

June 12, 2009

MEMORANDUM TO: Joelle Starefos, Branch Chief
Construction Inspection & Allegations Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

FROM: Jose Jimenez, Reactor Operations Engineer */RA/*
Construction Inspection & Allegations Branch
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& Operational Programs
Office of New Reactors

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF MAY 13, 2009, CATEGORY 2 MEETING WITH THE
NUCLEAR ENERGY INSTITUTE (NEI), INDUSTRY, AND THE
GENERAL PUBLIC, TO FURTHER DISCUSS NRC'S COMMENTS OF
NEI 08-02 "PROBLEM IDENTIFICATION AND RESOLUTION FOR NEW
REACTORS DURING CONSTRUCTION"

On May 13, 2009, a public meeting was held between the U.S. Nuclear Regulatory Commission's (NRC), Construction Inspection and Allegation Branch of the Division of Construction Inspection and Operational Program (DCIP) in the Office of New Reactors (NRO), Nuclear Energy Institute (NEI), industry, and the general public. The meeting was located at the Legacy Hotel, 1775 Rockville Pike, Rockville, Maryland. The purpose of the meeting was to continue to discuss the comments provided by NRC to NEI 08-02 document: "Problem Identification and Resolution for New Reactors during Construction" on March 24, 2009.

The NRC staff started the meeting by presenting NRC's Key Messages to NEI. The main points made were:

- The description of the Problem Identification and Resolution (PI&R) program lacks consistency with the terms and concepts present in 10 CFR 50 Appendix B Criterion XVI and other regulatory documents. The program document should demonstrate how it is implementing regulatory requirements and commitments specified in the licensing basis documents.
- The document should clearly define the baseline program for implementing the Corrective Action Program. Including how determination of thresholds would capture conditions adverse to quality (CAQ) and exactly what process would drive a CAQ to be processed as a significant condition adverse to quality (SCAQ). It should be clear how the process will effectively implement trending that would drive an identified CAQ to become an SCAQ.
- Description of how ITAAC will be handled by NEI 08-02 should be in alignment with intentions described in NEI 08-01. Conditions identified to have affected an ITAAC should reflect the appropriate characterization (e.g. CAQ, SCAQ, new process, etc.) consistent with needs of NEI 08-01.

CONTACT: Jose Jimenez, NRO/DCIP/CCIB
301-415-5303

NEI proceeded to provide clarifications for the comments provided by the NRC. NEI disagreed with the characterization that the document was not clear in stating its objective and how it meets current licensing and regulatory requirements. NEI agreed that calling the document "Problem Identification and Resolution" (PI&R) could be confusing given PI&R is a currently used program in the operating reactor fleet. NRC explained that the section in the document where it describes what a work process is and how its significant determination process works remains confusing. Criterion XVI of 10 CFR Appendix B states how conditions adverse to quality and significant conditions adverse to quality should be handled. NRC expressed concern that the program as described was not sufficient to demonstrate how it would meet the requirements in Criterion XVI. For example, the Corrective Action Program (CAP) was described in this document to only handle significant conditions adverse to quality (SCAQ).

NEI described the work flow diagram in Attachment 1 and the criteria and examples in Attachment 2. NRC's staff agreed that some of the explanations resolved selected issues but stated it still had reservations about aspects of the program's terminology, expectation of implementation of significance determination process, and handling of ITAACs.

NEI agreed to look into many of the comments presented by NRC (enclosure 2) and to try to clarify those concepts. Some of the comments NEI agreed to consider were: inclusion of a flow down of the regulatory requirements being met by the document; the use of an alternative title to the document; possible inclusion of a paragraph or use of CAP for the whole process; addition of more detail to the concepts illustrated in Attachment 1; and consideration of ITAAC closure process and agreement between NEI 08-01 and NEI 08-02.

- A list of meeting attendees is attached.
- NRC Staff Comments for Discussion at Public Meeting handout is attached

Members of the public were in attendance, but Public Meeting Feedback forms were not received. Please direct any inquiries to me at 301-415-5303, or jose.jimenez@nrc.gov.

Enclosures: Agenda (ADAMS Accession Number: ML090990136)

cc w/encl: See next page

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NAME	JJimenez	J. Starefos
DATE	06/12/09	06/12/09

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NEI 08-02 "Problem Identification & Resolution" Workshop
May 13th, 2009
Location: Legacy Hotel, Rockville, MD
Meeting Attendees

Jose Jimenez	NRC/NRO
Stephen Burdick	Morgan Lewis
Dick Sweigart	Duke Energy
Pat Sheppard	Exelon
Joelle Starefos	NRC/NRO
Robert Pascarelli	NRC/NRO
Russ Bell	NEI
Jim Fisicaro	NEI
Juan Peralta	NRC/NRO
Kenneth Heck	NRC/NRO
Gary Janisko	PSEG
Scott Head	STPNOC
Stephen Burdick	Morgan Lewis
Jin Chung	MNES
George Zinke	Entergy
Ken Conti	Areva

NRC Staff Comments for Discussion at Public Meeting on May 13, 2009

NEI 08-02 “Problem Identification and Resolution for New Nuclear Power Plants During Construction, Revision 1

- ***The description of the Problem Identification and Resolution (PI&R) program lacks consistency with the terms and concepts present in 10 CFR 50 Appendix B Criterion XVI and other regulatory documents. The program document should demonstrate how it is implementing regulatory requirements and commitments specified in the licensing basis documents.***
 - The use of terms like PI&R and corrective action program (CAP) can be a source of confusion. The document should state more clearly how it is trying to implement requirements of 10 CFR 50 Appendix B Criterion XVI and NQA-1-1994.
 - The licensing documents under review by the NRC state that the CAP, within the quality assurance program (QAP), will identify all Conditions Adverse to Quality (also identified in NEI 06-14A Rev 6). Once identified, further review will be performed to determine if it is a Significant condition Adverse to Quality; at which time, causal analysis and proper management notification will be done. NEI 08-02 Rev 1 doesn't appear to consider CAQs as part of the CAP.
 - Should NEI 08-02 address evaluation of conditions for reporting requirements? For example, reporting under 50.55e.
 - NEI 08-02, section 3.4, states “If the program has been contracted to others then the purchaser is responsible for the overall program...” Language should reflect that suppliers/contractors may be made responsible for the implementation of the program but licensees are responsible for the overall program effectiveness.
 - The specific concepts defined in the document can be confused with the same terms as defined by the licensing documents (e.g. CAP, extent of condition, SCAQ). The document should refrain from creating new definitions and use terminology already in use.
 - The concept of work processes is confusing within the framework of the document. It does not make it clear how they are part of the Corrective Action Program (currently highlighted as part of the PI&R), nor does it define each as a “quality” process. NEI 08-02 states in Section 5 that the QAP will make reference to the work processes but a sample QAP currently submitted to NRC does not address the work processes.

- **The document should clearly define the baseline program for implementing the Corrective Action Program. Including how determination of thresholds would capture conditions adverse to quality (CAQ) and exactly what process would drive a CAQ to be processed as a significant condition adverse to quality (SCAQ). It should be clear how the process will effectively implement trending that would drive an identified CAQ to become an SCAQ.**
 - The method or process from identification to disposition should be clearer. For example, what will initiate the process? Who will determine significance?
 - NEI 08-02 states “The PI&R process is the primary means for workers to identify problems. There are additional processes that can be used by workers to identify problems including reporting to management, reporting to QA, Employee Concerns program, reporting to NRC, etc.” The references to these alternative sources should be eliminated if they infer equivalent controls outside of regulatory requirements. Otherwise, the statement should make it clear how these programs inform the CAP for proper disposition.
- **Description of how ITAAC will be handled by NEI 08-02 should be in alignment with intentions described in NEI 08-01. Conditions identified to have affected an ITAAC should reflect the appropriate characterization (e.g. CAQ, SCAQ, new process, etc.) consistent with needs of NEI 08-01.**

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