

January 30, 2007

SUBJECT: SUMMARY OF JANUARY 23, 2007, PUBLIC MEETING WITH THE NUCLEAR ENERGY INSTITUTE TO DISCUSS INSPECTION MANUAL CHAPTERS (IMC) 2503 AND 2504 OF THE CONSTRUCTION INSPECTION PROGRAM

On January 23, 2007, a public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives of the Nuclear Energy Institute (NEI) and other nuclear industry stakeholders at NRC Headquarters, Two White Flint North, 11545 Rockville Pike, Rockville, MD. The purpose of the meeting was to provide an opportunity for discussion of stakeholder questions and comments on the two components of the Construction Inspection Program (CIP) described in Inspection Manual Chapter (IMC) 2503, "Construction Inspection Program: Inspections of Inspections, Tests, Analyses, and Acceptance Criteria," and IMC 2504, "Construction Inspection Program - Non-ITAAC Inspections."

The NRC (staff) began the meeting by emphasizing the importance of using accurate and consistent terminology in this area to ensure clear understanding of key elements of the inspection program. During the meeting, to facilitate meaningful stakeholder comments, the staff explained the purpose of developing matrices that grouped "Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)" into families, and described the concept of selecting ITAAC for inspection that are representative of those families. The staff explained that the purpose of inspection of operational programs was to verify program implementation and readiness for operation and not to revisit decisions made during the licensing process on the necessary content of those programs. The NRC pointed out that while IMC 2503 currently discusses, e.g., in Section 07.03b, how assessment of inspection results will be used to determine if changes are warranted in level of inspection, it is anticipated that those discussions will be relocated to a new IMC 2505 dedicated to the assessment process. The NRC encouraged meeting participants to attend a public meeting scheduled for January 25, 2007, where, specifically, input is being sought on the assessment process.

Following is a summary of the more significant comments raised by stakeholders during the meeting and the staff's response.

Comment 1: IMC 2503 appears to mix NRC consideration of licensee implementation of Quality Assurance (QA) program requirements with NRC decisions regarding whether ITAAC have been successfully completed. A distinction should be drawn between the two in the CIP.

NRC response: The NRC agrees that the focus of ITAAC closeout is on meeting acceptance criteria, but lapses in QA can call into question a licensee's determinations that ITAAC have been met and could result in further NRC review.

Comment 2: There appear to be inconsistencies in terminology applied to the ITAAC closeout process, e.g. does the term "determination" apply to licensee or NRC closeout of ITAAC.

NRC response: The NRC will clarify the meaning of “determination” as the licensee’s decision that ITAACs have been met and look for other inconsistencies in terminology.

Comment 3: The implication from the title in Appendix A to IMC 2504 of the NRC’s inspection procedure (IP) for reviewing a licensee’s ITAAC closeout process is that the closeout process is included in the QA program. A distinction needs to be drawn between the ITAAC closeout process and the QA program.

NRC response: The close-out process is very important and requires strong controls. The NRC agreed that the title of the IP is confusing, and the title will be changed to “Licensee’s Program for Developing ITAAC Determinations.”

Comment 4: The need for an Operational Readiness Assessment Team (ORAT) inspection or at least the need for a full scope ORAT should be reconsidered in view of fact that inspections will be conducted of operational programs.

NRC response: The NRC will have some sort of ORAT that will be unique to the needs of 10 CFR Part 52.

Comment 5: The fact that First-of-a-Kind-Engineering (FOAKE) inspection is addressed in IMC 2502, “Construction Inspection Program: Pre-Combined License (PRE-COL) Phase,” indicates it is a pre-COL activity. This creates confusion on COL application criteria, i.e. what is needed to support COL. Since FOAKE may be done pre- or post-COL, the related inspection should be moved to IMC 2504.

NRC response: The NRC technical staff will be informed about engineering process deficiencies identified during inspection. The NRC already recognizes that this is an issue that will need to be addressed in some manner (yet undetermined), and the matter is under consideration. Additionally, the NRC recognizes that the use of this title, FOAKE, is confusing, and the staff is in the process of changing the name of this inspection to “Design Engineering Inspections” to be more reflective of what is planned.

Comment 6: The construction schedule should be considered to be proprietary. It is not needed by the public.

NRC response: The NRC’s Office of the General Counsel has stated that the construction schedule could be found to be proprietary; however such classification is not automatic. A licensee will first need to request proprietary handling per the required process. The subsequent determination as to whether it is proprietary will determine how the NRC treats follow-on documents that make reference to that schedule.

Comment 7: Will the NRC accept training accreditation in lieu of conducting inspection of training-related operational programs?

NRC response: The NRC plans to inspect operational programs, including training programs to verify that license conditions and regulations are met. The level of such inspection is not yet defined.

Comment 8: Will the NRC consider the outcome of operational program inspections in making the finding required by 10CFR52.103(g) that ITAAC acceptance criteria are met? Such consideration should be separate from this from the 10CFR52.103(g) decision.

NRC response: Inspection of operational programs is the NRC's means of assessing readiness of the licensee's staff for plant operation. The NRC recognizes that such inspections are not a part of determining if ITAAC are met and they will not be considered when the staff makes its recommendation to the Commission regarding its finding under 10CFR52.103(g).

A suggestion was made by an industry stakeholder that definitions should be developed of other terms used in IMC 2503 and added to the definitions section (2503-03) of that IMC. Examples given of such terms included "ITAAC-related processes" and "ITAAC-related activities."

There were no members of the public in attendance. Public Meeting Feedback forms were distributed.

The following documents pertaining to this meeting are located in the Agencywide Documents Access and Management Systems (ADAMS): meeting notice (ADAMS accession number ML070080051); the list of meeting attendees (ADAMS accession number ML070250467); written industry comments received in advance of the meeting (ADAMS accession number ML070250013); and handouts provided by the NRC during the meeting (ADAMS accession numbers ML070250010, ML070250011, and ML070250012).

Please direct any inquiries to Mary Ann Ashley at 301-415-1073 or [mab@nrc.gov](mailto:mab@nrc.gov).

**/RA/**

David Trimble, Senior Operations Engineer  
Construction Inspection & Allegations Branch  
Division of Construction Inspection &  
Operational Programs  
Office of New Reactors

NRC response: The NRC plans to inspect operational programs, including training programs to verify that license conditions and regulations are met. The level of such inspection is not yet defined.

Comment 8: Will the NRC consider the outcome of operational program inspections in making the finding required by 10CFR52.103(g) that ITAAC acceptance criteria are met? Such consideration should be separate from this from the 10CFR52.103(g) decision.

NRC response: Inspection of operational programs is the NRC's means of assessing readiness of the licensee's staff for plant operation. The NRC recognizes that such inspections are not a part of determining if ITAAC are met and they will not be considered when the staff makes its recommendation to the Commission regarding its finding under 10CFR52.103(g).

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David Trimble, Senior Operations Engineer  
Construction Inspection & Allegations Branch  
Division of Construction Inspection &  
Operational Programs  
Office of New Reactors

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ADAMS Accession No.: ML070250466

OFFICE	NRO/DCIP/CITT	NRO/DCIP/CITT
NAME	D. Trimble	M. Ashley
DATE	01/29/07	01/30/07

Official Record Copy

Meeting Minutes dated January 30, 2007.

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M. Ashley - [mab@nrc.gov](mailto:mab@nrc.gov)

D. Trimble - [dct@nrc.gov](mailto:dct@nrc.gov)

L. Plisco - [lrp@nrc.gov](mailto:lrp@nrc.gov)

M. Lesser - [msl1@nrc.gov](mailto:msl1@nrc.gov)

G. Tracy - [gmt@nrc.gov](mailto:gmt@nrc.gov)

G. Imbro - [exi@nrc.gov](mailto:exi@nrc.gov)

R. Rasmussen - [rar@nrc.gov](mailto:rar@nrc.gov)

J. Jennings - [jrj3@nrc.gov](mailto:jrj3@nrc.gov)

E. Kleeh - [eak@nrc.gov](mailto:eak@nrc.gov)

P. Sekerak - [pxs1@nrc.gov](mailto:pxs1@nrc.gov)

S. Anderson - [sma1@nrc.gov](mailto:sma1@nrc.gov)

T. Cerne - [acc1@nrc.gov](mailto:acc1@nrc.gov)

R. Gardner - [rng2@nrc.gov](mailto:rng2@nrc.gov)

J. Blake - [jjb1@nrc.gov](mailto:jjb1@nrc.gov)

C. Julian - [caj@nrc.gov](mailto:caj@nrc.gov)

J. Nakoski - [jan1@nrc.gov](mailto:jan1@nrc.gov)

R. Bell - [rjb@nei.org](mailto:rjb@nei.org)

L. Kass - [lck@nei.org](mailto:lck@nei.org)

J. Mihalcik - [mihalcik@constellation.com](mailto:mihalcik@constellation.com)

D. Magnarelli - [daniel.magnarell@areva.com](mailto:daniel.magnarell@areva.com)

J. Oddo - [john.oddo@shawgrp.com](mailto:john.oddo@shawgrp.com)

B. Kitchen - [robert.kitchen@pgnmail.com](mailto:robert.kitchen@pgnmail.com)

D. Hutchings - [hutchings@westinghouse.com](mailto:hutchings@westinghouse.com)

A. Sterdis - [sterdis@westinghouse.com](mailto:sterdis@westinghouse.com)

J. Vorees - [jvorees@bechtel.com](mailto:jvorees@bechtel.com)

D. Waters - [david.waters@pgnmail.com](mailto:david.waters@pgnmail.com)

G. Zinke - [gzinke@entergy.com](mailto:gzinke@entergy.com)

J. Bond - [jlbond@duke.energy.com](mailto:jlbond@duke.energy.com)

P. Hastings - [pshastings@duke.energy.com](mailto:pshastings@duke.energy.com)

C. Reid - [creid@bechtel.com](mailto:creid@bechtel.com)

J. Concklin - [john.concklin@areva.com](mailto:john.concklin@areva.com)

J. Conly - [jtconly@stpegs.com](mailto:jtconly@stpegs.com)

S. Frantz - [sfrantz@morganlewis.com](mailto:sfrantz@morganlewis.com)

J. Giles - [jmgiles@scana.com](mailto:jmgiles@scana.com)

T. Amundson - [x2tamuns@southernco.com](mailto:x2tamuns@southernco.com)