

June 7, 2010

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

FROM: Nick Karlovich, Reactor Engineer **/RA/**  
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& Operational Programs  
Office of New Reactors

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF MAY 13, 2010, NRC CONSTRUCTION  
INSPECTION PROGRAM CATEGORY 3 PUBLIC MEETING  
WITH THE INDUSTRY AND THE GENERAL PUBLIC

On May 13, 2010, the NRC, Office of New Reactors (NRO) held a public meeting to discuss various topics relating to new reactor construction (Agencywide Documents Access and Managements System (ADAMS) Accession Number ML101230604). The purpose of the meeting was to update and solicit feedback from members of the public on the progress made in various topics related to Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) and on the progress of the Construction Reactor Oversight Process (cROP) working group.

The meeting began with remarks by Malcolm Patterson of the Division of Safety Systems and Risk Assessment (DSRA). He spoke on the topic of ITAAC for the design reliability assurance program (D-RAP)( ML101300522). He stressed that unlike most ITAAC, D-RAP ITAAC will not involve inspection of as-built conditions. Instead, the licensee is expected to perform an analysis that confirms two things. First, initial design documents must have been issued for each SSC within the scope of the reliability assurance program. Second, the design must have been prepared and issued using the procedures that apply to risk-significant SSCs. D-RAP controls apply to the design of risk-significant SSCs even if they are not safety-related. Mr. Patterson presented an example timeline that showed the relationship between the NRC inspection of D-RAP ITAAC and the licensee's closure process

CONTACT: Kevin Mattern, NRO/DCIP/CAEB  
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NRC inspection may begin soon after a licensee starts to close D-RAP ITAAC; it will not be completed until after the closure letter is docketed. It is expected that D-RAP ITAAC can be closed well before system-based ITAAC.

The meeting continued with remarks by Mark Kowal of the Division of Construction Inspection and Operational Programs (DCIP). Mr. Kowal provided an overview and status of key ongoing activities involving ITAAC closure and ITAAC maintenance. This included the staff's development of Regulatory Guide 1.215, Revision 1, "ITAAC Closure Process Under 10 CFR Part 52," and the staff's plans to issue two Commission papers on this topic this Summer. One paper will be an information paper on ITAAC related issues, and the other will be a paper discussing the proposed rulemaking for ITAAC maintenance. Mr. Kowal informed the attendees that, as directed in the SRM from the Fall 2009 Commission meeting on new reactors, the staff plans to issue a draft revision to Regulatory Guide 1.215 to address ITAAC maintenance by the end of this year. In doing so, the staff intends to maintain consistency between the proposed guidance in the Regulatory Guide and the ongoing rulemaking for ITAAC maintenance. Nanette Gilles of the Division of New Reactor Licensing (DNRL) discussed changes that had been made to the draft proposed ITAAC maintenance rule text (ML101320538). This included a change to paragraphs 10 CFR 52.99 c(3)(i), f(1), and f(2). The draft rule has not yet gone through NRO management concurrence.

Ronald Schmitt of the Division of Preparedness and Response (DPR) presented comments from the Emergency Preparedness staff (ML101320480) on NEI 08-01, rev 4E. These comments consisted of clarifying certain statements (ML101340091) throughout the document. These included the addition of new definitions, incorporating language from SECY-08-0117 (ML081220237), and adding consideration of the licensee's "program elements" whenever the term SSC was cited for ITAAC verification.

Russ Bell of the Nuclear Energy Institute (NEI) led a discussion about the importance of ensuring that ITAAC lists are consistent. Alan Blamey of the Division of Construction Projects discussed the importance of maintaining a consistent ITAAC list once the COL is issued. This master COL ITAAC list will be used to populate all of the NRC information systems and will need to remain consistent to ensure the integrity of the data in the information systems. Rich Laura of DCIP commented on the need to finalize the ITAAC list before the COL is issued to ensure the ITAAC list is consistent in support of the NRC expert panel reviews. Mr. Bell then presented NEI 08-01, rev 4F (ML101320284), and highlighted the changes that had been made from revision 4E (ML100700133).

After a short break, the meeting continued with remarks by Kevin Mattern of DCIP. Mr. Mattern described (ML101310202) the content of Inspection Procedure (IP) 40600, Licensee Program for ITAAC Management. This procedure verifies the licensee's establishment of programmatic control for ITAAC closure, implementation of ITAAC Closure letter control, implementation of ITAAC closure controls, and ITAAC maintenance controls. The procedure allocates a total resource estimate of 280 hours for the entire inspection. The focus of the inspection will be on ITAAC closure controls, which will use approximately 160 hours of resources. The remaining 120 hours will be divided evenly among the other three elements to be verified. Finally, Mr. Mattern highlighted that IP 40600 recommends that the ITAAC closure letter control and ITAAC closure control inspections be conducted concurrently when possible.

Tom Miller of the Office of Nuclear Energy, Department of Energy (DOE) (ML101320463) led a discussion about an ITAAC demonstration which would be used to test the processes that both the industry and the NRC have in place for ITAAC closure and verification. DOE's slides for this presentation showed that the project kickoff date is May 13, 2010. Rich Laura of the NRC staff commented that the staff is still considering participation in this initiative, and has not yet made a decision, but will do so soon. Mr. Miller also presented the concern that the NRC would receive more ITAAC closure letters towards the end of construction, creating a "bow-wave" of closure letters. This bow-wave would grow larger if multiple sites were being constructed simultaneously, potentially creating a significant resource demand for the NRC. One objective of this ITAAC demonstration proposes an evaluation of this ITAAC bow-wave to possibly reduce the peak and be better prepared to address it.

Next, Jerry Wilson of DNRL announced the formation of a new working group titled "Changes during Construction" and stated that he and Earl Libby would be the leads for this working group. The new group will develop guidance on what activities can be performed by licensees during construction while the NRC is reviewing requested changes to the licensing basis (license amendments). Jerry also stated that a letter from NEI on this subject was expected during the week on May 17<sup>th</sup>

The meeting concluded with remarks by Tom Kozak of DCIP. Mr. Kozak demonstrated how Manual Chapter (MC) 0612 flow charts (ML101320512) could be used to screen for willfulness, regulatory process impact, or actual consequence, and how the MC 0612 flowcharts could be linked to the construction finding Significance Determination Process (SDP) flow charts (ML101320487). Tom then walked through the different paths of the construction SDP flow charts, and compared the construction SDP flow charts to the current flow chart in MC 0613 (ML101340105). Next Mr. Kozak presented a risk matrix (ML101310249) as an alternative to the flow charts. The y axis of the risk matrix was representative of degree of non-conformance, while the x axis was reflective of risk.

A list of meeting attendees is attached. The next Category 3 public meeting will be held on July 1, 2010 from 8 a.m. to 4 p.m. in the Two White Flint North Auditorium, in Rockville MD.

The planned dates for CIP Category 3 public meetings for the remainder of calendar year 2010 are:

- July 1;
- August 19;
- October 7; and
- December 9.

T. Frye

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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 Kevin Mattern at 301-415-6622, or [Kevin.Mattern@nrc.gov](mailto:Kevin.Mattern@nrc.gov).

Enclosures:  
As Stated

cc w/encl: See next page

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Jose Jimenez	Mark Kowal	Rich Laura
Nanette Gilles	Malcolm Patterson	Ronald Schmitt
Jerry Wilson		

ADAMS Accession Number: ML101530623

NRC-001

OFFICE	NRO/DCIP/CAEB	NRO/DCIP/CTSB:BC	NRO/DCIP/CAEB:BC
NAME	N. Karlovich	M. Kowal	T. Frye
DATE	06/03/10	06/07/10	06/07/10

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**Attendance List  
Category 3 Public Meeting (NRO)  
Legacy Hotel  
May 13, 2010**

**Attendance List**

Name	Organization
Arnold, Larry	STPNOC
Beardsley, Jim	NRC
Bell, Russ	NEI
Blamey, Alan	NRC
Bryant, Barry	Dominion
Burdick, Stephen	Morgan Lewis
Cerne, Tony	NRC
Cheung, Calvin	NRC
Cphoon, John	Kiewit
Duncan, Emily	Winston and Strawn
Frye, Tim	NRC
Gaslevic, James	NRC
Gears, Gerry	DOE-NE
Gibson, Greg	Unistar
Gilbert, Vince	Excel Services Corp
Giles, Julie	SCE&G
Gilles, Nanette	NRC
Gillian, Bernard	Hitachi
Greene, Jon	Unistar
Gwyn, Dealis	MOX
Houghton, Tom	NEI
Jimenez, Jose	NRC
Karlovich, Nick	NRC
Kimberly, Keithline	NEI
Kowal, Mark	NRC
Kozak, Tom	NRC
Lanksbury, Roger	NRC
Laura, Rich	NRC
Libby, Earl	NRC
Mattern, Kevin	NRC
Miller, Tom	DOE-NE
Oddo, John	Shaw Group Inc.
Patterson, Malcolm	NRC
Ratcliff, Daniel	Kiewit
Ray, Thom	Westinghouse

ENCLOSURE

Reid, Cal	Bechtel
Rice, April	SCE&G
Robillard, Dave	PSEG Nuclear
Schlaseman, Caroline	MPR/TANE
Schmitt, Ronald	NRC
Shulman, Dan	Enercon
Sinks, Donna	NRC
Spivack, Ian	NRC
Taylor, Larry	Progress Energy
Tracy, Glenn	NRC
Uchiyama, Junichi	Mitsubishi
Volkoff, John	Unistar
Watanabe, Kenich	JNES
Waites, Brandon	Southern
Webb, Michael	NRC
Williams, Glenn	Coreworx
Williams, Steve	NRC
Wilson, Jerry	NRC

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(Revised 6/1/2010)

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