

# NRC INSPECTION MANUAL

DRO

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## INSPECTION MANUAL CHAPTER 0350

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OVERSIGHT OF REACTOR FACILITIES IN A SHUTDOWN CONDITION DUE  
TO SIGNIFICANT PERFORMANCE AND/OR OPERATIONAL CONCERNS

Effective Date: 10/16/2023

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## 0350-01 PURPOSE

To provide a framework for the oversight of licensee operations and performance, NRC inspections, and restart efforts for plants shutdown with significant performance and/or operational concerns.

## 0350-02 OBJECTIVES

- 02.01 To establish the appropriate NRC response to the significant performance problem(s) or operational event(s).
- 02.02 To organize the NRC's assessment process for plants that have been shut down due to significant performance and/or operational concerns.
- 02.03 To ensure that the NRC's regulatory review process for plants subject to this inspection manual chapter (IMC) is communicated to licensees, the public, and other stakeholders in a clear and predictable manner.
- 02.04 To identify those actions that need to be addressed prior to restart.
- 02.05 To verify that licensee corrective actions adequately address the issues prior to restart.
- 02.06 To provide assurance that following restart, the plant will be operated in a manner that provides adequate protection of public health and safety.
- 02.07 To ensure proper restart notification is given to stakeholders.
- 02.08 To establish a process for determining the criteria that will be used for terminating the IMC 0350 process and transitioning a plant back into the normal Reactor Oversight Process (ROP).

## 0350-03 APPLICABILITY

This manual chapter may be implemented following a plant shutdown as a result of a significant performance problem(s) and/or after a significant operational event(s).

## 0350-04 DEFINITIONS

- 04.01 Significant performance problems. Those problems that meet the entry conditions for the Multiple/Repetitive Degraded Cornerstone or the Unacceptable Performance columns of the Action Matrix contained in IMC 0305, "Operating Reactor Assessment Program."
- 04.02 Significant operational event. Any radiological, safeguards, or other safety-related operational event at an NRC-licensed facility that poses an actual or a potential hazard to public health and safety, property, or the environment. See Management Directive (MD) 8.3, "NRC Incident Investigation Program," for additional discussion on assessment and determination of a significant operational event.

## 0350-05 RESPONSIBILITIES AND AUTHORITIES

### 05.01 Commission

- a. Depending on the circumstances surrounding the shutdown, the Commission may choose to meet with the licensee to discuss their performance improvement plan.
- b. The Commission should be briefed on IMC 0350 plants during the Commission briefing following the Agency Action Review Meeting (AARM). However, more detailed Commission briefings regarding the status of IMC 0350 plants and recommendations for plant restart may be held separately, if requested.
- c. Although approval for plant restart is usually delegated to the staff, plants that are shutdown under an Order from the Commission may need Commission approval to restart.

### 05.02 Regional Administrator (RA)

- a. Decides, with concurrence from the Director of the Office of Nuclear Reactor Regulation (NRR), whether this IMC is to be applied to a specific reactor.
- b. Is responsible for the implementation of this procedure at a particular site. Authority for executing the requirements of this IMC may be delegated to the **Chair** and Vice **Chair** of the IMC 0350 Oversight Panel (henceforth referred to as "the Panel").
- c. Approves the establishment and disbandment of the Panel. Selects the **Chair** of the Panel and establishes the Panel's composition and responsibilities. Decides, with concurrence from Director of NRR, on the selection of the Vice **Chair**.
- d. Decides, with concurrence from Deputy Executive Director for Reactor and Preparedness Programs (DEDR), the Director of the Office of Enforcement (OE), and the Director of NRR, as appropriate, the scope of an Order or a Confirmatory Action Letter (CAL) specifying any immediate actions and/or the actions required of the licensee in order to receive NRC approval to restart the plant.
- e. Decides on the adequacy of the licensee's corrective action plan for issues related to the significant performance problem(s) or operational event(s).
- f. Approves the Restart Checklist.
- g. Is responsible for approving restart of the shutdown plant, following concurrence with the DEDR and the Director of NRR as discussed above, if preexisting Orders are involved, Commission or Executive Director for Operations (EDO) approval may also be required. Issues a restart authorization letter if restart is approved.
- h. Approves termination of the IMC 0350 process and a return to the normal ROP.
- i. Discusses any plants that have been under the IMC 0350 process within the calendar year at the End-of-Cycle Summary Meeting, in accordance with IMC 0305.

### 05.03 Director, NRR

- a. Reviews and concurs on the decision to implement this process.

- b. Reviews and concurs on the selection of the Vice **Chair** of the IMC 0350 Oversight Panel.
- c. Reviews and concurs on the scope of an Order or a CAL specifying those actions required of the licensee to ensure the plant is safe to restart.
- d. Along with the DEDR, reviews and concurs on the RA's decision related to plant restart.
- e. Notifies the EDO and the Commission, as appropriate, of the NRC actions taken concerning a nuclear power plant under the guidance of this manual chapter.

05.04 Director, Division of Operating Reactor Licensing (DORL), NRR; and Director, Division of **Reactor Oversight (DRO)**, NRR

- a. Implements the requirements of this IMC by coordinating NRR policy and guidance, in conjunction with the **Chair** of the Panel, to ensure that the Director of NRR and appropriate staff are directly involved in agency policy or regulatory oversight decisions, when applicable.
- b. Coordinates and implements actions prescribed in the Panel Process Plan and the Restart Checklist that are determined to be NRR's responsibility. This may include licensing actions and, where applicable, interaction with other Federal agencies (e.g., the Federal Emergency Management Agency (FEMA), the Environmental Protection Agency (EPA), the Department of Justice (DOJ), and the Department of Homeland Security (DHS)) pursuant to any applicable memoranda of understanding.
- c. The Director of **DRO** is responsible for the development and maintenance of this manual chapter.

05.05 **Chair**, IMC 0350 Oversight Panel

- a. Implements the requirements of this IMC.
- b. Coordinates the Panel's activities. See section 07.02.b for the objectives of the Panel.
- c. Coordinates and implements actions prescribed by the Panel that have been determined to be the responsibility of the regional office. These actions include, when appropriate, interactions with State and local agencies and with regional offices of other Federal agencies.
- d. In conjunction with the Vice **Chair**, ensures that the RA and the Director of NRR are directly involved, when appropriate, in agency policy or regulatory oversight decisions.

0350-06 BACKGROUND, ENTRY CONDITIONS, AND INITIAL ACTIONS

06.01 Background

An operating commercial nuclear power plant with performance problems may be shut down for a variety of reasons. For example, licensees may voluntarily or involuntarily place the plant in a shutdown condition because of significant performance problem(s) and/or significant operational event(s). These performance problems may be the result of slowly degrading material conditions or recurrent process or control weaknesses.

While it is expected that oversight under the normal ROP will be sufficient in most cases, situations may arise where it is necessary to transition oversight of a plant to this modified process. As a licensee's performance degrades to the point where normal operation of the plant is not possible and a significant level of NRC oversight is required to ensure the plant is safe, licensees will be transitioned from the normal ROP to the IMC 0350 oversight process (see section 06.02, "Entry Conditions").

Although not a prerequisite to use the IMC 0350 process, it is expected that in most cases, before performance degrades to the threshold requiring implementation of this manual chapter, the staff will have performed supplemental inspections, including Inspection Procedure (IP) 95002, "Supplemental Inspection Response to Action Matrix Column 3 (Degraded Performance) Inputs," and/or IP 95003, "Supplemental Inspection Response to Action Matrix Column 4 (Multiple/Repetitive Degraded Cornerstone) Inputs." Other unanticipated significant operational events may also occur that involve responses by an Incident Investigation Team (IIT), an Augmented Inspection Team (AIT), or a Special Inspection Team (SIT), as directed by MD 8.3 and IMC 0309, "Reactive Inspection Decision Basis for Reactors." The results of these inspections will constitute important input parameters that can be used to assist the NRC in the evaluation of licensee performance during implementation of this manual chapter.

Even after oversight of a plant has transitioned to the IMC 0350 process, several aspects of the normal ROP are maintained (e.g., inspection program and Performance Indicator (PI) program), though each program area needs to be customized appropriately to conform to the IMC 0350 extended shutdown conditions as described in section 06.03 of this guidance.

The focus of this IMC is to provide the framework for the oversight of the licensee's performance until such time that a return to the normal ROP is appropriate. This IMC provides a structure for the NRC to ensure that the licensee is ready for a return to plant operation, and that after a plant has been restarted, acceptable licensee performance is verified prior to the plant being returned to the normal oversight, inspection, and assessment processes of the ROP. It provides guidance and direction for NRC staff to allow them to adequately assess the needs of the specific situation and to create an overall plan that will ensure public health and safety.

#### 06.02 IMC 0350 Entry Conditions

The ROP assessment program, as described in IMC 0305, requires continuous assessment of licensee performance. Therefore, the decision to implement this IMC will be made in "real time" whenever entry conditions are satisfied and will not be postponed until completion of a periodic assessment activity. As such, this IMC can be implemented at any time during the assessment cycle.

Conditions for considering a plant for entry into the IMC 0350 process include:

- a. For plants whose performance is in the Multiple/Repetitive Degraded Cornerstone Column (Column 4) of the Action Matrix, consideration of transferring the plant to the IMC 0350 process shall be given at each quarterly review.
- b. For plants in the Unacceptable Performance Column (Column 5) of the Action Matrix, NRC oversight of plant performance will be conducted in accordance with IMC 0350.
- c. A significant operational event has occurred as defined by MD 8.3.

- d. The plant is shut down or the licensee has committed to shut down the plant to address performance issues (whether voluntary or via an agency Order to shut down).
- e. The plant is being maintained shutdown as a result of a CAL or Order.

NRC management should take into account the following when making the determination to use this IMC:

- a. The degree to which the licensee has performed an extent-of-condition evaluation pertaining to the reasons for the shutdown;
- b. The amount of discovery still required of the licensee to identify all of the problems associated with the shutdown; and
- c. The expected length of the shutdown, if known.

Additional consideration to moving oversight of the plant into the IMC 0350 process will be given in cases where a licensee is still in the discovery or extent-of-condition phase of the assessment. Conversely, in cases where a licensee has a more complete understanding of the issues and has identified an appropriate course of action to resolve those issues, maintaining oversight of the plant under the normal ROP may be more appropriate. A plant would be expected to be moved to IMC 0350 when:

- a. Plants are in the Unacceptable Performance Column (Column 5) of the Action Matrix.
- b. The associated RA decides (based on the considerations listed above) to place the plant in the IMC 0350 process.

IMC 0305 provides examples of when it may be appropriate to transition a plant from Column 4 of the Action Matrix to the IMC 0350 process.

### 06.03 Initial Actions

As soon as practical after the determination is made to implement this IMC, the RA should notify internal and external stakeholders of the NRC's initial understanding of the performance issues, the NRC's plans to implement the IMC 0350 process, and the formation of the Panel. The RA will establish the Panel to maintain an ongoing overview of licensee performance as described in section 06.01 of this guidance. The RA selects the **Chair** of the Panel and establishes the Panel's composition and responsibilities. The RA selects the Vice **Chair** of the Panel in concurrence with the Director of NRR.

In addition to making the determination whether to implement this IMC for a specific reactor shutdown period and restart, the RA should consult with the DEDR, the Director of OE, and the Director of NRR, as appropriate, to determine the scope of an Order or a CAL, if necessary, specifying any immediate actions and/or the actions required of the licensee that ensure the plant is in a safe condition. Direction and guidance on the use of Orders and CALs is provided in the NRC's Enforcement Policy and Enforcement Manual.

Oversight of the plants under the IMC 0350 process is expected to require significantly more resources as compared to a plant in the normal ROP, and this will likely have an impact on all four regions. Although some resources have been added to the budget model to account for an unspecified plant being under the IMC 0350 process, care must be taken to ensure that these potential resource impacts don't adversely affect the inspection and assessment programs for other plants in the regions.

## 0350-07 OVERSIGHT REVIEW ACTIVITIES

### 07.01 Oversight Panel (i.e., the Panel)

- a. Membership. The RA will decide when to establish the Panel, the composition of the Panel, who will fill the **Chair** position, and the Panel's responsibilities (see Responsibilities and Authorities section). The Panel will typically consist of the following individuals, or those in similar positions depending on the reason for the shutdown:
1. **Chair**: Director or Deputy Director, regional office Division of Reactor Projects (DRP), **Division of Operating Reactor Safety (DORS)**, Division of Reactor Safety (DRS), **or Division of Radiological Safety and Security (DRSS)**
  2. Vice **Chair**: Typically Director or Deputy Director, NRR/DORL or NRR/**DRO**
  3. Member: Responsible regional office DRP **or DORS** Branch Chief
  4. Member: Responsible regional office DRS **or DRSS** Branch Chief
  5. Member: Responsible DORL Branch Chief, NRR/DORL
  6. Member: Responsible Project Manager, NRR/DORL (or Branch Chief)
  7. Member: Responsible Senior Resident Inspector
  8. Member: Responsible regional office Senior Reactor Analyst (as needed)
  9. Member: IRAB Branch Chief

Members can be added to or removed from the Panel as appropriate, depending on the nature of the problems that led to the plant shutdown and the matters to be evaluated before restart can be authorized. Typically, the **Chair** will be filled by a Senior Executive with both reactor and ROP experience. The Vice **Chair** position will typically be filled by either a Director or Deputy Director in DORL or **DRO**. However, depending on the reason for shutdown, a Director or Deputy Director from NSIR may be selected as the Vice **Chair**.

### 07.02 Panel Objectives

Upon implementation of this IMC and establishment of the Panel, the Panel should promptly determine the type and extent of inspections and oversight activities needed to assess the extent of the licensee's performance problems and the ability of the licensee's staff to address them. The Panel should develop a Panel Charter, a Panel Process Plan, Restart Checklist, and Communication Plan, as discussed below. More

detailed guidance for constructing the Panel Process Plan and Restart Checklist is contained in Appendices B and C, respectively.

- a. Panel Charter. The Panel Charter should state the purpose, objectives, and composition of the Panel. It should discuss the expected outcomes of the process, for example: development of the Restart Checklist; resolution of the restart issues; a letter to the licensee terminating the process; and other duties and planned accomplishments as detailed in Appendices B and C. In order to ensure proper authority for Panel decisions, the Panel Charter should also establish the quorum requirements for Panel meetings and decisions. The quorum would typically consist of the Panel **Chair** or the Vice **Chair**, and at least three other cognizant members of the Panel (with at least one Headquarters member). Panel meeting minutes should be maintained and documented in accordance with MD 3.5. See Exhibit 1 for an example charter.
- b. Panel Objectives
  1. Review all available information directly related to the reason for the plant shutdown for the past four quarters of plant operation. This activity includes a review of PI data, inspection findings, and docketed correspondence from the licensee.
  2. Develop the Panel Process Plan and the Restart Checklist. The Panel Process Plan should include a plan for implementing the checklist and for modifying it as necessary to ensure that all risk-significant performance issues directly relating to the plant shutdown, including extent of condition, are resolved or dispositioned before restart. A Restart Basis document should be developed to provide justification for the items included in the Restart Checklist. See appendix C for more information.
  3. Maintain cognizance of the status of any items included in a CAL or Order issued to the licensee related to the performance problems that led to entry into the IMC 0350 process. If necessary and after consultation with cognizant program office management, provide recommendations to the RA on any modifications. Note that many of the items from a CAL or Order are expected to directly support completion of the Restart Checklist.
  4. Develop and maintain a comprehensive Communication Plan to ensure effective communication with internal and external stakeholders.
  5. Develop and maintain the site-specific inspection plan for continuous oversight of licensee performance throughout pre- and post-restart activities. This activity includes developing initial resource estimates and maintaining awareness of resources expended throughout the period that oversight is under the IMC 0350 process.
  6. The **Chair** should consult with **DRO** to **ensure** the most accurate and up to date charging codes are being used and, as appropriate, determine whether a new charging code should be opened to capture headquarters activities associated with IMC 0350 Panel activities (e.g., supporting Panel Meetings, developing summaries, etc.).
  7. As described in IMC 0305, the licensing Project Manager should be cognizant of financial issues within the scope of NRC regulations that might impact the operating performance of other plants operated by the IMC 0350 licensee because of funds

being redirected to improve the shutdown plant. NRC inspectors at other sites owned by the licensee should be alert for potential decreased equipment reliability issues as a result of decreased capital expenditures.

8. Assess the licensee's third-party evaluation of their safety culture, including the adequacy of the licensee's corrective action and/or improvement program and the ability of the licensee to identify problems. If necessary, perform an independent assessment of the licensee's safety culture using the guidance contained in IP 95003. If the NRC has performed IP 95003 within approximately the last 9 months, the Panel may determine that the independent assessment of safety culture performed as part of that effort would suffice if the site-specific situation has not significantly changed.
  9. Assess the physical readiness of the plant for restart.
  10. If requested, periodically provide briefings and updates on the status of the licensee's progress in resolving issues associated with the reasons for shutdown, corrective actions, and general licensee performance to NRC management and the Commission.
  11. Ensure comprehensive records are developed and maintained that document NRC decisions and actions related to IMC 0350 activities and lessons learned for future Panels. These records should be placed into ADAMS in a timely manner, typically within 2 weeks of finalization.
- c. Panel Process Plan. The Panel Process Plan details how to conduct oversight activities at the affected plant and ensures that the Panel has guidance for anticipated tasks and the coordination of NRC activities. See appendix B for further guidance.

The Panel Process Plan should accomplish the following:

1. Identify the specific inspection and oversight activities that the NRC will use to assess the licensee's readiness for restart. Ensure that there is a record to support the restart determination.
2. Identify risk-significant issues related to the reason for the shutdown that must be resolved before restart (i.e., restart issues).
3. Establish the party with the lead responsibility for each action.
4. Track restart issue status and reference documents which contain the inspection results associated with the resolution of the issues.
5. Ensure that new issues are addressed, including items identified by the extent-of-condition reviews.
6. Ensure a Frequently Asked Question (FAQ) is submitted by the licensee to resolve any PI-related issues, if required.
7. Provide the basis for why selected issues were not resolved before restart.
8. Establishes the Communication Plan to ensure effective communication with internal and external stakeholders, including the responsibilities and methodologies for

interactions with the Commission; the Advisory Committee on Reactor Safeguards (ACRS); the media; Federal, State, and local officials; and other stakeholders.

9. Establishes the plant-specific criteria for termination of the IMC 0350 process and return to normal ROP oversight.
- d. Restart Checklist. The Restart Checklist is an itemized listing of restart issues that contains a description and the status of the issue, status of the NRC regulatory actions, inspection report documentation, and the corresponding identified root causes and corrective actions that require disposition or resolution prior to restart. Criteria for the development and maintenance of the Restart Checklist are included in appendix C.

The Restart Checklist focuses on those issues related to the significant operational event or the performance issues commensurate with the Multiple/Repetitive Degraded Cornerstone or the Unacceptable Performance columns of the Action Matrix. The Restart Checklist should also track the assessment of the licensee's third-party evaluation of their safety culture, as well as the NRC's independent assessment (if required) of the licensee's safety culture using the guidance contained in IP 95003.

Additional issues that are unrelated to the initial reason(s) for the plant shutdown, but which were identified during the shutdown, may be added to the Restart Checklist if they meet the criteria specified in appendix C. The Panel **Chair** is responsible for approving inclusion of any additional issues in the Restart Checklist. Any issue that is characterized as White, Yellow, or Red by the Significance Determination Process (SDP) has enough risk significance to be considered an additional restart issue. For example, new inspection findings and licensee event reports should be screened for risk significance so a prompt decision can be made on the need to add actions to the Restart Checklist. The Panel **Chair** will keep the RA and the Director of NRR informed of any additional risk-significant issues that are added to the checklist.

- e. Communication Plan. The goal of the Communication Plan is to enable efficient, effective, and transparent communication with internal and external stakeholders regarding the status of plant activities and the IMC 0350 process. The Communication Plan should include communication of information from the initial decision to enter the IMC 0350 oversight process, through the ongoing oversight activities and the restart decision, and concluding with the post-restart activities.

In addition to the general Communication Plan for routine interactions with internal and external stakeholders, the Panel should consider developing a separate Communication Plan to provide specific coordination and roll-out of key decisions, enforcement actions, inspection reports, and other documents associated with the IMC 0350 process.

In conjunction with the Communication Plan, the Panel should establish a Communication Team with diverse membership, including non-Panel members (e.g., staff from the Office of the Executive Director for Operations (OEDO), Office of Congressional Affairs (OCA), and the Office of Public Affairs (OPA)), to ensure coordination among NRC offices. A communication matrix or other tracking device may be developed to document and track receipt and response to all significant internal and all external communications (letters and e-mails) to ensure they are properly dispositioned. Appendix D provides additional details and guidance.

f. IMC 0350 Self-Assessment/Effectiveness review

At the conclusion of the IMC 0350 process, an effectiveness review of the IMC 0350 process should be conducted to provide insights and improvements to the IMC 0350 process. All lessons learned will be collected by the Panel. The Panel will review the lessons learned and the **Chair** will oversee the compilation of any recommended changes to the ROP from the lessons learned and ensure they are documented and communicated to NRR/**DRO**/IRAB. Additional guidance on self-assessment and effectiveness reviews can be found in IMC 0307, "**Reactor Oversight Process Self-Assessment Program**," and IP 95003.

07.03 Correlation Between the ROP and the IMC 0350 Process

Due to the nature of the performance or operational issues and the extended shutdown associated with plants under the IMC 0350 process, the full array of ROP-related programs is not always available and/or applicable. As such, when a plant is under the IMC 0350 process, aspects of the normal ROP may need to be customized to ensure the objectives of the IMC 0350 are met.

The following paragraphs describe the applicable sections of each program area of the ROP that are used in IMC 0350, including the inspection program, the PI program, the SDP, and the assessment program.

a. Inspection Program

The baseline inspection program should be used to the maximum extent practical in accordance with IMC 2515, "Light Water Reactor Inspection Program - Operations Phase." When developing and modifying the Restart Checklist and associated inspection plan, the Panel should use the baseline inspection procedures in accordance with Appendix A of IMC 2515 to the extent they are practical based on plant conditions, the availability of samples, and upcoming plant activities. Although the Panel should attempt to complete at least the minimum number of samples for each applicable baseline inspection procedure, there may be cases where the minimum sample size may not be available. In these cases, the actual sample size completed should be documented in the inspection report.

In those cases where the baseline inspection program does not provide adequate assurance that each Restart Checklist item is appropriately addressed by the licensee, customized inspections should be planned to augment the baseline inspection program. These customized inspections must be accomplished in accordance with an issue specific inspection plan that identifies which inspection procedures are to be used in accordance with IMC 2515. If the circumstances require a unique inspection that is not currently in an inspection procedure, the inspection plan must be of sufficient detail to provide adequate guidance to the inspectors to evaluate the adequacy of the particular restart item. The customized inspection plan must be approved by the Panel **Chair**, with concurrence from the cognizant regional Division Director (**DRP**, **DORS**, **DRS**, or **DRSS**). The Director of **DRO** will review and concur on the initial inspection plan. Thereafter, the Director of **DRO** will be notified of any changes to ensure that sufficient resources are available to complete the inspections.

The Panel Process Plan should delineate which baseline IPs are to be performed in accordance with the ROP and which baseline inspections are deemed not applicable

and will not be performed. The justification for not performing certain baseline inspections shall be clearly documented. In addition, inspections should be conducted as necessary to compensate for the unreported or incomplete PI data, as discussed below.

Supplemental inspections should also be performed in accordance with Appendix B of IMC 2515 for all findings whose significance has been determined to be greater-than-Green by the SDP, as practicable. A supplemental inspection of the licensee's safety culture should be considered in accordance with the results of the required review as described previously in this IMC. Any exceptions to the supplemental inspection procedure requirements must be clearly articulated and justified in the supplemental inspection report. Only those supplemental inspections directly related to restart items need to be performed prior to plant restart.

Inspection results should be documented in accordance with IMC 0611, "Power Reactor Inspection Reports," to the extent practical. As an alternative to the four part write-up for Green inspection findings, the Panel **Chair** may authorize the use of a simplified one paragraph write-up for Green findings. Also, similar to the documentation requirements for Inspection Procedure (IP) 93812, "Special Inspections," due to the increased interest in plants under the IMC 0350 process, areas where no findings are identified may be documented in greater detail than required by IMC 0611, particularly to the extent necessary to defend the basis for closing a restart item.

The inspection plan should be reviewed and modified as necessary, on at least a quarterly basis, to ensure that the inspection schedule is optimized with the licensee's corrective action schedule and that the restart items are adequately inspected by the NRC as necessary to support the restart decision. The inspection plan should also be reviewed to ensure it remains focused on issues associated with operational safety. Issues not related to plant restart should be noted and addressed via the appropriate inspection (e.g., **Comprehensive Engineering Team Inspection (CETI)**).

b. Performance Indicator Program.

Plants should continue to gather and submit PI data in accordance with IMC 0608, "Performance Indicator Program," to the extent that the data is applicable to the extended shutdown conditions. Many indicators in the initiating events, mitigating systems, and barrier integrity cornerstones may not be particularly relevant, but indicators in the other cornerstones still provide useful indications of plant performance. Additional baseline samples should be considered by the Panel to compensate for performance information not being gathered due to the unreported or incomplete PI data until the plant has restarted and sufficient PI data has been collected.

Upon restart, several PIs will remain invalid until sufficient time has been passed to ensure the indicator provides a reliable and appropriate indication of licensee performance. The direction for calculating the different PIs are contained in NEI 99-02, "Regulatory Assessment Performance Indicator Guideline." Prior to anticipated restart, the licensee should submit an FAQ to the ROP Working Group to determine how and when specific PIs will be implemented, as noted in section 07.02 c of this document. Questions regarding the potential validity of specific indicators should be referred to the **Reactor** Assessment Branch in NRR.

c. Significance Determination Process.

Findings discovered before and during the IMC 0350 related inspections should be evaluated using the applicable SDP in accordance with IMC 0609, "Significance Determination Process." The Panel should use the SDP, along with the ROP Action Matrix, as guidance for determining appropriate supplemental inspections for identified greater-than-Green findings. Supplemental inspections should be performed in accordance with Appendix B of IMC 2515 to the extent practicable. Any exceptions to the supplemental inspection procedure requirements must be clearly articulated and justified in the supplemental inspection report. Only those supplemental inspections directly related to restart items need to be conducted prior to plant restart. Effort should be made to ensure that findings are evaluated through the SDP process in an efficient and effective manner to better inform the Panel of any issues that might need to be resolved prior to the restart.

d. Assessment Program.

Plants under the IMC 0350 process are considered outside of the normal assessment process contained in IMC 0305, "Operating Reactor Assessment Program." However, the ROP Action Matrix should be used as guidance for determining appropriate agency response for identified performance problems. For example, the Panel should use the ROP Action Matrix as guidance for determining appropriate supplemental inspections for identified greater-than-Green findings or PIs.

Consideration should also be given to other ongoing activities and licensee assessments when determining the appropriate agency response. An IMC 0350 Process column has been added to the ROP Action Matrix (in IMC 0305) for illustrative purposes to demonstrate comparable agency response and communications with plants under the auspices of IMC 0305 versus IMC 0350.

End-of-cycle reviews should be performed for plants under the IMC 0350 process along with other operating reactors within each region. The IMC 0350 plants should be discussed at the meeting to integrate the inspection planning efforts across all regional sites and to keep internal stakeholders abreast of ongoing inspection and oversight activities. Annual assessment letters are not typically issued for IMC 0350 plants. However, any updates to the inspection plan as a result of the review should be communicated to the licensee in docketed correspondence similar to any other changes to the inspection plan for IMC 0350 plants. In addition, the annual public meeting to discuss plant performance does not need to be conducted for IMC 0350 plants because detailed ongoing public status meetings with the licensee are conducted frequently to discuss plant performance and status.

Plants under the IMC 0350 process shall be discussed at the AARM to provide a status update. The IMC 0350 plants should also be discussed during the Commission briefing following the AARM. However, more detailed Commission briefings regarding the status of IMC 0350 plants and recommendations for plant restart may be held separately, as requested.

It is expected that plants would typically be transitioned back to the normal assessment process approximately one or two quarters after restart, as determined by the Panel. If the Panel determines that continued oversight beyond one or two quarters is warranted to ensure the licensee continues to meet the commitments made in its performance

improvement plan or for some other reason, then the Panel should recommend to the RA and the Director of NRR to continue the oversight activities for an appropriate period of time. At the beginning of the next calendar quarter following termination of the IMC 0350 process, the plant will no longer be considered under the IMC 0350 process and NRC oversight will be in accordance with IMC 0305. Accordingly, future NRC actions will be determined by the appropriate column of the ROP Action Matrix based on existing PIs and open inspection findings. Note that IMC 0305 allows augmented inspection hours and provisions for plants returning to the ROP from the IMC 0350 process similar to those for plants leaving Column 4 of the Action Matrix, and these actions are not considered to be deviations from the Action Matrix. If enhanced oversight is deemed necessary by the RA, beyond that prescribed by IMC 0305, the RA must request a deviation from the Action Matrix.

e. ROP Web Page.

Valid PIs, inspection findings, and other applicable oversight information will be posted to the ROP Web page in accordance with IMC 0306, "Information Technology Support for the Reactor Oversight Process." In addition, pertinent plants should be clearly designated as "under the IMC 0350 process" on both the specific plant's Performance Summary page and the Action Matrix Summary page. The Communication Team should consider including the development and maintenance of a specific Web page to clearly communicate ongoing IMC 0350 activities in the Communication Plan.

07.04 Restart Approval

Upon satisfactory completion of the pre-startup portion of the licensee's restart program and all items on the CAL, the Panel will provide a written recommendation on whether or not the plant is safe to restart, with the basis for that recommendation, to the RA and the Director of NRR. The RA, with concurrence from the DEDR and the Director of NRR, normally has the authority to approve closure of the CAL. If preexisting Orders are involved, Commission or EDO approval may be required.

If the decision is made to close the CAL, the RA will issue a CAL closure letter to the licensee. The CAL closure letter will detail those actions implemented by the licensee to ensure that the plant is safe to restart and the extent of continued increased NRC oversight. Interested stakeholders should also be notified as specified in appendix B, section B.6.

0350-08 POST-RESTART ACTIVITIES

08.01 Coordination of Post-Restart Activities

The Panel will typically continue in an oversight capacity for one or two quarters following plant restart, although this may be extended. The length of time of post-restart oversight may vary, depending on licensee performance, resolution of identified problems, reestablishment of applicable reliable PIs, and time necessary to allow the NRC staff to assess licensee performance before a return to the normal ROP is warranted. If the Panel determines that continued oversight beyond one to two quarters is warranted, then the Panel should recommend to the RA and the Director of NRR to continue the oversight activities for an appropriate period of time. The Panel should evaluate the licensee's docketed responses to inspection findings, program changes,

corrective actions, and self-assessments for those issues that did not require resolution before restart. At the end of each quarter, the Panel will compare this information and other licensee performance data to the corresponding NRC response and action levels in the Action Matrix. The Panel should then determine or make adjustments to the appropriate level of NRC oversight activities. Detailed guidance on post-restart oversight is discussed in appendix B, section B.7.

#### 08.02 Termination of the IMC 0350 Process

Once the plant is operating and the plant-specific criteria for termination of the IMC 0350 process defined in the Panel Process Plan have been met, the IMC 0350 process may be terminated.

The Panel's basis for the decision to terminate the IMC 0350 process must be documented in a final letter to the RA. The NRC will notify the licensee of the termination of the IMC 0350 process for the licensee's facility via a letter signed by the RA. This letter will include the results of the NRC's post-restart review and oversight efforts. Additional guidance on termination of the IMC 0350 process is contained in appendix B, section B.8.

#### 08.03 Coordination of Follow-up Actions

The focal point for working-level discussions within the NRC for follow-up actions will be the Panel **Chair** and the Vice **Chair**. These individuals should coordinate participation in conference calls, Panel meetings, and management discussions. They will ensure that the RA, the Director of NRR, and appropriate NRC staff and management are involved in these discussions, when appropriate.

### 0350-09 RECORDS

Appropriate documentation of the restart process is important. The licensee and the NRC staff must understand the reasons for the plant shutdown and the necessary actions to be completed before restart. In addition, information related to NRC and licensee actions, as well as acceptance criteria and confirmatory actions by other agencies and Government organizations, must be made available to the public. Information on NRC and licensee actions related to plant restart should be attached to or included in NRC inspection reports. However, other forums, such as public correspondence between the licensee and the NRC or Commission papers are acceptable. At a minimum, the records developed for the shutdown and the restart process shall consist of the following:

- a. The licensee's docketed correspondence concerning plant performance.
- b. A CAL or an Order issued to the licensee specifying the action(s) to be taken.
- c. The Panel Charter.
- d. Panel membership and the Panel Process Plan.
- e. The Restart Checklist, including any revisions and the Restart Basis Document.
- f. Interim progress reports (e.g., Commission papers, EDO memoranda).

- g. Meeting summaries from Panel meetings and meetings between the NRC and licensee representatives. These summaries should indicate why any White, Yellow, or Red issues were or were not selected as restart items.
- h. Inspection reports and related correspondence.
- i. Pertinent licensing actions completed by the NRC.
- j. Other agency and Government actions communicated to the NRC.
- k. The basis for restart approval.
- l. The basis for the licensee's return to the normal ROP.
- m. A letter to the licensee documenting termination of the IMC 0350 process.
- n. A memorandum to the Director of **DRO** providing the lessons learned to be considered for incorporation in the next revision to IMC 0350.

All documents relating to the restart process are to be included in the docket file and, to the extent permitted by Title 10 of the *Code of Federal Regulation* (10 CFR) section 2.390, made public in accordance with NRC policy.

#### 0350-10 REFERENCES

IMC 0305, "Operating Reactor Assessment Program"

IMC 0608, "Performance Indicator Program"

IMC 0609, "Significance Determination Process"

**IMC 0611, "Power Reactor Inspection Reports"**

IMC 2515, "Light Water Reactor Inspection Program — Operations Phase"

**IP 95002, "Supplemental Inspection Response to Action Matrix Column 3 (Degraded Performance) Inputs"**

**IP 95003, "Supplemental Inspection Response to Action Matrix Column 4 (Multiple/Repetitive Degraded Cornerstone) Inputs"**

NRC Management Directive 3.5, "Attendance at NRC Staff-Sponsored Meetings"

NRC Management Directive 8.3, "NRC Incident Investigation Program"

END

## Appendix A: General

### A.1 PURPOSE

To serve as guidance for anticipated tasks and to help plan and coordinate NRC activities associated with the oversight of nuclear power plants that are restarting and transitioning from oversight under the IMC 0350 process back to the normal ROP.

### A.2 OBJECTIVES

To ensure that NRC oversight efforts are consistently developed, communicated, and implemented. Guidance is provided in the following appendices to support:

- a. Using established criteria to screen, prioritize, and identify issues requiring resolution before restart.
- b. Tracking, documenting, and follow-up of non-restart issues commensurate with established inspection program guidance.
- c. Identifying the level of effort needed to review and approve a plant restart.
- d. Coordinating, overseeing, and tracking restart-related activities.
- e. Coordinating, overseeing, and tracking post-restart activities.

## Appendix B: Panel Process Plan

### B. PANEL PROCESS PLAN

This section outlines the NRC's IMC 0350 oversight process and provides guidance for constructing the Panel Process Plan. The major steps are outlined below:

1. Verification of appropriate agency response
2. Verification of appropriate notifications
3. Establishment and organization of the NRC review process
4. Assessment of licensee performance
5. Restart authorization
6. Notification of restart authorization
7. Post-restart oversight
8. Termination of the IMC 0350 process

These major steps are broken down into potential tasks and are specified in a menu format. However, only those tasks that are applicable should be selected for incorporation into the Panel Process Plan.

When appropriate, the lead organization that is typically responsible for the action is indicated in parentheses next to the task. When the responsible organization is not indicated, the Panel will determine responsibility. In some cases, responsibilities may be shared.

#### B.1 VERIFICATION OF APPROPRIATE AGENCY RESPONSE

The Panel should focus its restart review efforts on those performance issues and conditions related to the reasons that IMC 0350 was implemented. The performance data, root causes, and their apparent risk impact are to be established early in the process. This information will assist the NRC in characterizing the problems, the appropriate regulatory response, and the adequacy of the licensee's corrective actions. Early management appraisal of the situation is also important to ensure that the proper immediate actions are taken. The initial NRC actions listed below are to be performed as soon as practical following the decision to implement the IMC 0350 process.

##### TASK

- a. Verify that the IMC 0350 entry conditions have been met (Region).
- b. Issue and/or modify the CAL or Order, as appropriate (Region).
- c. Issue supplemental inspection report(s) (when plant performance was in the Multiple Repetitive Degraded Cornerstone Column or the Unacceptable Performance Column of

the ROP Action Matrix) or reactive inspection report (when a significant operational event has occurred as defined by MD 8.3, as appropriate (Region)).

- d. Document the basis for the management decision to place the plant in the IMC 0350 process (Region/NRR).
- e. Provide a written letter to the licensee notifying them of the NRC's plans and basis to implement the IMC 0350 process (Region).

## B.2 VERIFICATION OF APPROPRIATE NOTIFICATIONS

Notification to industry and public stakeholders of implementation of this manual chapter should be promptly communicated through press releases, letters, and a posting on NRC's Web site. Notification should include the NRC's understanding of the performance issues, the performance trend history over the last four quarters, and any other pertinent issue or regulatory concern. As the review process continues, additional and continuing notifications may be necessary.

### TASK

- a. Issue EDO Daily Notes and Highlights, when appropriate (NRR).
- b. Issue Preliminary Notification, when appropriate (Region).
- c. Conduct briefings for Commissioners or Commissioners' Assistants, when requested (NRR).
- d. Notify cognizant Federal agencies, such as FEMA, EPA, DOJ, DHS (NRR/Region).
- e. Notify State and local officials (Region).
- f. Notify Congress and provide periodic updates, as requested (NRR/Regions/OCA).
- g. Notify media (by a press release) (OPA).
- h. Notify the Office of International Programs for those sites in which emergency planning zones cross international boundaries (Regions).
- i. Notify Native American Tribal Governments, as applicable (Office of Nuclear Material Safety and Safeguards (NMSS)).

## B.3 ESTABLISHMENT AND ORGANIZATION OF THE NRC REVIEW PROCESS

It will be necessary to establish and organize the NRC restart oversight to ensure the effective coordination of resources in evaluating the licensee's readiness for restart. Effective interactions within and outside the NRC are critical to ensure that the pertinent issues are properly identified and resolved.

### TASK

- a. Establish the oversight Panel and Panel Charter (Region).

- b. Assess available information (e.g., PI data, baseline and supplemental inspection findings, results of risk studies and event analyses, licensee self-assessments, allegations, performance improvement plan, industry reviews, lessons learned reports, and other third-party reports). This information includes issues and inspection findings that were not directly related to the reason for the shutdown, particularly if they were determined to have risk significance (Panel).
- c. Develop the Restart Checklist. The criteria for the development and maintenance of the Restart Checklist is included in appendix A, section C. The initial Restart Checklist needs to be broad enough to include extent of condition for the performance deficiencies of concern (Panel).
- d. Develop and maintain a comprehensive Communication Plan. See appendix D (Panel).
- e. Determine the inspections necessary to review performance deficiencies and identified risk-significant issues prior to restart. Issue and maintain a comprehensive inspection schedule (Panel).
- f. Obtain input from involved parties both within the NRC and at other Federal agencies, such as FEMA, EPA, DHS, and DOJ (Region).
- g. Conduct periodic RA briefings (Region).
- h. Conduct periodic NRR Executive Team briefings (NRR).
- i. Approve the Restart Checklist (RA).
- j. Implement the Restart Checklist (Panel).
- k. Modify the Restart Checklist, as necessary (Panel).
- l. Conduct periodic public meetings with the licensee to discuss progress toward satisfactory completion of the licensee's restart program. Encourage active public participation and involvement (Panel and Communication Team).
- m. Issue revisions to the Panel Charter, as applicable (Panel).
- n. Modify the CAL or Order as necessary (Region).
- o. Support senior manager site visits (Region).
- p. Develop the plant-specific criteria for termination of the IMC 0350 process controls and modify as necessary (Panel).
- q. In accordance with IMC 2515, section 11.06, the Panel should consider recommending to the RA that N+1 inspectors be assigned to the plant on a temporary basis until the increased oversight is no longer needed, which would generally be when the plant has exited the IMC 0350 oversight process. Other consideration should be given to staffing a rotational position at the plant in place of N+1.

## B.4 ASSESSMENT OF LICENSEE PERFORMANCE

Early review of areas of concern will help define the methods and the appropriate level of oversight required. When the licensee has developed its performance improvement plan (or equivalent), the NRC shall review that plan for completeness and adequacy. The NRC will also need to determine which corrective actions must be required to be implemented before restart and which can be deferred to some later date as long-term, post-restart corrective actions. Corrective actions determined to be required to be implemented prior to restart should be included in the Restart Checklist. All conditions of the Order or CAL required to be implemented prior to restart should also be included in the Restart Checklist.

### B.4.1 Licensee Performance Evaluation

#### TASK

- a. Evaluate NRC PIs and inspection findings, including team inspections (e.g., Augmented Inspection Team) performed after formation of the Panel (Panel).
- b. Evaluate the licensee's performance improvement plan and associated root cause determination, extent-of-condition reviews, and corrective action plans. These reviews should consider both the technical soundness of the licensee's evaluations and management's commitment to performance improvement (Panel).
- c. Evaluate all allegations involving reactor safety, radiation safety, or security. Any allegations determined to have merit and risk significance should be included on the Restart Checklist (Panel).
- d. Consider performing a review of backlogged maintenance, engineering, and corrective action work items to determine their significance with the assistance of a Senior Reactor Analyst, as necessary (Panel).
- e. Assess the licensee's third party evaluation of their safety culture, and independently perform an assessment of the licensee's safety culture using the guidance contained in IP 95003. As applicable, the independent assessment of safety culture performed at the site as part of a recent IP 95003 inspection may suffice if the site-specific situation has not significantly changed (Panel).

### B.4.2 Solicitation of Stakeholder Comments

Throughout the duration of the plant shutdown and until the plant is returned to the ROP, solicitation of comments from diverse sources may be appropriate. The decision to solicit comments from a group and determination of the level of participation should be made on a case-by-case basis. Input from these groups should be factored into the restart process, as appropriate. If needed, comments concerning the adequacy of State and local emergency planning and preparedness should be obtained from FEMA headquarters through NSIR.

#### TASK

- a. Obtain public comments (Region).
- b. Obtain comments from State and local officials (Region).
- c. Obtain comments from applicable Federal agencies (Region/NRR/NSIR).

- d. Obtain comments from Native American Tribal Governments, as applicable (NMSS).
- e. Review and respond to applicable 10 CFR 2.206 petitions (Panel).
- f. Solicit NRC staff comments or concerns regarding plant restart (Panel).

#### B.4.3 Closeout Actions

When the licensee has completed actions to resolve the restart issues and has substantially addressed significant concerns, the NRC needs to conduct closeout activities to independently verify that corrective actions required before restart are complete and that the plant is ready for restart. This section specifies actions associated with completion of significant NRC reviews and preparations for restart.

#### TASK

- a. Evaluate the licensee's restart readiness self-assessment (Region).
- b. Resolve all restart issues described in the Restart Checklist (Panel).
- c. Conduct appropriate NRC restart readiness team inspection(s). The Panel determines which IPs from the IP 93800 series are necessary to ensure readiness for restart based on plant-specific situations. (For example, the operational readiness assessment team inspections per IP 93806, the operational safety team inspection per IP 93802, the safety system functional inspection per IP 93801, and others) (Panel).
- d. Develop a restart coverage inspection plan. Use guidance contained in IMC 2515, Appendix B; IMC 0305; and other appropriate documents. Consider the need for continuous 24-hour inspection coverage during plant startup (Region).
- e. Disposition comments from other parties (Panel).
- f. Determine that all conditions of the Order or CAL are satisfied (if required for restart). If applicable, the NRC and the licensee should clearly understand what actions remain to be completed and how the licensee will demonstrate their completion (Panel).
- g. Prior to restart, verify the completion of all items on the Restart Checklist and ensure proper documentation (make **publicly** available, if possible) (Panel).
- h. Conduct an **Observation** public meeting to discuss restart readiness. This meeting should be held near the site, when all other closeout actions are completed. The meeting should be held as close to the restart date as possible, but always prior to the restart authorization date (Panel and Communication Team).

#### B.5 RESTART AUTHORIZATION

When the IMC 0350 oversight process has reached the point at which the issues have been identified, corrected, and reviewed, the restart authorization process has begun.

## TASK

- a. Prepare the restart recommendation memorandum to the RA and the restart authorization letter to the licensee establishing the basis for restart (Panel).
- b. Determine that no restart objections from the RA, NRR Office Director, or other applicable Headquarters office's management or Federal agency's management exist (Panel).
- c. Obtain approval of the RA for restart (Region).
- d. Obtain concurrence for restart from the Director of NRR (Panel).
- e. Obtain concurrence for restart from the DEDR (Panel).
- f. Obtain concurrence for restart from the EDO, if required (Panel).
- g. Conduct a briefing for the Advisory Committee on Reactor Safeguards (ACRS), if requested (NRR).
- h. Conduct a briefing for the Commission or Commission staff, if requested (NRR).
- i. Obtain the Commission approval or concurrence for restart, if required (EDO/NRR).
- j. Authorize restart (note: once approval is given, external stakeholders should be notified and provided a copy of the restart authorization letter and press release, as applicable) (RA).

## B.6 NOTIFICATION OF RESTART AUTHORIZATION

Notify the applicable parties of the restart authorization. Notification should generally be done by memorandum or other format consistent with the level of formality required. Communication of planned actions is important at this stage to ensure that NRC's intentions are clearly understood.

## TASK

Notify the following:

- a. Commission (if the Commission did not concur in the restart authorization) (NRR).
- b. EDO (if the EDO did not concur in the restart authorization) (NRR).
- c. Office of Congressional Affairs (OCA) (NRR).
- d. ACRS (a briefing may be substituted for the written notification if the ACRS requests one) (NRR).
- e. Applicable Federal agencies (NRR/NSIR).
- f. Office of Public Affairs (OPA) (Region/NRR).
- g. State and local officials (Region).

- h. Congress (OCA).
- i. Media (by a press release) (OPA).
- j. Citizens or groups that expressed interest during the restart approval process (Region).
- k. International regulators for those sites in which emergency planning zones cross international boundaries (OIP).
- l. Native American Tribal Governments, as applicable (NMSS).

## B.7 POST-RESTART OVERSIGHT

At the end of each quarter, the Panel should evaluate the performance data and any inspection findings and make subsequent step adjustments in the appropriate level of NRC oversight activity.

### TASK

- a. Issue an inspection plan for the next 6 months, even if the post-restart oversight period is less. Include inspections in areas not covered by the PIs and that are beyond the normal baseline inspection program (Panel).
- b. Determine if adjustments are needed to the level of required inspection oversight on a quarterly basis. Use the Action Matrix to aid in the determination of required inspections (Panel).
- c. Monitor licensee performance to assess whether corrective actions implemented since startup were effective to prevent recurrence of the problem. This review will be conducted at least quarterly and will include quarterly PIs and inspection findings (Panel).
- d. Review docketed correspondence, performance improvement plan changes, long-term corrective actions, and licensee self-assessments for those issues not implemented before restart (Panel).
- e. As appropriate, conduct public meetings to discuss performance improvements (Panel).

## B.8 TERMINATION OF THE IMC 0350 PROCESS

After an acceptable post-restart period of operation of the plant, and upon determination that the criteria for termination of the IMC 0350 process controls as defined in the Panel Process Plan have been met, the Panel may recommend termination of the IMC 0350 process and a return to the normal ROP.

The criteria for termination of the IMC 0350 process should include verification that the licensee has established an effective long-range improvement program, is sufficiently implementing the corrective action program, has demonstrated safe plant operation and overall improving performance, and has adequate controls in place to address the plant-specific issues that caused IMC 0350 to be implemented.

The Panel should send a final letter documenting the results of its post-restart review and oversight efforts to the RA. The letter should give the basis for the Panel's recommendation to terminate its oversight activities and return the plant to ROP oversight. The letter should address the resolution for each of the plant-specific criteria for termination of the IMC 0350 process as defined in the Panel Process Plan. On the basis of the recommendations of the Panel, the RA, in consultation with the Director of NRR and the Deputy Executive Director for Reactor and Preparedness Programs, will decide whether a return to the normal ROP is warranted.

Once the decision is made to terminate the IMC 0350 process, a letter should be sent to the licensee informing it of the staff's position. The letter should include:

- a. The effective date and the basis for the decision to return the plant to the ROP.
- b. The disposition of all greater-than-green findings identified before or during the IMC 0350 process.
- c. An explanation as to the appropriate Action Matrix column that will dictate future NRC actions (based on current PIs and open inspection findings).
- d. A summary of events and actions to date, from problem discovery through post-restart activities.
- e. A summary assessment of the resolution of the Restart Checklist issues.
- f. The status of all conditions of the Order or CAL, including any ongoing commitments.
- g. The planned inspections at the site for the next 18 months under ROP oversight.

#### TASK

- a. Provide a written recommendation to the RA and the Director of NRR to return the plant to the ROP (Panel).
- b. Approve return to the normal ROP and terminate the IMC 0350 oversight process (RA).
- c. Provide a written letter notifying the licensee that the plant has returned to the normal ROP (RA).

## Appendix C: Restart Checklist

The identification of issues that need to be resolved before restart requires a clear understanding of the risk significance of the issues and the actions required of the NRC and the licensee to address them. It is important to note that the Panel has oversight of the assessment process before the return to the routine assessment process. Therefore, the scope of the issues to be considered is not limited by strategic area or by cornerstone, but by the importance of the issues in protecting the public health and safety within the criteria specified below.

The Restart Checklist should contain:

- a. a listing of restart issues and their risk significance sorted by the cornerstone
- b. a brief description of the issue
- c. the criteria met for placement on the checklist
- d. who has the lead (both NRC and licensee)
- e. issue status
- f. corrective action status
- g. closure completion date, and
- h. the corresponding inspection report number

The Restart Checklist should also contain a Restart Basis Document. The Restart Basis Document supports the Restart Checklist and contains the necessary depth and detailed information the NRC will need to ensure adequate resolution of each issue, while the Restart Checklist provides a broad overview of the status of each issue.

The criteria for determining which issues are added to the Restart Checklist are as follows:

- a. The issue involves any inspection finding, PI, or condition that is determined to have a risk significance of White or higher, even if not directly related to the initial IMC 0350 entry condition.
- b. The issue results in a cited violation of the facility's license, technical specifications, regulations, or orders under any mode of plant operation (for example, operating at power with all emergency ac power out of service).
- c. The issue results in a loss of the licensee's ability to maintain and operate the facility in accordance with the design and licensing basis (for example, a programmatic breakdown, such as repetitive examples of inadequate design control, including 10 CFR 50.59 plant modifications of equipment important to safety or plant operating practices).
- d. A licensing action is necessary to address a performance or safety issue prior to plant restart.
- e. The issue results in a condition in which the NRC lacks assurance that the licensee can or will conduct its activities without undue risk to public health and safety or the

environment. Examples include multiple repetitive failures to adhere to procedures that affect risk-significant equipment or plant operation and/or widespread programmatic breakdowns affecting cross cutting areas such as safety conscious work environment, problem identification and resolution, and human performance.

- f. The issue represents a failure of licensee management controls to effectively address previous significant concerns to prevent their recurrence (for example, repetitive examples of inadequate root cause evaluations and corrective actions affecting risk-significant equipment and/or plant operation).
- g. Corrective actions and the conditions of the Order or CAL that are determined to be necessary prior to restart.

#### TASK

- a. Review and evaluate licensee-generated restart issues to determine completeness (Panel).
- b. Perform independent NRC identification of restart issues (Region).
- c. Obtain agreement on the restart issues and changes to the Restart Checklist (NRC and licensee).
- d. Evaluate the licensee's plan for resolving restart issues. Use guidance contained in section B of this appendix (Panel).
- e. Verify that all conditions of the order or confirmatory action letter required to be implemented prior to restart have been met (Panel).

## Appendix D: Communication Plan

The Communication Plan outlines the tools that will be used to ensure a consistent and accurate message regarding the NRC's oversight activities under the IMC 0350 process. Developing and implementing an effective Communication Plan that satisfies the needs of the NRC, external stakeholders, and the public is a key aspect in ensuring that this program is successfully implemented.

In general, the major items that should be considered for inclusion in the Communication Plan include:

- a. Goal
- b. Background
- c. Audience
- d. Key Message
- e. Communications Activities
- f. Questions and Answers
- g. Timeline

There are several types of formal communication tools, including NRC Daily Notes, Commission Assistant Notes, and press releases. There are also several types of more informal communication tools, such as talking points, Q&As, and one-pagers. Different audiences have different needs, interest levels, and background knowledge. The Communication Team should carefully choose the type(s) of communication tool(s) to be of maximum use and benefit to the intended audience.

Some of the communication tools used at the NRC include:

Press releases	Q&As/FAQs	Brochures
Talking points	Backgrounders	Web pages
NRC Daily Notes	NRC Reporter	Generic Communications
Advertisements	Newsletters	Announcements
Poster/fliers	Videos	EDO Updates
Fact Sheets	Weekly information Report	
Commissioner Assistants Notes	Blog posts	
Federal Register Notices		

The Communication Team should also monitor and track the following as necessary to assist the **Chair** of the Panel when developing, implementing, and revising the Communication Plan.

### Commission Involvement

The Commission must be kept informed of the staff's restart actions on a continuing basis. The Director of NRR will inform the Commission of the staff's and the licensee's restart actions through periodic Commission papers, CA notes, CA briefings, Daily Notes, and periodic briefings between NRC senior management and individual Commissioners. On the basis of these interactions between the staff and the Commission, the need for Commission briefings will be determined.

For those plants requiring the Commission's approval for restart, the staff should anticipate Commission briefings, with licensee participation, after a corrective action plan is agreed on and after completion of the appropriate restart readiness team inspection(s), but before plant restart is anticipated. At the final briefing before restart approval is granted, the NRC staff should provide its basis for finding the licensee ready for plant restart.

### Independent Review

The Panel should keep the ACRS informed of NRC's actions involving plants under this IMC. The Panel should coordinate and plan any briefings for the ACRS, as requested. At a minimum, the ACRS should be notified when the plant has been placed under the IMC 0350 process and when restart has been authorized by the NRC. Additional notifications and briefings will be at the request of the ACRS.

### Public Participation

The Panel will determine the appropriate level of public engagement on a case-by-case basis. The appropriate level public participation varies greatly from situation to situation and depends on the cause of the shutdown, the interest of local citizens, the interest of elected officials, and the concerns of other Government agencies. Public meetings have proven to be a valuable vehicle for the restart process. These meetings, which can be transcribed, are held to receive comments on licensee plans and to describe the results of the NRC review of licensee activities. Public meetings in the plant's local area should be strongly considered so that the concerns and comments on the licensee's restart activities can be heard and factored into the NRC's restart review.

### Other Agencies and Government Organizations

The **Chair** of the Panel will ensure that efforts have been made to establish an open dialogue with local and State government officials and agencies. The Panel **Chair** should ensure that inquiries from OCA, Congress, local and State government agencies, and various Federal agencies are promptly addressed. Appropriate caution should be exercised to avoid the release of pre-decisional, proprietary, or safeguards information when responding to inquiries. When interest extends to a foreign government, OIP or its designee shall brief the foreign officials if the EDO deems a briefing is appropriate.

The decision regarding the licensee's ability to restart will include consideration of the need to involve staff from other Federal agencies, such as FEMA, EPA, DHS, and DOJ, and State and local government representatives. Briefings with elected officials and observations of NRC inspections by State representatives have been an effective way of enhancing NRC communication regarding plants with significant performance issues.

The following additional outreach activities should be considered by the Communication Team in the development and implementation of the Communication Plan:

- a. Routine IMC 0350 public meetings, as well as other public meetings, could be recorded and transcribed with recordings and transcriptions being made available on the NRC's public Web site in a timely manner after the meeting. These public meetings should occur quarterly, but discretion is given to the Panel regarding holding more frequent meetings. In addition, the time of day and location of the meetings should be determined based on the Panel's judgement and level of public interest.
- b. Regular meetings could be scheduled with State and local officials to discuss issues of mutual interest. The meetings with these officials could occur before or after the local public meetings or at some other time and location.
- c. Teleconference access to the various meetings could, at Panel's discretion, be made available to the public and any other interested parties.
- d. A dedicated Web page on the NRC's public [website](#) should be established and maintained to facilitate ease of public access to key information. The [website](#) should contain important correspondence, public meeting slides and transcripts, NRC inspection reports, and other relevant information. This is an important tool to be used for communicating ongoing activities and issues at the site, and the Communication Team should ensure that all documents are posted in a timely manner.
- e. The Panel should consider the use of NRC's Blog for periodic updates to the public and as a way to respond to questions and promote education.
- f. The Panel should consider adding video recordings as a method to capture discussions at the public meetings and post them for public review in a timely manner.
- g. Consideration should be given to sending weekly "Panel e-mail updates" to inform internal stakeholders of the status and ongoing activities at the site. The periodicity of such updates could be adjusted at the discretion of the Panel [Chair](#) or Vice [Chair](#).
- h. The cognizant Region's public affairs office could publish periodic newsletters that are posted on the [website](#) and made available for distribution at the public meetings. The content of the newsletters should include items like the restart checklist, NRC organizational information and contacts, important milestones, and ADAMS accession numbers for key documents.

The Communication Team should also work with the Panel on the development of an internal SharePoint site. While all official documents will be included in ADAMS, the team may find a central information clearinghouse useful for collaboration.

Past experience has shown that early, frequent, and continuing communication with the public (generally at an offsite location) pays dividends to help increase the public's understanding of the events and reduce concerns. This interface promotes transparency and demonstrates the values and principles of good regulation.

Further guidance on communications is provided on the NRC's internal website. It is highly encouraged that the Panel and Communication Team use all available resources to ensure the NRC communicates a clear and concise message. When creating or revising a communication

tool or communication plan, early coordination with an OEDO communications specialist and with public affairs staff in headquarters or the regions is essential.

**Publicly available** historical data on plant performance can be found on the public website under the ROP page. Non-publicly available information can be found via the **DRO** SharePoint page.

## Exhibit 1: Example of IMC 0350 Oversight Panel Charter

### Fort Calhoun Station Manual Chapter 0350 Oversight Panel Charter

#### Purpose

1. Establish criteria for the oversight of Fort Calhoun Station (FCS) performance; ensure the NRC communicates a unified and consistent position in a clear and predictable manner to the licensee, public, and other stakeholders.
2. Establish a record of the major regulatory and licensee actions taken and technical issues resolved leading to approval for restart and to the eventual return of the plant to the Reactor Oversight Process (ROP).
3. Verify that licensee corrective actions are sufficient prior to restart.
4. Provide assurance that following restart the plant will be operated safely.

#### Objectives

The Panel's duties and planned accomplishments include the following:

1. Review all available information directly related to the reason for the plant shutdown for the past four quarters of plant operation. This activity includes a review of performance indicator (PI) data, inspection findings, and docketed correspondence from the licensee.
2. Develop the Panel Process Plan and the Restart Checklist. The Panel Process Plan should include a plan for implementing the checklist and for modifying it as necessary to ensure that all risk significant performance issues directly relating to the plant shutdown, including extent of condition and extent of cause, are resolved or dispositioned before restart.
3. Maintain the comprehensive Communication Plan to ensure effective communication with internal and external stakeholders.
4. Maintain cognizance over the status of the Confirmatory Action Letter (CAL) items and recommend to the Regional Administrator, in consultation with cognizant program office management, any necessary modifications.
5. Develop and maintain the site-specific Inspection Plan for continuous overview of licensee performance throughout the licensee's pre- and post-restart activities.
6. Utilize the site-specific Inspection Plan to identify the resources necessary to review performance deficiencies and identified risk-significant issues for restart.
7. Assess the licensee's third-party evaluation of their safety culture, including the adequacy of the licensee's corrective action and improvement program and the ability of the licensee to identify problems. If necessary, perform an independent assessment of the licensee's safety culture using the guidance contained in Inspection Procedure 95003.
8. Assess the physical readiness of the plant for restart.

9. Periodically provide NRC management and the Commission, if requested, briefings and updates on the status of the licensee's progress in resolving issues associated with the reasons for shutdown, corrective actions, and the facility's performance.
10. Conduct public periodic meetings with the licensee to discuss progress toward satisfactory completion of the licensee's restart program.
11. Upon satisfactory inspection and assessment of the completion of the pre-startup portion of the licensee's restart program, provide a written recommendation and the basis for the approval for restart to the Regional Administrator and the Director of (NRR).
12. Provide post-restart enhanced oversight of licensee performance until there is a return to the routine oversight and assessment of the ROP. Utilize the site-specific Inspection Plan to develop and implement the necessary inspection activities.
13. Provide a written recommendation to the Regional Administrator and the Director of NRR for the return of FCS to the routine oversight and assessment of the ROP.
14. Ensure a comprehensive record is developed and maintained that documents NRC decisions and actions related to MC 0350 activities and lessons learned for future Panels.

#### Panel Membership and Quorum Requirements

- **Chair:** [Name], Director, Division of Nuclear Materials Safety, Region IV
- **Vice Chair:** [Name], Deputy Director, Division of Operating Reactor Licensing, NRR

In addition to the **Chair** or **Vice Chair**, three of the following members (with at least one Headquarters member) are required to establish a quorum for the Oversight Panel:

- [Name], Acting Deputy Director, Division of Reactor Safety, Region IV
- [Name], Chief, Division of Reactor Projects Branch F, Region IV
- [Name], Senior Resident Inspector, Fort Calhoun Station
- [Name], Chief, Licensing Branch IV, Division of Operating Reactor Licensing, NRR
- \*[Name], Project Manager, Licensing Branch IV, Division of Operating Reactor Licensing, NRR

The Panel may add non-voting members as necessary to advise the panel on matters involving facility performance and resolution of technical concerns.

Non-voting member(s):

- [Name], Reactor Operations Engineer, Performance Assessment Branch, Division of Inspection and Regional Support, NRR

\*The Project Manager for FCS is responsible for documenting and distributing the Panel meeting minutes.

Attachment 1: Revision History for IMC 0350

Commitment Tracking Number	Accession Number Issue Date Change Notice	Description of Change	Description of Training Required and Completion Date	Comment Resolution and Closed Feedback Form Accession Number (Pre-Decisional, Non-Public Information)
C1 Reference: Davis-Besse Lessons Learned Task Force Item 3.3.4(4).	06/06/05	Revised to change the title to reflect the revised entry condition of a significant operational event in accordance with a Davis-Besse Lessons Learned Task Force recommendation [item 3.3.4(4)].	None	N/A
N/A	ML053340140 12/21/05 CN 05-034	Added new "Communication Plan" section. Provided more examples and clarifications in various sections. Made multiple changes based on comments from Davis-Besse 0350 Oversight Panel (see Comment Resolution Summary). Completed 4-year historical CN search.	None	ML053340133
N/A	12/15/06 CN 06-035	Revised to reflect ROP enhancements to more fully address safety culture. (SRM 04-0111)	None	N/A
N/A	ML17116A273 03/01/18 CN 18-006	Addressed lessons learned from the Fort Calhoun 0350 Oversight Panel and comments from ROP Feedback Forms. Revised document to clarify contents and remove redundant verbiage. (ROPFFs , 0350-1992, 0350-1994, 0350-1995, 0350-1996, 0350-1999, 0350-2003, 0350-2184)	None	ML17187A097 Closed FBFs: 0305-2226 ML17206A031 0350-1992, ML17206A016 0350-1994, ML17206A017 0350-1995, ML17206A018

Commitment Tracking Number	Accession Number Issue Date Change Notice	Description of Change	Description of Training Required and Completion Date	Comment Resolution and Closed Feedback Form Accession Number (Pre-Decisional, Non-Public Information)
		(continued from previous page)		0350-1996, ML17206A019 0350-1999, ML17206A020 0350-2003 ML17206A021 0350-2184 ML17206A032
	ML23271A156 10/16/23 CN 23-030	Updated to reflect reorganization.		N/A