

**Enclosure 3**

**Reactor Oversight Process Task Force FAQ Log – March 27, 2013**

**FAQ Log Entering March 27, 2013 Public Meeting**

<b>FAQ No.</b>	<b>PI</b>	<b>Topic</b>	<b>Status</b>	<b>Plant/Co.</b>	<b>Point of Contact</b>
12-04	OR01	HRA Related Occurrences	<b>Introduced 8/29/2012. Text revised and resubmitted, discussed 10/17/2012; 11/29/2012; 01/17/2013; 02/21/2013. Staff response received 3/26/2013.</b>	Generic	John Pelcic/ Robin Ritzman (FENOC)  Mark Marshfield (NRC)
12-05	MS05	Safety System Functional Failures	<b>Introduced 10/17/2012; discussed 11/29/2012, 01/17/2013. Discussed and withdrawn at TVA's request at 01/17/2013 meeting. To be archived after withdrawal statement is approved.</b>	Generic	James Emens (TVA)  Dave Dumbacher (NRC)
12-06	EP02	DEP Opportunities	<b>Introduced 10/17/2012; discussed at separate public meeting 01/15/2013. NRC draft response discussed 02/21/2013. FAQ tentative final 02/21/2013.</b>	Generic	Marty Hug (NEI)  Eric Schrader (NRC)
12-XX	IE01	Unplanned Scrams	<b>To be introduced 03/27/2013</b>	Turkey Point	Steve Catron (NextEra)  Tim Hoeg (NRC)

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## FAQ 12-04, High Rad Area-Related Occurrences

**Plant:** Perry

**Date of Event:** June 2, 2012

**Submittal Date:** August 16, 2012

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Performance Indicator: OR01 Occupational Exposure Control Effectiveness

Site-Specific FAQ (Appendix D)? No

FAQ requested to become effective when approved.

### Question Section

#### **NEI 99-02 Guidance needing interpretation (include page and line citation):**

Page 62, Lines 16 - 22, and associated footnote

#### *Technical Specification High Radiation Area (>1 rem per hour) Occurrence –*

A nonconformance (or concurrent non-conformances) with technical specifications or comparable requirements in 10 CFR 20 applicable to technical specification high radiation areas (>1 rem per hour) that results in the loss of radiological control over access or work activities within the respective high-radiation area (>1 rem per hour). For high radiation areas (>1 rem per hour), this PI does not include nonconformance with licensee-initiated controls that are beyond what is required by technical specifications and the comparable provisions in 10 CFR Part 20.

A footnote states that “Concurrent” means that the non-conformances occur as a result of the same cause and in a common timeframe.

#### **Event or circumstances requiring guidance interpretation:**

On June 2, 2012, an equipment failure resulted in resin/water slurry flow into the general area hallway of the Radwaste Building El. 574. Indications of changing radiological conditions were available. However, the Radiation Protection staff did not recognize the need to conduct a new radiological survey of the area, which was posted and controlled as a High Radiation Area (HRA) at the time. The failure to perform a timely radiological survey is a performance deficiency and an NRC Performance Indicator occurrence.

Over the next few days, there were two instances of individuals entering this area without Radiation Protection coverage and one instance where an individual was provided a HRA key but did not enter the area.

On June 7, 2012, a Radiation Protection technician performed a radiological survey of the area in preparation for decontamination activities. The survey identified a floor area where dose rates met the Technical Specification criteria for classification as a Locked High Radiation Area (LHRA). After the survey, the Radwaste Building El. 574 area was posted and controlled as a LHRA. This PI counts non-conformances, or “concurrent non-conformances,” with technical specifications. “Concurrent non-conformances” are defined as those that “occur as a result of the same cause and in a common timeframe.” In this case, the three instances were as a result

of the same cause – the failure of Radiation Protection personnel to recognize the need to perform a new radiological survey. “Common timeframe” is not defined; however FENOC believes that these three instances meet the intent of a “common timeframe.” The instances were a result of a single performance deficiency with the same common cause.

The failure to recognize the need to perform a new radiological survey prior to June 7, 2012, was reported as a PI occurrence. Additionally, the three instances of individuals entering the area, or having access without Radiation Protection coverage as a result of the single performance deficiency of not performing the timely survey were conservatively reported pending the outcome of this FAQ.

Since the PI counts non-conformances that “result in the loss of radiological control over access or work activities” and the nonconformance that led to the three entries was the failure of Radiation Protection to recognize the need to perform a new radiological survey, are the two subsequent entries and one potential entry considered to be “concurrent non-conformances” bounded by the failure to recognize the need to perform the new radiological survey?

#### **What is the NRC resident inspector’s position?**

The NRC resident inspector agreed with the facts and recommended that the FAQ process be followed for resolution.

#### **Potentially relevant existing FAQ numbers**

FAQ 203 addresses the footnote in question. However, in FAQ 203, the causes of the two entries were different; therefore, both occurrences counted. FAQ 203 did not address “common timeframe.”

### **Response Section**

#### **Proposed Resolution of FAQ**

The failure to recognize the need to perform a new radiological survey represents a loss of control over access into a LHRA. However, since the subsequent three instances without Radiation Protection control were a result of the failure to perform the new radiological survey, and were within a limited common timeframe, they can be considered to be “concurrent non-conformances.” Only one Technical Specification High Radiation Area PI occurrence should be reported.

If appropriate, provide proposed rewording of guidance for inclusion in next revision.

In the footnote defining “concurrent,” “common timeframe” should be defined to be “within the normal period of time between surveys for the specific area.”

#### **NRC Response**

The proposed FAQ correctly quotes the applicable guidance in NEI 99-02 for this event. The performance indicator identifies an occurrence of non-conformance (or concurrent non-conformances) with technical specifications involving a loss of radiological controls over entries to (or work within) a Technical Specification High Radiation Area (TSLHRA, > 1 rem per hour). The FAQ discussion notes that there were three subsequent instances where entries were made without Radiation Protection controls.

A common timeframe as used in the Occupational Radiation Safety guidance in NEI 99-02, is not a fixed period of time. It is the elapsed time in which a number of events or occurrences that are associated with each other happen. The events described in this FAQ are all within a common timeframe . However, the issue demonstrated by this example is not whether the subsequent non-conformances resulting from an ongoing failure to properly control a TSLHRA are within the same (or common) timeframe. The pertinent issue in this example is whether all of the subsequent non-conformances resulted from the same cause.

In those cases where a licensee, for whatever reason (e.g., failure to survey, failure to lock the area, etc.), fails to provide adequate physical controls around a TSLHRA for an extended time, all of the subsequent non-conformances would be “concurrent non-conformances” as defined in NEI 99-02 if they were the result of the same cause. For example, an operational occurrence that created an unrecognized TSLHRA, the subsequent failure to post the area, failure to prevent unauthorized access (possible several entries), entry not controlled per an RWP, etc., are all concurrent non-conformances if they are directly attributable to the original failure to survey. However, if during the time that this TSLHRA is unidentified (or uncontrolled) new information is identified (e.g., a survey measures the TSLHRA dose rates, or a condition is recognized that indicates the potential for the TSLHRA), that if reasonably acted upon would have ended the TS violation, and that information is not acted upon, then any subsequent non-conformances are considered a separate PI occurrence based on the failure to reasonably act on the new information and correct the condition. In such a case the non-conformances that occurred before the new information would be concurrent non-conformances (i.e., one PI occurrence) with the initial TS violation. Any non-conformances following the failure to act on the new information would be concurrent with this failure to act (i.e., a separate PI occurrence). Once this new information is obtained, subsequent sharing of this new information with other staff, or validation of this new information would be concurrent with the separate PI occurrence. The NRC response to FAQ 203 is a specific example of this general staff position.

The specific example of the resin spill event at Perry referenced in this FAQ was inspected under the NRC Baseline Inspection Program. A complete description of the event is provided in PERRY INSPECTION REPORT 05000440/2012005 AND 07200069/2012002 (ML13038A702). The inspectors identified three examples of the licensee’s failure to perform radiological surveys and evaluate the potential radiological hazards in response to known degradation of radiological and material conditions on RW 574'. This resulted in an ongoing non-compliance to the station’s high radiation area access and control program. Each example represents new information or conditions that if reasonably acted upon would have ended the on-going noncompliance to station technical specifications. Therefore, each of these three failures to take timely action and end the non-conformance with the Technical Specifications represents a separated reportable PI occurrence.

## FAQ 12-05, Safety System Functional Failures

**Plant:** Browns Ferry Nuclear Plant

**Date of Event:** July 11, 2012

**Submittal Date:** October 16, 2012

**Contact:** James Emens

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Performance Indicator: MS05, Mitigating System Functional Failures

Site-Specific FAQ (Appendix D)? No, FAQ is generic.

FAQ requested to become effective: when approved.

### Question Section

**NEI 99-02 Guidance needing interpretation (include page and line citation):**

Page 29, Lines 22-25:

Additional failures: a failure leading to an evaluation in which additional failures are found is only counted as one failure; new problems found during the evaluation are not counted, even if the causes or failure modes are different. The intent is to not count additional events when problems are discovered while resolving the original problem.

**Event or circumstances requiring guidance interpretation:**

While reviewing design input calculations in support of the NFPA 805 transition from the 10CFR 50, Appendix R licensing basis for Browns Ferry Nuclear (BFN) plant, TVA has discovered several deficiencies related to equipment and procedures that potentially could affect the ability of the Browns Ferry plant to cope with certain postulated Appendix R fires. As examples, these deficiencies have included omissions in Safe Shutdown Instructions (SSIs), and cable routings that violated train separation requirements. These discoveries have been reported as Licensee Event Reports (LER) submitted in accordance with 10CFR 50.73(a)(2)(ii)(B), as an event or condition that resulted in the nuclear plant being in an unanalyzed condition that significantly degraded plant safety. Some of these discoveries were also reported under 10 CFR 50.73(a)(2)(v)(B), as an event or condition that could have prevented the fulfillment of a safety function. Following is a list of LERs submitted that are related to BFN Appendix R program deficiencies that were reported under 10 CFR 50.73(a)(2)(v)(A):

- LER 50-259/2010-001-00 - Units 1, 2, and 3 Appendix R Safe Shutdown Instruction Procedures Contain Incorrect Operator Manual Actions,
- LER 50-259/2012-001-00 - Unanalyzed Conditions Discovered During NFPA 805 Transition Review,
- LER 50-259/2012-002-00 - Fault Propagation During A Postulated Appendix R Event Could Result In An Inability To Close Motor Operated Valves,
- LER 50-259/2012-003-00 - Reactor Protection System Circuit Could Potentially Remain Energized During An Appendix R Fire,
- LER 50-259/2012-004-00 - Fire Damage to Cables in Fire Areas Could Cause a Residual Heat Removal Service Water Pump to Spuriously Start,

- LER 50-259/2012-007-00 - Cable Routing Error Would Result in Failure of Direct Current Control Power to Credited 4kV Shutdown Board 3EA during an Appendix R Event, and
- LER 50-259/2012-007-01 - Cable Routing Error Found in the Appendix R Separation Analysis.

For Reactor Oversight Process (ROP) Performance Indicator (PI) purposes, The Tennessee Valley Authority (TVA) counted the six discoveries in 2012 as one instance under the Safety System Functional Failure (SSFF) (MS05) PI input for 2Q2012. This decision was based on TVA's interpretation of the guidance in NEI 99-02, Section 2.2, page 29, lines 22-25. These lines indicate that when an evaluation leads to finding additional failures, the original and subsequent failures are counted as one.

The evaluation in this instance is the ongoing examination of the BFN Fire Protection program (plant equipment, procedures and design) to support the transition to NFPA-805. This examination began in 2012 and will continue until TVA submits the License Amendment Request associated with NFPA-805, currently projected for March 2013. This examination appears to align with the intent of the phrase on Lines 22-23, "...an evaluation in which additional failures are found...."

The TVA submitted a letter of intent to the NRC on March 4, 2009 for BFN to adopt NFPA 805 in accordance with 10 CFR 50.48(c). By letter dated September 17, 2009, the NRC granted a three year enforcement discretion period. By letter dated January 13, 2012, TVA informed the NRC that the schedule for submitting the license amendment request to adopt NFPA 805 had been revised to no later than March 29, 2013. By letter dated March 20, 2012, TVA requested an extension of the enforcement discretion period. By letter dated May 18, 2012, the NRC issued a Confirmatory Order to revise the date for the submittal of an acceptable license amendment request to transition BFN to March 29, 2013. In accordance with the Enforcement Policy, the enforcement discretion period would continue until the NRC issues a License Amendment.

#### **What is the NRC resident inspector's position?**

The NRC resident inspector agrees with the facts as presented, but questions whether the additional examples should be considered as "Additional failures" under the NEI 99-02 definition. The NRC has also raised the question as to when it would no longer be appropriate to count additional examples as "Additional failures" and therefore a single PI count. The inspector recommended that the FAQ process be followed for resolution.

#### **Potentially relevant existing FAQ numbers**

None.

#### Response Section

##### Proposed Resolution of FAQ

The proposed resolution is to clarify that additional examples of SSFFs associated with a situation governed by enforcement discretion are to be considered part of the first reported instance, as described in "Additional failures."

Additionally, if it is appropriate to count the additional examples of SSFFs as "Additional failures" and a single count against the PI, is there an amount of time or a pertinent milestone after which it becomes no longer appropriate to count additional examples as "Additional failures."

If appropriate, provide proposed rewording of guidance for inclusion in next revision.

Page 29, Lines 22-25:

*Additional failures:* a failure leading to an evaluation in which additional failures are found is only counted as one failure; new problems found during the evaluation are not counted, even if the causes or failure modes are different. The intent is to not count additional events when problems are discovered while resolving the original problem. **Related failures found in a situation in which enforcement discretion applies (e.g., transition to NFPA-805) are considered “Additional failures” under this definition and are therefore only counted as one failure. Once the enforcement discretion is lifted or a subsequent action to close the enforcement discretion is completed (e.g., license amendment approval, etc.), any additional examples of similar issues are no longer counted as “Additional failures” under this definition.**

### Final Resolution: Withdrawn

In December 2012, TVA revised the LERs listed above to remove the previously referenced 10 CFR 50.73(a)(2)(v) criterion (safety system functional failures) since the reported conditions did not adversely impact structures, systems or components credited in the plant’s safety analyses. This obviated the need for this FAQ. At the January 17, 2013 ROP public meeting, the licensee asked that this FAQ be withdrawn.



## FAQ 12-06, DEP Opportunities

**Plant:** Generic

**Date of Event:** October 16, 2012

**Submittal Date:** October 16, 2012

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Performance Indicator: EP02, Drill/Exercise Participation

Site-Specific FAQ (Appendix D)? No

FAQ requested to become effective ~~when approved~~ beginning Third Quarter 2013, for data to be reported by October 21, 2013.

### Question Section

#### **NEI 99-02 Guidance needing interpretation (include page and line citation):**

Page 51, Lines 31 - 41

The licensee may designate drills as not contributing to DEP and, if the drill provides a performance enhancing experience as described herein, those Key Positions that do not involve classification, notification or PARs may be given credit for ERO Drill Participation. Additionally, the licensee may designate elements of the drills not contributing to DEP (e.g., classifications will not contribute but notifications will contribute to DEP.) In this case, the participation of all Key Positions, except those associated with the non-contributing elements, may contribute to ERO Drill Participation. Participation drill credit before being assigned to the ERO may be counted for the Key Positions not contributing to DEP if the drill provides a performance enhancing experience as described herein. The licensee must document such designations in advance of drill performance and make these records available for NRC inspection.

#### **Event or circumstances requiring guidance interpretation:**

~~Refer to EPFAQ #12-13, previously discussed by the EP Working Group.~~ There are two questions posed by this EPFAQ:

1. Does meeting the timeliness criterion associated with the Notification DEP performance indicator mean the licensee has demonstrated regulatory compliance with the notification requirement (10 CFR 50, Appendix E, Section IV.D.3, "capability to notify [offsite] agencies within 15 minutes")?
2. If demonstration and evaluation of notification ends when the offsite notification is initiated, is this considered a performance enhancing experience for the Key Communicator?

Proposed Solution in the EPFAQ:

1. Meeting the timeliness criterion associated with the Notification DEP performance indicator does not mean the licensee has demonstrated full compliance with the regulatory requirement for notifying offsite agencies. ~~Compliance is demonstrated when all offsite agencies requiring notification are notified of the Emergency Classification Levels within 15 minutes of declaring an emergency.~~
2. If the demonstration and evaluation of notification ends when the first offsite notification is initiated, this opportunity will not be considered a performance enhancing experience for the Key Communicator and hence not a DEP notification PI opportunity.

#### **What is the NRC resident inspector's position?**

Not applicable.

**Potentially relevant existing FAQ numbers**

Not applicable.

**Response Section**

**Proposed Resolution of FAQ**

Revised NEI 99-02 as below.

**Proposed revision to NEI 99-02, Rev. 6, page 51, after line 41:**

In order for an opportunity to be considered a performance enhancing experience for a Key Communicator, the opportunity must include demonstration of the ability to perform a notification of the emergency classification level to required agencies. Documentation of the opportunity and its evaluation/critique is to be comprehensive enough to allow an Inspector to reasonably reach the same conclusion as the licensee as to the adequacy of the performing enhancing experience.

**Page 43, after line 28:**

The notification timeliness criterion for this PI is met when the licensee makes contact with the first responsible State or local governmental agency within 15 minutes. This success criterion normalizes the notification capabilities of licensees, regardless of the number of site specific offsite notification requirements. As such, NRC and licensees can assess a site's specific capability to a common industry baseline to identify the possible need for additional inspection resources. Further, the notification performance enhancement opportunity provides the NRC assurance that a licensee is conducting the notification process in its entirety and evaluating compliance with the regulatory offsite notification requirement of Appendix E.IV.D.3 to 10 CFR Part 50.

## FAQ 12-XX, Unplanned Scrams

**FAQ 13-XX (Proposed)**  
**Turkey Point Unplanned Scrams per 7000 Hours Critical**

**Plant:** Turkey Point Unit 3

**Date of Event:** March 12, 2013

**Submittal Date:** March 14, 2013

**Licensee Contact:** Bob Tomonto

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**Performance Indicator:** IE01, Unplanned Scrams per 7000 Critical hours

**Site-Specific FAQ (Appendix D)?** YES

**FAQ requested to become effective when approved.**

This FAQ concerns the March 12, 2013 Turkey Point Unit 3 manual reactor trip. This trip was the third in four quarters and because the plant had accrued a low number of critical hours in that time period (approximately 4500), the NRC Performance Indicator IE01 exceeded the Green-White threshold of 3.0. Florida Power & Light (FPL), as licensee for Turkey Point Units 3 and 4, proposes that Performance Indicator IE01 be shown as "N/A" until Unit 3 has accumulated four full quarters of power operation so that the indicator will be representative of operational performance. The reason for this request is that the site was in a planned extended shutdown during the first three quarters of 2012 (2/26/12 - 9/6/12) to perform upgrades and plant improvements associated with an Extended Power Uprate (EPU). The low number of critical hours was not in any way related to poor operational or regulatory performance.

This request is being submitted as a Plant-Specific FAQ, as discussed in NEI 99-02, Appendix D, which states that the

guidance was written to accommodate situations anticipated to arise at a typical nuclear power plant. However, uncommon plant designs or unique conditions may exist that have not been anticipated. In these cases, licensees should first apply the guidance as written to determine the impact on the indicators. Then, if the licensee believes that there are unique circumstances sufficient to warrant an exception to the guidance as written, the licensee should submit a Frequently Asked Question to NEI for consideration at a public meeting with the NRC.

## **Question Section**

**NEI 99-02 Guidance needing interpretation (include page and line citation):**

- NEI 99-02, Rev 6, Page 10 Lines 25-27.
- NEI 99-02, Rev 6, Page D-1 Lines 16-21.

**FAQ 13-XX (Proposed)**  
**Turkey Point Unplanned Scrams per 7000 Hours Critical**

**Event or circumstances requiring guidance interpretation:**

Between February 26, 2012 and September 6, 2012, Turkey Point Unit 3 was shutdown for extensive plant modifications and improvements required to support operation at increased power levels. The extended EPU shutdown resulted in a very low number of critical hours during the first three quarters of 2012. As a result of scrams during the first quarter of 2013, Unit 3 will end this quarter with NRC PI IE01 value of approximately 4.5, which is indicative of the volatility of the PI when the number of hours of critical operation is significantly below the 7000 hour reference value.

NEI 99-02, Revision 6 allows for displaying the IE01 value as “N/A” when accumulated critical hours are less than 2400. That is intended to prevent a unit from crossing from Green to White, based solely on a single unplanned scram. NEI 99-02, also clearly indicates that the indicator is monitored over four quarters of operation. Further, the Data Example table on page 11, shows no PI values until after four quarters of data are accumulated. In fact, the example in that table shows that greater than 2400 hours of critical operation had been accumulated in third quarter of 1997, with one scram, yet no PI value is displayed.

NRC Inspection Manual Chapter (IMC) 0351, “Implementation of the Reactor Oversight Process at Reactor Facilities in an Extended Shutdown Condition for Reasons Other Than Significant Performance Problems,” acknowledges that even two quarters of operating data following a plant shutdown of longer than six months “makes this PI more volatile.” NRC IMC 308, “Reactor Oversight Process (ROP) Basis Document,” Attachment 1, Figure 1 provides the basis for using 7000 hours in the denominator is one year’s worth of critical hours assuming an 80% capacity factor. In addition, Figure 1 also states that the Green to White threshold for PI IE01 was selected to “identify outliers from industry norms.”

For Turkey Point Unit 3, the White threshold will be crossed because the denominator is below industry norm (7000 hours) due to the extended EPU outage, not because of the scrams. The unit did not operate for a full four quarters with a “normal” refueling outage and therefore should not be penalized with a significantly high PI because it is not representative of a reduction in safety margin and Turkey Point Unit 3 is not an outlier from industry norms.

A previously submitted White Paper from the NEI ROP Task Force proposed a similar approach for MSPI data. The basis is that the indicator value is heavily influenced by the number of hours of critical operation. When a plant is shutdown for extended outage (*i.e.*, greater than six months), the indicator may not give results that are representative of the intent of ROP. Consequently, it has been proposed that MSPI be “grayed out” for those plants that are shutdown for greater than six months and not be restored until after four quarters of operation have been accumulated.

**FAQ 13-XX (Proposed)**  
**Turkey Point Unplanned Scrams per 7000 Hours Critical**

With a greater than six month refuel outage and only a portion of third quarter 2012, fourth quarter 2012 and the first quarter 2013 with potential critical operating hours, the PI will not display representative values for Turkey Point Unit 3 and should be displayed as "N/A." The PI will not accurately represent plant operation until the full four quarters of plant operation have been accrued.

**Potentially relevant existing FAQ numbers:**

There are no potentially relevant FAQs. However, it should be noted that recent discussions with NRC staff regarding applicability of MSPI data that is skewed by extended plant shutdowns indicates that indicators that are tied to reactor critical hours may not be valid for shutdowns exceeding approximately 6 months and should not be actively monitored until four quarters after reactor restart.

**Response Section**

Propose that Turkey Point Unit 3 be granted exemption from the threshold of 3.0 unplanned scrams per 7000 hours critical because of the circumstances for the extended plant shutdown resulting in less than four full quarters of operation. The PI should be displayed as "N/A" on the NRC website until four full quarters of power operation following the extended EPU outage in 2012.