

October 5, 2005

MEMORANDUM TO: FILE

FROM: Mary Ann M. Ashley, Team Leader/*RA*/
Construction Inspection Program Development
Inspection Program Branch, NRR

SUBJECT: SUMMARY OF MEETING WITH NEI ON SEPTEMBER 21, 2005 TO
DISCUSS CONSTRUCTION INSPECTION ISSUES

A category 2 public meeting was held on September 21, 2005, to discuss construction inspection program issues. The agenda for the meeting is included as Attachment 1 to this memo. The meeting was attended by 18 individuals from the Nuclear Regulatory Committee (NRC), the Nuclear Energy Institute (NEI) and the nuclear industry. The list of attendees is included as Attachment 2 to this memo.

The NRC began by discussing the progress on developing and issuing Inspection Manual Chapter (IMC) 2503, on ITAAC Inspections, and IMC 2404, on Non-ITAAC Inspections. NEI discussed that they planned on documenting the results of the series of discussions with the NRC on construction inspection issues in NEI 06-01.

The first topic on the agenda was activities to close out an ITAAC. The NRC identified that the licensing staff would likely be tasked with processing the licensee determination letters and issuing the Federal Register Notices required by 10 CFR 52.99. The group discussed various aspects of the closeout process. The NRC indicated that an inspection of the process used by the licensee to generate the closeout letter would be conducted and that the level of review of the letter and any supporting information would be determined, at least in part, by the NRC's level of confidence with the process. The level of review will also be governed by the inspection history related to the specific ITAAC.

The group also discussed how inspection open items would be treated in the close out process. The NRC indicated that issues identified during the inspection process that called into question the ability of the licensee to meet the ITAAC acceptance criteria would be called an "ITAAC open item." ITAAC open items would need to be closed by the NRC in an inspection report before the NRC would find that an ITAAC had been successfully met. Other issues of lesser significance or unrelated to ITAAC may also exist but would not prevent the staff from finding that the ITAAC had been met. The NRC discussed that there would need to be an accounting of any open items against an ITAAC. The NRC would need to include in its closeout summary that the open items have been reviewed and would have to conclude that the ITAAC has been met despite of those open items. The open items could then be closed separately without affecting the ITAAC closure. The staff noted that it would be appropriate for the licensee to review the open items prior to sending in the ITAAC determination letter and to be able to state that the remaining open items would continue to be resolved but were not found to have an impact on the acceptance criteria.

The industry discussed their position that the ITAAC closeout is not subjective. If the ITAAC requires that a report "exists and concludes," then the NRC should only be concerned that the report exists and reaches that appropriate conclusion. The industry view is that the NRC agreement with the conclusions reached by the licensee was not part of the ITAAC concept. The NRC disagreed with that position stating that the staff had to independently come to the same conclusion using the information gathered through the NRC inspection process.

The level of detail in the ITAAC determination letter needed by the NRC was also discussed. The NRC reinforced the need for the licensee to provide information at a level of detail that would allow the NRC staff to efficiently complete its ITAAC closeout activities. The NRC stated that the staff would provide feedback to NEI on the ITAAC closeout examples provided at the meeting. The NEI handout containing the examples is located in ADAMS at Accession Number ML052650205.

The group also discussed how ITAAC would be handled if they were identified as only having to be conducted for the first plant. The staff indicated that since the ITAAC are listed in the certified design documentation they would need to be addressed in the application but that the applicant could reference the ITAAC closure from a previous project and ask that the ITAAC be considered resolved when the COL is issued.

The group discussed issues identified by NEI after the May ITAAC Workshop. The issues are documented in a letter dated July 18, 2005 from Adrian Heymer, NEI, to Stuart Richards, Chief, Inspection Program Branch, NRC. The letter can be found in ADAMS at Accession Number ML052010278. The NRC reviewed the facts related to the public release of licensee documents related to ITAAC determinations. The NRC can review licensee documents and can refer to them in our documentation of the completion of the ITAAC, but if the document is not in the NRC's possession it is not eligible for release under a Freedom of Information request. However, the information may be required to be released to support legal actions.

The group discussed post-ITAAC maintenance of structures, systems and components related to a specific ITAAC. The NRC stated that it is the responsibility of the licensee to maintain the validity of the ITAAC using controlled and approved licensee programs. The group discussed the need to understand the limit of 'routine' maintenance and how different activities could have an impact on the continued validity of an ITAAC. The NRC stressed that the licensee was responsible for evaluating any work performed after an ITAAC determination had been made to ensure that the acceptance criteria will continue to be met. The NRC staff noted that there was no set of rules that would apply in every case but if the focus remained on the acceptance criteria then situations where the ITAAC may be affected would be identified.

AGENDA
September 21, 2005
New Reactor Construction Inspection Program Discussions

- 8:30am NRC and NEI comments
- 8:45am NRC Update on IMC -2503 and IMC - 2504
- 9:30am Discussion of examples fo ITAAC determination bases
- 10:00 am Discussion with the NRC's Office of General Counsel on CIP workshop questions and documentation of ITAAC
- 10:45 am Closing questions and any wrap up comments

Attendance List
September 21, 2005
New Reactor Construction Inspection Program Discussion

Name	Organization	Email
Ben George	Southern Nuclear	bjgeorge@southernco.com
Sandra Sloan	Framatome ANP	sandra.sloan@framatome-anp.com
Cal Reid	Bechtel	creid@bechtel.com
Peter Hastings	Duke Power	pshastings@duke-energy.com
Jim Winters	Westinghouse	winterjw@westinghouse.com
Mary Ann Ashley	USNRC/NRR	mab@nrc.gov
Bruce Musico	USNRC/NSIR	bjm2@nrc.gov
Bob Weisman	USNRC/OGC	rmw@nrc.gov
Steve Bloom	USNRC/NRR	sdb1@nrc.gov
Jerry Wilson	USNRC/NRR	jnw@nrc.gov
Patrick Sekerak	USNRC/NRR	pxs1@nrc.gov
George Zinke	Entergy/NuStart	gzinke@entergy.com
Joseph Colaccino	USNRC/NRR	jxc1@nrc.gov
Larry Drbal	Black and Veatch	drballf@bv.com
Ken Montgomery	Black and Veatch	montgomerykw@bv.com
Russ Wells	Parallex	rwells@ parallex.com
Russ Bell	NEI	rjb@nei.org
Dan Williamson	Exelon	dan.williamson@exeloncorp.com

Package: Memo with attachments and handout (ML052650205)

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E Klee

C Julian

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J Tapia

E Grey

P Prescott

S Tingen

J Jennings

S Richards

V McCree

W Beckner

Meeting attendees via email

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