
MANUAL CHAPTER 0350

OVERSIGHT OF OPERATING REACTOR FACILITIES IN A
SHUTDOWN CONDITION WITH PERFORMANCE PROBLEMS

0350-01 PURPOSE

- 01.01 To establish criteria for the oversight of licensee performance for licensees that are in a shutdown condition as a result of significant performance problems or event(s).
- 01.02 To ensure that when the plant is in a shutdown condition as a result of performance problems, the NRC communicates a unified and consistent position in a clear and predictable manner to the licensee, public, and other stakeholders.
- 01.03 To establish a record of the major regulatory and licensee actions taken and technical issues resolved leading to approval for restart and to the eventual return of the plant to the routine reactor oversight process.
- 01.04 To provide assurance that following restart the plant is operated in a manner that provides adequate protection of public health and safety.

0350-02 OBJECTIVES

- 02.01 To provide guidelines for entering and exiting the restart approval process.
- 02.02 To ensure that NRR and the regional offices are appropriately involved in restart decisions.
- 02.03 To establish a process plan for the actions necessary to approve restart and provide an objective basis to justify return of a plant to the routine oversight.
- 02.04 To provide a mechanism for communicating issues and corrective actions to the public and other external stakeholders.

0350-03 APPLICABILITY

This manual chapter may be implemented following a plant shutdown as a result of significant performance problems and/or after a significant plant event.

For the purposes of this inspection manual chapter (IMC), the following are definitions of specific terms used herein.

Significant performance problems. Those problems that meet the entry conditions for the Multiple/Repetitive Degraded Cornerstone or the Unacceptable Performance columns of the Action Matrix contained in IMC 0305, "Operating Reactor Assessment Program."

Significant plant event. Any plant event that is categorized as risk significant as determined by the results of an evaluation of the conditional core damage frequency (CCDP), or the conditional core damage frequency (CCDF) as outlined in IP 71153, "Event Followup."

Issues with risk significance. Any inspection findings or performance indicators (PIs) that are categorized as having risk significance as determined by the results through the SDP process as "white," "yellow," or "red."

This manual chapter and its appendix give general guidance for NRC oversight of plant restart on the basis of previous experience and should be used for developing the Restart Checklist.

0350-04 RESPONSIBILITIES AND AUTHORITIES

04.01 Director, Office of Nuclear Reactor Regulation (NRR)

- a. Notifies the Executive Director for Operations (EDO) and the Commission, as appropriate, of the NRC actions taken concerning a nuclear power plant under the guidance of this manual chapter.
- b. Responsible for development of policy development and oversight of its implementation.
- c. Decides, in conjunction with the Regional Administrator, whether this manual chapter applies to a specific reactor restart.
- d. Provides input to the Regional Administrator on the decision to approve restart.

04.02 Regional Administrator

- a. Decides, in consultation with the NRR Associate Director for Project Licensing and Technical Analysis, whether this manual chapter applies to a specific reactor restart.
- b. Discusses with the Deputy Executive Director for Regulatory Programs, the Director of the Office of Enforcement, and the Director of NRR, as appropriate, the need for an order or a confirmatory action letter (CAL) specifying the actions required of the licensee in order for the licensee to receive NRC approval to restart the plant.
- c. Establishes a IMC 0350 Oversight Panel (henceforth referred to as "the panel"). Selects the Chairman of the panel and establishes the panel's composition and responsibilities.
- d. Reviews and determines, in conjunction with NRR, the acceptability of the licensee's corrective action program.

- e. Approves restart of the shutdown plant, following consultation with the EDO and the Director of NRR.
- f. Approves termination of the IMC 0350 reactor oversight process and a return to the routine oversight process.

04.03 Director, Division of Licensing Project Management, NRR

- a. Implements the requirements of this IMC by coordinating NRR policy and guidance, in conjunction with the Chairman of the panel, to ensure that the Director of NRR and appropriate staff are directly involved in agency policy or regulatory oversight decisions, when applicable.
- b. Coordinates and implements those actions prescribed in the Panel Process Plan (Appendix A, Section B) and the Restart Checklist that are determined to be NRR's responsibility. These actions include licensing actions and, where applicable, appropriate NRC office or NRR division interaction with other Federal agencies [e.g., (the Federal Emergency Management Agency (FEMA), the Environmental Protection Agency (EPA), the Department of Justice (DOJ)] pursuant to any applicable memoranda of understanding.

04.04 Chairman, IMC 0350 Oversight Panel

- a. Implements the requirements of the IMC.
- b. Coordinates the panel's activities and develops the Panel Charter, the Panel Process Plan, and the Restart Checklist to assign responsibilities and schedules for restart actions and interactions with the licensee and outside organizations. (See Section 06.01.b for typical responsibilities of the panel.)
- c. Coordinates and implements those actions prescribed by the panel that have been determined to be the responsibility of the regional office. These actions include, when appropriate, interactions with State and local agencies and with regional offices of Federal agencies.
- d. In conjunction with the NRR Director of Project Licensing, ensures that the Regional Administrator and the Director of NRR are directly involved, when appropriate, in agency policy or regulatory oversight decisions, when applicable.

0350-05 BACKGROUND AND INITIAL ACTIONS

05.01 Background

An operating commercial nuclear power plant with performance problems may be shut down for a variety of reasons. Licensees may voluntarily or involuntarily place the plant in a shutdown condition because of significant performance problems or a significant plant event.

In general, when significant performance problems are identified in one or more of the seven cornerstones in the areas of Reactor Safety, Radiation Safety, or Security, as defined by IMC 0305, the level of NRC actions are governed by the "Action Matrix." Although not a prerequisite, it is expected that before performance degrades to the threshold requiring implementation of this manual chapter, the staff will have performed supplemental inspections, including Inspection Procedure (IP) 95002 "Supplemental Inspection Procedures for Issues Categorized Contained in the Degraded Cornerstone Band of the Assessment Action Matrix," and IP 95003, "Diagnostic Inspection for Issues Categorized in the Multiple/Repetitive Degraded Cornerstone Band of the

Assessment Action Matrix.” The outcome of these inspections will constitute important input parameters that can be used to assist the NRC in the evaluation of licensee performance during implementation of this manual chapter.

The Reactor Assessment Process provides for ongoing and periodic assessment of licensee performance data on a quarterly, mid-cycle, and end-of-cycle basis. The decision to implement this IMC would be made in “real time” whenever entry conditions are satisfied and would not wait for completion of a periodic assessment activity. Therefore, this manual chapter can be implemented during any of these assessment intervals, or on the basis of developing circumstances, which would require a more timely and direct assessment of licensee performance.

When a plant is under the IMC 0350 process, the routine Reactor Oversight Process will be suspended. Submission of performance indicators will be suspended and use of the action matrix to determine agency response to licensee performance would be discontinued. However, the licensee should not be discouraged from continuing to collect appropriate PI data in any cornerstone, if the data is available, during the plant shutdown. The panel will assess inspection findings and other performance data to determine the required level and focus of followup inspection activities and any other appropriate regulatory actions.

The focus of this manual chapter is to provide oversight of the licensee’s performance until such time that a return to the routine oversight under the revised reactor oversight process is appropriate. This IMC focus provides adequate assurance that the licensee is ready for a return to plant operation, and that after a plant has restarted, oversight monitoring of licensee performance will continue until such time as it is determined that the plant can be returned to the routine oversight.

05.02 Initial Actions

Prior to implementation of this manual chapter, three prerequisites must be met: (1) A plant's performance is degraded into the multiple/repetitive degraded cornerstone, or the unacceptable performance columns of the action matrix, (2) the plant is in a shutdown condition, and (3) a regulatory hold is in effect, such as a Confirmatory Action Letter or an Order.

Once these prerequisites are met, management will then decide if implementation of this IMC is warranted. When considering entry into this IMC, NRR and Regional management should carefully consider the following: 1) expectant length of the plant shutdown, 2) the degree to which the licensee has performed an extent of condition evaluation pertaining to the reasons for the shutdown, and 3) the amount of discovery still required of the licensee to identify all of the problems associated with the shutdown. It should be noted that heavier weight should be given toward implementing this IMC if the licensee is found to be more in the discovery and extent of condition phase of the assessment, as opposed to the licensee having a more complete understanding of the issues and an appropriate course of action to resolve such issues.

Upon implementation of this manual chapter and establishment of an IMC 0350 oversight panel, the panel should promptly determine the extent of inspection or review activities to determine the extent of the licensee’s performance problems and the adequacy of licensee’s plant to address them. The panel should develop a Panel Charter, a Panel Process Plan, and a Restart Checklist using the guidance contained in Appendix A, “Generic NRC Restart Review Activities.” The Panel Charter should state the purpose and objectives of the panel, panel composition and tasking goals, as well as the expected outcome of the process (i.e., development of the Restart Checklist, resolution of the restart issues, and a letter to the licensee terminating the process.)

The Restart Checklist is defined as an itemized listing of restart issues that contains a description and the status of the issue, status of the NRC regulatory actions, inspection report documentation, and the corresponding identified root causes and corrective actions that require disposition or resolution prior to restart. The Restart Checklist should be focused on those issues that resulted

in a performance categorization commensurate with the Multiple/Repetitive Degraded Cornerstone or the Unacceptable Performance Bands of the Action Matrix. Appendix A, Section C, describes the Restart Checklist.

Additional issues that are identified during the plant shutdown may be added to the Restart Checklist if one or more of the following occur:

- ! Any inspection finding, performance indicator, or condition that when evaluated by the SDP process, is determined to have a risk significance of “white” or higher.
- ! Identification of any inspection finding, performance indicator, or condition that when evaluated by the SDP process, is determined to have a risk significance of “white” or higher.
- ! A cited violation of the facility’s license, technical specifications, regulations, or orders under any mode of plant operation (example: operating at power with all emergency ac power out of service).
- ! A loss of the licensee’s ability to maintain and operate the facility in accordance with the design and licensing basis (for example, a programmatic breakdown or repetitive examples of inadequate design control, including 10 CFR 50.59 plant modifications of equipment important to safety or plant operating practices).
- ! A condition or programmatic breakdown in which NRC management lacks reasonable assurance that the licensee can or will conduct its activities without undue risk to public health and safety (for example, multiple repetitive failures to adhere to procedures that affect risk-significant equipment, equipment important to safety, or plant operation).
- ! A failure of licensee management controls to effectively address previous risk-significant concerns to prevent recurrence (for example, repetitive examples of inadequate root cause evaluations and corrective action(s) affecting risk-significant equipment and/or plant operation).

The panel, NRR, and the applicable regional office should discuss the specific circumstances for adding issues to the Restart Checklist. Additional issues are defined as issues that are unrelated to the initial reason(s) for the plant shutdown. Any issue that is characterized as white, yellow, or red by the SDP has enough risk significance to be considered a restart issue. The Regional Administrator and the NRR Associate Director for Project Licensing and Technical Analysis will be informed of the circumstances and the risk significance of the situation to plant safety and operation.

0350-06 OVERSIGHT REVIEW ACTIVITIES

06.01 Oversight Panel

- a. Membership. For each plant restart subject to oversight consistent with this manual chapter, the Regional Administrator, in coordination with the NRR Associate Director for Licensing Project Management, decides whether to establish the panel. The Regional Administrator normally establishes the composition of the panel and its responsibilities in writing. The panel will typically consist of the following individuals, or those in similar positions:

- ! Director, regional office Division of Reactor Projects (DRP) or Division of Reactor Safety (DRS) (Chairman)
- ! Director, responsible NRR Project Directorate (Vice Chairman)

- ! Responsible regional office DRP Branch Chief
- ! Responsible regional office Division of Reactor Safety Branch Chief
- ! Responsible Project Manager, NRR
- ! Responsible Senior Resident Inspector
- ! Senior Reactor Analyst, Region

Members can be added to or removed from the panel, as appropriate, depending on the specific details of the problems leading to the plant shutdown and the matters to be evaluated before restart is authorized.

b. Responsibilities of the IMC 0350 Oversight Panel

1. Review all available information directly related to the reason for the plant shutdown for the past four quarters of plant operation. This activity includes a review of performance indicator data, inspection findings, and a review of docketed correspondence from the licensee.
2. Develop the Panel Process Plan and the Restart Checklist. The Panel Process Plan should include a plan for implementing the checklist and for modifying it as necessary to ensure that all risk-significant performance issues directly relating to the plant shutdown, including extent of condition, are resolved or dispositioned before restart.
3. Maintain an ongoing overview of licensee performance throughout the licensee's plans for restart.
4. Determine the inspection (scope and level of effort) necessary to review identified risk-significant issues for restart.
5. Assess the adequacy of the licensee's corrective action or improvement program and the ability of the licensee to identify problems.
6. Assess the physical readiness of the plant for restart.
7. Periodically provide NRC management and the Commission, if requested, briefings and updates on the status of the licensee's progress, briefings and updates on corrective actions, and overviews of licensee performance.
8. Conduct periodic meetings with the licensee to discuss progress toward satisfactory completion of the licensee's restart program. Depending on the reason for the plant shutdown, meetings with the licensee may be held near the facility. These meetings are usually open to public observation but not participation. A public meeting may be scheduled after the formal meeting with the utility is completed.
9. On the basis of satisfactory completion of the pre-startup portion of the licensee's restart program, provide a written recommendation and the basis for the approval for restart to the Regional Administrator and the Director of NRR.
10. Provide post-restart oversight of licensee performance until there is a return to the routine oversight process.

11. Provide a written recommendation to the Regional Administrator and the Director of NRR for the return to the routine oversight process.

06.02 Panel Process Plan

The panel should develop a plan that provides the following: (a) the specific activities by which the NRC will determine the licensee's readiness for restart; (b) risk-significant issues related to the reason for the shutdown that must be resolved before restart (i.e., restart issues); and (c) who has lead responsibility for each action. Items (a) and (b) correspond to the "Process" and "Issues" portions of the Restart Checklist, respectively. Appendix A, Section B, of this manual chapter contains generic examples of and guidelines on how to construct the plant-specific Restart Checklist. These examples should be evaluated for applicability to the plant in question. Issues from Appendix A will only be included in the Restart Checklist when they must be resolved before plant restart.

The plan: (1) ensures that there is an adequate inspection plan and that there is a record to support the restart determination; (2) tracks restart issue status and reference documents which contain the inspection results associated with the resolution of the issues; (3) addresses new issues, including the extent of condition that affects the NRC's determination about whether the plant is ready for restart; (4) provides the basis for why selected issues were not resolved before restart; and (5) establishes responsibilities and methodologies for interactions with the Commission; the Advisory Committee on Reactor Safeguards (ACRS); the media; Federal agencies; congressional, State, and local officials, and other stakeholders.

The Regional Administrator, in coordination with the Deputy Executive Director for Regulatory Programs and the Director of NRR, normally has the authority to approve restart. In some instances that involve pre-existing orders, Commission or EDO approval may be required.

0350-07 POST-RESTART ACTIVITIES

07.01 Coordination of Post-Restart Activities

Once restart approval is granted, the panel will continue in an oversight capacity for at least one quarter, or until completion of an appropriate period of time following plant restart. The length of time of post-restart oversight may vary, depending on licensee performance and resolution of identified problems, in order to reestablish applicable reliable PIs and also to allow the staff to assess licensee performance before a return to the routine oversight process is warranted. However, if the panel determines that continued oversight beyond two quarters is warranted, then the panel should recommend to the Regional Administrator and the Director of NRR to continue the oversight activities for an appropriate period of time.

The panel should evaluate any self-assessments, docketed responses to inspection findings, program changes, and corrective actions that did not require resolution before restart. At the end of each quarter, the panel will compare this information and other licensee performance data to the corresponding NRC response and action levels in the Action Matrix. The panel should then determine or make adjustments to the appropriate level of NRC oversight activities. Detailed guidance on post-restart oversight is discussed in Section B.7 of the Appendix.

07.02 Termination of the IMC 0350 Process

Once the plant is operating, and the decision is made on the appropriate time interval of the post-restart oversight activities, there are no additional criteria needed to terminate the IMC 0350 process other than documentation of the panel's activities and decision.

The panel should issue a final letter documenting the results of its post-restart review and oversight efforts to the Regional Administrator. Additional guidance on termination of the IMC 0350 process is contained in Appendix A, Section B.8.

0350-08 GUIDANCE

08.01 Coordination of Followup Actions

The focal point for working-level discussions within the NRC for followup actions will be the Restart Oversight Panel Chairman and the NRR Licensing Project Management Division Director. These individuals should coordinate participation in conference calls, the panel, and management discussions to ensure that the Regional Administrator, the Director of NRR, and appropriate staff are involved, when applicable. They should coordinate and implement the actions specified in the Restart Checklist.

08.02 Commission Involvement

The Commission must be kept adequately informed of the staff's restart actions on a continuing basis. The Region and NRR will inform the Commission of the staff's and the licensee's restart actions through periodic Commission papers or memoranda to the EDO. On the basis of these interactions between the staff and the Commission, the need for Commission briefings will be determined by the circumstances and the Commission's wishes.

For those plants requiring the Commission's approval for restart, the staff should anticipate Commission briefings with licensee participation (a) after a corrective action plan is agreed on and (b) after completion of the appropriate restart readiness team inspection(s) before plant restart is anticipated. At the final briefing before restart is granted, the NRC staff should provide its basis for finding the licensee ready for plant restart.

08.03 Independent Review

The NRR staff should keep the ACRS informed of NRC's actions involving plants using this IMC. Normally, this activity is performed through the use of briefings. The panel should coordinate and plan any briefings to the ACRS, as requested.

08.04 Public Stakeholder Participation

NRC management will determine the need for and the level of NRC participation with the public stakeholders on a case-by-case basis, which will be incorporated into the actions necessary for restart. The level of appropriate public stakeholder participation varies greatly from situation to situation and depends on the cause of the shutdown, the interest of local citizens, the interest of elected officials, and the concerns of other Government agencies. Public stakeholder meetings have proven to be a valuable vehicle for the restart process. These meetings, which are often transcribed, are held to receive comments on licensee plans and to describe the results of the NRC review of licensee activities. Public stakeholder meetings in the local area should be strongly considered so that the concerns and comments on the licensee's restart activities can be heard so that applicable concerns and comments can be factored into the NRC's restart review.

08.05 Other Agencies and Government Organizations

The Chairman of the IMC 0350 Oversight Panel will ensure that efforts have been made to establish an open dialogue with local and State government officials and agencies. The Panel Chairman should ensure that inquiries from the Office of Congressional Affairs, Congress, local and State government agencies, and various Federal agencies are promptly addressed. Appropriate caution should be exercised to avoid the release of predecisional, proprietary, or

safeguards information when responding to inquiries. When interest extends to a foreign government (e.g., Canada), the Office of International Programs or its designee, shall brief the foreign officials if the EDO deems it appropriate.

The decision regarding the licensee's ability to restart will include consideration of the need to involve staff from other Federal agencies, such as FEMA, EPA, and DOJ, and State and local government representatives. Briefings with elected officials and observations of NRC inspections by State representatives have been an effective way of enhancing NRC communication regarding problem plants.

0350-09 RECORDS

Appropriate documentation of the restart process is important. The licensee and the NRC staff must understand the reasons for the plant shutdown and the necessary actions to be completed before restart. In addition, information related to NRC and licensee actions, as well as acceptance criteria and confirmatory actions by other agencies and Government organizations, must be made available to the public. Information on NRC and licensee actions related to plant restart should be attached to or included in NRC inspection reports. However, other forums, such as public correspondence between the licensee and the NRC or Commission papers, are acceptable. At a minimum, the records developed for the shutdown and the restart process shall consist of the following:

1. The licensee's docketed correspondence concerning plant performance.
2. A CAL or an order issued to the licensee specifying the action(s) to be taken.
3. The Panel Charter.
4. Panel membership and the Panel Process Plan.
5. The Restart Checklist, including any revisions.
6. Interim progress reports (e.g., Commission paper, EDO memoranda).
7. Meeting summaries from panel meetings and meetings between the NRC and licensee representatives. These summaries should indicate why any white, yellow, or red issues were or were not selected as restart items.
8. Inspection reports and related correspondence.
9. Pertinent licensing actions completed by the NRC.
10. Other agency and Government actions communicated to the NRC.
11. The basis for restart approval.
12. The basis for the licensee's return to the routine oversight process.
13. A letter to the licensee documenting termination of the IMC 0350 process.

All documents relating to the restart process are to be included in the docket file and, to the extent permitted by 10 CFR 2.790, made public in accordance with NRC policy.

0350-10 REFERENCES

IMC 0305, "Operating Reactor Assessment Program."

NRC Management Directive 8.3, "NRC Incident Investigation Program."

END

Appendix

A. Generic NRC Restart Review Activities

APPENDIX A
GENERIC NRC RESTART REVIEW ACTIVITIES

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A. GENERAL

A.1 PURPOSE

To provide guidelines for planning and coordinating NRC activities associated with NRC's oversight of nuclear power plants that are restarting after a shutdown.

A.2 OBJECTIVES

To ensure that NRC oversight efforts are consistently developed, communicated, and implemented. Specific guidance is provided in this Appendix A to Inspection Manual Chapter (IMC) 0350 to support the following:

- a. using established criteria to screen, prioritize and identify issues requiring resolution before restart,
- b. tracking, documenting, and followup of non-restart issues commensurate with established inspection program guidance,
- c. identifying the level of effort needed to review and approve a plant restart,
- d. coordinating, overseeing, and tracking restart-related activities, and
- e. coordinating, overseeing, and tracking post-restart-related activities.

B. PROCESS PLAN

This section outlines the general NRC restart oversight process. The major steps are outlined below:

1. Verification of appropriate agency response
5. Verification of appropriate notifications
6. Establishment and organization of the NRC review process
7. Assessment of licensee performance
8. Restart authorization
9. Notification of restart authorization
- g. Termination of the IMC 0350 process

These major steps are broken down into potential tasks and are specified in a menu format. However, only those tasks that are applicable should be selected for incorporation into the Panel Process Plan.

When appropriate, the typical lead responsible organization is indicated in parentheses next to the task. When an NRC action responsibility is not indicated, the panel will determine responsibility. This responsibility may be shared in some cases.

B.1 AGENCY RESPONSE

The panel should focus its restart review efforts on those performance issues and conditions that were identified through the routine reactor oversight process. The performance data, root causes, and their apparent risk impact are to be established early in the process. This information will assist the NRC in characterizing the problems, the appropriate regulatory response, and the adequacy of the licensee's corrective actions. Early management appraisal of the situation is also important to ensure that the proper immediate actions are taken.

B.2 NOTIFICATIONS

Notification to industry and public stakeholders of implementation of this manual chapter should be promptly communicated through press releases, letters, and a posting on NRC's Internet home page Web site. Notification should include the NRC's understanding of the performance issues, performance trend history over the last four quarters, and any other pertinent issue or regulatory concern. With regard to the responsibilities of the panel, notification to regional and Headquarters offices of cognizant Federal agencies should have already been performed in accordance with the guidance in IMC 71153, "Event Followup." However, as the review process continues, additional and continuing notifications may be required.

TASK

- a. Issue Daily and Director's Highlight, when appropriate (NRR).
- b. Issue Preliminary Notification, when appropriate (region).
- c. Conduct Commissioner assistants' briefing (NRR).
- d. Issue Commission paper (region).
- e. Notify cognizant Federal agencies: Federal Emergency Management Agency (FEMA), Environmental Protection Agency (EPA), Department of Justice (DOJ) (Region).
- f. Notify State and local officials (Region).
- g. Notify Congress (NRR).

B.3 ESTABLISH AND ORGANIZE THE NRC REVIEW PROCESS

It will be necessary to establish and organize the NRC restart oversight to ensure the effective coordination of resources in evaluating the licensee's readiness for restart. Effective interactions within and outside the NRC are critical to ensure that the pertinent issues are properly identified and resolved.

TASK

- a. Establish the panel (region).
- b. Assess available information (i.e., performance indicator [PI] data, baseline and supplemental inspection findings, results of risk studies and event analyses, licensee self-assessments, allegations, performance improvement plan, and industry reviews). This information includes issues and inspection findings that were not directly related to the reason for the shutdown, if they were determined to have risk significance (panel).
- c. Develop the Restart Checklist. The criteria for including issues and items on the checklist are any issue, event, or condition identified by the licensee or by the NRC that has risk

significance, as determined by the significance determination process (SDP). (Note: shutdown-related issues should be referred to the region and the senior risk analysts (SRAs) for issue-specific risk review until a shutdown SDP has been incorporated into IMC 0305.) (Panel).

- d. Obtain input from involved parties both within NRC and other Federal agencies, such as FEMA, EPA, DOJ (region).
- e. Conduct periodic Regional Administrator briefings (region).
- f. Conduct periodic NRR Executive Team briefing (NRR).
- g. Approve the Restart Checklist (Regional Administrator).
- h. Approve the Restart Checklist (for those issues for which NRR has the technical lead) (NRR Office Director).
- i. Implement the Restart Checklist (panel).
- j. Modify CAL or order as necessary (region).

B.4 ASSESSMENT OF LICENSEE PERFORMANCE

Early establishment of the review areas of concern will help define the methods and the appropriate level of oversight. When the licensee has developed its performance improvement plan, the NRC shall review that plan for completeness and adequacy. The NRC will also need to determine which corrective actions must be required to be implemented before restart and those that can be deferred to some later date as long-term, post-restart corrective actions.

B.4.1 Licensee Performance Improvement Plan

TASK

- a. Evaluate NRC inspection findings, including Augmented Inspection Team, Incident Investigation Team, or other team inspections performed after formation of the panel.
- b. Evaluate the licensee's performance improvement plan and associated root cause determination and corrective action plans.
- c. Evaluate all allegations involving reactor safety, radiation safety, or security. Any allegations determined to have merit and risk significance should be included on the Restart Checklist.

B.4.2 External Stakeholder Comments

Throughout the duration of the plant shutdown and until the plant is returned to the routine oversight process, solicitation of comments from diverse sources may be appropriate. The decision to solicit comments from a group and determination of the level of participation should be made on a case-by-case basis. Input from these groups should be factored into the restart process, as appropriate. If needed, comments concerning the adequacy of State and local emergency planning and preparedness should be obtained from FEMA headquarters through NRR.

TASK

- a. Obtain public comments (region).
- b. Obtain comments from State and local officials (region).
- c. Obtain comments from applicable Federal agencies (region).

B.4.3 Closeout Actions

When the licensee has completed actions to resolve the restart issues and has substantially addressed significant concerns, the NRC needs to conduct closeout activities to independently verify that corrective actions required before restart are complete and that the plant is physically ready for restart. This section specifies actions associated with completion of significant NRC reviews and preparations for restart.

TASK

- a. Evaluate the licensee's restart readiness self-assessment (region).
- b. Resolve all restart issues described in the Restart Checklist (panel).
- c. Conduct appropriate NRC restart readiness team inspection(s) (e.g., operational safety team inspection, operational safety assessment team, safety system functional inspection).
- d. Develop restart coverage inspection plan. Use guidance contained in IMC 2515 Appendix B, IMC 0305, and in other appropriate documents. (region).
- e. Disposition comments from other parties (panel).
- f. Determine that all conditions of the order/confirmatory action letter are satisfied. [If applicable, the NRC and the licensee should clearly understand what actions remain to be completed and what will be required of the licensee to demonstrate their completion (panel).]
- g. Verify that the Restart Checklist is complete (panel).

B.5 RESTART AUTHORIZATION

When the restart oversight process has reached the point at which the issues have been identified, corrected, and reviewed, the restart authorization process is begun.

TASK

- a. Prepares the restart authorization letter to the licensee and established the basis for restart (panel).
- b. Determine that no restart objections from other applicable Headquarters offices or Federal agencies exist (panel).
- c. Obtain approval of the Regional Administrator for restart (region).
- d. Obtain concurrence for restart from the Director of NRR (panel).

- e. Obtain concurrence from the Executive Director for Operations for restart, if required (panel).
- f. Conduct a briefing for the Advisory Committee on Reactor Safeguards (ACRS), if requested (NRR).
- g. Conduct a briefing for the Commission, if requested (NRR).
- h. Obtain the Commission approval or concurrence for restart, when required (NRR/EDO).
- i. Authorize restart (note: once approval is given, external stakeholders should be notified by phone and provided a copy of the restart authorization letter and press release, as applicable) (Regional Administrator).

B.6 RESTART AUTHORIZATION NOTIFICATION

Notify the applicable parties of the restart authorization. Notification should generally be made by memorandum or other format consistent with the level of formality required. Communication of planned actions is important at this stage to ensure that NRC's intentions are clearly understood.

TASK

Notify the following:

- a. Commission (if the Commission did not concur in the restart authorization) (NRR).
- b. EDO (if the EDO did not concur in the restart authorization) (NRR).
- c. Office of Congressional Affairs (OCA) (NRR).
- d. ACRS (a briefing may be substituted for the written notification if the ACRS requests one) (NRR).
- e. Applicable Federal agencies (NRR).
- f. Office of Public Affairs (OPA) (region and NRR).
- g. State and local officials (Region).
- h. Congress (OCA).
- i. Media (by a press release) (OPA).
- j. Citizens or groups that expressed interest during the restart approval process (region).
- k. International Programs for those sites in which emergency planning zones cross international boundaries (Office of International Programs).

B.7 POST-RESTART OVERSIGHT

After the NRC has granted approval for the licensee to resume reactor operations, the panel should remain involved in an oversight capacity for at least one quarter following plant restart. The panel should assess whether a longer period of time is warranted based on licensee performance. The length of time of post-restart oversight may vary, depending on a case-by-case basis and evaluation. If operation beyond two quarters is warranted, then a recommendation to the Regional Administrator and the Director of NRR to continue the oversight activities should be made.

At the end of each quarter, the panel should evaluate the performance data and any inspection findings and make subsequent step adjustments in the appropriate level of NRC oversight activity.

TASK

- a. Issue an inspection plan for the next 6 months, including identifying any inspections in areas not covered by the PIs and that are beyond the normal baseline inspection program (panel).
- b. Determine if adjustments are needed to the level of required inspection oversight on a quarterly basis. Use the Action Matrix to aid in the determination of required inspections (panel).
- c. Monitor licensee performance to assess whether corrective actions implemented since startup were effective to prevent recurrence of the problem. This review will be conducted at least quarterly and will include quarterly PIs and inspection findings (panel).
- d. Review self-assessments, docketed correspondence, performance improvement plan changes, and long-term corrective actions not implemented before restart (panel).
- e. As appropriate, conduct public meetings with the licensee to discuss performance improvements. Meetings with the public should also be considered (panel).
- f. Provide a written recommendation to the Regional Administrator and the Director of NRR to return the plant to the routine oversight process (panel).
- g. Approve return to the routine oversight process and terminate the restart oversight process (Regional Administrator).
- h. Provide a written letter to the licensee notifying it of a return to the routine oversight process (Regional Administrator).

B.8 TERMINATION OF THE IMC 0350 PROCESS

Upon an acceptable post-restart period of operation of the plant, the Panel may recommend termination of the IMC 0350 process and a return to the routine oversight process (see Section 07.02). Although it is expected that at least one quarter of operation is required, the panel may recommend continuing the oversight activities, provided the panel provides adequate justification and documentation.

A final letter documenting the results of its post-restart review and oversight efforts should be issued to the Regional Administrator by the panel. The letter should give the basis for the panel's conclusion to terminate its oversight activities and to return the plant to the routine oversight process. On the basis of the recommendations of the panel, the Regional Administrator, in consultation with the Director of NRR and the Deputy EDO for Regulatory Programs, will decide whether a return to the routine oversight process is warranted. Once the decision is made to terminate the IMC 0350 process, a letter should be sent to the licensee informing it of the staff's position, including pertinent information such as the panel's summary assessment of the resolution of the restart checklist issues, the basis for the decision to return the plant to the routine oversight process, and the expected termination date.

C.RESTART CHECKLIST

C.1 Restart Issues and Resolution

The establishment of the issues that require resolution before restart requires a clear understanding of the risk significance of the issues and the actions required of the NRC and the licensee to address them. It is important to note that the panel has oversight of the assessment process before the return to the routine oversight assessment process. Therefore, for the panel, the scope of the issues to be considered is not limited by strategic area or by cornerstone but by the importance of the issues in protecting the public health and safety.

The Restart Checklist should contain (1) a listing of restart issues and their risk significance sorted by the cornerstone; (2) a brief description of the issue; (3) who has the lead (both NRC and licensee); (4) issue status; (5) corrective action status; (6) closure completion date; and (7) the corresponding inspection report number.

The criteria for determining which issues are added to the list are as follows:

- ! The issue results in a cited violation of the facility's license, technical specifications, regulations, or orders under any mode of plant operation.
- ! The issue results in a loss of the licensee's ability to maintain and operate the facility in accordance with the design and licensing basis.
- ! The issue results in a condition in which NRC management lacks reasonable assurance that the licensee can or will conduct its activities without undue risk to public health and safety.
- ! The issue represents a failure of licensee management controls to effectively address previous significant concerns to prevent their recurrence.

TASK

- a. Review and evaluate licensee-generated restart issues to determine completeness (panel).
- b. Perform independent NRC identification of restart issues (region).
- c. Agreement on the restart issues (NRC and licensee).
- d. Evaluate the licensee's plan for resolving restart issues (panel). Use guidance contained in Section B of this appendix.

END