

February 21, 2013

MEMORANDUM TO: Kerri A. Kavanagh, Chief
Quality Assurance Branch
Division of Construction Inspection
and Operational Programs
Office of New Reactors

FROM: Victor E. Hall, Reactor Operations Engineer/*RA*/
Quality Assurance Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

SUBJECT: SUMMARY OF JANUARY 24, 2013, CATEGORY 3 PUBLIC
MEETING TO DISCUSS THE DRAFT REGULATORY BASIS TO
CLARIFY THE REQUIREMENTS OF TITLE 10 OF THE CODE OF
FEDERAL REGULATIONS, PART 21 "REPORTING OF DEFECTS
AND NONCOMPLIANCE"

On January 24, 2013, the U.S. Nuclear Regulatory Commission (NRC) staff hosted a Category 3 public meeting in the One White Flint North, Commissioners' Conference Room, 11555 Rockville Pike, in Rockville, Maryland. The purpose of the meeting was to discuss the NRC staff's draft regulatory basis to clarify Title 10 of the *Code of Federal Regulations*, Part 21, "Reporting of Defects and Noncompliance" (Part 21). The goal of this regulatory basis is to simplify and clarify the rule language in Part 21, provide consolidated regulatory guidance on compliance with Part 21, and enhance regulatory stability and predictability for the entities to which Part 21 applies. The meeting notice is documented in the Agencywide Documents Access and Management System (ADAMS) under Accession Number ML13008A369. The staff's presentation given during the meeting is documented in ADAMS under accession number ML13018A272.

William Burton and Joan Olmstead facilitated the meeting on NRC's behalf. Victor Hall, Reactor Operations Engineer with the Quality Assurance Branch (CQAB) in the Office of New Reactors (NRO) Division of Construction Inspection Programs led the discussions pertaining to reactor facilities. Sabrina Atack, Quality Assurance Engineer in the Programmatic Oversight and Regional Support Branch within NRC's Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle Safety and Safeguards led the discussions pertaining to nuclear material stakeholders. George Tartal, Senior Project Manager in the Division of Advanced Reactors and Rulemaking in NRO, and Paul Prescott, Senior Reactor Operations Engineer with CQAB in NRO also participated on the panel for the NRC.

CONTACT: Victor E. Hall, NRO/DCIP
301-415-2915

The NRC invited industry participants to provide feedback on the draft regulatory basis. These speakers included Chris Earls with the Nuclear Energy Institute (NEI), Tom Loomis with Exelon, Janet Schlueter with NEI, Robert Link with Areva, Marc Tannenbaum with the Electric Power Research Institute, and Ted Amundsen with Southern Company. The representatives from NEI noted support for the development of guidance as the primary option to resolve the regulatory problems described in the draft regulatory basis.

Stakeholder participation during the meeting provided the NRC with valuable feedback and insights that it will consider while finalizing the regulatory basis. During the meeting the NRC staff created a list of areas where industry noted that additional discussion would be helpful in reaching a consensus. The staff plans to form the agenda for follow-up meetings based on this list of areas warranting further discussion. The list of these areas is noted below:

Draft Regulatory Basis Area	Description	Reactor Facility Applicability	Non-Reactor Facility Applicability
2.	Quality Requirements in Procurement Documents (including question of international applicability)	YES	YES
3.	Definition of Basic Component for Non-Reactor facilities – to include discussion on Substantial Safety Hazard as a potential starting point	NO	YES
5.	Deviation and Delivery – Flow Chart of Part 21 process	YES	YES
8.	Use of 50.72/73 (LERs) to satisfy Part 21 requirements	YES	NO
C.	Definition of Dedication <ul style="list-style-type: none"> - Impact on non-reactor facilities - Impact on DOE/NRC licensed facilities - What “proposed language” might look like 	YES	YES
ii.	Applicability to Part 76 licensees (RESOLVED)	NO	YES

The staff initially added “Applicability to Part 76 licensees” above following a question regarding NRC approval of an alternate definition of substantial safety hazard for Part 76 facilities. However, the staff later noted such an alternate has not been approved, and no further discussion is needed. Therefore, this area is listed as resolved.

This meeting was webcast by NRC staff and is available for viewing in the archives of the NRC Webcast Portal at <http://video.nrc.gov>. A transcript of the meeting is also available under ADAMS accession number ML13044A617. A list of meeting attendees is enclosed.

Enclosure:
As stated

cc w/encl: See next page

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NRC-001

OFFICE	NRO/DCIP/CQAB	NRO/DCIP/CQAB
NAME	VHall	KKavanagh
DATE	02/21/2013	02/21/2013

OFFICAL RECORD COPY

LIST OF ATTENDEES
U.S. Nuclear Regulatory Commission
Public Meeting to Discuss the Draft Regulatory Basis
to Clarify 10 CFR Part 21, "Reporting of Defects and Noncompliance"
Thursday, January 24, 2013
9:00 a.m. – 5:00 p.m.

NRC

<u>Name</u>	<u>Office</u>
Sabrina Atack	NMSS
Theresa Barczy	ADM
Aixa Belen	NRO
William Burton	NRO
Russell Chazell	NRO
Brent Clarke	NRO
Amy Cubbage	NRO
Larry Campbell	NMSS
Jonathan DeGange	NRO
Laura Dudes	NRO
Yonggang Fang	NSC
Victor Hall	NRO
John Jankovich	FSME
Kerri Kavanagh	NRO
Richard McIntyre	NRO
Clyde Morell	NMSS
Garrett Newman	NRO
Paul Prescott	NRR
Richard Rasmussen	NRO
Edward Roach	NRO
Soly Soto	NMSS
George Tartal	NRO
Jeremy Watchutka	OGC

STAKEHOLDERS

<u>Name</u>	<u>Organization</u>
Ted Amundsen	SNC
Kati Austgen	NEI
Edward Baker	Talisman International
Charles Brown	PPL Susquehanna
John Corrapo	USEC-ACP
Gregory Corzine	USEC-ACP
Anne Cottingham	NEI
Mike Cox	Areva NP Inc.
Bud Danielson	DOE
Larry Davis	Shaw
Richard DiLorenzo	The Okonite Company
Mike Dunkelberger	MPR Associates
Chris Earls	NEI
Devon Engleman	Shine Medical
Dealig Gwyn	Shaw/MOX
Julie Hartig	First Energy
Bill Horin	Winston & Strawn
Dave Kehoe	Shaw/MOX
Greg Kent	Duke Energy
Julie Keys	URS
Al Lafleur	Nextera Energy/FPL
Alan Levin	AREVA
Robert Link	AREVA
Tom Loomis	Exelon
Andrew Mauer	NEI
Brian Mervak	SCE&G
John Miller	International Isotopes
Russ Milliken	Dominion
M. Vann Mitchell	MNES
Russell Pate	SNC
Daryl Prisby	Exelon/Byron Station
Marc Nichol	NEI
Paul Novoski	Trust MFG
Bhavesh Patel	Duke Energy
Kevin Pigg	SNC
Steve Pope	B&W mPower, Inc.
Kate Roughan	QSA Global
Marty Ryan	Westinghouse NA
Paul Saksvig	Dominion
Findlay Salter	SCANA
Janet Schlueter	NEI
William Sidberry	Progress Energy (Retired)
Jay Silberg	Pillsbury Winthrop Shaw Pittman
Steven Slowik	WEC
David Spangler	B&W NOG-L
Marc Tannenbaum	EPRI
Clark Vanderniet	AREVA Transnuclear

Charlie Vaughan	NEI
William Ware	SNC
Frederick Willis	SNC
Eric Weiner	Areva Enrichment Services
Jennifer Wheeler	NFS
Doug Yates	Shaw/MOX
Joe Zimmatore	PSEG

Via Teleconference

<u>Name</u>	<u>Organization</u>
Steve Andrews	Quality Systems Consulting
Jana Bergman	Scientech
Sid Bernsen	Anatech Corporation
Ronald Carver	Luminant
George Madden	Florida Power & Light
Peter Miner	USEC
Norman Simms	Duke Energy
Jennifer Snead	Oconee Nuclear Station