December 12, 2007

MEMORANDUM TO: Steven Garry, Health Physics Team Lead
Reactor Inspection Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

FROM: Roger Pedersen***/RA/***
Reactor Inspection Branch/Health Physics Team
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF DECEMBER 5, 2007, CATEGORY 2 PUBLIC MEETING WITH NUCLEAR ENERGY INSTITUTE (NEI) TO DISCUSS CONSISTENCY OF HEALTH PHYSICS FINDINGS

On December 5, 2007, a public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and the Nuclear Energy Institute (NEI) and nuclear power industry at NRC Headquarters in Rockville, MD. The purpose of this meeting was to discuss improvements in the Revised Oversight Process related to consistency of Health Physics (HP) inspection findings.

Participants included NRC Headquarters staff, a HP Branch Chief from each NRC Regional Office, NEI staff, several nuclear power industry representatives on the NEI Radiation Protection Task Force, and representatives from the Institute for Nuclear Power Operations (INPO) and American Nuclear Insurers (ANI). A telephone bridge line was made available, but was not utilized by any members of the public. A list of attendees is enclosed.

NRC opened the meeting by briefly discussing the Revised Oversight Process as documented in IMC 0612 and IMC 0609. NEI and industry representatives stated that their objective for requesting this public meeting was to open a dialog to clarify several aspects of the ROP inspection program. NEI proposed that this be the first in a series of meetings to improve communication on corrections, adjustments and clarifications to the ROP. In particular, the industry wants to better understand how identified HP program deficiencies are classified and dispositioned by the ROP inspection program.

Three areas identified for further discussions were:

1. The threshold for a more-than-minor inspection finding.
2. Clarifications on the cross cutting issues in IMC 0612, Appendix F.
3. Clarifications on licensee identified/self identified and self-revealing findings.

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For the first area, NEI and the industry requested additional guidance on how to apply the screening question “does the finding affect the associated cornerstone objective,” when determining whether an inspection issue is a more-than-minor finding. A concern was raised that it is too open for interpretation by the inspector. The industry representatives also noted that although this criterion is frequently cited in NRC inspection reports as the basis for identifying a finding, the details of the issue that resulted in the more-than-minor conclusion are usually not included. It was discussed that NRC inspection reports should provide more information on how the finding affects the cornerstone.

For the second area, NEI and the industry representatives questioned the significance of identifying violations related to procedural non-compliance as having “human performance or cross cutting aspects.” They noted that for the programmatic area of plant operations, such as the Radiation Safety ROP Cornerstones, the majority of deficiencies are associated with a failure, or failures, to follow procedures. As an example, they noted that 85% of the findings in the Occupational Radiation Cornerstone within the last year were documented in the inspection reports as having human performance or cross cutting aspects. Mike Shannon noted that Region IV is performing a study of the cross cutting evaluations that would be issued in January 2008. NEI questioned whether a cross cutting issue is indicative of a broader problem or simply an aspect of an occupational radiation protection finding, since nearly all of the radiation protection area is dependent upon human performance aspects. John White, from Region I, noted that identifying a single finding as having cross-cutting aspects does not indicate a “cross-cutting issue.” Identifying a cross-cutting issue requires input form all the cornerstones. It is associated with overall licensee performance, not the performance in a single area.

NEI suggested better guidance and examples may be needed in IMC 0305 on cross cutting issues vs. human performance aspects related to radiation protection. NRC and industry noted that inspectors address the Human Performance aspects of findings during inspection exit briefings. NRC noted that a recent revision had been made to IMC 0305 action matrix that includes mid-cycle and end of cycle assessments and communications that should put any cross-cutting issues into perspective. NEI/industry suggested that Appendix E also needs more examples that include cross cutting issues.

For the third area, discussion was held on self-revealing vs. self-identified findings. Extensive discussion was held whether dosimeter dose alarms and dose rate alarms were indicative of a self-revealing or self-identified performance deficiency. The industry noted that in many programs, dose rate alarms are conservatively set as an ALARA tool, and are not a regulatory requirement The concern was raised that classifying all dosimeter alarm events as self-revealing deficiencies, may drive licensee to less conservative dosimetry practices.

In conclusion, other issues were discussed related to need for future communications between the industry and the NRC in the areas of on-site LLW storage, sealed sources and source tracking, and on the 10 CFR 20.1401 anticipated rule-making issues.

Public Meeting Feedback 659 Forms were available but no completed forms were received.

Enclosure: As stated

For the first area, NEI and the industry requested additional guidance on how to apply the screening question, “does the finding affect the associated cornerstone objective,” when determining whether an inspection issue is a more-than-minor finding. A concern was raised that it is too open for interpretation by the inspector. The industry representatives also noted that although this criteria is frequently cited in NRC inspection reports as the basis for identifying a finding, the details of the issue that resulted in the more-than-minor conclusion are usually not included. It was discussed that NRC inspection reports should provide more information on how the finding affects the cornerstone.

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For the third area, discussion was held on self-revealing vs. self-identified findings. Extensive discussion was held on whether electronic dosimeter dose, and dose rate, alarms were indicative of a self-revealing or self-identified performance deficiency. The industry noted that in many programs establish dosimeter alarm set-points conservatively below the applicable limits (or anticipated dose rates) as an ALARA tool. The concern was raised that classifying all dosimeter alarm events as self-revealing program deficiencies, may drive licensees into less conservative dosimetry practices.

In conclusion, other issues were discussed related to need for future communications between the industry and the NRC in the areas of on-site LLW storage, sealed sources and source tracking, and on the 10 CFR 20.1401 anticipated rule-making issues.

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NAME	RPedersen	
DATE	12/12/2007	

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NRC Public Meeting
Consistency of Health Physics area findings
December 5, 2007

Attendance List

Name	Company
Michael Shannon	NRC
John White	NRC
Richard Doty	PPL Susquehanna
Larry Haynes	Duke Energy
Ralph Andersen	NEI
Daniel Wilder	Comanche Peak
Roy Miller	Southern Nuclear
Tim Kobetz	NRC
Bob Oliveira	ANI
Jeff Place	INPO
Jerry Hiatt	Bartlett
Roger Pedersen	NRC
Steven Orth	NRC
George Kuzo	NRC
Paul McNulty	First Energy
Paul Mothena	SCE&G
Willie Harris	Exelon
George Oliver	NEI
Scott Nelson	NMC/Xcel Energy
Joe Danek	FP&L
Steve Garry	NRC