SECRETARY

March 9, 2017

MEMORANDUM TO: Victor M. McCree
                                Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-16-0068 – INTERIM
                                ENFORCEMENT POLICY FOR OPEN PHASE CONDITIONS IN
                                ELECTRIC POWER SYSTEMS FOR OPERATING REACTORS

The Commission has disapproved the staff's request to establish an Interim Enforcement Policy for the purpose of exercising enforcement discretion for purported noncompliance with NRC requirements and nonconformance with design criteria during the pendency of licensee implementation of actions to address an open phase condition (OPC).

Going forward, the staff should verify that licensees have appropriately implemented the voluntary industry initiative. If the staff determines that a licensee does not adequately address potential OPCs, including updating the licensing basis to reflect the need to protect against OPCs, the staff should consider the appropriate regulatory mechanism to impose the necessary requirements to protect against OPCs using the current guidance on such matters from the Office of the General Counsel.

The staff should provide the Commission with a notation vote paper if this situation arises for any licensee or licensees, with options, including the staff's recommended path forward. In addition, if disagreements arise between the staff and the industry during implementation of the voluntary industry initiative, and the related issues have policy implications, the staff should promptly raise such issues to the Commission for resolution.

Once satisfactory implementation of the technical resolution has been verified for each licensee, the associated NRC Bulletin should be closed. The staff should update the Reactor Oversight Process to provide periodic oversight of industry's implementation of the OPC initiative.

cc: Chairman Svinicki
     Commissioner Baran
     Commissioner Burns
     OGC
     CFO
     OCA
     OPA
     ODs, RAs, ACRS, ASLBP (via E-Mail)
     PDR