

WORKING GROUP CHARTER FOR BUILDING A SMARTER FUEL CYCLE FACILITIES LICENSING PROGRAM

This draft charter has been prepared and is being released to support a public discussion on the NRC staff's initiative to identify and pilot improvements for the Fuel Cycle Facilities licensing program. The intent of releasing this draft charter is to solicit stakeholder feedback on the purpose, tasking, and proposed project plan sections of this document. The staff will modify the contents of this charter, as appropriate, and issue a final version based on internal and external stakeholder feedback.

I. BACKGROUND:

The "Division of Fuel Cycle Safety, Safeguards, and Environmental [FCSE] Review Licensing Review Handbook [LRH]" provides a description of the procedures for completing licensing-related actions. The handbook is intended to assist project managers (PMs), technical reviewers (TRs), and supervisors by providing a comprehensive reference for understanding and implementing functions and responsibilities associated with licensing activities under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40 and Part 70.

NUREG-1520, Standard Review Plan (SRP) for License Applications for Fuel Cycle Facilities," provides guidance to the staff reviewers who perform safety and environmental impact reviews of applications to construct or modify and operate nuclear fuel cycle facilities. The SRP is intended to be a comprehensive and integrated document that provides the reviewer with guidance that describes method or approaches the staff has found acceptable for meeting NRC requirements. Each section of the SRP addresses the responsibilities of the staff reviewers, the matters that they review, the Commission's regulations pertinent to specific technical matters, the acceptance criteria used by the staff, the process and procedures used to accomplish the review, and the conclusions that are appropriate to summarize the review.

On January 15, 2019, the Nuclear Material Safety and Safeguards (NMSS) Office Director issued a memorandum to the NMSS staff on key principles for NMSS reviews. The memorandum states that the scope of staff reviews should be adjusted in the following ways:

- focus staff resources and expertise on the most safety-significant portions of a licensing decision;
- focus staff effort on reaching "adequate protection" or other regulatory conclusions based on reasonable assurance with respect to system performance, rather than an individual component; and
- enable the staff to acknowledge that a new technology may be safer than an existing technology, although operating experience with that new technology may be lacking and the new technology may not meet the regulatory review standards developed for the existing technology.

The memorandum goes on to state that "[i]n line with this discussion of our optimal review approach to licensing actions, I have asked the division directors to engage you in discussions on the need for continued innovation and transformation in our work, including enhancing our use of risk insights in making a finding of reasonable assurance." The enclosure to memorandum includes additional information on "reasonable assurance of adequate protection" and describes various principles the staff and management should consider in establishing the scope of licensing reviews, as well as performing and documenting the results of these reviews.

II. PURPOSE:

In light of the Office Director memorandum, the purpose of this charter is to identify and pilot proposed enhancements to the licensing program guidance, including improving:

- the scope, focus, and level of detail of staff reviews consistent with the significance of the specific review area for the specific application, and the documentation of the basis for the specific review;
- the reviews so they are more holistic and integrated, including frequent interactions among the TRs and PMs in scoping and performing the review;
- the processing of work requests to ensure the appropriate technical staff are identified, the resource estimates are properly estimated consistent with the projected scope and focus of review;
- the early identification of complexities or unique aspects of the review;
- the development and prioritization of requests for information, including determining which requests need a formal licensee response and the level of detail expected for those responses, consistent with the significance of the open item on the specific application;
- the documentation of the staff review, including the bases for the scope and focus of the review;
- additional aspects of the LRH, NUREG-1520, and other guidance, as identified in the Office Director memo or by the working group (WG);

In implementing the charter, the working group will solicit and assess feedback from internal and external stakeholders (public, industry, etc.) on the proposed changes to the licensing program. The working group will also document lessons learned from the pilot activities and provide a report identifying the WG proposed revisions to the LRH, NUREG-1520, and other guidance, as appropriate.

III. TASKING:

- A. Review the Office Director memorandum, the LRH, and NUREG-1520.
- B. Identify areas that may need to be improved and/or revised to reflect the Office Director memorandum, as described in Section II above, and from other insights and NRC risk-informed activities.
- C. Identify licensing applications to pilot the various aspects of the identified proposed areas for revision. Multiple pilots may be required to ensure all aspects of the identified proposed revisions are sufficiently addressed.
- D. Gather input from internal and external stakeholders and consider that input for the development of proposed draft revisions to the Fuel Cycle licensing program. Utilize the Cumulative Effects of Regulations (CER) public meetings as a means to obtain input and feedback from stakeholders, as well as other types of public meetings, such as a workshop, as activities progress.
- E. Identify lessons learned from the pilot activities and develop proposed draft revisions to the documents, as appropriate.

- F. Develop and document in a report conclusions and recommendations from the working group. The report should identify specific recommendations (i.e., specific proposed revisions to the guidance) that will improve the effectiveness and efficiency of the licensing program consistent with the NMSS Office Director memorandum and other NRC risk-informed activities.

The plan for collaboration with stakeholders and the timeline for implementation are shown in Section VIII below.

IV. WORKING GROUP MEMBERSHIP:

Mike King, NMSS/FCSE, Director (Sponsor)
Donnie Harrison, FCSE (Technical Lead)
To Be Determined

Additional team members may be identified to participate on the working group depending on the specific licensing applications identified for piloting the proposed enhancements.

V. DURATION:

The charter will remain in effect until issuance of the report identified in Section III.F.

VI. LEVEL OF EFFORT:

Periodic meetings (or teleconferences) of the working group will be coordinated approximately monthly by the Chair. These meetings may be slightly more frequent during project startup and wrap-up. In addition, multiple public meetings will be scheduled, as reflected in the proposed project schedule in Section VIII. Active participation and meeting attendance is expected of all working group members.

VII. CHARTER MODIFICATIONS:

The WG chair will obtain approval from the WG Sponsor prior to making substantive changes to the charter, specifically identified tasks, or products.

VIII. PROPOSED WORKING GROUP SCHEDULE¹:

Activity	Target Date
Introduction of Initiative at the NRC Regulatory Information Conference	March 13, 2019
Develop Draft Working Group Charter	March 25, 2019
Engage Stakeholders: At Cumulative Effects of Regulation (CER) public meeting, discuss the purpose of the NRC Working Group and the scope/focus of the Charter, including future plans to seek stakeholder input.	April 3, 2019
Issue Final Working Group Charter	April 15, 2019
Identify initial pilot applications	April 2019 & on-going
Identify areas within the guidance that may need to be improved and/or revised to reflect the Office Director memorandum and other NRC risk-informed activities.	end of May 2019 & on-going
Engage Stakeholders: Hold workshop to gain additional input from stakeholders regarding their perspectives on how the NRC fuel cycle facilities licensing program could be improved.	June 2019
Pilot proposed improvements in the guidance	April – August 2019
Develop lessons learned from pilots and modify draft guidance	August 2019
Engage Stakeholders: (planned CER meeting) Present draft results of lessons learned from pilots and gather additional stakeholder input for further consideration.	September, 2019
Develop draft working group report with identification of proposed enhancements to licensing program.	October 2019
Engage Stakeholders: Discuss draft report insights and proposed enhancements to licensing program and gather stakeholder feedback.	October 2019
Issue working group enhancements report	November 2019
Implement enhancements	Calendar Year 2020 & on-going

¹ The proposed project plan schedule is conditional on identifying and addressing the draft guidance improvements on appropriate licensing applications. Specific aspects of the proposed guidance enhancements (e.g., informing RAI activities) may deviate from the above timeline if these phases of the licensing review are delayed. If this occurs, a decision will be made to either delay the enhancements report or to develop multiple enhancement reports appropriate for the various phases and timing of the pilot reviews.