

9/12/07
slides

FirstEnergy Nuclear Operating Co. (FENOC)
**Meeting to Discuss Davis-Besse
License Amendment Request for
Conversion to Improved Technical
Specifications (ITS)**

(LAR No. 06-0003; August 3, 2007)

September 11 – 12, 2007
9:00 AM ~ 4:00 PM

U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike, Room O-04B6
Rockville, Maryland

Agenda

(Day 2 of 2 - Revised)

▸ Day 2

- Review select portions of draft NRC office instruction LIC-601 (“Technical Specification Conversion Accelerated Review”) guidance
- Just-in-time training & issuance of passwords for NRC staff to submit questions to on-line Q&A database to facilitate accelerated review
- Opportunity for public comment
- Adjourn

LIC-601 Review

- ▶ LIC-601 Development Continues and Will Incorporate Lessons-Learned During the Davis-Besse ITS Conversion
- ▶ Today We'll Review Sample Excerpts from Several LIC-601 References Important to Detailed Review & On-Line Q&A
- ▶ All LIC-601 References (with hyperlinks & ML's) Have Been Replicated in the DBNPS ITS Conv. Workbook – "LIC-601 Refs" Tab

Some Important Q&A Process Refs

- ✓ 10 CFR § 2.108 Denial of application for failure to supply information
- ✓ COM-203, **Informal Interfacing** and Exchange of Information with Licensees and Applicants, Rev 1
- ✓ LIC-101, **License Amendment Review** Procedures, Rev 3 (Rev 4 Pending)
- ✓ LIC-202, Managing Plant-Specific **Backfits** ..., Rev 1
- ✓ MD-8.4, NRC Program for Management of Plant-Specific **Backfitting** ...
- ✓ RIS-2000-06, Consolidated Line Item Improvement Process for Adopting **Standard Technical Specifications Changes** ...
- ✓ 10 CFR § 50.36, **Technical Specifications**
- ✓ 58 FR 29132 **Final Policy Statement** on Technical Specifications Improvements ..., July 22, 1993
- ✓ 10 CFR § 50.90 **Application For Amendment** of License or Construction Permit
- ✓ 10 CFR § 50.92 **Issuance of Amendment**
- ✓ NRC Administrative Letter 96-04 -**Efficient Adoption of Improved Standard Technical Specifications**, October, 1996
- ✓ NEI 96-06, Improved Technical Specifications **Conversion Guidance**, August, 1996

10 CFR § 2.108

- ✦ (NRR)... 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

COM-203

Informal Interfacing and Exchange of Information with Licensees and Applicants

- **Regulations require** that all license applications, requests for amendments and associated correspondence be submitted in writing or by authorized electronic submission (Electronic Information Exchange (EIE) or CD-ROM)
- It is NRC policy to make **all correspondence used to support decision making** an **official agency record** and to make it publicly available by placing a copy into ADAMS, unless exempted ...
- **Information informally exchanged** with licensees or applicants, **and used in decision making**, must be properly documented to ensure public disclosure and allow public participation in the decision making process.

COM-203

- **Outgoing correspondence** from NRR **cannot be considered an official agency issuance unless** it has received appropriate review and concurrence and is signed by a person authorized by NRR Office Instruction ADM-200, "Delegation of Signature Authority."
- Staff **members should refrain** from stepping out of the role of the regulator and into the role of advisor. E.g.,
 - **Detailed input on the technical content** would not be appropriate.
 - Also, staff members should refrain from providing **comments or advice that would** give more of an advantage to one licensee or applicant than to any other.
- **Comments on** the scope of discussion needed for decision making, the need to address regulatory or industry guidelines, or editorial and formatting suggestions that would facilitate staff review, **would be acceptable.**

LIC-101

- ✦ The SE provides the **technical, safety, and legal basis for** the NRC's **disposition** of a license amendment request.
- ✦ The SE should provide **sufficient information to explain** the staff's **rationale to someone unfamiliar** with the licensee's request.
- ✦ The **SE** includes a brief description of the proposed change, the regulatory requirements related to the issue, and an evaluation that **explains why the staff's disposition** of the request **satisfies the regulatory requirements**.
- ✦ Given that the SE serves as the record of the staff's disposition of a license amendment request, the **information relied upon in the SE must be docketed** correspondence

LIC-101

- Requests for additional information (**RAIs**) **serve** the purpose of enabling the staff **to obtain all relevant information needed to make a decision** on a licensing action request **that is fully informed, technically correct, and legally defensible.**
- **RAIs are necessary when** the information was not included in the initial submittal, is not contained in any other docketed correspondence, or cannot reasonably be inferred from the information available to the staff.
- **RAIs should be directly related to the applicable requirements** related to the amendment application, and **consistent with the applicable codes, standards, regulatory guides, and/or the applicable Standard Review Plan sections.**
- RAIs should **not** be used **as general information requests or as a means to encourage commitments** from licensees.

LIC-202

- ✦ **The Backfit Rule**, 10 CFR 50.109... requires that the NRC justify each backfit with either a regulatory analysis or a documented evaluation
- ✦ **If** ... staff determines that a ... **backfit** that **is necessary** to bring a facility into compliance ..., or ... necessary to ensure ... adequate protection to the public health and safety, or ..., **(then)** ... staff should, within 2 weeks of determination ..., **provide ... a documented evaluation...**
- ✦ **The position** that constitutes the potential backfit **should not be communicated** to the licensee **until** the issue has been resolved and ... approved by the ADRO.

MD-8.4

- Backfitting is the process by which NRC decides whether to impose new or revised regulatory requirements or staff positions on NRC-licensed nuclear power reactors
- **Backfitting is an inherent part of the regulatory process and is expected to occur.** However, it is to be implemented **only after a formal and systematic review** to ensure that the proposed changes are properly justified and suitably defined.

RIS-2000-06

- ✦ The NRC staff reviews the changes to the STS proposed by the TSTF (referred to as TSTF changes) and will accept, modify, or reject them.
- ✦ **Once TSTF changes are accepted, they are considered to be part of the STS.**
- ✦ Individual licensees may propose to adopt the TSTF changes during a conversion to the STS or as a separate license amendment application.

10 CFR 50.36

- (a) **Each applicant ... shall include...** proposed technical specifications in accordance with the requirements of this section. A summary **statement of the bases or reasons** for such specifications... shall also be included...
- (b) ...The **technical specifications will be derived from** the analyses and evaluation included in **the safety analysis report...**

58 FR 29132

- The **purpose** of Technical Specifications is **to impose** those **conditions** or limitations upon reactor operation **necessary to obviate** the possibility of an abnormal situation or event giving rise to **an immediate threat** to the public health and safety by **identifying those features that are of controlling importance** to safety and establishing on them certain conditions of operation **which cannot be changed without prior Commission approval**

58 FR 29132

- The Commission encourages licensees to use the improved STS as the basis for plant-specific Technical Specifications. During ... conversions, the nonvoluntary addition of new requirements from the improved STS to individual plant Technical Specifications will be evaluated in accordance with the Commission regulations on backfitting (10 CFR 50.109) unless the staff suggested additional changes are needed to make the licensee requested changes acceptable from the standpoint of adequate protection or compliance with NRC regulations, in which case § 50.109 does not apply and the request may be denied without the additional items

58 FR 29132

- When licensees submit amendment requests ..., they should identify the location of and controls for the technical and administrative requirements of the relocated requirements. The NRC staff will carefully review these submittals to ensure the accountability and the acceptability of controls for each relocated requirement.

50.90

- ✦ Whenever a holder of a license ... desires to amend the license... , application ... must be filed ... fully describing the changes desired, and following as far as applicable, the form prescribed for original applications.

50.92

- ✦ (a) In determining whether an amendment to a license ... will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses ... to the extent applicable and appropriate.

Adm Ltr 96-04

- ✓ The **NRC continues to believe** that total adoption of the improved STS will substantially improve the efficiency of the regulatory process, and ensure that licensee and NRC resources are applied to significant safety matters
- ✓ The **major objective** of converting from plant-specific technical specifications to the improved STS is to achieve as much consistency in the license requirements as possible, to the extent that the plant-specific design basis can conform with the related typical plant design reflected in the improved STS.

NEI 96-06

- Significant discussion and disposition of philosophical and technical issues between the industry and the NRC occurred during the development of the ISTS. Therefore, **a high threshold should be satisfied for deviating from the ISTS** in the ITS. Language and format preferences, unless justified on a plant-specific basis, should be avoided. **This is especially true of Sections 1.0 and 3.0.** This high threshold is used to preserve the standardization of the use and meaning of the requirements for the industry and the NRC.

NEI 96-06

- ✦ The **licensee may decide not to adopt certain ISTS provisions** because conformance with the ISTS would constitute an unwarranted backfit to existing license requirements.
- ✦ For these changes, the **NRC may consider whether** plant-specific provisions affect the completeness of the ISTS, and determine if **a backfit evaluation is warranted**.

Just-in-time training & issuance of passwords

...for NRC staff to submit questions to
on-line Q&A database to facilitate
accelerated review and request-for-
additional-information (RIA) processes

**Any Further Discussion or
Questions from Staff?**

From Licensee?

Opportunity for Public Comment

Thank You
For Your Participation

Any Further Comments or
Questions?

Adjourn