

July 21, 2003

ORGANIZATION: Nuclear Energy Institute (NEI)

SUBJECT: SUMMARY OF MEETING HELD ON MAY 22, 2003, TO DISCUSS  
INSPECTIONS, TESTS, ANALYSES AND ACCEPTANCE CRITERIA  
(ITAAC) FOR OPERATIONAL PROGRAMS AND 10 CFR PART 52  
COMBINED LICENSE (COL) ISSUES

The Nuclear Regulatory Commission (NRC) held a public meeting with NEI on May 22, 2003, at NRC Headquarters to discuss ITAAC for operational programs (programmatic ITAAC) and 10 CFR Part 52 combined license (COL) issues. A list of attendees is provided as Attachment 1. The meeting agenda is provided as Attachment 2.

Handouts were provided during the meeting by both the staff and NEI. The handouts can be accessed through the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML031420814. This system provides text and image files of NRC's public documents. 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 [pdr@nrc.gov](mailto:pdr@nrc.gov).

#### Highlights From Programmatic ITAAC Portion of the Meeting

Attachment 3 contains a description of the programmatic ITAAC issue and the staff's proposal to address the Commission's staff requirements memorandum (SRM) of September 11, 2002. The staff and NEI disagreed on the interpretation of the second paragraph of the Commission's September 11, 2002, SRM which states the following:

Although the NRC inspection process does not replace a particular ITAAC, an ITAAC for a program should not be necessary if the program and its implementation are fully described in the application and found to be acceptable by the NRC at the COL stage. The burden is on the applicant to provide the necessary and sufficient information for approval of the COL without ITAAC.

The staff and NEI disagreed on what constitutes a "fully described" program. NEI stated that a COL application need only describe operational programs with the level of detail equivalent to what is provided in existing final safety analysis reports with respect to such programs. The staff believed that additional information regarding the implementation of the program would have to be furnished.

To address the issue, the staff and NEI agreed to pick a program listed in Footnote 2 of Attachment 3 to be used to develop guidance to implement the Commission's SRM regarding programmatic ITAAC. The staff and NEI would then independently develop guidelines for the level of programmatic information that would be needed in order to issue a COL without ITAAC for that program. The information would be provided to each organization at least 10 days in advance of a public meeting to discuss the issue. The staff and NEI agreed to target mid-July

for the next meeting on the issue. Subsequent to the meeting, the fire protection program was identified as the candidate program, and the mid-July meeting was canceled in favor of an August 25, 2003, workshop.

#### Highlights From the COL Portion of the Meeting

In their handouts NEI provided a revised list of COL process and construction inspection program (CIP) general discussion topics. NEI stated that they expect a business decision in the 2005 time frame on whether or not to pursue a COL application. NEI stated that if a COL application was pursued the time frame for a letter of intent could be submitted in late 2005 and the COL application itself could be submitted in mid-calendar year 2006. NEI stated that its overarching goal regarding COL and CIP issues was to support new plant business decisions by 2005.

NEI stated that the first eight items identified in their list would require near-term interactions in order to support new plant business decisions by 2005. For the majority of the eight issues, the staff and NEI have already begun discussions. NEI questioned the staff regarding COL-5, "Establish a common understanding with NRC regarding the 10 CFR Part 52.103 ITAAC hearing process." The staff agreed to provide feedback to NEI regarding their proposal for the 52.103 hearing process. NEI's comments in this area are contained in Section 6, "Preoperational Finding Process and Hearing Opportunity," of their letter dated November 20, 2001. The NRC did not provide a full set of comments in this area because some of the issues associated with how the hearing will be conducted will be determined by the presiding officer in a COL proceeding.

*/RA/*

Joseph M. Sebrosky, Senior Project Manager  
New Reactor Licensing Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs, NRR

Project No. 689

Enclosures: As stated

cc w/encls: See next page

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ADAMS ACCESSION NUMBER: ML031970037-Pkg.

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Distribution for Meeting Summary dated July 21, 2003

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NIqmbal

PQualls

TKenyon

DCoe

MEI-Zeftway

**Meeting**  
**With the Nuclear Energy Institute**  
**May 22, 2003**

**Attendance List**

**NRC**

James Lyons	NRR/NRLPO
Marsha Gamberoni	NRR/NRLPO
Joe Sebrosky	NRR/NRLPO
Jerry Wilson	NRR/NRLPO
Naeem Iqbal	NRR/DSSA/SPLB
Dan Barss	NRR/DIPM/IEHB
Bruce Musico	NRR/DIPM/IEHB
Tom Kenyon	NRR/DRIP/RLEP
Jose Calvo	NRR/DE/EEIB
Matt Chiramal	NRR/DE/EEIB
Janice Moore	OGC
Geary Mizuno	OGC
Kathryn Barber	OGC
Brooke Smith	OGC

**NEI**

Russ Bell  
Ron Simard

**Other Interested Attendees**

Mike Bourgeois	Entergy
Marilyn Kray	Exelon
Joe Hegner	Dominion
Larry Drbal	Black and Veatch
Lane Hay	Serch Bechtel
Patricia Campbell	Winston and Strawn
Charles Brinkman	Westinghouse
Bob Coward	MPR
J. Alan Beard	GE Nuclear Energy
Shinichi Hayadune	Energy USA
Mark Smith	USEC
Jack Roe	Sciencetech
Ryaji Imasaki	Toshiba
K. Kitamura	Toshiba
Deann Raleigh	LIS, Sciencetech

Agenda  
May 22, 2003 Meeting  
with NEI

9:00	Introductory Comments	NEI/NRC
9:10	Discussion of response to staff requirements memorandum (SRM) dated September 11, 2002, regarding programmatic ITAAC (The ADAMS Accession Number for the SRM is ML022540755. Additional background is contained in attachment 2 to the announcement.)	NRC
9:30	Discussion of programmatic ITAAC response	NRC/NEI
10:30	Identification and plans for addressing 10 CFR Part 52 combined license (COL) issues	NRC/NEI
11:45	Public Comment	
11:55	Summary	
12:00	Adjourn	



## Background Material for Programmatic Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)

### Description of the Issue

In SECY-02-0067, "Inspections, Tests, Analyses, and Acceptance Criteria for Operational Programs (Programmatic ITAAC)," the staff requested Commission approval for its position that combined licenses (COLs) for a nuclear power plant submitted in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52 Subpart C contain ITAAC for operational programs required by regulations such as training and emergency planning (ADAMS Accession Number ML020700641). The Commission provided its response in a September 11, 2002, staff requirements memorandum (ADAMS Accession Number ML022540755).

### Discussion Topics

The staff would like to discuss a response to the staff requirements memorandum (SRM) including a discussion of the following option. A draft standard review plan (SRP) Section 14.3, Appendix E, "Programmatic ITAAC" would be developed for guidance. The staff is considering categorizing the 14 programs that it listed in SECY-02-0067 in the following manner as part of this guidance:

- Category A: Programmatic ITAAC are required. A program that falls into this category is emergency planning.
- Category B: Programmatic ITAAC are not necessary because hardware-related ITAAC address the results to which the program is directed. Examples of programs that may fall into this category are equipment qualification, quality assurance, and containment leak rate testing.
- Category C: An ITAAC for a program or elements of the program is not necessary because the program and its implementation can be fully described<sup>1</sup> in the application and found to be acceptable at the COL stage.<sup>2</sup>
- Category D: An ITAAC for a program or elements of the program is necessary because the program and its implementation cannot be fully described<sup>1</sup> in the application. That is, the COL applicant cannot provide the necessary and sufficient programmatic information for approval of the COL without ITAAC.<sup>2</sup>
- Category E: An ITAAC for a program is not necessary because ITAAC will be dispositioned prior to fuel load and the program is not required to be implemented until after fuel load. Examples of programs that may fall into this category include the inservice inspection and inservice testing programs, and the maintenance rule program.

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<sup>1</sup> A principal issue for these categories is what constitutes a "fully described" program.

<sup>2</sup> The following programs may fall into Category C or D depending on the information provided at the time of the COL: fire protection, radiation protection, security, fitness for duty, training, access authorization, reportability, licensed operator training.