

February 12, 2010

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

FROM: Jose Jimenez, Reactor Operations Engineer /RA/
Construction Inspection & Allegations Branch
Division of Construction Inspection
& Operational Programs
Office of New Reactors

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF JANUARY 15, 2010, CATEGORY 2 MEETING WITH
THE NUCLEAR ENERGY INSTITUTE (NEI), INDUSTRY, AND THE
GENERAL PUBLIC, TO DISCUSS NRC'S COMMENTS OF NEI 08-02
"CORRECTIVE ACTION PROCESSES FOR NEW NUCLEAR POWER
PLANTS DURING CONSTRUCTION", REVISION 3.

On January 15, 2010, a public meeting was held between the U.S. Nuclear Regulatory Commission's (NRC), Construction Inspection and Allegation Branch of the Division of Construction Inspection and Operational Program (DCIP) in the Office of New Reactors (NRO), Nuclear Energy Institute (NEI), industry, and the general public. The meeting was located at Two White Flint 11545 Rockville Pike Rockville, Maryland. The purpose of the meeting was to discuss the comments provided by NRC to NEI 08-02 revision 3 (ML0935802160).

The NRC staff started the meeting by discussing the present position regarding NEI 08-02 revision 3. The NRC staff stated that given the document still lacks a clear description of how the work process will handle conditions adverse to quality NRC will not be endorsing the document in a regulatory guide. NEI 08-02 does not contain any information or guidance contrary to any regulatory requirements. A licensee can choose to implement the document and NRC will ensure implementation of NEI 08-02 at the site is in compliance with the regulations. NRC staff recognized all the work done by stakeholders to address all of the concerns raised in the various public meetings. The staff also recognized that the regulations concerning corrective action programs are not very descriptive, but mentioned the staff hesitation to issuing a regulatory guide arise from the lessons learned in the previous 10 CFR 50 construction cycle. All of the public meetings held have not resulted in NEI being able to reassure the staff about the effectiveness of implementing multiple work process to handle conditions adverse to quality. NRC mentioned the possibility to revising the guidance document in the future once licensees have implemented the guidance and the NRC has had an opportunity to inspect and assess its effectiveness.

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301-415-5303

NEI also recognized all the efforts from stakeholders to address all of the comments resulting from previous meetings but remarked that their intended goal was to have an NRC endorsement of NEI 08-02 in a regulatory guide. NEI recognize the validity of the NRC staff comments but stated that in their view they had provided the necessary answers to warrant an endorsement. NEI proceeded to discuss their work (ML100321499) to address the last set of comments provided by NRC in the December 8th, 2009 meeting summary (ML093580216). All of the comments were discussed and an open conversation ensued on the merits of the proposed changes to the document by NEI. The majority of the time was spent in trying to explain the purpose of the work process and the vision of how they should be implemented in accordance with the guidance. NRC agreed that it can be acceptable to have different work processes with qualified individuals able to characterize and disposition of conditions adverse to quality, to have trends in place and to set the threshold above work that is still in progress. The fact remained NRC was not very clear how the guidance in the document will ensure consistency through all of the work processes, how significant conditions adverse to quality will get elevated to the "CAP" program, how trending can be accomplished and how licensee management will be kept properly informed with so many contractors running the work process at any given time. During the verbal discussion neither NRC nor NEI completely disagreed with the explanations being given not with how the regulations were meant to be met. The differences result from the different opinions of how the different points made in the discussion are captured in the document. NRC stated the document as written does not clearly convey the necessary reassurance that any licensee implementing NEI 08-02 will do so in a consistent and effective manner for their site. NEI agreed to change some of the wordings based on the meeting's discussion to address this concern.

NRC staff expressed that they are willing to review a new revision of NEI 08-02 which should incorporate the discussion had at the meeting. The review is not expected to change NRC position of not endorsing NEI 08-02 in a regulatory guide. If the document is found acceptable upon the NRC staff's review, there was discussion of possibly issuing a letter stating that the document provides guidance which is not contrary to meeting regulatory requirements.

A list of meeting attendees is attached.

Members of the public were in attendance, but Public Meeting Feedback forms were not received. Please direct any inquiries to me at 301-415-5303, or jose.jimenez@nrc.gov.

Enclosures: Agenda (ADAMS Accession Number: **ML100040526**)

cc w/encl: See next page

A list of meeting attendees is attached.

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cc w/encl: See next page

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NRC-001

OFFICE	NRO/DCIP/CAEB	NRO/DCIP/CAEB:BC
NAME	JJimenez	T. Frye
DATE	02/12/10	02/12/10

NEI 08-02 "Corrective Action Processes for New Nuclear Plants under Construction" Workshop
January 15, 2010
Location: Two White Flint North, Rockville, MD
Meeting Attendees

Jose Jimenez	NRC/NRO
Kevin Mattern	NRC/NRO
Patrick Boyle	NRC/NRO
Tim Frye	NRC/NRO
Roger Lanksburry	NRC/RGII
Glenn Meyer	NRC/RGI
Robert Latta	NRC/RGIV
Richard Rassmussen	NRC/NRO
Steven Vandervort	Westinghouse
David Holler	Mitsubishi
Stephen Burdick	Morgan Lewis
Russ Bell	NEI
Jim Fisicaro	NEI
Lawrence Walsh	Shaw Group
Mike Verilli	Progress Energy
Ken Lowrey	Southern Nuclear
George Zinke	Entergy
Kerry Rhoads	Dominion
Richard Sweigart	Duke Energy
George Garrett	Fluor
Gary Janosko	PSEG

ENCLOSURE

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(Revised 1/19/2010)

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