

NONSUBSTANTIVE CHANGE REQUEST
FOR
NOTICE OF ENFORCEMENT DISCRETION FOR OPERATING POWER REACTORS AND
GASEOUS DIFFUSION PLANTS
(NRC ENFORCEMENT POLICY)

3150-0136

On occasion, circumstances arise when a power plant licensee's compliance with a Technical Specification (TS) Limiting Condition for Operation or any other license condition would involve an unnecessary plant shutdown or transient. Similarly, for a gaseous diffusion plant, circumstances may arise where compliance with a Technical Safety Requirement (TSR) or other condition would unnecessarily call for a total plant shutdown, or, compliance would unnecessarily place the plant in a condition where safety, safeguards, or security features were degraded or inoperable.

In these circumstances, a licensee or certificate holder may request that the NRC exercise enforcement discretion, and the NRC staff may choose to not enforce the applicable TS, TSR, or other license or certificate condition. This enforcement discretion is designated as a Notice of Enforcement Discretion (NOED).

A licensee or certificate holder seeking the issuance of a NOED must document and submit to the NRC by letter, the safety basis for the request, including an evaluation of the safety significance and potential consequences of the proposed request, a description of proposed compensatory measures, a justification for the duration of the request, the basis for the licensee's or certificate holder's conclusion that the request does not have a potential adverse impact on the public health and safety, and does not involve adverse consequences to the environment, and any other information the NRC staff deems necessary before making a decision to exercise discretion.

Previously, the instructions for requesting a NOED were contained in Inspection Manual Chapter 0410 (ADAMS Accession No. ML13071A487). The NRC staff has relocated the NOED implementation guidance to the Enforcement Manual. (The revised version of the Enforcement Manual has been uploaded with this request.) This move better aligns the implementing procedure with the location of the NOED policy. Along with moving the procedure, the staff has cleaned up and reformatted the document for better ease of use and consolidated the NOED criteria. Additionally, the NOED guidance addresses its interface with other power reactor technical specification programs that have been recently implemented and reinforces its existing interface with the license amendment process.

The NRC staff is requesting a nonsubstantive change to the NOEDs information collection due to the update of the guidance associated with this information collection. The NRC NOED policy is unchanged, and the entities who are eligible to voluntarily request a NOED remain the same. The information required to request a NOED is unchanged and the estimated burden per request remains the same.