

## RIC 2005 Questions/Take-aways

### P1 & P2 / Welcome / NRC Chairman Nils J. Diaz

Question: What objective measures will you use to ensure excellence in NRC management?

Response: The Chairman directed the EDO to ensure excellence in agency management by integrating four fundamental attributes into the staff's activities. These attributes are communication, connectivity, accountability, and timeliness. The Chairman indicated that these measures should be used as a framework to account for and assess systematically how effectively staff executes Commission policy decisions and direction. Senior managers in the agency are objectively evaluated annually through measures contained in their performance contracts on core leadership attributes, in addition to the measures associated with the programs, projects, and products under their purview. In addition, there are performance measures and metrics associated with the agency's strategic plan which provide an objective measure of NRC performance at the highest level. The Commission reports to the U.S. Congress annually on these and other metrics related to important activities for which the agency is responsible.

Question: Recently HBO has run a strongly anti-nuclear series. One segment, "imagining the unimaginable," produced by the late Sen. Robert F. Kennedy's two children states that the Indian Point NPP security is grossly inadequate. What is NRC doing to communicate your message of confidence in NPP security to the American people through channels as broad as HBO?"

Response: The NRC recognizes the importance of accurate communications with the public through the various types of media. In fact, NRC's Chairman and NRC's Executive Director for Operations have appeared on CSPAN, MSNBC, and other TV networks to provide the agency's views on nuclear power plant security. The NRC has dedicated staff to oversee important communications activities and help ensure accurate and timely communications with all our stakeholders. For example, the Director of the NRC's Office of Public Affairs is heavily involved in addressing issues such as inaccuracies that may make their way into the media. When we become aware of inaccurate information, the Director of the NRC's Office of Public Affairs will often contact the appropriate networks or media organizations to inform them of the inaccuracies. We also added a "For the Record" page on our website to provide information on controversial issues and to respond to significant media reports that could be misleading.

Question: With the complexity of some of the Generic Safety Issues (GSI), is it appropriate to use Risk Informed knowledge of regulation to disposition parts of a GSI (i.e., GSI-191 sump screen)."

Response: Consideration of risk information is not only appropriate, but especially important in dealing with complex issues. Use of risk information allows the staff to prioritize the various aspects of a generic safety issue to ensure that appropriate and timely actions are being implemented for the safety significant aspects. It also allows the staff to ensure that efforts to address less significant aspects do not unnecessarily delay the resolution of safety significant aspects. Furthermore, because of the wide range of scenarios and equipment considered by probabilistic risk assessments, the use of these assessments could lead to the identification of safety enhancements that may not be identified by using deterministic analyses alone.

Question: How will the court remand of the 10,000 year compliance period portion of the EPA rule affect NRC's docketing & acceptance of DOE's license application?"

Response: It would be premature and inappropriate to speculate at this time on the effect of the court's ruling on the docketing and acceptance of an application. Any licensing application must meet the appropriate regulatory requirements.

*P1 & P2 / Welcome / NRC Chairman Nils J. Diaz continued on next page*

## RIC 2005 Questions/Take-aways

| <b>P1 &amp; P2 / Welcome / NRC Chairman Nils J. Diaz continued</b>           |  |
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| Question:  | Risk Informed and Performance Based Licensing have the potential to be misused by licensees to reduce potential financial implications related to safety modifications and operational requirements. What regulatory oversight processes has the USNRC implemented to ensure that this does not happen?"   |
| Response:  | <p>It is very important to note that the use of risk-information allows us to focus better on those issues that are safety significant. Of course, licensees are also seeking financially beneficial changes. In all cases, the NRC must ensure that the changes are safe.</p> <p>Changes are only allowed utilizing an approved regulatory process. Many risk-informed and performance-based changes are required to be reviewed by the NRC staff before implementation by a licensee. The NRC's licensing process includes appropriate guidance and tools and provides the appropriate level of regulatory oversight to ensure that such changes continue to ensure adequate protection of public health and safety. In addition, the NRC's reactor oversight process has been risk-informed. It is therefore designed to provide a level of regulatory oversight on plant changes and operations that is commensurate with the safety significance of those activities.</p> |
| Question:  | Habitability of Main Control Room is important not only for design but the terrorist attack. How does NRC ensure it."  |
| Response:  | The NRC agrees that habitability of main control rooms is important. The same features that provide protection during a design basis event also do so in the event of a terrorist attack. In addition, the NRC requires that security measures be in place to ensure that plants are adequately defended and that licensees are able to maintain their plants in a safe condition in the event of a terrorist attack. These security measures are practiced in force-on-force exercises. The NRC evaluates these exercises to ensure that established protective measures are effective in protecting the plants, including important areas like the control rooms.  |
| Question:  | Risk informed regulation is good, but the reliability of data base may not be perfect. What is your opinion about it?"   |
| Response:  | <p>The authors of the existing, deterministic regulatory framework did an excellent job in developing safety regulations for a technology with very little operating experience. Today, we have the benefit of many years of actual operating experience. Risk-informed regulation is a way to update our regulations to ensure that this operating experience is factored into our decision-making processes.</p> <p>Data uncertainties exist in both the risk-informed analyses as well as the traditional deterministic analyses. Risk-informed approaches address data uncertainties in a direct manner by including them in the risk assessment. In that way, the overall effects of data uncertainties on safety can be analyzed and understood. Traditional deterministic analyses address data uncertainties through the application of engineering margin.</p>  |
| <b>P3/ Regulatory Trends</b>   |  |
| <b>There were no questions or take-aways from this session.</b>              |  |
| <b>P4/ Commissioner Merrifield</b>   |  |
| <b>There were no questions or take-aways from this session.</b>              |  |
| <b>A1/ Risk Informing Emergency Core Cooling System (50.46) Requirements</b> |  |
| <b>There were no questions or take-aways from this session.</b>              |  |

## RIC 2005 Questions/Take-aways

| <b>B1/ Spent Fuel Management</b> | <b>The questions and take-aways from this session are complete.</b>  |
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| Question:                        | For NRC Which office in the Department of Transportation (DOT) is involved in radioactive material transportation and please identify a contact person.  |
| Response:                        | DOT's Pipeline and Hazardous Materials Administration, Richard Boyle.  |
| Question:                        | For DOE How is DOE preparing to update the licensing application with the new EPA standard? Will the new EPA standard be in effect by June 2005 to get Licensing Support Network certification completed in order to meet DOE's goal to submit a license application by December 2005.   |
| Response:                        | EPA has indicated its intention to propose a revised radiation standard for Yucca Mountain by summer of 2005, and DOE expects to comment on that proposal. It cannot currently be predicted exactly when EPA will issue its final standard. DOE has indicated its goal of being prepared to file its Yucca Mountain License Application by the end of 2005, and of being prepared to make its initial License Support Network certification during the summer of 2005.   |
| Question:                        | For DOE Are the shipping casks used to send fuel to Yucca Mountain going to be re-used? If not, why couldn't they be used for the long term underground storage versus handling the fuel again to put it in another container?   |
| Response:                        | DOE baseline plan is to ship spent fuel in re-usable transportation casks. The disposal cask design is smaller than transportation casks which are sized to maximize benefit of rail transport and thereby minimize the number of spent fuel shipments.  |
| Question:                        | For DOE What is the estimated cost of the proposed new rail cars in comparison to current railcars being used for spent fuel transport?  |
| Response:                        | DOE estimates that new rail cars will have significant development and testing costs. Actual production costs are not expected to be significantly higher, but may be driven more by the size of DOE's order than by the technology of the rail car.   |
| Question:                        | For PFS How much has Private Fuel Storage (PFS) spent so far in the effort to develop the site, prototype rail car etc.  |
| Response:                        | Simply put, a lot. The financial arrangements are proprietary  |
| Question:                        | For PFS Is there any question as to whether DOE would take fuel from Private Fuel Storage (PFS) to Yucca? Where will the fuel go if Yucca application fails?   |
| Response:                        | DOE is optimistic that the Yucca Mountain license application will allow the NRC to make a licensing determination. If not, the high level nuclear waste act of 1982 requires DOE to search for another site. The fuel stored at PFS is contained in canisters, the Final Environmental Impact Statement for Yucca Mountain shows that the facility will accept canisters. The utilities continue to own the fuel stored at PFS and DOE is obligated to accept spent fuel from the utilities. PS will be capable of shipping to the site selected by the DOE and licensed by the NRC regardless of its location. |

*B1 Spent Fuel Management -continued on next page*

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| <b>B1/ Spent Fuel Management</b>   | <b>The questions and take-aways from this session are complete.</b> |
| <p>Question: For DOE Industry has very little experience shipping high burn-up spent fuel. Describe your programs to obtain the materials properties data needed to evaluate the ability of the fuel to meet the accident requirements specified in 10 CFR Part 72.</p> <p>Response: The Department recognizes that high burn-up fuel (e.g., PWR fuel with burn-ups greater than 45 GWd/MTU) represents an ever increasing percentage of the total fuel inventory discharged from commercial power reactors. The structural and material performances of high burn-up fuel under accident conditions prescribed in 10 CFR 72 (storage) and 10 CFR 71 (transportation) have emerged as important issues that are being investigated in a collaborative effort by the NRC, DOE and EPRI. The DOE Office of National Transportation (ONT) is committed to working with industry and regulatory staff to clearly identify and resolve such technical issues and assure safe, effective, and efficient shipment of commercial spent nuclear fuel (SNF). The DOE ONT is supporting activities that will help provide the material data needed for accurate modeling and understanding of the behavior of high burn-up SNF under accident conditions. Technical programs addressing transport of high burn-up fuel are underway in other countries as well, and ONT will continue to evaluate these programs to determine their usefulness to our domestic situation.</p> <p>Question: For PFS How many of the original utility member are still financially involved in Private Fuel Storage (PFS)? Who are they and how many have signed service contracts with PFS? Of the remaining members, how many do not have dry cask storage facilities?</p> <p>Response: PFS has the same number of members as at the time of license application submittal. Several have changed due to reorganization and plant sales. No Service Contracts will be completed until the license decision is made. I do not know which utilities have functioning dry storage facilities at their sites; however, that does not eliminate the desirability to ship spent offsite to a central storage facility.</p> |   |
| <b>C1 / Grid Reliability</b>   | <b>There were no questions or take-aways from this session.</b>     |
| <b>F1 / ROP / Inspection Program</b>   | <b>There were no questions or take-aways from this session.</b>     |
| <b>G1 / Materials Issues</b>   | <b>There were no questions or take-aways from this session.</b>     |

## RIC 2005 Questions/Take-aways

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| <b>H1 /Power Uprates</b>  |  |
| Question:   | Why does it take so long – more than two years – to get the data (yearly numerical data)?  |
| Response:   | As a result of several factors (e.g., staffing; modeling of several complex scenarios [e.g., Davis Besse]; introduction of new methods and models; etc.) the Accident Sequence Precursor (ASP) program is behind in its desired schedule. Our goal is to complete ASP analyses within 4 to 12 months of the event date. Note that the ASP program process is, in many occasions, dependent on information from the Licensee Event Report (which may not be available till 2 months after the occurrence of the event); and on internal and external peer review with a built-in 60-day comment period. This is the basis for our minimum time of 4 months.<br><br>We are implementing several efficiencies to help in program timeliness. As a result, program timeliness has improved. As an example, the preliminary analysis of the June 2004 Palo Verde LOOP event was completed and available for review within 3 weeks of the event.<br><br>The current status is as follows:<br>- completion of FY03 events by April 2005<br>- completion of FY04 events by Fall 2005 |
| Question:   | Mr. Lochbaum raised a concern that based on recent operating experience and the “dismantling” of the regulatory framework, how can the Nuclear Regulatory Commission (NRC) move forward with issuing license amendments approving power uprates.   |
| Response:   | This question and its answer may have broader implications than power uprates and therefore will require additional time to provide a thorough answer to the concern. The NRC will provide an answer in writing to Mr. Lochbaum by June 15, 2005.  |
| Followup:   | A letter, dated June 15, 2005, was provided to Mr. Lochbaum. The letter has been added to ADAMS. The ADAMS Accession No. is ML051430030.   |
| Action Item:  | Get Exelon report which was submitted to NRC 1/10/05 into ADAMS. Note that there were EIE issues that are awaiting resolution.   |
| Response:   | The report has been added to ADAMS. The ADAMS Accession No. is ML050730187.  |
| <b>A2 / New Reactor Licensing Issues</b>  | <b>There were no questions or take-aways from this session.</b>  |
| <b>B2 / Safeguards /Security - Striving for Regulatory Stability in a Post 9/11 Environment</b> | <b>There were no questions or take-aways from this session.</b>  |
| <b>C2 / PWR Sump</b>  | <b>There were no questions or take-aways from this session.</b>  |
| <b>F2 / Operating Experience</b>  | <b>There were no questions or take-aways from this session.</b>  |
| <b>G2 / Research Activities / PRA</b>   | <b>There were no questions or take-aways from this session.</b>  |

## RIC 2005 Questions/Take-aways

| <b>H2 / Licensing Issues</b>   | <b>The questions and take-aways from this session are complete.</b> |
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| <p>Question: Why doesn't NRC measure Sr-90 in milk?<br/> Response: Since around 1980, the NRC has not required nuclear power plants to perform environmental monitoring for radioactive Strontium. However, Strontium is still required to be monitored in the gaseous and liquid effluent released into the environment. The NRC deleted the requirement to monitor Strontium in environmental samples because it is generally not detected in effluent releases and thus there would be no likelihood to observe nuclear power plant produced Strontium above that already measured in the environment as a result of global fallout from atmospheric atomic weapons testing and recently from the Chernobyl accident. An additional reason for the deletion was that the analytical techniques used to measure and quantify Strontium, because of the complex nature of the chemistry procedure, were not precise enough to accurately differentiate between the extremely low levels that may be encountered from the plant against the low levels already in the environment.</p> <p>Generally, the data from the radiological environmental monitoring programs show that there is no measurable difference from the radiation levels measured from natural background, which includes global fallout. When radioactive material of nuclear power plant origin is detected, it is typically the following: Cesium, Cobalt, Tritium, Manganese, Zinc, Iodine, Barium, and Iron. It needs to be stressed that the levels that have been reported by the power plants are barely above the detection level of the measurement systems and do not represent a health and safety risk.</p> <p>This is not a safety problem because, compliance with the NRC's radiation limits to members of the public from effluent releases is based on dose calculations based on the radionuclides actually released from the power plant, not on what is measured in environmental samples. Each nuclear power plant is required to measure and quantify radiological effluent releases and perform a dose calculation which uses conservative methodology. Thus, based on the effluent data reviewed and inspected by the NRC, the resultant dose (less than 5 mrem annually) to members of the public are a small fraction of the 10 CFR Part 20 limits (100 mrem annually).</p> <p>Question: Will there be a 50.59 - like process for Yucca Mountain?<br/> Response: Yes. NRC's regulations governing the licensing of Yucca Mountain include a provision for DOE to make changes to the repository facilities described in the SAR without the need for NRC approval under specified conditions (10 CFR 63.44).</p> |   |
| <b>P5/ Commissioner McGaffigan</b>   | <b>There were no questions or take-aways from this session.</b>     |
| <b>A3 / 50.69</b>  | <b>There were no questions or take-aways from this session.</b>     |
| <b>B3 / Objective Measures of Safety Culture</b>   | <b>The questions and take-aways from this session are complete.</b> |
| <p>Question (Persensky): Why percentage of events rather than the number/events selected for further communication is your selected measure?<br/> Response (Persensky): I like to use percentage because it is a relative number, but absolute could also be used as an indicator. As with other indicators of safety culture the real measure is in the trending of the value over time, not the absolute value.</p> <p>Question (Persensky): What's been done to benchmark best practices in safety culture turnarounds such as occurred at Peach Bottom?<br/> Response (Persensky): To the best of my knowledge there has been no such bench marking from the regulatory perspective.</p> <p>Question (Persensky): Although having a learning organization is important to safety culture, it is more backward looking. Do you have a forward looking indicator to avoid new or unknown safety issues?<br/> Response (Persensky): There are other indicators listed in the matrix of attributes against objective measures that is now posted on the RIC website. Some of these measures would be more forward looking. I do believe though that this measure can be forward looking in that learning from small actions can help to preclude bigger issues. If management has taken the position to learn from mistakes (and successes) staff will follow suit.</p>  |   |

## RIC 2005 Questions/Take-aways

| <b>B3 / Objective Measures of Safety Culture</b>                        | <b>The questions and take-aways from this session are complete.</b>   |
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| Question<br>(Price or Brothers):  | At both PSEG & FENOC backlogs (CM, OWA, etc.) were used as a measure of safety culture. How do you separate safety culture vs. adequate staffing issues? Is staffing a measure?   |
| Response (Price):   | Attributes for monitoring adequacy of personnel resources are contained in both the Policy/Corporate Commitment Area and the Management Commitment Area of the FENOC model. These attributes combine with other attributes assessing backlog to assess whether adequate resources are being allocated by the Company and whether Management is keeping positions filled with qualified individuals to perform the work.   |
| Response (Brothers):  | We have survey questions which ask (in various different fashions) if "your department is adequately staffed?". In addition, during the discussions regarding the indicators mentioned (CM, OWA's etc) we look at the trends and reasons for success/failure. If staffing was a factor in failure, it would come up. It has never come up at any site that I have been associated with.   |
| Question (Price):   | Have the safety culture program metrics been validated? Has historical plant information prior to the Davis Besse event been evaluated to show that these metrics would have thrown a "red flag" up in time to take action to avert the event?  |
| Response (Price):   | Davis-Besse did not perform a specific validation of the plant safety culture model by inserting historical information into the model. However, many of the attributes and the performance criteria placed in the model were a direct result of past areas of poor performance that were clearly indicative of a degraded safety focus or culture.   |
| Question (Price):   | What goals (numerical values) do you set for your performance criteria, in particular commitments completed on time? Do you run the risk of people "gaming the system" by setting goals too high?   |
| Response (Price):   | Performance criteria goal setting was one of the more challenging aspects of the model. As we exercised the model during restart, we continued to challenge and refine criteria in the context of safety culture. The challenge was generally not an issue of setting goals too high, but more of too low. Goal setting is a function of standards and expectations which will continue to change over time. Therefore, the model and the performance criteria will be periodically assessed to ensure that the model keeps current with changing industry standards. |
| Question (Price):   | Why is 90% positive result sufficient for the criterion measuring employee understanding of the responsibility for raising safety concerns? Why not 98% or 85%?   |
| Response (Price):   | As with each of our attributes, there is a range of performance criteria. This particular attribute is primarily assessed through our annual SCWE survey. In that survey we generally consider 90% as a minimum desired threshold for positive responses. In addition to the absolute value, we also focus on improving or declining trends, which can actually be more insightful than the absolute values.  |
| <i>B3 / Objective Measures of Safety Culture continued on next page</i> |   |

## RIC 2005 Questions/Take-aways

| <b>B3 / Objective Measures of Safety Culture</b>        | <b>The questions and take-aways from this session are complete.</b>   |
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| <p>Question (Levin):</p> <p>Response (Levin):</p>       | <p>Can you provide examples of organizations outside the nuclear industry that are high performing cultures and what lessons can be learned from them?</p> <p>"Companies operate within particular contexts. While certain 'environmental' forces may be common within an industry, e.g. deregulation of the electric utility industry or response to potentially degraded conditions, there are varying local factors that influence culture and performance. As such, we feel it is most fruitful to take a step back from endorsing specific outside organizations (with their widely varying and possibly inconsistent contexts) and learn from those who have completed comprehensive studies across many industries. From these studies, the effects of local and temporal influences are minimized to derive the 'universal' principles and most important characteristics evident in high performing cultures.</p> <p>In developing cultural models, Synergy has coupled knowledge of these universal principles with several decades of nuclear industry experience to identify attributes of the Nuclear Safety Culture (NSC), General Culture &amp; Work Environment (GCWE) and Leadership, Management &amp; Supervisory (LMS) skills and practices that have been proven to be most successful in the nuclear industry context. Synergy's models consider the fact that certain attributes are more important than others, requiring weighting of these attributes in developing cultural metrics. Over the years, as the nuclear context has evolved, these attributes have been refined to improve Synergy's ability to identify strengths and weaknesses and to interdict locales within a company that may need special management attention.</p> <p>The following works are considered amongst the best for defining these 'universal' principles:</p> <ul style="list-style-type: none"> <li>• Kotter, J. P. and Heskett, J. L. Corporate Culture &amp; Performance. New York: The Free Press, A Division of Macmillan, Inc., 1992.</li> <li>• Collins, J. Good to Great: Why Some Companies Make the Leap...and Others Don't. New York: HarperCollins Publishers, Inc., 2001.</li> <li>• Schein, E. H. Organizational Culture &amp; Leadership, Second Edition. San Francisco: Jossey-Bass Publishers, 1992.</li> </ul> <p>As I shared at the RIC and reinforced in these landmark studies, the critical role of leadership permeates any discussion of culture and performance. Organizational learning and capacities for change are understood by considering culture as a driver of resistance to change.</p> <p>Leadership is the primary instrument for modeling, influencing, equipping and serving to assure catalytic action in realigning organizations to successfully navigate such changes. Leadership influences how an organization's values, behaviors and practices take root and whether or not these are properly aligned with business objectives such as nuclear safety, which is paramount."</p> |
| <p>Question (Jarriel):</p> <p>Response:</p>             | <p>In session B3 - Safety Culture, a consultant participated on the panel. Is this an NRC message that the Synergy methodology is the preferred process for evaluating Safety Culture? The comment being on the use of consultants as panelists in this forum.</p> <p>I understand your concern, but Mr. Howard Levin was asked to participate on the RIC panel, "Objective Measures of Safety Culture" to discuss in general the use of surveys as a tool to measure a plant's safety culture. His participation should not be interpreted to mean either that 1) the NRC expects its licensees to conduct such surveys, or 2) that this particular survey tool is preferred by the agency. Similarly, the participation of any other panelist does not suggest that the NRC agrees with their points of view. Rather, their participation was requested because the panel chair believed they could provide a unique perspective. As a consultant, Mr. Levin was able to offer a perspective that was broader than any one licensee's.</p>  |
| <b>C3 / Research Activities / Materials Degradation</b> | <b>There were no questions or take-aways from this session.</b>   |
| <b>F3 / ROP/PIs</b>                                     | <b>There were no questions or take-aways from this session.</b>   |



## RIC 2005 Questions/Take-aways

| <b>G3 / Research Activities: New Reactors</b>             |  | <b>The questions and take-aways from this session are complete.</b> |
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| Question:   | Can you give an idea as to when do you see the first Gen IV reactor in operation? By 2025 or sooner?   |   |
| Response:   | Generation IV research activities and planning are not currently in Nuclear Regulatory Commission's research scope, although Gen IV research activities and planning are being conducted at the Department of Energy. DOE's Generation IV time line includes plans for a demo of a Very High Temperature Reactor (VHTR) in operation in 2017, with expectations that following a period of the demo's operation and testing, commercial use is possible. A DOE publicly available time line of reactor technology places Generation IV in the years 2030 and beyond. (attach pdf file or link to <a href="http://www.ne.doe.gov/infosheets/geniv.pdf">http://www.ne.doe.gov/infosheets/geniv.pdf</a> )   |   |
| <b>H3 / Emergency Preparedness</b>                        |  | <b>The questions and take-aways from this session are complete.</b> |
| Question:   | Do you ever anticipate moving toward the use of incident response vernacular in nuclear emergency response?  |   |
| Response:   | NRC interprets this question as asking if NRC will employ terminology from the National Response Plan (NRP) and the National Incident Management System (NIMS). NRC does intend to conform to the use of NRP/NIMS terminology as part of the NRC incident response program. The Nuclear Regulatory Commission is revising NUREG-0728 "NRC Incident Response Plan," Revision 4 to reflect the current NRC policy and organization structure and bring the Plan into alignment with the NRP and NIMS. As a signatory to the NRP, the NRC commits to support the NRP concepts, processes, and structures and to carry out NRC's assigned functional responsibilities to ensure effective and efficient incident response.   |   |
| Question:   | Is the Federal Government starting to get it's arms around the many problems involving KI distribution near the plants?  |   |
| Response:   | As directed by Public Law 107-188 Section 127, the National Research Council of the National Academies published their report "Distribution and Administration of Potassium Iodide in the Event of a Nuclear Incident." This report, published in December 2003, examined the issue of thyroid prophylaxis and assessed strategies for the distribution and administration of potassium iodide in the event of a commercial nuclear power plant accident. The Department of Health and Human Services is the Federal agency tasked with implementation of PL 107-188 Section 127. HHS has convened a working group of federal agencies to develop implementation guidance as directed by the above statute.  |   |
| Question:   | What is being done for command and control issues if the control room and/or the TSC are incapacitated?  |   |
| Response:   | The existing emergency plan guidance (NUREG-0654, Section II.B.3) indicates that " Each licensee shall identify a line of succession for the emergency coordinator position and identify the specific conditions for higher level utility officials assuming this function." It is expected that the command and control functions will pass to the highest utility authority available and authorized to exercise such responsibilities in accordance with the overall structure of the licensee's emergency plan. Additionally, the Emergency Operation Facility (EOF) may be available as a command center and normally is responsible for many issues that the Technical Support Center (TSC) and Control Room initially handle. The Operational Support Center (OSC) may also be available and would serve to support mitigative actions. |   |
| <i>H3 / Emergency Preparedness continued on next page</i> |  |   |

## RIC 2005 Questions/Take-aways

| H3 / Emergency Preparedness   | The questions and take-aways from this session are complete. |
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| <p>Question: How does the (New York) state use emergency response data system (ERDS) in developing response to emergencies?</p> <p>Response: State of New York response: Within the State Radiological Emergency Preparedness Program, a multi-agency assessment and evaluation (A&amp;E) group exists to gather and analyze event related information. Staff includes nuclear engineers and health physicists. More specifically, at the alert classification, the licensee turns on ERDS. This provides access to about 100 plant parameters in the A&amp;E section for the New York based reactors (and Millstone in Ct.). These data are used by the engineering staff to determine status of the reactor, potential for degradation, radioactive release rates, and critical water levels in the reactor core. The engineering staff provides this information to the Department of Health (DOH) staff in developing Protective Action Recommendations (PARs). The specific plant parameters and the PARs are provided to decision-makers to plan and execute protective action decisions.</p> <p>Question: Do you use Incident Command System response structure when responding to an incident?</p> <p>Response: <b>NRC Response:</b> The National Response Plan (NRP) and associated annexes (Emergency Support Function Annexes, Support Annexes, and Incident Annexes), within the framework of the National Incident Management System (NIMS), govern the Federal Government's overall response to an incident. A key NRP concept incorporated into Revision 4 of NUREG-0728, "NRC Incident Response Plan" is the provisions of the NIMS related to incident command and management.</p> <p><b>State of New York response:</b> In 1996, by Governor's executive order, New York State adopted NIMS-ICS as the management philosophy for emergency management and response in New York State. The New York State Emergency Management Office (NYSEMO) follows the philosophies and structure of ICS when managing state responses to disasters.</p> |  |
| A4 / International Use of Operating Experience  | There were no questions or take-aways from this session.     |
| B4 / State Interface in Emergency Response  | There were no questions or take-aways from this session.     |
| C4/ Fire Protection   | There were no questions or take-aways from this session.     |
| F4 / ROP / Cross-Cutting Issues   | The questions and take-aways from this session are complete. |
| <p>Question: If this is still a "work in progress" (defining CCI entrance &amp; exit), why would findings be issued until there were clear entrance and exit criteria for the finding?</p> <p>Response: The documentation of a substantive cross-cutting issue in an assessment letter is not a finding in itself and does not result in any regulatory action but is based on multiple previously docketed inspection findings that meet certain criteria. Cross-cutting issues have been part of the ROP since inception on April 1, 2000, and the documentation guidance has been modified on several occasions to reflect stakeholder feedback.</p> <p>The staff believes the guidance on cross-cutting issues in Manual Chapter 0305 is acceptable for the Regions to implement that portion of the Reactor Oversight Process. As was stated during the Regulatory Information Conference, the staff continues to make improvements to the cross-cutting issue process based on stakeholder feedback. Future improvements include (1) further definition of the human performance and problem identification and resolution casual factors and (2) improving the criteria for coding an inspection finding as having a cross-cutting element.</p>  |  |

## RIC 2005 Questions/Take-aways

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| <b>G4/ Risk Informed</b>               |   | <b>The questions and take-aways from this session are complete.</b> |  |
| Question:                              | As for common observations of RG 1.200 pilots: "some industry interpretations of the standard are too narrow". Is it possible to elaborate "too narrow" by using an example?  | Response:   | Yes. Supporting Requirement (SR) IE-A7 addresses the need to review precursor events as part of the initiating event identification process. For Capability Category I there is "No requirement for precursor review." For Capability Category II/III it states, "In searching for initiating events, ACCOUNT FOR initiating event precursors, to help identify initiating events and to provide a partial basis for quantifying their frequencies."   |
|  | One licensee responded to an NRC question on this SR that indicated that it did not review for plant-specific precursor events. However, the peer review/self-assessment assignment to Capability Category II/III appears to be based on an industry interpretation that states "precursors from similar plants are used to identify and quantify their frequencies." This interpretation is addressing the review of initiating events at other plants and does not include the need to evaluate partial failures (i.e., precursors) that would lead to initiating events if an additional event(s) occurred at the subject plant. In this example, the industry interpretation of what meets the SR is too narrow since it does not address the entire scope of the SR. |   |  |
| <b>H4/ Davis Besse Lessons Learned</b> |   | <b>There were no questions or take-aways from this session.</b>     |  |
| <b>P6/ Commissioner Jaczko</b>         |   | <b>The questions and take-aways from this session are complete.</b> |  |
| Question:                              | The NRC mission is to protect the public health; why aren't health physicists on the RIC program?   | Response:   | The RIC program is developed from stakeholder feedback obtained through surveys conducted immediately after the RIC and then via an on-line web topic survey. Over the next few months we will initiate our on-line stakeholder RIC06 topic survey. This on-line web input form will stay active until the end of August.  |
|  | Your RIC topic suggestion will be added to the list for consideration as a future topic. We will use the input from the on-line web page together with the input received immediately after the last RIC to determine the most requested topics to be included in the next conference agenda. You will be able to access the input form at the NRC RIC web page <a href="http://www.nrc.gov/public-involve/conference-symposia/ric/">http://www.nrc.gov/public-involve/conference-symposia/ric/</a> Please be sure to share this information with your colleagues and invite them to visit the RIC web page to go to the on-line survey and get RIC updates and news.   |   |  |
| Question:                              | Why aren't there knowledgeable physicians on NRC staff?   | Response:   | The NRC does not have physicians on its regulatory staff because we do not directly handle radioactive material or examine the health of occupational workers or the public. The role of the NRC is to regulate those that do handle radioactive material to ensure that they adhere to NRC regulations to ensure the safety of their workers and members of the public in and around their facilities. When the NRC has the need for a specialist not on its staff, we will contract for that specialty. We can also enter into a Memorandum of Understanding with another Federal agency (i.e., Centers for Disease Control, Environmental Protection Agency, Food and Drug Administration, etc.) to obtain expert technical and medical assistance. |
| Question:                              | Please tell us who we have to thank for the delicious food at breaks? - in the name of full disclosure -  | Response:   | The Office of Nuclear Reactor Regulation (NRR) sponsors the Regulatory Information Conference (RIC) for the agency.  |
| <b>P7/ Commissioner Lyons</b>          |   | <b>There were no questions or take-aways from this session.</b>     |  |
| <b>P8/ 2 Day Wrap-Up</b>               |   | <b>There were no questions or take-aways from this session.</b>     |  |

## RIC 2005 Questions/Take-aways

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| <b>A5/ Region I - Breakout Tracy/Collins</b> |  | <b>The questions and take-aways from this session are complete.</b> |
| Question:                                    | "When tabletop exercises are held with sites, how are results / lessons learned shared with the rest of the industry?"   |   |
| Response:                                    | Lessons learned from the EP portion of FOF exercises have been provided in RIS-04-015. As we continue to conduct FOF exercises, lessons learned are shared with the licensee involved and may be shared by them with industry. Additionally, industry is initiating a security event based pilot drill program, which will begin with table top drills. It is intended that when lessons learned are identified they will be shared with the industry through NEI. The NRC staff intends to catalogue these lessons learned and provide them to the Commission as well as discuss them in an industry workshop at the conclusion of the pilot program. However, it should be noted that where the lessons learned involve safeguards information it can not be discussed in an open meeting. |   |
| <b>B5/ Region II - Breakout</b>              |  | <b>There were no questions or take-aways from this session.</b>     |
| <b>C5/ Region III - Breakout</b>             |  | <b>The questions and take-aways from this session are complete.</b> |
| Question:                                    | Review past inspection reports for inappropriately documented observations.  |   |
| Response:                                    | The Division of Reactor Projects has been assigned this action that is expected to take 3 weeks. The affected licensee will be advised of the review outcome.  |   |
| Question:                                    | Ensure licensees are aware of the RIS (when issued) regarding the National Response Plan including site team information expectations for Exercises (NSIR has RIS lead, issuance to EDO expected 5/16/05).   |   |
| Response:                                    | Once RIS has been issued it will be distributed to all licensees.  |   |
| Question:                                    | Clearly communicate to licensees the deterministic and/or risk significance for sending Special Inspection Teams (SIT) in response to plant events.  |   |
| Response:                                    | A review of recent SIT cover letters and charters found a reference to Management Directive (MD) 8.3; however, the region is issuing additional guidance in a regional procedure that should ensure the MD 8.3 criteria met for an SIT is stated in the charter and report cover letter. The next revision of Inspection Manual Chapter 0612 will also have an example SIT cover letter that will specifically document the criteria met per MD 8.3 in sending an SIT.Q: Region to follow-up on instances of inspection observations documented in REMRTS.   |   |

## RIC 2005 Questions/Take-aways

| <b>F5/ Region IV - Breakout</b>                                     |   |
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| Question:   | Provide feedback on Diablo Canyon engineering pilot inspection on how licensees might prepare better to enable more timeliness.   |
| Response:   | NRC discussed this question with interested representatives from both Comanche Peak and South Texas on this question and it is considered too early to provide feedback until the NRC makes decisions on the future approach to engineering inspections. Internal NRC meetings will be held in April to discuss lessons learned and future approaches and then a Commission Paper will be written with recommendations. A Region IV representative will be at the lessons learned meetings to discuss the request for licensee feedback depending on the future direction for engineering inspections.  |
| Question:   | Consider holding an SDP timeliness workshop with the industry.  |
| Response:   | No national workshop with the industry on Significance Determination Process (SDP) timeliness is planned. However, the Nuclear Energy Institute (NEI) provided a letter to the NRC dated March 24, 2005, which provided industry recommendations for changes to the SDP process. The NRC staff intends to discuss the NEI letter with industry representatives at one of the monthly Reactor Oversight Process (ROP) meetings held to discuss various ROP issues.<br><br>Additionally, the issue of SDP timeliness will be considered as an agenda item for an upcoming Regional Utility Group (RUG) meeting with Region IV licensing managers. In addition, although not an agenda item, we anticipate that SDP timeliness will be discussed at a May 12, 2005, meeting with the Region IV Senior Reactor Analysts (SRAs) and licensee risk analysts.                                      |
| Question:   | Do a case study review of cross-cutting issues to see if we are consistent.   |
| Response:   | NRC's Office of Nuclear Reactor Regulation (NRR) has engaged the industry via a working group to discuss the ROP Program. The working group provides collective views from the industry at monthly meetings. Cross-cutting issues are a part of the ROP, so viewpoints on cross-cutting issues should be addressed to the working group through the industry representatives.<br><br>Based in part on the feedback received during the Regulatory Information Conference (RIC), the Inspection Program Branch (IIPB) of NRR intends to further revise the guidance on cross-cutting issues after receiving input from both the industry and NRC regional offices.<br><br>Separately, Region IV has done some peer review of the flagging of inspection findings with cross-cutting aspects with findings of Region II. The results of this effort will also be used to promote consistency. |
| <b>P9/ Inter-Regional Session</b>                                   |   |
| <b>The questions and take-aways from this session are complete.</b> |   |
| Question:   | Cross-Cutting Issues (start dialogue with stakeholders)   |
| Response:   | The NRC staff started a dialogue with stakeholders during the March 2005 Reactor Oversight Process (ROP) working group meeting. The staff plans to incorporate stakeholder comments, as appropriate, in the next revision to Manual Chapter 0305, "Operating Reactor Assessment Program."   |
| Question:   | Consistency of IR's / observations (start review)   |
| Response:   | The NRC staff plans to review IRs which contain observations during its annual inspection report audit. The staff will review these IRs to determine whether the observations are being documented in accordance with the requirements in Inspection Report Manual Chapter 0612. The results of the staff's review will be documented in the next annual ROP self-assessment Commission paper.  |