

# **Proposed Design Compliance Enforcement Discretion (DCED) Process Status**

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# Notation Vote SECY Purpose

- Seeks Commission direction on options to more efficiently address low risk and low safety significance operability issues caused by failure to meet a current licensing basis (CLB) design requirement.
- Responds to the Staff Requirements Memorandum for SECY-15-0168, requiring notification of any process to risk-inform the response to low risk operability issues.

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# Motivation

For operability issues caused by low risk/low safety significance non-compliance with CLB design requirements typically addressed through emergency or exigent license amendments:

- Align urgency with the safety significance of the issue.
- Align plant-specific response with generic.
- Right-size resources.

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# Options Identified by the Staff

- 1) a design compliance enforcement discretion (DCED) process in lieu of emergency/exigent license amendments.
- 2) develop a permanent risk-informed technical specification (TS) solution and utilize option 1 in the interim.

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## Section 1.5 of the NRC Enforcement Policy

The NRC also has the **authority to exercise discretion** to permit continued operations—despite the existence of a noncompliance—where the noncompliance is **not significant from a risk perspective and does not, in the particular circumstances, pose an undue risk to public health and safety**. When noncompliance with NRC requirements occurs, the NRC must evaluate the degree of risk posed by that noncompliance to determine whether immediate action is required.”

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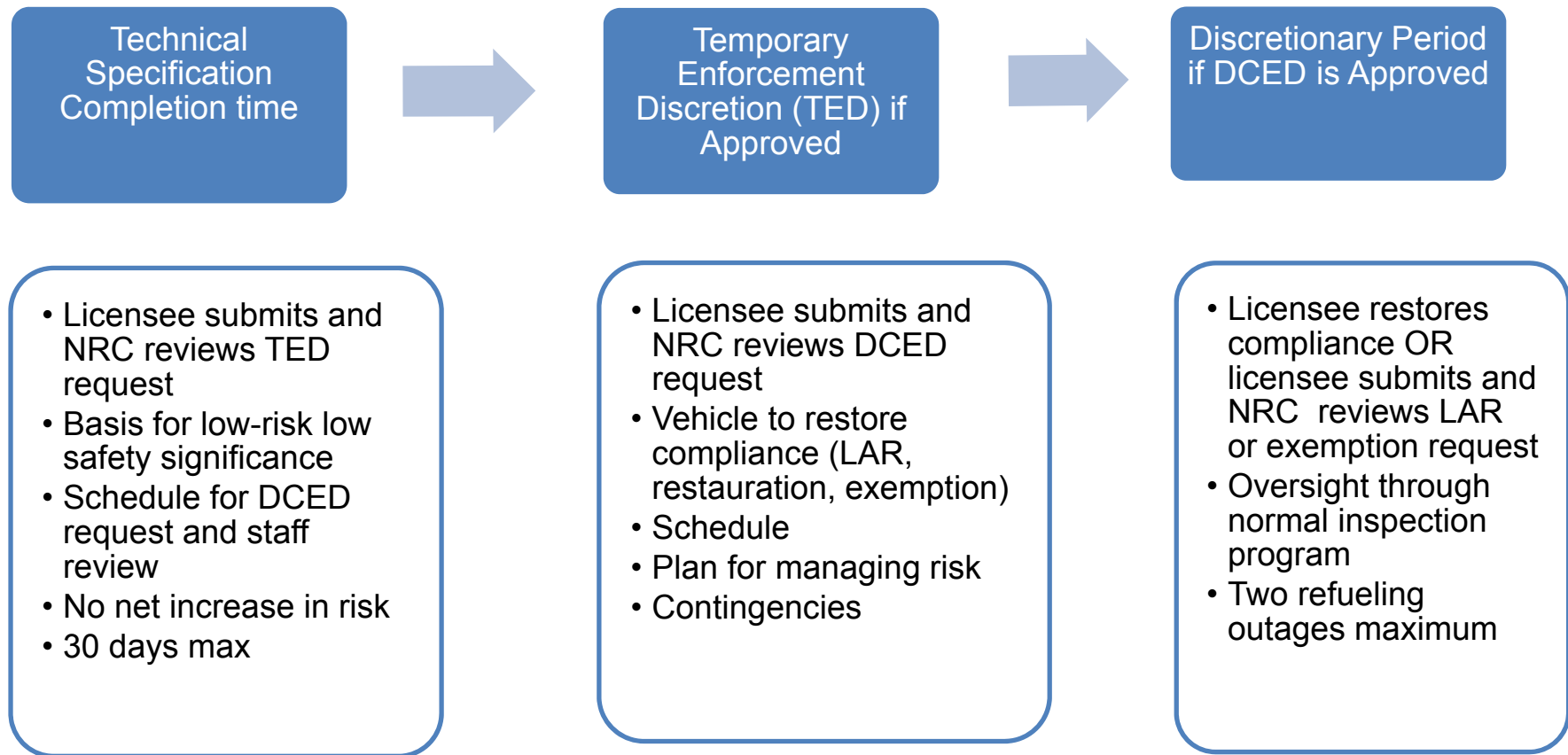
# Proposed DCED Process

Extends the NOED concept to better address low risk/low safety significance, plant-specific, design issues that affect operability.

- Consistent with the Commission Policy statement on use of probabilistic risk assessment methods.
- Consistent with staff practice for generic issues (e.g., tornado missile EGM).
- Documented in a draft Appendix for Inspection Manual Chapter (IMC) 0410, “Notices of Enforcement Discretion [NOED];” does not alter the existing NOED process.

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# Three Step DCED Process



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# Stakeholder Engagement

- Three specific public meetings and updates provided at RITF.
- Presented at the operating reactor business line Commission briefing.
- Circulated draft outline of the concept publicly and internally.
- Circulated draft procedure internally.



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# Stakeholder Feedback

- Need Commission approval.
- Need to maintain reasonable assurance standard.
- NRR lead/additional unfunded mandate for regions.
- Risk-informed versus risk-based.
- Offsetting risk from transient versus shutting down is not possible to be evaluated.
- Extended duration of enforcement discretion can be perceived as a permanent change in the licensing basis, so should be a license amendment.
- Not going far enough, should include degraded conditions.

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# Option 1: DCED

- Pros
  - Focus on safety by minimizing potential distraction of licensee and staff resources from more safety significant activities.
  - Provide time to implement corrective action appropriately, and allows the licensee to consider more/better options (e.g., hardware mod).
- Cons
  - Allows long-term non-compliance while the licensee takes corrective action.
  - Impacts public engagement
    - Deferred if the licensee's corrective action is to seek a license amendment.
    - None, if the licensee restores compliance with the design requirement.
  - Requires staff involvement in the resolution of each such issue (as opposed to option 2).
  - Does not address degraded conditions.
- Other considerations
  - Allows operation with small increases in risk.
  - Could be extended to include degraded conditions.

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## Option 2: Permanent Risk-informed TS Solution with DCED in the Interim

In addition to the pros/cons from Option 1 in interim

- Pros
  - Removes requirement for staff interaction on each issue (as opposed to Option 1).
  - Full public engagement in the proposed TS improvement and in license amendments to adopt TS improvement.
  - Maximizes staff and licensee resources savings on each issue since it eliminates the need for staff review of each issue.
- Cons
  - Long time to develop and implement.
  - Industry and staff resources needed for development.
- Other Considerations
  - Could be extended to include degraded conditions.

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# Non-concurrence

- The non-concurrence documentation will be provided as an enclosure to the paper.
- Summary of key comments:
  - Need Commission approval – in process.
  - Undermines Tech Specs/degrades the reasonable assurance standard – discussion added.
  - NRR should be approving authority for DCED – draft procedure revised.
  - Is risk-based, not risk-informed – discussion added.

# Case Studies

Plant	License Amendment Date	Documentation	Staff Hours including NOEDs and Administrative	Estimated Savings in Staff Hours with DCED including Administrative
Farley, Units 1/2	03/24/2012	Exigent LAR (ADAMS Accession No. ML120730610)	239 plus 10 Overtime	112
TMI-1	10/01/2015	LAR (Expedited to support RFO) (ADAMS Accession No. ML15225A158)	322 plus 42 Overtime	306
South Texas, Unit 1	12/11/2015	Emergency LAR (ADAMS Accession No. ML15343A128)	236 plus 75 Overtime	98.5
Turkey Point	08/08/2014	Exigent LAR (ADAMS Accession No. ML14199A107)	513 plus 123 Overtime	40 hours plus 123 hours of OT

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# Current Status of Draft Appendix A to IMC 0410

- Have responded to approximately 320 comments from Regions, OE, and NRR.
- Further development on hold pending Commission decision; sufficiently developed for sharing with external stakeholders.
- Non-concurrence will be revisited once DCED is approved and process is finalized.

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# Schedule

- Inter-office concurrence review ongoing.
- Public meeting on June 2, 2017, 10:00-1:00, O-14D03.
- Regional and office level concurrences due June 7, 2017.
- Commission paper due to EDO by 06/16/17.
- Commission paper due to SECY by 06/23/17.