

Staff Comments  
NEI 08-01 Revision 5  
**Set Three**

Staff Comment #	Comment
	<p style="text-align: center;">Additions</p> <p>Key <del>deletions</del> (deletions) <b>previous comment</b></p>
9.1	<p><b>Section 7</b></p> <ul style="list-style-type: none"> <li>• <b>1<sup>st</sup> para</b></li> </ul> <p>As explained in Section 3.2.1 of this document, <b>no later than 225-days prior to scheduled fuel load 10 CFR 52.99(c)(3) requires the licensee is required under 10 CFR 52.99(c)(3) to notify the NRC no later than 225-days prior to scheduled fuel load regarding</b> of the status of any uncompleted ITAAC. The 225-day <del>Uncompleted ITAAC</del> Notification(s) must indicate that the inspections, tests or analyses for all uncompleted ITAAC will be performed and that the acceptance criteria will be met prior to plant operation. These notifications are similar to the ITAAC Closure Notification submitted under 10 CFR 52.99(c)(1) in terms of the level of technical detail required to describe ITAAC completion activities. <b>However, because these notifications concern ITAAC that have yet to be completed, they should also provide some basis for the expectation that the ITAAC will be successfully completed before fuel load.</b> The 225-day notification mandated by 10 CFR 52.99(c)(3) must include sufficient information so that interested persons will have information on uncompleted ITAAC at a level of detail sufficient to address the Atomic Energy Act of 1954, Section 189.a(1)(B), threshold for requesting a hearing on whether the accepted criteria have been, or will be, met. See 72 Fed. Reg. 49,366 and 72 Fed. Reg. 49,450. <b>Sent to NEI 3/30 Required information includes, but is not limited to, a description of the specific procedures and analytical methods that will be used for performing the inspections, tests, and analyses and determining that the prescribed acceptance criteria are met. 10 CFR 52.99(c)(3). Sent to NEI 3/30</b></p> <p><del>Description of the specific procedures and methods that will be used for performing the inspections, tests, and analyses and determining that the prescribed acceptance criteria are met provides sufficient information, in accordance with Section 52.99(c)(3), to demonstrate that the ITA will be performed and the AC for the uncompleted ITAAC will be met.</del></p> <ul style="list-style-type: none"> <li>• <b>6<sup>th</sup> para:</b></li> </ul> <p><del>The example ITAAC specific attachments in Appendix E will describe <i>prospectively</i> the ITAAC closure activities to be completed and described in ITAAC Closure Notifications. Because both the 225 day letter(s) and ITAAC Closure Notifications require a similar description of ITAAC completion activities (one prospectively, the other after the fact), licensees may refer to the ITAAC Closure Notification examples in Appendix D for guidance on the level of detail to include in 225 day letter(s). As with developing ITAAC Closure Notifications, licensees should consider the example(s) provided that are most similar or relevant and ensure that plant-specific information is reflected as appropriate.</del></p>

**Comment** (6<sup>th</sup> Para): Consistent with NEI 08-01, Rev 4, and NRC positions stated in responses to comments for the 2007 Part 52 rule, Section 7 should reflect the differences between ICNs and uncompleted ITAAC notifications. These differences include the requirement to discuss specific procedures and analytical methods and to provide information supporting a predictive finding regarding uncompleted ITAAC. If NEI's goal is to use a consistent format for ICNs and uncompleted ITAAC notifications, then Section 6 guidance should better reflect 52.99(c)(3) as opposed to Section 7 reflecting 52.99(c)(1).

**Comment:** In example ITAAC 2.2.03.08c.x, either a report exists that concludes caulking meets minimum dry film density requirements or, if the density requirement is not met, a report exists that concludes there is insufficient water flow to transport the caulking. For this example, the eventual ICN can rely on one report or the other to show the acceptance criteria has been met. But the uncompleted ITAAC notification may need to reflect both options as procedures to satisfy the ITAAC could take either course and may not yet have been completed.

- **7<sup>th</sup> para:**

The template for the ITAAC-specific attachments to the 225-day notification(s) provides for the following items:

- ITAAC statement – restates the ITAAC, including the design or COL commitment, inspection, test or analysis; and acceptance criteria.
- ITAAC Completion Description – ~~describes sufficient information including the specific procedures and analytical methods to be used in performing the ITA, to demonstrate that the ITA will be performed and the acceptance criteria will be met. describes the methodology to be used in performing the ITA to obtain results that demonstrate that the Acceptance Criteria are met.~~
- List of ITAAC Findings – the uncompleted ITAAC notification shall list all ITAAC findings by number and include a statement that, before submission of the ICN, corrective actions will be completed for all relevant ITAAC findings identified prior to ICN submission.
- List of references – primary references that will be available for NRC review at the site.

## **Appendix E**

- **Appendix E-1** - 1<sup>st</sup> para:

Pursuant to 10 CFR 52.99(c)(3), {Licensee} hereby notifies the NRC that as of {month, day, year} {Site Name and Unit #} Inspection, Test, Analysis, and Acceptance Criteria (ITAAC) Items listed in Enclosure 1 will not be completed 225-days.....

- **Appendix E-2**

**ITAAC Completion Description**

**ITAAC Findings** (new section)

- **Appendix E-3**

**ITAAC Completion Description**

**ITAAC Findings** (new section)

**General Comment:** Appendix E-2 and E-3 should be modified to conform to comments provided above regarding the differences in information content between ICNs and uncompleted ITAAC notifications, and regarding ITAAC findings.

In addition, the example in Appendix E-3 does not address how the ITAAC was completed with respect to the RM, unlike Appendix D-6 from NEI 08-01, Revision 4, on which Appendix E-3 was based.

• Section 2 *ITAAC Finding* definition  
*ITAAC Finding* is a technical finding (i.e., ~~not a programmatic finding~~) that is associated with a specific ITAAC and is material to the ITAAC acceptance criteria. [IMC-2506]

- 5.1.3, 3<sup>rd</sup> para, last sentence:

In addition, the ITAAC completion package should contain references for the documentation associated with each ~~NRC-identified~~ ITAAC finding, including the final resolution of these findings.

- Chapter 6, 4<sup>th</sup> para, 3<sup>rd</sup> bullet:

■ ITAAC Findings – ~~NRC~~ Technical findings material to the specific ITAAC's **acceptance criteria** with an indication of closure of the findings

- App D, 1st para under ITAAC Finding Review:

What is meant by relevant below?

.....The ITAAC Closure Notification will list all ~~relevant~~ ITAAC Findings **relevant to the successful completion of this ITAAC** and state that they have been closed and all corrective actions have been completed. Alternatively, the letter will provide a justification for why the NRC may issue its Section 52.99 determination of successful ITAAC completion despite the existence of ~~unresolved ITAAC Findings~~ or uncompleted corrective actions.

- App D, last para under ITAAC Finding Review:

....~~NRC closure of these findings is available on the Construction Inspection Program Management System (CIPMS) portion of the NRC website for this docket and may be located by referencing the NRC finding numbers provided above.~~

- App I, under Associated ITAAC Findings:  
first para

....The Supplemental ITAAC Closure Notification will list all ~~relevant~~ ITAAC findings **relevant to the successful completion of this ITAAC** and state that....

last para

Alternatively, the text above can be changed to indicate that “There are no ~~NRC~~ findings related to this ITAAC”.

Comment: These suggested changes better define ITAAC findings and how ITAAC findings should be discussed in ICNs and post-closure notifications.

#### 10.4.1, Replace entire section with the following re-write:

DC and COL applications specify an ITAAC for the D-RAP to ensure that appropriate controls are applied to risk-significant SSCs. The objective of the D-RAP ITAAC is to ensure that the design bases and other requirements have been correctly translated into the detailed design documents used for procurement and construction. Subsequent activities, including system ITAAC, are predicated on the assumption that these documents are correct.

An acceptable D-RAP ITAAC would include a commitment that the design is consistent with the risk insights and key assumptions related to SSCs within the scope of the RAP (RAP SSCs). These insights and assumptions are derived from probabilistic, deterministic, and other methods of analysis used to identify and quantify risk. The Commission has stated that an Appendix B program assures that this will be the case (for safety-related SSCs). An analogous quality assurance program for other RAP SSCs can accomplish the same thing.

The acceptance criterion for the D-RAP ITAAC should ensure that the initial design of each RAP SSC has been subject to the applicable reliability assurance activities. In other words, procurement and construction documents have been controlled by appropriate procedures within the D-RAP. The D-RAP ITAAC applies to every SSC that is within the scope of the RAP when the COL is issued. When D-RAP ITAAC are written in this manner, the following guidance applies to their closure.

The licensee performs an analysis to verify that appropriate controls were imposed on the initial development and issuance of the documents required for procurement and construction of SSCs. (The initial design of an SSC is complete when all required documents have been approved at least once. This must be done by the licensee's responsible design organization.) Once the initial design has been issued using the appropriate D-RAP procedures, changes can only be implemented using the same programs. Consequently, modifications to the initial design do not alter the facts on which D-RAP ITAAC acceptance criteria rely. Accordingly, once the D-RAP ITAAC are satisfied for a given SSC, no further analysis is needed no matter how many design changes affect it. Modifications do not create a need to revisit, reopen, or maintain the D-RAP ITAAC.

The D-RAP ITAAC only confirms that applicable program controls were applied, while other inspections ensure that these controls are effective (e.g., staff inspectors verify that the design control program is adequate). Consequently, the D-RAP activities themselves are not addressed in the D-RAP ITAAC. Similarly, verifying that construction was done correctly and confirming that the as-built configuration is consistent with the approved design is done by other ITAAC. For this reason, the D-RAP ITAAC does not address construction activities or the as-built configuration.

A licensee may change the scope of the RAP, but this can only be accomplished in accordance with 10 CFR 52.98. As part of D-RAP, licensees will apply the appropriate controls of the D-RAP when they make design changes. For this reason, if an SSC is added to the RAP, it need not be added to the scope of the D-RAP ITAAC. If a RAP SSC is deleted, the responsible design organization will have to issue a design change. The approved change can be used to close the D-RAP ITAAC in lieu of procurement or construction documents for an SSC that is no longer in the RAP.

#### Comment:

Section 10.4.1 edits better clarify how the D-RAP ITAAC applies to SSCs within the scope of RAP, and requirements to change the scope of RAP.

13.3