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UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D.C. 20555-0001

February 21, 2000

MEMORANDUM TO: ACRS Members

FROM: *Noel Dudley*
Noel Dudley, Senior Staff Engineer

SUBJECT: SUMMARY OF NRC MEETING WITH THE NUCLEAR ENERGY
INSTITUTE TO DISCUSS VOLUNTARY INDUSTRY INITIATIVES

The NRC staff and the Nuclear Energy Institute (NEI's) held a meeting on February 17, 2000, concerning establishing a framework for industry involvement in resolving technical issues related to regulatory requirements. The purpose of the meeting was to discuss NEI's response to the staff's initiative. Dr. Brian Sheron, NRR, and Mr. Alex Marion, NEI, lead the discussions.

Mr. Marion presented NEI's position that a formal framework was not necessary because the informal ad hoc approach to regulatory issues has been successful and provides significant flexibility. In addition he noted that NEI is not a regulator and that it was the staff's responsibility to take regulatory actions. The NEI lawyer expressed concerns that the voluntary initiate process would bypass the backfit rule and establish new requirements. Mr. Marion strongly suggested calling the process something besides voluntary industry initiatives (VII).

Dr. Sharon explained that the staff needs to establish a structured approach for discussing technical issues with the industry in order to receive industry's input and to keep stakeholders informed of these types of discussions. He stated that any issue being raised within the proposed framework would have a reasonable expectation of passing the backfit criteria.

Mr. Gene Carpenter, NRR, presented the attached diagram of the NRC process for voluntary industry initiatives. NEI's initial response to the framework was positive with several reservations. NEI suggested deleting the line from box 1 to box 6, since issues identified in box 1 should be discussed with industry before the NRC takes any regulatory action. NEI agreed to respond to the staff's proposal in writing.

The staff plans to issue a Commission paper concerning this framework by May 24, 2000.

Assessment:

The NRC staff is attempting to codify the existing process of engaging the industry in the resolution of technical issues that directly effect regulatory requirements. NEI is hesitant about endorsing any process that bypasses the backfit rule, draws NEI into the role of a regulator, or provides a tool for the staff to ratchet licensees into voluntarily agreeing to commitments that cannot be imposed through the present regulatory process.

The Committee should consider reviewing this matter during the June 2000 ACRS meeting.

Attachment: NRC Process For Voluntary Industry Initiatives

cc via e-mail w/o atts.:

J. Larkin

H. Larson

S. Duraiswamy

ACRS Fellows and Staff

NRC PROCESS FOR VOLUNTARY INDUSTRY INITIATIVES

