



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

SECRETARY

March 20, 2018

To the Petitioners on the Enclosed List

Re: Revised Director's Decision DD-17-04
All Operating Reactor Licensees
Docket No. NRC-2016-0061 (2.206)

Dear Sir or Madam:

This is to inform you that the Commission has declined to review Revised Director's Decision (DD-17-04). Accordingly, the decision became a final agency action on March 19, 2018. The Commission has provided additional views, a copy of which is enclosed herewith.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", is written over a horizontal line.

Annette L. Vietti-Cook

Enclosure:
As stated

cc: Service list

Additional Views of the Commission:

Having reviewed the incoming petition, the NRC staff's decision as set forth in the revised Director's Decision, DD-17-04, and the February 8, 2018 letter from the petitioner to the Secretary of the Commission, the Commission concurs in the ultimate determination by the NRC staff that the petition does not warrant the imposition of the requested enforcement action. However, the Commission disagrees with the Petition Review Board's (PRB) characterization of the Commission's Staff Requirements Memorandum (SRM) issued in response to SECY-16-0068, "Interim Enforcement Policy For Open Phase Conditions In Electric Power Systems For Operating Reactors," as it appears in the attachment to the Director's Decision entitled "Comments Received from the Petitioners and the Licensees on the Proposed Director's Decision Dated September 18, 2017." The PRB provided a response to petitioners' Comment 3 that appears to misstate the Commission's direction in SRM-SECY-16-0068. The response states, in part:

The PRB notes that the SRM directs the NRC staff to address the OPC concern by verifying licensee implementation of the voluntary industry initiative, thereby superseding some of the information in the NRC letter of November 25, 2014. The technical question to be answered now is whether the OPIs are capable of detecting and alarming or isolating an OPC, not whether the OPIS is designed as a safety-related system.

Although SRM-SECY-16-0068 did direct the NRC staff to verify licensee implementation of the voluntary industry initiative, the SRM did not provide any direction to supersede any prior NRC position. The SRM made no reference to the November 25, 2014 NRC staff letter to the Nuclear Energy Institute, nor to any information contained therein. Therefore, the Commission direction did not supersede any information contained in that letter or direct a redefinition of the "technical question." The Commission did not take a position on the technical attributes needed for the NRC to find that plant modifications proposed under the voluntary industry initiative are adequate for addressing open phase conditions.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	Docket No. NRC-2016-0061
All Operating Reactor Licensees)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the **LETTER FROM ANNETTE L. VIETTI-COOK TO THE PETITIONERS RE: REVISED DIRECTOR'S DECISION DD-17-04** have been served upon the following persons by U.S. Mail, first class, or through NRC internal distribution.

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In the Matter of: All Operating Reactor Licensees (Docket No. 2016-0061)
**LETTER FROM ANNETTE L. VIETTI-COOK TO THE PETITIONERS RE: REVISED
DIRECTOR'S DECISION DD-17-04**

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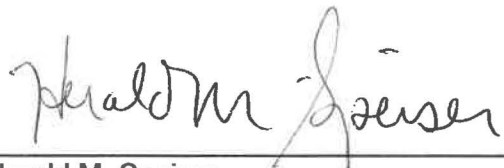
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Herald M. Speiser
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 20th day of March, 2018