MEMORANDUM OF AGREEMENT
BETWEEN
THE INSTITUTE OF NUCLEAR POWER OPERATIONS
AND
THE U. S. NUCLEAR REGULATORY COMMISSION

Effective Date: ***December 10, 2007***

This Memorandum between the U.S. Nuclear Regulatory Commission (NRC) and the Institute of Nuclear Power Operations (INPO) reflects the desire for a continuing and cooperative relationship in the exchange of experience, information, and data related to the safety and security of nuclear power plants.

The NRC has statutory responsibility for licensing and regulating nuclear facilities and materials and for conducting research in support of the licensing and regulatory process, as mandated by the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and the Nuclear Nonproliferation Act of 1978; and the Energy Policy Act of 2005, and in accordance with the National Environmental Policy Act of 1969, as amended, and other applicable statutes. NRC's responsibilities include protecting public health and safety consistent with the common defense and security, protecting the environment, and protecting and safeguarding materials and plants in the interest of national security. INPO is an organization sponsored by the nuclear utility industry whose mission is to promote the highest levels of safety and reliability – to promote excellence – in the operation of nuclear electric generating plants. As such, NRC and INPO undertake complementary but independent activities, as defined in appendixes to this Agreement. These appendixes will help ensure that the goals of both organizations are achieved in the most efficient and effective manner without diminishing or interfering with the responsibilities and authorities of the NRC and the goals of INPO.

This Memorandum is not intended to be an enforceable agreement or contract on either party, notwithstanding the occasional use of the term "agree" or the use of mandatory language such as "shall" or "will" in either the Memorandum or its appendixes. Since this Memorandum is not legally binding, the Commission may depart from its terms whenever it deems it necessary or appropriate to do so in the discharge of its regulatory responsibilities, except that in the interests of cooperation the Commission will, if appropriate and practical, advise INPO of any intention to depart from the terms of this Memorandum prior to doing so. This Memorandum of Agreement does not obligate any funds and is subject to the availability of appropriated funds.

It is intended that this Memorandum of Agreement and its companion appendixes complement one another. Appendixes are utilized to delineate detailed and specific areas for cooperative agreements that exist between the parties of this Agreement and that may be amended from time to time. The appendixes are not interpreted as restrictive to only those areas specified in the document, but serve as keystones of the Agreement for the exchange of information to support the common goals of both organizations.

INPO and the NRC agree to consult with each other with regard to the availability of technical information that would be useful in areas of mutual interest and to promote and encourage a free flow of such information. In this regard, INPO will provide plant-specific information on a case by case basis consistent with the other provisions of this Agreement. Both parties recognize the need for excluding from this Agreement fragmentary information related to work in progress and/or that has been received on a privileged basis. However, as information is verified and found to be necessary or important to findings upon which significant safety-related conclusions and recommendations are based, the party holding such information will take appropriate and timely steps to remove it from the fragmentary, privileged, or otherwise restricted status. However, the NRC generally cannot provide information to INPO that is withheld from public disclosure. Each party recognizes the need, on some occasions, to be able to accept and protect privileged information where such information could not be made available otherwise. It is recognized that the parties to this Agreement may not be fully aware of the extent of each other's knowledge: thus, this Agreement requires only the parties' best efforts.

The parties to the Agreement will meet periodically to exchange information and keep each other apprised of the major activities under way and planned in each area of agreement. The meetings are an effort to avoid unnecessary and unintentional duplication of activities, while providing a means to identify those areas where independent activities by another organization may be warranted.

Coordination meetings are for information exchange only. Meetings are not to be construed as requests or opportunities for (or used by the NRC for obtaining) the advice or recommendations of INPO or its personnel on policy or regulatory issues within the scope of the NRC's responsibilities. INPO advice or recommendations to the Commission on regulatory or policy matters, if any, are to be made through established procedures of the Commission and will be considered by the Commission in the same manner as other offers of advice or recommendations made through established Commission procedures. Minutes of all coordination meetings will be placed in the NRC public document room. These need not be verbatim transcripts of coordination meetings, but should include a list of the meeting participants and agenda items discussed at meetings, with brief summaries of the discussions among meeting participants.

In addition to meetings, it is expected that frequent, informal communications will exist among the parties that will be limited to exchanging information and providing updates on the status of activities in progress or planned. The appendixes to this Agreement provide for NRC access to selected INPO proprietary documents and information. Such documents and information provided to the NRC will be appropriately identified consistent with previous proprietary arrangement sanctioning the exchange of proprietary information between INPO and NRC, and in the interest of improving nuclear plant safety, NRC will control distribution of INPO proprietary documents and information within the agency and will exert best efforts to protect them from unauthorized disclosure. The NRC understands that INPO proprietary documents are all integral parts of INPO's private, routine interactions with its members. Exceptions to this policy for control of INPO proprietary documents and information will be addressed by the parties to this agreement on a case-by-case basis.

INPO will submit to the NRC in accordance with 10 C.F.R. §2.390 an affidavit covering the reports and information submitted by INPO to the NRC and justifying the proprietary markings carried by those reports and information. The affidavit will contain a statement of the basis for withholding the INPO reports and information from public disclosure.

This Agreement supersedes the previous Agreement dated November 14, 2005. The appendixes to this agreement are as follows:

- Appendix Number One, **Coordination Plan for NRC/INPO Exchange of Operational and Construction Experience Data**
- Appendix Number Two, **Observation and Coordination Plan for NRC/INPO Inspection and Evaluation Activities**
- Appendix Number Three, **Observation and Coordination Plan for NRC/INPO Training-related Activities**
- Appendix Number Four, **Coordination Plan for INPO/Industry Participation in NRC Incident Investigation Teams**
- Appendix Number Five, **Coordination of Plant Construction-related Activities.**

Executive Director for Operations U.S. Nuclear Regulatory Commission	James O. Ellis Jr President and Chief Executive Officer Institute of Nuclear Power Operations

APPENDIX NUMBER ONE

COORDINATION PLAN FOR NRC/INPO EXCHANGE OF OPERATIONAL AND CONSTRUCTION EXPERIENCE DATA

1. **BACKGROUND**

The purpose of this plan is to coordinate selected NRC and INPO activities related to the collection and feedback of operational and construction experience information and data related to the safety and reliability of nuclear power plants. There are several underlying assumptions, including the following:

a. NRC, as the government entity, has statutory responsibilities and authorities which are paramount. Nothing in this plan dilutes that responsibility and authority to take action in accordance with applicable statutes.

b. Recognizing the ability of INPO to contribute to safe and reliable operation and construction of nuclear power plants with a resulting benefit to public health and safety, the following statements apply:

(1) NRC and INPO share the common objectives that reporting of operational and construction experience information and performance data be efficient, that duplicative or inconsistent reporting be minimized, and that consistent industrywide overall performance indicators be used to the extent practical.

(2) NRC and INPO agree that the validity of analysis results may depend on the completeness and quality of input information.

(3) NRC and INPO agree that the effectiveness of feedback is dependent on a proper understanding of the significant lessons learned from industry operating and construction experience.

2. **OVERALL COORDINATION**

a. NRC and INPO will regularly exchange, on a timely basis, the results of completed and formally documented generic analysis and event evaluation of operational and construction data.

b. INPO and NRC staffs involved in events analysis, operating and construction experience activities will conduct periodic conference calls to discuss the facts relating to recent events at nuclear power plants. No advice or recommendations on policy and regulatory issues shall be discussed during these conference calls. During these conference calls, INPO will notify NRC of events and safety issues it has determined to be significant through the SEE-IN screening process and what SEE-IN products are being developed. Similarly, NRC will generally notify INPO of operating and construction experience issues under review and any generic communications or temporary instructions being considered or under development to the extent NRC makes this information publicly available. INPO will provide final SEE-IN products, including documents and information concerning construction of new nuclear plants, to NRC. These SEE-IN documents will be marked by INPO and treated by NRC as proprietary commercial information and will not be publicly disclosed. These SEE-IN documents will be made available to the NRC staff via the NRC's intranet. The NRC generic communication documents will continue to be published on the NRC public Web site accessible to INPO and the public.

c. Information and data obtained by the NRC from foreign sources that do not include restrictions on further distribution will be made available to INPO, provided that information is not available to INPO through the World Association of Nuclear Operators (WANO). Foreign information and data obtained by INPO that does not include restrictions on further dissemination will similarly be made available for NRC analysis activities.

d. INPO will provide the NRC access to and use of the Equipment Performance and Information Exchange (EPIX) Database (including the NPRDS archive) operated and maintained by INPO. EPIX is the basis of an industry-proposed reliability and availability data system. As improvements are expected to occur over time, INPO agrees to provide NRC with the opportunity to comment on proposed changes that could significantly affect the voluntarily submitted equipment

reliability and availability data. Additional agreements regarding EPIX access and use are contained in a contract between NRC and INPO that is separate from this agreement.

e. INPO will provide to the NRC selected performance indicator results and data from U.S. utilities from its WANO performance indicator database. Data will be provided on an as-requested basis, except for cumulative radiation exposure data, which will be provided quarterly. All data is provided subject to the following practical conditions and agreements:

NOTE: For purposes of this paragraph, the following terms and definitions apply:

Plant/unit-specific - Refers to information for which the submitting station name is included

Data - Refers to raw performance indicator information as opposed to computed indicator results

Indicator results or, simply, results - Refers to computed indicator final values

Broad industry results - Refers to indicator results from many U.S. stations or U.S. industry summary values, such as results by plant groups

(1) To the extent permitted by law, all WANO plant/unit-specific data or indicator results that are provided to the NRC will be treated as proprietary commercial information belonging to INPO and WANO and will not be disclosed publicly, provided that NRC may disclose these data and indicator results to a third party under a contract with the NRC that imposes appropriate confidentiality obligations on the third party.

(2) In the event NRC determines that it is obligated by law to disclose WANO plant/unit-specific data to the public or to a third party (except a contractor, as provided above), then NRC will give INPO the best advance notice possible under the circumstances so as to permit INPO to protect its interests as it sees fit.

(3) NRC recognizes that WANO makes reasonable efforts to identify and follow up on questionable data, but that ultimate responsibility for data reporting accuracy rests with the submitting plant. Accordingly, NRC agrees to verify all plant-specific data and plant-specific indicator results with the applicable plant(s) before any such data is used for plant-specific regulatory decisions.

(4) NRC will continue to offer INPO and Nuclear Energy Institute (NEI) and affected licensees for plant-specific conclusions or recommendations, the opportunity to provide comments on documents or reports containing information derived from plant-specific or generic data or indicator results provided by INPO. For substantive NRC documents, this will be consistent with NRC procedures for release of draft documents, including public disclosure of the draft document and any comments submitted. For other documents, INPO and NEI will be on distribution, and NRC will consider any comments provided. These provisions apply only to documents and reports that NRC intends to make available external to the NRC.

(5) Since changes to improve the WANO Performance Indicator Program are expected to occur over time, INPO agrees to provide NRC an opportunity to comment on proposed changes that could affect data/indicator results voluntarily submitted to NRC.

(6) INPO will mark all WANO plant/unit-specific data submitted to NRC as proprietary commercial information.

(7) As an exception to the proprietary information provision above, INPO grants NRC the right to publish in NRC reports U.S. domestic plant/unit-specific cumulative radiation exposure data and broad U.S. industry performance indicator results provided by INPO.

f. INPO will provide to the NRC selected Monthly Operating Report (MOR) information about U.S. plant operation and shutdowns from its Consolidated Data Entry (CDE) system. Data will be provided on a quarterly basis, as soon as practicable (i.e., normally within 45

days) after the end of the quarter, subject to the following conditions and agreements:

(1) The scope will be that data described in NRC Generic Letter 97-02, as defined in f (4) below. This data is available for unrestricted use by the NRC on receipt (including the electronic version of the database).

(2) NRC recognizes that INPO makes reasonable efforts to correctly store and reproduce the data element values entered by licensees, but that ultimate responsibility for data reporting accuracy rests with the licensees that enter the data. Accordingly, NRC agrees to direct questions about plant-specific data values to the applicable licensees.

(3) NRC recognizes that INPO makes reasonable efforts to reliably store and reproduce data values based on the data entered by licensees, but that in rare instances, network unreliability or software errors may result in the late transfer of data from INPO to NRC or incorrect values transferred to NRC. Accordingly, NRC agrees to not hold the licensees responsible for late receipt of data or incorrect data values that are the result of network or software problems encountered by INPO.

(4) The scope of the data provided will be the data described in NRC Generic Letter 97-02. Specifically, monthly values of the following data elements will be provided for all U.S. units that have revised their technical specifications to remove the monthly operating report requirement:

- Unit Name
- Unit Docket Number
- Contact Name
- Contact Telephone Number
- Design Electrical Rating
- Maximum Dependable Capacity (Net MWe)
- Narrative Summary of Monthly Operating Experience
- Critical Hours
- Cumulative Reactor Critical Hours – Life of Plant
- Cumulative Reactor Critical Hours – Year to Date
- Generator On-line Hours - Month

- Cumulative Generator On-line Hours Year to Date
- Cumulative Generator On-line Hours Life of Plant
- Net Electrical Energy
- Cumulative Net Electrical Energy – Life of Plant (MWHrs)
- Cumulative Net Electrical Energy – Year to Date (MWHrs)
- Reserve Shutdown Hours
- Reserve Shutdown Hours – Life of Plant
- Reserve Shutdown Hours – Year to Date
- Sequential Number of Shutdown for Calendar Year
- Shutdown Type
- Reactor Shutdown Reason
- Reactor Shutdown Method
- Shutdown Start Date
- Shutdown Duration
- Shutdown Corrective Actions and Comments

g. NRC and INPO intend to have periodic informal technical discussions on generic or event-related studies in progress that are of mutual interest.

h. While avoiding duplication of operating and construction experience products is desirable, the NRC decision on whether to issue a generic communication cannot be based solely on INPO having addressed the issue in a SEE-IN product. However, this may be a factor in the NRC's decision-making process.

APPENDIX NUMBER TWO

OBSERVATION AND COORDINATION PLAN FOR NRC/INPO INSPECTION AND EVALUATION ACTIVITIES

1. BACKGROUND

The purpose of this plan is twofold: First, to maintain NRC and INPO awareness of inspection and evaluation activities. Second, to coordinate selected NRC inspection and INPO evaluation activities to minimize the impact placed on utility personnel. This appendix addresses activities for operating nuclear power plants. Appendix Number 5 describes the coordination of plant construction-related activities.

There are several underlying assumptions, including the following:

- INPO recognizes NRC's regulatory responsibilities and authority.
- NRC recognizes INPO's efforts to promote excellence in nuclear plant operations.
- NRC desires to recognize INPO evaluation activities to the extent that these activities are effective in helping meet NRC's responsibilities and lessen the burden imposed on the industry by duplicative oversight activities.
- NRC requires access to selected INPO documents and information and the opportunity to observe selected INPO activities to give credit for INPO activities and thereby avoid unnecessary duplication.

2. INPO ACTIVITIES

This section outlines INPO evaluation activities. For the purposes of this MOA, World Association of Nuclear Operator (WANO) peer review reports shall be treated and handled by the NRC as INPO plant evaluation reports.

a. INPO will conduct evaluations of operating nuclear plants on a periodic basis.

b. INPO will also conduct periodic reviews or assistance visits related to corporate support of nuclear stations either on utility request or as scheduled by INPO. This phase of INPO activities will usually be conducted coincident with (in close time proximity to) an evaluation of the utility's nuclear plant(s).

c. INPO will prepare a written report for each evaluation. The utility provides written responses to INPO in each area identified by INPO as needing improvement.

d. Each succeeding evaluation will include follow-up on the responses developed during the preceding evaluation.

e. INPO intends to conduct appropriate visits to new plants under construction and their corporate organizations, to assist in their preparation for operation.

3. **NRC OBSERVATION OF INPO ACTIVITIES**

a. INPO expects its member utilities to make operating plant evaluation reports available to the NRC inspectors and appropriate management personnel for review or reading on site. Further, INPO will make final evaluation reports available to the NRC for generic review or reading by appropriate NRC management personnel at the INPO offices in Atlanta, as part of an ongoing exchange of information concerning the evaluation program.

b. Current copies of, and any changes to, INPO evaluation performance objectives and criteria will be provided to NRC.

c. NRC may, on request, have a representative observe an INPO evaluation. INPO will obtain the necessary concurrence from the host utility. While specifying a maximum number to be observed is not considered necessary by either party, it is anticipated that an NRC representative may observe INPO evaluations several times annually. Where NRC Regional personnel participate as observers, they would not normally accompany an INPO team on an evaluation in their own Region.

d. INPO will brief personnel of the NRC Office of Nuclear Reactor Regulation (NRR) and Office of Nuclear Regulatory Research (RES) upon request on any or all aspects of INPO's evaluation and assistance program.

e. NRC review of INPO evaluation activities will be coordinated by the NRC Office of the Executive Director for Operations. Because INPO has its own system for obtaining member corrective action, NRC's role in pursuing correction of INPO evaluation findings will involve only significant safety problems for which NRC has no other reasonable alternative in meeting its legislated responsibilities. Any other NRC follow-up enforcement action would be in accordance with paragraph 3.h. below.

f. Subject to the continued development and success of the INPO program as outlined above and NRC's ability to effectively review the program, NRC intends to recognize INPO evaluations and, in those areas deemed appropriate, to minimize NRC inspections that duplicate INPO evaluations.

g. NRC and INPO will coordinate NRC inspections (involving two or more inspectors) and INPO evaluations, to minimize the impact on the utility involved. Where feasible, NRC and INPO will coordinate event-related or other emergency on-site activities such as NRC augmented inspection teams (AITs), incident investigation teams (IITs), diagnostic evaluation teams (DETs), and INPO event investigations, although each party recognizes that it may not be possible to coordinate all of these efforts. The NRC accomplishes this by sharing inspection schedules twice per year.

h. The NRC will apply the established Commission enforcement policy for licensee-identified non compliances to those non compliances identified by utilities as a result of INPO evaluations.

4. **INPO OBSERVATION OF NRC INSPECTION ACTIVITIES**

a. INPO may, on request, have a representative observe an NRC inspection (typically a team inspection). While specifying a maximum number to be observed is not considered necessary by either party, it is anticipated that an INPO representative may observe NRC inspections several times annually. NRC will obtain concurrence from the host utility.

b. INPO observation of NRC inspection activities will be coordinated by the NRC Office of the Executive Director for Operations.

APPENDIX NUMBER THREE

OBSERVATION AND COORDINATION PLAN FOR NRC/INPO TRAINING-RELATED ACTIVITIES

1. **BACKGROUND**

The purpose of this plan is to coordinate selected NRC and INPO activities related to nuclear power industry training. It is also intended to provide a mechanism and a basis for information sharing and NRC recognition of INPO and National Academy for Nuclear Training efforts in this area.

There are several underlying assumptions:

- INPO recognizes NRC's regulatory responsibility and authority.
- NRC and INPO share the goal of improving and maintaining the quality of nuclear utility training.
- NRC recognizes the industry's initiative and commitment to INPO programs that promote high-quality training through development of integrated training and qualification systems, including accreditation of key training programs.
- NRC recognizes INPO accreditation and associated training evaluation activities (see also Appendix Number Two, "Observation and Coordination Plan for NRC/INPO Inspection and Evaluation Activities") as an acceptable means of self-improvement in training. Such recognition encourages industry initiative and reduces evaluation and inspection activities. NRC recognizes accreditation is a means but not a requirement for meeting the requirements of 10 CFR 50.120 Rule on Training and Qualification of Nuclear Power Plant Personnel.
- INPO recognizes that the NRC requires access to selected INPO documents and information, as well as the opportunity to observe selected INPO activities related to training and accreditation, in order to ensure that the NRC meets its obligations to the public and the Congress.

- Coordination of NRC and INPO training-related activities and sharing of information will increase overall effectiveness, as well as lessen the burden imposed on the industry by duplication of activities.

2. OVERALL COORDINATION

In order to promote overall coordination of NRC and INPO training-related activities, the following actions will be taken:

a. NRC/INPO Coordination Meetings will be held periodically with representatives from the NRC Offices of Nuclear Reactor Regulation (NRR) and New Reactors (NRO), and INPO's Training and Accreditation organization. At these meetings, information on ongoing projects, plans, and selected INPO and National Academy documents undergoing revision will be discussed. Written reports of progress and results may be exchanged.

b. INPO will provide the NRC with access to selected INPO and National Academy documents and information and will provide updated copies of the INPO and National Academy training guidelines and the Training System Development Manual.

3. INPO ACTIVITIES

This section outlines INPO and National Academy activities related to the accreditation of performance-based programs for the training and qualification of nuclear power plant personnel. The INPO point of coordination for the implementation of this plan is the vice president, Training and Accreditation.

a. INPO will continue to manage the accreditation of utility training programs including:

- self-evaluations by member utilities, with assistance from the INPO staff;
- on-site evaluations of training and qualification programs by teams of INPO and utility personnel;
- preparation of a report for each accreditation team visit;

- follow-up on recommendations developed during the accreditation process; and

- review of training programs by the National Nuclear Accrediting Board for the purpose of awarding, deferring, renewing, placing on probation, or withdrawing of accreditation.

b. INPO will continue to conduct periodic performance-oriented evaluations of personnel training and qualifications as part of its accreditation and plant evaluations. This provides another means of independent feedback on the quality of training.

c. INPO will provide updated copies of the accreditation objectives and criteria document as it is revised. This document will be made available publicly.

d. INPO will review and consider NRC recommendations regarding INPO-managed training-related programs, documents, and criteria.

e. INPO will provide periodic detailed briefings on accreditation to appropriate NRC management personnel, including review of the activities described in 3.a above and documentation of industrywide accreditation status.

f. INPO intends to brief the Commission periodically on National Academy activities.

4. NRC ACTIVITIES

This section outlines the NRC's continuing efforts to monitor INPO activities as part of NRC's assessment of the effectiveness of industry's training and qualification program improvements. The NRC points of coordination for implementation of this plan are directors, Division of Inspection and Regional Support, NRR, and Division of Construction Inspection and Operational Programs, NRO.

a. To avoid "codifying" or the appearance of "codifying" INPO documents, NRC will not issue documents that duplicate INPO and National Academy training documents and will not refer to INPO and National Academy documents as a means of satisfying NRC requirements. Exceptions to this policy for control of proprietary

INPO and National Academy documents will be addressed by the parties to this agreement on a case by case basis.

b. NRC will assess the effectiveness of industry's training and qualification program improvements as follows:

- conduct operator initial licensing exams;
- audit, monitor, and/or conduct operator requalification exams, consistent with 10 CFR Part 55;
- monitor plant and industry trends and events involving personnel errors;
- conduct performance-based inspections of training and qualification program effectiveness, as necessary and consistent with 10 CFR 50.120 and the NRC Inspection Manual.

c. NRC will monitor INPO activities in training and accreditation as follows:

- receive periodic briefings and/or reports from INPO and review a sample of applicable INPO and National Academy documents;
- nominate prestigious and appropriately experienced individuals who are not on the NRC staff to serve as members of the National Nuclear Accrediting Board with full voting privileges;
- have an NRC staff member attend and observe selected National Nuclear Accrediting Board meetings (not to include executive session decision-making deliberations);
- on request, have an NRC representative observe INPO accreditation team site visits for the purpose of monitoring the effectiveness of the accreditation process. The NRC will observe at least one accreditation team visit annually, normally sending only one observer. In rare instances, more than one observer may be included on a visit with prior

mutual agreement between NRC and INPO. INPO will obtain the necessary concurrence from the host utility. Where NRC Regional personnel participate as observers, they would not normally accompany an INPO accreditation team on a visit in their assigned Region;

- be notified of any modifications in the program objectives and criteria as currently described in the National Academy for Nuclear Training document, *The Objectives and Criteria for Accreditation of Training in the Nuclear Power Industry,* (ACAD 02-001).

d. NRC recognizes that training program probation does not mean the loss of accreditation and will allow the utility to correct the weaknesses in training while being held accountable by the National Academy. A utility will be requested to notify the NRC promptly when accreditation status has changed.

e. Because INPO has its own system for obtaining member corrective action, NRC's role in pursuing correction for INPO-identified training and qualification problems will involve only significant safety problems for which the NRC has no other reasonable alternative in meeting its legislated responsibilities. INPO expects its member utilities to make accreditation reports available to the NRC inspectors and appropriate management personnel for review or reading on site. Likewise, INPO will make available in its offices accreditation reports for generic review by NRC managers.

f. NRC's performance-oriented inspection program documents, including applicable inspection guidelines, are available to INPO from the NRC's public Web site.

g. NRC will coordinate any team inspections with INPO accreditation team visits and evaluations to minimize the impact on the utility involved. On request and with concurrence of the utility, an INPO employee may observe an NRC training inspection. It is anticipated INPO would observe such inspections occasionally, sending only one observer on any visit. In rare instances, more than one observer may be included on a visit with prior mutual agreement between NRC and INPO.

APPENDIX NUMBER FOUR

COORDINATION PLAN
FOR
INPO/INDUSTRY PARTICIPATION IN
NRC INCIDENT INVESTIGATION TEAMS

1. The purpose of this plan is to establish guidance for INPO's or other industry representatives' involvement with NRC Incident Investigation Teams (IITs). It is also intended to minimize duplication of event investigation efforts to reduce the impact on the affected utility and to promote dissemination of accurate operating experience information to the industry.

2. NRC and INPO recognize the importance of NRC's incident investigation activities in identifying significant operational experience information. Participation by industry representatives on an IIT should result in a more complete and thorough understanding of the factors contributing to the incident and actions needed to prevent recurrence. In carrying out this plan, INPO recognizes NRC's responsibility and authority.

3. In view of these considerations, INPO and NRC agree on the following:

   a. INPO's or other industry representatives' participation on an IIT will be coordinated between the director, Office of Nuclear Reactor Regulation for the NRC and the Analysis Director, INPO. A request for participation by an industry representative can be initiated by either party to this Agreement.

   b. The current Incident Investigation Manual and any other procedures that apply to the operation of an IIT are available to INPO from the NRC's public Web site.

   c. NRC will notify INPO promptly when an IIT is being activated and will provide all necessary information to enable INPO to facilitate industry participation.

   d. INPO will serve as the central point of contact for coordination of all issues and procedures regarding industry participation on IITs.

   e. INPO will recommend industry participants to the NRC.

f. INPO will request each industry nominee to sign a statement regarding proprietary information, conflicts of interest, and waiver of compensation. In addition, each industry nominee will be requested to comply with the procedures established for the operation of IITs, which include procedures for handling differences in professional opinion and the release of investigation information. This signed statement will be provided to the NRC as part of the nomination process.

g. INPO will provide assistance in coordinating with the affected utility to obtain site access for the industry representative(s).

h. INPO will work with the affected utility and the IIT so that the Significant Event Report (SER), if any, being prepared by INPO on the event under investigation by an IIT is factually correct. To this end, INPO will request that the affected utility coordinate a review of the draft SER with the IIT and provide comments to INPO.

APPENDIX NUMBER FIVE

COORDINATION OF PLANT CONSTRUCTION-RELATED ACTIVITIES

1. BACKGROUND

The purpose of this plan is to coordinate selected NRC and INPO activities related to nuclear plant construction activities. It is also intended to provide a mechanism and a basis for information sharing and NRC recognition of INPO efforts in this area.

There are several underlying assumptions:

- INPO recognizes NRC's regulatory responsibility and authority under 10 CFR parts 50 and 52.
- NRC and INPO share the goal of improving and maintaining the quality of nuclear plant construction.
- INPO recognizes that the NRC requires access to selected INPO documents and information, as well as the opportunity to observe selected INPO activities related to nuclear plant construction, in order to ensure that the NRC meets its obligations to protect the health and safety of the public.
- Coordination of NRC and INPO reactor construction-related activities and sharing of information will increase overall effectiveness, as well as lessen the burden imposed on the industry by duplication of activities.

2. OVERALL COORDINATION

The coordination and information sharing activities defined in this Appendix will be implemented in a similar fashion to those defined in appendixes 1, 2, 3, and 4. In order to promote overall coordination of NRC and INPO construction-related activities, the following actions will be taken:

a. NRC/INPO coordination meetings will be held periodically with representatives from NRC Office of New Reactors' Division of Construction Inspection and Operational Programs (DCIP), NRC Office of Nuclear Reactor Regulation Division of Inspection and

Regional Support (DIRS), INPO's Analysis Division, NRC R-II Division of Construction Inspection Programs, and INPO's New Plant Deployment organization. At these meetings, information on ongoing projects, plans, and selected INPO and NRC documents undergoing revision will be discussed. Written reports of progress and results may be exchanged. Additionally, routine, ongoing sharing of working level information (including international trip reports) related to reactor construction activities will be encouraged.

b. INPO will provide the NRC with access to selected INPO and National Academy documents and information.

c. NRC and INPO will share their inspection schedules in a timely manner to provide observers with sufficient time for planning and preparation.

3. INPO ACTIVITIES

This section outlines INPO activities related to nuclear plant construction. The INPO point of coordination for the implementation of this plan is the Program Director, New Plant Deployment.

a. INPO will periodically share with the NRC generic results of construction-related operating experience received by INPO.

b. INPO will conduct periodic performance-oriented reviews of nuclear plant construction programs and processes. This provides another means of independent feedback on the readiness for operation.

c. INPO will provide copies of the INPO documents related to nuclear plant construction developed by INPO.

d. INPO will review and consider NRC recommendations regarding nuclear plant construction programs, documents, and criteria.

e. INPO will provide periodic briefings on nuclear plant construction activities to appropriate NRC management personnel.

f. To the extent that INPO construction activity evaluations are documented, INPO expects its members make these reports available to NRC inspectors and appropriate management personnel for review or reading on site. Further, INPO will make these evaluation

reports available to the NRC for generic review or reading by appropriate management personnel at the INPO offices in Atlanta.

g. INPO representatives may, upon request, observe NRC construction team inspections. The number of INPO observers on a visit will be based on prior mutual agreement between NRC and INPO. NRC will obtain the necessary concurrence from the host utility.

4. **NRC ACTIVITIES**

This section outlines the NRC's efforts to keep informed of INPO activities related to nuclear plant construction. The NRC point of coordination for implementation of this plan is the director, Division of Construction and Operational Programs, NRO.

a. To avoid "codifying" or the appearance of "codifying" INPO documents, NRC will not issue documents that duplicate INPO and National Academy training documents and will not refer to INPO and National Academy documents as a means of satisfying NRC requirements. Exceptions to this policy for control of proprietary INPO and National Academy documents will be addressed by the parties to this agreement on a case by case basis.

b. NRC will monitor INPO activities in nuclear plant construction as follows:

- receive periodic briefings and/or reports from INPO and review a sample of applicable INPO and National Academy documents;

- on request, have an NRC representative observe INPO nuclear plant construction team site visits for the purpose of monitoring the effectiveness of the visits. The number of NRC observers will be based on prior mutual agreement between NRC and INPO. INPO will obtain the necessary concurrence from the host utility/applicant.

c. Because INPO has its own system for obtaining member corrective action program documents, NRC's role in pursuing correction for INPO-identified nuclear plant construction deficiencies will involve only significant safety problems for which the NRC has no other reasonable alternative in meeting its legislated responsibilities.

d. NRC's inspection program documents, including applicable inspection guidelines, are available to INPO from the NRC's public Web site.

e. To the extent feasible, INPO and NRC will coordinate their activities to minimize the impact on the utility/applicant. However, both parties acknowledge that given the potential extent and pace of construction activities, situations may occur when NRC and INPO teams will be conducting activities simultaneously. To the extent that this occurs, both parties will strive to minimize its impact on the other.