

October 05, 2009

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

FROM: Kevin Mattern, General Scientist **/RA/**
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Office of New Reactors

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF SEPTEMBER 17, 2009, CATEGORY 3 MEETING WITH THE INDUSTRY AND THE GENERAL PUBLIC, FOR DISCUSSIONS ON THE STATUS OF THE CONSTRUCTION INSPECTION PROGRAM INFORMATION MANAGEMENT SYSTEM (CIPIMS), THE CONSTRUCTION ASSESSMENT PROGRAM, TRANSITION TO OPERATIONS, INSPECTION MANUAL CHAPTER 0613 "DOCUMENTING 10 CFR PART 52 CONSTRUCTION INSPECTIONS," SAFETY CULTURE, AND UPDATE ON ITAAC DEVELOPMENTS.

On September 17, 2009, a public meeting was held between the U.S. Nuclear Regulatory Commission's (NRC), Division of Construction Inspection and Operational Programs (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 the Construction Inspection Program.

The Category 3 meeting began with a brief discussion by NRC staff on the need to focus on completing an interim construction inspection program to support inspection at the currently licensed sites. NRC discussed its goals of completing Inspection Procedures (IP) and Inspection Manual Chapters (IMC) by the end of the fiscal year and update an interim assessment program by November 20, 2009. The audience was also reminded of the scheduled meetings for the remainder of calendar year 2009 and the proposed schedule of meetings to be held in calendar year 2010.

NRC staff presented on the current status of CIPIMS (Agencywide Documents Access and Management System (ADAMS) ML092540203); the program will be used to document NRC inspections and is where the information will be corrected to support closure of ITAAC. The program continues to undergo modifications and will continue to be modified even after it is made available to NRC inspectors. Members of industry asked if the system would be available to be searched like ADAMS; the NRC is unsure at this time what level of search capabilities will be available to the public. However, all of the inspection reports that will be generated by the system will be publicly available in ADAMS.

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Representatives from industry suggested that each report should have a "last updated date" attached to each file.

NRC staff also provided an update on the Construction Assessment Program (ADAMS ML092530282). The current approach by the NRC will be to establish a multi-office working group to develop a construction assessment program option considering the Nuclear Energy Institute (NEI) proposal submitted to the NRC on July 23, 2009 (ADAMS ML092050573). The group plans to seek stakeholder input and hold Category 2 public meetings to discuss the cornerstones proposed by NEI. NEI proposed a Category 2 meeting prior to the next Category 3 Public Meeting. NRC will consider holding this meeting if there are sufficient topics to discuss. NRC staff plans to submit its proposals to the Commission in November 2010 and the goal is to have a program that can be put in place immediately if approved by the Commission.

The NRC also presented its plans regarding the Transition to Operations (ADAMS ML092570246) once the construction phase of a nuclear power plant is completed. The current plan is to transition from NRO to the Office of Nuclear Reactor Regulation and from NRC Region II – Center for Construction Inspection (CCI) to the host NRC Region at the 10 CFR 52.103(g) finding. The presentation also discussed roles and responsibilities between NRC Region II – CCI and the host NRC Regions. The NRC envisions having one or more construction inspectors onsite during the construction of each unit. As the transition to operation takes place, it is anticipated that the operational resident inspectors will arrive prior to the 52.103(g) finding and the construction inspectors will remain onsite during the start-up testing phase prior to operation, thus creating a period of overlap, with the construction residents departing as the start-up testing is completed.

An update on the status of IMC 0613 "Documenting 10 CFR part 52 Construction Inspections" was presented by NRC staff (ADAMS ML092530298). A draft of IMC 0613 was provided to stakeholders (ADAMS ML092580240) to emphasize the changes made since the IMC 0613 presentation in August 2008. Many of the changes made were driven by internal NRC processes. The staff highlighted key inspection screening tools that were incorporated into IMC 0613. There were several questions and discussions involving the "Failure to meet Licensee or Contractor Commitment" text referenced in IMC 0613 Appendix B, Section 1-1. Specific sections of the NRC Enforcement Policy (ADAMS ML092800184) relating to nonconformance were highlighted and discussed in order to address this issue. The stakeholders believed that the NRC should be able to point to a definition or include a definition in the document. Additionally, there was discussion regarding disposition of "Work in Progress" issues, and associated criteria in Appendix E. The NRC invited feedback and comments by October 2, 2009; however, the staff expressed that it valued stakeholder input and would accept comments past that date.

NRC presented an update on safety culture (ADAMS ML092540566) to discuss feedback from the July 27, 2009 meeting and an NEI letter to the NRC dated August 19, 2009, which was submitted following the July 23, 2009, Category 3 public meeting. An NRC inter-office task group reviewed the feedback and made adjustments to several of the components and aspects, which resulted in an overall reduction of the number of Construction Safety Focus Components from thirteen to ten. The NRC also informed the stakeholders that the majority of comments submitted by NEI were incorporated into the revision. A red-line strike out version of the NRC Safety Culture Topic – Revision of Safety Culture Components and Aspects from the ROP (modified for construction) was distributed and is available in ADAMS under ML092580027. A clean copy of the components and aspects can be seen as Appendix F to IMC 613 (ADAMS ML092580240). The staff reiterated from the July 27, 2009 meeting that it would be removing the construction safety focus issues (CSFI) out of the construction response table in IMC 2505

and that the CSFI would be developed based on multiple occurrences of the same aspect in a six-month reporting period. The NRC staff indicated that they are continuing to work on a long term approach to safety culture for new construction. Representatives from NEI stated that they still want the industry to take the lead on assessing safety culture during construction.

NRC staff presented an update on ITAAC developments including the Commission paper on ITAAC issued at the end of August 2009, the September 22, 2009 Commission Meeting, and the need to discuss thresholds further. The remainder of the hour was spent continuing the discussion of the staff's proposed revision to the definition of "As-Built" (ADAMS ML092300402). The discussion was a continuation of the September 2, 2009, Generic Design Center Working Group meeting. NEI shared a presentation (ADAMS ML092610429) discussing the expanded definition of "As-Built". The concerns voiced by NEI revolved around the introduction of the word "impractical" in the definition and their concern on the interpretation of "impractical" that could be made by NRC inspectors and the general public. The NRC staff is concerned that without some limitation being added to the industry's proposed version of the definition, licensees will be allowed to close out ITAAC in ways that may not be appropriate in all situations. There was no consensus on how to resolve the concerns, but a Category 2 meeting was proposed to further discuss this topic. NRO's Division of New Reactor Licensing will be responsible for organizing the meeting.

The remainder of the meeting was Open Discussion the staff mentioned the possibility of a Category 2 meeting to discuss NEI 08-02 as well as the development of pilot program to develop a process to inspect design acceptance criteria (DAC). The staff also stated that in Fiscal Year 2010 there will be need to embrace dialog on developing a final assessment program including safety culture and transition to operations. NRC Region II – CCI will also assist in the development of policy and will work on information technology and scheduling.

A list of meeting attendees is attached. The next Category 3 public workshop will be held on November 5, 2009, location to be determined. The last Category 3 public meeting for calendar year 2009 will be held on December 17.

The proposed dates, for Category 3 public meetings for calendar year 2010, are:

- January 28;
- March 25;
- May 13;
- July 1;
- August 19;
- October 7; and
- December 9.

Members of the public were in attendance and Public Meeting Feedback forms were distributed with one returned and submitted according to standard protocols. Please direct any inquiries to me at 301-415-6622, or Kevin.Mattern@nrc.gov.

Enclosures:

As stated

Agenda (ADAMS Accession Number: ML092321032)

cc w/encl: See next page

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ADAMS Accession Number: ML092710396

NRC-001

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NAME	K. Mattern	J. Starefos
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**Attendance List
Category 3 Public Meeting
The Legacy Hotel
September 17, 2009**

Attendance List

Name	Organization
Arnold, Larry	STPNOC
Barss, Dan	NRC
Bell, Russ	NEI
Berger, J. Pierre	EDF
Blamey, Alan	NRC
Boyle, Patrick	NRC
Burdick, Stephen	Morgan Lewis
Cerne, Tony	NRC
Croteau, Richard	NRC
Dolley, Steven	Platts
Dusek, Lansing	Fluor
Fredette, Thomas	NRC
Gardner, Ron	NRC
Gaslevic, James	NRC
Gilles, Nanette	NRC
Grant, Eddie	NuStart
Gwyn, Dealis	MOX Services
Hastie, David	SHAW Group Inc
Herrera, Tomas	NRC
Heyer, Jack	IBEW
Hines, Isaac	NEC
Houghton, Tom	NEI
Jimenez, José	NRC
Johnson, Andrea	NRC
Keithline, Kimberly	NEI
Kowal, Mark	NRC
Kozak, Tom	NRC
Lanksbury, Roger	NRC
Laura, Richard	NRC
Lukes, Robert	NRC
Maciejewski, John	INPO
Mallon, James	PSEG
Mattern, Kevin	NRC
Melton, Mike	Westinghouse
Murray, Demetrius	NRC
Musico, Bruce	NRC
Obermiller, Nathan	MNES-Mitsubishi
Ogle, Charles	NRC
Pascarelli, Robert	NRC
Raleigh, Deann	Scientech
Ray, Thom	Westinghouse
Rivera, Nilda	NRC

ENCLOSURE

Schmitt, Ronald	NRC
Spencer, Michael	NRC
Starefos, Joelle	NRC
Tappert, John	NRC
Taylor, Larry	Progress Energy
Torres, Alan	SCE&G
Uchiyama, Junichi	Mitsubishi
Waites, Brandon	Southern Company
Waldrep, Gary	Exelon
Walters, Doug	NEI

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