

February 24, 2009

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

FROM: Kennard M. Buddenbohn, Reactor Operations Engineer /RA/  
Performance Assessment Branch  
Division of Inspection and Regional Support  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE REACTOR OVERSIGHT PROCESS MONTHLY  
PUBLIC MEETING HELD ON JANUARY 14, 2009

On January 14, 2009, 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. The shortened nature of this meeting had been previously approved by all meeting participants. This was required to support the workshop on traditional enforcement in the afternoon.

During the meeting, attendees discussed proposed changes to Nuclear Energy Institute (NEI) 99-02, "Regulatory Assessment Performance Indicator Guidance," and ROP Frequently Asked Questions (FAQs).

NEI announced that Ken Heffner will replace Julie Keyes as an NEI ROP contact.

The Industry Emergency Preparedness Working Group offered new wording for inclusion into NEI 99-02 Revision 5 regarding proposed changes to the Alert and Notification System (ANS) performance indicator, previously introduced in May. The NEI task force reached tentative agreement with the NRC program office for emergency preparedness. NEI will create a FAQ from the approved white paper.

Meeting attendees discussed the staff's three white papers on the Mitigating Systems Performance Index (MSPI) regarding post-maintenance testing and unavailability (UA), appropriate rounding rule methodology to be used when adding the unavailability (UAI) and unreliability (URI) indices, and additional guidelines for when the planned UA baseline can be updated. The staff's fourth white paper on how to include emergency diesel generator fuel oil transfer pumps within the monitoring scope of MSPI was deferred to the February meeting.

Specifically, discussion continued regarding the NRC staff's proposed clarifications to the MSPI guidance contained in NEI 99-02, Appendix F, relating to how the industry accounts for unavailability during the period of time from when maintenance work has been completed on a

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monitored train (or component) until the successful conduct of the post-maintenance test, prior to returning the monitored train (or 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. A key point of contention is that there is an apparent lack of consistency in the industry's maintenance rule guidance documents of what is meant by "equipment out of service" and "returned to service" relative to UA and/or Technical Specification operability. Industry stated they interpreted the maintenance rule guidance (NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants") to equate equipment availability during PMT as the same as equipment operability. In addition, the industry presented a white paper (Enclosure 3) in response to the staff's white paper on this issue that is critical of several of the key points made by the staff. This topic has many connections to the Maintenance Rule, and DIRS staff will work with DRA staff to ensure proper coordination with other agency stakeholders results in a cogent staff position.

Meeting attendees also continued discussion of the staff's second MSPI white paper concerning what should be the appropriate rounding methodology to be used for the UAI and the URI (Enclosures 4 and 5). Part of this issue also concerns a potential revision to how the MSPI risk cap (i.e., front stop) is applied by the Consolidated Data Entry (CDE) software used for MSPI and maintained by the Institute of Nuclear Power Operations (INPO), and what should be the appropriate revision or change to this guidance. The staff plans to conduct additional review of the industry's position and a review of the historical data and will present its findings at the March 2009 meeting. The staff's third white paper on providing additional guidance for when the planned UA baseline should be changed and what risk-informed criteria should be used to justify a change in the baseline also was discussed by meeting attendees. Industry proposed some changes that the staff is still considering. This also will be further discussed during the March 2009 meeting.

Meeting attendees discussed at length a performance indicator FAQ on the topic of Operator Recovery Actions provided by NEI and included as Enclosure 3. The staff's position is that unavailability hours should be counted during this periodic surveillance/operational alignment activity because industry has not demonstrated, with a high degree of confidence, that restoration actions are virtually certain to be successful with multiple operators during a design basis event.

The status of the draft FAQ is as follows:

| <b>TempNo.</b> | <b>PI</b> | <b>Topic</b>              | <b>Status</b> | <b>Plant/ Co.</b> |
|----------------|-----------|---------------------------|---------------|-------------------|
| 86.0           | MSPI      | Operator Recovery Actions | Discussed     | Kewaunee          |

The NRC discussed topics of general interest in the inspection area. The NRC is developing enforcement guidance associated with changes to 10 CFR Part 26, Fitness for Duty program. Also, IMC 0612 Appendix E, Examples of Minor Issues, is being reviewed for changes. The review is intended to provide inspectors guidance to ensure relative consistency in characterizing inspection findings. The upcoming NRC Reactor Oversight Process re-alignment process was discussed briefly. This is a biennial review performed to ensure the most effective application of inspection resources for the purposes of verifying reactor safety.

The date for the subsequent meeting of the ROP Working Group was February 11, 2009. A future ROP monthly meeting date (determined post meeting) is March 19, 2009.

Enclosures:

1. Attendance List – January 14, 2009
2. Agenda – January 14, 2009
3. January 2009 Meeting Handouts
4. Evaluation (Non-publicly available)
5. ASTM E 29 (Non-publicly available)

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|--------|--------------|--------------|-------------|-------------|
| OFFICE | NRR/DIRS     | NRR/DIRS     | BC:NRR/DIRS | BC:NRR/DIRS |
| NAME   | KBuddenbohn  | JThompson    | TKobetz     | RFranovich  |
| DATE   | 02/ 09 /2009 | 02/ 09 /2009 | 02/13 /2009 | 02/24/2009  |

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**ATTENDANCE LIST  
INDUSTRY/STAFF ROP PUBLIC MEETING  
January 14, 2009**

|    | <b>NAME</b>        | <b>AFFILIATION</b> |
|----|--------------------|--------------------|
| 1  | Rani Franovich     | NRC                |
| 2  | Tim Kobetz         | 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       | NSPM               |
| 12 | Ken Heffner        | Progress/NEI       |
| 13 | Arthur Salomon     | NRC/RES            |
| 14 | Ken Buddenbohn     | NRC                |
| 15 | Dave Midlik        | Southern Nuclear   |
| 16 | Glen Masters       | INPO               |
| 17 | Justin Wearne      | PSEG               |
| 18 | Jeannie Rinckel    | NEI                |
| 19 | Bruce Mrowca       | ISL                |
| 20 | Pam Cowan          | Excelon            |
| 21 | Gary Miller        | Dominion           |
| 22 | Patrick Baranowsky | ERIN               |
| 23 | Ross Telson        | NRC                |
| 24 | Richard Branch     | NRC/NRR            |
| 25 | Steve LaVie        | NRC                |
| 26 | Marty Hug          | NEI                |
| 27 | Jim Anderson       | NRC                |
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# REACTOR OVERSIGHT PROCESS (ROP) MONTHLY PUBLIC MEETING AGENDA

January 14, 2009 - 9:00 AM – 12:00 PM – Legacy Hotel, Rockville, MD

|                  |  |
|------------------|--|
| 9:00 – 9:05 AM   | Introduction and Purpose of Meeting  |
| 9:05 – 9:35 AM   | <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 <a href="http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/draft_faqs.pdf">http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/draft_faqs.pdf</a>. 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>  |
| 9:35 – 10:15 AM  | <p>Discussion of Performance Indicator Topics</p> <ol style="list-style-type: none"> <li>1. Potential NEI 99-02 guidance changes <ul style="list-style-type: none"> <li>• MSPI “available but not operable”</li> <li>• MSPI rounding error</li> <li>• MSPI planned/unplanned unavailability</li> <li>• MSPI EDG component boundary*</li> <li>• EP – siren preconditioning*</li> <li>• IE03 – Clarifying 72-hour clock*</li> <li>• IE01 – Unplanned scrams*</li> </ul> </li> <li>2. Opportunity for public comment</li> </ol> <p><i>*Due to the shortened nature of this meeting, low priority items may be deferred to the February meeting if agreed upon by meeting participants. If time permits, issues will be discussed in the order listed.</i></p> |
| 10:15 – 10:30 AM | Break  |
| 10:30 – 11:45 AM | Discussion of Performance Indicator Topics (continued)   |
| 11:45 – 12:00 PM | <p>Performance Assessment Branch and Reactor Inspection Branch Topics</p> <ol style="list-style-type: none"> <li>1. General topics of interest in the inspection area</li> <li>2. Future Meeting Dates, Action List Status, Agenda Topics</li> <li>3. Opportunity for public comment</li> </ol>  |