

March 23, 2006

MEMORANDUM TO: Mary Ann Ashley, Team Leader  
Construction Inspection Program Development  
Reactor Inspection Branch, NRR

FROM: S. Patrick Sekerak, Reactor Operations Engineer/*RA*/  
Construction Inspection Program Development  
Reactor Inspection Branch, NRR

SUBJECT: SUMMARY OF MEETING WITH NEI ON MARCH 6, 2006 TO  
DISCUSS CONSTRUCTION INSPECTION AND COMBINED  
LICENSE ISSUES

A category 2 public meeting was held on March 6, 2006, to discuss construction inspection program and combined license (COL) issues. The agenda for the meeting is included as Attachment 1 to this memo. The meeting was attended by 32 individuals from the nuclear industry, the Nuclear Energy Institute (NEI), and the Nuclear Regulatory Commission (NRC). The list of attendees is included as Attachment 2 to this memo.

The first topic on the agenda was an update of progress on the construction inspection program (CIP). NRC identified status on developing and issuing Inspection Manual Chapter (IMC) 2503, on ITAAC Inspections, and IMC 2404, on Non-ITAAC Inspections. The NRC provided copies of the table of contents for IMC 2503 and 2504 (included as Attachments 3 and 4 to this memo), and indicated that both of these manual chapters were in the final stages of management concurrence and are expected to be issued by the end of March, 2006. The NRC also summarized the status of the effort for revising the existing operational program inspection procedures (IP) and creation of new ITAAC related IPs (referenced in IMC 2503 and 2504) for compatibility with the 10 CFR Part 52 licensing process. The NRC will conduct a CIP public meeting / workshop during the fourth quarter of 2006 featuring the IMC 2503 ITAAC matrix and inspection sampling selection process, as well as the 2504 non-ITAAC inspection requirements and their integration with COL application review activities.

NEI raised a question about the scope and definition of first-of-a-kind (FOAK) engineering inspections, and proposed that a definition of FOAK engineering activities be added to the appropriate IMC documents to further clarify the anticipated inspection activity associated with FOAK engineering. The NRC indicated that FOAK engineering inspections are discussed in detail in IMC 2502, Appendix B and in IP 37802, albeit without a specific definition of FOAK engineering activity. The NRC indicated that consideration would be given to providing such a definition in a future revision of IMC 2502.

The second agenda topic was presented by NEI including a summary of lessons learned (LL) from previous industry / NRC interactions (see Attachment 5), and the November 21, 2005 letter from the NRC to NEI (ML053250159) on ITAAC determination bases (IDB) documentation. The discussion of the list of lessons learned for the ITAAC verification process

resulted in general agreement among the group with some additional clarifications. LL #11 states that ITAAC completion letters should be submitted under oath and affirmation, but may include reference IDB for information only. NEI clarified that the only part of the ITAAC determination letter submitted to the NRC under oath and affirmation is the statement that a particular ITAAC has been completed. All other supporting information will be provided as information only. The NRC staff reminded the meeting participants that the strategy of referencing documentation for "information only" was proposed by the industry, but had not been evaluated by the NRC.

There was also a discussion on the types of information that might be needed to support closeout of ITAAC where the acceptance criteria is "a report" that is non-standard regarding specified form and content. The NRC staff agreed to review the AP1000 ITAAC to make a rough determination of the number and types of non-standard reports. Subsequent to the meeting, the NRC's review identified approximately 110 ITAAC requiring reports for which there are no specifications for content.

The discussion of the IDB documentation identified in the November 21, 2005 NRC letter again indicated general agreement among the group except for two specific issues. First, regarding IDB documentation referenced in an ITAAC determination letter for closure of ITAAC requiring ASME Code required reports. NEI proposed that IDB need only include reference to a so-called ASME III Code Data Package (see Attachment 6), because the ASME Code certification process, including required reports and data forms, is well understood and needs no further detailed explanation. The NRC position remains as stated in the November 21, 2005 NRC letter. The ASME Code data report forms, certified design reports, and other Code required documentation should be specifically identified as the IDB for each ASME Code related ITAAC, because this information will be unique to each ASME Code component ITAAC. Even though the ASME Code certification process is expected to be uniformly applied to developing the IDB, the resulting IDB will be different in most cases, since the ASME Code ITAAC focus on individual components and systems.

The second issue from the November 21, 2005 NRC letter was NEI's objection to including reference to procurement documents, such as receipt inspection records and certificates of compliance, in the IDB documentation. The industry considers these documents to be part of the underlying quality assurance record package, and not required for ITAAC closure. The NRC acknowledged that there may not be staff consensus on this issue, and additional discussion is necessary to reach a common understanding.

The agenda item listed as Severe Accident Change Process was deleted from this meeting at the request of the industry, and will be included in a future meeting.

The final agenda item was discussion of the COL Issues List (Attachment 7), identified as Enclosure 2 to NEI Letter dated December 21, 2004. After a review of the listed items, the group decided that there is no need to further update or maintain this particular list for future communications. The individual items on the list are being adequately addressed in other NEI and NRC documents, and a separate listing such as this one is no longer considered necessary.

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