September 2, 2008

MEMORANDUM TO: Patricia A. Silva, Chief
Technical Support Branch
Special Projects and Technical Support Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

FROM: Dennis Morey, Inspector **/RA/**
Technical Support Branch
Special Projects and Technical Support Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
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SUBJECT: SUMMARY OF PUBLIC MEETING WITH THE NUCLEAR ENERGY INSTITUTE TO DISCUSS RECOMMENDED CHANGES TO THE NUCLEAR REGULATORY COMMISSION ENFORCEMENT POLICY

On August 19, 2008, staff from Fuel Cycle Safety and Safeguards (FCSS) and Region II met with nuclear industry (fuel facility and Nuclear Energy Institute) representatives in a working group to discuss Nuclear Regulatory Commission (NRC) enforcement policy related to fuel cycle facilities. The meeting was focused on discussing proposed NRC Fuel Cycle Enforcement Policy Implementing Guidance and reviewing the draft Inspection Manual Chapter for Assessing Risk of Non-Compliances at Fuel Cycle Facilities.

MEETING SUMMARY

D. Morey initiated the meeting by discussing the status of NRC Enforcement Policy Implementing Guidance. Many participants at the meeting did not recall the relationship between implementing guidance and enforcement supplements. The purpose of implementing guidance is to provide more detailed information in the Enforcement Manual regarding supplements. The group discussed the status of implementing guidance. Office of Enforcement staff proposed bifurcation of the enforcement supplements late in CY 2007 and solicited input. Due to the labor intensive nature of revising the Enforcement Manual, no activity has taken place since the idea was proposed and none is expected this year. The group was advised to begin considering what kind of implementing guidance fuel cycle facilities would need. Industry representatives expressed concern that work on implementing guidance was not being actively pursued and urged NRC to work on it in parallel with the inspection manual chapter discussed below.

Contact: Dennis Morey, NMSS/FCSS
(301) 492-3112

The group moved to a discussion of the draft Inspection Manual Chapter for Assessing Risk of Non-Compliances at Fuel Cycle Facilities (draft Inspection Manuel Chapter (IMC)). Industry representatives noted that the scope should not be limited to just those facilities with Integrated Safety Analysis (ISA) but should include all fuel cycle facilities. The group agreed and also agreed that this means that the draft IMC should include a complete methodology similar to ISAs for assigning risk.

Other issues noted by the group were that an ISA at a facility increased the possibility of non-compliances that do not affect risk. Also, the draft IMC should be able to address programmatic non-compliances that indirectly affect risk. Industry representatives noted that industry examples that did not end up in the enforcement policy should go into the draft IMC. D. Morey noted that examples in the draft IMC could later serve as the basis for implementing guidance whenever that project was initiated.

The group worked systematically through the draft IMC to develop ideas for a methodology to assign risk for facilities without ISAs or when a facility ISA did not consider upset duration. As a starting point, the group agreed to consider tables provided by C. Tripp (Appendix A) as the basis for the methodology. The group worked through the body of the draft IMC.

PARTICIPANTS

NRC		Public	
Dennis Morey	NRC HQ/FCSS - Chair	Steve Shilthelm	BWXT
Christopher Tripp	NRC HQ/FCSS	Mike Boren	USEC – telecon
Manuel Crespo	NRC RII – telecon	Nancy Parr	Westinghouse –telecon
Brian Smith	NRC HQ/FCSS	John Nagy	NFS – telecon
Amy Luebbering	NRC HQ/FCSS	Dealis Gwyn	MOX Services
Wil Smith	NRC HQ/FCSS		
Nick Baker	NRC HQ/FCSS		
Ray Wharton	NRC HQ/SFST		

PROPOSED FUTURE ACTIONS

The group agreed that NRC would take all examples proposed to date by industry and develop a complete set of examples for the draft IMC demonstrating the analytical approach leading to each severity level.

NEXT GROUP MEETING

The group discussed reconvening in late 2008, after the draft IMC is revised. The revised draft IMC including proposed examples will be made available with the meeting notice.

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DISTRIBUTION:

FCSS r/f	TSB r/f	M. Bailey, FCSS	A. Luebbering, FCSS
C. Tripp, FCSS	M. Crespo, RII	D. Starkey, OE	S. Schilthelm, BWXT
M. Boren, USEC	J. Nagy, NFS	N. Parr, WEC	F. Killar, NEI

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OFFICE	FCSS/TSB		FCSS/TSB		FCSS/TSB	
NAME	DMorey		PJenifer		PSilva	
DATE	09/02/08		09/02/08		09/02/08	

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Appendix A
Chris Tripp Risk Table
A picture is worth a thousand words

This table determines base (risk-based) severity level. **Following this, severity may be mitigated/aggravated based on consideration of other criteria (e.g., self-identification, corrective action, willfulness).**		Shift likelihood one cell to the right, if one of following conditions met: (1) Failure is one of a large number of similar failures, indicating a programmatic breakdown, or (2) Failure persisted at least one order of magnitude longer than durations credited in the ISA, or, if no ISA or durations not discussed in ISA: (3) Failure persisted at least one month for a control required to be continuously available, or at least six months for a control required upon demand. Shift likelihood one cell to the left, if there was substantial margin such that multiple failures beyond what is reasonable to assume before an accident can occur.			
		Two controls, including at least one engineered (2 PECs, 2 AECs, one ADM plus a PEC/AEC)	Two ADM controls, or a single PEC or AEC	No controls, or at most one ADM control.	Obvious (Probability = 1)
		Highly Unlikely	**Unlikely**	**Not Unlikely**	**Occurs**
An acute radiological dose or chemical exposure that causes a loss of life or life-threatening injury to a worker. An acute radiological or chemical exposure that causes irreversible or long-lasting health effects to a member of the public.	**High**	IV or MV	III	II	I
An acute radiological or chemical exposure that causes irreversible or long-lasting health effects to a worker. An acute radiological or chemical exposure that causes mild or transient health effects to a member of the public.	**Intermediate**	IV or MV	IV or MV	III	II
A chronic exposure or acute exposure less than the above.	**Low**	IV or MV	IV or MV	IV or MV	IV or MV