

August 20, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Charles E. Ader, Chairman */RA/*
Committee To Review Generic Requirements

SUBJECT: MINUTES OF THE COMMITTEE TO REVIEW GENERIC
REQUIREMENTS MEETING NUMBER 375

The Committee To Review Generic Requirements (CRGR) held special Meeting No. 375 on July 31, 2002, from 8:30 A.M. to 12:00 P.M., with the attendees listed in Attachment 1. The purpose of this meeting was to review two items. Item #1: Review proposed Bulletin 2002-XX, "Reactor Vessel Head and Reactor Vessel Head Penetrations Inspection Programs" (ADAMS Accession No. ML022240252). Item #2: Review the staff response to the CRGR backfit concerns (see CRGR Meeting Minutes #374, ML022050073) which were noted to be in the proposed Final Draft Rule Revising 10 CFR 50.55a, "Codes and Standards". The slide presentation for Item #2 is in ADAMS, Accession No. ML022100380.

Item #1:

Mr. Michael Marshall, Office of Nuclear Reactor Regulation, briefed the CRGR on the proposed Bulletin 2002-XX, "Reactor Vessel Head and Reactor Vessel Head Penetrations Inspection Programs."

The CRGR had various concerns and comments related to potential backfit by the use of the bulletin to obtain information for which it appeared that the staff would only consider one correct answer, related to the question of why issue this bulletin when it appears to be requesting information similar to that in the previous bulletin (2001-01), and related to the question of how the results of this bulletin may impact the Temporary Instruction being completed by inspectors for the previous bulletin. The CRGR and staff also discussed the appropriateness of issuing a bulletin versus issuing an order.

The staff indicated that the choice for a bulletin instead of orders was based on technical reasons, the different category of plants, and that mainly, additional information is needed to develop the basis for orders, if needed. Accordingly, a bulletin at this time will provide information regarding licensee inspection plans given inspection experience and interactions with the industry since the last bulletin (2002-01) on this subject was issued. This acquired information will help inform whether or not additional regulatory action e.g., orders, are necessary.

The staff also stated that since there was only a request for information and no imposition, the bulletin could not be considered a backfit. The issue of discussion was that visual examinations may not assure RCS integrity and provide adequate assurance of meeting applicable regulations and volumetric examinations may be necessary. The information requested in the proposed bulletin will enable the NRC staff to assess whether PWR licensees have taken appropriate steps to improve the effectiveness of their inspection programs.

The staff indicated that the issuance of this bulletin is to be a bridging document in a four-step process finalizing in issuance of a revised 10 CFR 50.55a. The CRGR recommended and the staff agreed that the four steps should be discussed in the bulletin. The CRGR further recommended and staff agreed to clearly articulate what additional information beyond that requested in Bulletin 2002-01 was being requested and the need for this additional information.

Furthermore, the staff indicated that this bulletin will necessitate that the Temporary Instructions associated with Bulletin 2001-01 be reassessed. The staff intends to assist in a prompt issuance of a new TI (if needed) associated with this new bulletin.

The CRGR also recommended and the staff agreed that modifications and editorial changes should be accomplished to strengthen the bulletin and remove implications of a backfit, specifically, the discussion regarding Table 1 (alternate inspection methods) should be revised so as not to imply a backfit.

The CRGR and staff agreed to go forward with the bulletin with these modifications on the basis that the staff indicated that it was a request for information and part of a plan to issue orders for backfits if necessary based on licensee responses.

Item #2:

Mr. Steve Tingen, Office of Nuclear Reactor Regulation, addressed the three points in the proposed Final Draft Rule Revising 10 CFR 50.55a, "Codes and Standards" that was previously noted as backfit concern, by the CRGR

The CRGR was concerned in that the new rule containing a "forward fit" without proper rule language could be interpreted as a backfit for licensees that have already implemented the 1995 Edition with the 1996 Addenda. The following are the three points previously viewed as having a backfit concern:

- 1) 50.55a(b)(2)(ix)(I)- (reinstating provision deleted in 1995 Addenda)
- 2) 50.55a(b)(2)(xx)- (reinstating provision deleted in 1995 Addenda)
- 3) 50.55a(b)(2)(xv)(A)- (addition of dissimilar metal piping weld UT examination coverage requirement)

Through the staff's discussions with OGC, bullet 1 and 2 are determined to be "forward fits" and not backfits because the modifications do not apply to licensees that have implemented the 1995 Edition with the 1996 Addenda for their current 10-year interval. After further review of the proposal by the staff, two more items were found to qualify under the category of "forward fit." These two items are:

- 4) 50.55a(b)(2)(xii)- (prohibiting the use of provisions added in 1996 Addenda)
- 5) 50.55a(b)(2)(xxi)(B)- (reinstating provision deleted in 1995 Addenda)

The staff indicated that the modifications in 50.55a(b)(2)(ix)(I), 50.55a(b)(2)(xx), 50.55a(b)(2)(xii) and 50.55a(b)(2)(xxi)(B) would only apply to licensees implementing the 1997 Addenda and later editions and addenda of the ASME Code. The modifications do not apply to licensees that have implemented the 1995 Edition with the 1996 Addenda for their current 10-year interval. However, the modifications would apply at these licensees' next 10-year interval update.

Modifications in bullet 1, 2 and 5 involve provisions in the ASME Code that were eliminated in the 1995 Addenda that the staff wants to reinstate. The staff wants to prohibit the use of provisions indicated in bullet 4. The staff failed to identify these problems during the previous rulemaking but identified the problems in the 1995 Addenda during the review of the 1997 through 2000 Addenda. The CRGR recommended and the staff agreed to include in the rule language that the previous exclusions were an oversight. Also, the staff agreed to include in the statement of consideration, a statement indicating how this will impact those licensees who have already updated their codes.

After further consideration based on the CRGR's backfit concern on the third bullet, 50.55a(b)(2)(xv)(A), the addition of UT coverage criteria for dissimilar metal welds, the staff also recognizes it as a backfit. The third bullet is intended by the staff to apply to all licensees, including those who have already updated their ISI program to the 1995 Edition with the 1996 Addenda. This backfit falls into the "adequate protection" exception under 10 CFR 50.109(a)(4)(ii). The Backfit Analysis in the final rule has been revised to indicate that the modification associated with UT examination criteria for dissimilar welds is an adequate protection backfit.

The CRGR considers that the staff's response and proposed modifications addressing the backfit concerns in the Final Draft Rule Revising 10 CFR 50.55a, "Codes and Standards" to be satisfactory. Furthermore, the CRGR recommended and the staff agreed that a discussion on "forward fit" be inserted into the backfit analysis section of the final rule. The CRGR also recommended some minor editorial changes to the documents.

The CRGR had an internal discussion addressing the proposal for the review of the administrative backfit procedures used by the various regions and offices. The CRGR discussed the purpose of the review is to determine if the backfit policy procedures used by the various regions and offices are adequate. The CRGR agreed with a proposal to review the procedures and issue a report by October 2002. This review is a response to the industry concerns on backfit issues voiced in the November 2001 NEI licensing forum.

Questions about these meeting minutes should be referred to Les Cupidon at LRC@nrc.gov.

Attachments: As stated

cc:

Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

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cc: Chairman Meserve
 Commissioner Dicus
 Commissioner Diaz
 Commissioner McGaffigan
 Commissioner Merrifield

OFFICE	CRGR		CRGR
NAME	L. Cupidon		C. Ader
DATE	8/ 20 /02		8/ 20 /02

Distribution: CRGR r/f
 OAR in ADAMS? (Y or N) Y
 Publicly Available? (Y or N) N

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 SENSITIVE? N

SUBJECT: MINUTES FOR THE COMMITTEE TO REVIEW GENERIC REQUIREMENTS
MEETING NUMBER 375

MEMO DATED: August 20, 2002
cc w/att. (Via e-mail):

Annette Vietti-Cook, Secretary of the Commission
William F. Kane, DEDR
Carl J. Paperiello, DEDMRS
Frank J. Congel, OE
Hubert T. Bell, OIG
Karen D. Cyr, OGC
Janice Moore, OGC
Cathy Marco, OGC (alt.)
John T. Larkins, ACRS
Martin J. Virgilio, NMSS
Margaret Federline, NMSS
M. Wayne Hodges, NMSS/SFPO (alt.)
E. William Brach, NMSS
Samuel J. Collins, NRR
Brian Sheron, NRR
Gary Holahan, NRR/DSSA (alt.)
Ashok C. Thadani, RES
Jack Strosnider, RES
R. William Borchardt, NRR
Steven Tingen, NRR/DE/EMEB
Michael Marshall, NRR/DE/EMEB
E. Imbro, NRR/DE/EMEB
D. Terao, NRR/DE/EMEB
R. Barrett, NRR/DE
Charles Casto, NRR/DE
Jon Johnson, NRR/OD
Don Naujock, NRR/DE/EMCB
Terence Chan, NRR/DE/EMCB
Hans Ashar, NRR/DE/EMEB
G. Mizuno, OGC
W. Beecher, OPA
H. Miller, Region I
L. Reyes, Region II
B. Mallett, Region II
J. Dyer, Region III
E. Merschoff, Region IV

CRGR MEETING No. 375
LIST OF ATTENDEES
(July 31, 2002)

CRGR Members

Charles E. Ader, Chairman
John Zwolinski, NRR (Alternate)
M. Wayne Hodges, NMSS (Alternate)
Janice Moore, OGC
Jack R. Strosnider, RES
Bruce S. Mallett, RII

Les Cupidon, CRGR Staff

NRR Staff

Item #1:

William D. Beckner NRR/ROPP
William H. Bateman, NRR/DE/EMCB
Terence L. Chan NRR/DE/EMCB
Michael L. Mashall, NRR/DE/EMCB
Steve M. Long, NRR/DSSA/SPSB
Andrea D. Lee, NRR/DE/EMCB
Terrence Reis, NRR/DRIP/RORP
James W. Shapaker, NRR/DRIP/RORP
Timothy K. Steingass, NRR/DE/EMCB

Item #2:

Charles A. Casto, NRR/DE
Eugene V. Imbro, NRR/DE/EMEB
Steve G. Tingen, NRR/DE/EMEB
Hansraj G. Ashar, NRR/DE/EMEB
Donald G. Naujock, NRR/DE/EMCB
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Harry S. Tovmassian, NRR/DRIP/RGEB

RES Staff

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ACRS Staff

Item #1:

Maggalean W. Weston, ACRS