

LICENSE AMENDMENT REQUEST (LAR) THRESHOLD

- We are trending away from the established 10CFR50.59 change process

- We are seeing more cases of regulatory preemption of the 10CFR50.59 process, for example, “requiring” LARs in cases where industry believes that a 50.59 screening or evaluation is sufficient:
 - methodology changes
 - cranes
 - fire protection

- Recommend NRR designate one or more 50.59 points-of-contact for discussing industry concerns:
 - disagreements on LAR vs. 50.59
 - understand NRC staff’s basis for LAR vs. 50.59
 - increase the participation of the NRR Division of Licensing Project Management in these discussions

- Licensees are uncertain about the application of 10CFR50.90 in lieu of other regulatory processes:
 - exemptions
 - deviations
 - notices of enforcement discretion

EFFECTIVE USE OF PRECEDENT

- Establish rules of engagement, for example:
 - shorten the approval time for CLIIP applications
 - recognize a CLIIP as solid precedent
 - review and issue fleet-wide submittals as one project to leverage resources (for both CLIIP and non-CLIIP fleet-wide applications)
- NRC/industry should agree on a definition of what constitutes “precedent”
- Using that definition, industry can identify issues where the use of precedent is appropriate
- When industry identifies a “precedent issue,” NRC could treat the first submittal as the “pilot submittal”
- NRC could approve pilot submittals with a CLIIP-like model evaluation, with exceptions if necessary
- Subsequent licensee applications should follow the pilot precedent
- NRC staff could review subsequent applications for consistency with the CLIIP precedent
- NRC could incorporate the process described above in internal procedures and staff expectations

REQUEST FOR ADDITIONAL INFORMATION (RAI) PROCESS

- An efficiency & effectiveness issue
- How should the NRC and NEI teams interact?
 - Schedules?
 - Deliverables?
- What is the role of the NRC acceptance review?
- The RAI team review should be mostly forward looking:
 - with limited data gathering
 - with a limited number of case studies
- Current processes and procedures are fundamentally sound:
 - LIC-101
 - NEI White Paper (standard format for LARs)
 - submittal quality has improved
- Develop a Problem Statement and Action Plan
- Identify interim actions:
 - metrics for submittal quality
 - draft RAI screening guidelines for technical reviewers
 - NRC management participation in RAI screening
 - additional practical steps, such as pre-meetings at NRC, LAR and RAI checklists, on-site staff familiarization meetings, etc.
- Identify long-term process improvements:
 - finalize the interim actions
 - revise LIC-101
 - publish NEI Guideline on LAR Process (LAR threshold, use of precedent, standard format for LARs, RAI process)

Control Room Habitability

- Discuss lessons learned from the regulatory review of TSTF-448
- References:
 - 12/30/02 Initial NEI submittal to NRC
 - 07/01/03 NRC comments to NEI
 - 08/19/03 TSTF submits revision 1 to NRC
 - 08/29/03 Farley submits equipment hatch LAR
 - 11/03/03 Farley response to RAI
 - 12/16/03 NRC comments to TSTF on TSTF-448 revision 1
 - 03/08/04 TSTF response to NRC comments on revision 1
 - 05/03/04 NRC RAI to Farley
 - 05/05/04 Farley response to RAI
 - 06/10/04 Farley follow-up response to RAI
 - 07/16/04 NRC telephone RAI to Farley
 - 08/05/04 Farley response to telephone RAI
 - 09/22/04 NEI problem statement to NRC
 - 09/30/04 Farley amendment (equipment hatch + CRH)
 - 10/21/04 NEI Licensing Forum
 - 01/24/05 NRC comments on TSTF-448 revision 1
- Talking Points:
 - Generic issues that are not immediate safety concerns should be resolved and implemented by means of an established generic process, for example, a change to the standard technical specifications (STS) implemented by the consolidated line item improvement process (CLIIP).
 - When NRC and industry are working in conjunction in a public forum to resolve a generic issue, NRC should not extract elements of the draft resolution to impose them in plant-specific licensing actions.
 - NRC approval of a plant-specific license amendment request (LAR) should not incorporate conditions derived from an open generic issue. The resolution of one issue should not be conditioned on the resolution of another issue unless there is a documented safety/compliance basis.

Licensing Action Task Force (LATF) Meeting
January 27, 2005

- NRC/industry should develop a coherent plan for resolving the CRH issue. This would involve the timely integration of a number of related references (Regulatory Guides, NEI guidelines, standard technical specifications, generic correspondence, and probably others).
- NRC/NEI LATF explore options for integrating the CRH “licensing track” with the CRH “technical track.” Coordinate the process activities of the LATF with the technical activities of other groups:
 - Owners group Technical Specification Task Force (TSTF)
 - NRR Tech Spec Section
 - NRR Project Managers
 - NEI CRH Task Force
 - other groups as necessary
- NRC/NEI LATF use lessons learned from the CRH issue to identify groundrules for the generic issue resolution process.
 - problem statement
 - action plan
 - schedule commitments
 - elevation of hard spots for management resolution
 - communications
 - etc.
- NRC/industry continue to use the LATF forum as the communications focal point for licensing-process issues.
- Examples:
 - Farley (containment equipment hatch SE conditioned on shutdown LCO for CRH)
 - Comanche Peak (licensing basis change to incorporate CRH Regulatory Guides conditioned on Tech Spec for CRH)
 - Peach Bottom (use of alternative source term conditioned on tracer gas test)