

October 3, 2001

ORGANIZATION: Nuclear Energy Institute (NEI)

SUBJECT: SUMMARY OF MEETING WITH THE NUCLEAR ENERGY INSTITUTE (NEI) TO DISCUSS INSPECTIONS, TESTS, ANALYSES, AND ACCEPTANCE CRITERIA (ITAAC)

On September 7, 2001, representatives of NEI met with the Nuclear Regulatory Commission (NRC) to discuss issues related to ITAAC. Enclosure 1 is a listing of the meeting attendees and Enclosure 2 is a copy of the handouts provided by NEI.

The meeting was a continuation of a June 15, 2001, meeting with NEI on the same subject. At the beginning of the meeting NEI requested the staff to provide a schedule for the resolution of programmatic ITAAC. The staff stated that it was in the process of reviewing the comments it received as a result of a *Federal Register Notice* (FRN) on the subject, and the current target date for a Commission paper on the issue was February 2002. NEI pressed the staff for a quicker resolution. The staff stated that it would reassess the schedule.

Other discussion topics included the following four items: (1) Use of risk information in the construction inspection program (CIP), (2) process issues for implementing 10 CFR 52.99, "Inspections during construction," and 52.103, "Operation under a combined license," (3) NEI's proposal for how the NRC would verify ITAAC are complete, and (4) engineering design verification by the NRC, and operational program readiness inspections. The following are highlights from these discussions

Use of Risk Information in the CIP

NEI stated that it welcomed the opportunity for using risk insights in the CIP. The staff stated that the ITAAC that were developed for the certified designs were risk informed in that risk significant systems had more detailed ITAAC than those that were not risk significant. The staff noted that any relevant lessons learned from the revised reactor oversight process would be considered during any revision of the CIP. The staff and NEI agreed that a separate meeting to discuss the use of risk information in the CIP would be beneficial.

Process issues for implementing 10 CFR 52.99 and 52.103

NEI discussed several process issues related to 10 CFR 52.99 and 52.103. One of the issues related to the requirement in 10 CFR 52.103(a) that 180 days prior to the scheduled date of initial loading of fuel the Commission publish a FRN to allow an opportunity for hearing. The issue is how to handle ITAAC that are completed during this 180-day period after the FRN is issued. Slide 9 in Enclosure 2 provides NEI's proposed timeline for this 180 day period and notes NEI's belief that there is a potential for late filed contentions under 10 CFR 52.103, and 10 CFR 2.714 during this period. NEI stated that the 180-day FRN would be initiated by a letter from the licensee indicating the ITAAC that have been met and the schedule for ITAAC that are not completed. The staff noted that 52.103 does not preclude the possibility of multiple notices

so that ITAAC could be addressed in groups rather than all at once. NEI stated its task force looked at the issue of multiple notices and determined that a single notice would be less complex, especially for those ITAAC met late in the process. NEI also stated that it would address, in a forthcoming white paper, whether or not the 10 CFR 52.99 FRNs regarding completion of ITAAC should continue through this 180-day period.

NEI stated that the FRN required by 10 CFR 52.99 should include an NRC conclusion that the subject ITAAC have been successfully completed. The staff noted that this NRC conclusion was not a requirement of 10 CFR 52.99. The staff raised concerns with respect to how the NRC will handle new information, received after the NRC staff has published a FRN stating that the staff agrees that ITAAC have been met, which suggests that the staff conclusion is incorrect.

NEI's proposal for how the NRC would verify ITAAC are complete

NEI outlined the basis for a licensee's determination that an ITAAC was satisfied. The licensee's ITAAC determination would specify the scope of completed ITAAC, identify that the quality assurance records that form the bases for the ITAAC determination are available for audit, and request that the NRC staff confirm the ITAAC have been met and issue a FRN. The staff noted that its plan for verifying ITAAC was contained in SECY-94-294, "Construction and ITAAC Verification."

NEI stated that the attachment to this SECY, which contains a representative inspection plan for the advanced boiling water reactor high pressure core flooders system, could result in duplicate inspections. The staff indicated that the example was for only one system and was intended to tie NRC inspection procedures used for the 10 CFR Part 50 licensing process with an example of an ITAAC that was developed for the 10 CFR Part 52 process. One of the purposes of this exercise was to determine if new inspection procedures would need to be developed for ITAAC. The conclusion at the time was that the 10 CFR Part 50 inspection procedures could be modified to address ITAAC but the procedures did not need to be entirely rewritten. The staff noted that when the entire ITAAC for a design are taken into consideration the inspection plan for this high pressure core flooders system could look different.

Engineering Design Verification by the NRC, and Operational Program Readiness Inspections

NEI stated that the purpose of the engineering design verification should be to establish confidence that the detailed design conforms to that approved in the combined license. NEI also stated that the engineering design verification should be completed early in the project's life. The staff noted that SECY-94-294 also discusses engineering design verifications and agreed with NEI that these could be done early in the project's life. The staff noted that engineering design verifications that applied to the certified design should only have to be done once. NEI stated that NRC inspection guidance may need to be developed for the engineering design verifications.

NEI discussed the operational program readiness inspections and stated that these inspections should start before the 10 CFR 52.103(g) finding is met. NEI also stated that the safety focus should be based on the reactor oversight process baseline inspection program.

Conclusion

NEI stated that it would use the information exchanged at this meeting and the June meeting to develop a white paper on ITAAC and the CIP. NEI's tentative schedule is to supply this paper to the staff during the Fall of 2001. NEI envisions the staff using the white paper as an input for a Commission paper on the subject similar to SECY-94-294.

/RA/

Joseph M. Sebrosky, Project Manager
Future Licensing Organization
Office of Nuclear Reactor Regulation

Project No. 689

Enclosures: As stated (2)

cc w/encls: See next page

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Meeting Attendees
Meeting with NEI on ITAAC
September 7, 2001

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Ron Simard	NEI
J. Alan Beard	GE Nuclear
Kevin Borton	Exelon Generation
Charles Brinkman	Westinghouse
Ben George	Southern Nuclear
Cal Reid	Bechtel
Gary D. Miller	Dominion
Steve Frantz	Morgan, Lewis, & Bockius LLP
Brooke Poole	Winston and Strawn
A.K. Singh	Sargent and Lundy

Enclosure 2
NEI Handouts
for
September 7, 2001 Meeting

The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The handouts mentioned above may be accessed through the ADAMS system under Accession No. ML012600337. If you do not have access to ADAMS or if there are problems in accessing the handouts located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdrc@nrc.gov.

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