

November 30, 2009

MEMORANDUM TO: Tim Frye, Branch Chief
Construction Inspection and Allegations Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

FROM: Kevin Mattern, General Scientist **/RA/**
Construction Inspection and Allegations Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF NOVEMBER 5, 2009, CATEGORY 3 MEETING
WITH THE INDUSTRY AND THE GENERAL PUBLIC, FOR
DISCUSSIONS ON ASSESSMENT PROGRAM PANEL,
CONSTRUCTION LESSONS LEARNED, INSPECTIONS, TESTS,
ANALYSES AND ACCEPTANCE CRITERIA (ITAAC) MAINTENANCE,
DESIGN ACCEPTANCE CRITERIA (DAC) AND THE DEFINITION OF
AS-BUILT.

On November 5, 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 DCIP realignment and management changes. It was announced that the CCIB branch will split into two branches which will likely be called Construction Assessment Enforcement Branch and Construction Inspection Program Branch. Tim Frye was named Branch Chief of the CAEB branch and John Nakoski was named the Branch Chief of the CIPB branch. The audience was also reminded of the scheduled meetings for the remainder of calendar year 2009 and the recently added November 16, 2009 Category 3 public meeting on the Assessment Panel Discussion (ADAMS ML092990313).

NRC staff provided an update on the Construction Assessment Program (ADAMS ML093080777). The NRC is in the process of establishing 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 is also planning to hold several Category 2 public meetings to obtain stakeholder input while developing construction assessment program options. The NRC announced its plans for a Category 3 public meeting on November 16, 2009 where a senior panel will be convened with representatives from various offices of the NRC, NEI, industry, and state government. The panel discussion will be moderated by an experienced facilitator and will provide direction and guidance for the working group going forward.

CONTACT: Kevin Mattern, NRO/DCIP/CCIB
301-415-6622

NRC staff plans to submit its proposals to the Commission on or before November 2010 and the goal is to have a program that can be put in place immediately if approved by the Commission.

NRC staff from Region II provided a detailed briefing on construction lessons learned (ADAMS ML093070143) referencing the 1984 NRC report to Congress entitled, "Improving Quality and the Assurance of Quality in the Design and Construction of Nuclear Power Plants" (NUREG 1055). A list of the primary contributors found at the Zimmer construction project was compared with NRC field observations today. The issues discussed were similar, but not necessarily of the same scale. In fact, the current field observations were primarily minor and therefore were not documented in publicly available reports. In addition to the presentation, the NRC staff answered questions from those in attendance.

CCIB staff presented an overview of activities initiated to address Design Acceptance Criteria (DAC) inspection (ADAMS ML093000043). A Task Working Group was commissioned in October, 2009 to develop and validate processes and procedures for inspection of digital I&C, piping design and human factors engineering DAC as part of ITAAC inspection program. Key elements of the proposed process were highlighted during the presentation, including development of DAC inspection strategies and upgrades to the existing ITAAC inspection procedures to reflect DAC inspection attributes. The short term objective of the Working Group is to apply the DAC inspection process in a test case (pilot) scenario for a South Texas Project digital I&C DAC product in 2010.

CTSB staff presented an update on ITAAC maintenance developments (ADAMS ML093070143) including threshold examples (ADAMS ML093100237) for discussion. An ITAAC team update was provided including the publishing of the final RG 1.215, the results of the last Commission meeting (SRM-M090922), the issuance of SECY-09-0119, the requested revision schedule to NEI 08-01, and a proposed category 2 or 3 public meeting to discuss more ITAAC maintenance examples in December. Examples were given regarding all four ITAAC maintenance thresholds (post work verification, engineering changes, population of SSCs and subcomponents, and complete and valid representation of ITAAC) in cases where supplemental closure letters were required and in cases where supplemental closure letters were not required. Additional clarification was given to industry that the scope of the fourth threshold (complete and valid representation of the ITAAC) is slightly broader than the other three, i.e. an event that is captured in thresholds 1-3 could also be captured in threshold 4, and does have some overlap with the other thresholds. Industry was in agreement that the threshold examples provided were helpful in understanding the nuances of the proposed supplemental closure letter requirements, and NEI agreed to develop additional examples with industry in preparation for the next public meeting on ITAAC maintenance.

The afternoon was spent continuing the discussion of the staff's proposed revision to the definition of "As-Built" (ADAMS ML093080267). The discussion was a continuation of the September 2, 2009, Generic Design Center Working Group meeting (ADAMS ML092290849) and the subsequent September 17, 2009 Category 3 public meeting (ADAMS ML092321032). It was pointed out that the term as-built is defined in Tier 1 of all Design Control Documents (DCD) as well as NEI 08-01 but that there are currently as many as four different definitions under consideration for the five designs referenced by Combined Licenses (COL). The concerns originally 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 accounted for industry's perspective while addressing their own previous concern (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) by proposing a slight modification to their previous proposal. The NRC's current proposal to remove the contentious

word "impractical" from the proposed definition and include the language "technically justifiable" was well received by industry. Industry agreed to revise NEI 08-01 to add explanatory text regarding the use of "technically justifiable" along with examples where there is agreement between NRC and industry on technical justification for ITAAC closure at an offsite location as well as examples on where closure must be performed at the final in-plant location. Industry also pointed out that the proposed term "justifiable" may signal the requirement to document or prove "justification" in all cases and offered the term "technically appropriate" as an alternative for consideration. Overall, consensus between industry and the NRC was achieved on many levels, and both were able to take away action items to move forward with a final agreement on the definition of "as-built" in the near future.

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

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 none returned or 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: ML093280429)

cc w/encl: See next page

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Rich Laura

Thomas Fredette

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NRC-001

OFFICE	NRO/DCIP/CCIB	NRO/DCIP/CCIB:BC
NAME	K. Mattern	T. Frye
DATE	11/30/09	11/30/09

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Attendance List

Category 3 Public Meeting The Legacy Hotel November 5, 2009

Name	Organization
Barss, Dan	NRC
Bell, Russ	NEI
Berger, J. Pierre	EDF
Blamey, Alan	NRC
Boyle, Patrick	NRC
Bryant, Barry	Dominion
Calle, Joselito	NRC
Campbell, Patricia	GEH
Cerne, Tony	NRC
Cicotte, George	NRC
Cottingham, Anne	NEI
Distel, David	Exelon
Duncan, Les	Areva
Fredette, Thomas	NRC
Frye, Tim	NRC
Gaslevic, James	NRC
Geard, Gerry	DOE Consultant
Giles, Julie	SCE&G
Gilles, Nanette	NRC
Grant, Eddie	NuStart/Excel
Greene, Jon	UNISTAR
Greenmore, Brian	Bechtel
Gwyn, Dealis	MOX Services
Hastie, David	SHAW Group Inc
Houghton, Tom	NEI
Jardaneh, Mahmoud	NRC
Jimenez, José	NRC
Johnson, Andrea	NRC
Johnson, Debby	FLUOR
Khoury, George	NRC
Kleeh, Edmund	NRC
Kowal, Mark	NRC
Kozak, Tom	NRC
Laura, Richard	NRC
Lukes, Robert	NRC
Mattern, Kevin	NRC
Mchey, Bill	FPL
Murray, Demetrius	NRC
Nakoski, John	NRC
Novak, Steven	Bechtel
Obermiller, Nathan	MNES-Mitsubishi
Oddo, John	SHAW Group Inc.
O'Donohue, Kathleen	NRC

ENCLOSURE

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Construction Inspection Program Mailing List

cc:

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD 20877

Mr. Lionel Batty
Nuclear Business Team
Graftech
12300 Snow Road
Parma, OH 44130

Ms. Michele Boyd
Legislative Director
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Ian M. Grant
Canadian Nuclear Safety Commission
280 Slater Street, Station B
P.O. Box 1046
Ottawa, Ontario
K1P 5S9

Mr. Eugene S. Grecheck
Vice President
Nuclear Support Services
Dominion Energy, Inc.
5000 Dominion Blvd.
Glen Allen, VA 23060

Manager
GT-MHR Safety & Licensing
General Atomics Company
PO Box 85608
San Diego, CA 92186-5608

Mr. Edward L. Quinn
Longenecker and Associates
Utility Operations Division
23292 Pompeii Drive
Dana Point, CA 92629

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Energy Program Bethesda, MD 20814

Mr. Gary Wright, Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. Brendan Hoffman
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy and
Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. Dobie McArthur
Director, Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20006

Mr. Ron Simard
6170 Masters Club Drive
Suwanee, GA 30024

Leslie Compton Kass
Nuclear Energy Institute
Suite 400
1776 I Street NW
Washington, DC 20006-3708

Mr. Carl E. Parry, President
Utilities Service Alliance, Inc.
9200 Indian Creek Parkway
Suite 201
Overland Park, KS 66210

Construction Inspection Program Mailing List

Email

APAGLIA@Scana.com (Al Paglia)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
barry.bryant@dom.com (Barry Bryant)
BrinkmCB@westinghouse.com (Charles Brinkman)
Carellmd@westinghouse.com (Mario D. Carelli)
carey.fleming@constellation.com (Carey Fleming)
charles.bagnal@ge.com (Charles Bagnal)
chris.maslak@ge.com (Chris Maslak)
christian.martel@aerjoule.com (Christian Martel)
cschlaseman@mpr.com (Caroline Schlaseman)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.hastie@shawgrp.com (David Hastie)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
debbie.johnson@fluor.com (Debbie Johnson)
dwgwyn@moxproject.com (Dealis Gwyn)
donald.woodlan@luminant.com (Donald Woodlan)
draleigh@scientech.com (Denna Raleigh)
ecullington@earthlink.net (E. Cullington)
eddie.grant@excelservices.com (Eddie Grant)
erg-xl@cox.net (Eddie R. Grant)
garry.miller@pgnmail.com (Garry D. Miller)
gcesare@enercon.com (Guy Cesare)
GovePA@BV.com (Patrick Gove)
greshaja@westinghouse.com (James Gresham)
gwcurtis2@tva.gov (G. W. Curtis)
gzinke@entergy.com (George Alan Zinke)
james.beard@gene.ge.com (James Beard)
jason.parker@pillsburylaw.com (Jason Parker)
jean-pierre.berger@edf.com (J Pierre Berger)
jerald.head@ge.com (Jerald G. Head)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
jim@ncwarn.org (Jim Warren)
JJNesrsta@cpsenergy.com (James J. Nesrsta)
john.oddo@shawgrp.com (John Oddo)
John.O'Neill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
junichi_uchiyama@mnes-us.com (Junichi Uchiyama)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
larry.taylor@pgnmail.com (Larry Taylor)
lchandler@morganlewis.com (Lawrence J. Chandler)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
marilyn.kray@exeloncorp.com

mark.beaumont@wsms.com (Mark Beaumont)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
mgiles@entergy.com (M. Giles)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
murawski@newsobserver.com (John Murawski)
mwetterhahn@winston.com (M. Wetterhahn)
nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Paul@beyondnuclear.org (Paul Gunter)
pshastings@duke-energy.com (Peter Hastings)
raytj@westinghouse.com (Thom Ray)
rclary@scana.com (Ronald Clary)
regservices@scientech.com (Reg Service)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
robert.kitchen@pgnmail.com (Robert H. Kitchen)
sabinski@suddenlink.net (Steve A. Bennett)
sandra.sloan@areva.com (Sandra Sloan)
SauerB@BV.com (Robert C. Sauer)
sfrantz@morganlewis.com (Stephen P. Frantz)
skip.butler@ge.com (Skip Butler)
stephan.moen@ge.com (Stephan Moen)
steven.hucik@ge.com (Steven Hucik)
Support@SaporitoEnergyConsultants.com (Thomas Saporito)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
VictorB@bv.com (Bill Victor)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
whorin@winston.com (W. Horin)
William.maher@fpl.com (William Maher)

(From DCIP list)

kenneth.ainger@exeloncorp.com (Kenneth Ainger)
jaudis1@txu.com (John Audas)
llbauman@aol.com
darin.benyak@pseg.com (Darin Benyak)
pmb Blanch@comcast.net (Paul Blanch)
barry.bryant@dom.com (Barry Bryant)
timothy.clouser@luminant.com (Timothy Clouser)
david_m_collins@dom.com (David Collins)
tdcosby@tva.gov (Thomas D. Cosby)
mtc@nei.org (Mike Coyle)
steven_dolley@platts.com (Steven Dolley)
cxe@nei.org (Chris Earls)
jrfergus@duke-energy.com (J. Robert Ferguson)
fitzpatrickwe@inpo.org (Bill Fitzpatrick)
mark.flaherty@constellation.com (Mark Flaherty)
frickwg@songs.sce.com (Willis Frick)

equinox.consulting.llc@earthlink.net (Eric Fries)
jfulto1@entergy.com (Jack Fulton)
bpgarde@aol.com (Billie Garde)
ecg@nei.org (Ellen Ginsberg)
sbhaber@hpacorp.com (Sonja Haber)
ghalnon@firstenergycorp.com (Greg Halnon)
kah@nei.org (Tony Harris)
dllaberdee@firstenergycorp.com (Dee Haskins)
hlhay@becthel.com (Howard Lane Hay)
hundrupa@gao.gov (Alyssa Hundrup)
wrkanda@firstenergycorp.com (Bill Kanda)
kolarick@gao.gov (Carol Kolarik)
howard_levin@msn.com (Howard Levin)
lynchje@inpo.org (Jim Lynch)
rich.mallory@eh.doe.gov (Rich Mallory)
fcmashburn@tva.gov (Fred Mashburn)
brian.mccabe@pgnmail.com (Brian McCabe)
wemookhoeke@stpegs.com (W.E. Mookhoek)
arp@nei.org (Tony Pietrangelo)
caprice@firstenergycorp.com (Clark A. Price)
dreпка@winston.com (David Repka)
elliott.rosenfeld@dep.state.nj.us (Elliot Rosenfeld)
dashurberg@hpacorp.com (Debbie Shurberg)
strikkersd@gao.gov (Dave Strikkers)
jrsumpt@nppd.com (Jim Sumpter)
marlene.taylor@exeloncorp.com (Marlene Taylor)
satconsult@msn.com (Spyros Traiforos)
ctyler@winston.com (Catherine Tyler)
lfvaughn@duke-energy.com (Lisa Vaughn)
dwoodla1@txu.com (D.R. Woodlan)
zemenskir@dtenergy.com (Robert Zemenski)
kenneth.wade@nuclear.energy.gov (Kenneth Chuck Wade)