

## MEETING SUMMARY

DATE AND TIME: Monday, Wednesday, and Thursday, March 3, 5, and 6, 2014

PLACE: U.S. Nuclear Regulatory Commission  
Westin Buckhead Atlanta  
3391 Peachtree Road, N.E.  
Atlanta, GA 30326

CATEGORY 2: This meeting contained opened and closed portions.  
The public was invited to participate in the public portions to discuss regulatory issues with the U.S. Nuclear Regulatory Commission (NRC) at designated points in the meeting.

ATTENDEES: See Enclosure 2

HANDOUTS: See Enclosure 3

DISCUSSION:

The NRC staff and representatives from the Nuclear Energy Institute (NEI) and fuel cycle industry held a Category 2 public meeting, portions of which were closed, on March 3, 5, and 6, 2014, as announced on February 10, 2014, (Agencywide Documents Access and Management System [ADAMS] Number ML14036A259). The Monday meeting on March 3, 2014, was closed due to discussion of security related information on chemical and cyber security. The Wednesday meetings on March 5, 2014, were open to the public and addressed the cumulative effects of regulation (CER), corrective action program (CAP) and acute uranium, dermal, and ocular exposure. The Thursday meetings on March 6, 2014, were open to the public and covered Part 21 site visits, Part 40 project plan, and the revised fuel cycle oversight process. The NRC staff provided a presentation on each of these topics and the slides are available in ADAMS at ML14072A144 (and included as enclosure 3).

MONDAY MARCH 3, 2014 SUMMARY:

**Chemical Security**

In the Monday meeting on chemical security NRC staff reported that no new chemical security vulnerabilities have been identified at fuel cycle facilities that would require additional regulatory actions. The NRC staff is seeking licensee feedback on a mechanism to inform the NRC of any significant modifications to chemical inventories. Licensees indicated their existing configuration control programs track significant changes in chemical inventories and the information is recorded in the site emergency plans. These records are available for review onsite during inspections, and their review could be added to the inspection procedures for emergency planning or operations. Significant changes to the chemical inventories are submitted to the NRC in the annual reports to comply with Title 10 of the *Code of Federal Regulations* (10 CFR) 70.72. The NRC staff are developing an information paper to the Commission to provide the results of the site visits and path forward for chemical security.

## **Cyber Security**

In the discussion on cyber security, the NRC staff supports industry's voluntary initiative to develop cyber security standards, provided the standards are robust. In the absence of a written proposal from industry, the NRC staff is developing an order to implement cyber security. The NRC staff believe that industry's voluntary initiative to address items relied on for safety (IROFS) which impact public safety should be expanded to include workers and address emergency planning, material control and accounting, criticality, etc. NEI and industry agreed to provide responses to NRC staff questions on the voluntary initiative and hold a meeting to discuss the responses. The NRC will develop a Commission paper with 4 options, 1) no change to security requirements, 2) develop a rulemaking to implement cyber security requirements over the long term, 3) implement a cyber-security order in the short term and develop a rulemaking over the long term; or 4) implement an industry voluntary cyber security effort over the short term and proceed with a rulemaking over the long term. The NRC supports the 4<sup>th</sup> option, provided industries voluntary effort is robust. Industry believes the voluntary effort is best for addressing cyber security concerns in the short term while avoiding the cost of implementing an order and then re-implementing new requirements once the cyber security rule becomes effective.

## **WEDNESDAY MARCH 5, 2014 SUMMARY:**

### **Cumulative Effects Of Regulation**

On Wednesday, March 5, 2014, the NRC staff presented updates on the Integrated Schedule for Regulatory Activities at fuel cycle facilities for CER. The NRC staff described a number of updates to the Integrated Schedule including: 1) removal of ANS 58.16, Reprocessing, and Greater than Critical Mass, 2) addition of Part 20, "Standards for Protection Against Radiation" and Part 61 "Disposal of Low Level Waste," and 3) addition of reference documents in the comment field. The NRC also presented a supplement to the Integrated Schedule which contains the purpose for each regulatory activity, a description of the status, and a list of related documents. NEI/industry proposed adding details to the supplement on the meetings and comment periods listed in the Integrated Schedule. NEI stated that overlapping comment periods that are 60-90 days in length is less challenging than short comment periods (30 days) which occur back to back. NRC and NEI/industry agreed that quarterly meetings should continue with the next meeting occurring in June 2014.

The NEI/industry presented draft guiding principles for how NRC and industry could work together to identify and resolve new regulatory issues. Industry offered to present a "strawman" on issue resolution for discussion during the June 2014 CER meeting. The NRC agreed that the June meeting should also focus on the process and criteria to be used for adding new regulatory activities to the integrated schedule. The NRC agreed to provide proposals for guidance at the next CER public meeting.

### **Corrective Actions Program**

The NRC staff discussed the development of guidance for the CAP and the transition from NUREG-2154 to the draft Regulatory Guide (DRG) – 3044. The DRG-3044 is currently out for public comment. NEI/industry recognized the need to provide comment and expressed hope that once the DRG is finalized, the implementation of CAP programs will be streamlined. The NRC and NEI/industry agreed that voluntary implementation of the DRG-3044 would not represent a backfit.

### **Soluble Uranium Intake**

The NRC staff stated that guidance on acute uranium would be developed in an interim staff guidance (ISG) document and eventually be incorporated into NUREG-1520. The ISG will be used to address Commission direction in the staff requirements memorandum to SECY-12-0071. NEI/industry proposed that a draft of the ISG be made available for public comment prior to the June 2014 Fuel Cycle Information Exchange (FCIX). NRC and NEI/industry were in general agreement that the proposed thresholds for soluble uranium were reasonable.

### **Dermal and Ocular Exposure Thresholds**

The NRC staff provided an update on staff efforts to develop appropriate dermal and ocular exposure standards for inclusion in the Integrated Safety Analysis (ISA) Summary and related guidance. NEI/industry prefers the NRC allow a qualitative standard for these exposures rather than establish a quantitative threshold. They recommended the NRC review comments previously submitted in response to the Part 40 rulemaking regarding dermal and ocular threshold. The NRC plans to develop a draft ISG document with proposed thresholds that will be published for comment.

### **THURSDAY MARCH 6, 2014 SUMMARY:**

#### **Part 21, Site Visits and Rulemaking**

The NRC provided an overview of the lessons learned from the site visits to evaluate implementation of Part 21 at fuel cycle facilities. The NRC did not identify any noncompliance issues but shared its observations regarding how facilities interact with vendors for procurement. NEI/industry opposes the NRC's preference to identify all IROFS as basic components in the absence of a safety basis. The NRC staff indicated that guidance would clarify that licensees will be allowed to use the ISA process to maintain availability and reliability of IROFS. NEI/industry indicated that declaring all IROFS as basic components would significantly increase the burden for procurement. NEI/industry supports high consequence IROFS being declared basic components but is opposed to intermediate consequence IROFS being basic components. NRC staff indicated the draft Regulatory Basis will be published in April 2014 with the comment period ending in May or June 2014. NEI/industry requested that the comment period be extended till the end of June 2014 to allow for discussions coincident with the NRC's FCIX schedule for June 10-11, 2014.

#### **Part 40 Project Plan and Path Forward**

The NRC staff requested NEI/industry to provide updated feedback on the priority they ascribe to the Part 40 rulemaking. NEI/industry expressed concern about the potential impact of the proposed revisions to Part 40 on the current Part 70 licensees including a need to implement amendments and the impact on license fees. NEI/industry questioned whether the direct final rule to modify 10 CFR, Part 70, Appendix A (Regulations.gov docket NRC-2010-0271) will be integrated into the proposed Part 40 rulemaking. They also questioned whether proposed changes to the Part 40 rulemaking for dermal and ocular exposures for certain chemicals would be incorporated into Part 70. The NRC staff plans to develop a Commission paper discussing the path forward for Part 40 in the April 2014 timeframe. Once the paper is provided to the Commission, the NRC staff will provide an update to NEI/industry.

**Revised Fuel Cycle Oversight Process (RFCOP)**

The NRC staff provided an update on the progress of the RFCOP project. The NRC staff is developing a re-baseline of the RFCOP Project Plan and schedule. The re-baselining includes a request to the Commission to adjust the due dates for some of the ticketed items in the staff requirement memorandum for SECY-11-0140. Once updated, the RFCOP Project Plan will be presented to the Advisory Committee on Reactor Safeguards.

Industry inquired about the RFCOP Project Plan task (1.F) on the definition of the term “performance deficiency.” The NRC staff reported that its position was documented in a whitepaper (ADAMS Accession Number ML12289A102) that was discussed at an October 31, 2012, public meeting (ADAMS Accession Number ML12313A346). During the March 6, 2014 meeting, industry representatives indicated that they were in agreement with the staff’s proposed definition that a performance deficiency would be a non-compliance with requirements/regulation. The staff committed to reiterate this mutual understanding in this meeting summary.

An industry representative suggested that the pilot program include segmenting the fuel facilities into separate groups that test subsets of the cornerstones. Staff agreed to consider this suggestion in its evaluation of the RFCOP Project re-baseline effort. NEI/industry expressed a desire for a dedicated meeting to discuss re-baselining, RFCOP goals/principles, and to ensure alignment on the outcomes.