

May 6, 2008

MEMORANDUM TO: James W. Andersen, Chief  
Performance Assessment Branch  
Division of Inspection and Regional Support  
Office of Nuclear Reactor Regulation

FROM: Nathan Sanfilippo, Reactor Operations Engineer /RA/  
Performance Assessment Branch  
Division of Inspection and Regional Support  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE REACTOR OVERSIGHT PROCESS WORKING  
GROUP PUBLIC MEETING HELD ON APRIL 16 AND 17, 2008

On April 16 and 17, 2008, the staff hosted the monthly Reactor Oversight Process (ROP) Working Group public meeting. The attendance list for the April 16 meeting is contained in Enclosure 1 and the agenda is contained in Enclosure 2. The attendance list for the April 17 meeting is contained in Enclosure 3 and the agenda is contained in Enclosure 4.

Summary of the April 16, 2008 Reactor Oversight Process Working Group Meeting

Discussions by the meeting attendees included: the safety culture lessons learned and the status of the NRC cross-cutting issue task force effort; potential non-safety culture related changes to Inspection Manual Chapter (IMC) 0305, "Operating Reactor Assessment Program;" an update on NRC actions regarding RIS 2007-21, "Adherence to Licensed Power Limits;" potential changes to IMC 0612, "Power Reactor Inspection Reports;" an upcoming Temporary Instruction on the Drill and Exercise Performance Performance Indicator (PI); and various proposed changes to Nuclear Energy Institute (NEI) 99-02, "Regulatory Assessment Performance Indicator Guidance."

The staff began the meeting by discussing logistics for the April 17, 2008, meeting on safety culture enhancements to the ROP. The staff then highlighted various non-safety culture related changes to IMC 0305. These included double counting in the action matrix, closing parallel white performance indicator and greater than green findings, the timing of findings leading to the repetitive degraded cornerstone column, and the timing of supplemental inspections. The staff is looking to make these changes in the August/September timeframe.

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The staff also discussed some longer-term considerations for IMC 0305. These included: whether substantive cross cutting issues be accounted for in the action matrix; whether precursors should be used in the assessment process; the definition of column 4; whether greater than green PIs that go in and out should be held open until the supplemental inspection is completed; whether greater than green PIs can be closed after the supplemental inspection is complete; and the link between traditional enforcement and the action matrix.

NRC staff provided a status update of activities surrounding RIS 2007-21. The staff continues to draft guidance for plants that go above the maximum thermal power limits. NEI submitted their draft guidance on this issue. The staff will present its draft guidance during the May ROP meeting.

The staff discussed an effort to make changes and enhancements to IMC 0612. While no major changes are planned, the staff highlighted various updates to definitions, process improvements, and integration of the significant determination process/enforcement policy with IMC 0612. More specific proposed changes to IMC 0612 will be presented during the June ROP monthly meeting.

The staff introduced an upcoming Temporary Instruction (TI) regarding the Drill and Exercise Performance (DEP) PI. This TI will ask inspectors, during the next emergency preparedness baseline inspection, to gather each licensee's DEP PI data from the previous eight quarters and break the numbers down into opportunities for classifications, notifications, and protective action recommendations. Currently, DEP PI data is submitted summing all three areas together. The NRC staff is investigating whether poor performance in one area could be masked by increasing the opportunities in another area. Data collected will inform inspection practices going forward. This TI should be issued in May.

Staff and industry then discussed various changes to NEI 99-02. The NRC provided Enclosure 5 to propose clarifications to NEI 99-02 relating to the definition of "time of discovery" for the MSPI. NEI will consider this proposal and will further discuss these issues at the May ROP monthly meeting. Meeting participants also agreed to discuss the topics of emergency diesel generator test failures, mission times, and environmental unplanned power changes during the May ROP meeting.

NEI provided Enclosure 6 to propose clarifications to NEI 99-02 relating to maintenance-induced damage/issues found during post-maintenance testing prior to returning the component to functional status. Discussion ensued and the staff provided Enclosure 7 to respond to the industry's proposal. NEI will review the proposed changes and will further discuss these issues at the May ROP monthly meeting.

NEI provided Enclosure 8 to introduce a proposed change to the Emergency Response Organization (ERO) PI. This whitepaper will be discussed in detail during the May ROP meeting.

NEI provided Enclosure 9 to propose changes to IMC 0305 addressing protracted performance indicator results. The staff will consider this information as it moves forward with draft changes to IMC 0305.

The staff and NEI discussed the logistics of implementing changes to NEI 99-02. As changes to the guidance are mutually agreed upon, they will be introduced and approved as frequently asked questions (FAQs) in order to be implemented prior to the next revision of NEI 99-02. Recently agreed upon changes will appear in the May FAQ package.

The staff also described potential revisions to IMC 0608, "Performance Indicator Program," regarding the application of PIs for plants restarting from extended shutdown or for newly built plants. The staff will present these draft revisions at future ROP meetings.

A corrected FAQ Log from the March meeting is contained in Enclosure 10. The attendees then discussed open performance indicator FAQs as provided by NEI in Enclosure 11. FAQs 76.1, 76.2, and 76.3 were given final approval. The staff and industry reached tentative approval on FAQs 76.0, 77.0, 78.1, 79.0, 79.2, and 79.3. FAQ 80.1 was introduced and no decision was made. The NRC staff's proposed responses to FAQs 76.1, 76.2, 76.3, 79.0, and 79.3 are included as Enclosure 12.

The status of the open draft FAQs are as follows:

<b>TempNo.</b>	<b>PI</b>	<b>Topic</b>	<b>Status</b>	<b>Plant/ Co.</b>
76.0	IE03	Discovery of an Off-normal condition	Tentative Approval	Quad Cities
76.1	IE03	Cladophora Algae Intrusion Event on 10/13	Final Approval	FitzPatrick
76.2	IE03	Cladophora Algae Intrusion Event on 11/6	Final Approval	FitzPatrick
76.3	MS06	EDG Pressure Switch Failure	Final Approval	Byron
77.0	IE03	Grassing Event	Tentative Approval	Salem
78.1	IE03	Storm Induced Marine/Biological Intrusion	Tentative Approval	Diablo Canyon
79.0	IE03	Over-Voltage due to Lightning	Tentative Approval	Robinson
79.2	IE03	Threadfin Shad Run	Tentative Approval	Browns Ferry
79.3	IE03	Historical Downpowers	Tentative Approval	Browns Ferry
80.1	IE01	Reactor Power Indication	Introduced and Discussed	Columbia

An action item list compiled by NEI for tracking various ongoing issues of the working group is included as Enclosure 13.

Summary of the April 17, 2008 Meeting on Safety Culture Enhancements to the Reactor Oversight Process

The purpose of the meeting was for the staff to provide draft changes in safety culture related ROP guidance documents and to obtain initial external stakeholder questions and comments. The meeting slides are included as Enclosure 14. The staff provided working drafts of IMC 0305, "Operating Reactor Assessment Program" and IP 95003, "Supplemental Inspection for Repetitive degraded Cornerstones, Multiple degraded Cornerstones, Multiple Yellow Inputs or One Red Input" (Enclosures 15 through 22). Enclosure 23 contains a staff provided summary of lessons learned inputs to the ROP safety culture assessment. The staff also provided an overview of intended safety culture related changes to IMC 0612, "Power Reactor Inspection Reports" and IP 71152, "Identification and Resolution of Problems." The draft changes and the reasons for proposing the changes were discussed with the external stakeholders.

Changes are proposed in IMC 0305 to provide for NRC consideration of additional follow-up actions in response to consecutive assessment letters issued with the same substantive cross-cutting issue that has the same cross-cutting aspect. The more significant change to IP 95003 involves the proposed approach for the NRC to conduct a graded safety culture assessment. The NRC assessment scope and depth would result from an evaluation of the licensee third-party safety culture assessment methodology, implementation, and results.

NEI stated that the industry plans to develop a guidance document that will do the following: 1) capture the industry best practices for tracking and trending cross-cutting aspects, 2) provide guidance for licensees on what actions they should take when a substantive cross-cutting issue is identified at their plant, and 3) provide guidance for licensees on the methodology to conduct third party safety culture assessments and on the qualifications/independence of the assessors. NEI stated the desire to work with the staff as the guidance document is developed, in particular so that staff criteria and expectations for the third party safety culture assessment can be addressed. The goal is for the NRC to be able to endorse the guidance document.

The NRC expressed that they will be willing to work with industry as the industry develops the methodology guidance document as the staff sees the benefits of having an endorsed guidance document.

NEI expressed the belief that the use of focused problem identification and resolution inspections are an appropriate way to follow-up on substantive cross-cutting issues and to validate their closure. NEI questioned the appropriateness of assigning the safety culture components during supplemental inspection IP 95002, "Inspection of One Degraded Cornerstone or any Three White Inputs in a Strategic Performance Area," given the small inspection sample. NEI recommended removing the safety culture reviews from both IP 95001 and IP 95002.

NEI provided a chart, included as Enclosure 24, depicting the historical trend in the number of plants receiving substantive cross-cutting issues (NRC note - the gross number of cross-cutting themes was actually depicted) in relationship to the number of plants in the various columns of the ROP action matrix. NEI expressed a concern in the most recent assessment cycle with the marked increase with the number of substantive cross-cutting issues while on a national basis the overall fleet performance as measured by the number of plants in the licensee response

column has improved. NEI questioned whether the substantive cross-cutting issues are yielding the desired insights on plant performance. NEI recognizes that the intent is to try to preclude declining performance which is hard to correlate with the available data. The staff indicated that they routinely self-evaluate whether the assessment process is functioning as intended.

Some of the initial comments on the IMC 0305 draft changes and the overview of the contemplated changes to the safety culture components included: 1) licensee causal analyses are typically carried out to the cross-cutting aspect level rather than at the cross-cutting component level, 2) the four "other" safety culture components were originally not included as cross-cutting components because of various constraints as described in Regulatory Issue Summary 2006-13, "Information on the Changes Made to the Reactor Oversight Process to More Fully Address Safety Culture," 3) the staff needs to consider carefully the substantive cross-cutting issue threshold given the large number of plants now receiving them, 4) need to consider whether special substantive cross-cutting issue thresholds are needed for multi-unit sites (need to consider how cross-cutting aspects are compiled on a plant and site basis), 5) improving the component definitions by eliminating duplication could lead to an increase in the number of substantive cross-cutting issues, and 6) staff needs to consider the effect of changes to the components on existing substantive cross-cutting issues and how to handle continuing issues after revisions are made.

The staff acknowledged that transition issues will need to be considered if a proposal is made to tag findings at the component level. If the staff develops approaches that are different from that described in RIS 2006-13, it is recognized that the changes in approach will need explanation. As part of its considerations the staff indicated that the threshold for a substantive cross-cutting issue would need to change if findings were tagged at the component level.

Some of the initial comments on the IP 95003 draft changes included: 1) need for clarification on the staff expectations for the qualification of licensee third party safety culture assessors and whether it is appropriate to expect the same qualifications as for NRC safety culture assessors, 2) given the large number of findings that can result from a typical IP 95003, participants questioned the appropriateness of assigning cross-cutting aspects to the large number of resultant findings, 3) a concern that licensees also need to perform safety culture assessments in accordance with INPO criteria and whether it was possible for the NRC and INPO to agree on the criteria to avoid duplication of effort, 4) if not well managed, the greater use of unresolved items could result in a lot of work for both the NRC and the industry, 5) the staff should consider the unintended consequences of allowing more unresolved items, 6) the staff should not implement a work around by allowing greater use of unresolved items, 7) suggested that the staff utilize information from licensee incentive programs to see if they encourage the appropriate behaviors instead of looking at individual performance appraisals to derive safety culture assessment insights, and 8) that the presence of inspectors and assessors, and their in-process questions they ask of the licensee can add to the licensee burden and can influence the outcome of the licensee efforts and NRC conclusions/ assessments.

Some general initial comments included: 1) need for the staff to roll out guidance document changes in a methodical manner with regional training, 2) need inspectors to describe the logic why they didn't assign a cross-cutting aspect as stakeholders are owed that information, and 3) need for the staff to be very careful how NRC qualitative precursors are used in the assessment process as they are very subjective and can mean different things at different sites.

The staff agreed that both internal inspector training and most likely workshops with the industry Regional Utility Groups will be appropriate for the next round of changes.

The staff indicated their tentative plans to present the remaining ROP safety culture draft document changes (IMC 0305 safety culture components, IMC 0612, IP 95001, IP 95002, and IP 71152) during an ROP monthly public meeting on May 14, 2008.

The staff agreed to extend the external stakeholder follow-up comment period for IP 95003 until May 23, 2008. The follow-up comment period for IMC 0305 (and the other safety culture related ROP guidance document changes) will be determined at the next public meeting when those draft changes will be discussed.

The staff thanked the external stakeholders for their participation and constructive initial comments on the draft guidance document changes.

The date for the next meeting of the ROP Working Group is May 14, 2008. Future ROP monthly meeting dates include June 18, 2008, July 16, 2008, and August 27, 2008.

Enclosures:

1. Attendance List – April 16, 2008
2. Agenda – April 16, 2008
3. Attendance List – April 17, 2008
4. Agenda – April 17, 2008
5. NRC Response to Proposed Change to NEI 99-02 to Address “time of discovery”
6. Proposed Change to NEI 99-02 to Address Failures Identified During PMT
7. NRC Response to Proposed Change to NEI 99-02 for PMT
8. NEI Whitepaper Proposing a Change to NEI 99-02 for the ERO PI
9. Proposed Guidance Change to IMC 0305 to Address Protracted PI Results
10. Corrected FAQ Log from March 2008
11. FAQ Log
12. NRC Proposed Responses to Various FAQs
13. NEI ROP Working Group Action List – April 2008
14. April 17, 2008, Meeting Slides
15. Proposed Markup to Inspection Procedure 95003
16. Draft Enclosure 95003.02-A
17. Draft Enclosure 95003.02-B
18. Draft Enclosure 95003.02-C
19. Draft Enclosure 95003.02-D
20. Draft Enclosure 95003.02-E
21. Draft Enclosure 95003.02-F
22. Proposed Markup to Inspection Manual Chapter 0305
23. Lessons Learned Input for the ROP Safety Culture Evaluation
24. NEI ROP Action Matrix Placement

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ADAMS Accession No.: Package - ML081200480      Memo - ML081190536      Enclosure 5 - ML081200512  
 Enclosure 6 - ML081200531      Enclosure 7 - ML081200567      Enclosure 8 - ML081200541  
 Enclosure 9 - ML081200593      Enclosure 10 - ML081200546      Enclosure 11 - ML081200551  
 Enclosure 12 - ML081200555      Enclosure 13 - ML081200440      Enclosure 14 - ML081120420  
 Enclosure 15 - ML081020491      Enclosure 16 - ML081020608      Enclosure 17 - ML081020675  
 Enclosure 18 - ML081020682      Enclosure 19 - ML081020688      Enclosure 20 - ML081020715  
 Enclosure 21 - ML081020821      Enclosure 22 - ML081010224      Enclosure 23 - ML081010229  
 Enclosure 24 - ML081200605

OFFICE	NRR/DIRS	NRR/DIRS	NRR/DIRS
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DATE	05/01/08	05/01/08	04/06/08

Memo to James W. Andersen from Nathan T. Sanfilippo dated May 6, 2008

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**ATTENDANCE LIST**  
**INDUSTRY/STAFF ROP PUBLIC MEETING**  
**April 16, 2008**

	<b>NAME</b>	<b>AFFILIATION</b>
1	John Butler	NEI
2	Sue Simpson	NEI
3	Lenny Sueper	NMC
4	Randy Hart	Duke
5	Duane Kanitz	STARS
6	Al Haeger	Exelon
7	Robin Ritzman	FENOC
8	Fred Mashburn	TVA
9	Bob Gramm	NRC
10	Jim Peschel	FPL
11	Bryan Ford	Entergy
12	Don Hickman	NRC
13	Tim Kobetz	NRC
14	Nathan Sanfilippo	NRC
15	Julie Keys	NEI
16	Ken Heffner	Progress
17	Jim Andersen	NRC
18	Bob Hanley	Dominion
19	Ned Tyler	Constellation
20	Brian McCabe	Progress
21	Fred Brown	NRC
22	Edward Weinkam	NMC
23	John Thompson	NRC
24	Mark Giles	Entergy
25	Bruce Thompson	SCE&G
26	Don Dube	NRC
27	Dave Midlik	Southern Nuclear
28	Rich Clemens	OPPD – Fort Calhoun
29	Zentan Yamashita	NRC
30	Dayne Brophy	PPL Susquehanna
31	Arthur Salomon	NRC
32	Steve LaVie	NRC
33	Ron Schmitt	NRC

# REACTOR OVERSIGHT PROCESS (ROP) MONTHLY PUBLIC MEETING AGENDA

April 16, 2008 - 9:00 a.m. - 4:00 p.m. – NRC OWFN Commissioners’ Hearing Room

9:00 – 9:05 AM	Introduction and Purpose of Meeting
9:05 – 9:45 AM	<p>Discussion of Performance Assessment Branch Topics</p> <ol style="list-style-type: none"> <li>1. Safety Culture (assessment status)</li> <li>2. Possible changes to Inspection Manual Chapter (IMC) 0305, “Operating Reactor Assessment Program” – non-safety culture</li> <li>3. Other</li> </ol>
9:45 – 10:30 AM	<p>Reactor Inspection Branch Topics</p> <ol style="list-style-type: none"> <li>1. Regulatory Issue Summary (RIS) 2007-21 (update)</li> <li>2. General topics of interest in the inspection area</li> <li>3. Upcoming EP Temporary Instruction on DEP PI</li> <li>4. Other</li> </ol>
10:30 – 10:45 AM	Public Input
10:45 – 12:00 PM	<p>Discussion of Performance Indicator Topics</p> <ol style="list-style-type: none"> <li>1. MSPI Unavailability Reviews</li> <li>2. Potential NEI 99-02 guidance changes <ul style="list-style-type: none"> <li>• MSPI time of discovery</li> <li>• MSPI EDG test failures</li> <li>• Maintenance-induced PMT issues</li> <li>• Environmental unplanned power changes</li> <li>• EP – Counting ERO participation for members in training</li> </ul> </li> <li>3. Other</li> </ol>
12:00 – 1:00 PM	Lunch
1:00 – 2:30 PM	<p>Discussion of Open and New PI Frequently Asked Questions (FAQs) – Note topic may be moved before lunch if meeting is ahead of schedule The latest draft FAQs are located on the public web at <a href="http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/draft_faqs.pdf">http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/draft_faqs.pdf</a> This list is subject to change the day before the meeting based on availability of new draft FAQs provided by the Nuclear Energy Institute</p>
2:30 – 2:45 PM	Public Input
2:45 – 3:15 PM	Continuation Discussion of Open and New PI FAQs
3:15 – 3:45 PM	Future Meeting Dates, ROP Working Group Action List Status, and Future Topics
3:45 – 4:00 PM	<p>Public Input Meeting To Adjourn Following Public Input</p>

**ATTENDANCE LIST**  
**SAFETY CULTURE ROP PUBLIC MEETING**  
**April 17, 2008**

	<b>NAME</b>	<b>AFFILIATION</b>
1	John Butler	NEI
2	Sue Simpson	NEI
3	Lenny Sueper	NMC
4	Randy Hart	Duke
5	Duane Kanitz	STARS
6	Al Haeger	Exelon
7	Robin Ritzman	FENOC
8	Fred Mashburn	TVA
9	Bob Gramm	NRC
10	Jim Peschel	FPL
11	Bryan Ford	Entergy
12	Bruce Boger	NRC
13	Tim Kobetz	NRC
14	Nathan Sanfilippo	NRC
15	Julie Keys	NEI
16	Ken Heffner	Progress
17	Jim Andersen	NRC
18	Bob Hanley	Dominion
19	Ned Tyler	Constellation
20	Brian McCabe	Progress Energy
21	Fred Brown	NRC
22	Edward Weinkam	NMC
23	John Thompson	NRC
24	Mark Giles	Entergy
25	Bruce Thompson	SCE&G
26	June Cai	NRC
27	Dave Midlik	Southern Nuclear
28	Rich Clemens	OPPD – Fort Calhoun
29	Zentan Yamashita	NRC
30	Dayne Brophy	PPL Susquehanna
31	Ann Ramey-Smith	NRC
32	Robert Pascarelli	NRC
33	David Solorio	NRC
34	Paul Fleming	NPPD
35	Jeff Reinhart	INPO
36	Lou Larragoite	Constellation
37	Mike Shea	APS
38	Mark Rendmeyer	Centrec Corporation
39	Greag Halnon	First Energy
40	Steve Petzel	Ameren UE

41	Jac Goodman	ITTA, Inc.
42	Tod Moser	STARS
43	Jerry Phifer	Constellation
44	Tony Harris	STARS
45	David Lochbaum	UCS
46	David Benyak	Exelon
47	Martin Ruscak	DNV
48	Jamie Mallon	PSEG
49	Patrick Boyle	NRC
50	Chuck Thebaud	Morgan Lewis
51	Isabelle Schoenfeld	NRC
52	Constance Perin	MIT
53	Diane Sieracki	Dominion
54	Time Hope	Luminant
55	Howard Levin	Synergy
56	Tony Pietrangelo	NEI
57	Deann Raleigh	LIS Scientech
58	Bill Nelson	DNV
59	Pete Wells	FPL
60	David Allsopp	NRC
61	David Desaulniers	NRC
62	Molly Keefe	NRC
63	Russ Bell	NEI
64	Paul Pieringer	NRC
65	Mike Headrick	PSEG
66	Jenny Weil	McGraw-Hill
67	Paul Bonnett	NRC
68	Henry Butterworth	NRC

# DISCUSSION OF PROPOSED CHANGES TO REACTOR OVERSIGHT PROCESS SAFETY CULTURE GUIDANCE

## PUBLIC MEETING AGENDA

April 17, 2008 - 9:00 a.m. - 4:00 p.m. – TWFN Auditorium

9:00 – 9:15 AM	Introductions and Meeting Ground Rules
9:15 – 9:30 AM	Purpose of Meeting and Overview of Lessons Learned Process
9:30 – 10:15 AM	Discuss Draft Inspection Manual Chapter (IMC) 0305 Revisions and Initial External Stakeholder Comments
10:15 – 10:30 AM	Break
10:30 – 11:30 AM	IMC 0305 Discussion (continued)
11:30 – 12:00 PM	Discuss Draft Inspection Procedure (IP) 95003 Revisions and Initial External Stakeholder Comments
12:00 – 1:00 PM	Lunch
1:00 – 1:45 PM	IP 95003 Discussion (continued)
1:45 – 2:15 PM	Discuss Draft IMC 0612 Revisions and Initial External Stakeholder Comments
2:15 – 2:30 PM	Break
2:30 – 3:00 PM	Discuss Draft IP 71152 Revisions and Initial External Stakeholder Comments
3:00 – 4:00 PM	Opportunity for External Stakeholder Comments and Request for Written Comments on Draft Revisions