

Regulatory Documents and Structure



Regulatory Documents and Structure

Objectives

- Become familiar with document types impacting NRC's mission
- Understand the hierarchy that exists between types of documents

Regulatory Documents and Structure

Regulatory Tools - Legislation

- Legislation - a proposed or enacted law or group of laws
- Compliance is compulsory - including by NRC
- Example of Applicable Legislation:
 - Administrative Procedure Act
 - Atomic Energy Act
 - Energy Reorganization Act

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Regulatory Tools - Regulations

- Regulation – identified in the CFR - the “Bread and Butter” of inspectors
- Intimate familiarity with regulations key to inspection
- Compliance is compulsory, but not all regulations apply at all facilities
- Important to establish which regulations apply to facility being inspected

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Regulatory Tools - Regulations

Examples of Regulations

Part 2

Policy and procedures related to issuing, amending, or revoking an operating license; enforcement actions; and public rule making.

Part 20

Standards for protection against radiation.

Part 50

Rules for license application, content of applications, facility design requirements, and reporting of events to the NRC

Part 55

Rules and procedures for the licensing of reactor operators

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Regulatory Tools - Regulations

- Regulations necessarily written in very generic terms
- Phrases like “appropriate to the circumstances,” “promptly,” and “suitable” abound
- What is “appropriate,” “prompt,” or “suitable?” Who decides?
 - Inspector will make first, but not necessarily final, determination
 - Supervisory and peer review will also be applied
 - However, only Office of General Council can make an “official” interpretation

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Regulatory Tools - Regulations

Safety and Compliance

Is a violation of a paperwork-oriented violation as important as one that directly impacts the operability of safety-related components?

Is it worth our time to enforce “lesser” regulations?

What if the effort expended to inspect and comply with “lesser” regulations causes us to lose focus on the more risk-significant issues?

In such a case, is compliance compatible with safety?

Should we allow a licensee to stop complying with some regulations, based on a licensee’s assessment of the contribution of those regulations to safety? If so, where does it end?

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Regulatory Tools - Regulations

Safety and Compliance (cont.)

In 1997, commission approved important discussion of “safety and compliance”
In summary:

“Safety” means freedom from exposure to danger, or protection from harm

“Compliance” means meeting applicable regulatory requirements

There is a nexus between safety and compliance

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Regulatory Tools - Guidance Documents

- Regulatory Guides
- Standard Review Plans
- Inspection Guidance
- Generic Communications
 - *Regulatory Issues Summaries*
 - *Information Notices*
 - *Bulletins*
 - *Generic Letters*
- NRC Reports

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Regulatory Tools - Other Documents

Final Safety Analysis Report

Information contained in FSAR is considered a series of
“commitments”

Technical Specifications

Because they are part of the operating license, compliance with the
technical specifications is mandatory

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Summarizing Documents

Document	Compliance Required?	Failure to Comply is a...
Legislation	Yes	Crime
Regulation	Yes	Violation
Reg Guide	No	N/A
SRPs	No	N/A
Inspection Guidance	No	N/A
Generic Comms	No (usually)	N/A
NUREGs	No	N/A
FSAR	Yes	Deviation
Tech Specs	Yes	Violation

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Regulatory Tools - Inspections

- Verify that activities are properly conducted
- Verify that equipment is properly maintained
- Are performed on sample populations whose sizes and makeup are selected in a risk-informed way
- Provide feedback for licensee management for corrective action, when appropriate
- Produce data to allow assessment of licensees' performance

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Regulatory Tools - Enforcement

Enforcement sanctions:

Order

Notice of Violation

Civil Penalty

Non-cited Violation

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Regulatory Tools - Policies and Procedures

Ensure consistency across NRC

Not enforceable

Available publicly

Examples:

NRC Management Directives

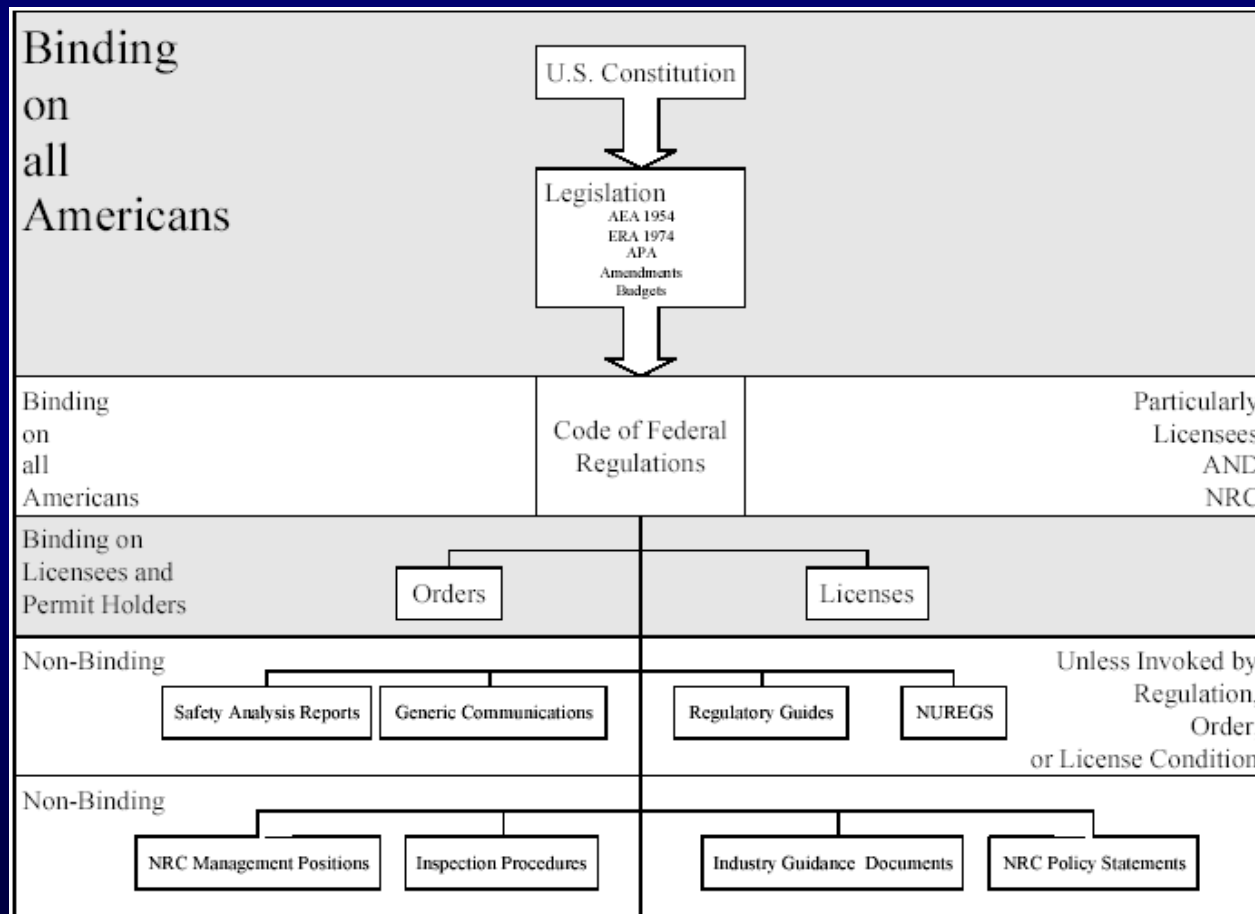
Field Policy Manual

NRC Inspection Manual

NRC Enforcement Manual

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Document Summary



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Questions?