

November 30, 2009

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

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

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF NOVEMBER 16, 2009, CATEGORY 3 MEETING WITH  
THE INDUSTRY AND THE GENERAL PUBLIC, FOR DISCUSSIONS  
ON THE CONSTRUCTION INSPECTION ASSESSMENT PROGRAM

On November 16, 2009, a panel was convened at the Bethesda North Marriott Hotel & Conference Center to provide perspectives from senior individuals as the NRC develops construction assessment program options for Commission consideration. The panel consisted of members of the NRC, industry, and the State of Georgia. Each panel member was afforded the opportunity to provide insights from their perspective regarding the NRC's construction assessment program.

The meeting began with brief opening remarks by the facilitator, Francis Cameron, to explain the purpose of the panel discussion, the ground rules, and to introduce the panel members. The interim construction assessment program (ADAMS ML 082940262) and its development (ADAMS ML092460762) were recommended as the starting points for this discussion.

Glenn Tracy, Director, DCIP, NRO, provided an introduction and the context for the assessment program panel (ADAMS ML093170213). The features of the current assessment program were highlighted including traditional enforcement, safety culture, and the construction response table. The steps forward were outlined including the issuance of assessment options to the Commission via a SECY paper by November 2010, considering both the NRC's current Reactor Oversight Process (ROP) assessment program as well as industry's construction inspection assessment process (CIAP) proposal.

Luis Reyes, Regional Administrator, Region II, provided the NRC regional perspective on construction inspection assessment (ADAMS ML093170211). Mr. Reyes spoke about lessons learned during previous reactor construction activities that are documented in NUREG-1055. Specifically, integration, timeliness and effectiveness were highlighted relating to allegations, findings, and corrective actions. Mr. Reyes cautioned about ambitious schedules, contractor oversight, management oversight, and safety culture. Mr. Reyes also spoke about the purpose of assessment program and specifically, the need to trend performance and make informed adjustments as inspection data and lessons learned are incorporated.

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Frederick Brown, Director, Division of Inspection and Regional Support (DIRS), NRR, spoke about keeping the end in mind as construction projects move forward (ADAMS ML093170212). Mr. Brown stressed the necessity for new reactors to be delivered to operators with confidence that they will function as designed. The importance of a strong construction assessment program to bridge the gaps by augmenting start-up testing was discussed. Finally, the impending challenges of the transition from construction to operation were discussed.

The industry gave their perspective on assessment through Tony Pietrangelo of the Nuclear Energy Institute (NEI) (ADAMS ML 093210005). Industry's perspective was based on a proposal submitted by NEI on July 3, 2009 (ADAMS ML 092190206) and a presentation given by Tom Houghton on July 23, 2009 at a NRC Category 3 public meeting (ADAMS ML092080004). Mr. Pietrangelo stressed the need for the Construction Inspection Assessment Process to incorporate the key features of the ROP, namely objectivity, predictability, understandability, and transparency using a risk-informed, performance based, graduated, and focused approach. A draft assessment framework was presented for discussion and comment. The proposed development activities and schedule were also presented. The need for biweekly or monthly working group meetings was discussed with reference to the key unresolved issues of strategic performance areas, cornerstones, cross cutting issues, safety culture, significance determination, and the construction response table (CRT). Finally, communication and implementation plans were both requested for the working group to plan and schedule their future actions.

The State of Georgia perspective (ADAMS ML093170214) was provided by Ted Jackson on behalf of Jim Sommerville who is the State Liaison Officer (SLO) for Georgia. A timeline of the events surrounding the Vogtle combined license application (COLA) was displayed. A map showing the proposed Vogtle site, as an example, where new reactors will be built within the fence line of the existing operating reactor site was displayed and issues relating to this co-location were discussed, including both security and emergency preparedness. The current and future state involvement was discussed. The State of Georgia raised concerns regarding the overlap from construction to startup and the need for more coordination between federal and state organizations. Finally, four cornerstones were recommended for incorporation in the assessment process, namely, emergency preparedness, occupational radiation safety, public radiation safety, and physical protection.

NRC overall program perspective was provided by Michael Johnson, Director, NRO (ADAMS ML093170215). The importance of the inclusion of transparency, predictability, and objectivity was once again stressed. Also, highlighted for assessment of license performance, was integration and communication, specifically the need to incorporate inspection findings into assessment and share this feedback with licensees and the public. The NEI proposal was mentioned along with its necessary development requiring consideration of all aspects of the ROP for applicability and pertinence to the assessment process. The desire for appropriate response to declining performance using thresholds to determine significance was discussed.

The dialog on the construction assessment began with reference to the proposed questions (ADAMS ML093170216) that were submitted by the NRC staff after public comment at the November 5, 2009 Category 3 public meeting (ADAMS ML092870425). The facilitator pointed out that these questions would act as a starting point for the discussion but that the discussion would be fluid and allowed to progress with the guidance of the panel and the public. Also pointed out was the draft Oversight of Construction Activities (OCA) (ADAMS ML093160179) that the NRC provided as a working framework for the assessment panel and working group to consider. The NEI proposal was used as a starting point to lead the discussion and questions.

The panel members were aligned regarding the acceptability of the interim assessment program documented in Inspection Manual Chapter (IMC) 2505. The panel members agreed that the CIAP proposal submitted by NEI showed promise but that considerable details needed to be developed for the proposal. NRC representatives stressed the need to ensure there were viable means for licensees to move from left to right in the CRT should performance decline. All panel members agreed that an evaluation of safety culture must be included in the proposed construction assessment program options.

Mr. Tracy closed the meeting with a summary of the discussions and the next steps in the development of construction assessment program options. Mr. Tracy indicated that Tim Frye, Chief, CCIB, and his staff will lead these efforts and committed to a series of Category 2 meetings to ensure appropriate stakeholder involvement in the process. Updates of progress will be provided at regularly scheduled Category 3 public meetings.

A list of meeting attendees is attached. The first Category 2 public workshop will be held on December 9, 2009 from 1 p.m. to 4 p.m. in the Executive Boulevard Building (6003-01-B15), 6003 Executive Boulevard, Rockville, MD 20852.

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 one returned and submitted according to standard protocols. Please direct any inquiries to me at 301-415-6622, or [Kevin.Mattern@nrc.gov](mailto:Kevin.Mattern@nrc.gov).

Enclosures:

As stated

Agenda (ADAMS Accession Number: ML093290086)

cc w/encl: See next page

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cc w/encl: See next page

DISTRIBUTION:

PUBLIC

CCIB r/f

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RidsNsirDprDdep

Glenn Tracy

Jose Jimenez

Tony Pietrangelo

Mark McBurnett

RidsNroDcipCcib

RidsNroDcipCtsb

RidsOpaMail

Michael Johnson

Frederick Brown

Kevin Mattern

Tom Houghton

Ted Jackson

RidsRgn2MailCenter

RidsOgcMailCenter

RidsAcrcAcnwMailCenter

Luis Reyes

Francis Cameron

Tom Kozak

Bryan Dolan

Jim Sommerville

ADAMS Accession Number: ML093290086

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  
Marriott Bethesda North  
November 16, 2009**

**Attendance List**

| Name               | Organization   |
|--------------------|----------------|
| Bateman, Bill      | Ad STM         |
| Beaumont, Mark     | URS            |
| Bell, Russ         | NEI            |
| Blamey, Alan       | NRC            |
| Bowman, Cassandra  | NRC            |
| Boyle, Patrick     | NRC            |
| Brown, Fred        | NRC            |
| Burdick, Stephen   | Morgan Lewis   |
| Burroughs, Eleasah | NRC            |
| Campbell, Andy     | NRC            |
| Campbell, Patricia | GEH            |
| Croteau, Richard   | NRC            |
| Dolan, Bryan       | DUKE           |
| Fay, Tom           | Toshiba        |
| Frye, Tim          | NRC            |
| Geas, Gerry        | DOE            |
| Gibson, Greg       | Unistar        |
| Grant, Eddie       | NuStart        |
| Gwyn, Dealis       | MOX Services   |
| Hastie, David      | Shaw Group     |
| Houghton, Tom      | NEI            |
| Imbro, Gene        | NexGen Energy  |
| Jackson, Ted       | Georgia DNR    |
| Janosko, Gary      | PSEG           |
| Jimenez, Jose      | NRC            |
| Johnson, Andrea    | NRC            |
| Johnson, Michael   | NRC            |
| Kane, William      | WFK Associates |
| Kowal, Mark        | NRC            |
| Kozak, Tom         | NRC            |
| Lockhart, Denise   | NRC            |
| Lukes, Bob         | NRC            |
| Mattern, Kevin     | NRC            |
| McBurnett, Mark    | STPNOC         |
| Nakoski, John      | NRC            |
| Pietrangelo, Tony  | NEI            |
| Ray, Thom          | Westinghouse   |
| Reyes, Luis        | NRC            |

ENCLOSURE

|                 |                  |
|-----------------|------------------|
| Rivera, Nilda   | NRC              |
| Root, Andrew    | Alkeon Capital   |
| Sisk, Rob       | WEC              |
| Torres, Alan    | SCE&G            |
| Tracy, Glenn    | NRC              |
| Waites, Brandon | Southern Company |
| Webb, Demetrius | NRC              |
| Webb, Mike      | NRC              |
| Weber, Carl     | NRC              |

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