MEMORANDUM OF AGREEMENT
BETWEEN
THE INSTITUTE OF NUCLEAR POWER OPERATIONS
AND
THE U.S. NUCLEAR REGULATORY COMMISSION

This Memorandum of Agreement (MOA) between the U.S. Nuclear Regulatory Commission (the NRC) and the Institute of Nuclear Power Operations (INPO) reflects the desire for a continuing and cooperative relationship in the exchange of experience, information, and data related to the safety and security of nuclear power plants.

The NRC has statutory responsibility for licensing and regulating nuclear facilities and materials and for conducting research in support of the licensing and regulatory process, as mandated by the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Nonproliferation Act of 1978; the Energy Policy Act of 2005; and in accordance with the National Environmental Policy Act of 1969, as amended, and other applicable statutes. NRC responsibilities include licensing and regulating the nation's civilian use of byproduct, source, and special nuclear materials to provide reasonable assurance of adequate protection of public health and safety; promoting the common defense and security; and protecting the environment.

INPO is an organization sponsored by the nuclear utility industry whose mission is to promote the highest levels of safety and reliability—to promote excellence—in the operation of nuclear electric generating plants. As such, NRC and INPO undertake complementary but independent activities, as defined in appendices to this Agreement. These appendices will help ensure that the goals of both organizations are achieved in the most efficient and effective manner without diminishing or interfering with the responsibilities and authorities of the NRC and the goals of INPO.

This MOA is not intended to be an enforceable agreement or contract on either party, notwithstanding the occasional use of the term "agree" or the use of mandatory language such as "shall" or "will" in either the MOA or its appendices. Since this MOA is not legally binding, the NRC may depart from its terms whenever it deems it necessary or appropriate to do so in the discharge of its regulatory responsibilities. In the interest of cooperation, the NRC will, if appropriate and practical, advise INPO of any intention to depart from the terms of this MOA prior to doing so. This MOA does not obligate any funds and is not subject to the availability of appropriated funds.

It is intended that this MOA and its companion appendices complement one another. Appendices are utilized to delineate detailed and specific areas for cooperative agreements that exist between the parties to this MOA and may be amended from time to time. The appendices are not interpreted as restrictive to only those areas specified in the document but serve as keystones of the MOA for the exchange of information to support the common goals of both the NRC and INPO.

INPO and the NRC agree to consult with each other with regard to the availability of technical information that would be useful in areas of mutual interest and to promote and encourage the sharing of such information. In this regard, INPO will provide plant-specific information on a case-by-case basis consistent with the other provisions of this MOA. INPO and the NRC recognize the need for excluding from this MOA incomplete information related to work in

progress and/or that has been received on a privileged basis. However, as information is verified and found to be necessary or important to findings upon which significant safety-related conclusions and recommendations are based, the party holding such information will take appropriate and timely steps to share that information with the other party. The NRC protects proprietary, confidential information from public disclosure. INPO recognizes that the NRC generally cannot provide information to INPO that is withheld from public disclosure. Each party recognizes the need to be able to accept and protect privileged information that is provided verbally where such information could not be made available otherwise (e.g., an evolving incident). It is recognized that the parties to this MOA may not be fully aware of the extent of each other's knowledge; thus, this MOA requires only the parties' best efforts.

The NRC and INPO will meet periodically to exchange information and keep each other apprised of the major activities under way and planned in each area of agreement. The meetings are an effort to share program information, discuss new initiatives, and avoid unnecessary and unintentional duplication of activities.

Coordination meetings are for information exchange only. Meetings are not to be construed as requests or opportunities for (or used by the NRC for) obtaining the advice or recommendations of INPO or its personnel on policy or regulatory issues within the scope of the NRC's responsibilities. INPO advice or recommendations to the NRC on regulatory or policy matters, if any, are to be made through established NRC procedures and will be considered by the NRC in the same manner as other offers of advice or recommendations made through established NRC procedures. Minutes of all coordination meetings will be placed in the NRC Agencywide Documents Access and Management System (ADAMS). These need not be verbatim transcripts of coordination meetings, but they should include a list of the meeting participants and agenda items discussed at meetings, with brief summaries of the discussions among meeting participants.

In addition to meetings, it is expected that the parties will engage in frequent, informal communications that will be limited to exchanging information and providing updates on the status of activities in progress or planned. The appendices to this MOA provide for the NRC to have electronic access to selected INPO proprietary, confidential documents and information. Such documents and information provided to the NRC will be appropriately identified as proprietary and confidential.[1] INPO has provided to the NRC an affidavit covering the electronic documents, reports, and information that INPO discloses to the NRC, and justifying INPO's marking of such documents, reports, and information as proprietary and confidential. The affidavit contains a statement of the basis for withholding the INPO documents, reports, and information from public disclosure, including in response to any Freedom of Information Act request. To the extent permitted by law, the NRC will control distribution of INPO proprietary, confidential documents and information within the agency, and will exert best efforts to protect them from unauthorized disclosure. The NRC understands that INPO proprietary, confidential documents are all integral parts of INPO's private, routine interactions with its members. Any NRC request to publicly release INPO proprietary or confidential information will be addressed by the NRC and INPO on a case-by-case basis.

---

[1] The NRC acknowledges that INPO often uses different document markings, including "Restricted Distribution," "Limited Distribution," and similar terminology, when designating INPO documents that contain proprietary, confidential information. The NRC will treat INPO documents with such markings as "proprietary" information consistent with how that term is used in this MOA and the accompanying appendices.

This MOA supersedes the previous Memorandum of Agreement dated September 11, 2013. The Appendices to this MOA are as follows:

- Appendix Number One, **Coordination Plan for NRC/INPO Exchange of Operating and Construction Experience Data**
- Appendix Number Two, **Observation and Coordination Plan for NRC/INPO Inspection and Evaluation Activities**
- Appendix Number Three, **Observation and Coordination Plan for NRC/INPO Training-related Activities**
- Appendix Number Four, **Coordination Plan for INPO/industry Participation in NRC Incident Investigation Teams**
- Appendix Number Five, **Coordination of International Activities**
- Appendix Number Six, **Emergency Preparedness and Response Coordination**

Margaret M. Doane Digitally signed by Margaret M. Doane Date: 2020.11.02 09:25:41 -05'00'

_____ Date: _____
Executive Director for Operations
U.S. Nuclear Regulatory Commission

Robert F Willard Date: 12/1/2020
President and Chief Executive Officer
Institute of Nuclear Power Operations

APPENDIX NUMBER ONE
COORDINATION PLAN FOR NRC/INPO
EXCHANGE OF OPERATING AND CONSTRUCTION EXPERIENCE DATA

1. BACKGROUND

The purpose of this plan is to coordinate selected NRC and INPO activities related to the collection of, and feedback on, operating and construction experience information and data related to the safety and reliability of nuclear power plants. There are several underlying assumptions for the plan, including the following:

a. The NRC, as a government entity, has statutory responsibilities and authorities that are paramount. Nothing in this plan dilutes that responsibility and authority to take action in accordance with applicable statutes.

b. Operating and construction experience data are vital components for the fulfillment of INPO's and NRC's respective safety missions.

c. Recognizing the ability of INPO to contribute to safe and reliable operation and construction of nuclear power plants with a resulting benefit to public health and safety, the following statements apply:

(1) The NRC and INPO share the common objectives that reporting of operating and construction experience information and performance data be efficient, that duplicative or inconsistent reporting be minimized, and that consistent industry-wide overall performance indicators be used by the NRC and INPO to the extent practical.

(2) The NRC and INPO agree that the validity of analysis results may depend on the completeness and quality of input information.

(3) The NRC and INPO agree that the effectiveness of feedback is dependent on a proper understanding of the significant lessons learned from industry operating and construction experience.

2. OVERALL COORDINATION

a. The NRC and INPO will regularly exchange, on a timely basis, the results of completed and formally documented generic analysis and event evaluation of operating and construction data.

b. INPO and NRC staffs involved in event evaluation, and operating and construction experience activities will conduct periodic conference calls to discuss the facts relating to recent events at nuclear power plants. No advice or recommendations on policy or regulatory issues shall be discussed during these conference calls. During these conference calls, INPO will notify the NRC of events and safety issues it has determined to be significant through the INPO® Operating and Construction Experience

screening process and what INPO® Operating and Construction Experience products are being developed. Similarly, the NRC will generally notify INPO of operating and construction experience issues under review and any generic communications, temporary instructions, or other products being considered or under development, to the extent the NRC makes this information publicly available. INPO will make final INPO® Operating and Construction Experience products available to the NRC staff, and the staff will place these documents into ADAMS. These documents will be marked 'proprietary' by INPO and, to the extent permitted by law, protected by the NRC from public disclosure. NRC generic communication documents will continue to be published on the NRC public Web site accessible to INPO and the public.

c. Information and data that the NRC obtains from foreign sources, and that do not include restrictions on further distribution, will be made available to INPO if the information is not available to INPO through the World Association of Nuclear Operators (WANO). Foreign information and data that INPO obtains and that does not include restrictions on further dissemination will similarly be made available for NRC analysis activities.

d. INPO will provide the NRC access to and use of the Industry Reporting and Information System (IRIS) Database operated and maintained by INPO. Information in the IRIS Database is proprietary and will be, to the extent permitted by law, protected by the NRC from public disclosure. IRIS is the basis of an industry reliability and availability data system and is used by the NRC to obtain operating and construction experience information. INPO agrees to provide the NRC with the opportunity to participate in the definition of proposed changes that could significantly affect the voluntarily submitted operating and construction experience information. Additional agreements regarding IRIS access and use are contained in a contract between the NRC and INPO that is separate from this MOA.

e. INPO will provide to the NRC selected performance indicator results and data from U.S. and non-U.S. utilities from the proprietary, confidential WANO performance indicator database. Data will be provided on an as-requested basis, except for cumulative radiation exposure data, which will be provided quarterly. All data is provided subject to the following practical conditions and agreements:

NOTE: For purposes of this paragraph, the following terms and definitions apply:

- <u>Plant/unit-specific</u> - Refers to information for which the submitting station name is included.

- <u>Data</u> - Refers to raw performance indicator information as opposed to computed indicator results.

- o Indicator results or, simply, results - Refers to computed indicator final values.

- o Broad industry results - Refers to indicator results from many U.S. stations or U.S. industry summary values, such as results by plantgroups.

(1) To the extent permitted by law, all WANO plant/unit-specific data or indicator results that are provided to the NRC will be marked 'proprietary' by INPO and protected by the NRC from public disclosure.

(2) In the event that the NRC determines that it is obligated by law to disclose WANO plant/unit-specific data to the public or to a third party, then the NRC will give INPO the best advance notice possible under the circumstances to permit INPO to protect its interests as it sees fit.

(3) The NRC recognizes that INPO makes reasonable efforts to identify and follow up on questionable data, but that ultimate responsibility for data reporting accuracy rests with the submitting plant. Accordingly, the NRC agrees to verify all plant-specific data and plant-specific indicator results with the applicable plant(s) before any such data is used for plant-specific regulatory decisions.

(4) The NRC will continue to offer INPO the opportunity to provide comments on documents or reports containing information derived from plant-specific or broad data or indicator results provided by INPO. This provision applies only to documents and reports that the NRC intends to make available external to the NRC and that contain information provided by INPO.

(5) Because changes to improve the WANO Performance Indicator Program are expected to occur over time, INPO agrees to provide the NRC an opportunity to comment on proposed changes that could affect data/indicator results voluntarily submitted to the NRC.

(6) As an exception to the proprietary information provision above, INPO grants the NRC the right to publish in NRC reports U.S. domestic plant/unit-specific cumulative radiation exposure data.

f. INPO will make available to the NRC selected Monthly Operating Report information about U.S. plant operation and shutdowns from its proprietary IRIS system. Data will be made available on a quarterly basis, as soon as practicable (i.e., normally within 45 days) after the end of the quarter, subject to the following conditions and agreements:

(1) The scope will be that data described in NRC Generic Letter 97-02, as defined in f(4) below.

(2) The NRC recognizes that INPO makes reasonable efforts to correctly store and reproduce the data element values entered by licensees, but that ultimate responsibility for data reporting accuracy rests with the licensees that enter the data. Accordingly, the NRC agrees to direct questions about plant specific data values to the applicable licensees.

(3) The NRC recognizes that INPO makes reasonable efforts to reliably store and reproduce data values based on the data entered by licensees, but that in rare instances, network unreliability or software errors may result in the late availability of data from INPO to the NRC or in the transfer of incorrect values from INPO to the NRC. The NRC agrees to not hold the licensees responsible for late receipt of data or incorrect data values that are made available directly to the NRC by INPO and are the result of network or software problems encountered by INPO. Accordingly, INPO agrees to inform the NRC as soon as practical if it becomes aware of when such instances result in delayed or incorrect data to the NRC.

(4) The scope of the data provided will be the data described in NRC Generic Letter 97-02. Specifically, monthly values of the following data elements will be made available for all U.S. units that have revised their technical specifications to remove the monthly operating report requirement:

- Unit Name
- Unit Docket Number
- Contact Name
- Contact Telephone Number
- Design Electrical Rating
- Maximum Dependable Capacity (Net MWe)
- Narrative Summary of Monthly Operating Experience
- Critical Hours
- Cumulative Reactor Critical Hours - Life of Plant
- Cumulative Reactor Critical Hours - Year to Date
- Generator On-line Hours –Month
- Cumulative Generator On-line Hours Year to Date
- Cumulative Generator On-line Hours Life of Plant
- Net Electrical Energy
- Cumulative Net Electrical Energy - Life of Plant (MWHrs)
- Cumulative Net Electrical Energy - Year to Date (MWHrs)
- Reserve Shutdown Hours
- Reserve Shutdown Hours - Life of Plant
- Reserve Shutdown Hours - Year to Date
- Sequential Number of Shutdown for Calendar Year
- Shutdown Type
- Reactor Shutdown Reason

- Reactor Shutdown Method
- Shutdown Start Date
- Shutdown Duration
- Shutdown Corrective Actions and Comments

g. The NRC and INPO intend to have periodic informal technical discussions on generic or event-related studies in progress that are of mutual interest.

h. While avoiding duplication of operating and construction experience products is desirable, the NRC's decision on whether to issue a generic communication cannot be based solely on INPO having addressed the issue in an INPO® Operating Experience product. However, this may be a factor in the NRC's decision-making process.

APPENDIX NUMBER TWO
OBSERVATION AND COORDINATION PLAN FOR NRC/INPO INSPECTION AND EVALUATION ACTIVITIES

1. BACKGROUND

The purpose of this plan is twofold: First, to maintain NRC and INPO awareness of inspection and evaluation activities. Second, to coordinate selected NRC inspection and INPO evaluation activities to minimize the impact placed on utility personnel. This appendix addresses activities for nuclear power plants in operation and those under construction.

There are several underlying assumptions, including the following:

a. INPO recognizes the NRC's regulatory responsibilities and authority.

b. The NRC recognizes INPO's efforts to promote excellence in nuclear plant operations.

c. To lessen the burden imposed on the industry by duplicative oversight activities, the NRC recognizes INPO evaluation activities to the extent that these activities are effective in helping meet the NRC's responsibilities.

d. In order to give credit for INPO activities and thereby avoid duplication of effort, the NRC requires access to selected INPO documents and information and the opportunity to observe selected INPO activities.

2. INPO ACTIVITIES

This section outlines INPO evaluation activities. For the purposes of this Appendix and the MOA, WANO peer review reports shall be treated and handled by the NRC as INPO plant evaluation reports.

a. INPO will conduct evaluations of operating nuclear plants and performance-oriented reviews of nuclear plant construction programs and processes on a periodic basis.

b. INPO will also conduct periodic reviews or assistance visits related to corporate support of nuclear stations either on utility request or as scheduled by INPO. This phase of INPO activities will usually be conducted coincident with (in close time proximity to) an evaluation of the utility's nuclear plant(s).

c. INPO will prepare a written report for each evaluation. The utility provides written responses to INPO in each area identified by INPO as needing improvement.

d. Each succeeding evaluation will include follow-up on the responses developed during the preceding evaluation.

e. INPO intends to conduct appropriate visits to new plants under construction and their corporate organizations, to assist in their preparation for operation.

3. NRC OBSERVATION OF INPO ACTIVITIES

a. INPO expects its member utilities to make operating plant evaluation reports and reports related to nuclear plant construction available to the NRC inspectors and appropriate management personnel for review or reading on site, when available. Further, INPO will make final evaluation reports and reports related to nuclear plant construction available to the NRC for generic review or reading by appropriate NRC management personnel at the INPO offices in Atlanta, GA, as part of an ongoing exchange of information concerning the evaluation program. Such reports are proprietary, and the information reflected therein will be, to the extent permitted by law, protected by the NRC from public disclosure.

b. Current copies of, and any changes to, INPO evaluation performance objectives and criteria will be provided to the NRC. Such information will be marked proprietary by INPO and, to the extent permitted by law, protected by the NRC from public disclosure.

c. The NRC may, on request, have a representative observe an INPO evaluation of an operating plant or a performance-oriented review of a nuclear plant construction program. INPO will obtain the necessary concurrence from the host utility. While specifying a maximum number to be observed is not considered necessary by either party, it is anticipated that an NRC representative may observe INPO activities several times annually. Where NRC regional personnel participate as observers of INPO evaluations, they would not normally accompany an INPO team on an evaluation in their own region.

d. INPO will brief NRC personnel upon request on any or all aspects of INPO's evaluation and assistance program.

e. Because INPO pursues correction of INPO-identified deficiencies and low-level event trends from member corrective action program documents, the NRC will not pursue corrective action for INPO- identified deficiencies except as necessary to carry out its statutory duty to provide reasonable assurance of adequate protection of public health and safety, promote the common defense and security, and protect the environment.

f. The NRC and INPO will coordinate NRC inspections (involving two or more inspectors), INPO evaluations, and construction-related activities to minimize the impact on the utility involved. Where feasible, the NRC and INPO will coordinate event-related or other emergency on-site activities such as NRC special inspections, augmented inspection teams, incident

investigation teams (IITs), and INPO event investigations, although each party recognizes that it may not be possible to coordinate all of these efforts. The NRC and INPO will share their respective inspection schedules in a timely manner to provide sufficient time forplanning and preparation.

g. The NRC will apply the established NRC enforcement policy for licensee-identified non-compliances to those non-compliances identified by utilities as a result of INPO evaluations.

4. INPO OBSERVATION OF NRC INSPECTION ACTIVITIES

a. INPO may, on request, have a representative observe an NRC inspection (typically a team inspection). While specifying a maximum number to be observed is not considered necessary by either party, it is anticipated that an INPO representative may observe NRC inspections several times annually. The NRC will obtain concurrence from the host utility.

b. INPO observation of NRC inspection activities will be coordinated by the NRC Office of Nuclear Reactor Regulation (NRR).

APPENDIX NUMBER THREE
OBSERVATION AND COORDINATION PLAN FOR NRC/INPO TRAINING-RELATED ACTIVITIES

I. BACKGROUND

The purpose of this plan is to coordinate selected NRC and INPO activities related to nuclear power industry training. It is also intended to provide a mechanism and a basis for information sharing and NRC recognition of INPO and National Academy for Nuclear Training ("National Academy") efforts in this area.

There are several underlying assumptions:

a. INPO recognizes the NRC's regulatory responsibility and authority.

b. The NRC and INPO share the goal of improving and maintaining the quality of nuclear utility training.

c. The NRC recognizes the industry's initiative and commitment to INPO programs that promote high-quality training through development of integrated training and qualification systems, including accreditation of key training programs through the National Academy.

d. The NRC recognizes National Academy accreditation and associated training evaluation activities (see also Appendix Number Two, "Observation and Coordination Plan for NRC/INPO Inspection and Evaluation Activities") as an acceptable means of self-improvement in training. Such recognition encourages industry initiative and reduces evaluation and inspection activities. The NRC recognizes that accreditation is a means but not a requirement for meeting the requirements of 10 CFR Part 50.120, "Training and qualification of nuclear power plant personnel," and 10 CFR Part 55, "Operators' licenses."

e. INPO recognizes that the NRC requires access to selected INPO documents and information, as well as the opportunity to observe selected INPO activities related to training and accreditation, in order to ensure that the NRC meets its obligations to the public and to Congress.

f. Coordination of NRC and INPO training-related activities and sharing of information will increase overall effectiveness, as well as lessen the burden imposed on the industry by duplication of activities.

2. OVERALL COORDINATION

In order to promote overall coordination of NRC and INPO training-related activities, the following actions will be taken:

a. NRC/INPO Coordination Meetings will be held periodically with representatives from the NRC/NRR and INPO's Training and Accreditation

organization. At these meetings, information on ongoing projects, plans, and selected INPO and National Academy documents undergoing revision will be discussed. Written reports of progress and results may be exchanged.

b. INPO will provide the NRC with access to selected INPO and National Academy documents and information and will provide updated copies of the INPO and National Academy training guidelines and the Training System Development Manual. Such documents will be marked proprietary by INPO and, to the extent permitted by law, protected by the NRC from public disclosure.

3. INPO ACTIVITIES

This section outlines INPO and National Academy activities related to the accreditation of performance-based programs for the training and qualification of nuclear power plant personnel. The INPO point of coordination for the implementation of this plan is the Senior Vice President, Workforce Training Education & Proficiency.

a. INPO will continue to manage the accreditation of utility training programs through the National Academy. These include:

(1) self-evaluations by member utilities, with assistance from the INPO staff;

(2) on-site evaluations of training and qualification programs by teams of INPO and utility personnel;

(3) preparation of a report for each accreditation team visit;

(4) follow-up on recommendations developed during the accreditation process; and

(5) review of training programs by the National Nuclear Accrediting Board for the purpose of awarding, deferring, renewing, placing on probation, or withdrawing of accreditation.

b. INPO will continue to conduct periodic performance-oriented evaluations of personnel training and qualifications as part of its accreditation and plant evaluations. This provides another means of independent feedback on the quality of training.

c. INPO will provide updated copies of the accreditation objectives and criteria document as it is revised. This document will be marked proprietary by INPO and, to the extent permitted by law, protected by the NRC from public disclosure.

d. INPO will review and consider NRC recommendations regarding INPO-managed training-related programs, documents, and criteria.

e. INPO will provide periodic detailed briefings on accreditation to appropriate NRC management personnel, including review of the activities described in 3.a above and documentation of industry-wide accreditation status.

f. INPO intends to brief the NRC periodically on National Academy activities.

4. NRC ACTIVITIES

This section outlines the NRC's continuing efforts to monitor INPO activities as part of NRC's assessment of the effectiveness of the industry's training and qualification program improvements. NRC's efforts in this area will be coordinated by the Director, Division of Reactor Oversight, NRR.

a. To avoid "codifying" or the appearance of "codifying" INPO documents, the NRC will not issue documents that duplicate INPO and National Academy training documents and will not refer to INPO and National Academy documents as a means of satisfying NRC requirements. Exceptions to this policy for control of proprietary and confidential INPO and National Academy documents will be addressed by the NRC and INPO on a case-by-case basis.

b. The NRC will assess the effectiveness of the industry's training and qualification program improvements as follows:

(1) conduct operator initial licensing exams;

(2) audit, monitor, and/or conduct operator requalification exams, consistent with 10 CFR Part 55;

(3) monitor plant and industry trends and events involving personnel errors; and

(4) conduct performance-based inspections of training and qualification program effectiveness, as necessary and consistent with 10 CFR 50.120 and the NRC Inspection Manual.

c. The NRC will monitor INPO activities in training and accreditation as follows:

(1) receive periodic briefings and/or reports from INPO and review a sample of applicable INPO and National Academy documents;

(2) provide a list of prestigious and appropriately experienced individuals who are former NRC staff for consideration as members of the National Nuclear Accrediting Board with full voting privileges;

(3) have an NRC staff member attend and observe selected National Nuclear Accrediting Board meetings (not to include executive session decision-making deliberations);

(4) on request, have an NRC representative observe INPO accreditation team site visits for the purpose of monitoring the effectiveness of the accreditation process. The NRC will observe at least one accreditation team visit annually, normally sending only one observer. In rare instances, more than one observer may be included on a visit with prior mutual agreement between the NRC and INPO. INPO will obtain the necessary concurrence from the host utility. Where NRC regional personnel participate as observers, they would not normally accompany an INPO accreditation team on a visit in their assigned region; and

(5) be notified of any modifications in the program objectives and criteria.

d. The NRC recognizes that training program probation does not mean the loss of accreditation and will allow the utility to correct the weaknesses in training while being held accountable by the National Academy. A utility will be requested to notify the NRC promptly when accreditation status has changed.

e. Because INPO pursues correction of INPO-identified deficiencies and low-level event trends from member corrective action program documents, the NRC will not pursue corrective action for training and qualifications INPO-identified deficiencies except as necessary to carry out its statutory duty to provide reasonable assurance of adequate public health and safety, promote the common defense and security, and protect the environment. INPO expects its member utilities to make accreditation reports available to the NRC inspectors and appropriate management personnel for review or reading on site. Likewise, INPO will make accreditation reports available in its Atlanta offices for generic review by NRC managers.

f. The NRC's performance-oriented inspection program documents, including applicable inspection guidelines, are available to INPO from the NRC's public Web site.

g. The NRC will coordinate any team inspections with INPO accreditation team visits and evaluations to minimize the impact on the utility involved. On request and with concurrence of the utility, an INPO employee may observe an NRC training inspection. It is anticipated that INPO would observe such inspections occasionally, sending only one observer on any visit. In rare instances, more than one observer may be included on a visit with prior mutual agreement between the NRC and INPO.

APPENDIX NUMBER FOUR
COORDINATION PLAN FOR INPO/INDUSTRY PARTICIPATION IN NRC INCIDENT INVESTIGATION TEAMS

1 The purpose of this plan is to establish guidance for INPO's coordination of industry representatives' participation on NRC IITs. Any industry representatives participating on NRC IITs will do so as observers. This plan is also intended to minimize duplication of event investigation efforts to reduce the impact on the affected utility and to promote dissemination of accurate operating experience information to the industry.

2. The NRC and INPO recognize the importance of the NRC's incident investigation activities in identifying significant operating experience information. Observation of an IIT by industry representatives should result in a more complete and thorough understanding of the factors contributing to the incident and actions needed to prevent recurrence. In carrying out this plan, INPO recognizes the NRC's responsibility and authority.

3. In view of these considerations, INPO and the NRC agree on the following:

   a. The selection of industry representatives to observe an IIT will be coordinated between NRC's Office of the Executive Director for Operations and INPO's Executive Vice President. A request for one or more industry representatives to observe an IIT can be initiated by either the NRC or INPO.

   b. The NRC will notify INPO promptly when an IIT is being activated and will provide all necessary information to enable INPO to facilitate industry observation.

   c. INPO will serve as the central point of contact for coordination of all issues and procedures regarding industry observation of IITs.

   d. INPO will recommend industry observers to the NRC.

   e. INPO will request each industry nominee to sign a statement regarding proprietary information, conflicts of interest, and waiver of compensation. In addition, each industry nominee will be requested to comply with the procedures established for the operation of IITs, which include procedures for handling differences in professional opinion and the release of investigation information. This signed statement will be provided to the NRC as part of the nomination process.

   f. INPO will provide assistance in coordinating with the affected utility to obtain site access for the industry representatives.

APPENDIX NUMBER FIVE
COORDINATION OF INTERNATIONAL ACTIVITIES

1. BACKGROUND

This appendix establishes the basic framework for cooperation and coordination of selected NRC and INPO activities related to international activities. The goal of this cooperation is to enhance public health and safety and to effectively utilize limited resources in support of international outreach efforts.

a. The NRC, as a government entity, has statutory responsibilities and authorities which are paramount. Nothing in this appendix is intended to affect or interfere with the NRC's responsibility and authority to take action in accordance with applicable statutes, conventions, and other legal requirements.

b. INPO, as one of the recognized independent nuclear safety entities for the U.S. commercial industry, has the ability to contribute to safe and reliable operation and construction of nuclear power plants with a resulting benefit to public health and safety.

c. The NRC and INPO have the common goal of sharing operating information and practices in order to benefit both the U.S. industry and the international nuclear community.

d. There are many international nuclear safety and security/safety interface issues where both regulatory and industry involvement is needed to effectively represent U.S. interests. INPO may be positioned to represent the industry in these engagements.

2. OVERALL COORDINATION

In order to coordinate NRC and INPO international activities, the following actions will be taken:

a. With respect to international engagements that both parties agree are "key," the parties will endeavor to directly communicate and coordinate activities such that effective participation by both parties is accomplished.

b. NRC/INPO coordination meetings will be held periodically with representatives from the NRC Office of International Programs and INPO's International organization along with the NRC Office of the Executive Director for Operations and other appropriate NRC Offices.

c. Where appropriate, the NRC and INPO will consider information sharing opportunities to include international meeting and activity schedules.

APPENDIX NUMBER SIX
EMERGENCY PREPAREDNESS AND RESPONSE COORDINATION

1. BACKGROUND

This appendix establishes the basic framework for cooperation and coordination of selected NRC and INPO activities related to emergency preparedness and response. The goal of this cooperation is to ensure each licensee's emergency preparedness program enables the licensee to implement adequate measures to protect public health and safety.

a. The NRC, as a government entity, has statutory responsibilities and authorities which are paramount. Nothing in this plan is intended to affect or interfere with the NRC's responsibility and authority to take action in accordance with applicable statutes, conventions, and other legal requirements.

b. INPO, as one of the recognized independent nuclear safety entities for the U.S. commercial industry, has the ability to coordinate technical information flow, coordinate delivery of equipment and supplies, locate personnel with technical expertise, facilitate vendor and supplier support, and obtain technical and industry operating experience information.

c. There are many interface issues where both regulatory and industry involvement are needed to effectively represent U.S. interests. INPO may be positioned to represent the industry in these engagements.

2. OVERALL COORDINATION

The coordination and information sharing activities defined in this Appendix will be implemented in a similar fashion to those defined in Appendices 1-5. In order to promote overall coordination of NRC and INPO activities, the following actions will be taken:

a. NRC/INPO coordination meetings will be held periodically with representatives from the NRC Office of Nuclear Security and Incident Response (NSIR) and INPO's Emergency Management organization. At these meetings, information on ongoing projects, plans, and selected INPO and NRC documents undergoing revision will be discussed. Written reports of progress and results may be exchanged. Additionally, routine, ongoing sharing of non-regulatory working level information will be encouraged. Any proprietary information shared by INPO should be marked as such and will be, to the extent permitted by law, protected by the NRC from public disclosure.

b. INPO and the NRC may share emergency event information electronically (actual or exercise-related) using web-based event management applications. Any such information that INPO shares with the NRC will be marked proprietary by INPO and, to the extent permitted by law, treated by the NRC as proprietary and protected by the NRC from public disclosure.

3. INPO ACTIVITIES

This section outlines INPO activities related to emergency preparedness and response. The INPO point of coordination for the implementation of this plan is the Director, Plant Operations.

a. INPO will periodically share with the NRC generic results of emergency preparedness and response operating experience received by INPO.

b. INPO will conduct periodic performance-oriented reviews of emergency preparedness and response programs and processes. This provides another means of independent feedback on the readiness for handling an emergency.

c. INPO will make available, for the NRC to review in the INPO offices in Atlanta, GA, copies of documents related to nuclear emergency preparedness and response exercises developed by INPO.

d. INPO will provide periodic briefings on emergency preparedness and response activities to appropriate NRC management personnel.

e. INPO will make emergency preparedness and response site visit reports available to NRC inspectors and appropriate management personnel for review or reading on site. Further, INPO will make these reports available to the NRC for review by appropriate management personnel at the INPO offices in Atlanta, GA.

f. INPO representatives may, upon request, observe NRC emergency preparedness exercises. The number of INPO observers on a visit will be based on prior mutual agreement between the NRC and INPO. The NRC will obtain the necessary concurrence from the host utility.

g. The NRC's evaluation of licensee performance in emergency preparedness exercises and drills includes an assessment of the licensee's ability to identify weaknesses during the performance of the exercise or drill. Accordingly, INPO observers will not discuss their observations regarding licensee exercise or drill performance with the licensee until after the licensee has completed their critique.

4. NRC ACTIVITIES

This section outlines the NRC's efforts to coordinate emergency preparedness and response activities with INPO and share certain related information. The NRC point of coordination for implementation of this plan is the Director, Division of Preparedness and Response, NSIR.

a. To avoid "codifying" or the appearance of "codifying" INPO documents, the NRC will not issue documents that duplicate INPO and National Academy training documents and will not refer to INPO and National Academy documents as a means of satisfying NRC requirements.

Exceptions to this policy for control of proprietary and confidential INPO and National Academy documents will be addressed by the NRC and INPO on a case-by-case basis.

b. The NRC may monitor INPO emergency preparedness and response activities, as follows:

(1) receive periodic briefings and/or reports from INPO and review a sample of applicable INPO and National Academy documents; and

(2) NRC representatives may, upon request, observe INPO emergency preparedness site visits. The number of NRC observers will be based on prior mutual agreement between the NRC and INPO. INPO will obtain the necessary concurrence from the host utility/applicant.

c. Because INPO pursues correction of INPO-identified deficiencies and low-level event trends from member corrective action program documents, the NRC will not pursue corrective action for emergency preparedness and response INPO-identified deficiencies except as necessary to carry out its statutory duty to provide reasonable assurance of adequate protection of public health and safety, promote the common defense and security, and protect the environment.

d. The NRC's inspection program documents, including applicable inspection guidelines, are available to INPO from the NRC's public Web site.

e. To the extent feasible, INPO and the NRC will coordinate emergency preparedness inspection activities to minimize the impact on the utility/applicant. This could be accomplished by notifying the applicable NRC regional branch chief prior to scheduling the observation of a licensee's drill or exercise. However, both parties acknowledge that situations may occur when NRC and INPO teams will be conducting activities simultaneously. To the extent that this occurs, each party will strive to minimize its impact on the other.

f. During an incident at a commercial nuclear power plant deemed sufficiently significant by the NRC (e.g., an Alert level with degrading conditions), the NRC will grant INPO access to the Emergency Response Data System (ERDS) for the affected unit(s).

- The NRC maintains ERDS. ERDS is a system design to receive, store, and retransmit data from in-plant data systems at nuclear power plants during emergencies. The NRC will provide INPO with up to six digital certificates for use by INPO-designated personnel in accessing ERDS data during emergencies at nuclear power plants. The NRC reserves the right to revoke digital certificates at any time.

  - To preclude the premature release of sensitive information, the NRC will protect sensitive information to the extent permitted by

the Freedom of information Act, 5 U.S.C. § 552, 10 CFR 2.390, and all other applicable authority. INPO will protect information gathered from ERDS to the extent permitted by law.

- The NRC conducts periodic tests of licensee ERDS data links. INPO may test its ability to access ERDS data during these scheduled tests or may schedule independent tests with the NRC.

- Upon INPO request, the NRC will provide INPO access to ERDS data for emergency exercises with reactor units capable of transmitting exercise data to ERDS. For exercises in which the NRC is not participating, INPO will coordinate with the NRC in advance to ensure ERDS availability. The NRC reserves the right to preempt ERDS use for an exercise in the event of an actual event at a nuclear power plan