

June 22, 2007

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

Karen D. Cyr
General Counsel

Frank P. Gillespie, Executive Director
Advisory Committee on Reactor Safeguards

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - COMDEK-07-0001/COMJSM-07-0001
- REPORT OF THE COMBINED LICENSE REVIEW TASK
FORCE

The Commission has approved (in part and disapproved in part) the recommendations of the Combined License Review Task Force. The staff should expeditiously provide the Commission with plans for implementing the recommendations, as noted in the comments below.

The staff shall conduct a public meeting with external stakeholders to roll out its combined license (COL) review approach and to provide an overview of the New Reactor Licensing Program Plan. These discussions should occur prior to implementation of the recommendations. The Task Force Report should be released to the public.

Recommendation (1) The Commission has approved the proposal that the Commission itself will conduct the mandatory hearing (in the absence of legislation eliminating the requirement for a hearing even if a request for hearing is not made). The Commission continues to have the authority and discretion to request that the ASLBP conduct a hearing in a particular case. OGC should prepare a plan for the conduct of these hearings by the Commission modeled after the Browns Ferry restart meeting and the Calvert Cliffs and Oconee license renewal meetings.

Recommendation (2) The Commission has approved expansion of the scope and duration of the COL application acceptance review to include completeness and technical sufficiency reviews. The staff should ensure that the criteria used for this expanded scope of review are clear and transparent. In extending the duration of the application for acceptance review from 30 to 60 days, the staff should consider the start of the safety and environmental reviews from the date when the application is docketed (i.e., after the acceptance review when the application is determined to be complete and technically sufficient); not when the application is initially submitted by the applicant.

Recommendation (3) The Commission has disapproved the establishment of a 45-day public comment period for the Environmental Scoping Process and the draft Environmental Impact Statement.

Recommendation (4) The Commission has approved of the staff seeking additional opportunities to use Environmental Impact Statements completed by other government agencies for NRC COL reviews, to the extent they are appropriate and applicable.

Recommendation (5) The Commission has disapproved the Task Force's recommendation to create an Environmental Review Working Group at this time. A better use of staff resources would be augmentation of staff management and oversight of the national lab contractors. The NRC staff should conduct a public meeting with industry representatives and other stakeholders to give the public and stakeholders an opportunity to present their views on how to enhance the efficiency and effectiveness of the environmental review process.

Recommendation (6) The Commission has approved maximizing the use of electronic document management to eliminate the processing time for bound reports from the critical path on the schedule.

Additional Recommendation (1) The Commission has approved obtaining legislative authority from Congress to eliminate, from Section 189a of the Atomic Energy Act, the statutory requirement to conduct a hearing even if no one has asked for a hearing.

Additional Recommendation (2) The Commission has approved rulemaking to resolve issues that are generic to COL applications. The staff should propose to the Commission those rulemakings that will provide the greatest efficiencies, on such subjects as non-proliferation risks of nuclear power, the need for power, long term storage of spent fuel, reprocessing, and waste confidence and assess the impact of pursuing such rulemaking initiatives on the staff's ability to complete the COL reviews in a timely manner. Where appropriate, OGC should be given the lead on completing these rulemaking activities with whatever support from the appropriate staff offices may be needed.

Areas Needing Further Consideration In addition, the staff should investigate the following items as noted in Enclosure 4 to the Task Force Report.

1. The staff should consider applying Lean Six Sigma, or other appropriate techniques to identify additional process improvements in the safety portion of the COL licensing review.
2. The staff should consider how the schedule duration for the environmental scoping phase may be improved for COL applicants that reference an early site permit or a new plant site that is co-located with an existing nuclear power plant.
3. The staff should consider re-establishing environmental expertise on the staff when the workload becomes more predictable.
4. The Advisory Committee on Reactor Safeguards (ACRS) should consider pursuing efficiencies and effectiveness in the review of subsequent COLs by adopting a "delta" review approach but only after the completion of the first COL of each design type. The ACRS, with staff input from an expanded acceptance review, could focus their reviews on the significant differences between the reference COLs and subsequent COLs. These differences would likely include the site-specific design features of the facility, including security design features and emergency plans.

5. The staff should consider the use of public forums for constructive discussions on the New Reactor Licensing Plan and its proposed use. The purpose of these discussions would be to solicit additional recommendations on process improvements.

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons