



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2016-0562

1

RESPONSE TYPE INTERIM FINAL

REQUESTER:

Julian Tarver

DATE:

08 2016

DESCRIPTION OF REQUESTED RECORDS:

Requesting a copy of ML0003725832

PART I. -- INFORMATION RELEASED

- Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT*

\$

[Empty box for amount]

*See Comments for details

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

Enclosed is the document associated with the ML Accession Number you provided in your request. This record is publicly available.

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Stephanie Blaney, Acting Cornelia Burkhalter for

May 24, 2000

MEMORANDUM TO: Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management, NRR

FROM: Donna Skay, Project Manager, Section 2 /RA/
Project Directorate III
Division of Licensing Project Management, NRR

SUBJECT: MEETING WITH COMMONWEALTH EDISON COMPANY

DATE & TIME: Wednesday, June 14, 2000
1:00 p.m. to 5:00 p.m.

LOCATION: Commonwealth Edison Company
1400 Opus Place
Downers Grove, Illinois 60515
(Check with receptionist for room number)

PURPOSE: To discuss the reduction of unnecessary regulatory burden. Portions of the meeting may be closed to the public.

PARTICIPANTS:* NRC Commonwealth Edison Company
J. Rosenthal R. Krich
W. Raughley K. Ainger, et. al.
G. Grant

Docket Nos. 50-237, 50-249, 50-254, 50-265,
50-373, 50-374, STN 50-454, STN 50-455,
STN 50-456, STN 50-457

cc: See next page

*Meetings between NRC technical staff and applicants or licensees are open for interested members of the public, petitioners, intervenors, or other parties to attend as observers pursuant to "Commission Policy Statement on Staff Meetings Open to the Public," 59 *Federal Register* 48340, 9/20/94. Members of the public who wish to attend should contact William Raughley at (301) 415-7577 or wsr@nrc.gov.

cc:

Mr. Oliver D. Kingsley, President
Nuclear Generation Group
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, Illinois 60532-4351

Illinois Department of Nuclear Safety
Office of Nuclear Facility Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Document Control Desk-Licensing
Commonwealth Edison Company
1400 Opus Place, Suite 400
Downers Grove, Illinois 60515

Ms. C. Sue Hauser, Project Manager
Westinghouse Electric Corporation
Energy Systems Business Unit
Post Office Box 355
Pittsburgh, Pennsylvania 15230

Joseph Gallo
Gallo & Ross
1025 Connecticut Ave., NW, Suite 1014
Washington, DC 20036

Howard A. Learner
Environmental Law and Policy
Center of the Midwest
35 East Wacker Drive
Suite 1300
Chicago, Illinois 60601-2110

U.S. Nuclear Regulatory Commission
Byron Resident Inspectors Office
4448 N. German Church Road
Byron, Illinois 61010-9750

Commonwealth Edison Company

Ms. Lorraine Creek
RR 1, Box 182
Manteno, Illinois 60950

Chairman, Ogle County Board
Post Office Box 357
Oregon, Illinois 61061

Mrs. Phillip B. Johnson
1907 Stratford Lane
Rockford, Illinois 61107

George L. Edgar
Morgan, Lewis and Bockius
1800 M Street, NW
Washington, DC 20036-5869

Attorney General
500 S. Second Street
Springfield, Illinois 62701

Commonwealth Edison Company
Byron Station Manager
4450 N. German Church Road
Byron, Illinois 61010-9794

Commonwealth Edison Company
Site Vice President - Byron
4450 N. German Church Road
Byron, Illinois 61010-9794

U.S. Nuclear Regulatory Commission
Braidwood Resident Inspectors Office
35100 S. Rt. 53, Suite 79
Braceville, Illinois 60407

Mr. Ron Stephens
Illinois Emergency Services
and Disaster Agency
110 E. Adams Street
Springfield, Illinois 62706

Commonwealth Edison Company
Reg. Assurance Supervisor - LaSalle
2601 N. 21st Road
Marseilles, Illinois 61341-9757

Chairman
Will County Board of Supervisors
Will County Board Courthouse
Joliet, Illinois 60434

Commonwealth Edison Company
Braidwood Station Manager
35100 S. Rt. 53, Suite 84
Braceville, Illinois 60407-9619

Ms. Bridget Little Rorem
Appleseed Coordinator
117 N. Linden Street
Essex, Illinois 60935

Commonwealth Edison Company
Site Vice President - Braidwood
35100 S. Rt. 53, Suite 84
Braceville, Illinois 60407-9619

Commonwealth Edison Company
Site Vice President - Dresden
6500 N. Dresden Road
Morris, Illinois 60450-9765

Commonwealth Edison Company
Dresden Station Manager
6500 N. Dresden Road
Morris, Illinois 60450-9765

U.S. Nuclear Regulatory Commission
Dresden Resident Inspectors Office
6500 N. Dresden Road
Morris, Illinois 60450-9766

William D. Leech
Manager - Nuclear
MidAmerican Energy Company
P.O. Box 657
Des Moines, Iowa 50303

Vice President - Law and
Regulatory Affairs
MidAmerican Energy Company
One River Center Place
106 E. Second Street
P.O. Box 4350
Davenport, Iowa 52808

Chairman
Rock Island County Board
of Supervisors
1504 3rd Avenue
Rock Island County Office Bldg.
Rock Island, Illinois 61201

Chairman
Grundy County Board
Administration Building
1320 Union Street
Morris, Illinois 60450

Commonwealth Edison Company
Quad Cities Station Manager
22710 206th Avenue N.
Cordova, Illinois 61242-9740

Commonwealth Edison Company
Site Vice President - Quad Cities
22710 206th Avenue North
Cordova, Illinois 61242-9740

U.S. Nuclear Regulatory Commission
Quad Cities Resident Inspectors Office
22712 206th Avenue N.
Cordova, Illinois 61242

Phillip P. Steptoe, Esquire
Sidley and Austin
One First National Plaza
Chicago, Illinois 60603

Assistant Attorney General
100 W. Randolph Street
Suite 12
Chicago, Illinois 60601

Commonwealth Edison Company

U.S. Nuclear Regulatory Commission
LaSalle Resident Inspectors Office
2605 N. 21st Road
Marseilles, Illinois 61341-9756

Chairman
LaSalle County Board
707 Etna Road
Ottawa, Illinois 61350

Chairman
Illinois Commerce Commission
Leland Building
527 E. Capitol Avenue
Springfield, Illinois 62706

Commonwealth Edison Company
LaSalle Station Manager
2601 N. 21st Road
Marseilles, Illinois 61341-9757

Commonwealth Edison Company
Site Vice President - LaSalle
2601 N. 21st Road
Marseilles, Illinois 61341-9757

Robert Cushing
Chief, Public Utilities Division
Illinois Attorney General's Office
100 W. Randolph Street
Chicago, Illinois 60601

Mr. David Helwig
Senior Vice President
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Mr. Gene H. Stanley
Vice President - Nuclear Operations
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Mr. Christopher Crane
Senior VP - Nuclear Operations
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Mr. R. M. Krich
Vice President - Regulatory Services
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, Illinois 60515

Commonwealth Edison Company
Reg. Assurance Supervisor - Byron
4450 N. German Church Road
Byron, Illinois 61010-9794

Commonwealth Edison Company
Reg. Assurance Supervisor - Braidwood
35100 S. Rt. 53, Suite 84
Braceville, Illinois 60407-9619

Commonwealth Edison Company
Reg. Assurance Manager - Dresden
2605 N. 21st Road
Marseilles, Illinois 61341-9765

Commonwealth Edison Company
Reg. Affairs Manager - Quad Cities
22710 206th Avenue North
Cordova, Illinois 61242-9740 60407

Ms. Pamela B. Stroebel
Senior Vice President and General Counsel
Commonwealth Edison Company
P.O. Box 767
Chicago, Illinois 60690-0767

Sherry Kamke, Acting (5)
Environmental Review Coordinator
US EPA Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604-3507

May 24, 2000

MEMORANDUM TO: Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management, NRR

FROM: Donna Skay, Project Manager, Section 2 /RA/
Project Directorate III
Division of Licensing Project Management, NRR

SUBJECT: MEETING WITH COMMONWEALTH EDISON COMPANY

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STN 50-456, STN 50-457

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ACCESSION NO: ML003717436

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NAME	DSKAY	TLH for CMOORE	WRAUGHLEY	AMENDIOLA
DATE	05/23/00	05/23/00	05/23/00	05/23/00

OFFICIAL RECORD COPY

Notice of June 14, 2000, Meeting with Commonwealth Edison Company

DISTRIBUTION:

PUBLIC

PDIII-2 r/f

B. Sheron (RidsNRrAdpt)

J. Zwolinski/S. Black

S. Bajwa

A. Mendiola

S. Bailey

L. Rossbach

M. King

C. Moore

R. Caruso

M. Chatterton

R. Goel

J. Rosenthal

W. Raughley

G. Grant

J. Strasma, RIII

OPA (e-mail to OPA)

M. Ring, RIII

M. Satorius, RIII

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DOUBLE SIDED PAGES? YES

NO

OVERSIZE PAGES? YES

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 6/20

ATTACHMENT 2.

6/14/00 Attendees

<u>Name</u>	<u>Association</u>	<u>Telephone</u>
Pat Simpson	ComEd	630-663-7971
Jack Rosenthal	USNRC	301-340-6032
DAVID C. TUBBS	Mid American	319-333-8192
Bill Raughley	USNRC	301-415-7577
RIM Krulch	ComEd	630-663-7330
MEL LEACH	USNRC	630-829-9705
Ken Ainger	ComEd	630 663-7350
Roy Lane	ComEd	630-663-6170
VICTOR LÓPEZ	ComEd	630 663-7494

ATTACHMENT 3

Jack E. Rosenthal

William S. Raughley



**Regulatory Effectiveness Assessment
and Human Factors Branch**

Office of Nuclear Regulatory Research

REDUCING UNNECESSARY REGULATORY BURDEN

○ HISTORICAL INFORMATION LEADING TO THE PUBLIC MEETING

- Reactor Water Safety Meeting follow-up**
- NRC Strategic Plan addresses regulatory effectiveness**

○ NRC PERFORMANCE GOALS

- Maintain safety**
- Increase public confidence**
- Reduce unnecessary regulatory burden**
- Make NRC activities and decisions more effective, efficient, and realistic**

○ UNNECESSARY REGULATORY BURDEN

- Rules and regulations of no value for maintaining risk or safety performance**
- NRC need for licensee information to correlate the burden with safety**

ATTACHMENT 4

Meeting with NRC Office of Research

Unnecessary Regulatory Burden

June 14, 2000

ComEd
A Unicom Company

Radiation Protection

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 19.13(b) – advise workers annually of their dose	Revise requirement to only advise workers of their dose upon request or if workers received >100 mrem/yr (general public dose limit)	Information is not useful to workers – workers have means to routinely access their own dose information onsite, always available upon request if worker is no longer onsite.	Administrative cost for letter generation, reviews, mailing estimated at \$6K per year.
10 CFR 20.1904 – each container of licensed material must be labeled; the label must contain specified information	Revise the requirement so that individual containers inside a radiologically posted area (RPA) do not require labeling unless the container's dose rate/contamination level is greater than ambient for the RPA.	Inside a RPA, all material is presumed to be potentially radioactive; no value added to worker maintaining dose ALARA unless level of radioactivity of container is above ambient.	\$50K per year per site; \$250K total (technician and supervisory person-hours)
10 CFR 20.2104 – determination of prior occupational dose requires an attempt to obtain records of cumulative occupational dose	Revise requirement so that an attempt to obtain records of cumulative occupational dose is not required except for a planned special exposure	Cumulative occupational dose information is not useful since all dose limits are annual.	\$100K per year per site; \$500K total
Occupational Radiation Exposure Report (Technical Specifications) - submit an annual report of personnel receiving > 100 mrem in a format consistent with Regulatory Guide 1.16	Eliminate report requirement	Data for specific areas could be provided on an as-needed basis. Dose data is already reported annually to NRC per 10 CFR 20.2206. The information developed for this report is not used by us.	\$30K annual savings from eliminating administrative cost to input data, generate reports, resolve discrepancies

Fitness for Duty

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 26.3 – definition of suitable inquiry requires best-effort verification of employment history for past 5 years	Reduce best-effort verification of employment history to 3 years	Current definition permits a check to 3 years if unable to obtain any further information	Background investigation cost reduced by approximately 40%, resulting in \$60K annual savings
10 CFR 26, Appendix A, Section 1.2 – definition of permanent record book requires a permanent record book	Eliminate the permanent record book	All the information recorded in it is redundant to the information recorded on the chain of custody forms and entered into the FFD Information System	Administrative cost savings (i.e., data entry, maintenance of books, auditing books) of \$50K/year
10 CFR 26, Appendix A, Section 2.1(a) – requirement to test for drugs on a for-cause alcohol test	Eliminate requirement to perform urinalysis test for drugs as a result of an "odor-of-alcohol" occurrence	Cause for test was alcohol, not drugs; experience indicates no positive results from urinalysis for drugs	Cost of individual's time pending outcome of urinalysis plus cost of urinalysis – \$9K/year
10 CFR 26, Appendix A, Section 2.7(e)(1) – initial and confirmatory tests cut-off level of 300 ng/ml for opiate metabolites	Increase opiate metabolite cut-off level to 2000 ng/ml for initial and confirmatory tests	DOT regulation changed to increased cut-off level of 2000ng/ml; experience indicates positive initial test results at 300ng/ml do not result in access being denied	Cost of individual's time pending outcome of laboratory results plus cost of laboratory analysis – \$165K/year
10 CFR 26 Appendix A Section 2.8(c)(3) - a minimum of 10 percent of all test samples shall be quality control specimens	Reduce percentage of quality control specimens to 0	Laboratories used are inspected by the NRC and certified by DHHS, without performance issues, additional control checks provide no benefit	\$10.4K annual savings from reduction in administration and laboratory costs

Physical Protection

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 73.1(a)(i) and (ii) – requirement to protect against radiological sabotage involving an insider threat	Eliminate the requirement to protect against the insider threat	Compliance with 10 CFR 26 and 10 CFR 73.56 establishes the basis that all persons inside the protected area with unescorted access are trustworthy and reliable; therefore the insider threat is not credible	\$100K savings in personnel reduction per site; \$500K total
10 CFR 73.21(b)(1)(i) through (iv) and (xi) through (xiii) – requirements to classify and maintain/protect information, not critical to the defense of the facility, as Safeguards Information	Eliminate requirements and only classify defensive plans and number of armed responders as Safeguards Information	Information currently listed in identified sections is not relevant to today's defensive strategies and knowledge of this information would not allow unauthorized or undetected access to a facility or compromise response capability	\$114K Safeguards Information handling/storage costs across 5 sites
10 CFR 73.55(c)(5) – lighting requirement of 0.2 ft.-candles in all exterior areas within protected area (PA) beside the isolation zone	Eliminate 0.2 ft.-candle lighting requirement from all other areas within the PA beside the isolation zone	0.2 ft.-candle lighting within the PA does not add any value to assessing the threat which occurs at the isolation zone and is the point at which security personnel initiate actions to neutralize the threat	\$18K savings in lighting maintenance costs across 5 sites

Physical Protection

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 73.55(d)(4) – requirement that vehicles in the PA be escorted by a member of the security organization	Eliminate the requirement for vehicles entering the PA to be escorted by a member of the security organization	Vehicles would be driven/escorted by individuals badged and granted unescorted access, whose trustworthiness and reliability has been established in accordance with 10 CFR 26 and 10 CFR 73.56.	\$100K savings in security force reduction per site; \$500K total
10 CFR 73.57 - fingerprints for persons to be granted unescorted access must be submitted to the FBI through the NRC with the results returned through the NRC	Eliminate NRC as the intermediary in the criminal history check	The submittal and return through the NRC adds no value and delays obtaining the results for 2 to 6 months versus 24 to 48 hours if we were allowed to submit electronically directly to the FBI	
10 CFR 73.56 - develop information, in part, concerning an individual's credit history, education, and military service prior to granting unescorted access	Eliminate requirement to perform credit, education, and military service checks	These checks have resulted in no denial of unescorted access and provide no value	\$82.5K annual savings by eliminating unnecessary checks
10 CFR 73.55 - requires certain areas and equipment to be designated as vital	Eliminate vital area and equipment designation	Focus of security is now to protect target sets needed to achieve and maintain safe shutdown, the vital designation is no longer meaningful	\$50K annual savings by eliminating costs for maintenance, repair, and compensatory measures

Emergency Preparedness

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 50.47(c)(2) – plume exposure pathway emergency planning zone (EPZ) shall consist of an area of about 10 miles in radius	Reduce EPZ to five mile radius	Revised source terms	Siren maintenance costs reduced \$200K/yr Public information brochure distribution cost reduced \$47K/yr
NUREG-0654, Appendix 4 – as local conditions change, the evacuation time estimate should be updated	Eliminate requirement to update evacuation time estimates (ETE)	Information is not used for emergency preparedness	\$25K savings from eliminating administrative cost to update ETE

Nuclear Fuels

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 50.36(c)(1)(i)(A) has been interpreted to require including the value of the minimum critical power ratio (MCPR) in the safety limits section of Technical Specifications	Relocate the value of the MCPR safety limit to a licensee controlled document (e.g., core operating limits report) so that it can be revised under the 10 CFR 50.59 process	The NRC has approved vendor topical reports that provide the methodology we use for determining cycle-specific MCPR safety limits	One technical specifications change request per year - \$75K
10 CFR 50.36(c)(5) has been interpreted to require listing in the administrative controls section of Technical Specifications the methodologies (i.e., topical report number, title, date, revision) used to determine the limits in the core operating limits report (COLR)	Relocate this information to the COLR so that it can be revised under the 10 CFR 50.59 process	All the methodologies listed have been approved by the NRC.	One technical specifications change request per year - \$75K
10 CFR 50.46(a)(3)(ii) – requirement to submit a 30 day report any time the absolute value of peak cladding temperature (PCT) changes by >50°F and an annual report for any change	Eliminate these reporting requirements	This is the only core parameter whose calculated value is required to be reported to the NRC. This parameter only needs to be tracked internally by the licensee and available for NRC inspection upon request.	\$20K per year for annual report and one 30 day report

Nuclear Fuels

<p>10 CFR 50, Appendix K, Section I.A.4 – requirement that decay heat rate be 1.2 times the value calculated using the 1971 ANS Standard</p>	<p>Use more realistic approach for calculating heat generation rates from radioactive decay of fission products</p>	<p>The current requirement applies an unnecessary and unrealistic conservatism</p>	<p>Result would be lower calculated PCT that will allow relaxation of ESF equipment performance assumptions (e.g., diesel generator start time, ECCS pump flow, valve stroke time). Cost savings potential in \$M.</p>
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Reporting Requirements

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 26.71(d) - submittal of fitness-for-duty (FFD) program performance data every six months	Eliminate requirement to submit the data	FFD program performance data will still be collected, compiled, and available for inspection	\$8K annual savings from eliminating administrative cost to submit data
10 CFR 50.4(b)(6) - submit signed original and 10 copies of updated final safety analysis report (UFSAR) replacement pages to the Document Control Desk (Note: this also applies to other documents periodically updated that are referenced in UFSAR, e.g., fire protection report, etc.)	Eliminate requirement to include 10 copies of updated document replacement pages	Now that NRC is using ADAMS and reducing dependency on paper copies of documents, it no longer makes sense to send the Document Control Desk 10 copies	\$4 K annual savings by eliminating administrative cost to prepare 10 additional copies of each updated document
10 CFR 50.36a(a)(2) - submit annual radioactive effluent reports	Eliminate requirement to submit an annual report	10 CFR 50 Appendix I Section IV.A requires the NRC be notified if actual release during any calendar quarter would exceed one-half the design objective annual exposure; otherwise routine information available for inspection	\$8K savings annually by eliminating cost to submit report
10 CFR 50.54(p)(2) and 10 CFR 72.44(e) - submit within 2 months changes made to physical security plans without prior NRC approval	Eliminate requirement to submit changes made without prior NRC approval	Submittal is of informational nature only, physical security plans are available for inspection as are any related evaluations of changes made without NRC prior approval	\$6K savings by eliminating cost to submit changes

Reporting Requirements

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 50.54(q), 10 CFR 50 Appendix E Section V, and 10 CFR 72.44(f) - submit within 30 days any changes made to the emergency plan or implementing procedures without prior NRC approval (Note: 10 CFR 72.44(f) is similar requirement but allows six months)	Eliminate requirement to submit changes made without prior NRC approval	Submittal is of informational nature only, emergency plan and implementing procedures are available for inspection as are any related evaluations of changes made without NRC prior approval	\$10K savings by eliminating cost to submit changes
10 CFR 50.54(w)(3) - annual property insurance coverage report specifying level of insurance maintained and its source	Eliminate requirement to submit report	10 CFR 50.54(w)(1) specifies amount of insurance required and acceptable sources, a licensee is required to comply with the regulations, submittal of the information annually serves no purpose and is not required in the case of other regulations to demonstrate compliance	\$4K annual savings from eliminating cost to submit report
10 CFR 50.54(bb) - submit to NRC for review and preliminary approval the irradiated fuel management and funding plan and notify the NRC of any future significant changes	Eliminate requirement to submit plan and future notifications	In part, the information required is redundant to that required by 10 CFR 50.82 in the post-shutdown decommissioning activities report and the site specific decommissioning cost estimate. Also, if a licensee chooses dry cask storage, the NRC is notified in accordance with 10 CFR 72.	\$10K savings from eliminating cost to submit plan and future notifications

Reporting Requirements

Unnecessary Regulatory Burden	Proposed Reduction in Regulatory Burden	Basis for Proposed Reduction	Estimated Cost Savings
10 CFR 50.59(b)(2) and 10 CFR 72.48(b)(2) - periodically submit a summary of 10 CFR 50.59 and 10 CFR 72.48 evaluations	Eliminate requirement to submit summary reports	The completed evaluations are available for inspection, the submittal is of only informational nature	\$125K savings annually by eliminating cost to submit report
10 CFR 50.71(b) - submit the annual financial report, including the certified financial statements, upon issuance of the report	Eliminate requirement to submit report	Submittal is of informational nature only, the annual report is available for inspection	\$2K annual savings from eliminating cost to submit report
10 CFR 72.44(d)(3) - submit an annual report of radioactive effluents	Eliminate requirement to submit report for dry cask storage types which do not have effluents	No value added to submit a report of effluents when by design no effluents will occur and the NRC acknowledges this in the cask safety evaluation	\$1K annual savings from eliminating cost to submit report
10 CFR 140.21 - submit annually evidence of guarantee of payment of deferred premiums	Eliminate submittal requirement	Submittal is of informational nature only and the reporting requirement is redundant to base regulation 10 CFR 140.11 which a licensee must be in compliance	\$4K annual savings from eliminating cost to submit report

June 21, 2000

MEMORANDUM TO: Farouk Eltawila, Acting Director
Division of Systems Analysis and Regulatory Effectiveness
Office of Nuclear Regulatory Research

THRU: Jack. E. Rosenthal, Chief */R/*
Regulatory Effectiveness Assessment and Human Factors Branch
Office of Nuclear Regulatory Research

FROM: William S. Raughley, Senior Electrical Engineer */R/*
Regulatory Effectiveness Assessment and Human Factors Branch
Office of Nuclear Regulatory Research

SUBJECT: SUMMARY OF JUNE 14, 2000 PUBLIC MEETING ON REDUCING
UNNECESSARY REGULATORY BURDEN

The Nuclear Regulatory Commission (NRC), Office of Regulatory Research (RES) held a public meeting on June 14, 2000, in Downers Grove, Illinois, to understand Commonwealth Edison's (Com-Ed) concerns with some regulations that it perceives to impose unnecessary regulatory burden. Attachment 1 is the May 24, 2000 meeting notice that was published in the *Federal Register*. Attachment 2 is the list of attendees.

Summary

Jack E. Rosenthal made the opening remarks (Attachment 3). Mr. Rosenthal stated that as part of NRC's Strategic Plan while maintaining safety is the most important function, that the NRC is looking at opportunities to reduce unnecessary regulatory burden and to improve its efficiency and effectiveness as a regulator. In addition, Mr. Rosenthal explained that reducing the unnecessary regulatory burden was part of ongoing RES initiatives to examine the effectiveness of our regulations. Furthermore, identification of perceived unnecessary burden and associated costs will help prioritize efforts to make our regulations risk-informed and performance based.

The NRC interest in discussing this topic with Com-Ed followed remarks made by Mr. D. Helwig, Executive Vice President-Nuclear of Com-Ed, at the RES Water Reactor Safety Meeting in October 1999. Mr. Helwig stated that some NRC regulations imposed unnecessary regulatory burden with no apparent safety benefit and supported his statement with an example. Subsequent to the meeting, discussions between Mr. Rosenthal and Mr. Helwig led Com-Ed to offer to identify and discuss unnecessary regulatory burden in terms of actual costs with the NRC.

Com-Ed presented a list of items they consider unnecessary regulatory burden (Attachment 4). Com-Ed explained that the list is considered to be illustrative and not exhaustive. Com-Ed also stated that the list was not proprietary; the NRC staff reviewed the list and stated, that being the

case, the meeting would remain open. In addition, Com-Ed stated that the estimated savings in total were significant considering its ten plants, six more plants from a planned merger, and 20 more years of service from all of these plants.

Each item in Attachment 4 was discussed to ensure that the items were understood and that there was an exchange of ideas and perceptions. The items in Attachment 4 appear to fall into three categories: (1) Items which seem to be simple revisions to outdated or redundant administrative requirements of apparently little or no safety benefit whose revision could save an estimated total of three million dollars (\$3 million) annually; (2) Updating Emergency Core Cooling Systems (ECCS) analysis using a more realistic approach which could save an estimated \$10 million plus; (The costs were attributed to replacement power costs for periodic unnecessarily delayed refueling outages or limiting conditions of operation at its plants due to analysis of apparently degraded equipment performance.) (3) An item requiring use of updated source terms allowed by the NRC in emergency planning analysis which could save an estimated \$250,000 annually but appears problematic.

Com-Ed noted that they had discussed this initiative with other licensees that may be interested in a similar discussion. Com-Ed will provide us with these contacts, and expressed an interest in knowing the outcome of our discussions with other licensees, as well as, what the NRC plans to do with all of the information.

Attachment: As stated

cc w/att.:
A. J. Mendiola, NRR
M. Leach, Region III

ADAMS ACCESSION NUMBERS:

Letter: ML003725719
Attachment 1: ML003717436
Attachment 2 through 4: ML003725019

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cc w/att.:

A. J. Mendiola, NRR
M. Leach, Region III

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