

**Evaluation of NRC Comments on NEI 06-02, Revision 1,
"License Amendment Request Guidelines"**

	NRC Comment	Resolution
1	Section 2.2, Page 5 states: "If differences are extensive, the citation of precedent in the application should be reconsidered." The current language doesn't provide sufficient guidance to support a standard approach for citing a precedent. It would be helpful if NEI could expand the discussion to include clarifying language on what NEI 06-02 users should consider to be extensive differences from precedent applications.	Added additional discussion to the section.
2	Section 2.3, Page 6 contains a sentence that states: "Differences between the precedent licensing action and the proposed amendment should be identified." NEI should consider adding: "... both to describe differences between the precedent and the proposed actions, and to point out any limitations of the precedent action's relevance."	Incorporated
3	Section 3.0, Page 7 indicates the elements of the standard license amendment request (LAR) format. The last bullet indicates that submission of retyped technical specifications (TS) and/or operating license (OL) pages is optional. However, especially for complex TS change proposals, the retyped (clean) TS pages provide the technical staff with a much clearer understanding of the licensee's proposed changes. Often, the marked up pages can become confusing as the NRC staff attempts to follow the bubbles, arrows, strikeouts, and inserts while fully understanding the changes. In addition, the staff may request retyped pages at any time if it needs this information to support its reasonable assurance finding. It is suggested that the use of optional be replaced with a description for submitting retyped TS/OL pages consistent with the wording in footnote 6 of NEI 06-02. This suggestion should also be reflected in other areas of NEI 06-02, as applicable.	Retained the term "Optional", because as the NRC states, the retyped pages may not be part of the LAR. Expanded the discussion in Appendix 3 as suggested and referenced it whenever "optional" is stated.
4	Section 3.0, Page 7 indicates the elements of the standard LAR format. The fifth bullet indicates that submission of TS Bases page markups is optional or for information only. It is suggested that the wording be changed to reflect that inclusion of TS Bases pages is strongly encouraged. The TS Bases pages provide an understanding of how the licensee interprets and plans to implement its TSs. Providing the TS Bases pages contributes to the goal of increasing the quality of LARs and may reduce confusion and the need for requests for additional information (RAIs). This suggestion should also be reflected in other areas of NEI 06-02, as applicable.	Retained the term "Optional", because submittal of pages is not required, but expanded the discussion in Appendix 3 as suggested and referenced it whenever "optional" is stated.
5	Section 3.0, Page 7 indicates the elements of the standard LAR format. The third bullet indicates that including a list of regulatory commitments is optional. It is suggested that an LAR should state "none" if the application does not contain regulatory commitments, and that providing such a list is required if the action does indeed create the need for regulatory commitments.	Changed "Optional" to "If needed." The Appendix A standard format cover letter states "If regulatory commitments are made in the submittal, include here (or in an attachment to the Enclosure) a listing of the formal licensee commitments

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		that would apply when NRC approves the amendment. <u>If no regulatory commitments are made, include a statement to that effect in the cover letter.</u> " This is reiterated in the example Attachment 1.
6	Section 4.1, Page 8 states the following in regard to pre-submittal meetings: "Licensees should be clear in their goals and expectations from the meeting and take care to not appear to be asking the NRC to consult on an appropriate course of action." It is suggested that the sentence be reworded to: "Licensees should be clear in their goals and expectations from the meeting. Although pre-submittal meetings are useful for determining reasonable and acceptable approaches to a planned license amendment request, licensees should take care to not ask questions that seek a determination from the NRC on an appropriate course of action."	Incorporated
7	Section 4.1, Page 8 states: "Materials to be used at the pre-submittal meeting should be provided to the NRC early enough for the information to be placed in the NRC ADAMS document system. This allows NRC Staff participating by teleconference to view the materials." It is suggested that the paragraph be reworded to: "The licensee should work with the NRC project manager (PM) to determine the timing for submission of materials to be used at the pre-submittal meeting to the NRC in order to allow for the information to be placed in the NRC's Agency wide Document Access and Managements System (ADAMS). This allows the NRC staff and members of the public participating by teleconference to view the materials. Ideally, handout materials should be provided prior to the preparation of the meeting announcement so that the NRC PM and technical staff have adequate time to prepare for a productive meeting."	Incorporated
8	It is recommended that the following sentence be added to the last paragraph on Page 8 in Section 4.1: "Generally, no regulatory decisions are made at pre-submittal meetings."	Incorporated into paragraph 5 as opposed to the last paragraph for better alignment.
9	It is recommended that the following sentence be added to the end of Section 4.2 on Page 9 regarding the electronic submittal of LARs: "Electronic submission normally allows the submittal to be available in ADAMS much more quickly than a normal submission through the regular mail."	Incorporated
10	Section 4.3, Page 9 discusses how licensees should consider LARs appropriate for submittal to the NRC. In one of the observations, NEI cautions licensees to not make submittals that are dependent on prior or parallel approval of other submittals that are under concurrent NRC staff review. It is recommended that language be added to direct licensees to also use caution when submitting single applications that include several linked review items that could be seen as dependent upon each other. There is an impact on the review time for LARs that may include linked items in one submittal	Added the following to Section 1, "When developing complex submittals, licensees should carefully consider whether it would be more beneficial to provide a single application that includes several linked review items or to submit separate submittals for each item. The considerations include the time for the NRC review, potential delay of

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	similar to that for one submittal that could be linked to other separate submittals.	the NRC approval of all the requested changes, and avoiding RAIs. Discussion on the most appropriate approach with the NRC PM is recommended."
11	Section 4.4.1, Page 11 states that "frequent and early communication between the NRC PM, the NRC technical reviewers and their management, and the licensee can minimize the need for RAIs." Communications between licensees and NRC technical reviewers' management regarding RAIs should not be expected to occur frequently. It is expected that these communications are handled and issues resolved in most cases at the PM and technical reviewer level unless elevation to managements levels is regarded as necessary by both parties. For consistency with LIC-101, it is suggested that the sentence be reworded to: "Frequent and early communication between the PM, technical staff, and the licensee can minimize the need for RAIs."	Incorporated
12	Section 4.4.1, Page 11 states that "RAI communications can either be formal or informal." The word RAI should be deleted from this sentence. The section includes a discussion of RAI communications, including formal and informal communications. The bullet describing informal communications appears to confuse the concept and intent of informal communications with draft RAIs. While NRR Office Instruction COM-203, "Informal Interfacing and Exchange of Information with Licensees and Applicants," describes the types of informal communications expected to occur between the NRC staff and licensees, it refers to LIC-101 for guidance on draft RAIs. LIC-101 does not have a provision for the NRC staff to issue informal RAIs which provide the licensee the option to respond as suggested in the NEI 06-02 bullet. The information presented in these bullets should be revised to be consistent with the NRC staff guidance for formal and informal communications as well as draft RAIs.	The section has been rewritten to distinguish between informal transmittal of draft RAIs, formal transmittal of RAIs, and to discuss informal discussions (not RAIs).
13	Section 4.4.2, Page 12 includes the steps in the RAI process. However, several of the steps are not consistent with the NRC staff guidance contained in LIC-101. NEI should consider revising steps 3 and 4 to the following: 3. The cognizant NRC technical Branch Chief reviews the draft RAIs for technical content consistent with NRR Office Instruction LIC-101. 4. The cognizant NRC PM and the Branch Chief in the Division of Operating Reactor Licensing review the draft RAIs for regulatory information consistent with NRR Office Instruction LIC-101.	Incorporated
14	Section 4.4.2, Page 12-13. NEI should consider providing guidance to licensees regarding general expectations for establishing acceptable timeframes for responses to RAIs, and should highlight the licensee's responsibility to follow the requirements in Title 10 of the Code of Federal Regulations (10 CFR) Section 2.108, "Denial of application for failure to	Incorporated

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	supply information," regarding timely responses to RAIs. <i>Note: 10 CFR 2.108 states, "(a) The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, may deny an application if an applicant fails to respond to a request for additional information within thirty (30) days from the date of the request, or within such other time as may be specified."</i>	
15	Section 4.4.2 should include a step wherein the final RAIs are formally transmitted to the licensee by the NRC staff (possibly as Step 10). This step is currently missing.	Incorporated
16	Section 4.5, Page 14-15: Similar to the statements presented regarding NEI's position on the appropriateness of generic RAIs, NEI should provide guidance to licensees that plant-specific LARs should not be submitted when they involve known issues with an agency position affecting multiple plants. The guidance should recommend that licensees use the NEI Licensing Action Task Force and the Technical Specification Task Force (TSTF) groups to address these concerns when an immediate plant-specific safety or compliance concern is not present.	This caution has been added to Section 1, "Initiating the License Amendment Process," rather than Section 4.5 on unresolved issues.
17	Page A-2, footnote 3: Licensees should be informed to consider that the NRC's goal for completion of the review of most license amendments is 12 months or less, and for Consolidated Line Item Improvement Process (CLIP) actions is 6 months or less. There is no need to request a completion date if that schedule is acceptable to the licensee.	LARs may be needed by specific dates such as an outage or modification schedule. Such dates may be sooner than the NRC metric. Thus the dates should be in the letter.
18	Page A-2: Licensees should be advised to be mindful of sensitive unclassified security information (SUNSI). For example, plant layout drawings that wouldn't be released by the NRC under SUNSI are often shared with the public, state, and other interested stakeholders in amendment applications. Licensees should consider very strongly the inclusion of information that would be withheld by the NRC under SECY 04-0191, "Withholding Sensitive Unclassified Information Concerning Nuclear Power Reactors From Public Disclosure." They should further consider sharing plant layout drawings only with the NRC under 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," and not share that information publicly. This may involve an enclosure to an amendment that is withheld from public stakeholders under 10 CFR 2.390. Words should be included that appropriate representatives of the state or other government bodies may have access to the information at the plant site, or through an arrangement with the licensee whereby the information is kept confidential.	Added the following paragraph on Page 1, following item 6 and before the paragraph "In some circumstances, ...": "Licensees should be mindful of submitting sensitive unclassified security information (SUNSI) in a LAR, such as plant layout drawings. If such information is needed to support a LAR, it can be requested to be withheld from the public as described in SECY 04-0191, "Withholding Sensitive Unclassified Information Concerning Nuclear Power Reactors From Public Disclosure," under 10 CFR 2.390, "Public inspections, exemptions, requests for withholding." Sensitive information can be included in an enclosure to the LAR that is withheld from the public. The LAR should state that appropriate representatives of the state or other government bodies may have access to the information at the plant site, or through an arrangement with the

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		licensee whereby the information is kept confidential."
19	Page A-4, footnote 6 is recommended to be reworded to read: "Retyped or camera ready pages must be included with the license amendment request. However, they may be deferred until the end of the process to accommodate revisions derived from responses to NRC Requests for Additional Information or other sources." NEI 06-02 should also consider providing guidance to licensees to indicate that when significant markups of the TS or OL are involved, the retyped pages should be submitted with the original request package in order to assist the NRC staff's initial understanding of the impact of the proposed change(s). The guidance should also note that retyped TS (including the TS Bases) or OL pages may be requested at any time during the review.	Revise to state: "Retyped or 'camera ready' pages must be provided to support the license amendment request. The pages may be included in the original submittal or provided at the end of the review process to accommodate revisions derived from responses to NRC Requests for Additional Information or other sources. See discussion in Enclosure Attachment 4." Also included comment on including retyped pages for complex submittal.
20	Page A-9: Consider adding the following sentence to the end of the paragraph providing guidance on actions eligible for categorical exclusion: "However, for the minority of instances where a proposed amendment does not qualify for a categorical exclusion (e.g., if special circumstances exist, or if the action does not meet applicable criteria in 10 CFR 51.22(c), the NRC staff will prepare an environmental assessment and may require the licensee to submit information in accordance with 10 CFR 51.41."	Incorporated
21	Page D-1: The third paragraph states that "when the NRC approves a TSTF Traveler, a model application, draft safety evaluation (SE), and no significant hazards consideration determination (NSHCD) are published in the Federal Register (first as a Notice for Comment and then as a Notice of Availability)." Note that the NRC publishes these documents (the TSTF Traveler, model application, model SE, and disposition of industry comments) in the Federal Register by reference only. The NRC makes the subject documents available in the NRC's ADAMS. It should also be noted that the Federal Register, as well as ADAMS, specify a model SE (which includes the NSHCD) and not a draft SE as stated in the paragraph.	Incorporated
22	Page D-1: The third paragraph also states that a CLIIP-related amendment can be issued within 6 months. It should be noted that the 6 month review period is an NRC goal and not a requirement for processing a CLIIP-related application. It should also be noted that not all TSTF Travelers published in the Federal Register are identified as a CLIIP-related NUREG change.	Incorporated
23	Appendix E, Section E.2, Page E-1. Delete "or rule change" from 1.a. A proposed change cannot be made related to a requested rule change.	Incorporated
24	Appendix E, Section E.3, Page E-4. Add "not" between the words "is acceptable" in 4.b. This is in accordance with the current agency position on this issue.	Incorporated