

September 4, 2008

MEMORANDUM TO: Richard Rasmussen, Chief
Construction Inspection & Allegation Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

FROM: Ian Spivack **/RA/**
Construction Inspection & Allegation Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF PUBLIC MEETING HELD ON AUGUST 28, 2008, TO
DISCUSS ITAAC CLOSURE AND ASSESSMENT AND ENFORCEMENT
FOR NEW REACTORS

The Construction Inspection and Allegations Branch of the Division of Construction Inspection and Operational Programs (DCIP) in the Office of New Reactors (NRO) and Region II Construction Inspection Programs conducted a Category 3 meeting on August 28th, 2008, in Rockville, Maryland. The meeting was guided by DCIP and discussed Inspection Manual Chapter (IMC) 0613 Updates (Agency Wide Document and Management System (ADAMS) ML082350126), IMC 2505 Updates (ADAMS ML082350099), Scheduling Inspection Activities (ADAMS ML082460765), ITAAC Preservation (ADAMS ML082350145), The Department of Energy (DOE) Standby Support Rule (ADAMS ML082460604), SECY Paper on Staff Approach to Verify ITAAC Closure, Instrumentation and Control (I&C) Design Acceptance Criteria (DAC) Overview (ADAMS ML082460899), I&C DAC Regulatory Perspectives (ADAMS ML082460789), and I&C DAC Topical Reports (ADAMS ML082460619). The meeting was the tenth in a series of meetings discussing these topics, and was attended by members of the NRC headquarters staff, NRC Region II, the Nuclear Energy Institute (NEI), industry, and the general public.

The NRC presented updates to IMC 0613, Documenting 10 CFR Part 52 Construction and Test Inspections (ADAMS ML082350126). The purpose of the presentation was to provide an overview of the IMC. The objective of this document was to communicate and document inspection results, provide a basis for periodic assessment, and provide a basis for required enforcement actions. IMC 0613 will be issued by September 30, 2008. Future revisions will include CIPIMS development, inspection/inspector experience, and other stakeholder feedback.

CONTACT: Ian Spivack, NRO/DCIP/CCIB
301-415-256

Following the discussion of IMC 0613, industry questioned if the NRC could comment on NRC inspector training. The NRC stated that every inspector that will go out to a site will be fully qualified, or will be under the supervision of a fully qualified inspector. The inspector will be trained on regulations, regulatory guides, codes and standards, and any other applicable requirements. A member of the public questioned how the NRC inspectors will accommodate schedule slippage. The NRC stated that the goal of inspection is to not interfere with the construction process. The NRC has the ability to inspect via various methods such as physical observation, and documentation inspection. The NRC will not ask the licensee to wait for inspections.

The NRC presented an overview of comments received on IMC 2505, Periodic Assessment of Licensee Performance during Construction (ADAMS ML082350099) and the resolution of these comments. Discussions included the role of civil penalties in the enforcement program, periodicity of internal NRC assessments, the impact of future safety culture activities on the assessment program, and follow-up actions for plants with significant performance deficiencies. Additional discussions included the consistency of process descriptions and definitions, the timeframe for counting assessment inputs, and the appropriateness of thresholds for increasing NRC action. IMC 2505 will be issued by the end of the fiscal year with a subsequent revision that will more fully integrate ongoing staff work associated with safety culture into the inspection and assessment programs.

The NRC presented Scheduling Inspection Activities (ADAMS ML082460765). The construction schedules from the licensee will interface with the NRC Enterprise Project Management (EPM) software. There will be periodic meetings to discuss how the EPM software will interface with the licensee's Primavera software. The NRC has security protocols enabled in EPM that will only allow certain people to access the schedules. This will ensure that proprietary information will be protected.

The NRC presented Maintaining Completed ITAAC Through the 52.103(g) Finding (ADAMS ML082350145). The acceptance criteria of all ITAAC must be met when the 10 CFR 52.103(g) finding is made by the Commission. The staff anticipates that there could be situations where ITAAC that have been completed and reported per 10 CFR 52.99, will then require maintenance. NRC and industry agreed to use enhanced programs (eg., PI&R, maintenance, and engineering change) to restore the acceptance criteria of these ITAACs. The presentation included an open discussion with examples to show where maintenance of acceptance criteria would be applicable, and where unplanned events might require licensee reporting and additional actions. Future meetings will further develop these thoughts through the development of specific examples.

DOE gave an update on their work for the 10 CFR 950 Standby Support Rule (ADAMS ML082460604). DOE made a request for industry to begin developing an example ITAAC closure schedule that is required by the rule. DOE then asked that industry provide an estimated time frame for the closure schedule by the next public meeting. Discussions also included details of the conditional agreements such as costs to the applicant and potentially available contracts.

SECY Paper 08-0017 (ADAMS ML081050362) on staff's approach to verify ITAAC closure was discussed by the NRC. This paper informed the Commission about the issuance of lessons learned on ITAAC quality and content, development of a construction operating experience program, development of guidance on how to inspect site-specific ITAAC, development of

guidance on how to implement 10 CFR 52.99, 10 CFR 52.103(g), and the NRC closure verification process, and planning for various information technology needs. An update to the public release of the targeted ITAAC lists for the AP1000 (ADAMS ML081970362) and ABWR (ADAMS 082390291) corrected the ADAMS accession numbers.

The NRC presented Digital I&C DAC Overview (ADAMS ML082460899). The NRC's approach to I&C DAC was presented. The NRC solicited input from stakeholders and communicate I&C DAC position.

The NRC presented Digital I&C DAC Implementation (ADAMS ML082460789). The NRC has an expectation for a high quality application. A topical report is a mechanism to submit application information in order to deal with specific technical issues.

The NRC presented Digital I&C DAC Topical Report (ADAMS ML082460619). A topical report could be used to submit technical information required to fulfill the requirements of DAC. The approved topical report could be applied within a design document to support ITAAC closure. Industry questioned if DAC was the NRC approval process. NRC stated that DAC is not the approval process. Certain elements of the design might not be there during the design certification due to technical changes. DAC allows for flexibility in improving technology.

The next meeting will be held October 30, 2008 at a location to be determined.

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Enclosure: Attendees List

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RidsOgcMailCenter
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R. Pascarelli
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I. Spivack

ADAMS ACCESSION: Package: ML082460916, Public Meeting Notification – August 28, 2008: ADAMS ML082250679, Summary of August 28 public meeting: ADAMS ML082460290, IMC 0613 Update: ADAMS ML082350126, IMC 2505 Update: ADAMS ML082350099, Scheduling inspection activities: ADAMS ML082460765, ITAAC Preservation: ADAMS ML082350145, DOE Standby Support Rule: ADAMS ML082460604, Digital I&C DAC Overview: ADAMS ML082460899, Digital I&C DAC Implementation: ADAMS ML082460789, Digital I&C DAC Topical Report: ADAMS ML082460619

OFFICE	NRO/DCIP/CCIB	NRO/DCIP/CCIB
NAME	ISpivack	RRasmussen
DATE	9/04/08	9/4/08

**Construction Inspection Program Assessment and Enforcement,
and ITTAC Closure Letter Workshop
August 28th, 2008**

Location: Legacy Hotel, Rockville, MD

Meeting Attendees

Name	Organization	Email
Ian Spivack	NRC	Ian.spivack@nrc.gov
Richard Laura	NRC	Richard.laura@nrc.gov
Robert Lukes	NRC	Robert.lukes@nrc.gov
Ron Gardner	NRC	Rng2@nrc.gov
Pat Sheppard	Excellon	Patrick.shepperd@excellon.com
Michael Webb	NRC	Michael.webb@nrc.gov
Chris Earls	NEI	cee@nei.org
Roger Lanksbury	NRC	Roger.lanksbury@nrc.gov
Jim Gaslevic	NRC	James.gaslevic@nrc.gov
Paul Stevens	Epsilon Systems	pstevens@epsilonsystems.com
Patrick Boyle	NRC	Patrick.boyle@nrc.gov
Joel Munday	NRC	Joel.munday@nrc.gov
Mark Giles	Entergy	mgiles@entergy.com
Gary Waldrep	Exelon	Gary.waldrep@ge.com
Ed Davis	Pegasus Group	edavis@pegasusgroup.us
Larry Arnold	STP 3&4	ldarnold@stepegs.com
Junichi Uchiyama	MNES	Junichi_uchiyama@mnes-us.com
Patricia Campbell	GEH	Patricial.campbell@ge.com
Dan Magnarelli	Areva	Daniel.magnarelli@areva.com
Sue Strosnider	NRC	Sue.strosnider@nrc.gov
William Usilton	NRC	William.usilton@nrc.gov
Alan Blamey	NRC	Alan.blamey@nrc.gov
Gary Adkins	TVA	gmadkins@tva.gov
Matthew Williams	Dominion	Matthew.b.williams@dom.com
Robert Atkinson	Dominion	Robert.j.atkinson@dom.com
Hamer Carter	Progress Energy	Hamer.carter@pgnmail.com
Tom Kozak	NRC	Tom.kozak@nrc.gov

Lawrence Brown	Shaw	Lawrence.brown@shawgrp.com
Wren Fowler	NRC	Wren.fowler@nrc.gov
Weijun Wang	NRC	Weijun.wang@nrc.gov
CJ Fong	Nrc	Christopher.fong@nrc.gov
Paul Schmugge	Areva NP	Paul.schmugg@areva.com
John Cooper	Entergy	jcooper@entergy.com
Guy Davant	Entergy	gdavant@entergy.com
Don Lindgren	Westinghouse	lindgida@westinghouse.com
Bob Seelman	Westinhouse	seelmars@westinghouse.com
Brandon Waites	Southern Co	bwwaites@southernco.com
John Tynan	Unistar	John.tynan@unistarnuclear.com
William McConaghy	Toshiba/Tane	wmcconoghy@tane.toshiba.com
Robert Taylor	Kiewit	Bob.taylor@kieweit.com
Christian Clements	Unistar	Christian.clement@unistar.com
George Khouri	NRC	George.khouri@nrc.gov
Russ Bell	NEI	Rjb@nei.org
Micahel Wysack	Unistar	Micahel.wysock@unistarnuclear.com
Earl Leby	NRC	Earl.leby@nrc.gov
Jenny Weil	McGrawll-Hill	Jenny_weil@platts.com
Robert Pascarelli	NRC	Robert.pascarelli@nrc.gov
Thomas Hicks	Nustat	hickste@earthlink.net
Steve Frantz	ML	sfrantz@morganlewis.com
James Mallon	PSEG	James.mallon@pseg.com
Anne Cottingham	NEI	awc@nei.rog
David Holler	MNES	David_holler@mnes-us.com
Antonio Fernandez	FPL	
John Oddo	Shaw Group	John.oddo@shawgrp.com
Howard Wilchins	Epsilon Systems Solution	hwilchins@wilchins.com
Jason Jennings	NRC	Jason.jennings@nrc.gov
Stepheen Kimura	GEH	Stephen.kimura@ge.com