

January 17, 2008

MEMORANDUM TO: Bruce S. Mallett
Deputy Executive Director for Reactor
and Preparedness Programs
Office of the Executive Director for Operations

FROM: Stephen J. Campbell, Senior Operations Assistant */RA/*
Technical and Regional Programs Branch
Office of the Executive Director for Operations

SUBJECT: SUMMARY OF DECEMBER 3, 2007, CATEGORY 2 PUBLIC
MEETING WITH THE NUCLEAR ENERGY INSTITUTE TO DISCUSS
ITEMS OF A MUTUAL INTEREST CONCERNING NUCLEAR
ISSUES

On December 3, 2007, the Nuclear Regulatory Commission (NRC) senior managers met with members of the Nuclear Energy Institute (NEI) senior managers to discuss nuclear-related issues. The meeting took place at the NEI office, located in Washington, D.C. The public was invited to attend the meeting. The purpose of the meeting was to improve communications between both organizations and timely resolution of issues.

The discussions included:

- (1) Priorities and Areas of Focus Regarding:
 - Priority rulemaking to be completed in 2008 (fitness-for-duty (FFD), aircraft impact, pressurized thermal shock (PTS), security);
 - Planned generic communications (Generic Letters (GL), Regulatory Information Summaries (RIS)) and what should priorities be;
 - Issues to resolve and close in 2008 (Generic Safety Issue (GSI) 191, heavy loads, B.5.b, Generic Issue (GI) 199, fire protection, digital Instrumentation and Control (I&C))
 - Improving the transparency of State of the Art Consequence Analysis (SOARCA);
 - Moving forward with Emergency Preparedness (EP)/Security enhancements and status of NRC/Federal Emergency Management Agency (FEMA) interaction;
 - Acceptance Reviews and Design Finality; and
 - Pandemic Licensing Plan

(2) Process Improvements:

- Criteria for Changing Regulatory Guides (prioritization for new plants, security etc.),
- Rulemaking (simplifying process; reducing time; reducing size of packages), and
- Reactor Oversight Process (ROP)

After brief opening remarks, NEI and NRC managers discussed the following issues regarding Priorities and Areas of Focus:

- (1) The need to place priority on completing Regulatory Guides while developing rulemakings and the need to evaluate and consider stakeholder comments. The NRC and NEI managers were aligned on the issues associated with rulemaking and the NRC provided a status for issuance of each of the rules.
- (2) The status of generic communications issued by the NRC. NEI managers stated their concern that RIS could be used to change regulatory positions and the licensee's current licensing bases and requested that the RIS be available for stakeholder comments before issuance. The NRC managers disagreed with this concern and did not commit to this request. The NRC senior managers provided a list and status of proposed and forthcoming generic communications.
- (3) The status of GSI 191, "Assessment of Debris Accumulation on Pressurized-Water Reactors sump." NEI managers stated that they had been working with licensees, vendors, owners groups and the Electric Power Research Institute to resolve this issue. NEI managers noted plants that had asked for extensions for sufficient time to meet the expectations of GL 2004-02, "Potential Impact of Debris Blockage on Emergency Recirculation during Design Basis Accidents at Pressurized-Water Reactors," now have larger strainers installed. The NRC managers noted that properly addressing chemical (precipitant) and downstream effects are the biggest challenges. NEI managers noted that there is no perfect "non-precipitant environment." Both the NRC and NEI managers committed to continued dialog regarding chemical effects on strainers.
- (4) The progress in resolving crane and heavy load issues at nuclear plants. NEI managers stated that there has been exceptional communication between personnel in the NRC regional offices and headquarters in resolving this area. NEI managers stated that there will be more guidance in the spring for conducting wet loaded lifts and that the Safety Analysis Reports will solidify licensing basis for heavy load activities. The NRC managers encouraged a workshop to share best practices.
- (5) The closure of Section B.5.b of the February 25, 2002, Interim Compensatory Measures (ICM) Order. Section B.5.b of the Order dealt with the licensees efforts to mitigate the impact of a security event. NEI questioned the schedule for closing this section of the ICM. The NRC managers stated that it would be advantageous to complete the Temporary Instruction, required to close the item, in Fiscal Year (FY) 2008, however,

this effort cannot be started until the Agency's 2008 budget has been resolved. The NRC managers described a pilot inspection at Duane Arnold. The NRC managers reiterated the need to close the effort by FY 2008 or 2009.

- (6) Implementation of National Fire Protection Association (NFPA) 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants." The goal of the final rule *10 Code of Federal Regulations* (10CFR) 50.48(c), is to allow licensees to adopt a risk-informed, performance-based approach to fire protection as described in the consensus standard NFPA 805. The revised rule provides a means to risk inform the fire protection licensing bases and enables licensees to manage their fire protection programs with minimal regulatory intervention. NEI managers noted substantial progress and positive outcomes working with NRC staff in resolving issues associated with implementing this rule. The NRC managers mentioned a concern involving the required industry resources to conduct Probabilistic Risk Assessment reviews, which NEI agreed was an issue as well.
- (7) Resolving issues associated with digital I&C. NEI managers mentioned extensive engagement with the staff in this area and progress on Interim Staff Guidance (ISG) related to Diversity and Defense-In-Depth, Highly Integrated Control Room, Communications and Human Factors, which the staff recently issued. NEI managers stated that resolving this issue was important to the industry and that they want plants identified to benchmark the ISGs. Their desire is that all of the issues could be closed out in 2008.
- (8) Improving the transparency of SOARCA. The purposes of the SOARCA are to (1) evaluate and update, as appropriate, analytical methods and models for realistic evaluation of severe accident progression and offsite consequences; (2) develop SOARCA for every operating nuclear power plant site in the United States; and (3) identify mitigative measures that have the potential to significantly reduce risk or offsite consequences. NEI managers encouraged that the NRC maintain open communication and sharing of associated information related to the subject with licensees participating in SOARCA. The NRC managers provided a brief background and status for completing the effort.
- (9) Status of NRC/FEMA interaction regarding EP and security enhancements. NRC managers noted increased interaction with the FEMA acting Deputy Administrator for National Preparedness and mentioned several improvements in EP drill scenarios, such as reducing preconditioning (preparing for an event in advance so as to pass) and including simulated full core damage releases. NEI managers acknowledge that having more challenging scenarios were positive. NEI managers mentioned that they have received industry commitment to NEI 06-04, "Guideline for the Development of EP Drill and Exercise Threat-Based Scenarios," which is a guideline that will help support Department of Homeland Security's National Infrastructure Protection Plan. NEI managers stated that all plants will have conducted threat-based drills per the guideline by the end of calendar year 2009.
- (10) NRC summary of design finality reviews. The NRC managers provided status regarding the Aircraft Impact guidance, the Inspection, Tests, Analyses, and Acceptance Criteria

workshop, and planning new reactor reviews per the FY 2010 budget. The NRC managers stated that the budget estimates for conducting new reactor licensing application reviews are done and that the Office of New Reactors are focused on completing the applications that are currently in-house. NRC managers stated that the current applications are not meeting NRC's expectations. The NRC managers provided several examples where expectations were not met. NEI was supportive of NRC's approach to rigorous reviews.

- (11) A brief discussion on the Pandemic Licensing Plan. On January 16, 2007, NEI submitted a Draft White Paper ("Pandemic Licensing Plan") to describe regulatory options for permitting nuclear plant operation during a flu pandemic. Several comments were received on the Plan and the NRC staff responded to NEI on March 15, 2007. In response to the comments, the NEI managers stated that they will resubmit a revised plan by December 15, 2007. Bruce Mallett was selected as the NRC point-of-contact on policy issues associated with the Plan.

In the area of Process Improvements, the NEI and NRC senior managers discussed Reactor Oversight Process improvements. The NEI and NRC managers both expressed a desire to eliminate subjectivity in implementing the ROP. The managers stated that they want consistency implementing Significance Determination Process and Accident Sequence Precursors as well. NEI and NRC managers wanted the ROP industry task force and the NRC inspection branch to develop a short list of priorities to accomplish in Calendar Year 2008.

Due to time constraints, the Topics of Criteria for Changing a Regulatory Guide and Rulemaking were not discussed.

A decision was made to have another Senior Managers meeting in May of 2008.

Enclosures:

1. List of Attendees
2. Meeting Handouts
3. Actions from December 3, 2007, NEI SMM

cc w/enclosures:

Those on the Attached List

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MEMORANDUM TO BRUCE MALLETT FROM STEPHEN J. CAMPBELL DATED
JANUARY 17, 2007.:

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