

September 22, 2009

MEMORANDUM TO: Martin Murphy, Chief
Generic Communications and Power Uprate Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Sheldon Stuchell, Project Manager */RA/*
Generic Communications and Power Uprate Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF AUGUST 26, 2009, FIFTH PUBLIC MEETING WITH
STAKEHOLDERS TO DISCUSS NEI's REGULATORY ISSUE
RESOLUTION PROTOCOL

On August 26, 2009, the U.S. Nuclear Regulatory Commission held a Category 2 public meeting to discuss Nuclear Energy Institute (NEI's) proposed Regulatory Issue Resolution Protocol (RIRP). Attached is the meeting summary, including attendees, and the Agencywide Documents Access and Management System Accession Numbers for the meeting announcement with agenda, and two NEI handouts.

The purpose of the public meeting was to allow NEI to present their latest version of the RIRP documents.

Enclosure: As stated

NRC Category 2 Public Meeting
NEI's Regulatory Issue Resolution Protocol
August 26, 2009
Meeting Summary

ATTENDEES

INDUSTRY	NRC	PUBLIC
Jim Gresham, Westinghouse	Bill Cartwright, NRR/DIRS	
Henry Hegrat, FENOC *	Joe Giitter, NRR/DORL	
Tod Moser, STARS *	Andrea Russell, NRR/DPR	
Everett Redmond, NEI	Dave Skeen, NRR/DE	
Jeannie Rinckel, NEI *	Sheldon Stuchell, NRR/DPR *	
Mike Schoppman, NEI *		
Ed Weinkam, Entergy		

* RIRP Team Members

ATTACHMENTS

1. NRC Meeting Announcement and Agenda (ML092080434)
2. NEI RIRP Rev 5 Handout (Talking Points) (ML092430470)
3. NEI RIRP Rev 5 Guidance Document (ML092430472)

INTRODUCTIONS

- NRC – Andrea Russell:
 - Kicked off this 5th RIRP meeting and noted the reference material on the table, including the Meeting Notice/Agenda.
 - The primary purpose of this meeting is for NEI to present the latest version (Rev 5) of the RIRP flowchart.
 - Reviewed the outstanding action items from the last meeting.
- All attendees introduced themselves.

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MEETING MINUTES SUMMARY

NEI RIRP Talking Points Handout

Mike Schoppman reviewed the NEI handout and discussed the following issues:

I. Appendix A, Identification Template

- Mike Schoppman discussed the items included in the identification template.
- Additional discussions ensued regarding regulatory concern.
 - Dave Skeen stated that an issue needed to tie back to the regulations.
 - Mike Schoppman stated that more context would be added as the pilot program progresses.
- Sheldon Stuchell stated that the technical description needs to be added. It is important for the licensee submitting the identification template to describe the issue.
- Ed Weinkam stated that non-inspection items, such as TIAs should also be included.
- Sheldon Stuchell also discussed plant specific issues that are potentially generic (TIAs) and the NRC attendees indicated that the term “generic safety issue” needs to be removed from the flow chart and definitions. It should be replaced with something along the lines of “generic applicability.” The definition of “generic issue” in the guidance document was taken from the NRC RES generic issues program screening criteria and is not appropriate for RIRP issues. The definition of a generic issue should be generally accepted by all stakeholders. The definitions will need additional review and revisions.

II. Appendix B, Screening Criteria

- Mike Schoppman explained that some of the criteria were revised to separate “compliance with obligations” from “conformance with commitments” and “cost of change” from “benefit of taking action.”
- Additional discussions ensued regarding the difference between obligations and commitments. Dave Skeen asked that accurate and detailed definitions for those terms be provided in the guidance document.
- Mike Schoppman went through three issues that NEI processed through the screening criteria as examples to show how they would screen. The three issues were GSI-191, Heavy Loads, and Setpoints. All three issues would have screened into the RIRP.
- The team discussed what “commitment to RIRP” means in the flowchart.
- Ed Weinkam stated that the LATF and NRC may commit to an issue resolution, but some licensees may still not agree with the resolution and keep an issue open.
- Sheldon Stuchell noted that this results in issues remaining open for an extended period.
- The team discussed that the Screening Process is a function of industry’s LATF, but that NRC would also screen issues coming from the LATF. NRC screening factors may be different from industry.

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- Sheldon Stuchell noted that although a licensee may submit an issue and screen into the RIRP, all normal NRC processes would be on-going, including all inspection, licensing and enforcement.

III. Appendix C, Problem Statement – Format & Content

- Mike Schoppman indicated that a problem statement is the first step in the evaluation phase and is a foundation to limit the growth downstream. Scope control is very important to both the effective and efficient resolution of issues.
- All concurred that the Problem Statement development, up to this point, is the most important part of the protocol. The team discussed that regulatory baseline development has been a critical part of the process. It is becoming clear to all involved in the pilot that the Problem Statement is a crucial step in the issue resolution.

IV. Next Steps

- Mike Schoppman and Jeannie Rinckel reviewed the next steps page of the handout.
- Mike Schoppman stated that industry would complete the draft guidance document before the Licensing Forum on Oct 5.
- Industry recommends and requests that no public meetings be held in Sept or Oct. Industry would like to concentrate on completing the guidance document and preparing for the Licensing Forum. NRC agreed to cancel the next two public meetings.
- The industry team plans to hold two conference calls in Sept and Oct.
- The next public meeting will be scheduled for early Nov.
- Industry indicated that they would submit the RIRP guidance document for peer (industry) review and NRC review in Nov or Dec.
- Industry believes that the submerged cables pilot should be completed in Dec.
- Industry requested a second pilot be considered and start this fall.
 - The NRC team reiterated the budgeting and staffing concerns with having more than one pilot running simultaneously. NRC's budget cycle projects needs three years out, and the RIRP was not included in the 2009, 2010, or 2011 budgets. The impact affects Engineering, Licensing, and Project Management.
 - The NRC team requested industry use the RIRP process, prioritize issues, and submit to the NRC for consideration.
- Jeannie Rinckel stated that Mike Schoppman is retiring and Julie Keys of NEI will be taking his place.
- Jeannie Rinckel asked when and how the NRC would be informing the NRC Regions. Sheldon Stuchell stated that RIRP would be introduced during a Regional Directors call on August 28, with the potential for a Regional presentation.

DISCUSSION HIGHLIGHTS

- NEI needs to update the flowchart to Rev 6 based on NRC Staff Review Comments paper provided to NEI on June 9, discussions during the last four public meetings, and develop the guidance document to complement the flowchart. Much work still needs to be done to complete the NEI guidance document.
- The success of the pilot is dependent on the RIRP flowchart and guidance document. The guidance document will incorporate lessons learned from the pilot. Feedback from the pilot is already informing the guidance document.
- Industry requested a new pilot in the fall. Industry mentioned the spent fuel pool criticality issue.

NEXT STEPS

1. Industry provides an updated flowchart (Rev 6) and draft RIRP guidance document before the October 5 licensing forum. The guidance document needs to include:
 - a. Descriptions of roles, responsibilities, and updated definitions.
 - b. Defined eligibility for issues to enter the RIRP.
 - c. Clarification as to the management concurrence decision point and when and how management override would be used.
 - d. Guidance for the development of the problem statement.
 - e. Update the Screening Phase to include the identification of NRC processes utilized before issues are screened by the RIRP.
 - f. Update the flow chart to include an exit capability to an NRC process in each phase.
 - g. Update the implementation phase to include industry corrective actions.
 - h. Provide definitions and clarifications of “durable guidance” documents.
 - i. Incorporate industry commitment to RIRP decisions and resolutions.
2. Next public meeting to be scheduled by NRC for early November.
3. Public meeting on lessons learned from pilot in January 2010.
4. Issue final guidance document in January 2010.

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