

February 5, 2002

MEMORANDUM TO: Commissioner McGaffigan

FROM: Annette Vietti-Cook, Secretary **/RA/**

SUBJECT: COMEXM-01-0001 - D.C. COOK POTENTIAL RED FINDING, AND
THE IMPLEMENTATION OF THE SIGNIFICANCE
DETERMINATION PROCESS WITHIN THE REACTOR
OVERSIGHT PROGRAM

This memorandum is to inform you that all Commissioners have responded to your proposal related to the potentially significant inspection finding at D.C. Cook. The attached SRM provides staff direction on this issue.

This completes action on COMEXM-01-0001.

Attachment:
As stated

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner Merrifield
EDO
OGC

February 5, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - COMEXM-01-0001 - D.C. COOK
POTENTIAL RED FINDING, AND THE IMPLEMENTATION OF
THE SIGNIFICANCE DETERMINATION PROCESS WITHIN THE
REACTOR OVERSIGHT PROGRAM

The Commission recognizes that the Reactor Oversight Process (ROP) remains a “work in progress” and that Commission oversight of ROP implementation is an integral part of the overall process. The ROP needs to be carried out in an objective, predictable, and publicly scrutable manner consistently across the agency.

With respect to the specific D.C. Cook case raised by Commissioner McGaffigan, the Commission is not prepared to direct the staff to refrain from issuing a preliminary significance determination process (SDP) finding until a Phase 3 SDP analysis is completed. The staff has informed the Commission that it is reviewing additional information recently submitted by the licensee and that it intends to proceed with this review in a thorough and expeditious manner. The Commission supports this effort.

The Commission has also determined that, as a general matter, the staff should not necessarily be required to conduct Phase 3 SDP analyses on significant (above Green) reactor safety findings prior to issuing preliminary findings and public communications. The staff has a responsibility to stakeholders to carry out the SDP in a timely manner. However, this does not diminish the staff's responsibility to provide the most accurate assessment of the significance of findings, based on the information that is available at the time of the release of the preliminary findings. Consistent with this responsibility, the Commission believes that NRC management should continue to strive to ensure that there is consistently clear communication between our regional staffs and our licensees so that significance determinations are soundly based on information that is available, and so that information made available to the public is as accurate and complete as reasonably possible.

In its presentation on January 7th, the staff indicated that they accept a higher tolerance in Phase 2 for preliminarily overestimating risk than for preliminarily underestimating risk. It is essential that the EDO, the Director of NRR, and the Regional Administrators continue to manage this “higher tolerance” closely to ensure it is applied in a disciplined, consistent, and predictable manner throughout the agency.

The staff should be mindful that public announcements concerning potential safety issues, in particular "red" findings, can have significant ramifications for NRC licensees. The staff should reexamine, as part of the established ROP self-assessment process, how preliminary findings are characterized to the public. The staff should also consider the merits of characterizing preliminary findings as "greater than green" when there is a substantial likelihood that the significance determination will change upon review of additional, new information.

Consistent implementation of performance of the Phase 2 and Phase 3 SDPs should be addressed during the staff review and revision of the guidance for performing Phase 2 and 3 SDPs. The staff should carefully consider the level of engagement that is appropriate with licensees during both Phase 2 and Phase 3 SDP analyses. If at any time the staff feels that the ROP requires immediate revision, the staff should inform the Commission of the issue and pursue the proposed changes.

The staff should provide additional information to the Commission concerning its plans to improve the tools needed for SDP assessments and the time frame for their accomplishment. The staff should inform the Commission of any benefits and/or limitations (e.g., staff or contractor limitations) associated with accelerating the benchmarking and revision of the Phase 2 notebooks and of the development of the SPAR models.

(EDO)

(SECY Suspense: 5/1/02)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
OCA
CFO