

**NRC Category 2 Public Meeting**  
**NEI's Regulatory Issue Resolution Protocol**  
**May 7, 2009**  
**Meeting Minutes**

**ATTENDEES**

| <b>INDUSTRY</b>                  | <b>NRC</b>                                   |
|----------------------------------|--|
| Gordon Cleifton, NEI             | Bill Brach, NMSS                             |
| Jim Gresham, Westinghouse *      | Beth Doolittle, NMSS                         |
| Brian Gutherman, ACI Nuclear/NEI | Mike Check, NRR/DIRS                         |
| Henry Hegrat, FENOC              | Joe Giitter, Director, NRR/DORL *            |
| Tom Houghton, NEI *              | Roy Mathew, NRR/DE                           |
| Tod Moser, STARS                 | Martin Murphy, NRR/DPR *                     |
| Everett Redmond, NEI *           | Ted Quay, NRR/DPR * (Acting for Tim McGinty) |
| Jim Riley, NEI *                 | Andrea Russell, NRR/DPR                      |
| Jeannie Rinckel, NEI *           | David Skeen, NRR/DE                          |
| Mike Schoppman, NEI *            | Sheldon Stuchell, NRR/DPR *                  |

\* RIRP Team Members

**ATTACHMENTS**

1. NRC Meeting Announcement and Agenda (ML091050574)
2. Meeting Minutes from the March 24 RIRP Public Meeting (ML090970325)
3. NEI RIRP Rev 2 Handout (ML091310067)

**INTRODUCTIONS**

- NRC – Sheldon Stuchell:
  - Kicked off meeting and noted the reference material on the table, including the Meeting Notice/Agenda, and the meeting minutes from the March 24 meeting.
  - The primary purpose of this meeting is for NEI to present the latest version (Rev 2) of the RIRP flowchart and a description / guidance document.
  - Ted Quay is sitting in for Tim McGinty.
  - There were no requests for teleconference accommodation.
- All attendees introduced themselves.

## **MEETING MINUTES SUMMARY**

### **Problem Statement**

- Jeannie Rinckel reviewed the original Problem Statement from the previous meeting.
  - No change from the March 24 Problem Statement.
  - Requested additional review and input from NRC.
- Mike Schoppman requested NRC review the Problem Statement and provide feedback to NEI.
- Marty Murphy acknowledged and noted that NRC would review and provide any applicable comments.

### **Project Life Cycle Chart**

- Mike Schoppman presented the new RIRP “Life Cycle” chart (RIRP Rev 2) and described each of the five steps in the protocol, providing additional detail and process building from the previous meeting.
  - NEI believes there are a number of similar issues that are dealt with several times at different licensees that could use this process to more quickly come to resolution.
  - Issues appear to be related to both inspection findings and licensing requests for additional information.
  - There needs to be a front-end tool or box that can identify and pre-screen issues by industry.
  - The protocol would allow processing of any issue, including safety and risk associated issues.
  - The end-result must be a durable guidance document that closes the issue.
  - NEI is looking for NRC review and comments.
- Marty Murphy commented that the original intent of the RISP was not meant to be used for safety or risk-significant issues.
- Tom Houghton explained that NEI’s October 2008, RISP White paper is no longer valid and we are moving forward from that time. That all issues may be considered.
- Jim Riley noted that the protocol appears to be an excellent project management activity that could be used for most issues.
- Sheldon Stuchell expressed concern that the new version of the protocol could include any and all issues, and that this was not the original intent or discussed during the last public meeting.
- Mike Schoppman stated that under some circumstances, industry would ask that enforcement discretion be used so additional licensees would not be impacted. That safety issues entering the RIRP are expected to be below the generic safety issue threshold.

- Marty Murphy noted that licensees need to comply with NRC requirements and technical specifications, and that NRC inspections would continue unless an Enforcement Guidance Memorandum (EGM) was issued. Industry would be expected to provide all the supporting information for any request to evaluate a request for an EGM.
- Sheldon Stuchell noted that all issues entering RIRP should be generically applicable. Requested NEI clarify how and when industry would commit to the resolution of the issue. That final resolution must include all licensees.
- Tom Houghton identified that the NSIAC was a potential tool that could be used to leverage all licensees to adopt the RIRP resolution.

## **ID Phase**

- Mike Schoppman explained and described the ID Phase of the protocol. This is a new phase added to establish criteria for entry into the RIRP. The first box lists potential sources for identifying multi-plant issues for consideration as RIRP candidates. He emphasized that this is just a tool for project managing issues.
- Dave Skeen noted that there needs to be some type of eligibility defined to enter the RIRP. That the RIRP should not take the place of current NRC processes.
- Ted Quay suggested that NEI consider other governmental bodies as potential inputs to the RIRP, DHS for example.
- Marty Murphy noted that NRC resources must be considered, and that the protocol needs a means of prioritizing the issues.
- Mike Schoppman requested that NRC review and comment on the ID phase of the Life Cycle and provide comments.
  - The discussion included comments and recommendations from the attendees, with the following requests;
    - Add to the list of sources:
      - ✓ Emergency/exigent tech spec amendments
      - ✓ 10 CFR 21 reports
      - ✓ INPO operating experience reports
      - ✓ Other government agencies
      - ✓ Foreign operating experience
      - ✓ Vendor advisory communications, e.g., GE SILS.
    - Develop a checklist or template to assist in determining whether an issue is eligible for RIRP screening.
- Marty Murphy confirmed that NRC will review and comment on the ID phase.

## Screening Phase

- Mike Schoppman described and explained the Screening Phase and went through each of the parts. A screening threshold and prioritization scheme has been added to this phase. He explained that industry/NEI would pre-screen all issues before coming to the NRC. Mike explained that the actual prioritization values are yet to be determined, and that the pilot should aid in determining the best values to use. Additional revision is needed to include all screening criteria.
- Marty Murphy pointed out that generally, industry is in a much better position to identify potential issues for RIRP evaluation than NRC staff would be.
- Jeannie Rinckel agreed and clarified that was the intent.
- Dave Skeen requested clarification as to how and when issues would be prioritized and if lower level issues would ever be acted upon.
- Mike Schoppman explained that the issues would be prioritized before being presented to the NRC.
- Dave Skeen requested further clarification as to when the NRC would be contacted and expected to engage during the “Screening Phase.” That resources assigned to RIRP would have to come from other work. What is early engagement?
- Jeannie Rinckel emphasized that industry would ensure issues brought to the RIRP would need NRC engagement to resolve.
- Joe Giitter asked for clarification of the Management Concurrence decision point, and when and how management override would be used. Is the intent that an issue must actually go to the Commission for an override?
- Mike Schoppman explained that management could consider issues based on safety or risk significance, and determine that an issue must be resolved and continue in the process. That it would be similar to an ROP decision being made.
- Joe Giitter requested additional clarification of the Management Concurrence decision point, and if the management override would be used to close issues.
- Mike Schoppman and Jeannie Rinckel confirmed that although the override of issues for closure was not considered, it would be part of the process.
- Sheldon Stuchell identified that security issues would need to be included.
- Dave Skeen indicated that security issues should be included, and separate from safety and risk.
- Mike Schoppman acknowledged security issues and they would be included in the next revision.

- Marty Murphy noted that the Problem Statement in this phase needs to include a defined end. That the Problem Statement for each issue must be properly scoped to maintain focus on the issue.
- Mike Schoppman acknowledged and agreed. We have to be able to say the issue is resolved. A firm scope must be established for the technical team and any new issues identified by the team must be evaluated but not necessarily included. We should avoid expanding the scope of the issue. There must be a defined finish to the issue. We cannot continue to increase the scope of the issue as it is researched.
- Marty Murphy proposed back-testing the RIRP update and guidance document draft, with an issue such as the gas monitor issue through the RIRP to help set values and test the protocol.
- Sheldon Stuchell requested the Screening Phase include identification and attempts to utilize current NRC processes.
- Mike Schoppman requested that NRC review and comment on the Screening phase and provide comments.
  - The discussion included comments and recommendations from the attendees, with the following requests;
    - Add a step to notify NRC whenever industry identifies a potential RIRP issue.
    - Add a step to identify the NRC processes used prior to RIRP and the reason for entry into RIRP.
    - Add a step to inform the originator of the screening result.
    - Past issues should be used to back-test the prioritization factors and relative weights.
    - Sub-criteria are needed for the second Go/No-Go screening criterion.
    - Consider subdividing the “relative risk significance” factor into different categories of risk (e.g., technical, economic, political, etc.).
    - Add “security significance” as a prioritization factor.
    - Although “management override” may be a factor in the overall RIRP, it is not a prioritization factor.
    - Clarify the Problem Statement as follows:
      - ✓ The problem statement from the Screening Phase is preliminary.
      - ✓ At this point in the development of the RIRP, the “team” described in the preliminary problem statement are actually two independent teams, an NRC team and an Industry team. The RIRP pilots will have separate NRC and Industry teams that interface through public meetings.
      - ✓ Cite the existing regulatory processes that apply to the analysis and resolution of the issue.
      - ✓ Include a definitive statement of issue scope, including how to evaluate and manage scope changes.
- Marty Murphy confirmed that NRC will review and comment on the Screening phase.

## Analysis Phase

- Mike Schoppman described and explained the Analysis Phase and went through each of the parts. This phase was called the Evaluation Phase in RIRP Rev 1. The objective is early agreement on the technical and regulatory baseline (e.g., requirements, interpretations, guidance documents, scope, schedule, etc.) for resolving the issue. That this phase would provide a defined endpoint. He stated that this was the most important part of the protocol. He explained that this phase would be iterative to allow both NRC and industry to work the issue between public meetings.
- Bill Brach requested clarification as to the team composition, and how the teams would be comprised.
- Mike Schoppman explained that both industry and NRC would be expected to have a technical team to work issues, and that periodic working public meetings would need to be held to discuss the issue.
- Jeannie Rinckel emphasized the importance of this phase and the resolution agreement. She mentioned that there could be some exit capability built in.
- Dave Skeen noted that scope control must be an important element in this phase and the RIRP. That the endpoint and defined objective must be continuously reviewed and considered.
- Jim Riley concurred and noted that it would be easy to expand the effort.
- Jeannie Rinckel agreed and noted the RIRP guidance would need to consider this.
- Marty Murphy noted that NRC resources would have to come from other licensing or inspection activities.
- Mike Schoppman requested that NRC review and comment on the Analysis phase and provide comments.
  - The discussion included comments and recommendations from the attendees, with the following requests;
    - Expand the Resolution Agreement box to include:
      - ✓ What type of document constitutes the “agreement?”
      - ✓ Who is signing off on the agreement?
    - Add an exit point if the analysis shows the issue is not worth pursuing. This comment applies throughout the RIRP.
- Marty Murphy confirmed that NRC will review and comment on the Analysis phase.

## Implementation Phase

- Mike Schoppman described and explained the Implementation Phase. This phase describes how the results of the Analysis Phase are packaged and delivered to NRC and Industry users for implementation. It includes implementation options and guidance. He explained that this phase would include both the industry corrective actions to be taken, and the documents or processes that need to be updated.

- Marty Murphy noted that there was no industry corrective actions noted in the flowchart.
- Mike Schoppman acknowledged this and clarified that it needs to be included.
- Gordon Cleifton noted that there is no timeline in the protocol. Should there be a timeline or schedule to set boundaries and milestones.
  - Most agreed this should be included but would be issue specific.
- Jim Gresham noted that RIRP needs controls built in to consider potential “logjams” and “scope growth.” The RIRP should have some defined mechanism to handle problems encountered during the implementation.
- Ted Quay commented that problems could occur multiple times during implementation and this does need to be considered and included.
- Jeannie Rinckel acknowledged these points and indicated that the RIRP would be updated accordingly.
- Sheldon Stuchell requested clarification as to why an NEI White Paper was included as an implementation in this phase. The intent was that RIRP would decrease and take the place of NEI White Papers.
- Jeannie Rinckel and Mike Schoppman acknowledged this and confirmed that White Papers would not be a source or resolution of the RIRP, and white papers should decrease in numbers generated.
- Joe Giitter noted that RIRP is very similar to Topical Reports.
- Gordon Cleifton requested additional clarification on “durable guidance” documents. He noted that it must be more; we must also capture the history of the issue.
- Mike Schoppman acknowledged and indicated that others in the process will need the information, including rulemaking, SRP, regulatory guides, etc.
- Gordon Cleifton noted that each RIRP issue is a project, and not a program. The flowchart should have a clearer end to the implementation phase.
- Ted Quay noted that we must ensure the RIRP documents the “why” and “how” of the issue to ensure we do not repeat in the future. Knowledge management is essential.
- Mike Schoppman requested that NRC review and comment on the Implementation phase and provide comments.
  - The discussion included comments and recommendations from the attendees, with the following requests;
    - Include options for NRC endorsement of an implementation package.
    - Add industry corrective actions.
    - Add guidance on implementation timing.
    - Add guidance on traceability and ensure knowledge management is captured.

- Add guidance on how to evaluate and manage new information that arises during implementation.
  - Drop “NEI White Papers” as a component of implementation.
  - Note that the RIRP can end with the Implementation Phase if final resolution of an issue does not require formal changes to plant operating licenses or to NRC rules, regulations, or upper-tier guidance (such as the Standard Review Plan and Regulatory Guides).
- Marty Murphy confirmed that NRC will review and comment on the Implementation phase.

## **Documentation Phase**

- Mike Schoppman described and explained the Documentation Phase. The objective of this phase is to incorporate the results of issue resolution into durable guidance documents. In the context of the RIRP, a “durable” document is a licensee or NRC document that is maintained in accordance with a formal change-management process. He explained that the preference would be for NRC to update regulatory documents to ensure durability, but that NEI would also consider issuing durable documents such as NEI guidance documents for NRC endorsement.
- Ted Quay commented that within the “industry” block, that exemptions and relief requests should have already been done. That the documentation phase needs to close the issue.
- Joe Giitter noted that NRC development and issuance of regulatory documents could take months or years to complete, such as rulemaking. Implementation may be the endpoint, or could occur at the same time as documentation issuance.

BREAK

## **Pilot Projects**

- Sheldon Stuchell re-started the meeting, and discussed the NEI proposed pilot – Emergency Diesel Generator (EDG), frequency / voltage issue. That the NRC has concluded the EDG issue is not sufficiently bounded for the first pilot.
- Jeannie Rinckel requested additional information as to why NRC considers the EDG issue to be too broad.
- Roy Mathew explained that the NRC had issued a Temporary Instruction (TI-2515-176) concerning the EDG issues, and the evaluation of the TI results was not yet complete. The evaluation should be completed in two to three months. There are a number of issues regarding the EDGs such as loading requirements, frequency/voltage requirements, endurance tests and other surveillance test requirements, and power factor testing requirements, and consistency with accident analysis assumptions. The staff is planning to issue a summary report by late summer or early fall including any recommendations for future actions. Staff had recommended that the entire EDG issue be addressed at one time rather than reviewing just the voltage/frequency issue, and management concurred.

- Sheldon Stuchell presented the “submerged medium voltage cables” as the potential first pilot. All agreed this would be a good issue to pilot.
- Gordon Cleifton described the history of the submerged cables issue and the status in the fleet. This issue is still not closed after first being identified by inspections in 2005. Much progress has been accomplished, and a public meeting between NRC and industry is scheduled for May 21. Gordon explained that industry has developed a training course and has a new “Aging Management Guide” for licensees to use.
- Jim Gresham stated that the conservative approach is to keep the cables dry, but that we need to use plant history of having no issues with submerged cables for many years. That this could be a surveillance item, with the inspection frequency to be determined.
- Roy Mathew explained that a plan is in progress to resolve NRC concerns with submerged cables and a number of related activities such as revising ROP inspection procedures, developing Regulatory Guide and a NUREG that describe the essential elements to be considered for a cable-monitoring program are underway. Much work has already been done.
- Jeannie Rinckel requested an estimate of how many subject matter experts (SME) would be needed for the technical teams.
- Gordon Cleifton estimated that industry would probably provide six SME’s to work the issue.
- Roy Mathew noted that NRC would probably provide five to six technical people also.
- Jim Gresham and Gordon Cleifton mentioned that cable manufacturers should be included in the teams. All agreed that Gordon should ensure cable manufactures are invited.
- Jim Gresham reiterated the importance of picking the right industry technical people to be assigned to the technical teams.
- Marty Murphy stated the importance of including the NRC Regional Inspectors in the teams.
- Sheldon Stuchell indicated that he would also be the PM for the first technical issue.
- Gordon Cleifton responded that he would be the NEI PM, and requested a monthly public meeting and a monthly public conference call. As an option, he requested NRC consider the second Tuesday of the month for the conference call and the fourth Tuesday of the month for the public meeting.
- Sheldon Stuchell acknowledged the request, and indicated he would work with the NRC technical team and make a determination.
- Roy Mathew indicated the NRC would need to resource the technical team from NRR, RES, and possibly NRO.

- Dave Skeen noted that resourcing the technical teams would impact other NRC work.

## ***DISCUSSION HIGHLIGHTS***

- The new NEI flowchart is a good start. NEI needs to update the flowchart to Rev 3 based on discussions during the meeting, and develop the guidance document to complement the flowchart.
- The protocol needs to incorporate a scoping decision to ensure issues are focused. However, this may allow some peripheral issues to remain unresolved or deferred.
- There needs to be some mechanism built into the RIRP to provide assurance that any result of RIRP will be accepted and committed to by all licensees.
- There needs to be a mechanism built into the protocol to “back-test” issues to verify the protocol and ensure the correct result was concluded.
- There needs to be an exit strategy throughout the protocol based on continuous evaluation of the issue and priority of resolution. NRC management will always have the final decision.
- There should be some timing objectives established for each issue, to allow some measure and expectation.
- All issues must be well documented to capture knowledge management. This must include the what, why, and when of the issue.
- As soon as possible after the RIRP flowchart is updated and the guidance document is drafted, the submerged cables technical teams need to meet.
- There is much work left to be done in developing the process to ensure a long-term protocol is put in place.
- The next two meetings are scheduled for June 9 and July 7.
- The success and scheduling of the pilot is dependent on the RIRP flowchart and guidance document.

## ***NEXT STEPS***

1. NRC provides feedback on NEI's RIRP flowchart / Life Cycle phases prior to the June 9 public meeting.
2. NRC resolves funding through NEI or industry for RIRP work.
3. Industry provides an updated flowchart (Rev 3) and draft RIRP guidance document for the June 9 public meeting.

4. Industry provides definitions and descriptions of roles and responsibilities for the June 9 public meeting.
5. Industry to provide clarification and definition of how the various Owners Groups and Industry Groups would feed into the protocol for the June 9 public meeting.
6. NRC and industry identify alternate potential RIRP pilots for the June 9 public meeting.
7. NRC and industry identify team members for the pilot, to be announced at the June 9 public meeting.
8. Independent technical pilot teams meet before the June 9 public meeting.
9. NRC determines public meeting date of submerged cables technical team after review of RIRP Rev 3 and RIRP guidance document.