

August 21, 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 Tomas Herrera for/*
Construction Inspection & Allegations Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF JULY 23, 2009, CATEGORY 3 MEETING WITH THE
INDUSTRY AND THE GENERAL PUBLIC, TO CONTINUE
DISCUSSIONS ON THE DEVELOPMENT OF CONSTRUCTION
ASSESSMENT PROGRAM AND INSPECTION ACTIVITIES DURING
CONSTRUCTION INCLUDING SAFETY CULTURE, UPDATE ON IMC
2504, AND ITAAC MAINTENANCE.

On July 23, 2009, a public meeting was held between the U.S. Nuclear Regulatory Commission's (NRC), Division of Construction Inspection and Operational Program (DCIP) in the Office of New Reactors (NRO), industry, and the general public. The meeting was held at the Legacy Hotel, 1775 Rockville Pike, Rockville, Maryland. The purpose of the meeting was to continue discussions on the development of Construction Assessment Program, and Inspection activities during construction.

The Category 3 meeting began with a brief discussion by NRC on the current status of the construction programs. NRC talked about the short term and long term strategies for the implementation of the assessments program, safety culture and program for non-ITAAC inspections. For the short term NRC already has the programs in place to commence oversight of construction activities and plans to incorporate a near-term safety culture assessment process similar to that being implemented for operational plants. For the long term goals NRC will continue to consider comments by stakeholders and implement any new Commission directions.

The Nuclear Energy Institute (NEI) presented their proposal for the implementation of an assessment program during construction (ADAMS ML092050573). NEI explained in more detail the concepts submitted to the NRC in a letter dated July 2, 2009 (ADAMS ML091831352). The presentation stressed that the use of cornerstones are essential to the success of an assessment program. NEI also explained how performance indicators are not adequate to assess construction activities due to the challenge to collect meaningful data in the short time of construction.

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For implementation NEI demonstrated what they believed the construction response table should look like and mentioned under what conditions a built plant should transition to the NRC's Reactor Oversight Program. The NRC took time to comment that a SECY paper on the development of an assessment program will be brought before the Commission by mid-August. The NRC staff is informing the Commission of the progress made, based on the Commission's comments on the assessment program. The SECY paper makes reference to an alternative option from NEI that will be considered by the staff, as the NRC moves forward with the development of the assessment program.

The NRC presented an update on safety culture (ADAMS ML092020191) and how the agency is planning on implementing this concept during NRC's inspection activities and assessment of construction activities. The discussion began with the definition of safety culture and what areas will be of importance to safety culture during construction. The short term goals include modification of Inspection Manual Chapter (IMC) 0305 components and aspects for use in the construction environment, how aspects will be assigned to findings, and when multiple occurrences of the same aspect will become a construction safety focus issue (CSFI). For a long-term solution, the NRC explained that options are being considered for the implementation of safety culture that will consider the best approach to implement the components and aspects into the assessment of construction activities. A handout was provided to illustrate the NRC's current thoughts on what the components and aspects should look like (ADAMS ML092180870). Other approaches were also mentioned at the meeting as part of feedback received from stakeholders. At the present time NRC staff is waiting on comments from the Commission on the safety culture policy statement. NRC expressed that work will continue with stakeholders to understand and address their concerns.

A brief update on the status of IMC 2504 was presented by NRC staff (ADAMS ML092020272). A draft of IMC 2504 was provided to stakeholders (ADAMS ML092100342) to share some of the changes implemented based on feedback received. Some of the changes discussed were the consolidation of redundant procedures, new inspection procedures specific to 10 CFR 52, basis for inspection programs identified, etc. The scope for the IMC 2504 was emphasized, stressing that it incorporates both construction and operational programs. Details were provided for what these two programs encompass. As the IMC 2504 is a work in progress, the NRC staff mentioned that it is still reviewing internal stakeholder comments. The goal is for IMC 2504 and for the construction program inspection procedures to be completed by the end of fiscal year 2009.

NRC staff presented a status report on current activities including the ITAAC maintenance Commission SECY paper and NEI's letter with comments on the paper, 10 CFR 52.103 opportunities for hearing, and feedback received from its meeting with the Advisory Committee on Reactor Safeguards (ACRS) regarding Regulatory Guide 1.215 (ADAMS ML092020218). The NRC staff shared some of the comments provided by ACRS with the approach presented by the staff in the regulatory guide to close ITAAC. The main comments received by staff were that the definition of Design Acceptance Criteria (DAC) should be included in the document, that closure of a DAC should require an in-depth review, and that the DAC closure process should be reviewed by the ACRS. The staff then presented which areas of agreement the NRC had with NEI's letter on ITAAC Maintenance. These areas were in ITAAC closure and maintenance; attributes to programs credited with maintaining ITAAC; notifications to be made after ITAAC has been closed; and for the 10 CFR 52.103(g) finding stating that the acceptance criteria has been met. Future work in this area includes addressing the Threshold 1 issues identified late in construction and revise NEI 08-01 to reflect common understanding. The last presentation was a preliminary discussion on what the hearing process timeline should look like once the licensee notifies the NRC of its intent to load fuel along with the issuance of a schedule for

accomplishing this task (ADAMS ML092080417). This process will be conducted in accordance with 10 CFR 52.103 (a) through (g). This continues to be a work in progress in which stakeholders will be informed of its progress at future public meetings.

A list of meeting attendees is attached. The next Category 3 public workshop will be held on September 17, 2009, location to be determined. The proposed dates, for Category 3 public meetings for calendar year 2009, are:

- November 5;
- December 17.

Members of the public were in attendance, Public Meeting Feedback forms were distributed but none were returned. Please direct any inquiries to me at 301-415-5303, or Jose.Jimenez@nrc.gov.

Enclosures:

As stated

Agenda (ADAMS Accession Number: ML091770589)

cc w/encl: See next page

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Joelle Starefos

Alan Blamey

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Robert Pascarelli

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Thomas Kozak

Michael Webb

Richard Laura

Jose Jimenez

ADAMS Accession Number: ML092190707

NRC-001

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Discuss development of construction assessment program and inspection activities during construction including Safety Culture, update on IMC 2504, and ITAAC Maintenance.

July 23, 2009

Attendance List

| Name | Organization |
|-------------------|---------------------|
| Larry Arnold | STPNOC |
| Russ Bell | NEI |
| Steve Blossom | STPNOC |
| Patrick Boyle | NRC |
| Barry Bryant | Dominion |
| Stephen Burdick | Morgan Lewis |
| Andy Campbell | NRC |
| Hamer Carter | Progress Energy |
| Tony Cerne | NRC |
| Steven Dolley | Platts |
| James Fisicaro | NEI |
| Ron Gardner | NRC |
| Nanette Gilles | NRC |
| David Hastie | Shaw Group |
| Tom Houghton | NEI |
| Gary Janosko | PSEG |
| Mahmoud Jardaneh | NRC |
| Jose Jimenez | NRC |
| Andrea Johnson | NRC |
| Debbie Johnson | FLUOR |
| Mark Kowal | NRC |
| Roger Lanksbury | NRC |
| Richard Laura | NRC |
| Leonard Loflin | EPRI |
| Robert Lukes | NRC |
| John Maciejewski | INPO |
| Dan Magwaral | Areva |
| Denise McGovern | NRC |
| Garry Miller | Progress Energy |
| Demetrius Murray | NRC |
| John Oddo | Shaw Group |
| Eric Oesterle | NRC |
| Hikaru Ogasawara | Mitsubishi |
| Chuck Ogle | NRC |
| Robert Pascarelli | NRC |
| Robert Pedigo | Bechtel Corp |
| Loren Plisco | NRC |

| | |
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| Denna Raleigh | Scientech |
| Thom Ray | Westinghouse |
| Michael Spencer | NRC |
| Joelle Starefos | NRC |
| Larry Taylor | Progress Energy |
| Ryder Thompson | SCE&G |
| Alan Torres | SCE&G |
| Brandon Waites | Southern Company |
| Gary Waldrep | Exelon |
| Michael Webb | NRC |
| Carl Weber | NRC |
| Matthew Williams | Unistar |
| Jerry Wilson | NRC |
| George Zinke | Entergy |
| | |