

November 16, 2007

MEMORANDUM TO: John W. Lubinski, Deputy Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: Lisa M. Regner, Technical Assistant */RA/*
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE OCTOBER 25, 2007, LICENSING ACTION TASK
FORCE PUBLIC MEETING BETWEEN THE NUCLEAR REGULATORY
COMMISSION STAFF AND THE NUCLEAR ENERGY INSTITUTE

On October 25, 2007, members of the Nuclear Regulatory Commission (NRC) staff hosted a Licensing Action Task Force (LATF) meeting with representatives of the Nuclear Energy Institute (NEI) at the NRC Executive Boulevard Building in Rockville, Maryland. This meeting was open to the public. Enclosure 1 is a list of attendees, Enclosure 2 is the updated action item list, and Enclosure 3 includes the slides presented by industry. A summary of the discussion is provided below:

1. NEI Licensing Forum Follow-up Items

NEI discussed follow-up items from the NEI Licensing Forum which was held on October 15 and 16, 2007, in Arlington, Virginia. NEI will provide a draft summary of the Licensing Forum to NRR for comments including supplemental action items. The NRC staff expressed an interest in ensuring new action items identified were clearly defined action items versus those which merely sought additional information.

The first three slides of the handout (Enclosure 3) list fourteen items which NEI discussed briefly. NEI stated that durable guidance is very important and indicated there was a longstanding difference of opinion on the concept of longstanding guidance. Both NRC and NEI expressed a mutual understanding of the importance of an action plan. NEI stated that the regulatory issue screening process (RISP) white paper will discuss many of the followup items from the Licensing Forum including the Inspection/Licensing interface. Industry feels that Headquarters staff does not always interface with the regions to ensure a common understanding of guidance or regulations and so different interpretations occur. They expressed a desire to communicate with the Committee to Review Generic Requirements (CRGR) and that there is not a common understanding of the backfit rule.

The NRC staff stated that the main focus of NEI LATF needs to remain on licensing issues. The staff stated that feedback to CRGR is good, but it is difficult to put all of the discussions into NRC's written documents. Better background discussions provide outside stakeholders a better understanding of the reasoning behind NRC decisions.

NEI expressed a desire to move forward and define issues on rulemaking process improvements. They wish to see simpler, more clearly defined rules. The NRC staff discussed the inherent difficulties in writing simple regulations for all plants because all are so different. A suggestion was made to try for smaller/simpler changes and to continue discussions.

The NEI LATF stated that they would adopt the NRC suggestion from the Licensing Forum to choose three top-priority items and work those aggressively. They chose NEI 06-02 as their top priority, but were concerned it was too big a bite. The NRC staff agreed that it was too big since it encompassed many topics. The NRC staff suggested taking one part of it at a time. Their other two top priorities were developing a process for emergent issues and the RISP.

The NRC staff stated that the Licensing Forum was a positive meeting with great topics, positive interactions, active engagement, and constructive feedback. It was suggested that perhaps positive Lessons Learned are needed for when we do well. Looking at areas or processes without problems could reveal techniques to be used elsewhere.

2. Regulatory Issue Screening Process

NEI stated that the RISP paper would address numbers 1-3 on followup items and that they tried to make it a process issue and not a complaint paper. NEI hoped that the NRC staff would consider starting correspondence earlier with industry on possible generic issues and that ultimately their concern is to just get the job done safely. They expressed a desire to compartmentalize each issue by completing one then beginning another, instead of adding each newly addressed issue and creating one huge, unmanageable matter.

The NRC staff stated a need to address the cause of why the existing process is not used, not to re-invent a process. The RISP must work in parallel with the existing backfit process. It must correctly identify and understand the issue so that durable guidance can be developed. The process can quickly become emotional and people develop opinions early; the process needs to help retain objectivity. The NRC staff suggested that each plant identify a "generic issue," present it to NEI for approval as a generic issue, NEI could suggest a solution, or they may then present it to the NRC as a generic issue for resolution. The tornado missile (TORMIS code) issue is still being defined by the NRC staff but could be considered as a pilot issue for the RISP. NEI will consider screening this issue and propose a path forward.

3. Acceptance Review (AR) process

The NRC staff stated that the AR procedure is a high priority for NRR and that the intent is for this process to ensure quality license amendment requests. The NRC staff is currently working on an action plan. One aspect of the process is to incorporate the AR process into existing procedures and to more effectively utilize the existing denial process. NRR may issue a RIS discussing the acceptance and denial process. Acceptance procedures used by other offices are being evaluated for successful elements which can be integrated into NRR's process. The scope will include license amendments, other licensing actions and topical reports. NRR will issue a draft document for public comment, however, development of this process will not be as formal as the rulemaking process.

NEI expressed concerns that the AR process will only be a mini-review and will provide an opportunity to deny amendments. They would like to ensure that the denial process includes a reasonable explanation so that the industry can evaluate and improve. The industry would also like the NRC to consider the success criteria for this program. A discussion with NEI on the use of metrics to effectively evaluate and improve upon this process may be helpful.

The NRC staff stated that the terminology would have to be clearly defined and the scope of a "non-acceptance" would need to be determined. The idea of reviewer independence is an important aspect to the NRC staff. The goal would be to ensure that independent reviewers would provide the same feedback on a request. The NRC staff asked NEI to provide an NEI point of contact for the AR process and for NEI to provide comments on the NRC proposal (Action Item NEI-07-Q4-13).

4. Integrated Leak Rate Testing (ILRT) Regulatory Issue Summary

The NRC staff has seen a number of ILRT extension requests that have not been adequately technically justified. Since there is currently no guidance associated with this issue, the NRC staff has decided to issue a Regulatory Issue Summary to provide direction on ILRT extension requests.

5. Operability Determination Process (ODP)

NEI will provide potential topics for discussion on the ODP in a letter to the Director of the Division of Operating Reactor Licensing next year. The NRC staff stated its goal was to issue a new revision to the ODP in the Inspection Manual by the end of calendar year 2008.

6. Topical Report

NEI provided comments to LIC-500 *Processing Requests for Reviews of Topical Reports* in July 2007; they are putting together another comment paper and would like to have a public meeting. The NRC staff stated they have placed previous comments into a matrix for evaluation since LIC-500 is currently undergoing revision. There may be common areas of improvement which both the NRC and the industry have identified. The NRC staff stated that if NEI submits further comments by December of 2007, a public meeting could tentatively be held in January or February of 2008. The reviewers need to consider the integration of the topical report process and the license amendment request process.

7. NEI 06-02 License Amendment Request (LAR) Guidelines, Revision 1

NEI stated that page 8 of the handout (Enclosure 3) lists all topics to be included in Revision 1 to NEI 06-02 and that this item is one of NEI's 'Top 3' priorities. NEI is removing the First-of-a-Kind guidance from the NEI LATF action item list and will be revised based on the lessons learned from the Digital Instrumentation and Controls effort.

NEI stated that they would like to be provided with milestone dates for LARs as well as the completion date. The NRC staff stated that NRR is working on this as an internal safety culture issue.

8. New Business

Electronic Distribution of Documents

The NRC staff provided an update on the electronic distribution initiative. The NRR staff has completed a successful pilot program and has begun implementing the plan industry-wide. NRR has sent an information letter to licensees which also requests email addresses. Public stakeholder email addresses are also being collected. NRR plans full implementation for licensing actions to be in place by January 2008 (NRC-07-Q1-04).

9. Action Items

A list of pre-meeting action items is included in the NEI handouts (Enclosure 3). An updated list with the post-meeting action items reflecting the discussion during the meeting is included in Enclosure 2.

Project No. 689

Enclosures:

1. List of Attendees
2. Revised LATF Action Items
3. NEI/LATF Handouts

cc w/encls: See next page

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 Mtg. Summary and Enclosures 1 and 2: ML073060552
 Enclosure 3: ML073030406

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LICENSING ACTION TASK FORCE MEETING

LIST OF ATTENDEES

OCTOBER 25, 2007

<u>NAME</u>	<u>ORGANIZATION</u>
John Lubinski	NRC/NRR/DORL
Lisa Regner	NRC/NRR/DORL
Harold Chernoff	NRC/NRR/DORL
Ed Miller	NRC/NRR/DORL
Russell Gibbs	NRC/NRR/DORL
Mike Case	NRC/NRR/DPR
Tanya Mensah	NRC/NRR/DPR
James O'Driscoll	NRC/NRR/DPR
Ed Smith	NRC/NRR/DSS
Melanie Galloway	NRC/NRR/DE
Tim Kobetz	NRC/NRR/DIRS
Mike Schoppman	NEI
Jeff Hansen	Exelon
Ned Tyler	Constellation Energy
Charlie Brinkman	Westinghouse
Tim Abney	GE - Hitachi
D. Bryan Miller	Progress Energy
Jerry Holm	Areva
Christine Neclly	PSEG Power

LATF ACTION ITEMS - Updated 10/26/2007

NEI Action Items from NRC/NEI meetings

NEI-YR-QTR-#	TOPIC	OVERSIGHT	ACTION	DUE DATE
NEI-07-Q1-01	LAR Process (NEI Guideline 06-02)	LAR Team	a. Meet with NRC to develop a project plan b. Distribute draft Revision 1 for peer review Add a section on resource management	a. by 12/13/07 b. 02/15/08
NEI-07-Q1-03	Pandemic Licensing Plan (White Paper)	Pandemic Team	NEI submit WP Revision 1 to NRC	11/15/07
NEI-07-Q1-04	Topical Report Process (White Paper)	Topical Report Team	a. NEI submit WP to NRC b. Meet with NRC to discuss WP	a. 12/14/07 b. February 08
NEI-07-Q3-09	Task Interface Agreement (TIA) process (Comment Letter)	Steering Group	Comment on COM-106 Revision 3 when it becomes available	TBD
NEI-07-Q3-10	Operability Determination Process (Comment Letter)	NEI	Submit comments on ODP inspection manual chapter	12/14/07
NEI-07-Q4-11	Licensing Forum Summary	Steering Group	Distribute a summary of Forum highlights and Action Items to the NEI Licensing Contacts List with a copy to NRC	10/31/07
NEI-07-Q4-12	TORMIS Code – an example of RISP (White Paper)	GIM Team	a. Submit a proposed project plan to NRC b. Submit WP to NRC	a. 11/06/07 b. 02/01/08
NEI-07-Q4-13	NRC Acceptance Review Process (informal comments)	LAR Team	a. Identify NEI LATF management sponsor b. Provide input to NRC	a. 11/15/07 b. 12/14/07
NEI-07-Q4-14	Schedule the next NRC/NEI LATF Meeting	Steering Group	NEI propose a meeting date	11/15/07
NEI-07-Q4-15	Schedule NRC/NEI Working-level Meeting		a. LAR Guidance b. Resource Management c. Emergent Issues	TBD before January 2008

NEI Action Items from NRC/NEI meetings

NRC-YR-QTR-#	TOPIC	OVERSIGHT	ACTION	DUE DATE
NRC-07-Q1-03	NRR acceptance review process	NRR DORL	Issue draft guidance for comment	January 2008
NRC-07-Q1-04	NRR electronic distribution initiative	NRR DORL	Status report	Next NRC/NEI LATF Meeting
NRC-07-Q1-06	NRR feedback to NEI LATF on endorsement options available for NEI 06-02 (LAR Guidelines)	NRR DORL	Status Report	Summer 2008
NRC-07-Q2-10	NUREG-1022 (licensee event reporting)	NRR DORL	Check schedule for next revision	TBD
NRC-07-Q3-12	COM-106 (TIA process)	NRR DPR	a. Ensure Revision 2 is posted to ADAMS b. Status of Revision 3	TBD
NRC-07-Q3-13	NEI RISP White Paper	NRR DPR	Provide comments to NEI	11/30/2007
NRC-07-Q4-14	NRR acceptance review process	NRR DORL	Schedule public meeting	January 2008
NRC-07-Q4-15	Meet with NEI	NRR DORL	a. LAR Guidance b. Resource Management c. Emergent Issues	TBD - before January 2008