FOIA/PA REQUEST
Case No.: 2009-0138
Date Rec'd: 4-13-09
Specialist: Raphael
Related Case:

**FOIA Resource**

**From:** Theresa Sutter [tsutter@scientech.com]
**Sent:** Monday, April 13, 2009 12:45 PM
**To:** FOIA Resource
**Subject:** FOIA Request: LIC-112
**Attachments:** April 1, 2009 STATUS OF RECOMMENDATIONS AUDIT OF NRC'S POWER UPRATE PROGRAM (OIG-08-A-09).pdf

Per the Freedom of Information Act, I am requesting the following document referenced on Page 3 of the attached document

New NRR Office Instruction LIC 112, "Power Uprate Process," became effective on February 17, 2009. It addresses this recommendation by stating that safety evaluation training will address the purpose and content of safety evaluation inputs, that the training will be provided at the "kick-off"
meeting, and that examples of acceptable safety evaluation inputs for extended power uprates are included in Appendix B to LIC 112. LIC 112 is available under ADAMS Accession No. ML082210335.

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**UNITED STATES**
**NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

OFFICE OF THE
INSPECTOR GENERAL

April 1, 2009

MEMORANDUM TO: R. William Borchardt
Executive Director for Operations

FROM: Stephen D. Dingbaum **/RA/**
Assistant Inspector General for Audits

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF NRC'S POWER UPRATE PROGRAM (OIG-08-A-09)

REFERENCES: DIRECTOR, OFFICE OF NUCLEAR REACTOR REGULATION, MEMORANDUM DATED FEBRUARY 25, 2009

Attached is the Office of the Inspector General's analysis and status of recommendations 2, 4, 5, 6, 7, and 8 as discussed in the agency's response dated February 25, 2009. Based on this response, recommendations 2, 4, 5, 6, 7, and 8 are closed. Recommendations 1 and 3 were previously closed. All recommendations related to this report are now closed.

If you have questions or concerns, please call me at 415-5915 or Sherri Miotla, Team Leader, at 415-5914.

Attachment: As stated

cc: V, Ordaz, OEDO
J. Arildsen, OEDO
P. Shea, OEDO

**Audit Report**

**AUDIT OF NRC'S POWER UPRATE PROGRAM**

**OIG-08-A-09**

**Status of Recommendations**

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| Recommendation 2: | Provide cross-references from baseline and other inspection procedures that are called for in IP 71004: |
| Agency Response Dated February 25, 2009: | IP 71004 was revised on February 2, 2009, to address this recommendation. Revised IP 71004 now indicates that all planned team inspections that are selected to support completion of IP 71004 sample requirements shall be annotated as such in RPS. Revised IP 71004 is available on the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML083170661. It is publicly available.<br><br>It is noted that another revision is planned for IP 71004 to add flexibility regarding the timing of Regional Administrator approval of the power uprate inspection plan. The planned revision would allow the Regional Administrator to approve the power uprate inspection plan at any time. The plan would still be discussed with regional management at the next mid cycle or end of cycle meeting. |
| OIG Analysis: | OIG auditors reviewed the revised Inspection Procedure (IP) 71004, "Power Uprate," and determined that the procedure includes a step to utilize the Reactor Program System (RPS) to identify team inspections that may be timely in supporting IP 71004 sample requirements. OIG concludes that the agency's actions satisfy the intent of this recommendation. Therefore, recommendation 2 is now closed. |
| **Status:** | Closed. |

**Audit Report**

**AUDIT OF NRC'S POWER UPRATE PROGRAM**

**OIG-08-A-09**

**Status of Recommendations**

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|---|---|
| Recommendation 4: | Develop training for technical reviewers and project managers that is specifically focused on writing or contributing to a safety evaluation. |
| Agency Response Dated February 25, 2009: | New NRR Office Instruction LIC 112, "Power Uprate Process," became effective on February 17, 2009. It addresses this recommendation by stating that safety evaluation training will address the purpose and content of safety evaluation inputs, that the training will be provided at the "kick-off" meeting, and that examples of acceptable safety evaluation inputs for extended power uprates are included in Appendix B to LIC 112. LIC 112 is available under ADAMS Accession No. ML082210335.<br><br>A safety evaluation training module was developed by the Generic Communication and Power Uprate Branch, in consultation with the Office of the General Counsel, during the Fall of 2008. The first safety evaluation training session was conducted by the Generic Communication and Power Uprate Branch during the Monticello EPU "kick-off" meeting on January 15, 2009. |
| OIG Analysis: | OIG auditors reviewed the new Office of Nuclear Reactor Regulation (NRR) Office Instruction, LIC 112, "Power Uprate Process," and observed a presentation of "Safety Evaluation (SE) Training for Power Uprates" that will be used at EPU "kick-off" meetings. Through this review, as well as additional discussions with NRR staff, OIG determined that NRR has developed (1) training for technical reviewers and project managers that is specifically focused on writing or contributing to a safety evaluation and (2) a mechanism for delivering and refining this training. Therefore, recommendation 4 is now closed. |
| **Status:** | Closed. |

**Audit Report**

**AUDIT OF NRC'S POWER UPRATE PROGRAM**

**OIG-08-A-09**

**Status of Recommendations**

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| Recommendation 5: | Implement internal controls to ensure communication of the safety evaluation, highlighting the recommended areas of inspection and regulatory commitments sections to the regions and resident inspectors. |
| Agency Response Dated February 25, 2009: | New NRR Office Instruction LIC 112, "Power Uprate Process," became effective on February 17, 2009. It addresses this recommendation by stating that upon approval of a power uprate application, the Plant Project Manager will ensure (via e-mail) that the Regional power uprate point-of-contact, at least one resident inspector at the plant with the power uprate, and the appropriate NRR Branch Chiefs have received the staff's safety evaluation supporting the power uprate and are aware of those sections in the safety evaluation that contain license conditions, regulatory commitments, and recommended areas for inspection. |
| OIG Analysis: | OIG auditors reviewed the new NRR Office Instruction, LIC 112, "Power Uprate Process," and determined that it includes steps to facilitate communication of the safety evaluation to the regions and resident inspectors. Therefore, recommendation 5 is now closed. |
| **Status:** | Closed. |

**Audit Report**

**AUDIT OF NRC'S POWER UPRATE PROGRAM**

**OIG-08-A-09**

**Status of Recommendations**

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| Recommendation 6: | Strengthen and communicate the coordinating authority of the Power Uprate and Generic Communications Branch or assign a coordinating authority to be responsible for all aspects of power uprate activities. |
| Agency Response Dated February 25, 2009: | New NRR Office Instruction LIC 112, "Power Uprate Process," became effective on February 17, 2009. It addresses this recommendation by assigning responsibilities and authorities to all applicable divisions, by identifying the Generic Communication and Power Uprate Branch as the coordinating agent for power uprate activities, by including appropriate management roles and responsibilities for power uprate activities, and by stating that the Director, Division of Policy and Rulemaking is responsible for overall implementation of LIC 112 and power uprate activities. |
| OIG Analysis: | OIG auditors reviewed the new NRR Office Instruction, LIC 112, "Power Uprate Process," and agree that it designates the Director, Division of Policy and Rulemaking, as responsible for overall implementation of power uprate activities, and describes the coordinating role of the Generic Communication and Power Uprate Branch. Therefore, recommendation 6 is now closed. |
| **Status:** | Closed. |

**Audit Report**

**AUDIT OF NRC'S POWER UPRATE PROGRAM**

**OIG-08-A-09**

**Status of Recommendations**

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| Recommendation 7: | Identify and communicate roles and responsibilities for headquarters and regional points of contact for power uprates. |
| Agency Response Dated February 25, 2009: | New NRR Office Instruction LIC 112, "Power Uprate Process," became effective on February 17, 2009. It addresses this recommendation by assigning responsibilities and authorities to all applicable divisions in NRR and by communicating the responsibilities and authorities that the Regions have in implementing IP 71004. |
| OIG Analysis: | OIG auditors reviewed the new NRR Office Instruction, LIC 112, "Power Uprate Process," and determined that it identifies the roles and responsibilities for headquarters staff and for the Regions with regard to Inspection Procedure (IP) 71004, "Power Uprate." OIG auditors also confirmed that LIC 112 was communicated to the relevant NRR staff and the Regions. Therefore, recommendation 7 is now closed. |
| **Status:** | Closed. |

**Audit Report**

**AUDIT OF NRC'S POWER UPRATE PROGRAM**

**OIG-08-A-09**

**Status of Recommendations**

Recommendation 8: Develop a tool for project managers to share and record information, monitor trends, and capture best practices and lessons learned.

Agency Response Dated February 25, 2009: New NRR Office Instruction LIC 112, "Power Uprate Process," became effective on February 17, 2009. It addresses this recommendation by stating that on an annual frequency, the PGCB branch chief will solicit inputs, via memorandum to the applicable branch chiefs, from internal NRC stakeholders on significant new information, trends, best practices, and lessons learned related to power uprate reviews. LIC 112 states that the lead Project Manager (PM) will accept inputs from internal stakeholders at any time if the stakeholder desires to provide the information promptly, before it is forgotten or so that it can be shared quickly. LIC 112 also states that on an annual frequency, this information will be reviewed and combined by the lead PM, and approved at the appropriate management level for dissemination to the internal stakeholders to ensure knowledge transfer.

The first round of inputs were solicited by memorandum from Martin C. Murphy to "NRC Branch Chiefs Involved with Power Uprates," dated October 3, 2008 (ADAMS Accession No. ML082750197). The responses were combined, reviewed, and disseminated by memorandum from Martin C. Murphy to the "NRC Branch Chiefs Involved with Power Uprates," dated November 26, 2008 (ADAMS Accession No. ML083221049). The November 26, 2008, memorandum also requested that the branch chiefs distribute the memorandum to the power uprate reviewers in their branches in order to share the information.

**Audit Report**

**AUDIT OF NRC'S POWER UPRATE PROGRAM**

**OIG-08-A-09**

**Status of Recommendations**

Recommendation 8 continued:

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| OIG Analysis: | OIG auditors reviewed the new NRR Office Instruction, LIC 112, "Power Uprate Process," and determined that it describes a process for soliciting inputs from power uprate internal stakeholders. OIG auditors also reviewed the solicitation and dissemination of annual inputs from NRC Branch Chiefs involved with power uprates. Moreover, OIG auditors noted the implementation of an internal power uprate e-mail distribution group for the purpose of providing inputs at any time. On the basis of these changes, recommendation 8 is now closed. |
| **Status:** | Closed. |

**Document Location: G:Audit\08-A-09 Power Uprate\Followup\OIG response to agency's 02.25.09 update.doc**

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