

RIC 2005 Session H2 Licensing Issues

NRC Licensing Processes

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NRC Licensing Process

- Authority founded in Atomic Energy Act
 - License required for industrial or commercial use of atomic energy
- Licensing Process in accordance with Administrative Procedure Act
 - Establishes processes Federal agencies must follow to conduct activities (e.g., rulemaking, adjudication, licensing, issuance of orders)

NRC Regulations Focusing on Part 50 Licensing Process

- NRC has established regulations for licensing nuclear power plants (Part 50)
 - NRC issues operating license, with technical specifications and license conditions
 - Regulations regarding licensee's change authority (e.g., 10 C.F.R. § 50.59) identify when license amendments are necessary prior to licensee taking action
 - License amendment process in 10 C.F.R. §§50.90, 50.91, and 50.92

Public Participation in NRC Licensing Process

- Right of public participation is codified in Atomic Energy Act, §189
 - Notice
 - Opportunity to be heard
- Challenge for NRC
 - Ensuring that sufficient due process is afforded to public while managing NRC resources and maintaining an efficient licensing process for allowing licensees to continue to conduct necessary activities in an effective and efficient manner

NRC Reexamination of Hearing Process and Rulemaking

- January 2004, NRC issued final rule amending adjudicatory process rules of practice (10 C.F.R. Part 2)
 - intended to make NRC's hearing process more effective and efficient
 - tailors hearing procedures to different types of licensing and regulatory activities
 - intended to better focus limited resources of interested parties and NRC
 - Appeals Court has upheld Part 2 amendments (12/2004)

Current NRC Efficiencies in Licensing Process

- Assigning dedicated Staff for major types of licensing actions (e.g., license renewal)
- Using Consolidated Line Item Improvement Process to amend plant technical specifications for certain generic topics
- Examining regulatory burden reduction items for better use of limited resources
- Treating certain issues on generic basis

Areas for Further Improvement in NRC Licensing Processes

- Ensure license amendment threshold is appropriate
- Increase efforts to reduce regulatory burden on risk-informed basis; expand use of risk information
- Focus process on safety issues (e.g., avoid requesting additional information unrelated to safety considerations)
- Use precedent for similar licensing actions

Areas for Licensee Improvements

- Continue interactions as an industry in applying lessons learned
 - use 10 C.F.R. §50.59 when appropriate to change licensing basis of plant
 - improve quality, completeness, and clarity of submittals and use standard format
 - reference similar requests and NRC approvals and identify plant-specific differences
 - anticipate additional information NRC may need to complete review

Elements of an Effective Licensing Process

- NRC fulfills statutory requirements for adequate public notice and opportunity for hearing (i.e., due process)
- NRC and stakeholders maintain focus on safety and manage resources in efficient manner
- NRC and stakeholders ensure appropriate threshold for license amendments