



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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June 4, 1998

MEMORANDUM TO: Spent Fuel Project Office Staff

FROM: William F. Kane, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

A handwritten signature in dark ink, appearing to read "William F. Kane", is written over the typed name and title.

SUBJECT: SFPO INTERNAL PROCEDURE -
STAFF INTERACTIONS WITH APPLICANTS

The attached procedure has been developed to inform the Spent Fuel Project Office staff of recently approved guidance regarding staff interactions with applicants. While some of this guidance is new, most staff members have been following many of these elements already. However, recent events have indicated a need to reemphasize, and in some cases clarify, our respective role with the applicant. This internal procedure is effective immediately.

I appreciate your support in this endeavor. If you have any questions, you may contact your Section Chief, Lawrence Kokajko, or me.

Attachment: SFPO Internal Procedure -
Staff Interactions with Applicants

SFPO INTERNAL PROCEDURE STAFF INTERACTIONS WITH APPLICANTS

Introduction

The Office of Nuclear Material Safety and Safeguards (NMSS), Spent Fuel Project Office (SFPO), has instituted several project management measures to ensure prompt review of independent spent fuel storage installations, spent fuel dry cask storage systems, and spent fuel transportation packages. This SFPO internal procedure has been developed to further clarify the current process for SFPO staff interactions with the applicant (new application, amendment, or renewal).

Prioritization

- Work in SFPO is prioritized based on (1) safety issues of operating independent spent fuel storage installations; (2) storage needs of operating nuclear power plants that will lose full core off-load capability; (3) storage needs of nuclear power plants undergoing decommissioning; and (4) other work.
- It is the responsibility of the appropriate Section Chief, in consultation with SFPO management and associated Section Chiefs, to prioritize work in accordance with this internal procedure. The Section Chief(s) will dedicate a specific review team for each major application.

Application

- The Project Manager (PM) is the primary point of contact for all licensing-related communications with the applicant. In the event the assigned PM is not available, a backup PM may substitute on a case-by-case basis.
- The PM will arrange and chair pre-application meetings with an applicant.

For commercial applications, the PM, in conjunction with the appropriate Licensing Assistant (LA), will ensure that a docket number is assigned and a TAC number is opened as fee billable during the pre-application phase. The potential applicant should be informed of this prior to the first pre-application meeting.

During a pre-application meeting, the PM should inform the applicant that the applicant should provide a written statement as to whether the appropriate standard review plan (SRP) was followed in developing its application and safety analysis report. This statement should also include a description of any deviations from the SRPs taken by the applicant. Additionally, the PM should inform the applicant of the elements of this procedure during the pre-application meeting.

- The PM will ensure the expedited processing of incoming licensing actions by following NMSS Policy and Procedures Letter 1-51, "Policy and Criteria for Initial Processing of Incoming Licensing Actions" (Attachment A).

This policy requires a general acceptance review within 30 days of receipt of an application. While primarily an administrative review, this general acceptance review includes, but is not limited to, the following: (1) legibility of drawings, (2) general adequacy of information, (3) proprietary information, and (4) obvious technical inadequacies. The objective of the acceptance review is to verify that the application contains sufficient information before the staff begins an in-depth technical review using the SRPs.

- The assigned technical reviewers shall follow the applicable SRP(s). The PM will monitor the project to ensure that the SRP(s) are being followed by the assigned technical reviewers.

The SRPs provide guidance to SFPO staff reviewers and indirectly provide guidance to applicants on the content of their applications. The SRP objectives are to (1) summarize the technical positions acceptable for meeting the regulatory requirements for application approval; (2) describe the procedures by which the SFPO staff determines that these requirements have been satisfied; and (3) document the practices developed by the staff in previous reviews of applications. The SRPs assist in ensuring the quality and consistency of staff reviews and in establishing well-defined bases from which to evaluate proposed changes in the scope of the reviews. Deviations from following the SRPs may be done on a case-by-case basis, provided approval by the appropriate Section Chief is obtained and the review is documented.

- The PM is responsible for written communication with the applicant.

The PM, in conjunction with the associated technical reviewers and the LA, will prepare all written communication with the applicant, including, but not limited to, general correspondence, requests for additional information, safety evaluation reports, certificates of compliance, and licenses.

- The PM, in conjunction with the appropriate LA, will ensure all correspondence is docketed.

Receipt of correspondence from a current or potential applicant, including facsimiles, by any SFPO staff member shall be provided to the appropriate PM/LA for docketing.

Request for Additional Information (RAI)

The PM and all associated technical reviewers should be aware of the following:

- NMSS/SFPO management has indicated very strongly to industry that improved performance on their part, in relation to the quality of submittals, is required. SFPO staff members should reiterate this message as often as is warranted.
- With Section Chief approval, in consultation with SFPO management and other Section Chiefs if appropriate, partial or incomplete applications or RAI responses will not be reviewed. The applicant will be advised by telephone, and subsequently in writing, of the basis for this determination.
- If the staff's review requires additional applicant information, RAIs will be issued in a standard format in accordance with the references in Attachment B.

This RAI format includes a description of the information needed, the regulatory basis, and the technical or safety basis. The objective of using an RAI standard format is to ensure that each RAI item is unambiguous and focused on a regulatory or safety issue.

- Each significant RAI should be discussed in a meeting open to the public and chaired by the PM to assure that the applicant understands the staff's expectations regarding the RAI.
- The NRC's goal is to see improvement in new applications and amendments such that no RAI has to be issued. One RAI (perhaps two) will be considered acceptable, but staff will (1) expect a prompt (<90 day) response from the applicant and (2) slip the review schedule accordingly if beyond 90 days.

The applicant will be notified of this expectation/warning in the RAI cover letter. The applicant will also be advised that the extent of the slip in the staff's resumption of the review may exceed the slip in the applicant's response time.

- When more than two RAIs are needed, with SFPO Director approval, the staff will (1) identify its positions and concerns, and (2) suspend further technical review pending certification of application sufficiency by the applicant and its respective Owner's Group or other independent third party. The applicant will be notified of this action in writing as soon as possible.

References

Attachment A: NMSS Policy and Procedures Letter 1-51, "Policy and Criteria for Initial Processing of Incoming Licensing Actions"

Attachment B: (1) Memorandum dated April 16, 1996, "Style and Format for Request for Additional Information (RAI)"

(2) Memorandum dated April 23, 1996, "Style and Format for Request for Additional Information (RAI) - Supplemental Information"

(3) Memorandum dated April 23, 1996, "Style and Format for Request for Additional Information (RAI) - Supplemental Information Regarding Proprietary Information in an RAI"

(4) Note dated February 20, 1997, "RAI Formats"