



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

February 7, 2020

MEMORANDUM TO: Regional Administrators

FROM: Ho K. Nieh, Director */RA/*
Office of Nuclear Reactor Regulation

SUBJECT: ADDRESSING ISSUES OF VERY LOW SAFETY SIGNIFICANCE

The purpose of this memorandum is to provide you with additional context and the reasons for the implementation of the recommendations provided by a working group formed to improve how Nuclear Regulatory Commission (NRC) inspectors resolve issues of very low safety significance. The working group's recommendations on very low safety significance issue resolution (VLSSIR) can be found in Agencywide Documents Access and Management System (ADAMS) Accession No. ML19311B524; I endorse them in their entirety. I greatly appreciate the leadership and support from your staff who contributed to this important effort that will enable the NRC to better focus regulatory attention on matters of greater safety significance.

As you know, the NRC licenses and regulates the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety and to promote the common defense and security and to protect the environment. The array of NRC activities, including licensing, rulemaking, research, inspection and enforcement, all contribute to our important safety and security mission by providing a basis for reasonable assurance of adequate protection. It is widely recognized that the licensee has the primary responsibility for safety at its facility¹. Nevertheless, NRC inspectors are important because they ensure that NRC-licensed facilities are operated in accordance with their licenses and the NRC's requirements. The new VLSSIR process does not change the important role of the inspector.

In SECY-99-007², the NRC provided recommendations to the Commission for a new oversight program that was developed based on the NRC's Principles of Good Regulation, which in turn led to the creation of the Reactor Oversight Process as we know it today. In this seminal policy paper from 1999, the staff noted that "[c]ommercial nuclear power plants have been operated safely with overall plant performance, as indicated by trends in both NRC and industry performance indicators, improved over the last 10 years ... Despite this success, the agency has noted that the current inspection, assessment, and enforcement processes ... are at times not clearly focused on the most safety important issues." The VLSSIR process will help us maintain a clear focus on the most safety important issues. It is used to address licensing basis questions of very low safety significance that cannot be resolved without a significant level of effort.

¹ International Atomic Energy Agency (IAEA) Fundamental Safety Principles No. SF-1.

² https://www.nrc.gov/reading-rm/doc-collections/commission/secys/1999/secy1999-007/1999-007scy_attach.pdf

While the VLSSIR process applies the flexibility we have always had in the inspection program, it is not a process for disregarding clear compliance issues. Inspectors should follow the existing processes for screening and dispositioning clear instances of non-compliance. That said, not all compliance issues are of equal weight and we have choices on how to address each issue. Being overly focused on compliance does not serve the public well as it may overly focus regulatory attention on matters of very low safety significance.

I value and appreciate the dedication and hard work of our regional inspectors and remain confident that our inspectors focus their skills and expertise on the most safety-important issues. The VLSSIR process is another tool to facilitate that purpose. Inspectors should apply their own judgment when dispositioning issues and using the VLSSIR process, but if ever in doubt, inspectors should always raise issues with their management to gain alignment on further inspection and documentation of an issue.

It is imperative that our regulatory activities at headquarters and the regions are commensurate with the safety significance of the associated issues. If they are not, we are collectively and individually at risk of diminished credibility. Good inspection observations that improve licensee performance are our common objective and this can be accomplished more effectively by focusing our efforts on the most important issues. Many practices already built into our inspection process support risk-informed decision-making and the NRC's Principles of Good Regulation. The VLSSIR guidance will help reinforce these behaviors so that we all work together to achieve modern, risk-informed regulation.

I encourage you to share and have a dialogue on this memorandum with your staff.

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DATED FEBRUARY 7, 2020

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