

John Richmond

NRR

From: Ross Telson, NRR  
Sent: Tuesday, December 16, 2008 8:07 AM  
To: Richard Conte  
Cc: Timothy Kobetz; John Richmond; Roger Pedersen; Timothy Kolb; AnnMarie Stone; James Isom  
Subject: RE: OC ISSUES - CONSENSUS BUILDING

Rich,

I'd like to summarize key points of the Oyster Creek License Renewal Inspection Issues to ensure I (and others) understand the focus of our planned consensus building discussion. I am also including some references and food-for-thought and discussion.

[Redacted]

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[Redacted] RJ

Is the above correct and reasonably on-target?

Reviewing IP 71003, I noted that it has, as its first stated objective (**emphasis added**):

*"To verify that license conditions added as part of the renewed license, license renewal commitments, selected aging management programs, and license renewal commitments revised after the renewed license was granted, are implemented in accordance with Title 10 of the Code of Federal Regulations (CFR) Part 54, 'Requirements for the Renewal of Operating Licenses for Nuclear Power Plants.'"*

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[Redacted] RJ

IMC 0612 guidance regarding documentation of MINOR issues (**emphasis added**):

*If the performance deficiency is minor, it is not a finding, will not be considered in the ROP assessment process, and in most cases will not be documented. See Section 0612-11 for the exceptions for documenting minor issues.*

*An issue of concern, regardless of whether it involves a violation of requirements, may be documented if related directly to an issue of agency-wide concern, if allowed by an appendix to this chapter, or by the specific inspection procedure or temporary instruction*

*If it is necessary to document a minor issue then only minimal discussion is required. The write-up should briefly describe the issue and state that the issue has been addressed by the licensee, if applicable.*

N/151

That said, it should be noted that most issues deemed to be minor are not documented and thus not available for review. **Should this issue be documented, it will be open to external review and criticism.** Presumably, NRC technical staff involved in license renewal do not establish commitments for which they would consider deviation to be a minor issue.

**It would be prudent to bring key internal stakeholders together (including the technical staff involved in establishment of the commitment) in our consensus building effort to ensure that our determination regarding (a) whether this is a minor issue and (b) whether it warrants documentation, are congruent with our inspection guidance, our license renewal process, our basis for having created the commitment, and to ensure that our decisions are (c) fully defensible and (d) will not create unacceptable unintended consequences (e.g. see broader perspective below).**

From a broader perspective, should this license renewal commitment deviation be documented as a minor issue, we might anticipate a broad range of high-level questions from stakeholders. These questions could include:

1. Why establish commitments in license renewals if deviation from those commitments constitutes a minor issue that is neither enforceable nor documentable?
2. Why inspect to verify that license renewal commitments are implemented if, upon discovery that they are not implemented isn't going to be documented in the IR?
3. Should license renewal applications contain or be contingent upon commitments?
4. How does all of this impact stakeholder confidence in the license renewal process?

**Ross Telson - 301-415-2256**  
**Reactor Systems Engineer**  
**Reactor Inspection Branch**  
**(NRR / ADRO / DIRS / IRIB)**  
**MS - O 12H2 / Off - O 12G5**

*release*

**From:** Richard Conte  
**Sent:** Monday, December 15, 2008 1:03 PM  
**To:** Timothy Kolb; AnnMarie Stone  
**Cc:** Ross Telson; Timothy Kobetz; John Richmond  
**Subject:** RE: OC ISSUES - CONSENSUS BUILDING

I understand the general philosophy but should Lic. Ren. be treated differently as a pseudo - "agency wide concern". Hard to say that, if the issues are minor, they are concerns. My last check of App. G draft is that it doesn't really address it other than freedom to document observation that lead one to conclude the commitment was met.

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*JYS*

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*-NPR*  
**From:** Timothy Kolb  
**Sent:** Monday, December 15, 2008 12:04 PM  
**To:** AnnMarie Stone  
**Cc:** Richard Conte  
**Subject:** FW: OC ISSUES - CONSENSUS BUILDING

AnnMarie,

The forwarded info, to my understanding, is that Rich Conte is looking for guidance on documenting minor issues or violations in a license renewal inspection. Does the new Appendix G provide any guidance for documenting minor violations which is allowed by 0612 per section 0612-11? Otherwise, the guidance is not to document the minor issues or violations.

Thanks,  
Tim Kolb

*-NPR*  
**From:** James Isom  
**Sent:** Monday, December 15, 2008 10:56 AM  
**To:** Timothy Kolb; Ross Telson  
**Cc:** Timothy Kobetz; Paul Bonnett; MaryAnn Ashley  
**Subject:** FW: OC ISSUES - CONSENSUS BUILDING

Tim and Ross,

this is an IMC 0612 issue.. Rich would like to document minor findings/violations in NRC inspection reports; these findings result from license renewal inspections (a licensing action)

recommended to Rich that he call Tim K. tomorrow to get some guidance from Tim on the best course to proceed wrt to documenting these minor findings.

also, need to see how the Appendix G which Mary Ann is working on currently addresses this type of issue

IMHO, a letter documenting license renewal inspections might be a better option

Jim

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([148.184.99.140]) with mapi; Tue, 16 Dec 2008 07:07:08 -0600  
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To: Richard Conte <Richard.Conte@nrc.gov>  
CC: Timothy Kobetz <Timothy.Kobetz@nrc.gov>, John Richmond  
<John.Richmond@nrc.gov>, Roger Pedersen <Roger.Pedersen@nrc.gov>, Timothy  
Kolb <Timothy.Kolb@nrc.gov>, AnnMarie Stone <AnnMarie.Stone@nrc.gov>, James  
Isom <James.Isom@nrc.gov>  
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Return-Path: Ross.Telson@nrc.gov