

# **RIC 2003 Region IV Breakout Session F3**

**NRC Decision Making Process  
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# **Industry and Public Participation NRC Decision-Making Process**

- ☐ Event Response
- ☐ Significance Determination Process (SDP)
- ☐ Non-SDP Escalated Enforcement
- ☐ Notice of Enforcement Discretion (NOED)
- ☐ Substantive Cross-Cutting Issues
- ☐ Technical Specification Changes
- ☐ 10 CFR 10.109 (Backfits)
- ☐ Generic Communications
- ☐ Region Specific Topics

# **Event Response**

*Special Inspections, Supplemental Inspections,  
Augmented Team Inspections, Incident Investigations*

## **NRC Process**

## **Licensee Involvement**

## **Public Involvement**

# **Significance Determination Process (SDP)**

*Reactor Oversight Process Safety Significance*

## **NRC Process**

## **Licensee Involvement**

## **Public Involvement**

# **Non-SDP Escalated Enforcement**

*10 CFR 50.7, 50.9, et. al*

## **NRC Process**

## **Licensee Involvement**

## **Public Involvement**

# **NOTICE OF ENFORCEMENT DISCRETION (NOED)**

## **NRC Process**

## **Licensee Involvement**

## **Public Involvement**

# **SUBSTANTIVE CROSS-CUTTING ISSUES**

## *Reactor Oversight Process*

### **NRC Process**

### **Licensee Involvement**

### **Public Involvement**

# **Technical Specification Changes**

## **NRC Process**

## **Licensee Involvement**

## **Public Involvement**



# **10 CFR 50.109**

## *Backfit Rule*

### **NRC Process**

### **Licensee Involvement**

### **Public Involvement**

# **GENERIC COMMUNICATIONS**

## **NRC Process**

## **Licensee Involvement**

## **Public Involvement**

# **REGION-SPECIFIC TOPICS**

**NRC Process**

**Licensee Involvement**

**Public Involvement**

# Significance Determination Process (SDP)

## *Reactor Oversight Process Safety Significance*

### **NRC Process**

- ▶ Initial Problem Identification (Licensee, Resident, Regional Inspector)
- ▶ Phase One Assessment (Inspector)
- ▶ Phase Two Assessment (Inspector with SRA Assistance)
- ▶ SRA Assessment
- ▶ Phase Three Assessment (SRA with NRR Assistance)
- ▶ Significance and Enforcement Review Panel (Region, OE, NRR)
- ▶ Regulatory Conference
- ▶ Final Significance Determination
- ▶ Follow-up Inspection for Corrective Action Effectiveness

### **Licensee Involvement**

- ▶ Initial Assessment per Corrective Action Program
- ▶ Continual Interaction for Technical Accuracy during Phases One, Two and Three
- ▶ Exit Report Feedback Mechanisms
- ▶ Regulatory Conference
- ▶ Regulatory Performance Meeting

### **Public Involvement**

- ▶ Publicly Docketed Interactions
  - ◆ Requests for Additional Information
  - ◆ Docketed Risk Assessments
  - ◆ NRC Inspection Reports
  - ◆ Meeting Summaries
- ▶ Public Meetings
  - ◆ Regulatory Conference
  - ◆ Regulatory Performance Meeting
  - ◆ Annual Assessment Meeting

# **SDP Background Information**

## **☐ NRC References**

- MC 0305
- MC 0608
- MC 0609
- MC 0612

## **☐ Key Points of Interaction**

- Technical Interaction between Licensee and NRC throughout Phases One, Two and Three
  - Technical Adequacy of Risk Tools (Licensee and NRC)
  - Consideration of External Risk Effects
  - Consideration of Common Cause Implications
- Integration of Regional and NRR Risk Assessments
- SERP
- Regulatory Meeting

# **Non-SDP Escalated Enforcement**

*10 CFR 50.7, 50.9, et. al*

## **NRC Process**

- ▶ Traditional Enforcement Process
- ▶ Finding beyond the scope of the ROP or identified from OI
- ▶ Licensee Notification (Letter or Inspection Report)
- ▶ Preliminary Decision (Weekly Conference with Program Office and OE)
- ▶ Enforcement Conference
- ▶ Final Resolution (Collaborative decision between Region, HQ, OE)

## **Licensee Involvement**

- ▶ Initial Notification (Inspection Finding, Chilling Effect Letter, OI Referral)
- ▶ Fact Finding (Inspection or Investigation)
- ▶ Enforcement Conference

## **Public Involvement**

- ▶ Publicly Docketed Interactions
  - ◆ Requests for Additional Information
  - ◆ NRC Inspection Reports
  - ◆ Meeting Summaries
- ◆ Public Meetings
  - ◆ Enforcement Conference

# **Non-SDP Escalated Enforcement Background Information**

## **☐ NRC References**

- MC 0305
- MC 0612
- Enforcement Manual and Policy

## **☐ Key Points of Interaction**

- Initial Notification - NRC to Licensee (especially if a potentially chilling environment concern)
- OI Investigation
- Communication Findings (Inspection or Investigation)
- Enforcement Conference

# Notice of Enforcement Discretion (NOED)

## NRC Process

- ▶ Notification of Condition (Resident Inspector, Regional Oversight, Licensee)
- ▶ Initial Assessment of Risk (SRA with Licensee)
- ▶ Internal Review of Condition (Regional or HQ NOED)
- ▶ Request by Licensee
  - ◆ Written Submission, if possible
  - ◆ Telephonic Conference with Region and NRR
    - Basis for Request
    - Risk Neutrality
    - Compensatory Measures
- ▶ Confirmation of NOED Authorization Authority
- ▶ Granting/Denial of NOED (Verbal)
- ▶ Written Submission by Licensee
- ▶ Written Response by NRC
- ▶ Inspection Follow-up

## Licensee Involvement

- ▶ Daily Operational Communications (Anticipating Potential Need)
- ▶ Preliminary Conference Calls
  - ◆ Understanding Condition and Basis for Request
  - ◆ Clarifying Risk Neutrality
  - ◆ Compensatory Measures
- ▶ Operations during NOED Conditions
- ▶ Written Submission
- ▶ Follow-up Inspection

## Public Involvement

### ALL AFTER THE FACT

- ▶ Licensee Written Request for NOED
- ▶ NRC Approval
- ▶ Inspection Follow-up (Report)



# **NOED Background Information**

## **☐ NRC References**

- MC Part 9900
- MC 0609
- MC 0612

## **☐ Key Points of Interaction**

- Initial Notification of Condition
  - Early Understanding of Potential Need for an NOED
  - Early Clarification of Risk Significance
  - Early Understanding of the Technical Challenges Facing the Licensee
- Telephone Conference Call Requesting NOED
  - Following the NOED Checklist
  - Risk Neutrality
  - Not a previous “pass” on STS Amendment
  - Compensatory Measures During NOED Condition
  - Increased Startup Threshold
- Follow-up Inspection

# Substantive Cross-Cutting Issues

## Reactor Oversight Process Findings

### NRC Process

- ▶ **BOTH** of the Following Must Be Met
- ▶ Multiple Documented Findings
  - ◆ Human Performance
  - ◆ Problem Identification and Resolution, or
  - ◆ Safety Conscious Work Environment
- ▶ Common Theme
- ▶ Documented in Mid-Cycle or Annual Assessment Letter
- ▶ Issue Discussed During Annual Public Meeting
- ▶ Follow-up Inspection
  - ◆ Baseline Procedure, or
  - ◆ Problem Identification And Resolution Inspection

### Licensee Involvement

- ▶ Issue **MUST** be Entered into the Corrective Action Program
- ▶ Discussion during Annual Public Meeting

### Public Involvement

- ▶ Docketed Correspondence
  - ◆ Inspection Reports
  - ◆ Mid-Cycle Review Letters
  - ◆ Annual Assessment Letter
- ▶ Annual Public Meeting (Comment or Question)

# **Substantive Cross-Cutting Issues Background Information**

## **☐ NRC References**

- MD 8.13
- MD 8.19
- MC 0305
- MC 0612
- IP 71152

## **☐ Key Points of Interaction**

- Continuous Resident Inspector Oversight and Evaluation
- Region Reactor Projects Division Interactions
- Mid-Cycle or Annual Assessment Letters
  - Discusses Closure, if the Issue has been Resolved
  - Discusses Progress, if the Issues has not been Resolved

# Technical Specification Changes

## NRC Process

- ▶ Written Submittal
  - ◆ Licensee Generated Request
  - ◆ NSSS Developed Topicals
  - ◆ Generic Issues Developed Positions
- ▶ Staff Manager Review
  - ◆ NRR Project Manager
  - ◆ NRR Technical Staff
- ▶ Requests for Additional Information
- ▶ Technical Resolutions
- ▶ Posting in Federal Register
- ▶ Resolution of Formal Comments
- ▶ Issuance of Amendment/Licensing Actions

## Licensee Involvement

- ▶ Development of Initial Request
- ▶ Licensee Engineering/Regulatory Affairs Organizations
- ▶ Participation on NSSS Committees
- ▶ Resolution of Technical Issues from the Staff
  - ◆ Written Responses to RAIs
  - ◆ Technical Meetings with the Staff
- ▶ Development of Implementing Strategies and Procedures
  - ◆ New Procedures
  - ◆ Transition Training
- ▶ Transition Operations

## Public Involvement

- ▶ Docketed Technical Correspondence
  - ◆ Initial Licensing Request
  - ◆ RAIs and Responses
- ▶ Public Comment Period
  - ◆ FR Notice
- ▶ Hearing Request

# Tech Spec Change Background Information

## ❑ NRC References

- 10 CFR 50.
- Standard Review Plans
- Project Manager's Task Manual

## ❑ Key Points of Interaction

- Planning and Prioritization Process by Licensee
  - Allows for Adequate Resource Planning by the Staff
  - Ensures Efficient Handling of Licensee Request
- RAI Request and Resolution Process
- Transition from OLD TS to NEW TS
  - Develop New Procedures
  - Conduct Just-in-Time Training
  - Conduct On-Going Continuing Training

# 10 CFR 50.109

## *Backfit Rule*

### **NRC Process**

- ▶ Identification of Backfit Potential
  - ◆ Letter from Licensee
  - ◆ Allegation Process
  - ◆ NRC Self-Identification
- ▶ Acknowledgement of Entering Backfit Process
  - ◆ Letter to Licensee
  - ◆ Memo to OEDO
- ▶ Panel Review of Backfit Claim
- ▶ Communication of Decision
  - ◆ Letter to Licensee
  - ◆ Memo to OEDO
- ▶ Cost/Benefit Analysis if Backfit Decision is Affirmed
- ▶ Appeals Process for Denied Backfit

### **Licensee Involvement**

- ▶ Submission of Backfit Claim
- ▶ Responses to Requests for Additional Information (RAI)
- ▶ Appeals, as considered necessary
- ▶ Technical Submissions for Cost/Benefit Analyses

### **Public Involvement**

- ▶ Docketed Correspondence Only

# Backfit Rule Background Information

## ❑ NRC References

- 10 CFR 50.109
- MD 8.4

## ❑ Key Points of Interaction

- Technical Information Exchange
  - During Submission and Panel Review Process
  - During Cost/Benefit Analyses
  - During Appeals Process
- Enforcement Process (After the Final Decision)

**NOTE: THESE ACTIVITIES ARE ALMOST ALWAYS CONTROVERSIAL**