

NRC STAFF MEETING WITH NEI TOPICAL REPORT TASK GROUP

SEPTEMBER 7, 2005

AGENDA

- **General Overview and Recent Improvements to the Topical Report (TR) Review Process**
 - Effective pre-submittal meetings
 - Expanded acceptance review
 - Custom review schedules agreed upon by staff and applicant
 - Fee waiver determination process streamlined
 - Improved TR and vendor/OG interface status and priority
 - Draft SE provided for comment

- **Performance and Schedule Metrics**
 - Quantity and timeliness metrics met this FY

- **Reasons for Policy Change on Accepting Applications Referencing Topical Reports**
 - Submitting an LA whose sole justification is an unapproved TR doesn't help LA or TR review and benefits no one
 - Approval of TR might be delayed or denied for technical or other reasons, thus impacting need date for the LA; LA needs to be delayed, withdrawn or rejected.
 - Disparity of LA and TR work prioritization; LA does not improve TR priority
 - Duplication of staff efforts results in inefficient use of staff and industry resources
 - If "pilot" demonstration of TR methodology is necessary, include data in TR
 - If plant-specific approval is truly needed on a short schedule, submit a stand-alone LA, but don't game the system; there is only one pool of finite resources
 - There might be occasional instances where a separate pilot LA is helpful to the TR review; this will be determined and agreed to at pre-submittal meeting

- **Open Discussion on Industry Perception of TR Process, Problems, & Suggested Improvements, including NEI Feedback on May 26, 2005 Letter on Policy Change**

TOPICAL REPORT PROCESS

PROBLEM STATEMENT

The scope and implementation of the Topical Report (TR) process is very important to the safe operation of nuclear power plants. The industry believes that the process is fundamentally sound, but that it is not being implemented efficiently and effectively. Industry would like to work with NRC toward:

- criteria for consistent expectations, processing, and timely review and approval of TRs and subsequent licensing actions (LAs),
- increasing opportunities to use TRs,
- facilitating generic endorsement of new technical information & methods, and
- standardizing industry implementation by multiple plants that intend to use the generic precedent established by the TR.

Metrics:

One key driver for the NRC policy seems to be the different metrics for TRs and LAs. NRC timeliness goals for TR reviews are different from those for LA reviews. This approach always puts LAs ahead of TRs, whereas TRs should have the same priority and be processed as fast as LAs so that they will be available to licensees that need to reference them to support reloads and significant modifications.

We believe the TR metric should be the same as the LA metric (96% in 1 year; 100% in 2 years):

- Allows licensee to adopt standard methods faster
- Avoid inefficiencies due to changing reviewers
- Frees NRC resources for other work

Metrics should not drive regulatory decision-making about whether to stop a review. Staff should not deny a LA or ask for withdrawal because a timeliness goal is approaching. Metrics should be flexible to accommodate reasonable outlier situations (complex LA, first-of-a-kind LA, new information, significant change in need date, etc.). An aggressive goal will drive process changes and improve efficiency. For example, aggressive goals were established for license-renewal reviews and the necessary processes were built to meet those goals.

Efficient Use of NRC Resources:

Another key driver for the NRC policy is efficient use of NRC resources. The problem that the NRC's process change is trying to address is the lack of NRC resources to achieve the desired timeliness goals. In regards to the TR process, the following illustrate ways to make the process more efficient and thereby free up NRC resources to TR and LA reviews:

- Avoid restrictive SEs on approved TRs
- Avoid changing reviewers on TRs mid-review
- Apply the CLIIP to TRs
- Accept and apply TRs as intended (the current practice by staff reviewing LAs that reference previously approved TRs is to require licensees to answer questions previously dispositioned by the TR review.

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Pilots:

The NRC's May 26 letter stated that "In general, we will discourage plant-specific licensing action reviews, that reference a topical report under review ..." This statement could be misinterpreted by NRC reviewers absent guidance. We recommend that NRC develop criteria for when a pilot is appropriate, i.e., separate criteria for:

- TR only
- TR/pilot combination

The criteria should be placed in LIC-500 so NRC and industry clearly understand the expectations for when a pilot application would be appropriate.

Pilots are the exception, not the rule. It should be noted that NRC has been requesting pilots for many years. There are cases where pilots benefit both industry and the NRC.

NRC policy should permit case-by-case pilot-plant schedules based on licensee need. This will help the development of a workable implementation process for those cases where a licensee needs to go faster than the NSSS.

CLIIP:

Look for ways to apply the CLIIP to TRs. A TR CLIIP submittal would address criteria for licensee-specific use. The CLIIP facilitates changes to the licensing basis, which is the objective of a TR.

A CLIIP includes the generic boiler-plate language for plant-specific submittals. They establish model SE boundary conditions and generally include a template that permits a licensee to "fill in the blanks" to show how the boundary conditions will be satisfied.

The CLIIP process is based on front-loading the technical review to establish licensing boundary conditions that can be administratively implemented by NRC Project Managers.

Process Observations:

TRs are good. They improve efficiency of both licensees and NRC. They promote standardization. They reduce the number of stand-alone custom LAs.

The role, discipline, and consistency of technical reviewers is very important to the successful use of TRs. Oversight of reviewers is at least as important as oversight of the TR process.

Slower TR reviews are an incentive to submit LAs in parallel with the TR.

NRC is opposed to LAs referencing an unapproved TR (to avoid simultaneous reviews of TR and LAs the reference the unapproved TR). In some cases, a licensee cannot wait for a TR SE. Options to manage such cases:

- Advise PM & request treatment as a special case
- Schedule a pre-meeting to discuss a stand-alone LA
- Reach consensus on use of unapproved TR, or use of methodology from unapproved TR

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We do not believe that SEs should contain limitations that preempt the licensee's use of the 10 CFR 50.59 process. The SE embodied in the "A" version of a TR is a "licensing basis" document.

As with Licensing Amendment Requests (LARs), the RAI experience for TRs has been inconsistent (complex reviews with few RAIs; simple reviews with many RAIs; appears to be reviewer dependent). The TR process should be able to accommodate changing reviewers with minimal impact on schedule and outcome.

The TR process would benefit from early concept meetings, including the identification of potential users.

It would be helpful to have specific NRC points of contact inside the NRC staff to independently resolve industry concerns with the TR process (and other basic processes, such as the 10 CFR 50.59 process).

Comments on NRC Letter:

- (1) The letter discourages the use of pilots. This could result in the undesirable elimination of the pilot option. As discussed above, this can be avoided by establishing criteria for when a pilot is appropriate.
- (2) The May 26 letter states "Another concern that affects review of plant-specific licensing actions based on topical reports is duplication of staff efforts in reviewing a plant-specific licensing action and the related topical report separately, resulting in inefficient use of the limited staff resources." Industry does not understand how this could be the case.
 - ✓ For parallel review of a TR with a pilot LA, we presume that the same reviewer(s) would be assigned to conduct the reviews.
 - ✓ If a TR is approved prior to the first non-pilot LA, it is possible that a different reviewer would be assigned. It would be much more efficient to have the initial TR reviewer assigned to the LA reviews as well.