

OFFICE OF NUCLEAR REACTOR REGULATION

**NRC Staff Meeting with the Nuclear Energy Institute
Concerning Criticality Monitoring Direct-Final Rule**

Rockville, MD - June 8, 1998

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Meeting Duration: 1 Hour

Participants:

NRC Staff:

Mike Jamgochian (NRR/DRPM/PGEB)
Larry Kopp (NRR/DSSA/SRXB)
Eric Weiss (NRR/DSSA/SRXB)
Raj Auluck (NRR/DRPM/PGEB)

NEI:

Dave Modeen
Kurt Cozens

The purpose of this meeting was to review with the industry (as represented by Nuclear Energy Institute - NEI) the current status and path forward for the completion of the rulemaking on Criticality Accident Requirements and to provide the industry the opportunity to discuss their concerns and any additional suggestions on the rulemaking.

Mike Jamgochian, the project manager for this rulemaking, summarized the current status. The staff received 7 comment letters from the industry on the direct final rule published on Dec. 3, 1997 (62 FR 63825). Because of the nature of the comments (and the administrative procedures under which the rule was published) the rule was withdrawn to allow a detailed analysis of comments. This analysis is now underway. It is the staff intention to revise the rule and/or the supplementary information, based on these comments, and then, if there are no substantial changes, issue the rule.

NEI representatives stated that the staff was going in the right direction and that the cover letter transmitting NEI comments on the rule summarized the three comments that the industry feels are the most important. They had the additional suggestion that this was a good opportunity for a performance based risk-informed rule. They have learned from other on-going activities that there are significant advantages to taking specific detailed criteria out of the body of the rule and put them in guidance documents.

Eric Weiss indicated that there are three ways the rule can go. The first would be a major change, such that just suggested by NEI, the second would be wording changes in the present rule with the intent of clarifying the rule and third would be leaving the rule alone and putting any needed clarifications in the supplementary information. The first approach would mean going back to the starting point on the rule. The second approach might mean that internal reviews (ACRS and CRGR) would have to be repeated. The third approach would be the most expeditious. The staff

appears to be of the mind to take the approach that would get the rule in place in the shortest time.

NEI agreed that the restarting of the rulemaking process was not desirable but that there was a substantial benefit, particularly in future years, to putting needed clarifications in the rule itself.

The staff indicated that the schedule for issuing the rule depended on how the NRC management looked upon the comment resolutions. If there are no policy changes and ACRS and CRGR do not need to reconsider the rule, then issuing the rule in September is possible. Again the staff's interest is to do it in the fastest manner while meeting procedural requirements and adequately resolving the comments. To achieve the latter, the NRC project manager may need some clarification from NEI on the intent and significance of some of the industry comments.

Meeting attended and reviewed by E. Robert Schmidt, (301) 468-6425

Handouts:

None