




UNITED STATES
NUCLEAR REGULATORY COMMISSION
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March 7, 2023

MEMORANDUM TO: Michael F. King, Deputy Director for Reactor Programs
Office of Nuclear Reactor Regulation

FROM: Russell N. Felts, Director  Signed by Felts, Russell
Division of Reactor Oversight on 03/07/23
Office of Nuclear Reactor Regulation

SUBJECT: DISPOSITIONING OF SIGNIFICANCE DETERMINATION
PROCESS TIMELINESS REVIEW RECOMMENDATIONS

The purpose of this memo is to document the recommendations that the agency will take action on in the near term regarding the Significance Determination Process (SDP). In calendar year 2022, NRC staff completed a review of the timeliness of potentially greater-than-Green (GTG) findings in the SDP. The results of the review, along with recommendations for process improvements was documented in a publicly available report published on December 22, 2022 (ADAMS Accession No. ML22335A003). The review was conducted as part of the Reactor Oversight Process (ROP) self-assessment process prescribed in Inspection Manual Chapter 0307, "Reactor Oversight Process Self-Assessment Program," dated May 3, 2022. The review team performed document reviews, data analysis, and provided multiple briefings to both internal and external stakeholders throughout the review. All feedback was considered in the development of the recommendations listed below:

Recommendation 1: Revise ROP self-assessment metric E-3 (255-day timeliness metric) to not include time when the processing of a potentially GTG finding must be paused for a non-ROP regulatory reason.

Recommendation 2: Improve guidance related to the Inspection Finding Resolution Management process to make it clear that that it is required for all ROP cornerstones.

Recommendation 3: Expand sections of the Inspection Finding Review Board and Significance and Enforcement Review Panel forms related to timeliness.

Recommendation 4: Enhance the internal SDP tracking tool with a "timeliness challenged" category for potentially GTG findings.

Recommendation 5: Reinforce existing program guidance on the use of best available information at each process stage in the SDP.

As a point of clarity regarding Recommendation 5, the intent is not to broadly restrict the type of information that can be provided by the licensee, but to ensure that the information is made available in a way that supports the established SDP timeline. Ultimately, each SDP result is the sole responsibility of the NRC staff, but the process affords licensees an opportunity to provide available information that may be useful to the staff in arriving at a best-informed decision within

a reasonable time. Consistent with existing guidance, information sharing is critical in identifying whether a performance deficiency exists and if so, the preliminary significance. These interactions between the licensee and NRC staff (e.g., resident inspectors and senior reactor analysts) are important and should continue to occur early in the process.

After issuance of a preliminary significance determination, information sharing should continue to occur consistent with established guidance. Attending a Regulatory Conference or providing a written response are the options available to a licensee if they want to provide NRC staff with additional information related to a finding. Both options provide an opportunity for the staff to receive information that was not considered in the preliminary assessment phase and that may affect the outcome of the final significance determination.

Successful implementation of Recommendation 5 may involve increased awareness of SDP timeliness goals, the types of available information, and the sharing of best-practices concerning the evaluation of licensee-provided information. A significant change to SDP-related guidance documents is not envisioned, but a lessor revision or clarification may be possible to give guidance on when to proceed in the process based on the best available information.

These recommendations will be tracked to resolution via the ROP lessons learned tracker with the goal of completing the necessary guidance revisions by the end of calendar year 2023, including reviewing and initiating revisions to applicable SDP timeliness metrics in other agency reports, such as the Congressional Budget Justification, for Recommendation 1.

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TIMELINESS REVIEW RECOMMENDATIONS - DATED MARCH 7, 2023.

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