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Regulatory Issue Screening Process

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Purpose

- To review last years discussion on the "generic issue" issue
- To examine the new NEI white paper "Regulatory Issue Screening Process"

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RIC 2007 – Preliminary Generic Positions, and Plant Specific Licensing Actions, and Inspections


- Concerns from last year
 - One of the challenges was that different parties viewed the concern differently
 - LATF wanted to focus on how to handle current licensing activity with a pending generic issue
 - The scope and key terms needed to be defined and agreed upon
- Considered a high priority item

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RIC 2007 – Objectives and Perspective

- Identify a process which ensures timely action taken when safety issues so dictate
- Allow licensing action activity and inspection activity to proceed in a timely manner without imposing interim solutions
- NRC handled the vast majority of potential generic issues
- The exceptions were glaring, highly impactful and completely inappropriate.
- If allowed to spill over to “new plants” potential applicants may withdraw or not be able to get financing.


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RIC 2007 – Discussion and Proposals

- Stop all related licensing activity
- Require licensees to adopt interim solutions
- Approve licensing actions based on current licensing basis until resolved generically
- NEI team develop and issue a white paper as a straw-man
- Focus on scope, problem statement and key terms/definitions initially


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Since RIC 2007

- NEI LATF team
 - Interacted with NRC (LATF meetings, etc.)
 - Gathered examples and wrote brief descriptions
 - Met as a team to refine our path forward


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Results

- As promised, NEI submitted a draft white paper to NRC in September 2007 for comment
- Purpose - to initiate a dialog about the need for a comprehensive regulatory process
- Continued to interact with NRC both on the paper and emergent potential generic issues.


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Regulatory Issue Screening Process (RISP)

- As proposed, this white paper is a straw man for further discussion
- Took the word "generic" out of the title and most of the paper (consolidated issue)
- Focus is on screening plant specific issues to identify processes to resolve the issues more effectively


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White Paper


- Proposes definitions for key terms (e.g., CLB, compliance, and precedent)
- Includes a problem statement with some key attributes to be considered
- Suggests some alternatives to enhance processes
- Provides a list of examples that might have been handled more effectively

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Basic Screening Process Concept

- Industry screens plant-specific data (mostly RAIs and URIs)
- Industry identifies data points that could be bundled into generic issues
- Industry proposes selected issues to NRC for resolution via RISP
- NRC/Industry meet to choose high-value RISP issues to work on
- NRC/Industry meet to clarify expectations and seek consensus

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Basic Screening Process Concept (cont.)

- NRC/Industry establish attributes of a standardized success-path
 - scope
 - level of detail
 - key attributes of the issue (e.g., variables, assumptions, ranges of values)
 - checklists
 - templates
 - acceptance criteria
 - etc.
- NRC documents the “applicable staff position”
- Industry implements based on bullets above

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Continuing Development of White Paper


- Since making the paper available, staff and industry team has had multiple opportunities to interact
 - Licensing Forum
 - LATF meetings
 - Other public meetings (like this one)
 - TORMIS issue discussions

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Related Issue - Backfit

- The backfit question must be addressed early on
- Not a consistent agreement on how to apply the backfit rule within the NRC staff or within the industry
- Closing this gap is an essential part of enhancing the effectiveness of the processes used to resolve issues
- We don't need to solve the backfit question to develop the screening process. We do need to make progress on the backfit question to make the process work as we want it to.
- Backfit is being addressed as a separate issue


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Next Steps

- Continued discussions
- Issue a revision to the white paper (Some feedback indicated that the paper would be enhanced if some examples were developed in more depth)
- Expand on the role of precedent (in lieu of creating an alternate explanation of the original intent)
- How to identify when the industry and the staff are using different criteria
- How to enhance the dialogue between NRC and industry

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Side Benefits

- Both the NRC and the industry have a better awareness of the others perspectives
- Communications between the NRC and the industry have been enhanced

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Pilot Program

- TORMIS methodology is being used as a pilot to test various concepts in the RISP
- TORMIS is a computer code for assessing damage to safety related features of a nuclear power plant due to a tornado missile
- Use approved by SER in 1983 with specified limitations
- Recent license amendment applications raised concerns regarding the application of the methodology
- Staff prepared a draft RIS and held a public meeting on 2/29/08

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Summary / Conclusion

- As discussed last year, this is not a topic with an overnight solution
- Progress is made in small steps as we understand each others concerns and the impacts on each other
- We have made progress in the last year
- I hope we can report even more progress at RIC 2009 as we continue toward "One Issue, One Review, One Answer" and to a process that is predictable and repeatable

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