

January 7, 2010

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

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

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF DECEMBER 9, 2009, CATEGORY 2 PUBLIC
MEETING WITH THE INDUSTRY AND THE GENERAL PUBLIC, FOR
THE CONSTRUCTION REACTOR OVERSIGHT PROCESS
WORKING GROUP

On December 9, 2009, the NRC Construction Reactor Oversight Program working group met with a working group led by the Nuclear Energy Institute (NEI) and interested members of the public at the Executive Boulevard Building to initiate discussions regarding the oversight and assessment of new commercial reactor construction. This was the first in a series of public meetings, which will be held at least monthly, throughout calendar year 2010, in preparation for a Commission meeting in October 2010 to present options to the Commission. The NRC staff working group is led by Tom Kozak, NRO, and the industry working group is led by Tom Houghton, NEI.

The meeting began with opening remarks by Tim Frye, Branch Chief, NRO/DCIP/CAEB, regarding the background and history which led to this working group being chartered. Tim discussed the initial presentation of the reactor construction assessment process development, by the staff to the Commission, via SECY-08-0155 "Update on the Development of the Construction Inspection Program for New Reactor Construction under 10 CFR Part 52" (ADAMS ML082330415). In this Commission paper the staff cited the issuance of the current assessment process in Inspection Manual Chapter (IMC) 2505 (ADAMS ML082480602), which will act as a historical and programmatic starting point for this working group discussion. The Commission issued SRM M081022 (ADAMS ML083400193) in response to the staff's Commission briefing on October 22, 2008 which stated that, "The staff should reconsider the construction assessment process, as presented in IMC 2505, 'Periodic Assessment of Construction Inspection Program Results,' and propose policy options to the Commission. The staff proposal should address the construction program oversight already inherent in the ITAAC monitoring and closure processes, and the inclusion in the construction oversight process of objective elements such as construction program Performance Indicators (PIs) and Significance Determination Processes (SDPs) analogous to those used in the Reactor Oversight Process (ROP)."

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In response to the Commission's direction the staff provided an update on the progress towards the development of the construction assessment program policy options via SECY-09-0113 (ADAMS ML091970152) "Update of the Development of Construction Assessment Process Policy Options and the Construction Inspection Program Information Management System". The issuance of a revised IMC 0613 (ADAMS ML093140729) "Documenting 10 CFR Part 52 Construction Inspections" on December 2, 2009 was also mentioned to show the link between inspection and assessment of new reactor construction and point out that as the process is developed, refinements will be necessary to continually incorporate construction lessons learned.

Tom Kozak presented milestones (ADAMS ML093440171) for the NRC working group during process development. The milestones included framework development issues such as strategic performance areas, cornerstones, and cross cutting issues. Other milestones included the development of a significance determination process, performance indicators, and the agency response and enforcement approach to licensee performance issues. The final set of milestones consisted of documentation in two SECY papers and revisions to IMCs and IPs. A table top exercise to test the oversight process using NUREG-1055 inputs was discussed. Positive feedback was provided on the importance of the need to test the framework prior to recommendation of options to the Commission. Finally, the implementation plan was discussed along with the possibility of piloting the assessment process at one or more plants prior to full implementation.

Two draft framework alternatives were presented for discussions, including the NRC staff proposal (ADAMS ML093160316) and the industry proposal (ADAMS ML092110807). The staff proposal consisted of two strategic performance areas and seven cornerstones while the industry proposal consisted of three strategic performance areas and seven cornerstones. The two strategic performance areas of "construction in accordance with design" and "operational programs" were similarly recommended in principle in both proposals. It was noted that both proposals also included elements of construction safety culture. While both proposals were similar, one of the major differences between the two proposals was the inclusion/exclusion of "design" as a cornerstone. Both proposals share similarities with the current Reactor Oversight Process (ROP) but have notable differences due to the nature of the construction environment; however, the NRC working group will strongly consider all aspects of the ROP when developing its oversight framework options. It was also noted that the current assessment program in IMC 2505 is adequate, fully implementable, and will most likely be one of the options presented to the Commission for consideration along with the other option(s) the NRC working group generates.

The ensuing open discussion gave much needed clarification and specifics where appropriate, alignment on high level principles, and several key points to take away for future discussions. It was noted that the assessment process should have a process for dealing with design problems that are not the result of construction deficiencies (essentially latent design issues). This led to a proposal to have the strategic performance areas be: (1) Engineering and Design; (2) Construction; (3) Readiness for Operations. Also, upon review of the 11/16/09 public panel discussion, some stakeholders saw cornerstones in a slightly different light than either the staff or industry proposal, namely a proposal from the State of Georgia to include Emergency Preparedness, Security, and Public and Occupational Radiation Protection cornerstones in the framework. The working group pointed out that as strategic performance areas, cornerstones, and cross-cutting issues are developed, consideration will be made to address construction problems and quality issues identified in NUREG 1055. Thus, quality assurance needs to be considered in the framework. Cornerstones that are developed will be such that all identified violations will have a home in a cornerstone. In the development of cornerstones, it should also

be noted that programmatic issues will be root causes of violations and may not warrant their own cornerstones. Finally, points were made to ensure that the framework, to the extent possible, is simple, performance based, and risk informed.

A list of meeting attendees is attached. The next Category 2 public meeting will be held on January 6, 2010 from 8 a.m. to 4 p.m. at the Legacy Hotel.

The proposed dates, for CROP working group Category 2 and 3 public meetings for calendar year 2010 are:

- January 6;
- January 27;
- January 28;
- February 9;
- March 4;
- March 17;
- March 25;
- May 13;
- June 30;
- July 1;
- August 18;
- August 19;
- October 6;
- October 7;
- December 8; and
- December 9.

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 me at 301-415-6622, or Kevin.Mattern@nrc.gov.

Enclosures:
As stated

cc w/encl: See next page

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NAME	K. Mattern	T. Frye
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**Attendance List
Category 2 Public Meeting
Executive Boulevard Building
December 9, 2009**

Attendance List

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Bryant, Barry	Dominion
Connor, Jim	Progress Energy
Dolan, Bryan	DUKE
Dube, Donald	NRC
Fisicaro, Jim	NEI
Frye, Tim	NRC
Gibson, Greg	Unistar
Houghton, Tom	NEI
Jimenez, Jose	NRC
Kozak, Tom	NRC
Lanksbury, Roger	NRC
Lukes, Bob	NRC
Mattern, Kevin	NRC
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Obermiller, Nathan	Mitsubishi
Raleigh, Deann	Sciencetech
Ray, Thom	Westinghouse
Rice, April	SCE&G
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