

May 25, 2000

MEMORANDUM TO: Cynthia A. Carpenter Chief
Generic Issues, Environmental, Financial
And Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

FROM: Egan Wang, Reactor Engineer /RA Signed by EWang/
Generic Issues, Environmental, Financial
And Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF PUBLIC WORKSHOP HELD ON MAY 16, 2000 TO
DISCUSS RISK INFORMING LICENSE AMENDMENT REQUESTS

On May 16, 2000, the Nuclear Regulatory Commission held a public workshop to discuss proposed guidance on the use of risk information by the staff in its reviews of non-risk-informed license amendment requests. The proposed guidance is contained in a new appendix to Chapter 19 of the Standard Review Plan (SRP), entitled "Appendix D - Use of Risk Information in Review of Non-Risk Informed License Amendment Requests." The appendix provides guidance to the NRC staff on the use of risk information in those rare instances where license amendment requests appear to meet regulatory requirements but raise significant risk concerns due to some special circumstances associated with the request. The appendix is based on the guidance contained in SECY-99-246, and approved by the Commission for interim use. A Notice of Opportunity for Public Comment on the appendix was issued in the Federal Register on April 10, 2000 (FR, Vol 65, No. 69, 19030-19034). The objectives of the workshop were to discuss and clarify proposed staff guidance, and to solicit and gather feedback and comments from stakeholders.

Staff from the Office of Nuclear Reactor Regulation (NRR) and the Office of the General Counsel (OGC), representatives of the Nuclear Energy Institute (NEI), several reactor licensees and others attended and participated in the workshop. Attachment 1 lists workshop participants.

After a brief introduction, the staff outlined the guidance contained in the proposed appendix. Key elements of the guidance include: (1) the concept of "special circumstances" under which the regulations do not provide the intended or expected level of safety, (2) the threshold/criteria for an issue to be considered a special circumstance, (2) the process the staff would follow when "special circumstances" may be created, including exploring underlying engineering issues contributing to the risk concern, obtaining management buy-in regarding the risk concern, requesting additional information to address risk and RG 1.174 safety principles, and not issuing the amendment until the staff has assessed risk implications sufficiently to

determine there is reasonable assurance of adequate protection, (3) use of the safety principles and decisionmaking process in RG 1.174, and the standard of exceeding the acceptance guidelines as a trigger at which questions are clearly raised as to whether adequate protection is reasonably assured, (4) further evaluation of special circumstances, safety principles, and other factors if the trigger is exceeded, and (5) basing final acceptability on consideration of regulatory requirements and adherence to safety principles, and not solely on comparison with numerical acceptance guidelines. Questions on specific aspects of the guidance were raised for discussion following the presentation. Attachment 2 provides the slides presented by the staff to facilitate discussions.

Numerous comments and suggestions were offered by stakeholders during the presentation and in the ensuing discussion period. These included comments that the staff/guidance should:

- inform/engage the licensee as early as possible in the evaluation process when the staff believes that a special circumstance may exist,
- further describe the level of management involvement for: (1) establishing whether a license amendment comprises a special circumstance, and (2) rejecting non-risk informed license amendment requests on the basis of risk,
- clarify whether one or all of the criteria for identifying special circumstances need to be met in order to be considered a special circumstance,
- clarify the examples of potential special circumstances (currently too broad/open-ended),
- clarify how identification of a special circumstance would impact the “no significant hazards consideration” finding,
- continue the policy of informing the Commission whenever a license amendment request is judged to meet the “special circumstances” standard, and
- acknowledge industry burden in responding to request.

NEI also noted that the quantitative guidelines of RG 1.174 may not be appropriate for proposed purpose.

The staff indicated that these comments, and any other comments received on the proposed guidance by the close of the comment period, will be considered in finalizing the guidance, and noted that the comment period for the proposed staff guidance closes May 31, 2000. The schedule for remaining activities was discussed and the workshop was adjourned.

Attachments: as stated

determine there is reasonable assurance of adequate protection, (3) use of the safety principles and decisionmaking process in RG 1.174, and the standard of exceeding the acceptance guidelines as a trigger at which questions are clearly raised as to whether adequate protection is reasonably assured, (4) further evaluation of special circumstances, safety principles, and other factors if the trigger is exceeded, and (5) basing final acceptability on consideration of regulatory requirements and adherence to safety principles, and not solely on comparison with numerical acceptance guidelines. Questions on specific aspects of the guidance were raised for discussion following the presentation. Attachment 2 provides the slides presented by the staff to facilitate discussions.

Numerous comments and suggestions were offered by stakeholders during the presentation and in the ensuing discussion period. These included comments that the staff/guidance should:

- inform/engage the licensee as early as possible in the evaluation process when the staff believes that a special circumstance may exist,
- further describe the level of management involvement for: (1) establishing whether a license amendment comprises a special circumstance, and (2) rejecting non-risk informed license amendment requests on the basis of risk,
- clarify whether one or all of the criteria for identifying special circumstances need to be met in order to be considered a special circumstance,
- clarify the examples of potential special circumstances (currently too broad/open-ended),
- clarify how identification of a special circumstance would impact the "no significant hazards consideration" finding,
- continue the policy of informing the Commission whenever a license amendment request is judged to meet the "special circumstances" standard, and
- acknowledge industry burden in responding to request.

NEI also noted that the quantitative guidelines of RG 1.174 may not be appropriate for proposed purpose.

The staff indicated that these comments, and any other comments received on the proposed guidance by the close of the comment period, will be considered in finalizing the guidance, and noted that the comment period for the proposed staff guidance closes May 31, 2000. The schedule for remaining activities was discussed and the workshop was adjourned.

Attachments: As stated

DISTRIBUTION: See attach page

Document name: G:\RGEB\EYW\20000516MS-WS.wpd

OFC	RGEB	BC:SPSB	SC:RGEB
NAME	EWang	RBarrett	SWest
DATE	05/22/00	05/24/00	05/25/00

OFFICIAL RECORD COPY

List of Attendees

Name	Organization	Phone Number
B. Bradley	NEI	202-739-8083
R. Palla	NRC	301-415-1095
J. Williams	NRC	301-415-1470
M. Rubin	NRC	301-415-3234
N. Chapman	SERCH/Bechtel	301-228-6025
J. Gallo	NRC	301-415-1002
M. Straka	NUSIS	301-258-1866
A. Passwater	Ameren	314-554-3205
M. Schoppman	Florida P&L	301-524-4754
J. Galford	FTI	304-832-3338
S. Wong	NRC	301-415-1125
S. Dinsmore	NRC	301-415-8482
R. Barrett	NRC	301-415-8083
T. McSweeney	Battelle	614-424-4877
R. Huston	Licensing Support Services	703-671-9738
J. Moore	NRC	301-415-1797
E. Wang	NRC	301-415-1076

DISTRIBUTION: Mtg. Summary w/NEI Dated _____
Hard Copy

PUBLIC
RGEB r/f
OGC
ACRS
EWang
RPalla

Email

SCollins
JJohnson
Snewberry
RPalla
CCarpenter
SWong

RZimmerman
DMatthews
GHolahan
JWilliams
JGallo
JMoore

BSheron
GHolahan
SWest
MRubin
SDinsmore