

February 3, 2004

MEMORANDUM TO: Eric Leeds, Deputy Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

FROM: Donna Skay, Senior Project Manager, Section 1 **RA**
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MEETING HELD ON JANUARY 21, 2004, BETWEEN
THE NUCLEAR REGULATORY COMMISSION (NRC) STAFF AND
INDUSTRY LICENSING ACTION TASK FORCE

Members of the staff of the NRC hosted a meeting with representatives of the Nuclear Energy Institute (NEI) and licensees comprising the Licensing Action Task Force (LATF) on January 21, 2004, at NRC Headquarters in Rockville, Maryland. This meeting was open to the public. A list of attendees is provided as Attachment 1.

The topics discussed included: status of White Paper reviews; Notices of Enforcement Discretion (NOEDs); status of the Reduction of Unnecessary Burden Initiative; and the revised NEI LATF mission statement.

A summary of these discussions is provided below:

1. White Papers

a. Use of the Generic Letter 91-18 Process and Alternative Source Terms in the Context of Control Room Habitability

Harold Chernoff, the NRC lead project manager for this White Paper, reported that NRC comments on the White Paper and its position will be provided to NEI by the end of January. The LATF will review the NRC letter, incorporate comments, and submit a final paper to the NRC. The NRC will endorse the final paper by using one of several options at their disposal (RIS, Inspection Manual Chapter 9900, etc.)

b. ISA S67.04 Methods for Determining Trip Setpoints and Allowable Values for Safety-Related Instrumentation

Chris Gratton, the NRC lead project manager, reported that the staff has determined that, as a short term measure, the licensing action applications currently in-house will proceed without waiting for a final resolution to the technical issue. The first of these safety evaluations (SEs) will be issued within the next few weeks and will include a statement referring to the ongoing review. The longer term resolution will be coordinated with NEI and may include a Regulatory Guide or rulemaking. The NRC staff agreed to inform NEI when the first of these SEs is issued.

c. Use of Precedent in NRC Licensing Actions

This White Paper was issued in draft in November of 1999. Rather than issue a revision to the White Paper to include recent guidance, NEI will incorporate information on precedent use into Revision 2 of the White Paper titled, "Standard Format for Operating License Amendment Requests." This revision will address several issues that were discussed at the November 2003 licensing forum.

d. Standard Format for Requests Pursuant to 10 CFR 50.55a

NEI is preparing revision 1 to this White Paper. The revision will address the issues that were discussed at previous LATF meetings.

2. NOEDs and Shutdown Risk

The NRC staff indicated that it plans to revise its guidance on NOEDs to provide a qualitative framework for comparing the stable state (non-shutdown) to the transition state (shutdown and restart). NRC requested NEI input to this qualitative framework.

The NRC staff provided guidance to the LATF on submitting requests for NOEDs:

- Licensees should attempt to submit an emergency technical specification (TS) amendment in lieu of a request for a NOED whenever possible.
- Licensees should engage the NRC early on potential NOEDs or emergency amendments.
- Licensees should be able to describe the risk impacts of mode transitions and shutdown risk with sufficient detail.

The NRC is preparing a Regulatory Issue Summary (RIS) that will document these issues. The draft RIS will be available prior to the Regulatory Information Conference in March 2004. The staff also indicated that it is considering a change to its guidance on weather-related NOEDs to address issues resulting from the blackout in August 2003.

The Electric Power Research Institute (EPRI) is preparing a paper describing the qualitative risk impacts for mode transitions. The LATF will evaluate the EPRI paper and draft RIS at the next quarterly meeting and determine subsequent LATF actions.

3. Reduction of Unnecessary Regulatory Burden

a. Relocate safety limit values to the Core Operating Limits Report (COLR) - 10 CFR 50.36(c)(1)(i)(A)

NEI reported that, in a recent meeting with the NRC, the NRC's Office of General Counsel appeared to have reservations with the rulemaking. NEI questioned why the staff could not approve requests to relocate MCPR values to the COLR. Bill Reckley will talk with OGC to clear up any miscommunications.

b. Monthly Operating Report - Standard Technical Specification (STS) 5.6.4

The NRC stated that it is tentatively scheduled to publish a CLIP in the *Federal Register* in February for comment on TSTF-369, Revision 1 (removal of TS requirements for the monthly operating report and the occupational radiation exposure report). Earliest availability of the CLIP for implementation would be late March.

The NRC also notified NEI of a revision to 10 CFR Part 2 that extends the time for filing petitions for hearings from 30 days to 60 days. This change will impact the schedule for issuing license amendments and should be taken into consideration when submitting requests. This change is effective on February 13, 2004.

c. 10 CFR Parts 19 and 20

The NRC staff is pursuing rulemaking to revise 19.13(b), 20.1003, 20.1904, and 20.2104. The revised wording has been sent to the States for comment. After 30 days, the revised wording will be issued for public comment. These rules involve, respectively, worker dose reporting, total effective dose equivalent, container labels, and determination of prior occupational dose.

d. Offsite Review Committees

Nuclear Management Company submitted a fleet-wide application on October 31, 2003. The NRC staff is reviewing.

4. Consolidation/Prioritization of Action Items Lists

NEI stated that it will be reviewing the open items from the 2003 Licensing Forum, the Reduction of Unnecessary Regulatory Burden Initiative, and other action items, to determine its highest priority items that will be included in a consolidated list. This list will be developed in March 2004, which will be shared with the NRC at the next LATF meeting.

5. NEI LATF Mission Statement

NEI presented a proposed reorganization of the LATF. The new organization will consist of a Steering Group that contains sub-groups for the various functions.

Attachments: 1. List of Attendees
2. Meeting Handout

cc w/atts: See next page

b. Monthly Operating Report - Standard Technical Specification (STS) 5.6.4

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Attachment:

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NAME	SLittle	DSkay	WReckley	ELeeds
DATE	2/02/04	2/02/04	02/03/04	2/03/04

Distribution for Summary of Meeting Held on January 21, 2004, Between NRC Staff and Industry Licensing Action Task Force

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H. Chernoff

E. Hackett

S. Bloom

L. Raghavan

M. Franovich

R. Rasmussen

C. Gratton

ACRS

OGC

LICENSING ACTION TASK FORCE MEETING

JANUARY 21, 2004

LIST OF ATTENDEES

<u>NAME</u>	<u>ORGANIZATION</u>
Eric Leeds	NRC/NRR/DLPM
Bill Reckley	NRC/NRR/DLPM
Herb Berkow	NRC/NRR/DLPM
Donna Skay	NRC/NRR/DLPM
Ed Hackett	NRC/NRR/DLPM
Christopher Gratton	NRC/NRR/DLPM
Harold Chernoff	NRC/NRR/DLPM
Steven Bloom	NRC/NRR/DLPM
L. Raghavan	NRC/NRR/DLPM
Mike Franovich	NRC/NRR/DSSA/SPSB
Rick Rasmussen	NRC/NRR/DSSA/SPSB
Mike Schoppman	NEI
James Fisicaro	Duke Energy
Dale Wuokko	First Energy/BWOG
Pedro Salas	TVA
Getachew Tesfaye	Calvert Cliffs Nuclear Power Plant
Scott Bauer	APS
Pete Kokalakis	Entergy Nuclear Northeast
Rick Garner	Progress Energy
Donald Hoffman	EXCEL
Mike Krupa	Entergy
Doug McKinney	Southern Nuclear
Don Woodlan	STARS
Brooke Poole	Winston & Strawn
Deann Raleigh	Scientech
Charles Brinkman	Westinghouse
Nancy Chapman	SERCH/Bechtel

Nuclear Energy Institute

Project No. 689

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