

March 17, 2005

MEMORANDUM TO: James Lyons, 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 27, 2005, BETWEEN
THE U.S. NUCLEAR REGULATORY COMMISSION STAFF AND
INDUSTRY LICENSING ACTION TASK FORCE

Members of the staff of the U.S. Nuclear Regulatory Commission (NRC) hosted a meeting with representatives of the Nuclear Energy Institute (NEI) and licensees comprising the Licensing Action Task Force (LATF) on January 27, 2005, at NRC Headquarters in Rockville, Maryland. This meeting was open to the public. A list of attendees is provided as Attachment 1.

A summary of the discussion is provided below:

1. NEI White Paper on Licensing Action Requests

NEI discussed a new proposed NEI Guideline to be submitted for NRC review in about 1 year. The guideline would include sections on licensing action request (LAR) thresholds, use of precedence, and requests for additional information (RAI). NEI will interact with the NRC throughout the development process to share information and incorporate feedback (Attachment 2).

LAR Threshold

NEI stated its perception that the NRC's threshold for determining when a change meets the criteria for a licensing action has shifted. NEI would like to have a contact person in the NRC staff to consult on questions regarding 10 CFR 50.59 and an adjudicatory process for appealing decisions that they do not think are consistent with the regulations.

Use of Precedent

Licensees would like to have a specific definition of what constitutes precedent.

They also indicated that they like the consolidated line item improvement process (CLIIP) and would like to see it used more. The NRC acknowledged that some CLIIPS under review are not being issued as quickly as we had hoped, primarily due to competing priorities. This conflict should be resolved in the next couple of months.

Licensees questioned why some LARs submitted as a fleet request, are issued individually. NRC staff stated that it is often more efficient, due to administrative processes, to separate fleet submittals and issue individual amendments to the sites.

RAI

The NRC and industry have formed task forces to evaluate the RAI process and determine if improvements can be made. NRR has issued internal guidance to the staff with interim actions to reinforce current expectations, while the evaluation is ongoing (Attachment 3). Bill Ruland and Gene Suh will lead the NRR RAI task force.

The NEI and NRC task forces will hold a kick-off meeting in the near future.

Licensees provided several actions that could improve the process including earlier interactions, and a more thorough NRC acceptance review of incoming applications.

2. Notice of Enforcement Discretion (NOED) process

Herb Berkow reported that a Regulatory Issue Summary with revised NOED guidance is in concurrence and is expected to be issued in February 2005.

Brian Sheron also provided his expectations regarding NOED requests.

3. Regulatory Process Issues

NEI distributed a handout (Attachment 2) that provides its position on the process for resolving generic issues that affect ongoing licensing action reviews. The status of the following generic issues were discussed.

a. Instrument Setpoint Methodology

NEI submitted a White Paper on December 17, 2004. NRC staff stated that they hope to make a determination on the process for moving ahead by March 2005. NRC would like to meet with NEI before that time.

b. Emergency Core Cooling System Evaluation Model Reporting (10 CFR 50.46)

NEI expects to have comments on the draft Regulatory Information Summary (RIS) by March 2005.

c. Control Room Habitability

NRC issued a letter on January 24, 2005, providing its disposition of NEI comments on draft technical specification task traveler (TSTF) 448.

4. Sensitive Unclassified Non-Safeguards Information

Bill Reckley summarized recently developed guidance on the types of information that should be withheld for security reasons (see Attachment 4). A Commission memo (SECY-04-0191) (Attachment 5) describes the policy.

NRC staff recommended that licensees withhold this type of information under 10 CFR 2.390. The NRC will issue guidance for implementing this policy in a RIS. A draft of the RIS will be provided to the NEI Security Working Group for comment. Regional workshops may be held to discuss this guidance and safeguards information determination.

5. Miscellaneous

NRC will hold a public meeting with the Operability Determination Task Force on February 17, 2005. NEI requested that a DLPM representative be assigned to follow this issue.

The LATF should formalize a process for licensees to request interpretations of guidance or regulations through the LATF. One model for such a process is the Frequently Asked Questions process in the Reactor Oversight Process. NEI will develop a draft process and provide to the NRC at a future meeting.

Reduction of Unnecessary Regulatory Burden Initiative - The proposed rulemaking for changes to Parts 19 and 20 should be issued in March 2005.

- Attachments:
1. List of Attendees
 2. NEI Handout
 3. Memorandum to Brian Sheron dated December 22, 2004, Re: Evaluation of Trends in Requests for Additional Information - Interim Actions
 4. NRC Handout - Withholding Criteria for Sensitive Unclassified Non-Safeguards Information
 5. SECY-04-0191, Withholding Sensitive Unclassified Information Concerning Nuclear Power Reactors From Public Disclosure

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DATE	2/14/05	2/11/05	2/14/05	3/9/05

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Distribution for Summary of Meeting Held on January 27, 2005, Between NRC Staff and Industry Licensing Action Task Force

Date: March 17, 2005

PUBLIC

PDI-1 Reading File

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C. Holden

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T. Boyce

H. Berkow

W. Ruland

H. Chernoff

M. Tschiltz

C. Gratton

ACRS

OGC

LICENSING ACTION TASK FORCE MEETING

JANUARY 27, 2005

LIST OF ATTENDEES

<u>NAME</u>	<u>ORGANIZATION</u>
Jim Lyons	NRC/NRR/DLPM
Bill Reckley	NRC/NRR/DLPM
Herb Berkow	NRC/NRR/DLPM
Donna Skay	NRC/NRR/DLPM
Bill Ruland	NRC/NRR/DLPM
Tom Boyce	NRC/NRR/DIPM
Harold Chernoff	NRC/NRR/DLPM
Gene Suh	NRC/NRR/DLPM
Cornelius Holden	NRC/NRR/DLPM
Edwin Hackett	NRC/NRR/DLPM
John Nakoski	NRC/NRR/DLPM
Carl Schulten	NRC/NRR/DIPM
Jack Hayes	NRC/NRR/DSSA
Harold Walker	NRC/NRR/DSSA
Tom Hsia	NRC/OEDO
Shawn Williams	NRC/NMSS/SFPO
Michael Tschiltz	NRC/NRR/DSSA
Christopher Gratton	NRC/NRR/DLPM
Mike Schoppman	NEI
Doug McKinny	Southern Nuclear
Charlie Brinkman	Westinghouse
Jerry Holm	Framatome ANP
Deann Ralieggh	Sciencetech
Rick Garner	Progress Energy
Tom Sydnor	NEI
George Stramback	General Electric
Brian Mann	TSTF
Rick Luctett	STARS
Jim Riley	NEI
Jerry Burford	Entergy
Mark Flaherty	Constellation
Getachew Tesfaye	Constellation
Doug Coleman	Energy Northwest
Gautam Sen	Ballard Spahr
Patricia Campbell	Winston & Strawn
Edward Weinkam	NMC
Ben George	Southern Nuclear
Keith Jury	Exelon
Don Woodlan	STARS
Pete Kokalakis	Entergy Nuclear Northeast
Nancy Chapman	SERCH/Bechtel

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