

## PROPOSED

### **Enforcement Discretion for Tornado Missile Protection Nonconformance**

This section sets forth the interim enforcement policy (IEP) that the NRC will follow to exercise enforcement discretion for certain technical specification (TS) action statement(s) that would require a reactor shutdown if a licensee could not come into conformance within the TS action statement timeframe. This interim policy is applicable to operating power reactor licensees for which structures, systems and components (SSCs) are identified as inoperable because they are not conforming to their reactor plant tornado missile protection licensing basis.

The failure to meet general design criteria for tornado missile protection, as described in the current licensing basis (CLB), should be treated as a nonconforming condition. As such, if the nonconforming condition calls into question the ability of SSCs to perform their specified safety function(s) or necessary and related support function(s), an operability determination is required and an extent of condition should be performed.

If the licensee operability determination concludes that the TS SSC is nonconforming but operable or the necessary and related support function is nonconforming but functional, it is appropriate to address the nonconforming condition through the licensee's corrective action program.

If the licensee concludes that the TS required SSC is inoperable, the licensee must follow any remedial actions permitted by the applicable TS(s) until the limiting condition(s) for operation can be met. The use of compensatory measures may be used to restore inoperable SSCs to an operable but degraded or nonconforming status. If the licensee successfully implements compensatory measures to restore the inoperable SSCs to an operable but nonconforming status, then the licensee should use its corrective action program to bring the SSCs back into conformance with the CLB. However, if the licensee cannot meet the required TS action(s) or restore conformance within the timeframe allowed by TS, they would be required to enter a shutdown action statement.

Enforcement discretion from entering a TS shutdown action statement will be granted if: 1) the licensee cannot restore inoperable SSCs to an operable but degraded or nonconforming status within the timeframe allowed by TS, and 2) the noncompliance is identified within 12 months of the issuance date of Regulatory Issue Summary (RIS) 2014-xx.

The licensee must perform the following actions to receive initial enforcement discretion:

- a) Evaluate for reportability under 10 CFR 50.72 and 10 CFR 50.73.
- b) Enter the nonconformance in the corrective action program.

Enforcement discretion may continue if the licensee submits the following information to their respective regional office within 7 days of identification of the nonconformance. Enforcement discretion will continue while the NRC reviews this information and makes the determination

whether the licensee's enforcement discretion should continue. If for some reason the NRC finds this information to be unacceptable, the licensee must enter the applicable TS shutdown action statement.

- a) A description of the potential loss of safety related equipment, including the probability for the event given historical occurrences and plant design attributes, and
- b) An aggregate assessment of the combined effect of implementing any and all current enforcement discretion.

In order to maintain enforcement discretion:

Within 30 days of identification of the nonconformance, the licensee shall submit a complete description of the implemented compensatory measures necessary to limit the potential for the loss of the SSCs should tornado missiles impact the identified equipment. These compensatory measures shall remain in place until permanent repairs are completed and this discretion is no longer needed. The compensatory measures should include as a minimum:

- a) Stoppage of elective maintenance activities on SSCs which put loss of safety functions at a higher risk during the period of the highest initiating event frequency,
- b) Development of procedures and conduct of training for plant staff in performing compensatory and mitigating actions related to tornado missile impact effects on identified safety related SSCs,
- c) Actions taken if a tornado watch is predicted or issued for the area, e.g., site walkdowns to secure potential missiles, protection of equipment that could affect safety related SSC operation, stoppage of maintenance activities in progress on equipment that could affect availability of SSCs, prompt repair/restoration of SSCs if in maintenance, staging of equipment necessary for mitigative actions in protected but promptly accessible locations, and
- d) Actions taken if a tornado warning is issued for the area, e.g., pre-staging of plant staff at safe, strategic locations to promptly implement mitigative actions, and alerting plant staff necessary for prompt mitigative actions of preparation for response following severe weather conditions.

Within 90 days of identification of the nonconformance, the licensee shall submit a complete description and confirmation of implementation of the short term compensatory measures that provide additional protection such that likelihood of tornado missile effects are considerably lessened and return the plant to normal work control levels of risk.

Within 6 months of identification of the nonconformance, the licensee shall submit a complete description of all measures that will permanently restore compliance with their licensing bases, and a schedule when those measures will be completed.

Within 3 years from the issuance of RIS 2014-xx, the licensee shall have completed all corrective actions to permanently return the plant to the CLB for tornado missile protection or must enter its technical specifications and follow the applicable required actions.

The licensee may receive enforcement discretion for more than one eligible SSC. Eligible SSCs include previously NRC identified unresolved items, as well as newly NRC or licensee identified nonconformance discovered within 12 months of the date of RIS 14-xx. Enforcement discretion is not available for nonconforming SSCs identified after this 12 month period. Additionally, any SSC not returned to an operable status within the 3-year period will no longer be eligible for enforcement discretion, and the licensee will be required to follow the resulting TS action statement, including a reactor shutdown.

This enforcement discretion does not apply to the underlying violation associated with the tornado missile protection licensing basis nonconformance. This violation will be assessed in accordance with the NRC Enforcement Policy.

DRAFT