



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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U.S. NRC

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INVESTIGATIONS
HEADQUARTERS

MEMORANDUM FOR: R. DeYoung, IE
J. Davis, NMSS
G. Cunningham, ELD
B. Hayes, OI
T. Murley, RI
J. O'Reilly, RII
J. Keppler, RIII
J. Collins, RIV
J. Martin, RV

FROM: T. A. Rehm
Assistant for Operations, EDO

SUBJECT: DRAFT PAPER ON STAFF PROCESSING
OF ALLEGATIONS

I believe your offices have been involved in the preparation of this paper, however, I am circulating for concurrence to be sure.

If you concur - please do so by phone to my secretary. If you have comments get them to me by phone or fax by January 6, 1984.

T. A. Rehm
Assistant for Operations, EDO

Enclosure:
As stated

cc: D. Eisenhut
E. Case

For: The Commission

From: William J. Dircks
Executive Director for Operations

Subject: STAFF PROCESSING OF ALLEGATIONS INVOLVING
APPLICATIONS FOR OPERATING LICENSES

Purpose: To inform the Commission of improvements being implemented
in the processing of allegations.

Background: In November 1982, an NRC Allegations Tracking System (ATS)
designed to ensure that all incoming allegations are recorded
was initiated. While that system appears to be working,
certain improvements are needed to improve its usefulness as a
management information system. One of the most important changes
to that system will be to redefine "allegations" to include a
broader set of safety concerns even if not provided by an
"allegor". This would include, for example, the technical
audit reports received from two Congressmen regarding the
Pullman contractor at Diablo Canyon. Such a redefining of that
system will more appropriately focus the Staff's attention
to all safety concerns regardless of their origin and will
permit them to be evaluated in an integrated sense. This change
will be included in an NRC Manual Chapter to be issued early
next Spring that formalizes the ATS.

At present, IE has the responsibility for the Allegation Tracking
System; responsibility for the evaluation of allegations/concerns
is divided among a number of Offices (OI, NRR, IE, NMSS, and the
Regions) and the responsibility for Board Notifications and
licensing recommendations resides in NRR.

Discussion: I. Recent Experience

We have experienced difficulties in several recent licensing cases
that indicate a need to improve our handling of allegations. These
difficulties are briefly described below.

(1) Safety Significance - Presently, for each allegation received
by the NRC, an Action Office is designated (such as Regions, NRR,
IE, OI, or NMSS). Each Action Office is to perform the necessary
evaluations or inspections to resolve the allegation. If the
allegation is determined to be valid, and if the safety significance
of the issue warrants, appropriate regulatory action is taken
(such as stop work Orders or requiring correction of the deficiency
before issuance of an operating license). This approach, which

is similar to our approach to the resolution of §2.206 petition, has been working reasonably well for individual allegations, particularly where there are only a few allegations on a given project.

For projects with a large number of allegations or concerns raised, however, difficulties have been experienced in developing the safety significance of the allegations. This is principally because with numerous allegations we do not have a systematic approach for their individual resolution nor for assessing the collective safety significance of the set of pending allegations on a particular project. In addition, there are no schedular guidelines for completing such assessments. A more systematic program for the assessment of the significance of plant-specific allegations is needed.

(2) Operating License Decisions - It has become clear that an important element to consider, when making a decision to issue an operating license, is the status and safety significance of all pending allegations and safety concerns. In some cases, we have noticed an increasing number of concerns being surfaced as the licensing decision date nears. We have not had systematic administrative controls in place that ensure timely and appropriate management level attention to this matter.

The preferred situation is to have all allegations resolved prior to issuing an operating license (or authorizing full power operation). For plants that are nearing the date of licensing, we need to ensure that as many as possible of the pending allegations are resolved prior to that date and, in fact, that they are resolved in a systematic, routine way prior to an OL decision so as to avoid an increasing accumulation of such issues at the last minute. Normally, this can be achieved by proper advanced planning and prioritization. In some instances, as when there are a very large number of allegations, a special allegation management effort may need to be established (e.g., as is being done for Diablo Canyon).

(3) Board Notification Issues - Many times, the existence of a substantive allegation can be material and relevant to issues before a licensing board (ASLB, ASLAB, or Commission). Our present procedures do not require all allegations to be routinely reviewed to determine whether they contain new information that is material and relevant to issues in a licensing proceeding. In addition, the schedule for resolution of allegations has been independent from schedular needs of licensing boards, when such information is pertinent to board decisions.

II. Improvements -

The key elements of the improvements being implemented are outlined below. A more detailed description is contained in Enclosure 1.

- (1) In general, the present split of office responsibility for review and resolution of each allegation will be maintained.
- (2) The NRR Project Manager will play a more active and central role by an awareness of all allegations and the progress of their resolution; and by alerting management of schedular difficulties or the development of substantive safety issues that could affect licensing decisions.
- (3) IE will continue to be responsible for the ATS which will be expanded to show schedules for resolution, thus becoming more capable of being an Allegation Management System.
- (4) Lead Offices for allegations will:
 - (a) Make an early (generally within 30 days of receipt), preliminary determination of safety significance and the need for any regulatory action (similar to the approach to the review of 2.206 Petition).
 - (b) Schedule the resolution of each allegation (to be consistent with the licensing schedule),
 - (c) Recommend Board Notifications to NRR,
 - (d) Develop and maintain case files for each allegation, which will include documentation of all preliminary and final resolutions.
- (5) For each OL application, NRR will develop a plan for assessing the collective significance of allegations consistent with licensing review schedules. This will require consultation with OI and Regions. A listing of allegations for each case, similar to that developed for Diablo Canyon (Enclosure 2) will be maintained. Consistent with the Commission's August 5, 1983 Statement of Policy, Investigations and Adjudicatory Proceedings (48 Fed. Reg. 36358), Enclosure 2 is presently being withheld from public disclosure.

Underlying these improvements is a recognition of the key role played by the NRR Project Manager as the principal focal point for all information related to licensing issues for any operating license application. In the past, the processing of allegations has largely been accomplished within the Regional organizations, with technical assistance as needed for Headquarters. This is

appropriate, and will continue to be the case, particularly for those allegations related to site-specific construction-related issues. Perhaps because of this, the NRR Project Manager, and in fact the Headquarters Offices, while being cognizant of pending allegations, have tended to view allegations and their resolution as a regulatory function which is principally within the purview of the Regional Offices. With the increasing awareness that allegations must be accorded deliberate consideration as an element in the overall licensing decision process, it is appropriate that timely information on all allegations/concerns be made available in a central location, that all allegations are resolved in a timely manner (at least in an interim fashion), that the resolution of such concerns are documented appropriately, that such information is provided to hearing Boards in a timely manner, and perhaps most importantly, that the collective safety importance of such concern is factored into licensing decisions. For pending operating licenses, that central location for such considerations must be the NRC Project Manager.

With regard to resource implications, for most cases, the additional effort involved in implementing these procedures can be absorbed within existing office resource levels. In special cases, a dedicated full-time team may need to be established for a short period of time (as in Diablo Canyon). NRR has designated a full-time allegation coordinator to further develop the implementing procedures, assist in appropriate revisions to the NRC Manual, and, in general, ensure that the revised procedures are promptly put in place for all upcoming operating license cases.

The above-mentioned improvements, which are being finalized and will be incorporated in the NRC Manual, will provide for more organized and systematic management of allegations related to pending operating licenses.

William J. Dircks
Executive Director for Operations

Enclosures:

1. Procedures for Resolution of Allegations Related to Operating License Application Reviews.
2. List of Allegations, Diablo Canyon - Commissioners, SECY, OPE and OGC only. *{ committed in circulation for concurrence*

PROCEDURES FOR RESOLUTION OF ALLEGATIONS
RELATED TO OPERATING LICENSE
APPLICATION REVIEWS

1. The general procedures that are in use within the Regions for screening and assessing allegations will continue to be followed. A copy of these procedures was furnished to the Commission by EDO memorandum dated October 28, 1983.
2. The Allegation Tracking System will continue to be maintained by IE. It will be revised to reflect, for each allegation, the schedule for resolution.
3. The NRR Project Manager will maintain a detailed summary of all allegations and the progress of their resolution; and is responsible for alerting management of scheduler difficulties or the development of substantive safety issues that could affect licensing decisions.
4. Lead Offices for allegations will:
 - (a) Make and document (generally within 30 days of receipt) preliminary determination of safety significance, and the need for any regulatory action, (similar to the approach to the review of 2.206 Petition).
 - (b) Schedule the resolution of each allegation (to be consistent with the licensing schedule),
 - (c) Recommend Board Notifications to NRR,
 - (d) Develop and maintain case files for each allegation, which will include documentation of all preliminary and final resolutions.
5. To provide greater assurance that Hearing Boards are informed of information that may be relevant and material, the existing procedure for screening and assessing allegations is being modified to:
 - (a) Ensure that notification of the existence of an allegation is promptly made to the appropriate NRR Project Manager.
 - (b) Provide that the Action Office will determine, within thirty days of receipt of an allegation, whether a Board Notification should be recommended, and, if so, will forward such recommendation to the Director, Division of Licensing, NRR (with copy to the Project Manager). The Action Office case file record for each allegation will include an entry, approved at management level, regarding the the disposition with respect to board notification (including a determination that no board notification is warranted).

- (c) Provide that, if the initial board notification is preliminary in nature, a follow-up notification is sent to boards when the evaluation is completed, or whenever significant relevant information is identified during the course of evaluating the allegation.
 - (d) Ensure protection of the identity of all allegeders when confidentiality is requested.
6. Thirty days prior to the Construction Completion date (applicant's estimate) for each pending OL, each Action Office will forward to the Division of Licensing an evaluation of the safety significance of all allegations not scheduled to be resolved before the Construction Completion date, with a recommendation as to whether any or all of them constitute grounds for delaying issuance of (or otherwise restricting) an operating license. The NRR Project Manager will compile these inputs and provide an integrated judgement and recommendation as to the safety significance of all pending allegations (collectively, and, if appropriate, individually) as identified by all Action Offices.
 7. Thirty-days prior to a Commission decision on authorizing full-power operation, a report similar to (3) above will be prepared. The NRR Project Manager will notify all Action Offices of the date this report is requested.
 8. During the period from thirty days prior to the Construction Completion date until the Commission meeting on full-power authorization, the Receiving Office for any new allegation will, within two working days, telephonically notify the NRR Project Manager of its receipt and the identification of the Action Office.