

December 30, 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/
Performance Assessment Branch
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Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE REACTOR OVERSIGHT PROCESS MONTHLY
PUBLIC MEETING HELD ON DECEMBER 10, 2008

On December 10, 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; an industry proposal for changes to the assessment of safety culture; various proposed changes to Nuclear Energy Institute (NEI) 99-02, "Regulatory Assessment Performance Indicator Guidance;" and ROP Frequently Asked Questions (FAQs).

NEI announced that Tom Houghton will be the new supervisor in charge of NEI ROP efforts, replacing John Butler.

The staff began the meeting by updating the status of revisions to IMC 0305. NEI provided comments on the IMC 0305 draft, which are included in Enclosure 3. Staff and industry discussed these comments. Comments received will be evaluated for an expected issuance by the end of 2008 or early 2009. In this revision, eighty percent of the changes are non-safety culture-related – while the next revision will be primarily focused on safety culture.

Staff updated meeting attendees on agency efforts for integrating traditional enforcement outcomes into the reactor assessment program. The staff has proposed an approach characterized by two specific outcomes. First, the staff has proposed that the performance deficiency and the traditional enforcement aspects of the problem be separated and processed individually, when possible. Second, the staff proposed a standard for assessing and conducting follow-up on the aspect of licensee performance characterized by traditional enforcement outcomes. NRC staff will conduct a public meeting/workshop to discuss and solicit comments on the draft proposal. This workshop will be held on January 14, 2009. The meeting notice and draft proposal are included as Enclosure 4.

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After the September meeting, NEI representatives communicated examples of how the staff has handled prior enforcement of the Part 26 regulations. During the December meeting, staff thanked NEI for identifying 17 documented inspection report findings dating from 2003 through 2008 associated with radiation worker work hour limits. Staff reviewed the findings and found variations in its approach to assessment and enforcement. Based on initial review, and absent any verification for accuracy:

- Of the 17 findings:
 - a. 13 were characterized as Green (SDP)
 - b. 4 were characterized as SL-IV NCVs (Traditional Enforcement)

- Of the 17 findings:
 - a. 4 were characterized as licensee-identified
 - b. 5 were documented under 1R20 - Outages
 - c. 5 were documented under 4OA2 - PI&R
 - d. 3 were documented under 4OA5 - Other Activities

- Of the 13 Green findings:
 - a. 4 were assessed using Appendix M SDP (Phase 2 SDP)
 - b. 1 was assessed using Appendix G SDP (Phase 2 SDP)
 - c. 2 were assessed using Phase 1 SDP
 - d. 1 was determined Green by the Inspector
 - e. 2 were assessed by Management Review (not App M)
 - f. 3 were assessed by Management Review and Enforcement Policy

The staff will determine if further guidance is necessary and discuss this issue at a future ROP monthly meeting. NEI will provide further information regarding whether or not specific findings were dispositioned and characterized in a manner that is inconsistent with inspection program guidance.

The staff then discussed the status of revisions to IMC 0612. The staff has resolved all comments received and discussed those items that were of interest to the working group. Industry representatives offered concerns regarding areas of IMC 0612 that were not addressed by the staff. Several of these concerns will be more appropriately addressed when the staff issues the revision to Appendix E of IMC 0612 later in 2009. Industry pointed out one error on Figure 3 of IMC 0612, which the staff will address. The revision to IMC 0612 was issued on December 4, 2008.

A representative from the Office of Nuclear Security and Incident Response (NSIR) was on hand to answer industry questions regarding the status of security cornerstone initiatives. Staff discussed efforts to enhance the security significance determination process (SDP) and reiterated that there is no "draft" security SDP in use by inspectors. The existing approved SDP is appropriate for use and any work to enhance that SDP is not to be used as "draft" guidance. NSIR staff also updated meeting attendees on the openness initiative and indicated that a paper proposing options is currently with the Commission. Finally, NSIR staff indicated that there will be further discussion in 2009 as to how performance indicators fit within the security cornerstone.

Staff and industry then discussed various proposed changes to NEI 99-02. 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 unresolved portion of this issue involves how to handle unavailability and failures when equipment is declared available but not operable. NEI presented a whitepaper, in Enclosure 3, in response to the staff's whitepaper. Meeting attendees discussed this topic at length, and the NRC staff will prepare a revised proposal. This topic has many connections to the Maintenance Rule; as such, the NRC staff will coordinate with other internal stakeholders to ensure consistency, as appropriate.

A previously introduced NRC whitepaper on the MSPI rounding error was discussed at length during this meeting. 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. NEI verbally provided analysis regarding the examples offered in NRC's whitepaper. While attendees agreed in principle on a long-term solution to the problem, there was still disagreement over the need for a near-term action. NEI indicated that it will provide its analysis before the next ROP monthly meeting so the staff can determine how to proceed on a near-term solution.

Attendees also discussed a previously introduced NRC whitepaper on MSPI planned/unplanned unavailability. In particular, this paper addresses how licensees can change their baseline planned unavailability. NRC introduced two new revisions to this paper in December, which are included in Enclosure 5. One revision involves a short-term solution and the other a long-term solution. NEI did not have time to evaluate these papers prior to the meeting, and further discussion will ensue in January. Staff and industry agreed in principle to the concepts contained in both papers.

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 regarding when the clock should start for various events. NEI continues to review this proposal and will propose changes that the staff will evaluate.

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 its counterproposal 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.

NRC introduced a new whitepaper proposing a change to the MSPI Emergency Diesel Generator (EDG) component boundary, which is included in Enclosure 5. The treatment of the failures associated with the EDG fuel oil system is unclear; specifically, the fuel oil system is described as being within the boundary of the EDG super component, but the fuel oil transfer pumps (which are part of the fuel oil system) are described as not being monitored. NEI will evaluate the paper and provide comments in January.

NEI suggested making changes to the definitions of failure to run and failure to load/run relating to the EDG MSPI. NEI will propose changes during a future meeting.

Meeting attendees then discussed performance indicator FAQs as provided by NEI, which is included as Enclosure 6. FAQs 85.0, 85.1, and 85.3 were given final approval. FAQ 86.0 was introduced during the meeting and will remain open for further discussion in January.

The status of the draft FAQs are as follows:

TempNo.	PI	Topic	Status	Plant/ Co.
85.0	MSPI	MSPI Risk Cap	Final Approval	Salem
85.1	MSPI	Mission Time	Final Approval	Generic
85.3	MSPI	Human Error	Final Approval	Generic
86.0	MSPI	Operator Recovery Actions	Introduced	Kewaunee

NEI presented a paper, titled "Proposed Industry Alternative to NRC's Nuclear Safety Culture Approach," for NRC consideration, which is included as Enclosure 7. This paper introduces the concept of a licensee site leadership team that would use various inputs into assessing the safety culture at the site. NRC staff had not seen this paper prior to the meeting and had some initial questions. A concern expressed by staff during the meeting was whether or not this new process would uphold the tenets of the ROP regarding openness, transparency, and scrutability. This paper will be discussed further during safety culture-related meetings.

The date for the next meeting of the ROP Working Group is January 14, 2009. Future ROP monthly meeting dates include February 11, 2009, and tentatively, March 13, 2009.

Enclosures:

1. Attendance List – Dec.10, 2008
2. Agenda – Dec. 10, 2008
3. NEI Hangouts
4. Jan. 14, 2009, Workshop on Traditional Enforcement, Meeting Notice
5. NRC Whitepapers
6. Dec. 2008 FAQ Log
7. NEI Safety Culture Proposal

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 Enclosure 4 – ML083390371 Enclosure 5 – ML083540518 Enclosure 6 – ML083540526
 Enclosure 7 – ML083540539

OFFICE	NRR/DIRS	NRR/DIRS	NRR/DIRS
NAME	NSanfilippo	TKobetz (Tim Kolb for)	RFranovich
DATE	12/19/08	12/24/08	12/30/08

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Enclosure 1
Attendance List
Meeting Summary of the 12/10/08 Reactor Oversight
Process Working Group Public Meeting
Dated December 30, 2008

**ATTENDANCE LIST
INDUSTRY/STAFF ROP PUBLIC MEETING
December 10, 2008**

	NAME	AFFILIATION
1	Rani Franovich	NRC
2	Roger Pedersen	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	Tom Houghton	NEI
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	Jeannie Rinckel	NEI
19	Bruce Mrowca	ISL
20	Bob Gramm	NRC
21	Jeff Thomas	Duke
22	Eric Schrader	NRC
23	Mary Ann Ashley	NRC
24	Nicole Coleman	NRC
25	June Cai	NRC
26	Dave Midlik	SNC
27	Glen Masters	INPO
28	David Helker	Exelon
29	Cathy Colleli	NRC
30	Ross Telson	NRC
31	David Allsopp	NRC
32	Roy Linthicum	Exelon
33	Justin Wearne	PSEG
34	Steve LaVie	NRC
35	Richard Todaro	WCore
36	Richard Branch	NRC
37	Ralph Costello	NRC

Enclosure 2

Agenda

Meeting Summary of the 12/10/08 Reactor Oversight
Process Working Group Public Meeting
Dated December 30, 2008

REACTOR OVERSIGHT PROCESS (ROP) MONTHLY PUBLIC MEETING AGENDA

December 10, 2008 - 9:00 AM – 12:15 PM – OWFN 3B4

9:00 – 9:05 AM	Introduction and Purpose of Meeting
9:05 – 9:30 AM	<p>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
9:30 – 10:15 AM	<p>Reactor Inspection Branch Topics</p> <ol style="list-style-type: none"> 1. General topics of interest in the inspection area 2. NSIR update 3. Opportunity for public comment
10:15 – 10:30 AM	Break
10:30 – 11:30 AM	<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 “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. NEI 99-02, Revision 6 4. Opportunity for public comment
11:30 – 12:00 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>
12:00 – 12:15 PM	Future Meeting Dates, Action List Status, Agenda Topics