

# Industry Concerns with IMC 0616 (v. April 2021) in April 20, 2021 NEI Letter

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# Background

- May 6 & July 24, 2020: NEI letters document industry concerns with Inspection Manual Chapter (IMC) 0616 Appendix (App) B Screening Process language
  - Based on IMC language, violations issued for events of failed or degraded Management Measures even when Performance Requirements were maintained
- May & Oct 2020, March 2021: 3 NRC public meetings where industry concerns and NRC position were discussed

# Background (continued)

- April 1, 2021: NRC issued another revision of IMC 0616 -- language of concern to industry retained
- April 20, 2021: NEI submitted specific edits to IMC as suggested by NRC staff during March 2021 public meeting

***Industry shares NRC's desire for clear guidance and risk-informed approach to Rules, the Enforcement Policy and IMC 0616***

# Primary Industry Concerns

## *Need for Transparency of Regulatory Basis for Violations Based on Language of IMC 0616 App B in Those Cases Where Part 70 Performance Requirements are Maintained*

- App B Screening Process states “risk based non compliance” with a loss of safety margin even when all regulatory Performance Requirements are met
- Regulatory basis for IMC language unclear, the screening process states “assessing any remaining risk margin **above and beyond** the likelihood requirements of 70.61 (b) and (c)” e.g., the Performance Requirements

# Primary Industry Concerns (continued)

- NRC staff position--as represented in public discussions is--a failed or degraded Management Measure constitutes a failure to meet 70.62(d)
- Industry believes this position ignores critical qualifier in 70.62(d) which states “...when needed, to comply with the performance requirements of 70.61...”
- Example 1j in Appendix B added in 2017 with major revision of screening process appears to be basis for change introducing the concept of a violation even though all Performance Requirements are met

# Summary of Industry's Edits to App B

- Delete Screening Process paragraph which introduced concept of assessing risk margin “**above and beyond** the likelihood requirements of 70.61(b) and (c)”
- Replace “implement” with “establish or maintain” in numerous examples for greater alignment with language of 70.61(d)
- Delete wording which references paragraph of concern essentially requiring need for safety margin beyond that required by 70.61
- Reword example 4c, 7c, and 7e to clarify that for a violation to occur beyond minor, Performance Requirements were not met
- Reword example 1j to remove language referring to safety margin above and beyond the likelihood requirements and replace with requirements of 70.61

# Where Do We Go From Here?

- Industry requests specific NRC feedback on industry suggested IMC edits and timely resolution of issue to provide clarity of regulatory basis and potential revisions of IMC
- Continued dialogue on risk informing IMC as well as Enforcement Policy to put Fuel Cycle Facilities “on par” with operating nuclear power reactors
- Appreciate willingness for strategic and timely dialogue as we all have limited resources

***THANK YOU!***

Questions?

# NRC Comments and Questions

