

## RIC 2002 Panel Summary

Panel	Session Title/ Chair Name/Session Coordinator and/or Org Responsible for Followup	Followup/IOU/Credits for Existing Plans/Scheduled Meetings
T1 & T2	Opening/ Chairman Meserve  1000+	No follow-up issues
T3	Policy Focus Safeguards/Security Issues B. Boger	<p>1. Section III.A of the Order states, in effect, that all licensees <i>shall</i> comply with the Order and <i>shall</i> immediately start implementation. Should a licensee prepare a schedule and commence preliminary actions even if the licensee believes that the action may be unnecessary or impossible? How much time should the schedule allow for NRC review and approval of relief requested by licensees? Can the implementation schedule be based on receipt of NRC concurrence?</p> <p>Response: Consistent with Section III.B.1 of the Order, if the licensee believes that compliance with any of the requirements is unnecessary in their specific circumstances, or if they are unable to comply with any of the requirements, the licensee shall provide justification for seeking relief from or variation of any specific requirement. Based on the assumption that adequate justification has been provided, the NRC does not expect licensees to prepare a schedule or commence preliminary actions to implement requirements for which they are seeking relief. The current NRC action plan calls for the NRC reviews of licensee 20-day submittals be completed by April 20, 2002, such that the NRC review should not affect the ability of the licensees to meet the August 31, 2002, implementation date stated in Order Section III.A.</p> <p><b>This item is complete</b></p> <p>2. What is the NRC standard for compliance with the Order's requirement to "immediately start implementation," in order to fulfill the intent of Section III.A? Is planning and other documentation considered to be part of implementation? Must some action on each of the individual Attachment 2 requirements be commenced immediately?</p> <p>Response: The NRC considers that any of the activities necessary to implement the requirements in Attachment 2 of the Order (e.g., planning, scheduling, engineering, procurement, construction, training, etc.) are part of immediately starting implementation. Action is required on each individual Attachment 2 requirement as necessary for the licensee to meet the Order implementation date of August 31, 2002.</p> <p><b>This item is complete</b></p>

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T3 cont'd.	Policy Focus Safeguards/Security Issues B. Boger	<p>3. What is the standard for licensees having to “complete implementation” by a certain date, as referred to in Section III.A? Do all actions even remotely associated with change, such as training on procedure changes or plant modifications resulting from the Order, need to be completed prior to declaring implementation complete?</p> <p>Response: Licensees should consider implementation complete for a specific requirement when all actions have been completed as necessary to demonstrate that the specific interim compensatory measure is capable of providing the intended safeguards or security function (e.g., detection, deterrence, threat response). In some cases, plant modifications, procedure changes and training will be needed to implement the requirement.</p> <p><b>This item is complete</b></p>
		<p>4. The Order states that the licenses listed in Attachment 1 are considered modified immediately. (See last sentence on page 3 of the Order.) Therefore, how can there be a conflict with the facility license as mentioned in item III.B(3)? Is this statement intended to inform the NRC of conflicts with requirements before the Order was issued?</p> <p>Response: Order Section III.A states, in part, that all Licensees shall, <i>notwithstanding the provisions of any Commission regulation or license to the contrary</i>, comply with the requirements described in Attachment 2 of the Order. This means that the requirements of the Order supercede any provisions of the regulations or provisions in the license. However, since the Orders for each plant were identical, it is possible that some plants may have had license conditions (in place prior to issuance of the Orders) that may in some way conflict with certain Order requirements. The intent of Order Section III.B.1(3) was for licensees to notify the NRC if implementation of any of the Order requirements would cause the licensee to be in violation with the provisions of any Commission regulation or the facility license given their plant specific circumstances.</p> <p><b>This item is complete</b></p>
		<p>5. What if any detail should be provided when drafting the schedule required by Section III.C of the Order?</p> <p>Response: As a minimum, for each of the Order Attachment 2 requirements, the schedule should list the date for achieving compliance with the specific requirement. If a licensee determines that more detail should be provided to fully describe the actions they will take to meet the intent of the requirement, more detail can be provided as deemed necessary.</p> <p><b>This item is complete</b></p>

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T3 cont'd.	Policy Focus Safeguards/Security Issues B. Boger	<p>6. Is there a standard for what circumstances would constitute an “adverse impact on the safe operation of the facility”? If not, should this concept be defined or assumptions stated by the licensee in the Answer or in some supporting document?</p> <p>Response: Due to plant specific circumstances, implementation of certain Order requirements could potentially introduce an unforeseen hazard or could significantly increase the potential for a known hazard to occur. Since each licensee is knowledgeable about its facility and procedures, the licensee is in the best position to determine the plant specific circumstances. In such situations, the licensee may consider that implementation of the requirement would have an adverse impact on safety (i.e., adequate protection would no longer be provided).</p> <p><b>This item is complete</b></p>
		<p>7. Section III.B.2 of the Order discusses actions which may “adversely impact safe operation of the facility” and asks for proposals to either achieve the same objective of the specific requirement or a schedule for modifying the facility to address the adverse condition. The text goes further to state that if “neither approach is appropriate” then the licensee must address the condition under Section III.B.1. What is meant by “appropriate” (and please provide examples)?</p> <p>Response: In the context of Order Section III.B.2, “if neither approach is appropriate” means that the licensee cannot reasonably achieve the same objective of the requirement or modify the facility to address the adverse safety condition. The justification for seeking relief from the Order requirement should be specific enough such that the NRC can determine that neither approach is reasonably achievable (e.g., requirement would require extensive plant modifications that is not reasonably achievable from a schedule and cost standpoint - provide details regarding schedule and cost).</p> <p><b>This item is complete</b></p>
		<p>8. What if a licensee is unable to fully comply with an Attachment 2 requirement and the NRC Staff later denies the request for relief, is there a way to preserve hearing rights following NRC disposition of relief requests?</p> <p>Response: As discussed in Section IV of the Order, a hearing may be requested within 20 days of the date of the Order. The Order does not address hearing requests past the 20 day time period.</p> <p><b>This item is complete</b></p>

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T4	New Reactor Licensing J. Lyons	<p>1. What factors should the NRC consider in its prioritization of short term, and long term work related to new plant licensing actions?</p> <p>Response: Because of limited budgets and the overall amount of work, the staff may have more work than it has resources to complete. In developing the near term budget for new reactor licensing activities the staff gave priority to applications that it has received, or will be receiving shortly, based on discussions with industry. These activities include the pebble bed modular reactor preapplication review, the AP1000 preapplication review and expected design certification application review, and expected early site permit applications. The staff is also giving priority to items that require a long lead time, such as revising the construction inspection program and selected regulatory infrastructure development.</p> <p><b>This item is complete</b></p> <hr/> <p>2. What regulatory challenges and regulatory changes are associated with licensing merchant plants, modular plants, and non-light water reactors?</p> <p>Response: SECY-01-0207, "Legal And Financial Issues Related to Exelon's Pebble Bed Modular Reactor (PBMR)", dated November 20, 2001, provided preliminary staff positions on many of the issues associated with this question. The ADAMS accession number for this paper is ML012850139. The staff held a public workshop on March 27, 2002, to discuss this paper and to obtain stakeholder comments and feedback on these issues. The results of the workshop will be used by the staff to inform the Commission of how it intends to proceed in this area.</p> <p><b>This item is complete</b></p>

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T4 cont'd.	New Reactor Licensing J. Lyons	<p>3. With merchant plants, how would you deal with grid reliability/stability?</p> <p>Response: The staff has been monitoring grid reliability and stability since deregulation has started to split utilities into generators, transmission and distribution entities. Therefore, this issue is affecting the current fleet of reactors in addition to the potential affect on new reactor designs. Currently the staff is interfacing with organizations such as the North American Electric Reliability Council, the Federal Energy Regulatory Commission and the nuclear industry as they develop new reliability standards and processes. The staff notes that some of the new reactor designs such as the AP600 minimize their reliance on offsite power through their use of passive safety features. In the case of the AP600, an exemption was granted to general design criterion 17 of 10 CFR 50 Appendix A for 2 sources of offsite power. This exemption was based on the passive safety features of the design.</p> <p><b>This item is complete</b></p>
		<p>4. The industry was touting new designs as “inherently” safe. Are any of the new designs more or less safe from the perspective of sabotage?</p> <p>Response: During the session questions were raised regarding the physical security design for new plants. As discussed during the session, the staff will look to the ongoing work being done in this area for guidance. The staff notes that some potential applicants such as Exelon’s pebble bed modular reactor design are considering design changes to make the design less susceptible to aircraft attack.</p> <p><b>This item is complete</b></p>

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T4 cont'd.	New Reactor Licensing J. Lyons	<p>5. A question directed to Mr. Lyman reads as follows: "Under the scenario of your comment, a completed plant might be prevented from operating. Would you, or would you expect anyone to buy a car without certainty of being able to drive it, or buy a house without being able to occupy it?"</p> <p>Response: The staff believes that this question was raised during the session when programmatic inspections, tests, analyses, and acceptance criteria (ITAAC) was being discussed. The issue regarding programmatic ITAAC is whether ITAAC are required for programs such as security, training, and emergency planning. The staff stated in SECY-00-0092, "Combined License Review Process," dated April 20, 2000, that it believed ITAAC are required in these areas. The industry strongly disagrees with this position. The Commission asked the staff for a recommendation in its September 5, 2000, staff requirements memorandum (SRM) for SECY-00-0092. The staff sought public comment on this issue through a <i>Federal Register</i> Notice issued in June of 2001. The staff provided its recommendation to the Commission on this issue in SECY-02-0067, "Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) for Operational Programs (Programmatic ITAAC)," dated April 5, 2002.</p> <p><b>This item is complete</b></p>
T5	Decommissioning S. Richards	No follow-up issues
T6	Allegations Process/Safety Conscious Work Environment E. Baker	No follow-up issues
T7	Commissioner Diaz	No follow-up issues
W1	Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles B. Sheron	No follow-up issues

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Panel	Session Title/ Chair Name/Session Coordinator and/or Org Responsible for Followup	Followup/IOU/Credits for Existing Plans/Scheduled Meetings
W2	Reactor Oversight Processes (ROP) (Session 1) W. Dean	No follow-up issues
W3	Waste Issues R. William Borchart	<p>1. Followup item: Provide the file for a Part 72 Licensing Action slide that was used at the RIC Session W3 "Waste."</p> <p>The file for a Part 72 Licensing Action slide was provided for posting with the Waste session slides.</p> <p><b>This item is complete</b></p>
W4	Power Uprates J. Zwolinski	No follow-up issues
W5	Risk-Informed Regulation Technical Requirement M. Rubin	No follow-up issues
W6	ROP Session 2 M. Johnson	<p>1. Do actual reactor issues characterized as white, yellow, or red reflect the level of degradation of safety intended by the Commission?</p> <p>Response: Yes, reactor issues characterized as white, yellow or red reflect level of safety/risk degradation (delta CDF and delta LERF) approved by the Commission for use by the ROP.</p> <p><b>This item is complete</b></p>

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W6 cont'd.	ROP Session 2 M. Johnson	<p>2. In ROP Session 1, it was suggested that the existing PIs might be deficient in measuring performance in cross-cutting issues (e.g., human performance, safety culture, problem identification and resolution). Please comment.</p> <p>Response: NRC staff has concluded that certain aspects of licensee performance (such as human performance, the establishment of a safety conscious work environment, common cause failure, and the effectiveness of licensee problem identification and corrective action programs) manifest themselves as the root causes of performance problems at a power plant. Adequate licensee performance in these crosscutting areas can be inferred through cornerstone performance results from both PIs and inspection findings.</p> <p>The staff performed an assessment of plants that reached the degraded cornerstone column of the action matrix to address concerns regarding the validity of ROP premise that problems which are result of deficiencies in the cross cutting areas will become evident through poor performance results at a power plant. The staff concluded that weaknesses in the cross cutting area of licensee problem identification and resolution contributed to all five facilities reaching the degraded cornerstone column of the action matrix in the first three quarter of CY 2001. The cross cutting area of human performance was a contributor in one instance, while the cross cutting issue of safety conscious work environment was not seen as a contributor for any of the plants reviewed. For all five plants, the ROP was found to be sufficiently pro-active to provide for identification and resolution of performance concerns before plant performance became unacceptable.</p> <p>Therefore, the staff has concluded deficiencies in the crosscutting issues can be identified through PIs and inspection findings.</p> <p><b>This item is complete</b></p>



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W6 cont'd.	ROP Session 2 M. Johnson	<p>3. How does NRC deal with inconsistency if a SDP for an event shows “green” but a later research ASP review shows CMF in the “white” or “yellow” range?</p> <p>Response: This is one of the issues which will be addressed in the SDP improvement strategy planned for this year. The staff plans to issue guidance to delineate the relationship between ASP and the SDP, in order to minimize the potential for unexpected or unreasonable differences in the results of the SDP and ASP processes.</p> <p>However, it is possible to arrive at a different risk assessment using ASP and SDP processes for the same event. This is because the SDP is meant to be more timely (completed within 90 days or less) while the ASP analysis, which is performed on a longer time frame, may use additional information which may not have been available when the SDP was completed.</p> <p><b>This item is complete</b></p>
		<p>4. What are NRC’s current plans for increasing reliance on licensee self-assessments?</p> <p>Response: The staff developed a proposal for discussion on this subject and held several meetings with key NRC stakeholders, including NEI and the Combustion Engineering Owners Group. The staff is planning to pursue this issue further this year as part of its overall effort to provide for increased efficiencies in the ROP.</p> <p><b>This item is complete</b></p>

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W6 cont'd.	ROP Session 2 M. Johnson	<p>5. Should LERs include a quantitative as well as qualitative discussion of risk? Would a quantitative assessment be used as a basis for SDP Phase 3 evaluations?</p> <p>Response: Currently, there is no regulatory requirement for LERs to contain quantitative discussion of risk associated with events reported in LERs. Although such information may be useful to the NRC staff in evaluating the risk significance of events, the staff does not rely on the licensee's quantitative risk assessment unless the staff reviews and accepts the licensee's quantitative analysis.</p> <p>Because the staff has the responsibility for evaluating and determining the risk significance of events at a facility, the staff performs independent risk assessments of events reported in LERs. The staff's evaluation of the LER event is used as a basis for SDP evaluations.</p> <p><b>This item is complete</b></p>
		<p>6. Will "old design issues" identified by the licensee be considered for a color under the SDP?</p> <p>Response: This issue was discussed at the External Lessons Learned Workshop on March 26-28, 2001 as well as at several DRP/DRS Counterpart meetings and ROP public meetings. The staff has developed guidance to address this issue and it was included in a revision to IMC 0305, "Operating Reactor Assessment Program." The guidance will permit the NRC to refrain from considering certain historical performance issues in the assessment program as long as the following criteria are met: 1) the finding was licensee-identified as a result of a voluntary initiative such as a design basis reconstitution; 2) the finding was or will be corrected, including immediate corrective action and long term comprehensive corrective action; 3) the finding was not likely to be identified by routine licensee efforts; and 4) the finding does not reflect current licensee performance. The staff will determine whether the above criteria are met during a supplemental inspection that will be conducted for the issue. Subsequent to that inspection, a determination will be made whether to apply the special treatment discussed above. This approach is intended to encourage licensees to maintain self-assessment programs to identify and correct safety-significant issues that are not likely to be identified by routine inspection or monitoring efforts.</p> <p><b>This item is complete</b></p>

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W7	International Issues and Perspectives S. Collins	<p>1. How much financial support (US\$) does the U.S., Finland and the UK provide to help Russia and FSU in cleanup of radioactive waste and disposal?</p> <p>Response: The financial support in US \$ provided to Russia and Former Soviet Union (FSU) countries by the U.S., Finland and the U.K. is as follows (for the years indicated): The United States \$68 million (1990-2002); Finland \$1.946 million (1991-2002) and the United Kingdom \$134 million (2000-2004). These figures are provided by the identified governments and include funds for work other than cleanup of radioactive waste and disposal. For example, the funding information provided by the U.K. includes funds for the Chernobyl Shelter Fund and for the Nuclear Safety Program for nuclear power plants in the FSU. The financial data supplied by Finland indicates that additional funds for work in this general area (not included in the \$1.946 million) are provided to the European Bank for Reconstruction and Development (EBRD).</p> <p>2. Please talk about the nuclear power generation programs in China; the U.S. role and the U.S. exporting the licensing process.</p> <p>Response: The nuclear power generation programs in China are very active. The Chinese government has made the development of independent energy production a national priority along with strengthening and integrating the national grid. By 2010, the government plans call for an installed capacity of 20,000 MWe connected to the grid. China has 3 units operating: one 310MWe PWR and two 910MWe units. There are an additional 8 units under construction: two 600MWe PWRs; two 600MWe CANDUs; two 1000MWe PWRs and two 1000MWe WWERs (PWRs). In addition there are 4 1000MWe units planned. The U.S. NRC has an agreement with its regulatory counterpart in China (active for many years) for the exchange of regulatory and safety information. When requested the U.S. NRC provides information on its regulatory and licensing processes and U.S. operating experience and the Chinese do likewise. Such information exchanges are implemented through an ongoing series of technical meetings on issues of interest to both sides.</p> <p><b>This item is complete</b></p>

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W7 cont'd.	International Issues and Perspectives S. Collins	<p>3. If our international partners move ahead on the design of new technologies, will we be able to capitalize on the work or start anew? If so, what would the process look like?</p> <p>Response: A number of our international partners are moving ahead in the design of new reactor technologies (for example the German-French EPR project and the Chinese modified German Pebble Bed Modular Reactor). The NRC has, under 10CFR52, pre-certified three evolutionary reactor designs: the GE ABWR, the CE System 80+, and the Westinghouse AP600. Through information exchange agreements with the regulatory authorities of more than 30 countries the NRC is able to keep informed on other new reactor technologies. In a number of cases, the NRC is able to obtain valuable experiential information from these international partners when they use some of our regulatory processes and/or inspection procedures. We are also able to learn about regulatory approaches different from the NRC and safety analysis approaches carried out in other countries. The information obtained from our international partners is screened for its applicability to improving the efficiency and effectiveness of the NRC, to maintaining safety, to reducing unnecessary regulatory burden (on our licensees) and to increasing the confidence of the public (in the NRC).</p> <p><b>This item is complete</b></p>
W8	Communication Challenges After September 11 M. Case	<p>1. There is confusion about nuclear waste transportation to Yucca Mountain in terms of how many shipments and what risks are. DOE says between 11,000 (mostly rail) and 53,000 mostly truck yet many opponents keep referring to 100,000 shipments.</p> <p>Response: The Department of Energy's Final Environmental Impact Statement (FEIS) bounds the number of transportation shipments at 53,300 for the mostly legal-weight scenario and at 10,700 for the mostly rail scenario (see page 6-4 of the DOE's FEIS). We have determined that the analysis appears to adequately bound the range of expected environmental impacts resulting from the shipments. However, we expect that further refinement of analyses will allow for more precise estimates.</p> <p>Shipments of spent nuclear fuel by both rail and road have safely been conducted in the United States over the last 20+ years. In addition, our risk studies have determined that the probability of severe accidents associated with these shipments is extremely low. A new risk study is currently underway that will examine the potential effects of fire and impact accidents beyond those addressed by current regulations. Further, we are currently conducting vulnerability studies that also go beyond the current regulatory requirements for transportation casks.</p> <p><b>This item is complete</b></p>

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W8 cont'd.	Communication Challenges After September 11 M. Case	<p>2. People do not understand "person-rem" as a risk measure.</p> <p>Response: A person-rem is a standard unit for radiation exposure to populations following a potential release of radioactive material from a nuclear facility. The regulations define specific limits for maximum exposures to individuals that might occur following routine or accidental releases associated with design basis events. Risk assessments, however, involve estimated frequencies of a wide range of initiating events and possible failures of mitigating equipment leading to an estimated probability of a large release of radioactive material. Estimates of risk combine the probability of events with the possible consequences. The unit of "person-rem" is a tool used to quantify the consequences of an accident by using conservative translations from the radiation exposure to a population (i.e., person-rem) to potential adverse health effects.</p> <p><b>This item is complete</b></p>
		<p>3. What about the impact of aircraft on spent fuel pools at commercial facilities? Is NRC doing analysis of potential releases from that scenario?</p> <p>Response: After the events of September 11, 2001, we have undertaken a top-to-bottom review of security issues and potential threats against our licensed facilities.</p> <p><b>This item is complete</b></p>
		<p>4. NRC should cross reference Reg Guides to their applicable 10 CFR part so the public doesn't have to go down the list of all Reg Guides to find the ones they need.</p> <p>Response: Regulatory guides posted on the web site are grouped into general categories. The regulatory guides themselves contain links to applicable regulations. However, regulatory guides are only a subset of the information that applies to any one regulation.</p> <p><b>This item is complete</b></p>

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W8 cont'd.	Communication Challenges After September 11 M. Case	<p>5. With respect to transportation of spent fuel and nuclear waste, how can you balance the need for information to the local governments/tribes with the need for secrecy from terrorists? This includes current and future shipments.</p> <p>Response: Citizens have the right to be informed about shipments of spent nuclear fuel that may be routed near their cities. To do this, the shipper provides advance information about shipments to state and local government officials well in advance of the shipments being executed. This notice is done to establish routine and emergency communication links and to discuss plans for security escorts. Often the shipper will provide general information about shipments to the media. However once the shipper determines the particular date and time for a shipment, the route, time, and date all become sensitive, safeguards information. Our regulations require that this information be protected so that it is not available to anyone who might desire to cause an accident and harm the public. The shipper provides this sensitive information only to us, to those who need to know (such as those assigned to the shipment like drivers, escorts, and emergency support organizations), and to the appropriate state governors or their designee. Ten days after the shipment is completed, the schedule and route are made publicly available.</p> <p><b>This item is complete</b></p>
		<p>6. "The NRC Staff Study at Decommissioning Plants" (Jan 2001) quotes an earlier NUREG to say that Mark I containments present "no substantial barrier" to aircraft penetration. Why did you not reference this to the press?</p> <p>Response: NUREG-1738, "Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants," does not include specific assessments of the response of plant containment structures to aircraft crashes. However, we are currently performing such an assessment and will factor the results of the study into its future decisions.</p> <p><b>This item is complete</b></p>

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W8 cont'd.	Communication Challenges After September 11 M. Case	<p>7. Does the panel have any issues or concerns for the utilities placing USARs and other documents on secured web sites (which require passwords, etc.) in order to share these documents with similar plants or industry groups?</p> <p>Response: Nuclear industry groups, such as INPO and EPRI, currently provide information to their members through secured web sites. We do not have concerns with the placement of non-safeguards information on these secured web sites. However, we will work with licensees to enable them to identify and mark documents that meet the criteria for sensitive homeland security information so that certain information can be appropriately controlled and protected.</p> <p><b>This item is complete</b></p>
		<p>8. Since September 11, 2001, it is clear that what constitutes "sensitive" information has changed. Is NRC considering some form of background screening for members of the public who seek such information?</p> <p>Response: We are committed to providing all members of the public the opportunity to participate in the regulatory process. For this reason, we will provide alternate means for the release of relevant information on important subjects in a fashion that would not provide significant assistance to a terrorist, i.e., by redacting details or rewriting important documents to eliminate sensitive information.</p> <p><b>This item is complete</b></p>
		<p>9. What is the NRC doing to ensure its employees and contractors do not provide safeguards information to unauthorized third parties who may be NRC stakeholders (e.g., Nuclear Control Institute)?</p> <p>Response: Our employees and contractors have been reminded that, in accordance with our regulations, ensuring the integrity of sensitive security or safeguards information is every NRC employee's responsibility, and that violations of these requirements could result in sanctions.</p> <p><b>This item is complete</b></p>

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W8 cont'd.	Communication Challenges After September 11 M. Case	<p>10. The U.S. Coast Guard is in the process of establishing security zones around nuclear power plants on costal/lake/navigable rivers. In establishing the zones, the exact latitude and longitude information is provided in Federal Register notices such that the plant location is precisely defined and useable for potential terrorist use. What is NRC doing to resolve this with the U.S. Coast Guard? I also noted that for one site the precise location of gas line crossing was also provided.</p> <p>Response: Together with the U.S. Coast Guard, we are working to provide assurance that unauthorized activities involving waterways around nuclear power plants will be detected and an appropriate response initiated. In doing this, we have determined that it is impractical to try to protect specific longitude and latitude designations because that information is already widely available from other public sources and can be easily obtained by using basic mapping techniques.</p> <p>Information regarding gas lines are not under our control and are subject to release requirements associated with the service provider, such as for safety reasons with respect to digging activities.</p> <p><b>This item is complete</b></p>
W9	Commissioner Dicus	No follow-up issues
W11	Commissioner McGaffigan, Jr.	No follow-up issues
W12	Emergent Technical Topics J. Johnson	<p>1. Addressing 9/11 event, has NRC done any analysis on containment integrity? What are the findings? How does the industry benefit from the findings?</p> <p>Response: As a result of the terrorist attacks of September 11, 2001, the staff has researched studies conducted in the past on the ability of the containment structures to withstand an aircraft impact. While certain studies were found that provided valuable insights, substantial analysis remains to be done to assess the impact of the current fleet of aircraft. The results of that research would be treated as sensitive information if disclosure of it would provide a clear and significant benefit to the terrorist. However, the information also has the potential to improve defense of the structures and the agency will endeavor to share, as appropriate, the pertinent information with industry.</p> <p><b>This item is complete</b></p>



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W13	Emergent Business Topics M. Case	<p>1. What is the applicability of license fees to licensees that are in bankruptcy?</p> <p>Response: Bankruptcy filings have no impact on the schedule of fees assessed to licensees in bankruptcy. In other words, the assessment does not change because the licensee is in bankruptcy; the licensee is treated as any other member of the fee category. However, once a licensee files for bankruptcy, all outstanding pre-petition debt is protected by the automatic stay provision of the U. S. Bankruptcy Code. Post-petition debt is due and payable.</p> <p><b>This item is complete</b></p>
		<p>2. Can you give examples of items that were granted waivers under the third criterion?</p> <p>Response: The question refers to the third criterion (criterion (c)) of Footnote 4 to 10 CFR 170.21 and Footnote 5 to 10 CFR 170.31 Three examples of waivers granted under these criteria are as follows:</p> <p>(1) In June 2001, Electric Power Research Institute (EPRI), was granted a fee waiver for the review of the extension of Topical Report TR-112657, Rev. B-A, "Revised Risk-Informed Inservice Inspection (RI-ISI) Evaluation Procedure."</p> <p>(2) In May 2001, Westinghouse Owners Group (WOG) was granted a fee waiver for the review of WOG's Topical Report "Inclusions of Augmented Piping Inspection Program into the WOG Risk-Informed ISI Program, WCAP-14572, Revision 1-NP-A Addendum 1" (MUHP-5200).</p> <p>(3) In February 2002, Nuclear Energy Institute (NEI) was granted a fee waiver for the review of Revisions F and G to the Electric Power Research Institute's Technical Report "Guidelines for Addressing Fatigue Environmental Effects in a License Renewal Application (revisions A through E were developed internally to the NEI and EPRI and were not submitted to the NRC for review).</p> <p><b>This item is complete</b></p>

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W13 cont'd.	Emergent Business Topics M. Case	<p>3. What impetus is there for the NRC to control the fees charged to the individual utilities or utility groups?</p> <p>Response: The NRC is committed to implementing its statutory responsibilities and to conducting its regulatory programs effectively and efficiently without diminishing its ability to protect the public health and safety promote the common defense and security and protect the environment. The NRC is also committed to the expeditious review of each application and uses all reasonable means to keep its costs low without compromising public health and safety, common defense and security, and environmental protection. The NRC cannot afford to use its increasingly limited resources unwisely if it is to successfully perform its mission. In fact, management is evaluated on its ability to balance workload and assigned resources in the most efficient and effective manner. The NRC monitors the staff's success in meeting schedules to ensure that projects are completed expeditiously and efficiently.</p> <p><b>This item is complete</b></p>
W14	License Renewal C. Grimes	No follow-up issues
W15	Technical Specification Initiatives W. Beckner	<p>1. Is there an initiative to remove the steam generator tube inspection from the technical specifications?</p> <p>Response: As part of the improved technical specification initiative, the SG tube inspection requirements have been moved to the administrative section of the technical specifications.</p> <p>The industry's steam generator generic license change package (part of the industry's NEI 97-06 initiative) involves proposed additional changes to the technical specifications. This proposal involves replacing existing administrative technical specification inspection requirements, which are prescriptive, with performance based requirements intended to ensure that tube integrity is maintained. In addition, the industry proposal would include a new LCO requirement requiring that SG tube integrity be maintained. The accompanying LCO surveillance requirement would require verification of tube integrity in accordance with the proposed administrative section of the technical specifications.</p> <p>Industry is currently revising its proposed generic license change package in response to NRC comments. Industry plans to resubmit this revised package by June 30 this year. We expect to complete our review by Feb 2003.</p> <p><b>This item is complete</b></p>

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W16	Commissioner Merrifield	No follow-up issues
TH1	Regulatory Trends	No follow-up issues
TH2	Region IV, Breakout E Merschoff	<p>1. How will the assessment process handle “old design issues” such as original construction errors (e.g., KAO wool)?</p> <p>Response: This issue was discussed at the External Lessons Learned Workshop on March 26-28, 2001 as well as at several DRP/DRS Counterpart meetings and ROP public meetings. The staff has developed guidance to address this issue and it was included in a revision to IMC 0305, “Operating Reactor Assessment Program.” The guidance will permit the NRC to refrain from considering certain historical performance issues in the assessment program as long as the following criteria are met: 1) the finding was licensee-identified as a result of a voluntary initiative such as a design basis reconstitution; 2) the finding was or will be corrected, including immediate corrective action and long term comprehensive corrective action; 3) the finding was not likely to be identified by routine licensee efforts; and 4) the finding does not reflect current licensee performance. The staff will determine whether the above criteria are met during a supplemental inspection that will be conducted for the issue. Subsequent to that inspection, a determination will be made whether to apply the special treatment discussed above. This approach is intended to encourage licensees to maintain self-assessment programs to identify and correct safety-significant issues that are not likely to be identified by routine inspection or monitoring efforts.</p> <p><b>This item is complete</b></p>
TH3	Region III, Breakout J Dyer	<p>Two Action Items</p> <p style="padding-left: 40px;">1. DRP branch chiefs will discuss the team inspection schedule for 2003 and 2004 with licensees.</p> <p><b>This item is complete</b></p> <p style="padding-left: 40px;">2. DRS will evaluate standardizing information requests for team inspections. (Scheduled completion 5/31)</p>
TH4	Region II, Breakout L Reyes	No follow-up issues

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TH5	Region I, Breakout H Miller	No follow-up issues
TH6 & TH7	Inter-Regional Plenary and Closing Plenary Session	No follow-up issues