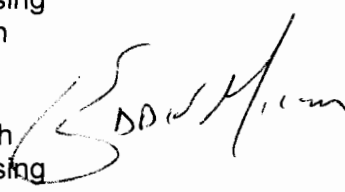




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 25, 2018

MEMORANDUM TO: Douglas A. Broaddus, Chief
Special Projects and Process Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: G. Edward Miller, Project Manager 
Special Projects and Process Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF SEPTEMBER 26, 2018, PUBLIC MEETING WITH
STAKEHOLDERS REGARDING REVISIONS TO THE NOTICE OF
ENFORCEMENT DISCRETION GUIDANCE

On September 26, 2018, a Category 2 public meeting¹ was held between representatives of the U.S. Nuclear Regulatory Commission (NRC), Nuclear Energy Institute (NEI), Entergy, NextEra, along with other stakeholders. The purpose of this meeting was to discuss changes the NRC staff is considering for the agency processing requests for enforcement discretion. The current guidance for NRC staff evaluating licensee requests for enforcement discretion is in Inspection Manual Chapter (IMC) 0410, "Notices of Enforcement Discretion."²

The NRC staff opened the meeting with a presentation³ describing the proposed changes to the guidance which included migrating the location of the guidance from the IMCs to the appendices of the Enforcement Manual. Meeting participants were encouraged to ask questions and provide feedback as particular changes were discussed in the presentation.

The following questions and feedback were received during the discussion:

- There was general agreement that the core notice of enforcement discretion (NOED) process and criteria were working well.
- A question was raised about where the NOED guidance would be located. The NRC staff reinforced that the NOED guidance would be relocated to a separate appendix of the Enforcement Manual.
- A meeting attendee asked whether the Enforcement Manual appendix would be easy to revise as lessons learned are gained on implementing the revised NOED process. The

¹ The meeting notice is available in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML18247A197.

² IMC 0410 is available in ADAMS under Accession No. ML13071A487.

³ The NRC staff presentation slides are available in ADAMS under Accession No. ML18263A145.

NRC staff indicated that the enforcement manual currently has an internal feedback mechanism to efficiently revise the appendix when needed. Further, the NRC staff indicated that both good practices and areas for improvement should be provided through a licensee's assigned project manager.

- A question was raised if a checklist similar to the one at the end of the current IMC 0410 would be included in the revised guidance. The NRC staff indicated its intent to retain the tool and modify it, as needed, to reflect the guidance revisions.
- Significant discussion was held on using enforcement discretion to allow time for the NRC staff to process a license amendment. Concern was expressed that for periods of enforcement discretion closer to the 72 hours listed in the revised criteria, that common licensee resources would be needed to develop (and respond to questions regarding) the NOED and amendment packages concurrently. The NRC staff acknowledged that this process would engage common resources for both parties, and likely more severely for a licensee. The NRC staff reinforced that the 72 hours was not an absolute cutoff for solely using the NOED process. It may still be appropriate to use only the NOED process for periods of enforcement discretion greater than 72 hours, but it wanted to ensure that a reason for not also processing an amendment was understood. The NRC staff indicated it would consider if it was appropriate to increase the enforcement discretion timeframe where justification for not using an amendment is needed.
- A number of questions were received about sequencing the activities for a combined NOED and amendment review. The NRC staff indicated that it would internally dry-run some scenarios to identify any areas of the process that may need to be changed or have additional clarification.
- A question was raised about, when using a NOED to allow time to process an amendment, whether the length of time granted for a NOED could be extended if additional NRC staff review time is needed than originally anticipated. The NRC staff stated that this would need additional consideration, but should be addressed by the guidance.

The following follow-up items were identified from the meeting:

- The NRC staff committed to providing the specific reference to the enforcement policy statement that discussed using the NOED process to allow processing of an amendment. This discussion is in the background section of a modification to the enforcement policy published in the *Federal Register* on March 17, 1993 (58 FR 14308).
- The NEI representative indicated that NEI would provide some level of effort estimates for estimating the licensee portions of a scenarios (e.g., average time and man-hours to generate a submittal or respond to NRC staff questions).

No regulatory decisions were made and both the NRC staff and NEI indicated that they would consider the items discussed in the meeting.

Following the discussion, an opportunity was afforded to any other participants who wished to ask questions or make comments. No additional questions or comments were received.

The list of attendees is enclosed to this summary.

Enclosure:
List of Attendees

ENCLOSURE
LIST OF ATTENDEES

Sign In Sheet

DATE: Sept 26, 2018

Public Meeting to Discuss
Revision to the NOED Process

Name	Organization
ED MILLER	NRR/DORL
Everett (Chip) Purvis	Center
STEPHENIE PYLE	ENERGY
Dan & Jones	OE
Gerry Gulla	OE
Ching Ng	NRR/DRA
Deann Kaley	Curtiss Wright
Kathryn Brock	NRR/DORL
Candace de Musieres	NRR/DRA
B VIA PHONE	
CANDACE SPORE	NRC/NRR/DRA
CHRISTOPHER RIEDL	TVA
JOHN SCHRAGE	ENERGY
GARY KILBY	NEXT ERA
PHIL MCKENNA	NRC/R-II/DRP

SUBJECT: SUMMARY OF SEPTEMBER 26, 2018, PUBLIC MEETING WITH STAKEHOLDERS REGARDING REVISIONS TO THE NOTICE OF ENFORCEMENT DISCRETION GUIDANCE DATED OCTOBER 25, 2018

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- JCircle, NRR
- CFong, NRR

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***via e-mail**

OFFICE	NRR/DORL/LSPB/PM	NRR/DORL/LAiT*	NRR/DORL/LSPB/LA
NAME	GEMiller	PTalukdar	JBurkhardt
DATE	10/15/18	10/1/18	10/3/18
OFFICE	NRR/DORL/LSPB/BC	NRR/DORL/LSPB/PM	
NAME	DBroaddus	GEMiller	
DATE	10/4/18	10/25/18	

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