

August 15, 2000

MEMORANDUM FOR: All Emergency Officers  
NRR Managers and Supervisors  
Project Managers

FROM: Herbert N. Berkow, Director */RA/*  
Project Directorate II  
Division of Licensing Project Management

Ledyard B. Marsh, Chief */RA by L. Howell Acting for/*  
Events Assessment Generic Communications  
and Non-Power Reactor Branch  
Division of Regulatory Improvement Program

SUBJECT: INTERIM GUIDANCE ON WEATHER-RELATED NOED  
RESPONSIBILITIES

## 1.0 PURPOSE

The purpose of this memorandum is to provide interim guidance and establish a plan to ensure that appropriate and adequate staff personnel are available for approving licensees' requests for Notices of Enforcement Discretion (NOEDs). The NRC Inspection Manual, Part 9900 Technical Guidance, Operations - Notices of Enforcement Discretion, (hereinafter referred to as Part 9900) will be revised to reflect this guidance.

## 2.0 BACKGROUND

In unusual situations, nuclear facilities may experience certain conditions or events that could result in temporary nonconformances with the license conditions or technical specifications (TS). In these situations, forced compliance with license conditions or TSs would require a plant shutdown and continued plant operation may be preferable to avoid potential plant transients or risks, or to help maintain a reliable and stable grid. NRC enforcement discretion i.e., NOEDs, could be appropriate for continued plant operation in noncompliance situations.

There are two types of NOEDs: (1) regular NOEDs where forced compliance with the license would involve plant-related risks and (2) NOEDs that involve overall public health and safety considerations (i.e., need for power and grid stability) due to severe weather or other natural events. Part 9900 provides guidance to staff for processing NOED requests. The authority to issue an NOED is assigned to the Regional Administrator, who may delegate the authority to the Regional Division Director of Reactor Projects (DRP) for region-issued NOEDs, and to the Project Director (PD), Division of Licensing Project Management (DLPM), for NRR-issued NOEDs with the mutual concurrence of NRR or the region as applicable. Also, the NRR PD should consult with the cognizant NRR technical branch chief(s) concerning the acceptability of issuing the NOED.

### 3.0 GENERAL EXPECTATIONS

Although the NOED process addresses unanticipated and time-critical conditions, in general NOED requests are almost always predictable. Periodic communication between the licensee and staff, such as routine calls between licensees and their Project Manager (PMs), and daily plant status calls between the region and the NRR, should identify potential NOED requests. Also, the staff, through its periodic interface with the Department of Energy, Federal Energy Regulatory Commission, the North American Electric Reliability Council and communication with other government agencies, becomes aware of weather conditions and their impact on grid reliability and stability. During periods of extreme weather-related power demand, Events Assessment, Generic Communications, and Non-Power Reactors Branch (REXB) will provide to the NRR Division Directors and Emergency Officers, on a periodic basis, a power demand situation report identifying geographic areas with potential problems and when known, plants that might need NOEDs.

As such, weather-related NOED requests should not come as a surprise to the staff. These routine communications provide adequate advance notice of potential NOED requests to the staff such that the cognizant PM and the regional staff are able to mobilize appropriate technical and project resources for participating in the licensee - staff teleconferences to discuss NOED requests and process them promptly.

There may be other emergent and unanticipated circumstances, e.g., inoperable equipment, missed surveillances etc. with associated short allowable outage times that occur during off-business hours, when a licensee may need a weather-related NOED and, in accordance with the Part 9900 guidance, would call the Emergency Operations Center to request a teleconference with cognizant staff. In these cases, the Headquarter's Operations Officer (HOO) should be able to contact appropriate staff personnel so that the NOED request is considered in a timely manner. To enable the HOO to contact the appropriate staff personnel in these circumstances, the following procedure will be implemented.

1. The Grid Oversight Working Group which consists of members of EEIB (Jenkins/Trehan), REXB (Goodwin/Koshy), DLPM (Raghavan/TA) and RES/ERAB (Wegner/Rawley) is responsible for alerting the staff to potential grid-related concerns such that one or more NOEDs might be requested. In such cases, the Working Group will notify the appropriate DLPM Project Director, the Regional Director, Division of Reactor Projects, the chiefs of REXB and EEIB and the Operations Center, indicating the potential for weather-related NOED requests and will identify a point of contact in EEIB (including home telephone number) who will be available for NOED discussions.
2. The TA, DLPM, will coordinate with TAs from other divisions in NRR and appropriate regional management to identify the individuals who will be available to participate, as appropriate, in the licensee - staff teleconferences to discuss and review the NOED requests. As a minimum, the following personnel (including their backups) should be included: cognizant PD, technical reviewers from the Probabilistic Safety Assessment, Reactor Systems, Plant Systems, Materials and Chemical Engineering, Electrical Engineering, Mechanical and Civil Engineering branches, and the cognizant regional director, DRP. The TA, DLPM, will provide the list of identified staff personnel to the HOO.

3. The TA, DLPM, should update the PM roster as necessary and provide it to the HOO.
4. HOO will provide the list of personnel identified in item 2 above and the PM roster to the applicable Regional Duty Officer (RDO).
5. When, outside of normal business hours, the headquarter's or a regional emergency operations center receives a request for an NOED teleconference, the HOO will use the list provided by the TA, DLPM, to call the identified staff personnel for participating in the licensee-staff teleconference relating to the NOED. He will also inform the Emergency Officer, who may choose to participate in the call.
6. In rare circumstances, when the cognizant PD cannot be reached in a timely manner, the HOO will contact the appropriate successive higher levels of NRR.
7. Procedures for notifying the EDO and Commissioners following issuance of a weather-related NOED are provided in Part 9900.

cc: Regional Administrators  
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