

September 14, 2016

Mr. David A. Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
P.O. Box 15316
Chattanooga, TN 37415

Dear Mr. Lochbaum:

Thank you for your letter dated August 8, 2016, in which you described your previous research related to the U.S. Nuclear Regulatory Commission's (NRC's) approach to requests for additional information (RAIs) and related discussions on RAIs at the Commission's July 26, 2016, meeting with external stakeholders. In addition, the NRC is evaluating the petition you submitted under Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, regarding compliance with 10 CFR 50.9 requirements on providing complete and accurate information to the NRC. I share your interest in ensuring we issue only the necessary number of RAIs and make our expectations clear to applicants, licensees, and the NRC staff.

The NRC staff issues RAIs through our licensing review process, which is separate from our enforcement process. Should the staff find that a licensee submitted materially incomplete or inaccurate information, the staff would engage in its enforcement process, as opposed to issuing an RAI. For example, the NRC staff may issue an RAI when the licensee proposes an approach different from one outlined in NRC guidance, and additional information is needed to judge the acceptability of the information. In such a case, the licensee may have made a good-faith attempt to provide sufficient information, but the NRC staff's technical judgment may determine that more or different facts are needed to make a decision. Furthermore, when proposing an RAI, we expect our staff to provide a clear nexus to the safety determination they are making. The NRC staff and management are working together to ensure we do not issue RAIs that are outside the scope of a request, request previously docketed information, or direct action by the licensee, among other issues raised in our guidance.

We have already taken multiple actions across the NRC to reinforce these expectations and enhance our processes. For example, the Office of Nuclear Reactor Regulation, the Office of New Reactors, and the Office of Nuclear Material Safety and Safeguards have all revised their staff guidance to enhance expectations on RAI and safety evaluation development. In addition, technical reviewers and project managers across the agency receive formal qualification and refresher training on various licensing topics, including RAI development. I am confident that these proactive approaches will enhance the efficiency and effectiveness of our safety and security reviews.

D. Lochbaum

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You also recommended that the NRC audit recently issued RAIs to determine how they were used in agency decisionmaking, developing an awareness that would shape decisions about optimal RAI use in the future. An independent review of the NRC's use of RAIs is currently being conducted by the U.S. Government Accountability Office (GAO), in response to a request from the U.S. Senate Committee on Environment and Public Works. The Senate request indicated that the GAO should complete its report by late 2016 or early 2017 to support hearings in the spring of 2017. These reports are typically made publicly available by GAO, so you will be able to review the results and consider them in light of the concerns you raise in your letter.

Thank you for providing your insights on the topic of RAIs. Your feedback, as well as that of other external stakeholders, is extremely valuable as we continue to refine our processes.

Sincerely,

/RA/

Victor M. McCree
Executive Director
for Operations

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Executive Director
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