

September 12, 2014

MEMORANDUM TO: Jack R. Davis, Director
Japan Lessons-Learned Division
Office of Nuclear Reactor Regulation

FROM: Mandy K. Halter, Acting Chief */RA/*
Orders Management Branch
Japan Lessons-Learned Division
Office of Nuclear Reactor Regulation

SUBJECT: REGULATORY TREATMENT OF MITIGATION STRATEGIES

On June 6, 2014, a meeting was held at the U. S. Nuclear Regulatory Commission (NRC), at which senior NRC management decided on the regulatory treatment for mitigation strategies. Attendees included Michael Johnson, Eric Leeds, Daniel Dorman, Dave Skeen, Jack Davis, Jeremy Bowen, and Darrell Roberts. Senior management from NRC Regions I, III, and IV – included Bill Dean, Marc Dapas, and Joel Munday (for Victor McCree) were pre-briefed on June 5, 2014. During these meetings, staff described the options, considerations, and a final recommendation. All attendees were supportive of the proposed recommendation to treat mitigation strategies similar to the Fire Protection Program.

In the course of deliberating the appropriate regulatory treatment of mitigating strategies, various options were developed and discussed at several public NRC-Industry Joint Steering Committee Meetings (February 10, 2014, March 25, 2014, and May 15, 2014). The options included:

- Inclusion in the Updated Final Safety Analysis Report
- Treatment similar to that of the Fire Protection Program
- Treatment similar to B.5.b

The staff considered a variety of factors when evaluating the options. The staff recognized a need for a change control process, but deliberated whether periodic reporting was necessary. Additionally, the staff considered the format of licensee document(s), and how well the chosen format would facilitate NRC oversight - including staff understanding of the plan bases and enforcement of regulatory requirements.

This option to treat mitigating strategies similar to the Fire Protection Program was selected as the most appropriate path forward because it reduces unnecessary regulatory burden, yet ensures changes to licensee plans are scrutable and reflect current plant configuration. This option establishes a formal, tiered change process wherein licensees can self-approve changes to their plan, provided the changes meet certain requirements. Licensees are not required to conduct routine, periodic reporting and NRC staff resources are thereby reserved for reviewing only changes made by licensees that require prior NRC approval. However, this approach includes a requirement for licensees to maintain a formal record of changes made to their plans which can be reviewed by NRC staff at any time to ensure that licensees are appropriately handling changes to their plans. This approach provides a reasonable, understandable format

for long-term oversight that is familiar to industry, NRC staff, and members of the public through the approach to regulatory treatment previously established and exercised through the Fire Protection Program.

On June 19, 2015, the final decision was communicated to industry at the Joint Steering Committee public meeting.

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