

November 24, 2003

Mr. James W. Davis, Director
Operations; Nuclear Generation Division
Nuclear Energy Institute
1776 Eye Street, NW
Suite 400
Washington, D.C. 20006-3708

SUBJECT: LICENSING ACTION TASK FORCE AND THE REDUCING UNNECESSARY
BURDEN INITIATIVE

Dear Mr. Davis:

The staff of the Nuclear Regulatory Commission (NRC) undertook its Reducing Unnecessary Burden Initiative (RUBI) following discussions with various stakeholders, including the Nuclear Energy Institute (NEI) and individual licensees. We sponsored a workshop on May 21, 2001, where we discussed the NRC's performance goal to reduce unnecessary regulatory burden on stakeholders and solicited observations and suggestions. In a letter dated July 2, 2001, NEI provided a consolidated industry list of burden-reduction issues. The NRC staff documented its plans for the RUBI in SECY-02-0081, "Staff Activities Related to the NRC Goal of Reducing Unnecessary Regulatory Burden on Power Reactor Licensees," dated May 13, 2002. The Commission provided direction to the staff in a Staff Requirements Memorandum (SRM) dated June 25, 2002. Both the Commission Paper and related SRM are available on the NRC web site.

The NRC staff has continued to interact with the industry on its RUBI activities during meetings with the Licensing Action Task Force (LATF). As discussed during meetings with the LATF, one goal of the RUBI was to ensure that the NRC and our stakeholders have a consistent understanding of what activities the staff has undertaken on our own initiative and which proposals will require additional actions by the industry (e.g., a petition for rulemaking). The purpose of this letter is to provide the NRC staff's view of how the various suggestions have been reviewed and the current status of related activities.

A significant number of the suggestions in your July 2, 2001, letter dealt with matters that the Commission directed the staff to exclude from our RUBI-related activities (see SRM dated June 25, 2002). These areas included security (10 CFR Part 73), fitness for duty (10 CFR Part 26), and emergency planning. In large part, the Commission's decision to exclude these areas resulted from questions and sensitivities following the events of September 11, 2001. These topics have since been the subjects of numerous interactions between the NRC and the nuclear industry. We believe that the lines of responsibility, scope of activities, and points of contact for these areas are well established and we have, therefore, not included them in discussions between the staff and LATF. Please address any questions regarding these topics, associated scope of activities, or schedules to the appropriate points of contact.

Many of the suggestions included in your July 2, 2001, letter related to improving the incorporation of risk insights into the NRC's regulation and oversight of nuclear power plants. The NRC staff routinely interacts with the industry and other stakeholders regarding "risk-informed" initiatives for revising our regulations, plant technical specifications, and the reactor oversight process. We believe that existing programs, status reports such as the Risk-Informed Regulation Implementation Plan, and ongoing interactions between the NRC staff and stakeholders provide the needed understanding of the scope and status of our activities in this area. Please address any questions regarding these topics, associated scope of activities, or schedules to the appropriate points of contact.

The attached table provides a summary of the staff's view of the status of the suggestions included in your July 22, 2001, letter. We believe the table is consistent with the list of items developed with the LATF during meetings in 2003. Please note that several items have been referred to other NRC activities or back to the industry for further development. If you have any questions regarding the table or items not included in the table because they were excluded from this initiative, please call Bill Reckley at (301) 415-1323.

In addition to the RUBI, the NRC staff and LATF have had discussions on other issues and ways to improve licensing and other regulatory processes. Many of these topics were discussed at the recent Licensing Forum 2003 held in Arlington, Virginia. I found these discussions to be useful and hope we can continue such frank exchanges of issues and ideas. During the forum, we specifically discussed a process for the LATF to submit white papers and problem statements to the NRC staff to identify problems, ensure mutual understanding of issues, and seek their resolution in a timely and public manner. We received the white paper titled "Use of the Generic Letter 91-18 Process and Alternative Source Terms in the Context of Control Room Habitability," dated October 22, 2003, and will provide our response under separate cover. We believe the use of such white papers and problem statements could be an improvement over past practices and support moving forward on developing and refining the process. As I am now the lead NRC manager for interactions with the LATF, please address such white papers or problem statements to my attention. We can discuss additional details regarding the process at the next LATF meeting, currently planned for January 2004. Please address any questions, requests for meetings, and other LATF-related matters to the established NRC staff interfaces for the LATF (Bill Ruland, Donna Skay, and Bill Reckley).

Sincerely,

/RA/

Eric J. Leeds, Deputy Director

Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosure: As stated

cc w/encl: See next page

J. Davis

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Sincerely,

/RA/

Eric J. Leeds, Deputy Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosure: As stated

cc w/encl: See next page

Accession No.: ML033250121

OFFICE	PDIV-1/PM	DLPM/LA	PDIII/PD	DLPM/DD
NAME	WReckley	MMcAllister	WRuland	ELeeds
DATE	11/20/03	11/24/03	11/23/03	11/24/03

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DISTRIBUTION FOR LETTER TO MR. J. DAVIS (NEI/LATF)

Dated: November 24, 2003

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PDIV-1 r/f

PDIII r/f

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RidsNrrDrip (DMatthews/FGillispie)

RidsNrrDipm (BBoger/CCarpenter)

S. Bell (SAB1)

M. Crutchley (MGC)

M. Kotzalas (MXK5)

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J. Hannon (JNH)

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B. Thomas (BET)
E. Marinos (ECM)
S. Richards (SAR)
J. Birmingham (JLB4)

**Status Report
Reducing Unnecessary Burden Initiative
NRC Staff Disposition of Industry Suggestions**

Suggestion	Status
Streamline Process for adoption of ASME Code Cases	This topic has been referred to the Division of Engineering in NRR to coordinate changes with industry and ASME. Point of Contact is E. Imbro.
Allow small utilities to centralize functions such as emergency facilities and fitness for duty laboratories	Staff informed LATF that NRC does not plan to pursue rulemaking in this area. Licensees may request such sharing of facilities on a case-by-case basis.
Improve process for power uprates	Staff is actively engaged in improving process and providing guidance to industry. Continuing discussions with LATF, as needed. Point of Contact is M. Shuaibi.
Improve use of precedents for licensing actions	Continuing discussions with LATF. Point of Contact is W. Reckley.
Eliminate reporting requirements defined by 10 CFR 140.15(b) and 140.21 (liability insurance)	Staff informed LATF that NRC does not plan to pursue rulemaking in this area. (LATF Pilot 2)
Revise requirement in 10 CFR 19.13 to advise workers of annual dose when dose is below 100 millirem	Staff pursuing rulemaking to revise: 10 CFR 19.13 10 CFR 20.1003 (definition of total effective dose equivalent, see RIS 2003-04) 10 CFR 20.1904 10 CFR 20.2104
Review experience with 1991 revision of 10 CFR Part 20	
Revise requirement in 10 CFR 20.1904 regarding the labeling of containers within a radiologically posted area	

Point of Contact: W. Reckley

Status Report
Reducing Unnecessary Burden Initiative
NRC Staff Disposition of Industry Suggestions

Suggestion	Status
Revise requirement in 10 CFR 20.2104 to obtain information on prior occupational dose	
Resolve issues related to fire protection requirements	Ongoing activity with established interfaces between staff and industry. Point of Contact: J. Hannon
Eliminate financial qualification requirements in 10 CFR 50.33(f)	Staff informed LATF that NRC does not plan to pursue rulemaking in this area. (LATF Pilot 2)
Eliminate position or revise education requirements for shift technical advisors (STAs)	Staff informed LATF that NRC does not plan to pursue this item on its own initiative. NRC staff interfaces with LATF may coordinate meetings or other activities to transfer this item to other process (e.g., change in Commission Policy Statement) if industry decides to pursue. (LATF Pilot 3)
Eliminate post-TMI requirements defined in 10 CFR 50.34(f) and (g)	Staff informed LATF that NRC does not plan to pursue rulemaking in this area. (Although regulations do not affect operating reactors, references to these regulations in 10 CFR Part 52 makes this outside scope of RUBI). LATF may develop proposal (LATF Pilot 2).
Eliminate Occupational Radiation Exposure Report from Technical Specifications	Joint Owners Group Technical Specification Task Force (TSTF) to prepare proposed change for staff review. Point of Contact: W. Reckley

**Status Report
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Suggestion	Status
Expedite review of license amendments and increase use of consolidated line item improvement process (CLIIP)	Ongoing activity with established interfaces between staff and industry. Continuing discussions with LATF, as needed. Point of Contact: W. Reckley
Proceed with risk-informed technical specification initiatives	Ongoing activity with established interfaces between staff and industry. Point of Contact: T. Boyce
Delete reporting requirement associated with Monthly Operating Report	Ongoing LATF/TSTF activity to coordinate with industry's consolidated data entry initiative. TSTF proposal expected by late 2003 with CLIIP notice of availability to follow by March 04. Point of Contact: W. Reckley (LATF Pilot 4)
Eliminate requirements for offsite review committees	Ongoing LATF activity with lead application submitted by Nuclear Management Company (NMC). Point of Contact: W. Reckley (LATF Pilot 5)
Relocate value of safety limit MCPR to core operating limits report (COLR)	Ongoing LATF/TSTF activity to review change traveler TSTF-357. Point of Contact: W. Reckley
Relocate topical report references in technical specifications to COLR	Issue related to several TSTF change travelers. No other activities by staff/LATF being pursued at this time.
Eliminate requirement to submit annual radioactive effluents report (10 CFR 50.36a and technical specifications).	Staff informed LATF that NRC does not plan to pursue rulemaking in this area.
Eliminate requirement to submit multiple copies of FSAR updates	Issue resolved by NRC Rulemaking on Electronic Maintenance and Submission of Information (Effective Jan 04)

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Suggestion	Status
Eliminate reporting requirement in 10 CFR 50.46 regarding peak cladding temperatures	LATF stated that no action from NRC staff was needed at this time. (LATF Pilot 1)
Revise requirements and guidance related to equipment qualification.	This topic has been referred to the Division of Engineering in NRR to coordinate changes with industry (NUGEQ). Point of Contact is T. Koshy.
Eliminate requirement in 10 CFR 50.54(bb) to submit spent fuel management plan	NRC staff considered including item in rulemaking to remove reporting requirements defined in 10 CFR 50.71(b) but has determined that including it is impractical. Staff is informing LATF that NRC does not plan to pursue rulemaking in this area. Point of Contact: M. Webb (LATF Pilot 2)
Eliminate requirement in 10 CFR 50.54(w) to submit report on property insurance coverage	NRC is considering including item in rulemaking to remove reporting requirements defined in 10 CFR 50.71(b). Point of Contact: M. Webb (LATF Pilot 2)
Eliminate requirement in 10 CFR 50.59 for periodic report on changes, tests and experiments	Staff informed LATF that NRC does not plan to pursue rulemaking in this area (staff instructed to exclude this item in SRM).
Eliminate requirement in 10 CFR 50.71(b) to submit annual financial report	Staff pursuing rulemaking to revise 10 CFR 50.71(b). Point of Contact: M. Webb (LATF Pilot 2)

Status Report
Reducing Unnecessary Burden Initiative
NRC Staff Disposition of Industry Suggestions

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Suggestion	Status
Resolve decommissioning funding issues (10 CFR 50.75)	Ongoing activity with established interfaces between staff and industry. Point of Contact: B. Thomas
Pursue white paper on unintended technical specification actions	Staff informed LATF that NRC does not plan to pursue this item.
Revise requirement in 10 CFR 50.91 regarding submittal and publication of no significant hazards considerations determinations	Ongoing NRC activity to determine feasibility of change proposed by staff. Point of Contact: W. Reckley
Provide additional guidance related to use of digital equipment	Ongoing activity with established interfaces between staff and industry. Point of Contact: E. Marinos
Continue efforts to improve reactor oversight process	Ongoing activity with established interfaces between staff and industry. Point of Contact: S. Richards
Review reporting requirements, revise or eliminate individual reports, and consolidate various reporting requirements.	Staff is informing LATF that NRC does not plan to pursue rulemaking in this area. Point of Contact: W. Reckley

Nuclear Energy Institute

Project No. 689

cc:

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