

October 31, 2008

MEMORANDUM TO: Rani Franovich, Branch Chief
Performance Assessment Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

FROM: Nathan Sanfilippo, Reactor Operations Engineer /RA/
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Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE REACTOR OVERSIGHT PROCESS WORKING
GROUP PUBLIC MEETING HELD ON OCTOBER 22, 2008

On October 22, 2008, the staff hosted the monthly Reactor Oversight Process (ROP) Working Group public meeting. The attendance list for the meeting is contained in Enclosure 1 and the agenda is contained in Enclosure 2.

Discussions by the meeting attendees included: potential non-safety culture related changes to Inspection Manual Chapter (IMC) 0305, "Operating Reactor Assessment Program;" use of traditional enforcement for plant assessment; clarification to Part 26 enforcement; potential changes to IMC 0612, "Power Reactor Inspection Reports;" various proposed changes to Nuclear Energy Institute (NEI) 99-02, "Regulatory Assessment Performance Indicator Guidance;" and ROP Frequently Asked Questions (FAQs).

The staff began the meeting by updating the status of revisions to IMC 0305. The staff has drafted a markup version of the manual chapter which is included as Enclosure 3. This version is currently out for NRC regional office comments. Any stakeholder or public comments can be directed to John Thompson, john.thompson@nrc.gov, by the December ROP public meeting; however, the sooner comments are received, the more time staff will have to fully consider them. All comments will be addressed for an expected issuance by the end of 2008. One additional revision that hasn't been previously vetted with the working group includes a change to the definition of Column 4, which was discussed during this meeting. In this revision, approximately eighty percent of the changes are non-safety culture-related – while the next revision will be primarily focused on safety culture. During the meeting, an industry representative commented that the NRC should more fully develop the definition of what constitutes a "qualified safety culture assessor." Another industry representative also commented that the NRC should ensure that all sections of the document that discuss public meetings between the NRC and an individual licensee are clearly labeled Category 1 public meetings. The staff will address these comments.

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Industry representatives also asked about Management Directive (MD) 8.14, "Agency Action Review Meeting (AARM), since it was referenced in IMC 0305. The staff is currently considering the following revisions to MD 8.14:

1. Plant discussions are no longer limited to the previous assessment cycle January - December; the change also moves discussions from April to March.
2. The AARM preparations section has been consolidated and removes repetitive information; and also reinforces the layout of the binder.
3. The Office of Federal and State Materials and Environmental Management Programs (FSME) added Agreement States into the collaboration effort with headquarters and the regions throughout the document.
4. FSME incorporated their criteria for evaluating licensees for discussion at the AARM per SECY-08-0135, "Revision of the Criteria for Identifying Nuclear Materials Licensees for Discussion at the Agency Action Review Meeting," which was recently issued.
5. Prior to distribution, any AARM materials will be coordinated with OGC.
6. A statement was included to allow discussion of possible improvements or enhancements to the ROP after completing AARM agenda items.

Management Directives are internal NRC policy documents that are made public following their issuance. As such, this revision will not be put out for public comment. The current version of MD 8.14 can be found on the NRC public website. The revision to MD 8.14 will be made public once approved internally.

There was no change during the update on staff efforts to improve the way traditional enforcement actions are captured in plant performance assessment. The staff has developed a range of options and is continuing to develop the options for presentation to NRC management. The agency's path forward will be made public once internal agreement has been reached. NRC staff will conduct a public meeting/workshop to discuss and test the option selected by NRC management. This workshop will be held in the December/January timeframe. Information about the selected option will be made available prior to that workshop.

After the September meeting, NEI representatives communicated examples of how the staff has handled prior enforcement of the Part 26, "Fitness for Duty Programs." The staff will review these examples to determine the best way to ensure consistent implementation in the future. NRC staff will provide a response at a future ROP monthly meeting.

The staff also discussed ongoing work to revise IMC 0608, "Performance Indicator Program," to include specific guidance on the implementation of performance indicators for plants restarting after an extended shutdown, or for plants initially starting up. The staff's draft markup will be discussed at the December ROP meeting.

The staff then discussed the status of draft revisions to IMC 0612. Currently, the staff has resolved all comments received and discussed those items that were of interest to the working group. Industry representatives offered several comments including: to take a look at IMC 0610, "Nuclear Material Safety and Safeguards Inspection Reports" screening questions, to further define the term "adversely" in the screening questions, and to tie the examples in Appendix E to the screening questions. The staff will consider these comments as it moves forward for an implementation of January 1, 2009.

The staff also updated the status of Regulatory Issue Summary (RIS) 2007-21, "Adherence to Licensed Power Limits." The staff has completed the safety evaluation to endorse the NEI guidance document on this topic. The NRC will formally endorse NEI's document via a supplement to RIS 2007-21, which is currently being approved internally.

Staff and industry then discussed various proposed changes to NEI 99-02. The agenda item on Mitigating Systems Performance Index (MSPI) human errors was deferred since FAQ 85.3 was proposed to address this issue.

Discussion continued regarding proposed clarifications to NEI 99-02 relating to MSPI failures due to maintenance-induced damage/issues found during post-maintenance testing (PMT) prior to returning the component to operational status. The industry position has been not to count failures that occur prior to, or the result of the PMT, if the cause of the failure was attributable to the maintenance performed. The unresolved portion of this issue involves how to handle unavailability and failures when equipment is declared available but not operable. NEI has committed to working on a proposal for revision to the paper to better clarify the topic. This topic has many connections to the Maintenance Rule and could impact how licensees conduct maintenance in order to conform to the Maintenance Rule. There will be a public meeting on November 20, 2008, on the Maintenance Rule and this topic will be on the agenda.

A previously introduced NRC whitepaper on the MSPI rounding error was discussed during this meeting. The staff's revision to the whitepaper is included in Enclosure 4. NRC staff is seeking to change the way MSPI unavailability and unreliability values are added and rounded to produce the final MSPI value used for performance assessment. The NRC position references ASTM, International (American Society of Testing and Materials) Standard E 29-06b, "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications." Because of copyright restrictions, this document, which is referenced and was discussed during the meeting, cannot be reproduced for users other than NRC staff. For NRC staff, it is included as Enclosure 5. Members of the public that are interested in obtaining this standard can do so via the ASTM, International website at <http://www.astm.org>. NRC staff would be happy to discuss the contents of this standard with any interested stakeholders. NEI has taken the action to further refine this topic and do additional mathematical research into the proper number of significant figures to use in the equation.

Attendees also discussed a previously introduced NRC whitepaper on MSPI planned/unplanned unavailability. NEI communicated several minor revisions with which the NRC staff agreed in principle. NEI will propose a final markup of the whitepaper prior to the December ROP meeting, which if acceptable to the staff, will be included as an FAQ for approval.

The NRC staff's revised whitepaper on proposed changes to the Alert and Notification System (ANS) performance indicator, which was introduced in May, was briefly discussed at this meeting. The NEI emergency preparedness task force is offering new wording for inclusion into NEI 99-02 that the NRC staff has agreed to work with. Once the task force reaches agreement with the NRC program office for emergency preparedness, the revised whitepaper will again be discussed.

In September, the NRC introduced a proposed clarification to the unplanned downpower performance indicator to address the proper timing of the 72-hour clock. This clarification seeks to improve the guidance based on previously approved FAQs as to when the clock should start for various events. NEI continues to review this proposal although after discussion during the

October meeting, it appears an agreement can be reached in principle prior to the December meeting. If so, the revised whitepaper will be included as an FAQ for approval.

In July, NEI introduced a whitepaper proposing changes to the performance indicator on unplanned scrams. The paper seeks to clarify the use of procedures to shut down the plant. The staff has reviewed this paper and does not believe the proposed wording is clear to the agency's understanding of the guidance. The staff introduced their counterproposal (included in Enclosure 4) during the October meeting; however, NEI has asked the staff to consider a more substantial rewrite of the performance indicator. Staff was open to this suggestion and will await a proposal from NEI during a future meeting.

Meeting attendees discussed emergency diesel generator (EDG) failure data examples that had been collected and analyzed by NRC contractors. The staff is concerned that EDG failure data for MSPI has been inconsistently reported. This data was given to NEI in order to have licensees comment on the validity of NRC concerns. Licensees are currently reviewing this data, but at present, 41 of the 79 examples have been reviewed and only 5 required changes to previously reported data. In most cases, there was more descriptive information in the plant's data entry than the NRC contractors were able to review during their analysis. The Institute of Nuclear Power Operations (INPO), the organization that collects and transmits the data to the NRC, is updating their guidance on documentation to ensure documentation that helps elaborate on why particular failure calls were made is more clear and available. The NRC might pursue an additional analysis for the MSPI for cooling water systems.

The agenda item "Difference between CDE (Consolidated Data Entry) and NEI 99-02" was deferred because FAQ 85.0 addresses this issue.

Prior to this meeting, NEI sent a draft of NEI 99-02, Revision 6, to the NRC for review. The staff will review this document and any changes that will be incorporated and provide comments to NEI. NEI is working for issuance prior to January 2009.

Meeting attendees then discussed performance indicator FAQs as provided by NEI. FAQs 85.0, 85.1, and 85.3 were introduced at this meeting and also given tentative approval.

The status of the draft FAQs is as follows:

TempNo.	PI	Topic	Status	Plant/ Co.
85.0	MSPI	MSPI Risk Cap	Tentative Approval	Salem
85.1	MSPI	Mission Time	Tentative Approval	Generic
85.3	MSPI	Human Error	Tentative Approval	Generic

The date for the next meeting of the ROP Working Group is December 10, 2008. Future ROP monthly meeting dates include January 14, 2009, and February 11, 2009.

Enclosures:

1. Attendance List – October 22, 2008
2. Agenda – October 22, 2008
3. Draft markup of IMC 0305
4. October 2008 meeting handouts
5. ASTM E 29 –06b – Using Significant Digits in Test Data to Determine Conformance with Specifications (Non-publically available due to copyright restrictions)

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ADAMS Accession Nos.: Package ML083020694, Memo ML083020695, Enclosure 3 ML082890464
Enclosure 4 ML083020699, Enclosure 5 ML083030151

OFFICE	NRR/DIRS	NRR/DIRS	NRR/DIRS
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DATE	10/29/08	10/29/08	10/31/08

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Memo to Rani L. Franovich from Nathan T. Sanfilippo dated October 31, 2008

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**ATTENDANCE LIST
INDUSTRY/STAFF ROP PUBLIC MEETING
October 22, 2008**

	NAME	AFFILIATION
1	Rani Franovich	NRC
2	Ken Buddenbohn	NRC
3	John Thompson	NRC
4	Nathan Sanfilippo	NRC
5	Duane Kanitz	STARS
6	Bob Hanley	Dominion
7	Robin Ritzman	FENOC
8	Gerald Sowers	APS
9	Ned Tyler	Constellation
10	Jim Peschel	FPL
11	Lenny Sueper	NMC
12	Ken Heffner	Progress
13	John Butler	NEI
14	Mark Giles	Entergy
15	Julie Keys	NEI
16	Fred Mashburn	TVA
17	Audrey Klett	NRC
18	Paul Bonnett	NRC
19	Bruce Mrowca	ISL
20	Bob Gramm	NRC
21	Jeff Thomas	Duke
22	Arthur Salomon	NRC
23	Mary Ann Ashley	NRC
24	Richard Conatser	NRC
25	June Cai	NRC
26	Dave Midlik	SNC
27	Glen Masters	INPO
28	Sara Jessop	AREVA
29	Patrick Baranowsky	ERIN
30	Tim Kolb	NRC
31	David Allsopp	NRC
32	Fred Brown	NRC
33	Denis Shumaker	PSEG
34	Steve LaVie	NRC
35	Pam Cowan	Exelon
36	Richard Branch	NRC
37	Don Dube	NRC

REACTOR OVERSIGHT PROCESS (ROP) MONTHLY PUBLIC MEETING AGENDA

October 22, 2008 - 9:00 AM – 12:45 PM – TWFN 9A1

9:00 – 9:05 AM	Introduction and Purpose of Meeting
9:05 – 9:40 AM	<p>Discussion of Performance Assessment Branch Topics</p> <ol style="list-style-type: none"> 1. Possible changes to Inspection Manual Chapter (IMC) 0305, “Operating Reactor Assessment Program” – non-safety culture 2. Traditional enforcement in the ROP 3. Part 26 enforcement 4. Other 5. Opportunity for public comment
9:40 – 10:30 AM	<p>Reactor Inspection Branch Topics</p> <ol style="list-style-type: none"> 1. General topics of interest in the inspection area 2. IMC 0612 changes 3. Opportunity for public comment
10:30 – 10:45 AM	Break
10:45 – 12:00 PM	<p>Discussion of Performance Indicator Topics</p> <ol style="list-style-type: none"> 1. Potential NEI 99-02 guidance changes <ul style="list-style-type: none"> • MSPI human errors • MSPI “available but not operable” • MSPI rounding error • MSPI planned/unplanned unavailability • EP – siren preconditioning • IE03 – Clarifying 72-hour clock • IE01 – Unplanned scrams 2. EDG failure data 3. Opportunity for public comment
12:00 – 12:30 PM	<p>Discussion of Open and New PI Frequently Asked Questions (FAQs)</p> <p><i>Note: topic may be moved up if meeting is ahead of schedule. The latest draft FAQs are located on the public web at http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/draft_faqs.pdf. This list is subject to change the day before the meeting based on availability of new draft FAQs provided by the Nuclear Energy Institute. Public comments will be addressed on FAQs following the discussion.</i></p>
12:30 – 12:45 PM	Future Meeting Dates, Action List Status, Agenda Topics