U.S.NRC

UNITED STATES NUCLEAR REGULATORY COMMISSION

Protecting People and the Environment

Assessment and Enforcement Program Development

Construction Response Table

March 6, 2008

Workshop Objectives

- Provide an overview of the Construction Response Table (CRT)
- Identify the inputs to the assessment program
- Identify the categories and types of NRC response to licensee performance

Workshop Series Accomplishments

- Positive interactions with stakeholders on inspection, assessment, and enforcement program inter-relationships.
- Introduction of Corrective Action Program (CAP) effectiveness assessment process.
- Discussions of enforcement issues and actual construction examples.

Future Workshop Topics

- Substantive cross-cutting issues — April 3, 2008
- Licensee identified and self revealing screening criteria

- Follow-up of substantive cross-cutting issues — May 2008
- Other issues as needed

Assessment Program

- Assessment Program Objectives
  - Collect information from construction inspections
  - Objectively determine licensee performance
  - Guide timely and predictable decisions regarding Agency actions
  - Provide a process for informing stakeholders of the NRC's assessment
  - Provide a process to follow-up and close-out areas of concern

- Elements of Assessment Program
  - Inspection insights
  - Process for evaluation of individual issues
  - Process for periodic assessment of licensee performance
  - Response levels for increasing regulatory oversight
  - Stakeholder involvement and meetings

Assessment Program

- Overall licensee performance will be determined by Severity Level (SL) I, II and III violations and substantive cross-cutting issues.
- NRC response will use a graded approach and may result in increased ITAAC inspection(s) in the area(s) of concern, Confirmatory Action Letters, Demands For Information (DFIs), and/or Orders.
- Staff is evaluating appropriate cross-cutting areas to be considered.

Construction Response Table

		Nominal Program Review Column	Limited Expanded Program Review Column	Expanded Program Review Column	Unacceptable Performance Column
RESULTS		No greater than SL IV violations and no substantive cross-cutting issues. License requirements fully met	No greater than one SLIII violation or one substantive cross-cutting issue. License requirements met with some challenges to licensee	No greater than a total of three SL III violations or substantive cross-cutting issues or one SL II violation. License requirements met with some significant challenges to licensee	One SL I violation, multiple SLII violations, or a combination of the following: 1 SL II and a total of four SL III violations/ substantive cross-cutting issues; or a total of seven SL III violations and substantive cross-cutting issues. Loss of confidence to construct within licensing requirements in area (s) of concern
RESPONSE	Regulatory Performance Meeting	None	Branch Chief (BC) or Division Director (DD) meet with Licensee.	DD or Deputy Regional Administrator (DRA) meet with Licensee.	Commission meeting with senior Licensee management.
	Licensee Action	Licensee Corrective Action	Licensee root cause evaluation and corrective action with NRC Oversight.	Licensee cumulative root cause evaluation and corrective action with NRC Oversight.	Licensee Performance Improvement Plan and Independent inspection with NRC Oversight.
	NRC Inspection	Nominal Inspection Program	Limited increase in NRC oversight of area(s) of concern.	Expanded NRC oversight in area(s) of concern. ITAAC sample increased as appropriate.	Reactive team inspection in area(s) of concern.
	Regulatory Actions	None	Limited additional inspection.	Expanded additional inspection. Evaluate continued use of non-cited violations.	Demand for Information, show cause letter, and/or Order. Discontinue use of non-cited violations
COMMUNICATION	Assessment Letters	BC or DD review/sign assessment report (w/ inspection Plan)	DD review/sign assessment report (w/ inspection Plan).	DRA review/sign assessment report (w/ inspection Plan).	RA or EDO review/sign assessment report (w/ inspection Plan)
	Annual Public Meeting	SRI or BC meet with Licensee	BC or DD meet with Licensee .	DRA (or designee) discuss performance with Licensee.	EDO (or designee) discuss performance with Licensee
	Commission Involvement	None	None	None	Commission meeting with senior Licensee management.
	INCREASING SAFETY/REGULATORY SIGNIFICANCE ---------->				

Assessment Program
Nominal Program Review Column

- Criteria
  - No greater than SLIV violations
  - No substantive cross-cutting issues
- Licensee corrective action
- Nominal inspection program
- No additional regulatory actions

Assessment Program
Limited Expanded Program Review Column

- Criteria

  - No greater than one SLIII violation or one substantive cross-cutting issue.
- Licensee root cause evaluation and corrective action with NRC oversight.
- Limited increase in NRC oversight in area(s) of concern.
- No additional regulatory actions if corrective actions (CAs) are acceptable.

Assessment Program
Expanded Program Review Column

- Criteria

  - No greater than a total of three SL III violations or substantive cross-cutting issues or one SL II violation
- Licensee cumulative root cause evaluation with NRC oversight
- Expanded NRC oversight in area(s) of concern. ITAAC sample increased as appropriate.
- No additional regulatory actions if CAs are acceptable. NRC will evaluate continued use of Non-Cited Violations.

Assessment Program Unacceptable Performance Column

- Criteria

  - One SL I violation, multiple SLII violations, or a combination of the following: 1 SL II and a total of four SL III violations/ substantive cross-cutting issues; or a total of seven SL III violations and substantive cross-cutting issues.
- Loss of confidence to construct within licensing requirements in area(s) of concern.
- Licensee performance improvement plan and independent inspection with NRC oversight
- Reactive team inspection in area (s) of concern.
- DFI's, "show cause," and/or Orders.
- Commission meeting with senior licensee management.

Conclusions and Recommendations

- Workshop Summary
- Next steps
- Public Meeting Schedule:

  April 3, 2008

  May 2008