

# Diablo Canyon Power Plant

## Regulatory Conference

## Preliminary White Finding and Apparent Violation of 10 CFR 50.54(q)

JANUARY 14, 2015





# Agenda & Opening Remarks

## Barry Allen - Vice President, Nuclear Services

- Opening Remarks
- Station Perspectives
  - Doug Evans, Director - Emergency Services
- Station Response to Issue
  - Mike Ginn, Manager - Emergency Preparedness
- Enforcement Perspectives
  - Tom Baldwin, Director - Site Services
- Closing Remarks
  - Barry Allen, Vice President – Nuclear Services



# Opening Remarks

## Barry Allen - Vice President, Nuclear Services

Key aspects:

- Self-Identified and corrected this 2005 issue
- Depth in overall program with our partners provided adequate health and safety precautions for the public
- Not indicative of current organization performance
- We are using this opportunity to reflect on the entire Emergency Preparedness Program and initiated an Emergency Preparedness (EP) Licensing Basis Verification Project
- Basis for consideration of Enforcement Discretion



# Station Perspectives

## Doug Evans – Director, Emergency Services

- Emergency Preparedness Priority
- Demonstrated DCPD Emergency Preparedness Effectiveness
- Commitment to Safety Through Compliance
- Continuous Improvement

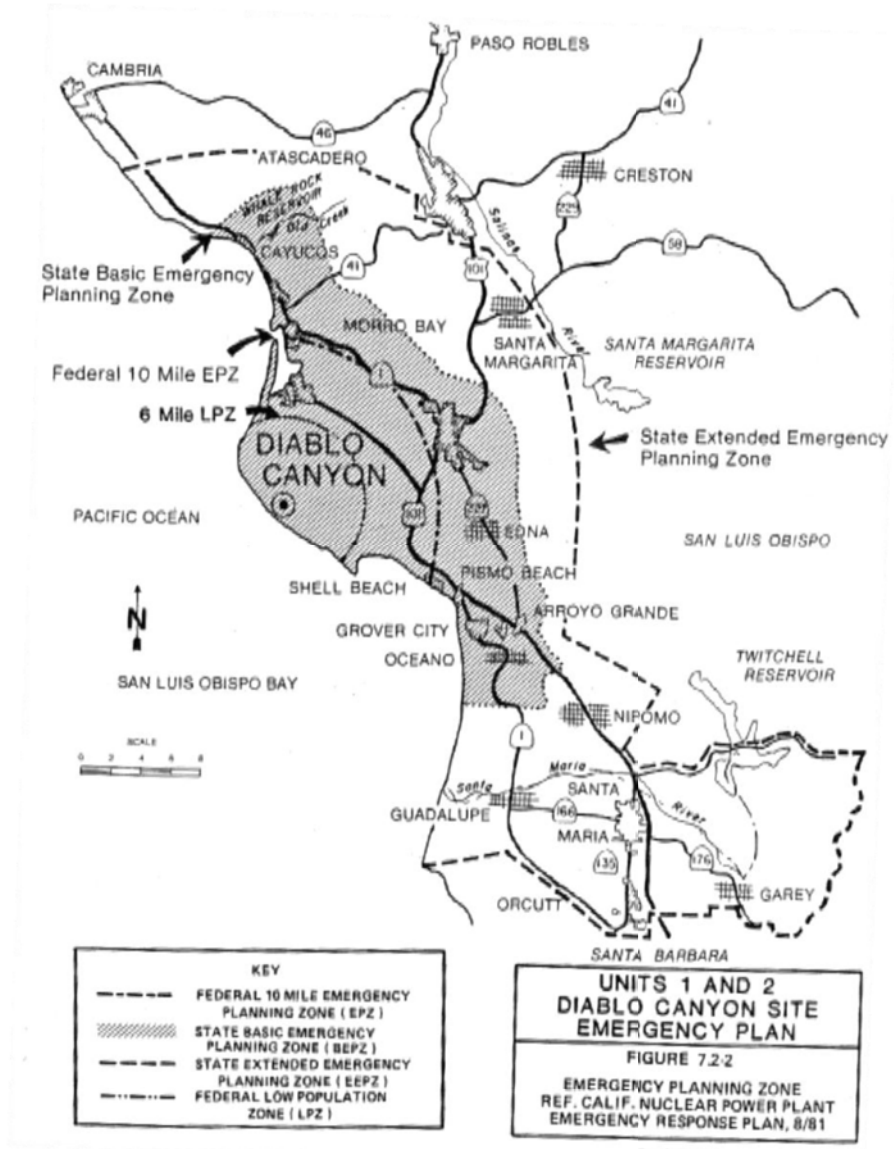


# DCPP Response to Issue

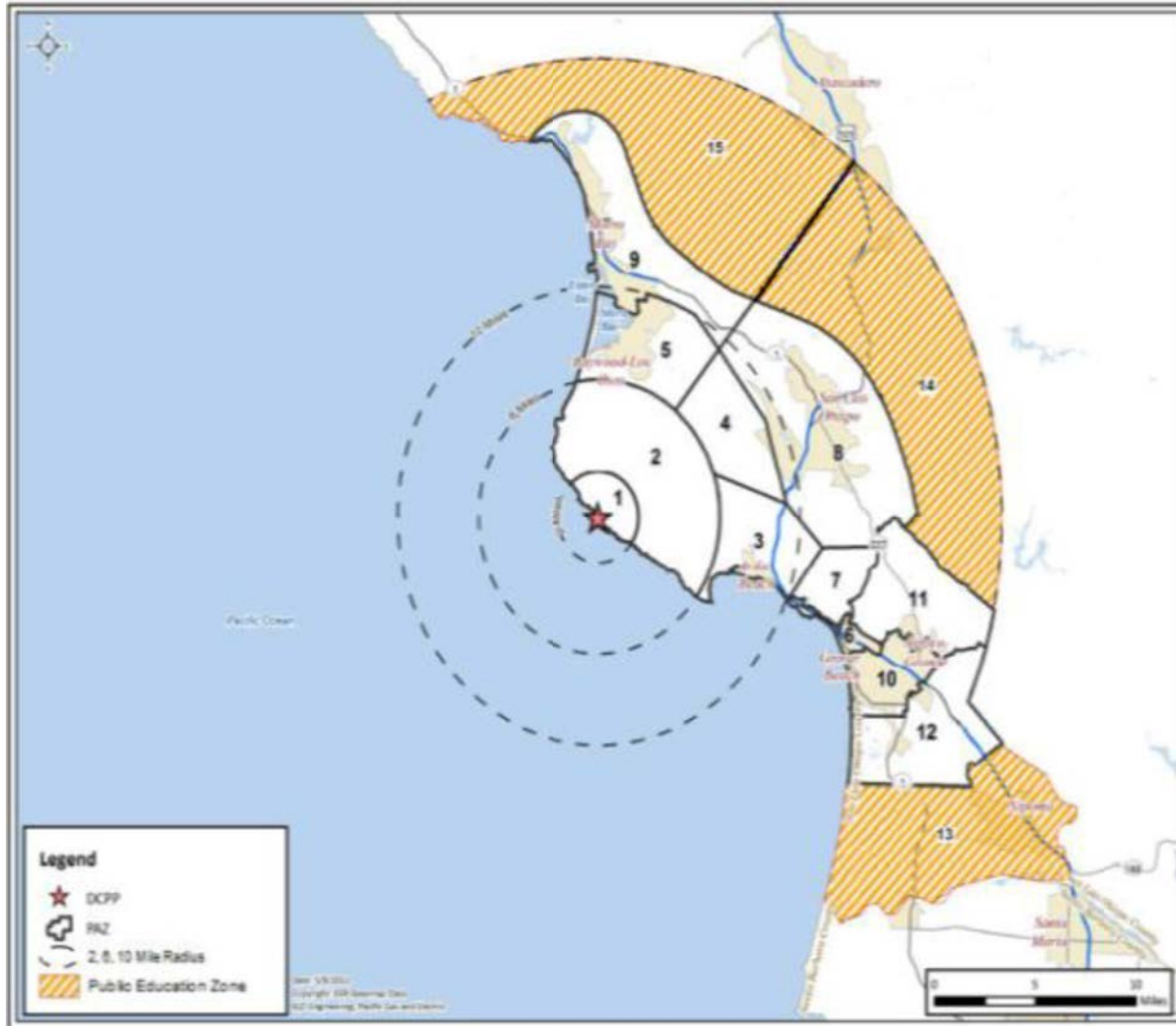
## Mike Ginn – Emergency Preparedness Manager

- Background information from the site emergency plan
- Timeline that led to the 2005 procedure change
- Additional information on identification of the issue
- Root Cause and corrective actions implemented

# Emergency Planning Zone



# Emergency Planning Zone





# Timeline

**1977** - Agreement between PG&E and U.S. Coast Guard (USCG)

**2013** – PG&E staff identified issue via benchmarking trip and corrected issue.

**1977**

**1984**

**2005**

**2013**

**1984** – USCG pre-defined response established which implements E-Plan protective actions.

**2005** – Emergency Plan Implementing Procedure Change





# Additional Information

This issue was not identified by any of the following activities:

- Training, drills, and exercises conducted
- Assessments per 10 CFR 50.54(t)
- Emergency preparedness program audits
- Industry peer self-assessments

Ocean protective actions before and after the 2005 change looked the same in exercises with the preplanned actions being implemented by USCG based on event classification.



# 2014 Root Cause Conclusion

- In 1981 PG&E poorly documented the protective action recommendations for the ocean and poorly defined the emergency planning zone in the site emergency plan
- In 2005 changes to implementing procedures were made without recognizing the conflict to regulatory requirements
  - DCPD staff did not effectively compare changes to implementing procedures against regulation and performed less than adequate evaluations of these changes for reduction in effectiveness to the site emergency plan



# Corrective Actions

- Added EP supervisor position for additional oversight (4/1/14)
- Developed 50.54(q) metrics to monitor program health and strengthened procedure instructions, training and qualifications for screening and effectiveness evaluation process (6/30/14)
- Revised station procedures and training to clarify emergency plan implementing procedures are required for screening and evaluation (8/31/14)
- Added protective action recommendation bases document in site emergency plan and revised figures and definitions for plume exposure pathway emergency planning zone in alignment with NUREG-0654 Supplement 3 (12/23/14)



# Extent of Cause CA – EP LBVP

## Doug Evans – Director, Emergency Services

PG&E has an extensive ongoing project committed to addressing the extent of cause of the ocean Protective Action Recommendation (PAR) issue - the EP Licensing Basis Verification Project (EP LBVP). Key elements of this program include:

- **Evaluate** all identified differences between the NRC approved E-Plan and the current E-Plan
  - Determine if NRC prior approval was required
  - If NRC approval was not obtained restore commitment
- **Document** the review of each identified difference between the baseline E-Plan and the current E-Plan and the current DCPD licensing basis
- **Verify** that the procedures effectively implement the commitments contained in the E-Plan

The EP LBVP will complete by the end of 2015.



# Enforcement Considerations

## Tom Baldwin, Director - Site Services

- Apparent Violation
- Preliminary White Finding
- Enforcement Discretion



# Enforcement Discretion

## Intent of Enforcement Discretion (MC 0305)

“The intent of this section is to establish ROP guidance that supports the objective of enforcement discretion, which is to identify and resolve problems, especially those subtle issues that are not likely to be identified by routine efforts.”

### 3.0 USE OF ENFORCEMENT DISCRETION (Enforcement Policy)

*“The NRC may choose to exercise discretion and either escalate or mitigate enforcement sanctions or otherwise refrain from taking enforcement action within the Commission’s statutory authority. The exercise of discretion allows the NRC to determine what actions should be taken in a particular case, notwithstanding the guidance contained in this statement of policy.”*



# Enforcement Discretion (cont)

## NRC Enforcement Policy

### 3.5 Violations Involving Special Circumstances

Notwithstanding the outcome of the normal enforcement process, the NRC may reduce or refrain from issuing a civil penalty or an NOV for a SL II, III, or IV violation based on the merits of the case after considering the guidance in this statement of policy and such factors as the **age of the violation**, the **significance of the violation**, the **clarity of the requirement and associated guidance**, the **appropriateness of the requirement**, the **overall sustained performance of the licensee**, and **other relevant circumstances**, including any that may have changed since the violation occurred. **This discretion is expected to be exercised only where application of the normal guidance in the Policy is unwarranted. ....**

**This Special Circumstances discretion merits consideration for both the Reactor Oversight Process and the traditional enforcement issue we are discussing today.**



# Enforcement Discretion (cont)

## Age of the violation

- Procedure change made nine years ago.
  - Exercises focused on highest risk and coordination challenge – densely populated land areas.

## Significance of the violation

- No immediate safety concern.
  - County and USCG always aware of strategy
  - Very low, mobile transient population

## Clarity of the requirement and associated guidance

- 10 CFR 50, Appendix E, “Emergency Planning Zone” (EPZ) states size shall be determined in relation to local needs as affected by conditions such as demography, topography, access routes and jurisdictional boundaries. Does not discuss water areas.
- Expectation to provide PARs for the EPZ was clarified only last September to include transient populated areas over water





# Enforcement Discretion (cont)

## Overall sustained performance of the licensee

- Current DCPD performance is good.
  - No escalated or greater than green violations in past two years

## Other Factors

- The issue was identified by PG&E as a result of DCPD staff healthy questioning attitude regarding differences in plant practices (benchmarking visit)
- Significant enforcement not necessary to send a message to PG&E
- Violation and finding not indicative of current performance of EP organization



# Enforcement Discretion (cont)

Application of Enforcement Discretion to this Finding and Violation is consistent with NRC objective of driving licensees to identify and resolve problems.

PG&E requests NRC exercise enforcement discretion to the finding and violation as follows:

## Finding per Reactor Oversight Process (MC 0305)

- Issue the White Finding
- Optional that NRC conducts a 95001 inspection
- Keep DCPD in the Licensee Response Column of Action Matrix
- Do not consider the finding as adverse performance for future considerations

## Violation per Enforcement Manual (Section 2.5 of the Enforcement Policy)

- Do not issue a SL III violation.



# Closing Remarks