

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

September 7, 2000

**NRC REGULATORY ISSUE SUMMARY 2000-15
RECOMMENDATIONS FOR ENSURING CONTINUED SAFE PLANT
OPERATION AND MINIMIZING REQUESTS FOR ENFORCEMENT
DISCRETION DURING EXTREME WEATHER CONDITIONS**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to advise addressees regarding the implementation of anticipatory measures for ensuring continued safe plant operation during extreme weather conditions and to reduce the possibility of having to request enforcement discretion. The NRC's "General Statement of Policy and Procedures for NRC Enforcement Actions (Enforcement Policy)," published as NUREG-1600, establishes NRC policy for granting or denying requests for enforcement discretion. The exercise of enforcement discretion is accomplished through the issuance of a notice of enforcement discretion (NOED). This RIS does not transmit any new requirements or staff positions. No specific action or written response is required.

BACKGROUND INFORMATION

The NRC expects all nuclear power plant licensees to operate their facilities safely and in compliance with the NRC regulations, the plant license, including technical specifications (TS), and other requirements. Nevertheless, unusual circumstances may occur in which explicit compliance with an NRC requirement could result in an unnecessary plant transient or unnecessary delays in plant startup, or the performance of a test, inspection, or system realignment that is inappropriate for the prevailing plant conditions. In these circumstances, licensees may request that the NRC exercise discretion and refrain from enforcing applicable technical specifications before a violation occurs. This type of enforcement discretion is implemented through a NOED, which is addressed in Section VII.C of the Enforcement Policy. The NRC will issue a NOED only when it is clear that such an action is consistent with the agency's mission to protect public health and safety.

Although rare, prolonged severe weather conditions may result in issuance by another Government agency or a responsible independent entity of an advisory assessment regarding

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the demand for electrical power and associated public (non-radiological) health and safety concerns. In these circumstances, licensees may request and the staff may grant a NOED after weighing the public health and safety implications of shutting down a nuclear power plant against the potential radiological or other safety hazards associated with continued plant operation even though such operation may not be in strict conformance with all license requirements.

SUMMARY OF ISSUE

Electricity production and delivery systems are vitally important elements of the North American economic and social infrastructure that must remain dependable at all times. Most other critical elements of this infrastructure depend on the availability of an interconnected, stable and reliable electrical power supply network. This requirement is especially significant during extreme weather conditions when the need and demand for power can be high. Any potential noncompliance with the facility license that could result in an unexpected plant shutdown during such weather conditions could adversely affect the stability of the electrical power generation and transmission network, with a concomitant adverse impact on the public health and safety. Continued safe operation of nuclear power plants during severe weather conditions is essential to maintaining a stable and reliable electrical power supply system.

The Enforcement Policy provides for the exercise of enforcement discretion under circumstances in which maintaining the stability and reliability of the electrical power supply system is consistent with protecting the public health and safety. The enforcement policy describes the criteria that the NRC staff considers in granting NOED requests.

Through periodic communications with the Department of Energy, the Federal Energy Regulatory Commission, other Government agencies, the North American Electric Reliability Council, and independent grid operators, as applicable, both the NRC staff and licensees are made aware of the occurrence of extreme weather conditions and the critical need for power. As such, extreme weather conditions should not come as a surprise to either licensees or the NRC staff. In fact, it may be prudent to implement appropriate preventive measures to minimize the need for NOEDs when such conditions develop. Weather-related NOED requests usually involve a missed surveillance, an improperly scheduled surveillance, or inoperable equipment. Therefore, licensees may want to ensure that required surveillances are current, or are scheduled and completed well before anticipated extreme weather conditions develop, and to implement plans for periodic walkdown inspections or other measures to ensure that the condition of plant equipment is good and that potentially inoperable equipment does not prompt a NOED request. These anticipatory activities may preclude the subsequent identification of missed surveillances, the need to perform potential load-threatening surveillances, or the need to restore inoperable equipment to operable status within a short allowable outage time during extreme weather conditions. Alternatively, missed surveillances or inoperable equipment conditions could result in the occurrence of potential noncompliance conditions and the need for NOED requests.

In spite of every reasonable effort that a licensee may take, unanticipated situations may arise and a NOED may be necessary for continued operation of a facility. In this event, licensees are encouraged to engage the NRC staff early, particularly in time-critical situations, with complete

and relevant information, as specified in NRC Inspection Manual Part 9900, to permit the timely evaluation of NOED requests by the staff. In the absence of NRC approval of the NOED request, a licensee must take action in conformance with facility license conditions and applicable regulations. A licensee may take reasonable action that departs from a license condition or technical specification, however, if the conditions of 10 CFR 50.54(x) are satisfied.

BACKFIT DISCUSSION

This regulatory issue summary requires no action or written response. Any action on the part of addressees regarding the implementation of anticipatory measures for ensuring continued safe plant operation during extreme weather conditions and to reduce the possibility of having to request enforcement discretion, is strictly voluntary. Consequently, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

The staff did not publish a notice of opportunity for public comment in the *Federal Register* because this regulatory issue summary is informational and pertains to a staff procedure. The policy that the procedure implements was published in the *Federal Register* and the NRC staff considered all of the comments it received.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not request any information collection.

Please contact the lead project manager listed below if there are any questions about this matter.

/RA/Charles E. Ader for

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Attachment: List of Recently Issued Regulatory Issue Summaries

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LIST OF RECENTLY ISSUED
NRC REGULATORY ISSUE SUMMARIES

Regulatory Issue Summary No.	Subject	Date of Issuance	Issued to
2000-14	Preparation and Scheduling of Operator Licensing Examinations	09/06/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2000-13	Annual Report on the Effectiveness of Training in the Nuclear Industry for Calendar Year 1999	08/18/2000	All holders of OLs for nuclear power reactors
2000-12	Resolution of Generic Safety Issue B-55, "Improved Reliability of Target Rock Safety Relief Valves"	08/07/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2000-11	NRC Emergency Telecommunications System	6/30/2000	All holders of OLs for nuclear power reactors
2000-10	Technical Information of Facilitate Public Access to the U.S. NRC Agencywide Documents Access and Management System (ADAMS)	6/30/2000	All NRC licensees
2000-09	Standard Review Plan for Licensee Requests to Extend the Time Periods Established for Initiation of Decommissioning Activities	06/26/2000	All material licensees regulated in accordance with 10 CFR Parts 30, 40, and 70