

NRR-DMPSPeM Resource

From: Miller, Ed
Sent: Thursday, September 13, 2018 8:13 AM
To: baw@nei.org
Subject: Slides for NOED Public Meeting
Attachments: NOED revision_Public Meeting Slides.pdf

Beth,

Attached are the slides I plan to present at the 9/26/18 public meeting on revisions to the NOED process. Please let me know if you have any questions in advance of the meeting. Thanks.

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NOED

Process Revision

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Overview

- Why we are revising the process
 - What works
 - Clarifications
 - Criteria
- Relocation of the guidance
- NOED Duration Limit
- Simplified Criteria
- Next Steps



Guidance Revision

- ▶ NOED process is generally successful today and we should preserve what works – Fundamental concept and elements are not changing
 - ▶ Core of process is solid
 - ▶ Current required and optional participants provide adequate support
 - ▶ Basic criteria remain valid
- ▶ Clarifications
 - ▶ How far from end of LCO can we NOED and is there an upper limit on NOED
 - ▶ Relationship between NOEDs and RICT programs
 - ▶ Simplify Natural Phenomena portion and remove pandemic language
 - ▶ Follow-up LAR
 - ▶ Improve flow and user friendliness of the document
- ▶ Criteria
 - ▶ Clarify and reorganize questions that are potentially duplicative or ambiguous
 - ▶ Improve logical flow of the criteria
 - ▶ Reinforce role of Amendment Process



Relocation of Guidance

- Currently in IMC-0410
- Options considered
 - Enforcement Manual
 - NRR Office Instruction
 - Regulatory Guide
 - Stand Alone Guidance



Enforcement Manual Appendix F

➤ PROs

- ↑ Appendices provide specific implementing details for portions of our enforcement function
- ↑ Aligns with the policy that this process implements
- ↑ Has formal change control process
- ↑ Enforcement discretion is already in the enforcement policy

➤ CONs

- ↓ Misaligns procedural program with process owner since NRR owns the process, but OE owns the manual. Necessitates good communication and coordination.



NOED Duration Limit

- ▶ NOED process is meant to be flexible
 - ▶ Setting a specific quantitative upper limit not appropriate
- ▶ Amendment (or relief request) process should be used whenever possible
 - ▶ All NOEDS must justify why licensing process is not appropriate
 - ▶ NOEDs with requested duration longer than 72 hours require compelling justification for why an emergency LAR isn't processed during a shorter period of enforcement discretion
- ▶ Relationship with RICT programs
 - ▶ Implementation of a RICT program is expected to reduce the need for enforcement discretion
 - ▶ Completion times up to 30 day backstop allows increased time for licensing solution
 - ▶ NOED not prohibited, but scenario where NOED is appropriate expected to be exceedingly rare



Revised Criteria

- Explain why a licensing process is not appropriate to address the issue. If applicable, this explanation shall address previous instances of the issue and decisions to pursue licensing solutions in the past.
- Provide a description of the TSs or other license conditions that will be violated. This description shall include the time the condition was entered and when the completion time will expire.
- Provide sufficient information to demonstrate that the cause of the situation is well understood including extent of condition on other related SSCs (e.g., common cause).



Revised Criteria (cont)

- ▶ Provide an evaluation of all safety and security concerns associated with operating outside of the TS or license conditions that demonstrates that the noncompliance will not create undue risk to the public health and safety or involve adverse consequences to the environment. This should include, as appropriate, a description of the condition and operational status of the plant, equipment that is out of service, inoperable, or degraded that may have risk significance, may increase the probability of a plant transient, may complicate the recovery from a transient, or may be used to mitigate the condition. This evaluation shall include potential challenges to offsite and onsite power sources and forecasted weather conditions.



Revised Criteria (cont)

- ▶ Provide a description of the proposed course of action to resolve the situation (e.g., likely success of the repairs) and explain how the resolution will not result in a different or unnecessary transient. This shall include the time period for the requested discretion and demonstrate a high likelihood of completion within the requested period of enforcement discretion. If the proposed course of action necessitates enforcement discretion greater than 72 hours, the licensee shall justify why a longer-term solution (e.g., emergency amendment) should not be processed within the duration of a 72 hour NOED.



Revised Criteria (cont)

- ▶ Detail and explain compensatory actions the plant has both taken and will take to reduce risk(s), focusing on both event mitigation and initiating event likelihood. Describe how each compensatory measure achieves one or more of the following:
 - ▶ Reduces the likelihood of initiating events, and
 - ▶ Reduces the likelihood of the unavailability of redundant trains, during the period of enforcement discretion, and
 - ▶ Increases the likelihood of successful operator actions in response to initiating events.
- ▶ Demonstrate that the NOED condition, including compensatory measures will not result in more than a minimal increase in radiological risk, either in quantitative assessment that the risk will be within the normal work control levels (ICCFP less than or equal to $5E-7$ and/or ICLERP less than or equal to $5E-8$) or in a defensible qualitative manner.



Revised Criteria (cont)

- Confirm that the facility organization that normally reviews safety issues has reviewed and approved this request and that a written NOED request will be submitted within 2 days of the NRC staff's decision regarding the NOED.



Next Steps

- Finalize guidance
- Internal concurrence
- Paperwork Reduction Act Clearance
- Final Issuance



Schedule

- Public Meeting – Sept 2018
- Begin Internal Concurrence – Oct 2018
- Final Issuance – Dec 2018