

April 10, 2013

MEMORANDUM TO: James G. Luehman, Deputy Director  
Division of Construction Inspection  
and Operational Programs  
Office of New Reactors

FROM: Phillip B. O'Bryan, Reactor Operations Engineer/**RA**/  
Construction Inspection Programs Branch  
Division of Construction Inspection  
and Operational Programs  
Office of New Reactors

SUBJECT: SUMMARY OF CATEGORY 2 PUBLIC MEETING: DISCUSSION OF  
THE NUCLEAR REGULATORY COMMISSION TITLE 10 OF THE  
CODE OF FEDERAL REGULATIONS PART 52 SELF-ASSESSMENT  
WORKING GROUP WITH INDUSTRY REPRESENTATIVES

On March 28, 2013, the U.S. Nuclear Regulatory Commission (NRC) staff, Office of New Reactors (NRO), held a public meeting to discuss with industry representatives the charter of the Title 10 of the *Code of Federal Regulation* (10 CFR) Part 52 Self-Assessment Working Group and to solicit feedback from the Part 52 licensees on opportunities to refine NRC processes associated with 10 CFR Part 52.

The NRC 10 CFR Part 52 Self-Assessment Working Group was established to identify lessons learned associated with NRC activities during the period since the first combined operating license was granted to Vogtle units 3 and 4 in early 2012. Representatives from Southern Nuclear Company, South Carolina Electric and Gas, and the Nuclear Energy Institute presented several topics of interest.

The meeting notice and agenda can be found in the Agencywide Documents Access and Management System under accession number ML13077A074. A list of attendees is enclosed.

Members of the public were in attendance and Public Meeting Feedback forms were distributed and submitted according with standard protocols. Please direct any inquiries to Phil O'Bryan at (910) 399-5393, or via e-mail to phil.obryan@nrc.gov.

Enclosure:

1. Public Meeting Topics for Discussion  
Provided by Industry Representatives

CONTACT: Phillip O'Bryan, NRO/DCIP  
910-399-5393

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**ADAMS ACCESSION No.:** ML13099A224 NRC-001

|               |               |            |
|---------------|---------------|------------|
| <b>OFFICE</b> | NRO/DCIP/CIPB | NRO/DCIP   |
| <b>NAME</b>   | PO'Bryan      | JLuehman   |
| <b>DATE</b>   | 04/10/2013    | 04/10/2013 |

OFFICIAL RECORD COPY

# ATTACHMENT 1

## PUBLIC MEETING TOPICS FOR DISCUSSION PROVIDED BY INDUSTRY REPRESENTATIVES.

### Industry Input into NRC Post-COL Pt. 52 Implementation Self-Assessment

| Activity   | Challenges  |
|--|---|
| Basemat rebar construction and interpretation of Tier 2* figures in the UFSAR leading to rework activities   | <p>Interpretation of the Licensing Bases under Part 52</p> <ul style="list-style-type: none"> <li>• Level of detail in UFSAR</li> <li>• Clarity of Tier 1 and Tier 2* scope</li> </ul>  |
| T-headed shear reinforcement URI item and licensee response concerning the design basis compliance with the licensing basis which lead to two LARs | <p>Interpretation of the Licensing Bases under Part 52</p> <ul style="list-style-type: none"> <li>• Differing views on the application of ACI code requirements</li> <li>• Licensee authority/flexibility to make technically based code interpretations which are allowed but not explicitly addressed in the licensing basis</li> <li>• Open, timely communications between Region II, NRO and Licensee</li> <li>• Clarification of the definition of a 'construction activity,' when a construction activity is subject to NRC inspection; and therefore, when must the safety significance of an issue be assessed for enforcement</li> <li>• Documentation of licensee position as reviewed by NRC</li> </ul>  |
| Development and submittal of the first ITAAC closure notice and its subsequent non-acceptance by the Staff   | <p>Part 52 process first-time implementation</p> <ul style="list-style-type: none"> <li>• Level of detail provided in ICN did not meet NRC interpretations or expectations for fulfilling spirit of 10 CFR 52.99</li> <li>• Learning curve associated with first-time Part 52 process and level of detail for ITAAC closure notifications</li> <li>• NRC ITAAC Closure Verification Process <ul style="list-style-type: none"> <li>◦ Timely feedback to licensees</li> <li>◦ Timely completion of ICN acceptance process</li> </ul> </li> <li>• Longer term, need for disciplined ICN reviews that avoid subjective judgments of "sufficient" information or second-guessing of settled guidance and examples</li> <li>• Similar challenges for existing construction related regulatory processes that have not been exercised in many years, e.g., 10 CFR 50.55(e)</li> </ul> |

March 28, 2013

Enclosure

**Industry Input into NRC Post-COL Pt. 52 Implementation Self-Assessment**

| Activity  | Challenges   |
|---|--|
| Vendor inspections that involve ITAAC supporting activities             | <p>Part 52 process first-time implementation</p> <ul style="list-style-type: none"> <li>• Clarity regarding vendor vs. licensee inspections <ul style="list-style-type: none"> <li>◦ Based on inspection purpose</li> <li>◦ Based on inspection team</li> <li>◦ Can this change mid-inspection?</li> </ul> </li> <li>• Tracking of ITAAC items that are identified during vendor inspections and subsequent inclusion in the ITAAC closure notice</li> </ul> |
| Resolution of generic process issues, e.g., changes during construction | <p>Need for more timely and efficient resolution of key issues to support ongoing construction activities</p> <ul style="list-style-type: none"> <li>• What process improvements are needed to more rapidly understand and resolve these types of issues?</li> <li>• Need NRC to clearly document position or identified deficiency</li> </ul>   |

March 28, 2013

### **List of Attendees**

NRC Part 52 Self-Assessment Working Group Public Meeting March 28, 2013

| Name             | Organization            |
|------------------|-------------------------|
| Jim Luehman      | NRC/NRO                 |
| Mark Miller      | NRC/R2                  |
| David Matthews   | NRC/NRO                 |
| Cathy Scott      | NRC/OGC                 |
| Phil O'Bryan     | NRC/NRO                 |
| James Beardsley  | NRC/NRO                 |
| Ravi Joshi       | NRC/NRO                 |
| Mohamed Shams    | NRC/NRO                 |
| Vladimir Graizer | NRC/NRO                 |
| Earl Libby       | NRC/NRO                 |
| Russ Bell        | NEI                     |
| Kati Austgen     | NEI                     |
| Pete Ivey        | Southern Co.            |
| Wes Sparkman     | Southern Co.            |
| Amy Aughtman     | Southern Co.            |
| Al Paglia        | SCE&G                   |
| Amy Monroe       | SCE&G                   |
| April Rice       | SCE&G                   |
| Paul Russ        | Westinghouse            |
| Curtis Castell   | Chicago Bridge and Iron |

Note: Additional participants were present via Bridgeline.