

June 23, 2010

MEMORANDUM TO: Stacey Rosenberg, Chief  
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Office of Nuclear Reactor Regulation

FROM: Sheldon Stuchell, Sr. Project Manager */RA/*  
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SUBJECT: PUBLIC MEETING SUMMARY CONCERNING THE APRIL 8, 2010,  
MEETING WITH STAKEHOLDERS TO DISCUSS LESSONS LEARNED  
FROM NUCLEAR ENERGY INSTIUTE'S REGULATORY ISSUE  
RESOLUTION PROTOCOL

On April 8, 2010, the U.S. Nuclear Regulatory Commission's (NRC) regulatory issue resolution protocol (RIRP) team held a Category 2 public meeting with stakeholders. This memorandum provides a summary of the public meeting. The purpose of the meeting was to discuss lessons learned from both the RIRP program and the RIRP submerged cables pilot.

The discussions included ten lessons learned from NEI and three lessons learned from the NRC. The NRC's document also lists observations gathered since the project commenced in January 2009. Jack Grobe from the NRC and Alex Marion from NEI provided opening remarks for the meeting. There was general agreement that the lessons learned were important for further RIRP development. A consensus of the participants was that the RIRP should continue to be supported by both the NRC and the industry.

The NRC and industry offered that there were some successes with the submerged cables pilot; including industry insights into the NRC's understanding of cable monitoring, open forums for discussions at public meetings, and demonstrating that reaching effective solutions to generic issues involves RIRP multi-disciplined teams from both industry and the NRC. The protocol also accelerated the development of the industry's cable aging management program guidance document.

There were twenty-one attendees at the meeting, nine from the NRC, five from utilities, six from NEI, and a representative from Scientech. Enclosure is a list of meeting attendees, references, a summary of the meeting discussions, and action items.

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**Nuclear Regulatory Commission (NRC)**  
**Category 2 Public Meeting**  
**Lessons Learned From**  
**Nuclear Energy Institute's (NEI)**  
**Regulatory Issue Resolution Protocol (RIRP)**  
**April 8, 2010**  
**Meeting Summary**

***ATTENDEES***

INDUSTRY	NRC	PUBLIC
Jerry Bonanno, NEI	Nichole Glenn, NRR/DORL	Deann Raleigh, Scientech
Dennis Buschbaum, STARS	Jack Grobe, NRR	
Gordon Cleifton, NEI	Randy Hall, NRR/DORL	
Jim Gresham, Westinghouse	Tom Koshy, RES/DE	
Greg Halnon, First Energy	Tim McGinty, NRR/DPR	
Alex Marion, NEI	Martin Murphy, NRR/DPR	
Dave Mannai, Entergy	Dave Skeen, NRR/DE	
Terry Patterson, Constellation	Chris Staab, NMSS/DSFST	
Everett Redmond, NEI	Sheldon Stuchell, NRR/DPR	
Jim Riley, NEI		
Jeannie Rinckel, NEI		

***REFERENCES***

1. NRC Meeting Announcement and Agenda (Agencywide Documents Access and Management System (ADAMS) Accession No. ML100760041)
2. NEI RIRP Lessons Learned Document (Accession No. ML101040546)
3. NRC RIRP Lessons Learned Document (Accession No. ML100910429)

Enclosure

## **INTRODUCTIONS**

NRC – Sheldon Stuchell:

- Began this RIRP lessons learned meeting with introductions.
- The primary purposes of this meeting were (1) presentation of NEI's RIRP lessons learned, (2) presentation of NRC's RIRP lessons learned, and (3) discussion of the path forward.

## **MEETING MINUTES SUMMARY**

### **Opening Remarks**

Alex Marion provided opening remarks for the industry and stressed that industry is ready to apply the RIRP to current issues. He stated the importance of a clear understanding of both the issue and responsibilities, which should lead to a clear resolution of the problem.

Jack Grobe provided opening remarks for the NRC and stressed that the NRC believes the RIRP can be used to resolve issues and that the NRC supports NEI's RIRP initiative. Jack commented that the RIRP assures a common understanding of the issue and should lead to a clear path forward. He mentioned that the submerged cables pilot was a good issue to start with, but that short and long term solutions needed greater attention and consideration. He noted that the NRC has processes to address generic issues, citing the heavy loads issue as one in which industry and NRC used existing processes to come to a common agreement in a short period of time. Jack stated that the NRC will always listen, but needs to take action when issues arise.

### **Industry Lessons-Learned**

Jeannie Rinckel introduced the industry's ten lessons learned and commented on the importance of a good problem statement. She noted that the industry sorted many issues down to the ten lessons learned. Jeannie stated that there were successes with the cables pilot; as it did provide industry insights into the NRC's understanding of cable monitoring and provided an open forum for discussions. The protocol also accelerated the development of the industry's cable aging management program guidance document.

Dennis Buschbaum presented the first of industry's lessons learned, "ensuring a mutual understanding of the RIRP's purpose early in the process." There are a number of issues to address up-front in the protocol:

- All parties maintaining an open-mind to the issues presented;
- providing a clear path for visibility;
- response timeliness;
- protocol is based on the use of existing NRC processes and they should be identified for each issue;
- the RIRP allows the industry to have a higher-order focus by engaging owners groups or other senior industry teams;
- industry needs to engage and communicate early in each issue; and
- the team needs to fully understand the source of each issue.

Jim Gresham presented industry's second lesson learned, "ensuring a mutual understanding and agreement upon the problem statement very early in the process."

- It is extremely important that all parties come to the 1<sup>st</sup> public meeting with an open mind, and no preconceived ideas of the issue and solution;
  - either side may have already determined the issue or solution;
- the problem statement needs to be developed by both the industry & NRC;
  - there needs to be a common understanding of the problem statement;
- the problem statement should be agreed upon early in the protocol and not developed with a specific solution in mind; and
- the cable pilot problem statement morphed and the scope increased as the pilot progressed;
- Jim Riley noted that for any one issue, many problem statements may exist, but only one encompassing problem statement must be developed;
- Jeannie Rinckel mentioned that NEI believed that the NRC had predetermined the outcome of the cable pilot as early as the release of Generic Letter (GL) 2007-01;
- Dennis Buschbaum noted that there should be early recognition to not try and combine different issues into one problem statement;
- Dave Skeen requested clarification as to the problem statement including the regulatory basis; and
- Gordon Cleifton responded that the problem statement needs to include the regulatory basis for full understanding of the issue.

Terry Patterson presented industry's third lesson learned, "define success criteria early in the process."

- If success criteria can be defined early in the protocol, it should validate the problem statement;
- well written success criteria should allow agreement on the resolution; and
- need alignment of what success will be.

Greg Halnon presented industry's fourth lesson learned, "develop detailed understanding of the relevant regulatory requirements as part of the protocol."

- The NRC's position must be clearly understood by licensees;
- industry needs to understand from the NRC how requirements apply to the specific facts presented by an RIRP issue;
- the application of the regulations must be consistent between all four NRC regions and headquarters;
- there should be a clear understanding of industry's perceived conflicts with past precedent;
- in the resolution of any issue, money may be a factor, but safety is always the first priority; and
- industry may have operational information that may influence the interpretation of regulations.
- A 3-step process should be followed that includes; 1) the NRC outlines the regulatory basis, 2) industry reviews and provides feedback, and 3) the NRC considers the industry response and finalizes the regulatory position.

Gordon Cleifton presented industry's fifth lesson learned, "develop project milestones early in the process."

- Each issue accepted into the RIRP needs sound project management from the start;
- each issue must be worked as a project, which should keep the issue moving through the RIRP and ensure success;

- project management success is dependent on having the right players on the team; and
- basic project management skills are being used to address many other issues.

Dave Mannai presented industry's sixth lesson learned, "identify clear expectations for team composition and participation."

- Management involvement and executive sponsorship is needed for success; and
- team members must be properly assigned to ensure the correct composition.

Dave Mannai also presented industry's seventh lesson learned, "plan for a few internal industry meetings prior to the initial public meeting with the NRC."

- Early coordination within the industry is key to understanding the issue; and
- there must be pre-planning for meetings and deliverables.

Jeannie Rinckel presented industry's eighth lesson learned, "agree on the communications efforts needed when the RIRP is undertaken."

- The pilot project showed the need to improve communications within industry;
- communications of RIRP developments should be made initially to all licensees, with periodic updates;
- the presentations to Chief Nuclear Officers (CNOs) were informational, not requests for support or endorsement; and
- there must be a continual and healthy communication between the project managers.

Jerry Bonanno presented industry's ninth lesson learned, "document terms, definitions and team agreements more effectively during meetings."

- The guidance document should provide the bases for most terms and definitions;
- any new terms or definitions used during the issue resolution protocol must be documented and agreed to by both NRC and industry;
- the team should ensure progress is documented and agreed to at the end of each meeting to ensure progress; and
  - documenting the issues resolved during each meeting would prevent repeating the same discussions.

Jim Riley presented industry's tenth lesson learned, "better articulate options of implementing final resolution."

- The documentation of both the resolution and the implementation plan is very important for knowledge management;
- the implementation of each resolution is issue dependent; and
- several closure methods are available:
  - Nuclear Strategic Issues Advisory Committee (NSIAC) Initiative,
  - Administrative Points of Contact letters,
  - NEI document (with or without NRC endorsement);
  - NRC guidance document;
  - NRC regulatory process;
- If it makes strong technical sense, the team needs to communicate early and often and licensees should implement the solution;
- provide technically strong path that encourages implementation, which is key to success for RIRP;
- need good durable guidance document for successful closure;

- Greg Halnon noted that there are three likely outcomes:
  - Clear understanding of regulation leading to compliance;
  - Common approach;
  - Common solution; and
- Tim McGinty emphasized that if the solution will accelerate the resolution, then NRC fully supports the investment in resources.

Jim Riley closed the industry lessons learned by summarizing the need to understand how we get from the original issue to the issue resolution.

### **NRC Lessons Learned**

Sheldon Stuchell presented the NRC's three lessons learned and identified possible actions to address the lessons learned. He noted that there were numerous lessons learned and observations by staff, but these three were considered of highest importance.

- One
  - The regulatory bases needs to be as inclusive as possible to address an issue, thereby ensuring that all affected licensees are included. It should initially be constructed to be as broad as possible. Searching for a specific regulation may not account for the differences in the various licensee plants and the varying licensing basis at each plant.
  - The NRC does not want to use the RIRP public meetings to debate the regulatory bases of issues. This is especially true for inspection findings that already have Office of the General Counsel (OGC) endorsement. There should be limited if any debate on the regulatory bases. If previously established by NRC process, there should be no debate.
  - Regulatory bases should not be a roadblock to issue resolution.
  - It is important for industry to understand the regulatory bases, and request clarification early in the problem statement development.
  - During the submerged cables pilot, there was considerable debate on the regulatory bases that continued for a number of the public meetings.
- Two
  - There should be decision points within the protocol to allow either the NRC or industry to exit the protocol based on a variety of factors that could include the determination that the final resolution does not warrant the investment in resources or that a path to resolution could not be established.
- Three
  - The NRC needs the protocol to adopt some form of NSIAC-like agreement that the issue resolution is supported by senior industry management. The NRC needs some assurance that the final resolution will be implemented across the industry. If there is no industry-wide commitment to implement a resolution, there will be no resource savings since the NRC will be required to continue inspections to assure compliance.
  - Jim Riley noted that not every issue warrants CNO involvement or a formal NSIAC Industry Initiative commitment.
- Observations
  - Sheldon noted that there are thirteen observations included in the document.

Marty Murphy noted that the handout is a draft document, currently in concurrence review, and that additional testing of the protocol be accomplished through pilots.

### **NRC/NEI Discussions**

Following the lessons learned presentations; some time was available for open discussions concerning the RIRP.

- Jim Riley noted the importance of communication throughout the protocol, regardless of the issue. Once an issue is presented at the Licensing Action Task Force or RIRP, the industry belief is that it is likely a generic industry compliance issue even though it may have initiated at one specific licensee. NEI and industry need to ensure early communication throughout the fleet.
- Dennis Buschbaum stated that issues come from the industry and that industry already shares operating experience. The additional communication should be a standard protocol. Industry must ensure the communication is as early as possible in the process.
- Dave Skeen inquired as to when does an issue actually make it to the RIRP? When is an issue generic enough to become visible? Dave stated that the NRC Inspectors do share information and inspection findings, once submitted. These findings then go through regional OGC (interprets regulations) which begins establishing regulatory position.
- Greg Halnon stated that the OGC process and interpretation of NRC regulations is not clear and transparent to industry. Industry does not expect the RIRP to interpret or resolve regulatory issues, but additional clarification would aid in the regulatory bases understanding and problem statement development.
- Dave Skeen noted that the NRC RIRP team would take back regulatory questions during the first public meeting and ensure responses are provided for a clear understanding; however, the intention would be to close any regulatory bases questions at that time and not debate the bases.
- Greg Halnon confirmed that once the regulatory bases are defined, the team should move forward. It is important for the industry to come to the first meeting with any questions and identify for the NRC areas that are unclear to industry.
- Jerry Bonanno noted that the initial regulatory bases document from NEI was not meant to be limiting, but was intended to determine what actions are required during the protocol. Jerry stated that NEI wanted to fully understand how the regulatory process worked to get from a general regulation such as the general design criteria (GDC), to one that applies to the problem statement.
- Dave Skeen reiterated that in fact the NRC would take regulatory questions back from the first public meeting and provide responses during the second public meeting.
- Greg Halnon noted that on some issues, precedent should be considered and discussed early in the protocol. In addition, there are differences between licensees and those differences should also be considered when the regulatory bases are defined.

- Tom Koshy noted that the submerged cables GL listed the requirements; there should not have been any question as to the regulatory bases of the submerged cables issue.
- Tim McGinty suggested the need for another pilot to continue to test the protocol and ensure the guidance document is complete.
- Jerry Bonanno stated the importance of understanding how the GDC applied and how to comply. The inspection findings show which regulation applies, but much later than the issuance of the GL. Understanding the how helps identify the path to compliance.
- Jim Riley also noted the importance to industry in understanding the application of the regulations and if there is an existing precedent.
- Tim McGinty noted that we should not over-complicate the regulatory requirements part of the RIRP.
- Tom Koshy suggested licensees across the industry should be quickly informed and take immediate action if safety-related items are identified in RIRP or LATF. He expected that they would have been quickly communicated by NEI to all licensees.
- Dave Skeen requested clarification as to industry's interpretation of the regulations. He clarified the regulations drive what needs to be done.
- Jerry Bonanno agreed that the NRC regulations are bounding and the requirements to what a licensee must do. The regulations drive what a licensee will do.
- Greg Halnon noted that every licensee should pull out their licensing bases and ensure compliance when an issue is raised. If a licensee does not see a compliance mismatch, no action will be taken, however, if a licensee does determine there is a compliance issue, corrective action should be taken.
- Dave Skeen agreed with this description and requested agreement from all present. When an issue is identified by the NRC or the RIRP, each licensee should check their licensing bases and ensure compliance. All agreed with Dave and he requested this be documented in the minutes.
- Tim McGinty stated that RIRP issues should be resolved at the lowest level, using staff from the NRC and industry. There should be no need to continuously involve senior management. There are too many issues for the NRC to continue dedicating senior level resources when most issues can and should be resolved at the staff level.
- Greg Halnon noted that industry needs to have assurance that NRC management agrees with staff decisions and supports moving forward. Industry needs to know that staff decisions are in alignment with NRC management. If the industry senior management is engaged in an NSIAC-like commitment, the industry needs to know that NRC senior management is also committed. Industry needs vertical buy-in at some points in the protocol; this would be from both NRC and industry.

- Tim McGinty responded that the NSIAC-like commitment is important to the RIRP solution. The NRC needs to know that once a solution is determined by the RIRP team, all licensees will implement it. An NSIAC-like commitment would demonstrate the potential value commensurate with the dedication of NRC staff resources.
- Dennis Buschbaum noted that there are a number of old and new issues that could be processed through the RIRP, if only to keep attention on the issue and help gain closure. Some examples are: licensed power limits, instrument set points, containment radiation monitors, valve seat leakage, emergency diesel generator frequency, preconditioning of instruments and switches, and the core uncovering with a break in the cold leg.
- Tim McGinty noted that every issue that Denny Buschbaum listed is already in an NRC process and being worked. We need to ensure that the RIRP does not undermine NRC processes.
- Jim Riley asked why we need to screen all issues? If we have a generic issue, shouldn't it come to the RIRP? We should use the project management process in the RIRP and work to close issues.
- Tim McGinty responded that the NRC is not budgeted for RIRP or all the additional work. Bringing all issues to the RIRP will require resources that are not funded. The NRC is concerned that the RIRP could become oversaturated by issues that could be resolved by existing processes and that the NRC needs to charge resource time. NRC control of resources is very important; the limited resources means delaying other NRC work when staff is assigned to RIRP issues. This usually impacts licensing actions, safety analysis, and other related work.
- Marty Murphy noted that it may be possible to charge time as is done with topical reports.
- Jeannie Rinckel noted that the RIRP program developers are working themselves out of a job; future issues will use guidance to apply RIRP principles. This will reduce the resources dedicated to RIRP. Jeannie also asked why the NRC is not open to running more issues through this disciplined protocol; as experience is gained with the protocol, the resources to resolve generic issues should be much less than is currently expended.
- Greg Halnon responded that the important point is to apply the RIRP principles to each issue regardless of the NRC process. The RIRP project management will aid in the resolution of any issue.
- Terry Patterson noted that once an issue is identified, we must ensure satisfactory resolution. That the RIRP is more efficient; because it relies on existing processes.
- Tim McGinty further discussed the RIRP problem statement development, and suggested that it may be an iterative process. As the RIRP team meets, there should always be a quick review of the problem statement to ensure its validity and that the problem statement still envelops the issue that is to be resolved. Tim also noted that the RIRP must be outcome-based. There should be some performance metric to ensure the RIRP is successful and show a value for the resources expended. Tim asked whether

the submerged cables pilot resolution would be implemented by all? All agreed it is expected to be implemented by all.

- Tom Koshy noted that the easiest way would be to ensure there is a licensee commitment to the solution.
- Nichole Glenn commented that the team should be considering gate reviews as a part of the RIRP. Gate reviews would aid in prioritizing resources. Gate reviews through-out the RIRP would validate the protocol and any agreements. All agreed to consider gate reviews.

### **Path Forward**

- All agreed that the lessons learned documents provided enough detail to update the NEI guidance document.
- Next RIRP meeting to be scheduled on May 6 as a teleconference to review the update to the RIRP guidance document.
- Parking Lot Items
  - Look for resource accountability as need increases.
  - Effective use of pilots.
  - Method to revise the Problem Statement while RIRP resolution is in progress.
  - Outcome based metrics (industry commitment).
  - Solutions need to stand on their own merit.
  - “Hold Points’ to be built into the RIRP process, (Gate Reviews) as the process moves forward.

### ***NEXT STEPS/ACTION ITEMS***

1. NRC to issue the final NRC lessons learned document.
2. NEI to update the RIRP guidance document based on the lessons learned in preparation for the May 6, 2010, teleconference.
3. NRC to coordinate and schedule the next RIRP public meeting in late May or early June, preferably before Memorial Day.
4. NEI to complete the updates to the RIRP guidance document before the next public meeting.