

April 17, 2009

MEMORANDUM TO: Joelle Starefos, Branch Chief  
Construction Inspection & Allegations Branch  
Division of Construction Inspection  
& Operational Programs  
Office of New Reactors

FROM: James Gaslevic, Reactor Operations Engineer /RA/  
Construction Inspection & Allegations Branch  
Division of Construction Inspection  
& Operational Programs  
Office of New Reactors

PARTICIPANTS: Public, Industry, and NRC Staff

SUBJECT: SUMMARY OF MARCH, 18, 2009, CATEGORY 2 MEETING WITH THE  
NUCLEAR ENERGY INSTITUTE (NEI) TO CONTINUE DISCUSSIONS  
ON ITAAC MAINTENANCE

On March 18, 2009, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission's (NRC) and the Nuclear Energy Institute (NEI). NRC constituents included the Construction Inspection and Allegation Branch of the Division of Construction Inspection and Operational Program (DCIP) in the Office of New Reactors (NRO) and the Region II Center for Construction Inspection. Also invited were industry and the general public. The meeting was held at the Legacy Hotel, 1775 Rockville Pike, Rockville, Maryland. The purpose of the meeting was to continue discussion on inspections, tests, analyses and acceptance criteria (ITAAC) maintenance emerging issues.

To start the meeting, NRC staff announced that the format would be a roundtable-type discussion between the NRC and NEI. Since the meeting was designated as a Category 2 public meeting, staff announced that there would be specific times allotted for public participation as outlined in the meeting agenda. The primary document submitted by NEI to be discussed at the meeting was the, "Proposed Supplemental Guidance on Maintaining ITAAC Closure for Section 8 of NEI 08-01 Revised 3/9/09" (ADAMS ML090720607). NEI also submitted examples that would be used to explore the concepts of the proposed guidance. The two example documents used at the meeting are, "Draft ITAAC Maintenance Examples for Discussion w/NRC on March 18, 2009, Revised 3/13/09" (ADAMS ML090720618) and "NEI ASME Piping Example Handout on ITAAC Maintenance for March 18, 2009, Public Meeting w/NRC" (ADAMS ML090780173).

The purpose of these documents is to demonstrate how a licensee will maintain a successful ITAAC conclusion following the submittal of the ITAAC closure letter in accordance with 10 CFR 52.99(c) (1). Licensees will use established programs (e.g. quality assurance, maintenance, problems identification and resolution (PI&R), and configuration management programs) to

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maintain the validity of prior ITAAC determinations until the time all ITAAC are met and the Commission makes a finding that the acceptance criteria in the combined license are met as stated in 10 CFR 52.103(g).

As part of the licensee program to maintain ITAAC Closure, the licensee may need to repair or replace components. Through the guidance and its examples, NEI proposed a method for the reporting criteria of ITAAC maintenance to the NRC. The NRC stated its position that the terms used throughout the document need to be clearly defined as well as consistently used, including terms such as “supplemental,” “update,” or “new” submittals. The NRC also asked NEI to expand and provide more detail on the reporting logic of item 2d of the proposed guidance, which is the bases of the “supplemental report.”

Item 3 of the proposed guidance states that the licensee should update the NRC regarding replaced components if they are “identified and verified” as part of a closed ITAAC acceptance criteria. The guidance proposes that these components are identified and reported to the NRC at the same time as the 10 CFR 52.99(c)(2) notification required 225 days before scheduled fuel load. Subsequent component reporting would be included with the schedule updates required by 10 CFR 52.99(a). The NRC staff recommended that NEI require such reporting by a certain time after the component replacement instead of waiting until the end of construction. Providing information such as this to the NRC sooner gives the staff more opportunity to perform post-work inspections.

As part of their proposed supplemental guidance, NEI also provided a flowchart to describe the overall reporting decision logic of ITAAC maintenance. Although staff felt that this was a helpful attribute of the guidance, staff requested that NEI provide more detail that would include the reporting thresholds not currently shown on the flowchart. Detailing the thresholds on the flowchart would allow a more standardized approach when working the examples through the flowchart.

The last topic discussed at the meeting was the “all-done” letter, which serves to notify staff that the licensee has closed and maintained each ITAAC. This proposed letter is sent after or simultaneously with the last ITAAC closure notification, and will serve as the bases for staff’s recommendation to the Commission for the 10 CFR 52.103(g) finding. NEI proposed that a licensee could submit ITAAC closure letters and the “all-done” letter prior to receiving confirmation from the NRC regarding staff review and conclusion of unclosed ITAAC notification submittals. Industry believes, though, that NRC inspectors would be consistently onsite and inspecting during construction, and that any activities concerning ITAAC would be immediately apparent and forefront. Therefore, waiting for NRC acceptance of every closure letter is not needed to submit the “all-done” letter. This topic was then reserved for a future meeting.

NEI expressed interest in the expected turnaround time of NRC review of ITAAC closure letter submittals. Staff responded that the internal ITAAC closure review process was not finalized, and could not speculate at suggested review times at this time.

NEI expressed concern regarding the timing issue of construction verses operations turnover. The discussion included when Technical Specifications become applicable, as well as American Society of Mechanic Engineers (ASME) code Section III and Section XI. Staff indicated that more internal discussions were needed to outline the governing processes for post 10 CFR 52.103(g) finding and pre-fuel load.

Based on this productive meeting and several follow-up items, the next Category 2 is tentatively scheduled for May 7, 2009. NEI will propose potential dates, below are actions items resulting from the meeting:

1. Expand on the logic description of item 2d in proposed supplemental guidance – NEI
2. Detail the threshold and logic information on the NEI flowchart – NEI

3. Improve the flowchart to better demonstrate how to get to the 1<sup>st</sup> block, outside of the ITAAC maintenance programs, regarding a potentially reportable activity – NEI
4. Standardizing and defining terms “supplemental,” “update,” and “new” in the proposed guidance – NEI
5. Tying component replacement reporting to activity for timeliness – NEI
6. Correlate NEI flowchart blocks to the guidance text – NEI
7. Review ASME NQA-1 logic for applicability – NEI
8. Determine code applicability for ASME Section III and Section XI – NRC
9. Coordinate potential dual reporting due to another regulation to NRC HQ and NRC Region II – NEI
10. Expand on post-work testing definition details, item 5 in proposed guidance - NEI
11. Investigate potential technical, legal, and licensing issues regarding timeline until fuel load– NRC and NEI
12. Provide more feedback on pipe support and design change example - NRC
13. Review the legal theory and underpinning nature of plant condition before and after the 10 CFR 52.103(g) finding - NRC
14. Continue development of the NRC internal ITAAC closure process - NRC

A list of meeting attendees is attached. Also attached are copies of the documents discussed at the meeting (ADAMS ML090850056):

- Proposed Supplemental Guidance On Maintaining ITAAC Closure for Section 8 of NEI 08-01 Revised 3/9/09 (ADAMS ML090720607);
- Draft ITAAC Maintenance Examples for Discussion w/NRC on March 18, 2009, Revised 3/13/09 (ADAMS ML090720618);
- NEI ASME Piping Example Handout on ITAAC Maintenance for March 18, 2009, Public Meeting w/NRC (ADAMS ML090780173).

Members of the public were not in attendance; Public Meeting Feedback forms were received. Please direct any inquiries to me at 301-415-2776, or [james.gaslevic@nrc.gov](mailto:james.gaslevic@nrc.gov).

Enclosures: Agenda (ADAMS Accession Number: ML090550404)

cc w/encl: See next page

3. Improve the flowchart to better demonstrate how to get to the 1<sup>st</sup> block, outside of the ITAAC maintenance programs, regarding a potentially reportable activity – NEI
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NRC-001

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|--------|---------------|------------------|
| OFFICE | NRO/DCIP/CCIB | NRO/DCIP/CCIB:BC |
| NAME   | J. Gaslevic   | J. Starefos      |
| DATE   | 03/ /09       | 03/ /09          |

**OFFICIAL RECORD COPY**

**ITAAC Maintenance Emerging Issues Public Workshop**  
**March 18, 2009**  
**Location: Legacy Hotel, Rockville, MD**  
**Meeting Attendees**

|                     |                                   |
|---------------------|-----------------------------------|
| Gary Waldrep        | Exelon                            |
| Matthew Williams    | Unistar                           |
| John Brabec         | Luminant Power                    |
| Steve Blossom       | STPNOC                            |
| Dan Meekhoff        | Dominion                          |
| James Gaslevic      | NRC/NRO                           |
| George Khouri       | NRC                               |
| Kimberly Keithline  | NEI                               |
| David Postma        | Bechtel Power                     |
| Larry Arnold        | STP                               |
| Joelle Starefos     | NRC/NRO                           |
| Leonard Loflin      | EPRI                              |
| Julie Giles         | SCE+G                             |
| Tony Cerner         | NRC                               |
| Ron Gardner         | NRC                               |
| Alan Torres         | SCE+G                             |
| Junichi Uchiyama    | Mitsubishi Nuclear Energy Systems |
| Russ Bell           | NEI                               |
| John Oddo           | Shaw Group Inc.                   |
| Sue Simpson         | NEI                               |
| Lanny Dusek         | Fluor                             |
| Jim Kinard          | AREAVA NP                         |
| Caroline Schlaseman | MPR Associates/TANE               |
| Tracy Shober        | Fluor                             |
| Thom Ray            | Westinghouse                      |
| Ken Barry           | EPRI                              |
| Hamer Carter        | Progress Energy                   |
| Doug Walters        | NEI                               |
| Debbie Johnson      | Fluor                             |
| Glenn Tracy         | NRC/NRO                           |
| John Tappert        | NRC/NRO                           |
| Charles Ogle        | NRC/RII                           |
| Alan Blamey         | NRC/RII                           |
| Stephen Burdick     | Morgan Lewis                      |
| Nanette Gilles      | NRC                               |
| Barry Bryant        | Dominion                          |
| Craig Goodwin       | HV Diagnostics Inc.               |
| Branden Waites      | Southern Company                  |
| Robert Weisman      | NRC/OGC                           |
| Tomas Herrera       | NRC/NRO                           |
| Carl Weber          | NRC/NRO                           |
| Michael Spencer     | NRC                               |
| Tim Durtin          | Energyetics                       |
| David Hastie        | Shaw Group                        |

ENCLOSURE

|                 |           |
|-----------------|-----------|
| Omid Tabatabai  | NRC/NRO   |
| Anne Cottingham | NEI       |
| Kimberly Corp   | NRC       |
| Deann Raleigh   | Advantage |
| Denise McGovern | NRC       |
| Anthony Gody    | NRC/RII   |