MFIV applicability (TS 3.7.2 and 3.7.3).	None	D Gregoire	TBD	Licensing	11/1/01	01-T010 02-T001	N
9	Revise TS 3.1.5 condition B for one CEA position indicator channel operable to state that there is only one CEA position indicator channel OPERABLE for one or more CEA per CEA group.	None	TBD	TBD	OPS	TBD	99-T005	N

Licensing Priority List (LPL)
Changes to be actively worked

	Description of Change	Restraints	NRA RE	Submittal Schedule	Sponsoring Org	Date Started Working	LDCR No.	STARS?
10	Relaxation of LCO 3.0.4 (TSTF-359) CLIP issued in 68 FR 16579, April 4, 2003. Also see letter from NEI to NRC dated April 28, 2003, containing revised TSTF-359.	None	R Wilferd	TBD	Licensing	TBD	Not yet assigned	Y

Licensing Priority List (LPL) Honorable Mention

	Description of Change	Restraints	Notes and Comments	LDCR No.	STARS ?
1	CIV AOT increase to 7 days (TSTF-373)	PRA	Unapproved TSTF; approved topical		N
2	CS AOT increase to 7 days (TSTF-409)	PRA	Unapproved TSTF; approved topical	98-T006	N
3	Revise TS 5.5.6 Containment Tendon Surveillance Test Program (TSTF-343 rev 1).	Need LDCR and input from Civil Design Engineering	Needed for Spring 2004	TBD	Y
4	Revise the test frequency for the Containment Spray Nozzle Air test (SR 3.6.6.6) so that it is only required after maintenance that could affect performance.	Need LDCR and input from Maintenance Engineering	South Texas recently submitted similar change.	TBD	Y
5	Delete Appendix B, Environmental Protection Plan, from the PVNGS operating licenses	None			?
6	Define "operations involving positive reactivity" (TSTF-286)	None	Several STARS plants have received this.	01-T009	Y
7	Rewrite DC sources specification (TSTF-360)	Engineering needs to review	TSTF is approved.		Y
8	Revise QA Program to be able to use ISO-9000 certified vendors	NAD to develop	May be ready to pursue by mid-2003		Y
9	Delete Appendix C antitrust conditions from the PVNGS operating licenses	None	Per Ken Manne, we committed to SRP that we would do this		N
10	New 24 hour AOT for breach of CR boundary (TSTF-287)	None	NRA has done some preliminary work on this.	00-T017	N
11	Consistent completion times for reaching Mode 4 (PSV/LTOP - TS 3.4.11 and 3.4.13) (TSTF-352)	None			Y
12	Steam generator generic licensing package (TSTF-449)	NEI 97-06	Lead plant (Catawba) to submit an amendment request in early 2003.		Y
13	Relaxation of end state per CEOG topical (TSTF-422)	None	Topical approved, but TSTF has not been submitted. Potential CLIP.		Y

Licensing Priority List (LPL) Honorable Mention

	Description of Change	Restraints	Notes and Comments	LDCR No.	STARS ?
14	Add note to EC specification (TSTF-351)	None			N
15	Delete TS hydrogen recombiner requirements	NRC is working on 10 CFR 50.44 Rule change	TSTF to be developed after Rule change, which is planned for early 2003.		Y
16	ISI relief request to use Code Case N597 for localized thinning analyses	Need ISI justification			N
17	ISI Code Case 532 (TSTF-412)		Per M. Melton, this request should not be needed because the Code Case is expected in the next RG 1.147 revision		N
18	Revise pressure-temp limits per 3/4.4.8 to incorporate revised instrument uncertainties. PTLR - This TS change would remove the RCS pressure and Temperature Limits from various TS's and relocate them to a Licensee Controlled document.	Need Engineering input (LDCR).		97-001	N
19	ISI relief request for use of Code Case N651-2 to allow for ASME pipe overlay repairs for one cycle - outage benefit.	Need ISI justification			N
20	Risk-informed ISI	Need PRA and ISI input			Y
21	Revise the NRC reporting requirement in TS Tables 5.5.9-2 and 5.5.9-3 (SG inspections) to be consistent with the revised 10 CFR 50.72 reporting criteria.				?

Submittals Currently with NRC

	Description of Change	NRA RE	LDCR	Submitted to NRC	Requested Date	Category	STARS?
1	Power uprate	R Bernier	01-T004	12/21/01 (102-04641)	12/31/02	I	N
2	ISI relief request to use embedded flaw techniques for CEDM nozzle repairs - ISI Relief Request Nos. 20 and 21.	R Rogalski		3/15/02 (102-04668)	9/27/02	II	N
3	ISI Relief Request for proposed alternative repair method for reactor vessel head penetrations – ISI Relief Request No. 18 (temperbead)	R Rogalski		5/22/02 (102-04705)	"to support the VHP inspections scheduled during the upcoming refueling outages for Units 1 and 3"	II	N
4	License recovery time from low power testing	R Wilferd	02-T002	8/28/02	8/31/03	III	N
5	CPC upgrade: DNBR, TS 3.2.4; RPS Instrumentation - Operating, TS 3.3.1; CEACs, TS 3.3.3.	D Gregoire	01-T003	11/7/02 (102-04864)	7/1/03	I	N
6	IST relief request for Unit 1 HPSI pump 1A for high vibration during full flow - IST Pump Relief Request No. 13.	D Gregoire		1/21/03 (102-04881)	7/1/03	I	N
7	E-Plan change to reduce number of STAs	R Roehler		2/14/03 (102-04890)	9/1/03	III	N
8	Admin TS changes to reflect reorg (Chemistry and WEI) (Sholly'ed 5/27/03)	R Rogalski	02-T004 02-T006	4/15/03 (102-04926)	None specified	III	N
9	Qualification of licensed operators - TS 5.3.1 (RIS 01-01)	R Rogalski	01-T014	4/25/03 (102-04930)	April 2004	III	N
10	ISI Relief Request 23 - Alternative Repair Request for Pressurizer Heater Sleeves (temperbead)	R Rogalski		5/15/03 (102-04941)	9/15/03	I	N

Category I: A Category I submittal is needed to be approved by the NRC for a specific plant evolution or startup after a plant refueling outage. It would be of prime importance for the NRC to meet the requested approval date for this category of submittal and there is very little flexibility available for having the submittal approved beyond the date requested. **Delay would impact power production.**

Submittals Currently with NRC

Category II: A Category II submittal is needed to be approved by the NRC for general purposes, but not a plant specific evolution or outage. A category II submittal is desired to be approved by the requested approval date, but there is some flexibility for having the submittal approved at a later date than requested. The amount of flexibility can only be determined on a case by case basis. **Delay may impact power production.**

Category III: A Category III submittal is needed to be approved by the NRC, but there is no time dependent situation or evolution that is relying on the approval of this submittal. There is a great amount of flexibility for when this category of submittal is approved. Typically this type of submittal is purely administrative or a submittal to correct an error in the TS where administrative controls already have been implemented to ensure the error in the TS does not have an impact. **Delay would not impact power production.**

Submittals Approved by NRC in 2003

	Description	TAC Nos.	Date Submitted	Date Approved	NRC Review Time (Months)	STARS?	Date Implemented
1	ISI Relief Request for alternative repair method to use electrical discharge machining (EDM) for reactor vessel head penetrations - ISI Relief Request No. 22	MB6439, MB6440, MB6441	9/25/02	1/27/03	4	N	1/27/03
2	Relaxation of the requirements of License Order Sections IV.C(1)(b)(i) and IV.C.(2)(b)(i) for the CEDM nozzles	MB7855	2/28/03	4/25/03	1.9	N	4/25/03
3	Request for Relaxation of Order EA-03-009 Requirement IV.C(2)	MB7855	4/4/03	4/25/03	1.7	N	4/25/03
					Average Review Time: 2.5 Months		



LICENSING ACTIONS QUALITY OF SUBMITTALS

STARs/NRR Projects Licensing
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Fred Madden – TXU Energy

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Panel Members

- Jack Donohew – Project Manager for Callaway, Wolf Creek and Palo Verde
- David Jaffee – Project Manager for Comanche Peak and Diablo Canyon
- Mohan Thadani – Project Manager for South Texas Project

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LICENSING ACTIONS QUALITY OF SUBMITTALS

A. Improvements (trends)

- Industry (NEI) Templates for Licensing Actions (LARs) & Code Relief Requests (RRs). Are they working? Do they elicit the appropriate information to minimize RAs?
- NRC Project Manager insights....
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Energy Training and Technical Services

LICENSING ACTIONS QUALITY OF SUBMITTALS

A. Lapses (trends)

- Code Relief Request (RR) content omissions
- RAIs resulting from adaptation of generic, industry topical reports (Licensee omission of required plant specific information; NRC SER specificity)
- WordPerfect vice Word software. Why are some licensees constrained to use of WordPerfect?
- NRC Project Manager insights...

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Energy Training and Technical Services

LICENSING ACTIONS QUALITY OF SUBMITTALS

A. Addressing Correspondence – Avoiding Error Traps

- Address Rules and Policies – NRC PM Guidance
- Correspondence Addresses for Orders, Security Orders, Bulletins, Generic Letters, etc.
- Consequences of Incorrectly Addressed Correspondence – NRC PM Guidance
- Licensee Practices and Tools:
 - ✓ Use of Standard Templates
 - ✓ Checkers and Proof Readers
 - ✓ Others...

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**STARS / NRR Projects
Licensing Workshop
June 10 & 11, 2003**

**Quality and Roles of
SERs Today**

**Dave Shafer
Callaway**

Role of SER

**Provides the Basis for NRC
Approval**

Level Details Varies Based on:

- Subject matter
- Point in time when SER was issued

**NRC Approvals Generally
Fall in 3 Categories**

- **Conformance to an Applicable Standard**
- **Plant Specific Review of a Deviation to an Applicable Standard**
- **Plant Specific Review Where there is no Standard**
 - None Exist
 - Pre-dates Standard

**Callaway SER
Review Practices**

- Informal Review
 - Not Proceduralized
 - Pre-Approval / Post-Approval
 - Some PM's have provided final drafts and a few days to comment
 - Some have provided SER's after approval
- Results / Follow-Up have Varied
 - Typos and Editorials are sometimes provided to NRC
 - Factual issues are provided to NRC
 - Correction Letter
 - Revised SER
- Potentially Significant issues are not Consistently Addressed

Future Plans

- Callaway will Formalize Process for Review
- Normally Complete Review Prior to Implementation
- Use the Corrective Action Program to Address Issues

Significant Issue Examples

- NRC Approval of Original License Condition on SGTR
- Secondary side Isolation valves not considered CIVs
- Feedwater Reg / Bypass valves not in Tech Specs

NRC Approval of SGTR

- Callaway analyzed 2 cases
 - Stuck Open ASD
 - Failed open flow control valve (SG Overfill?)
- Callaway concluded:
 - No SG overfill (close, but . . .)
 - Stuck open ASD was bounding case and added to FSAR
- NRC requested Callaway "force overfill"
 - Callaway analysis still showed it was bounded by ASD case
 - Callaway considered "forced overfill" as beyond licensing basis

**NRC Approval of SGTR
Cont'd**

- NRC SER rejected Callaway contention that overfill did not occur
 - Approved LC based on:
 - Forced overfill analysis
 - Independent NRC dose calculations
 - RCS activity limits in T/S
 - Distance to exclusion area and LPZ boundaries
- Callaway maintained overfill was not a Licensing Basis but did not address SER approval basis
- Callaway is submitting updated analysis this month

**Secondary Side Isolation
Valves not Considered CIVs**

- Amendment 18 "clarified" TS pertaining to MSIVs & MFIVs
 - Removed isolation times from TS T.3.6-1
 - Added spec for MFTVs (similar to MSIVs)
- NRC disagreed on bases for approval
 - Callaway justified change based valves not being CIVs
 - NRC accepted based other TS existed and no effective change in response time
- NRC Specified in SER that TS Bases language be removed
 - This avoided the issue in TSB
 - FSAR bases is still that they are not CIVs



Supporting the Nuclear Industry

Bulletin 2002-01 Request for Additional Information (RAI) Lessons Learned

STARS/NRR Projects Licensing Workshop, June 10, 2003
Ken Petersen

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Supporting the Nuclear Industry

Industry Concerns

- Significant NRC and Licensee resources expended to address RAIs
- Can we minimize utility RAIs?
- Can we avoid another industry RAI?
 - Bulletin 2002-01

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Supporting the Nuclear Industry

Issues

- What techniques can be used to minimize the likelihood of RAIs?
- How do we know when "enough" information is being supplied?
- How do we know when "too much" information is being supplied?

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Techniques to Minimize RAIs

- Clearly define the NRC question or request.
- Conduct a critical review of response.

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Define the NRC Question or Request

- Break down complex questions into parts.
 - Bulletin 2002-01 RAI = 69 parts
- What if you can not define NRC question or request?
 - Check with peers or call the NRC

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Critical Review of Response

- Response must completely addresses the question or request.
 - Ensure **ALL** parts of a complex question are addressed.
 - Statements of fact must withstand the “future review” test.

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STRATEGIC READING AND WRITING SKILLS

Critical Review of Response

- Consider industry events.
- What if the response to one part appears redundant to another part's response?
 - May not be interpreting the question correctly.

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Safety Conscious Work Environment

Mohan Thadani
Stan Ketelsen

Background

- The following background will be addressed by Mohan Thadani
 - Commission's Statement of Policy
 - SCWE vs. Safety Culture
 - Discrimination Task Group
 - Staff Requirements Memorandum (3/26/03)

NEI Recommendations

- Three areas addressed:
 - Office of Investigation (OI) Techniques
 - Development of Alternative Dispute Resolution (ADR) Process
 - Development of SCWE "Best Practices"

Assessment of OI Techniques

- Should be performed by an independent agency
- Focus on effectiveness of using criminal investigative techniques for employment related dispute
- Seek insights from other stakeholders (DOL, industry representatives, allegeders, etc.)

Development of ADR Process

- Would address weaknesses of OI approach
- Initiated early in the process, could provide an alternative to enforcement action
- Outside involvement promotes confidence
- Minimize negative impact on environment
- Promotes quicker resolution of allegations

Development of "Best Practices"

- Voluntary industry activities:
 - Identify core attributes of successful ECP
 - Update/expand industry's "tool box"
 - Develop guidance for management training on SCWE-related issues
- Recommend NRC defer internal efforts pending completion of ongoing industry activities



STARS/NRR Projects Licensing

INFORMAL COMMUNICATIONS

STARS/NRR Projects Licensing
Workshop, June 10, 2003
Jack Donohew – NRC Project Manager
Fred Madden – TXU Energy

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STARS/NRR Projects Licensing

INFORMAL COMMUNICATIONS

- A. Informal Communication – What is it? Typically e-mail and telephone discussions and conference calls.
- B. Guidelines –
 - When and how to use
 - Project Manager direction and perspective....
- C. What to Expect
 - What are the pitfalls?
 - When and why does e-mail become docketed/
 - Project Manger perspective....

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STARS/NRR Projects Licensing

INFORMAL COMMUNICATIONS Experiences

1. Comanche Peak provides to Project Manager e-mail copy of correspondence
2. Comanche Peak provides *draft* responses to RAIs via e-mail to ensure completeness of proposed responses
3. Regular (several times per week) communications between Project manger and licensing lead
4. Appreciate efforts of Project Manager to explicitly define technical issues
5. Other experiences....

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 Nuclear Training and Resource Center

NRC Orders

Orders Once you implement them, what is the mechanism for changing a condition in them?

 Nuclear Training and Resource Center

NRC Orders

§2.202 Orders.

(a) The Commission may institute a proceeding to modify, suspend, or revoke a license or to take such other action as may be proper by serving on the licensee or other person subject to the jurisdiction of the Commission an order that will:



Division of Enforcement

NRC Orders

- (1) Allege the violations with which the licensee or other person subject to the Commission's jurisdiction is charged, or the potentially hazardous conditions or other facts deemed to be sufficient ground for the proposed action, and specify the action proposed;
- (2) Provide that the licensee or other person must file a written answer to the order under oath or affirmation within twenty (20) days of its date, or such other time as may be specified in the order;
- (3) Inform the licensee or any other person adversely affected by the order of his or her right, within twenty (20) days of the date of the order, or such other time as may be specified in the order, to demand a hearing on all or part of the order, except in a case where the licensee or other person has consented in writing to the order;
- (4) Specify the issues for hearing; and
- (5) State the effective date of the order; if the Commission finds that the public health, safety, or interest so requires or that the violation or conduct causing the violation is willful, the order may provide, for stated reasons, that the proposed action be immediately effective pending further order.



Division of Enforcement

NRC Orders

- (2) (i) The licensee or other person to whom the Commission has issued an immediately effective order may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the order on the ground that the order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. The motion must state with particularity the reasons why the order is not based on adequate evidence and must be accompanied by affidavits or other evidence relied on. The NRC staff shall respond within (5) days of the receipt of the motion. The motion must be decided by the presiding officer expeditiously. During the pendency of the motion or at any other time, the presiding officer may not stay the immediate effectiveness of the order, either on its own motion, or upon motion of the licensee or other person. The presiding officer will uphold the immediate effectiveness of the order if it finds that there is adequate evidence to support immediate effectiveness. An order upholding immediate effectiveness will constitute the final agency action on immediate effectiveness. An order setting aside immediate effectiveness will be referred promptly to the Commission itself and will not be effective pending further order of the Commission.



Division of Enforcement

NRC Orders

- (d) An answer may consent to the entry of an order in substantially the form proposed in the order with respect to all or some of the actions proposed in the order. The consent, in the answer or other written document, of the licensee or other person to whom the order has been issued to the entry of an order shall constitute a waiver by the licensee or other person of a hearing, findings of fact and conclusions of law, and of all right to seek Commission and judicial review or to contest the validity of the order in any forum as to those matters which have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to shall have the same force and effect as an order made after hearing by a presiding officer or the Commission, and shall be effective as provided in the order.
- (e) If the order involves the modification of a part 50 license and is a backfit, the requirements of §50.109 of this chapter shall be followed, unless the licensee has consented to the action required.



NRC Orders

Lets Talk Process

How does a Licensee change a condition of an order?

For example an order requires the installation of a certain feature to enhance station security. However after a period of time the licensee identifies an improved feature that would work better.

How is a change to the order initiated, so the licensee can utilize the improved feature?



NRC Orders

Lets Talk Process

What can the licensee do?

- Write a letter to the NRC asking for permission to provide a substitute feature that meets the substantial intent of the order.
- Initiate a License Amendment Request.
- Wait for rule making to obviate the order.



NRC Orders

§50.54 Conditions of licenses

(h) The license shall be subject to the provisions of the Act now or hereafter in effect and to all rules, regulations, and orders of the Commission. The terms and conditions of the license shall be subject to amendment, revision, or modification, by reason of amendments of the Act or by reason of rules, regulations, and orders issued in accordance with the terms of the act.



Division of Nuclear Regulation

NRC Orders

§50.54 Conditions of licenses

(p)(1) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with appendix C of part 73 of this chapter for effecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan. The licensee may make no change which would decrease the effectiveness of a security plan, or guard training and qualification plan, prepared pursuant to §50.34(c) or part 73 of this chapter, or of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, Responsibility Matrix) contained in a licensee safeguards contingency plan prepared pursuant to §50.34(d) or part 73 of this chapter, as applicable, without prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to the licensee's license pursuant to §50.90.

(2) The licensee may make changes to the plans referenced in paragraph (p)(1) of this section, without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to the plans made without prior Commission approval for a period of three years from the date of the change, and shall submit, as specified in §50.4, a report containing a description of each change within two months after the change is made. Prior to the safeguards contingency plan being put into effect, the licensee shall have:



Division of Nuclear Regulation

NRC Orders

§50.90 Application for amendment of license or construction permit.

Whenever a holder of a license or construction permit desires to amend the license or permit, application for an amendment must be filed with the Commission, as specified in §50.4, fully describing the changes desired, and following as far as applicable, the form prescribed for original applications.



Division of Nuclear Regulation

NRC Orders

§50.4 Written communications.

(4) *Security plan and related submittals.* Written communications, as defined in paragraphs (b)(4)(i) through (iv) of this section must be submitted as follows: The signed original and three copies to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, and two copies to the appropriate Regional Office;

(iii) Change to security plan, guard training and qualification plan, or safeguards contingency plan made without prior Commission approval pursuant to §50.54(p);

(iv) Application for amendment of physical security plan, guard training and qualification plan, or safeguards contingency plan pursuant to §50.90.



STARS TRAINING AND RESOURCE CENTER

PERRY DECISION

STARS/NRR Projects Licensing
Workshop, June 11, 2003
Don Woodlan

6/11/03

1



STARS TRAINING AND RESOURCE CENTER

Origin

- Memorandum and Order, CLI 96-13
- Issued by Commission 12/16/1996
- Reversed ASLB Order
- License amendment was not required to change vessel specimen removal details as long as 10CFR50 Appendix H continued to be met

6/11/03

2



STARS TRAINING AND RESOURCE CENTER

Regulatory Point

- What is threshold needing a License Amendment for making changes which need "prior NRC approval"
- Goes back to meaning of Section 189a of Atomic Energy Act re hearing rights and public involvement
- Does the change create "greater operating authority"

6/11/03

3



GENERAL COMPLAINTS AND CONCERNS

Industry Concerns

- NRC referred to Perry Decision to require that several changes needed License Amendment to adopt
- Examples:
 - Fire protection alternate rule
 - BWR Integrated Surveillance Program
 - NEIs Steam Generator Program

07/11/03

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GENERAL COMPLAINTS AND CONCERNS

NRC Approval without License Amendments

- Exemptions
- QA Program changes
- E Plan changes
- Code relief
- Fire Protection Plan changes
- Some Security Program changes

07/11/03

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GENERAL COMPLAINTS AND CONCERNS

Issues

- How is the relocation of info from TS to Licensing Basis Documents affected?
- When does NRC prior approval require a License Amendment?
- Will requirements be added to Technical Specifications just to force License Amendments prior to change?

07/11/03

6



State of Tennessee
Department of Transportation

Regulatory Activity

- NEI letter opposing the recent NRC use of the decision
- NRC position presented at 2002 NEI Licensing Forum

6/1/00

7



State of Tennessee
Department of Transportation

Potential Position

- Changes which actually change license need LAR
- Changes need LAR if required by 10CFR50.59 Evaluation
- Changes in regulations which require prior NRC approval do not require LAR unless so stated
- Other changes should require an LAR if a 10 CFR 50.59 Evaluation would have required one (e.g., topical reviews)

6/1/00

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**50.59 Revised Rule
Follow-up**

 Strategic Learning and Resource Sharing

USA 50.59 Task Team

Benefits and Challenges

 Strategic Learning and Resource Sharing

Evaluations Performed Since Rule Implementation

PLANT	No. of Evaluations
Callaway	3
Comanche Peak	8
Diablo Canyon	22
Palo Verde	43
South Texas	13
Wolf Creek	4



Regulatory Reporting Requirement

"The licensee shall submit, as specified in Sec. 50.4, a report containing a brief description of any changes, tests, and experiments, including a summary of the evaluation of each. A report must be submitted at intervals not to exceed 24 months."



NEI 96-07 Reporting Guidance

"A summary of 10 CFR 50.59 evaluations for activities implemented under 10 CFR 50.59 must be provided to NRC. Activities that were screened out, canceled or implemented via license amendment need not be included in this report. The 10 CFR 50.59 reporting requirement (every 24 months) is identical to that for UFSAR updates such that licensees may provide these reports to NRC on the same schedule."



Resource Manual Reporting Guidance

"A summary of 10 CFR 50.59 evaluations for activities implemented under 10 CFR 50.59 must be provided to NRC. Activities that were screened out, canceled or implemented via license amendment need not be included in this report."



Resource Manual Reporting Guidance

(continued)

"Each evaluation will include an Activity description and a Summary of Evaluation. These sections will become the basis for preparing the 10 CFR 50.59 Summary Report.

The activity description and summary sections for each evaluation should address the important attributes of the activity as well as the significant results and conclusions of the evaluation in as brief and concise a manner as practical in order to keep the report brief and concise."

 Supporting the Recovery of the Environment

OPEN SESSION

**STARCS/NRR Projects Licensing
Workshop, June 11, 2003
Don Woodlan**

6/11/03 1

 Supporting the Recovery of the Environment

Other Topics as Time Allows

- NRR projects involvement in Level 3 SDPs
-
-
-
-

6/11/03 2



Strategic Planning and Resource Allocation

Work Shop Wrap-Up

STARS/NRR Projects Licensing
Workshop, June 10, 2003
Diane Hooper/Herb Berkow

6/10/03

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Strategic Planning and Resource Allocation

- ☆ Effectiveness
 - Most beneficial?
 - Most effective?
- ☆ Challenges
 - Types
 - Barriers
- ☆ Measuring Success
 - PI Ideas
 - Other
- ☆ Future Activities
 - Follow-up
 - Improvements
 - Communications?

6/10/03

2
