



**U.S. NRC**

UNITED STATES NUCLEAR REGULATORY COMMISSION

*Protecting People and the Environment*

# **REGULATORY COMMITMENT ISSUES**

## **Licensing Action Task Force**

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Enclosure 2



## Discussion Topics

- Brief Background
- OIG Audit Findings and Status
- Regulatory Commitment Audit Changes
- Key Messages For Licensees



## Background - Regulatory Commitments

- Regulatory commitments are:
  - Specific action agreed to, or volunteered by, a licensee
  - Submitted in writing on the docket to the NRC
  - Not legal obligations
- Cannot be relied on as the basis for a finding of public health and safety in Safety Evaluation Reports
- Escalation of commitment action for staff reliance
  - Escalation to an obligation (e.g., license condition)
  - Incorporated into the UFSAR
  - Action is no longer a regulatory commitment



## Managing Future Changes

- Changes to regulatory commitments
  - NEI 99-04, “Guidelines for Managing NRC Commitment Changes” endorsed through RIS 2000-017
- Changes to license conditions
  - 10 CFR 50.90
- Changes to regulatory commitments in the UFSAR
  - 10 CFR 50.59



## OIG Audit Findings

- OIG audit report issued in September 2011
- Areas for improvement and corrective actions:
  - Consistent implementation of commitment audits
    - Revised Commitment Management Office Instruction, LIC-105
  - Staff understanding of the definition/use of commitments
    - NRC staff briefings and continuing training
  - NRC tracking of commitments
    - Compile 2012 audit results/propose recommendations for path forward



## **LIC-105 Changes – Summary**

LIC-105, “Managing Regulatory Commitments Made by Licensees to NRC,” Revision 4, ADAMS Accession No. ML12251A203, revised in September 2012, provides enhanced guidance for:

- Sample selection guidance
- Verification of commitment implementation
- Appropriate use of regulatory commitments
- New reviews for misapplied commitments:
  - Initial review of open commitments
  - Detailed review of recent licensing action reviews



## Key Messages For Licensees

- Expect increasing focus from NRC staff on licensees' use of regulatory commitments
- Apply rigor to regulatory commitment change reviews
- Keep in mind that regulatory commitments may have been escalated into obligations
- Ensure proper application of regulatory commitments as part of the justification for a requested licensing action

# Questions?