

February 16, 2010

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

FROM: Joseph A. Golla, Project Manager */RA/*
Generic Communications and Power Uprate Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF JANUARY 21, 2010, PUBLIC MEETING WITH THE
NUCLEAR ENERGY INSTITUTE ON DEVELOPMENT OF THE
NEI REGULATORY ISSUE RESOLUTION PROTOCOL
DOCUMENT

On January 21, 2010, Nuclear Regulatory Commission (NRC) staff met with representatives of the Nuclear Energy Institute (NEI) in a public meeting at NRC Headquarters in Rockville, Maryland. Enclosure 1 provides a list of those in attendance. Enclosure 2 is the meeting agenda.

NEI Activities Since The Last Meeting On November 5, 2009

Ms. Jeanie Rinckel of NEI provided an update on NEI activities since the last regulatory issue resolution protocol (RIRP) meeting. Ms. Rinckel made the following points:

- She attended a meeting of the Pressurized Water Reactor Owner's Group (PWROG) in December 2009, where she advertised RIRP.
- PWROG representatives were skeptical about use of the protocol.
- Ms. Rinckel would be attending the Boiling Water Reactor Owner's Group meeting the week of January 25, 2010, to advertise the RIRP.
- There was a brief discussion regarding another pilot project. NEI did not have an issue ready to present or suggest but did provide insight that they are vetting a potential issue.
- An administrative point of contact, "POC" letter will be going out to industry, the RIRP guidance document will be attached to it. This will have the intent of advertising the protocol.
- There is a status of NEI's communication plan in the works.

RIRP Guidance Document

- There was discussion of RIRP and ongoing inspections. It was stated that NRC Resident Inspectors are aware of the RIRP.
- It was stated by NEI that the regulatory basis of an issue should be incorporated in the RIRP.
- There was discussion of inspection unresolved items (URIs); industry proposed the use of URIs where new potential issues are being considered for RIRP as opposed to issuing violations.
- Tony Markley, NRC, stated that this would not be practical since there is an inherent time delay between the time an inspection finding is cited at a specific plant and the time when it would be recognized as an issue with potential generic significance.
- NEI is developing a revision to the RIRP guidance document and provided a target date of February 16, 2010, for when it will become available for NRC review.

NMSS Involvement In RIRP

- NEI representatives met with NRC/Office Nuclear Material Safety and Safeguards (NMSS)/Division of Spent Fuel Storage and Transportation in November.
- There is a parallel RIRP initiative being developed in the spent fuels area.
- NEI made revisions to the current version of the RIRP guidance document in an attempt to focus certain aspects of it to conform with NMSS activities.
- NMSS intends to use the revised document to address issues on the NMSS issues matrix.
- Tim McGinty, NRC, stated concern that there are too many issues on the matrix currently, i.e., that we should make sure the RIRP process works well first, then proceed.
- It was stated that there is a pilot issue being considered for use by NRC/NMSS.

Industry Commitment to Resolutions

- It was stated that licensees must get to a good resolution following the use of the RIRP.
- It was stated that if there's an understanding of what the compliance issue is, then there would be no problem with resolutions.
- There still is a lack of understanding in the protocol regarding how industry will implement and commit to resolution. This impacts NRC in a number of ways, particularly with respect to dedicated resources, efficiency and effectiveness, etc., per the original basis/vision of RIRP.

Close Out of Projects

- It was stated there could be multiple methods for closing out projects.
- It was stated that we need to decide this.
- Martin Murphy, NRC, posed the question of how success could be measured.

Discussion of Submerged Cables Issue

- Tim McGinty, NRC, stated that addressing the cable issue in this forum is helping us get to a common understanding of the issue.
- Tim McGinty stated there should be collaboration on lessons learned from the pilot project (submerged cables issue).
- NEI proposed the following lessons learned from the pilot project be; how well the protocol was followed and did it help the cable issue?
- Jeannie Rinckel stated that the efforts of the Electric Power Research Institute were accelerated because of RIRP.
- Tim McGinty asked what the view of how the problem statement (cable issue) went is.
- Jeanie Rinckel stated that it didn't help serve the purpose and that it was perhaps at too high a level.
- Martin Murphy stated that maybe we didn't progress enough to see if the problem statement made a difference.
- Tim McGinty stated that the cable issue may have been too mature to be well served as the "signature" issue for RIRP pilot.
- It was concluded that NRC/NEI will independently assess lessons learned and share these prior to the next public meeting to allow for a collaborative discussion on it. A target date of February 17, 2010, was agreed upon for both organizations to provide preliminary lessons learned topics to the other for preparation of discussions at the next meeting.

Interactive Discussion

- Tim McGinty asked how to understand regulatory requirements/basis better.
- It was stated that there's a hesitancy to establish the regulatory basis, i.e., to involve the NRC Office of General Council (OGC).

- The question of how to improve this was posed.
- It was stated that using RIRP on something where a Generic Letter already exists is not a good idea because the issue may be too mature at that point for RIRP to be of value.
- NEI proposed that NRC/OGC be involved in the development of RIRP by attending meetings. NEI's stated intent for this was for OGC to provide regulatory interpretation of issues.
- Nichole Glenn, Senior Program Analyst, Division of Operating Reactor Licensing, NRC, stated that OGC involvement in the RIRP process might not be practical because OGC would, in effect, be held to the letter of what they say based on something that hasn't been defined yet. Ms. Glenn also questioned whether it would be a good use of OGC's time.
- Tim McGinty stated that we should make sure the public has a chance to contribute to the development of the RIRP.
- There was discussion concerning whether the RIRP function should be rolled into the Licensing Action Task Force (LATF). The staff does not believe the RIRP is anywhere near ready for turnover. It was stated that, at a minimum, another pilot and the finished RIRP document is needed before this would be practicable.

Next Steps

- NEI will provide the latest draft of the RIRP guidance document on or before the next meeting.
- NRC and NEI will develop lessons learned topics for discussion at the next meeting.
- The next public meeting will be on March 4, 2010. Summary of possible topics for discussion:
 1. How to close projects out.
 2. Develop Success Criteria, i.e., develop the means to measure success.
 3. Collaboration on lessons learned.
 4. How well was the protocol followed on the pilot project?
 5. Discussion of the efficacy of the cable issue problem statement.
 6. Discussion of how to incorporate the regulatory basis of an issue into the RIRP.
 7. Discussion of OGC's role, if any, in the RIRP.
 8. Discussion of how to involve the public in the development of the RIRP.
 9. Discussion of whether the RIRP should be incorporated into LATF.

Enclosure 1: List of Attendees

Enclosure 2: Meeting agenda

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Enclosure 2: Meeting agenda

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ADAMS ACCESSION NUMBERS: ML100320308

OFFICE	LA:DPR:PGCB	PM:DPR:PGCB	BC:DPR:PGCB
NAME	CHawes	JGolla	MMurphy
DATE	2/01/2010	2/02/2010	2/16//2010

**List of Attendees for January 21, 2010,
Meeting With The NEI**

Everett Redmond	NEI
Jim Gresham	Westinghouse
Jeannie Rinckel	NEY
Ed Weinkam	Entergy
Julie Keys	NEI
Martin Murphy	NRC/NRR/DPR
Anthony Markley	NRC/NRR/DPR
Bob Nelson	NRC/NRR/DORL
Roy Mathew	NRC/NRR/DE
Nichole Glenn	NRC/NRR/DORL
David Skeen	NRC/NRR/DE
Randy Hall	NRC/NRR/DORL
Chris Staub	NRC/NMSS
Ted Quay	NRC/NRR/DPR
Tim McGinty	NRC/NRR/DPR
Joe Golla	NRC/NRR/DPR

Enclosure 1

AGENDA FOR THE JANUARY 21, 2010, PUBLIC MEETING
BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION (NRC),
THE NUCLEAR ENERGY INSTITUTE (NEI), AND OTHER STAKEHOLDERS
CONCERNING NEI's RIRP

TOPIC	DURATION	PRIME
Opening Remarks & Introductions	10:30 – 10:40	McGinty Golla
NEI activities since the last meeting on November 5, 2009	10:40 – 10:50	Rinckel
Review open issues from last meeting <ul style="list-style-type: none"> • RIRP guidance document • Industry commitment to resolutions • Close out of projects 	10:50 – 11:20	Rinckel
Interactive discussion topics: <ul style="list-style-type: none"> • Success criteria for closing issues 	11:20 – 11:30	All
Discuss status of the submerged cables issue	11:30 – 11:40	All
NRC / NEI Discussion and Path Forward		All
Future meetings		Golla
Public Comments	11:40 – 11:45	Golla
Meeting Summary/Action Items	11:45 – 11:55	Golla
Closing Remarks/Meeting Adjourned	11:55 – 12:00	McGinty

Memorandum to Martin Murphy from Joe Golla, dated February 16, 2010

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NEI TO DISCUSS THE DEVELOPMENT OF THE NEI REGULATORY ISSUE
RESOLUTION PROTOCOL DOCUMENT

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