

Errata – ML number reference changed

February 24, 2010

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

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

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF JANUARY 27, 2010, NRC CONSTRUCTION
REACTOR OVERSIGHT PROCESS WORKING GROUP CATEGORY
2 PUBLIC MEETING WITH THE INDUSTRY AND THE GENERAL
PUBLIC

On January 27, 2010, the NRC Construction Reactor Oversight Process (cROP) Working Group (WG) met with the cROP Task Force led by the Nuclear Energy Institute (NEI) and interested members of the public at the Legacy Hotel in Rockville, MD. The purpose of the meeting was to continue discussions regarding the oversight and assessment of new commercial reactor construction. The NRC cROP WG is led by Tom Kozak, NRO, and the cROP Task Force is led by Tom Houghton, NEI.

Tom Kozak described the background which led to the NRC Construction Reactor Oversight Process (cROP) working group being chartered and the group's activities to date, including the development of a draft regulatory framework developed by the working group (ML100251718). The NEI Task Force members indicated that they had no more input on the draft framework and that it was acceptable to them.

The meeting continued with open discussions regarding the objectives and attributes of the draft regulatory framework cornerstones. Mr. Kozak provided a copy of draft objectives for two cornerstones, Security Programs for Construction and Operations, and Operational Programs (ML100321464). The NEI working group provided a document that included proposed attributes for the cornerstones (ML100539572).

CONTACT: Jose Jimenez, NRO/DCIP/CAEB
301-415-5303

Other topics discussed at the meeting included:

1. Construction Safety Focus Issues (CSFI): The CSFI will be tabled in the near term. The cROP will follow the work on the ROP Cross-Cutting Issues and will most likely implement a similar framework, where appropriate.
2. Enforcement: There was a long discussion on enforcement, specifically regarding how NRC would cite security issues at a co-located site. These issues will be reviewed on a case by case basis and cited against the program or programs that are violated. Citing both the construction and operating license was questioned as double counting, which is typically not done in the ROP. However, in this case it was noted that if both licenses were cited, there would most likely be one inspection that would inspect the event.

The cROP will not be tested on all possible violations. The framework will be developed so that it will be sufficiently broad to encompass all cases correctly and consistently. The NRC is considering a questions and answer document, similar to the ROP document, which would provide insights into cROP implementation. Finally, in closing this discussion, the NRC noted that cROP will have overrides similar to the ROP that would allow the NRC to take appropriate actions, if it appeared that the cROP actions were not appropriate.

3. Security Cornerstone Inspections: There were questions on what type of inspection activities would be completed in the security cornerstone. The initial thought is that the security programs (FFD, Access Authorization / Control, Physical Protection, etc...) would fall under this cornerstone. Security ITAAC for construction of security barriers, CAS and SAS would most likely not fall under the security cornerstone. These ITAAC would fall under the construction reactor safety strategic performance are cornerstones if issues were identified during inspection of these ITAAC.
4. Transition Point/Operating Programs: NEI noted that for the program areas, the transition point from construction to operations may be better suited for fuel load. The NRC noted that the transition point is currently defined at the 10 CFR Part 52.103(g) finding and not fuel load. However, the cROP working group understands that further work is needed on the operational program placement in the cROP and ROP programs so that a smooth transition can occur. Specifically, no one is advocating piecemeal transition from cROP to the ROP. NEI is more optimistic than the cROP working group and believes that operational programs will be in place and ready before the 52.103(g) finding. NEI also noted that the needed security posture for fuel receipt is still being negotiated.
5. Transition point / Enforcement: Several enforcement issues were discussed in the context of occurring just before or just after transitioning to the ROP. In these cases both the cROP and NEI working groups agreed that further work is needed. The examples are as follows:
 - The NEI CIAP proposal has only green findings (Severity Level IV) unless an ITAAC closure letter is submitted and after the ITAAC closure letter has been submitted the violations would be (white) severity level III (if it effected an ITAAC). The cROP working group has concern about this approach since it does not account for other factors such as risk significance, extent of condition, and circumstance surrounding the violation.

- After the 10 CFR Part 52.103(g) finding, there may be violations that occur before fuel load which presumably would have very little safety significance. These may need to be treated differently than the tradition ROP because there is little risk to the general public. This needs to be captured in the ROP for new reactors.
 - The existing ROP framework / enforcement assume that licensee programs are developed and acceptable. If the 103(g) finding is made but several programs have not been inspected the ROP must allow for proper characterization of these deficient programs and prevent further startup beyond the license restriction of the specific program.
6. Operational Programs: This cornerstone should involve findings that result from programmatic violations. If the violation is performance based the violation would most likely be placed under one of the other cornerstones; however, emergency planning and licensed operator training would fall under the programmatic (Operational Programs) cornerstone. To be more specific there may be a need to separate the program effectiveness from the implementation. The cROP working group will consider a program implementation attribute in this cornerstone or create a new implementation cornerstone.
- Several of the programs may not belong in the Operational Program Cornerstone. The NRC will review and determine if they should be moved to another cornerstone. The specific programs were (1) pre-serves inspection, (2) pre-service testing, and (3) containment leak rate testing.
 - The last attribute under the cornerstone, "plant facilities equipment infrastructure," is for Non-ITAAC facilities such as a simulator. However, the group noted that the ITAAC will address most of these issues. Therefore, the working group needs more examples and based on those examples this attribute may be moved to a different cornerstone.
7. Significance Determination Process: The SDP must be a predictable process. Development of the SDP could start with examples in the enforcement policy and past construction enforcement violations. The SDP may be cornerstone specific. More work is needed on the development of the SDP and will be developed through the cROP group.

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

- March 17; Category 2
- March 25; Category 3
- April 7; Category 2
- April 28; Category 2
- May 13; Category 3
- July 1; Category 3;
- August 19; Category 3
- October 7; Category 3

The next steps for the cROP Working Group will be to develop the objectives, attributes, and areas to measure for all of the cornerstones and then begin work on the significance determination process.

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 301-415-5303, or Jose.Jimenez@nrc.gov.

Enclosures:

As stated

cc w/encl: See next page

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Tom Kozak
Bob Lukes
Roger Lanksbury
Donald Dube

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OFFICE	NRO/DCIP/CAEB	NRO/DCIP/CAEB:BC
NAME	J.Jimenez	T. Frye
DATE	2/24/10	02/24/10

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**Attendance List
Category 2 Public Meeting
Legacy Hotel
January 27, 2010**

Attendance List

Name	Organization
Arnold, Larry	STPNOC
Bell, Russ	NEI
Blamey, Allan	NRC Region II
Bryant, Barry	Dominion
Bryant, Barry	Dominion
Burdick, Stephen	Morgan Lewis
Fay, Thomas	TANE (Toshiba)
Frye, Tim	NRC
Gibson, Greg	UniStar
Hastie, David	SHAW Group
Houghton, Tom	NEI
Jimenez, Jose	NRC
Kinard, Jim	AREVA
Kozak, Tom	NRC
Lanksbury, Roger	NRC
Meyer, Glenn	NRC
Mookhoek, W.E	STPNOC
Raleigh, Deann	Scientech
Ray, Thom	Westinghouse
Rice, April	SCANA
Robillard, David	PSEG
Schmitt, Ronald	NRC
Taylor, Larry	Progress Energy
Torres, Alan	SCE&G
Uchiyama, Junichi	Mitsubishi
Waites, Brandon	Southern Company

Construction Inspection Program Mailing List

cc:

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD 20877

Mr. Lionel Batty
Nuclear Business Team
Graftech
12300 Snow Road
Parma, OH 44130

Ms. Michele Boyd
Legislative Director
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Ian M. Grant
Canadian Nuclear Safety Commission
280 Slater Street, Station B
P.O. Box 1046
Ottawa, Ontario
K1P 5S9

Mr. Eugene S. Grecheck
Vice President
Nuclear Support Services
Dominion Energy, Inc.
5000 Dominion Blvd.
Glen Allen, VA 23060

Manager
GT-MHR Safety & Licensing
General Atomics Company
PO Box 85608
San Diego, CA 92186-5608

Mr. Edward L. Quinn
Longenecker and Associates
Utility Operations Division
23292 Pompeii Drive
Dana Point, CA 92629

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Energy Program Bethesda, MD 20814

Mr. Gary Wright, Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. Brendan Hoffman
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy and
Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. Dobie McArthur
Director, Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20006

Mr. Ron Simard
6170 Masters Club Drive
Suwanee, GA 30024

Mr. Carl E. Parry, President
Utilities Service Alliance, Inc.
9200 Indian Creek Parkway
Suite 201
Overland Park, KS 66210

Construction Inspection Program Mailing List

Email

APAGLIA@Scana.com (Al Paglia)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
barry.bryant@dom.com (Barry Bryant)
BrinkmCB@westinghouse.com (Charles Brinkman)
Carellmd@westinghouse.com (Mario D. Carelli)
carey.fleming@constellation.com (Carey Fleming)
charles.bagnal@ge.com (Charles Bagnal)
chris.maslak@ge.com (Chris Maslak)
christian.martel@aerjoule.com (Christian Martel)
cschlaseman@mpr.com (Caroline Schlaseman)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.hastie@shawgrp.com (David Hastie)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
debbie.johnson@fluor.com (Debbie Johnson)
dwgwyn@moxproject.com (Dealis Gwyn)
donald.woodlan@luminant.com (Donald Woodlan)
draleigh@scientech.com (Denna Raleigh)
ecullington@earthlink.net (E. Cullington)
eddie.grant@excelservices.com (Eddie Grant)
erg-xl@cox.net (Eddie R. Grant)
garry.miller@pgnmail.com (Garry D. Miller)
gcesare@enercon.com (Guy Cesare)
GovePA@BV.com (Patrick Gove)
greshaja@westinghouse.com (James Gresham)
gwcurtis2@tva.gov (G. W. Curtis)
gzinke@entergy.com (George Alan Zinke)
james.beard@gene.ge.com (James Beard)
jason.parker@pillsburylaw.com (Jason Parker)
jean-pierre.berger@edf.com (J Pierre Berger)
jerald.head@ge.com (Jerald G. Head)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
jim@ncwarn.org (Jim Warren)
JINesrsta@cpsenergy.com (James J. Nesrsta)
john.oddo@shawgrp.com (John Oddo)
John.O'Neill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
junichi_uchiyama@mnes-us.com (Junichi Uchiyama)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
larry.taylor@pgnmail.com (Larry Taylor)
lchandler@morganlewis.com (Lawrence J. Chandler)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
marilyn.kray@exeloncorp.com
mark.beaumont@wsms.com (Mark Beaumont)

matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
mgiles@entergy.com (M. Giles)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)

murawski@newsobserver.com (John Murawski)
mwetterhahn@winston.com (M. Wetterhahn)
nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Paul@beyondnuclear.org (Paul Gunter)
pshastings@duke-energy.com (Peter Hastings)
raytj@westinghouse.com (Thom Ray)
rclary@scana.com (Ronald Clary)
regservices@scientech.com (Reg Service)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
robert.kitchen@pgnmail.com (Robert H. Kitchen)
sabinski@suddenlink.net (Steve A. Bennett)
sandra.sloan@areva.com (Sandra Sloan)
SauerB@BV.com (Robert C. Sauer)
sfrantz@morganlewis.com (Stephen P. Frantz)
skip.butler@ge.com (Skip Butler)
stephan.moen@ge.com (Stephan Moen)
steven.hucik@ge.com (Steven Hucik)
Support@SaporitoEnergyConsultants.com (Thomas Saporito)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
VictorB@bv.com (Bill Victor)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
whorin@winston.com (W. Horin)
William.maher@fpl.com (William Maher)

(From DCIP list)

kenneth.ainger@exeloncorp.com (Kenneth Ainger)
jaudis1@txu.com (John Audas)
llbauman@aol.com
darin.benyak@pseg.com (Darin Benyak)
pdblanch@comcast.net (Paul Blanch)
barry.bryant@dom.com (Barry Bryant)
timothy.clouser@luminant.com (Timothy Clouser)
david_m_collins@dom.com (David Collins)
tdcosby@tva.gov (Thomas D. Cosby)
mtc@nei.org (Mike Coyle)
steven_dolley@platts.com (Steven Dolley)
cxe@nei.org (Chris Earls)
jrfergus@duke-energy.com (J. Robert Ferguson)
fitzpatrickwe@inpo.org (Bill Fitzpatrick)
mark.flaherty@constellation.com (Mark Flaherty)
frickwg@songs.sce.com (Willis Frick)

equinox.consulting.llc@earthlink.net (Eric Fries)
jfulto1@entergy.com (Jack Fulton)
bpgarde@aol.com (Billie Garde)
ecg@nei.org (Ellen Ginsberg)
sbhaber@hpacorp.com (Sonja Haber)
ghalnon@firstenergycorp.com (Greg Halnon)
kah@nei.org (Tony Harris)
dllaberdee@firstenergycorp.com (Dee Haskins)
hlhay@bechtel.com (Howard Lane Hay)
hundrupa@gao.gov (Alyssa Hundrup)
wrkanda@firstenergycorp.com (Bill Kanda)
kolarick@gao.gov (Carol Kolarik)
howard_levin@msn.com (Howard Levin)
lynchje@inpo.org (Jim Lynch)
rich.mallory@eh.doe.gov (Rich Mallory)
fcmashburn@tva.gov (Fred Mashburn)
brian.mccabe@pgnmail.com (Brian McCabe)
wemookhoeke@stpegs.com (W.E. Mookhoek)
arp@nei.org (Tony Pietrangelo)
caprice@firstenergycorp.com (Clark A. Price)
drepka@winston.com (David Repka)
elliott.rosenfeld@dep.state.nj.us (Elliot Rosenfeld)
dashurberg@hpacorp.com (Debbie Shurberg)
strikkersd@gao.gov (Dave Strickers)
jrsumpt@nppd.com (Jim Sumpter)
marlene.taylor@exeloncorp.com (Marlene Taylor)
satconsult@msn.com (Spyros Traiforos)
ctyler@winston.com (Catherine Tyler)
lfvaughn@duke-energy.com (Lisa Vaughn)
dwoodla1@txu.com (D.R. Woodlan)
zemenskir@dtenergy.com (Robert Zemenski)
kenneth.wade@nuclear.energy.gov (Kenneth Chuck Wade)