

March 10, 2016

MEMORANDUM TO: Kevin Hsueh, Chief
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Brian Benney, Senior Project Manager /RA/
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF FEBRUARY 3, 2016, MEETING WITH THE NUCLEAR
ENERGY INSTITUTE TO DISCUSS LOW RISK AND LOW SAFETY
SIGNIFICANT COMPLIANCE ISSUES

On February 3, 2016, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives of the Nuclear Energy Institute (NEI) at NRC Headquarters, Three White Flint North, 11601 Landsdown Street, North Bethesda, Maryland. The purpose of the meeting was to discuss low risk and low safety compliance issues. The meeting notice and agenda are available in the Agencywide Documents Access and Management System (ADAMS) under Package Accession No. ML16048A127. A list of attendees is provided in the Enclosure.

In its opening remarks, the NRC staff discussed the potential of developing a new process to facilitate resolution of low risk/low safety significance compliance issues. Continuing, the NRC staff noted that the Commission's Enforcement Policy states, in part, that:

The NRC also has the authority to exercise discretion to permit continued operations—despite the existence of a noncompliance—where the noncompliance is not significant from a risk perspective and does not, in the particular circumstances, pose an undue risk to public health and safety. When noncompliance with NRC requirements occurs, the NRC must evaluate the degree of risk posed by that noncompliance to determine whether immediate action is required.

The policy goes on to state, in part, that:

Since some requirements are more important to safety than others, the NRC endeavors to use a risk-informed approach when applying NRC resources to the oversight of licensed activities, including enforcement activities.

Finally, the NRC staff organized discussions around recent site-specific issues. Copies of the presentation can be found in the ADAMS package previously referenced.

The NEI opening remarks were positive, noting that it too was working on an initiative to complement NRC's efforts for operability determinations. Discussions with industry included operability determinations, enforcement discretion for long periods of time, notice of enforcement discretion, FLEX equipment, physical plant changes, and licensing basis adjustments.

When the NRC/NEI interactions were completed, the NRC staff opened the meeting to stakeholder participation.

There were a number of issues identified at the meeting, which both the staff and the industry agreed would need to be addressed in any new or revised process. Some of the issues identified include:

1. There needs to be a clearer definition of the problem statement. This would help identify issues that would be candidates for the process.
2. It may need to be a two-step process because the licensee may need some time to determine if the process could be utilized for a given issue.
3. The quality of the probabilistic risk assessment (PRA) required for the process needs to be defined, as well as a determination made as to what constitutes low risk significance.

It was agreed that a workshop would be scheduled in March 2016 to provide a forum to clearly define the problem statement and to develop next steps. Both the industry and the staff will provide examples to be used as case studies in the workshop.

There were no specific actions from the meeting other than to schedule and prepare for the workshop. In addition, there is general agreement to define the problem statement, determine what the process can and cannot be used for, determine risk thresholds, level of PRA quality, defense-in-depth, safety margins, and the consideration of FLEX equipment.

Project No. 689

Enclosure:
List of Attendees

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**ADAMS Accession Nos.: Package (ML16048A127); Summary (ML16048140);
Notice (ML16021A297); *via e-mail**

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OFFICE	DPR/PLPB/PM	DPR/PLPB/LA*	DSS/STSB/BC*	DPR/PLPB/BC	DPR/PLPB/PM
NAME	BBenney	DHarrison (ABaxter for)	RElliott	KHsueh	BBenney
DATE	03/09/2016	03/04/2016	03/08/2016	03/09/2016	03/10/2016

LIST OF ATTENDEES

MEETING WITH THE NUCLEAR ENERGY INSTITUTE TO DISCUSS LOW RISK AND LOW SAFETY SIGNIFICANT COMPLIANCE ISSUES

February 3, 2016

Name	Affiliation
Mike Okeefe	Telephone Participant
Tom Burn	Telephone Participant
Steven Laur	U.S. Nuclear Regulatory Commission (NRC)
Brad Dolan	Telephone Participant
Steven Dolley	Platts
Daniel J. Cronin	Telephone Participant
Ron Gaston	Telephone Participant
Robyn Savage	Telephone Participant
Jeffrey Mitman	NRC
Sara Scott	Telephone Participant
Atanya Lewis	Telephone Participant
Fred Mashburn	Telephone Participant
Jorge Corujo-Sandin	Telephone Participant
Joseph Holonich	NRC
Kyle Hanley	Telephone Participant
Laura Kosa	Telephone Participant
Ken Reemer	Telephone Participant
Amanda McGuire	Telephone Participant
Ed Miller	NRC
CJ Fong	NRC
Holly Cruz	NRC
Joe Williams	NRC
Alex Gilbreath	Telephone Participant
Kevin Hsueh	NRC
Matt Ring	NRC
Robert Krsek	COM/JMB
Jim Hickey	NRC
Lynnea Wilkins	NRC
Bruce Montgomery	NEI
Timothy McGinty	NRC
Daniel O'Neil	NRC
Jack Grobe	Exelon
Desiree Wolfgang	Telephone Participant
Robert Fretz	NRC
Joe Shea	TVA
Cathy Kanatas	NRC
Deann Raleigh	Curtiss Wright
Douglas Neve	Southern Nuclear
John Lubinski	NRC

Enclosure