



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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March 25, 2019

MEMORANDUM TO: Michele G. Evans,
Deputy Director for Reactor Safety Programs
and Mission Support
Office of Nuclear Reactor Regulation

FROM: Lynnea Wilkins, Project Manager
Licensing Processes Branch */RA/*
Division of Licensing Projects
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF FEBRUARY 21, 2019, MEETING WITH NUCLEAR
ENERGY INSTITUTE REGULATORY ISSUES TASK FORCE

On February 21, 2019, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives of the Nuclear Energy Institute (NEI) Regulatory Issues Task Force (RITF) at NRC Headquarters. The purpose of the meeting was to discuss several regulatory issues regarding licensing processes, oversight processes, and other issues. All information related to this meeting and discussed in this summary is available in the Agencywide Documents Access and Management System (ADAMS) at Package Accession No. ML19050A501. A list of attendees is provided at ADAMS Accession No. ML19056A582.

The NRC staff discussed with the RITF planned licensing workload management, licensing review feedback, NRC's overhaul of the Task Interface Agreement (TIA) process, low safety significant issue resolution, and several other topics as listed in the meeting agenda. No regulatory decisions were made during this meeting. The NRC and RITF members discussed the timeframe for the next meeting to be in July 2019.

Licensing Action Workload Update

The NRC staff covered several licensing action workload updates. On January 30, 2019, the staff issued a report to close out Phase 2 of the Risk-Informed Decision making (RIDM) Action Plan (ADAMS Accession No. ML190007A339). The RIDM Action Plan was developed to enhance the integration of risk information into NRR's decision making practices and processes to improve the technical basis for regulatory activities, increase efficiency, and improve effectiveness. Additional efforts are under way within NRR to increase the use of risk insights to holistically evaluate technical questions and to inform a broader range of regulatory applications and processes.

CONTACTS: Lynnea Wilkins, NRR
(301) 415-1377

Jeanne D. Johnston, NRR
(301) 415-1349

The NRC staff is also exploring a holistic approach to enhance processes for managing licensing workload by utilizing information technology tools and developing metrics to help drive efficiency and effectiveness. The staff referenced its participation in an NEI workshop held January 30-31, 2019, where the industry provided updated information on expected risk-informed licensing action requests. Expected requests include those submitted for risk-informed completion times under Title 10 of the *Code of Federal Regulations* (10 CFR) 50.69 and Technical Specifications Task Force (TSTF) Traveler TSTF-505, Revision 1, "Provide Risk-Informed Extended Completion Times – RITSTF Initiative 4b." Given the expected influx of these licensing actions, there is a need for the NRC to prioritize and manage its resources to ensure timely and efficient reviews. The industry expressed interest in understanding what efficiencies were being gained between 10 CFR 50.69 and TSTF-505 reviews and encouraged the NRC to continue to look for these opportunities. The staff emphasized the need for strong communications between the NRC and licensees for when deviations are taken. To realize review efficiencies, the licensees should ensure templates and deviations from templates are effectively communicated with the NRC to enable the staff's ability to complete timely and quality reviews.

The NRC staff also mentioned proposed changes to the Notice of Enforcement Discretion process which had previously been discussed with industry representatives at a public meeting on September 26, 2018 (ADAMS Accession No. ML18274A037).

Update on TIA process Enhancement

The NRC has established an agency-wide working group to perform a holistic overhaul of NRR's TIA process; a process in which the NRR program office provides technical assistance to answer questions raised by other NRC organizations (typically the Regions). The goal of this working group is to ensure the NRC staff resources and activities are focused on issues of greater safety significance and to issue a revised office procedure by June 2019. A Category 2 public meeting will be held in March 2019 to further engage external stakeholders on proposed enhancements including a more detailed discussion on NEI's recommendations. NEI provided a high level list which highlights some of its views on what the new TIA process should achieve (ADAMS Accession No. ML19050A502). The NRC stated that the goal is to have the enhanced TIA process ready in June 2019. It was noted that there are currently no open TIAs and there has been more informal communications between the regions and NRR when questions come up. This improved communication is positive.

Low Safety Significance Issue Resolution

The NRR staff has undertaken an initiative to improve efficiency and effectiveness in addressing low safety significance compliance issues. Unresolved or difficult to resolve low safety significance issues typically stem from ambiguity, lack of detail, and interpretation concerning the approved licensing basis. While these types of issues usually arise from routine inspection activities, they also appear from licensing activities. The goal is to promote efficient decision making to appropriately assess and resolve compliance questions while focusing resources on the more significant issues. This project interfaces with a number of ongoing efforts which include risk informing the regulatory framework; increased backfit and licensing basis training; improving the TIA process; and improving the NRC's guidance on Operability Determinations.

The NRC staff presented a graphic depicting the zone of applicability for this effort (ADAMS Accession No. ML19056A583). The graphic provides a way to conceptualize this effort based on the staff's current thoughts which are evolving as staff further develops and implement this project. The graphic shows four quadrants, ranging from high to low safety significant compliance issues

and from clearly to not clearly within licensing basis. One item of note is the lower left quadrant which is referred to as “Not clearly within the licensing basis and clearly low safety.” For issues that fall in this quadrant, that staff would exit and stop regulatory consideration of the issue while documenting the decision as a public record and for durability if the issue resurfaces. NEI provided positive feedback on this effort and considers this a top industry priority and will provide feedback to the NRC as needed.

Tornado Missile Protection

The NRR staff is working on a letter to NEI, NextEra, and Entergy to clarify the expected path to closure on issues related to tornado missile protection. Much of the regulatory history regarding efforts to address this issue is described in Regulatory Issue Summary (RIS) 2015-06, “Tornado Missile Protection,” dated June 10, 2015 (ADAMS Accession No. ML15020A419); Enforcement Guidance Memorandum (EGM) 15-002, Revision 1, “Enforcement Discretion for Tornado-Generated Missile Protection Noncompliance,” dated February 15, 2017 (ADAMS Accession No. ML16355A286); and DSS-ISG-2016-01, Revision 1, “Clarification of Licensee Actions in Receipt of Enforcement Discretion Per Enforcement Guidance Memorandum EGM 15-002, ‘Enforcement Discretion for Tornado-generated Missile Protection Noncompliance,’” dated November 2017 (ADAMS Accession No. ML17128A344).

No new position or new requirement will be conveyed in the letter, rather the letter aims to clarify the avenues licensees have to address tornado missile protection issues. If a licensee’s as-found configuration is within its licensing basis, no further regulatory action is required. If the as-found configuration is not within the licensing basis, it must be brought back into compliance. Due to the site specific details of the licensing bases and known hazards, there is not a generic approach for all operating reactors. Some options available to licensees are to utilize the 10 CFR 50.59 change process, submit a license amendment, or submit an exemption where appropriate. There were a number of questions regarding expectations for licensees who had previously invoked EGM 15-002. The NRC staff reminded licensees to work through their plant project managers in the Division of Operating Reactor Licensing (DORL) to address any site specific concerns or situations. NEI expressed a concern regarding the language in the NRC’s approval of the Vogtle pilot Tornado Missile Risk Evaluator (TMRE) amendment that the NRC is not generically approving the TMRE guidance (NEI 17-02, Rev. 1, or Rev. 1 A). The NRC staff will hold a public meeting on March 15, 2019, to discuss initial approvals of the NEI Tornado Missile Risk Evaluator method. The stakeholder feedback can be provided on this and other methods for addressing legacy tornado missile protection issues.

Update of Generic Communications

The NRC staff provided updates on two RIS documents. The staff stated its intention to withdraw RIS 2005-29 and draft Revision 1, “Anticipated Transients that Could Develop into More Serious Events,” by March 2019. The withdrawal is based on staff’s determination that regulatory and technical positions in the RIS either required clarification, were no longer supported, or were identified as new positions. In parallel, the staff plans to begin revising appropriate Standard Review Plan (SRP) chapters to address these issues with the goal to issue revisions in 2020.

Additionally, the staff is preparing a draft RIS to request licensee input on accident tolerant fuel (ATF) licensing submittals. The staff is seeking to collect information from vendors and the industry regarding ATF to better inform resource planning. The staff is currently requesting Office of Management and Budget (OMB) clearance to issue the RIS. The 60-day comment period was published in the *Federal Register* on February 13, 2019. The draft RIS is publicly available at

ADAMS Accession No. ML18270A019. The staff anticipates issuing the RIS in mid-calendar year 2019. The RIS will request voluntary responses within 60 days of issuance.

Update on Pre-Generic Issue: High Energy Arcing Fault (HEAF)

The issue of aluminum involvement in HEAFs is in the assessment phase of the Generic Issue (GI) process. The Phase II test planning process will continue to include multiple opportunities for stakeholder input to ensure realism. The first set of tests were completed in September 2018 and the next set of tests is planned for summer/fall 2019. The NRC will work with the Electric Power Research Institute (EPRI) and other stakeholders to evaluate the test data and to determine the potential zone of influence (ZOI). As a result of the January 2019 public meeting, staff is planning an additional public meeting to address remaining industry concerns with the test plan. The NRC will also work with EPRI and other stakeholders to determine realistic frequencies for the different types of HEAFs to calculate the risk from HEAF events. The NRC is also seeking pilot plants for the risk analysis so that realistic plant parameters can be used. The NRC staff explained that delays in accessing and sharing data from previous tests were caused by the lapse in appropriations and shutdown of test partners at the National Institute for Science and Technology. In addition to assessing the risk significance of HEAF events, the NRC's goals are to study the phenomena to better characterize and mitigate the impacts. A public meeting is planned for March 20, 2019, to discuss test plan inputs prior to phase II testing that is being targeted for the fall of 2019. This would support ZOI and frequency evaluations in the spring of 2020.

Update on Potential Generic Communications: Effluent Monitor Calibration

During baseline radiation protection inspections, the NRC inspectors have asked questions regarding licensee's method of calibration for high-range effluent monitors which are relied upon by the licensee in its emergency operating procedures. The NRC's Health Physics (HP) Position (ADAMS Accession No. ML19007A143) describes an acceptable method for calibration and the staff is currently evaluating whether other calibration methods used by some licensees are also acceptable. If other methods are acceptable, the staff plans to update or supplement the HP Position accordingly and will consider if generic communications such as an Information Notice or RIS are appropriate. The industry representatives pointed out that the HP Position is not regulatory guidance and suggested the agency evaluate these cases against the licensing basis for each site in question. The NRC staff acknowledged that the licensing basis will be considered as the basis for any inspection findings. The staff further clarified that these activities are within the baseline inspection process and consideration is being given to update associated guidance.

Alternate Source Term (AST) Control Room Operator Ingress/Egress Dose

An industry representative from STARS discussed a follow up from the October RITF meeting regarding information being requested during Alternate Source Term (AST) License Amendment Request (LAR) submittals to calculate dose received by operators between the site boundary and control room based on 10 CFR 50.67 accident source term requirements. The concerns stem from a different interpretation of the requirements and absence of specific guidance in Regulatory Guide 1.183. NEI representatives stated they are currently reviewing a white paper with their position covering NUREG-0737 on control room habitability, dose requirements in GDC 19, and dose limits for emergency responders. NEI stated they expect to issue the white paper by the end of March 2019. The NRC staff indicated they will review the positions in the white paper and acknowledged that the ingress/egress dose is relatively small when compared to the whole body dose of 5 rem. The NRC staff noted that some licensees have the ingress/egress dose assessment in their original licensing basis and staff has reviewed and approved the updated

licensing basis as part of their AST applications to meet the 10 CFR 50.67 requirements. In addition, the staff has reviewed and approved multiple applications addressing the ingress/egress dose issue with different approaches as long as they are reasonable.

Controlled Unclassified Information (CUI) update

The NRC gave an update on the agency's preparations for federal CUI rulemaking (32 CFR Part 2002) and strategy for implementation by the end of FY 2020. In March 2018, the staff issued SECY-18-0035, "Update on Development of the Controlled Unclassified Information Program," which laid out the plans to implement the CUI rule including engagement with federal partners and external stakeholders. Since then, the agency has received many questions on impacts to licensees in how they store, mark, transmit, and generate information that would be considered CUI. To address these questions, the NRC described its current efforts to identify the types of information that qualify as CUI, that will be transmitted to licensees. As an example, security advisories are an example of CUI that would be transmitted from the NRC to licensees. The staff plans to hold a public meeting in the summer of 2019 to gather stakeholder input and communicate more details of the changes underway. The staff stated they will continue to work with the National Archives and Records Administration (NARA) interagency working group to adopt best practices and avoid undue burden on the staff and affected stakeholders. The industry stated their appreciation of the engagement and plan to coordinate future interactions on the topic to better understand the scope of CUI implementation.

2019 Regulatory Affairs Forum

NEI reported that the Regulatory Affairs Forum (RAF) will be held August 20-22, 2019, in the District of Columbia or surrounding area. DORL will be the point of contact to identify a NRC point of contact for coordination.

There were no comments from the members of the public in attendance or on the conference bridge line. Public Meeting Feedback forms were not received.

Please direct any inquiries to Lynnea Wilkins.

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INSTITUTE REGULATORY ISSUES TASK FORCE DATE: MARCH 25, 2019

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ADAMS Accession Nos:

Package: ML19050A501

Meeting Summary: ML19064B382

***Concurred via e-mail**

OFFICE	NRR/DLP/PLPB/PM*	NRR/TA*	NRR/DLP/LA*	NRR/DLP/PLPB/BC*
NAME	LWilkins	JJohnston	DHarrison	DMorey
DATE	3/26/2019	3/22/2019	3/21/2019	3/25/2019

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