

September 22, 2009

Dr. Mario V. Bonaca, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: DRAFT FINAL REGULATORY GUIDE 1.215, "GUIDANCE FOR ITAAC
CLOSURE UNDER 10 CFR PART 52"

Dear Dr. Bonaca:

On behalf of the U.S. Nuclear Regulatory Commission (NRC) staff, I am responding to your July 24, 2009, letter to Chairman Gregory B. Jaczko. Your letter summarizes the views of the Advisory Committee on Reactor Safeguards (ACRS or the Committee) on draft final Regulatory Guide (RG) 1.215, "Guidance for ITAAC Closure under 10 CFR Part 52." This regulatory guide was discussed during the future plant designs subcommittee meeting on July 7, 2009, and also during the ACRS full committee meeting on July 9, 2009. The staff and I appreciate your continued interest and comments on the development of this guidance.

The staff is committed to working closely and cooperatively with the Committee to resolve the concerns presented in the ACRS letter. The inspections, tests, analyses, and acceptance criteria (ITAAC), design acceptance criteria (DAC), and digital instrumentation and control (digital I&C) are challenging topics requiring our continued attention.

Your July 24, 2009, letter includes the following recommendations, for which the staff has provided associated responses:

ACRS Recommendation No. 1

"[ITAAC] provide a systematic approach to define safety significant acceptance criteria for new plants. RG 1.215 provides an acceptable approach for closing ITAAC."

NRC Response

The staff agrees.

ACRS Recommendation No. 2

"Prior to issuing, RG 1.215 should be revised to specify where the detailed closure process guidance for [DAC] will be provided."

NRC Response

The staff agrees. The staff has modified Section 2, "Guidelines on ITAAC Closure Development and Documentation in NEI 08-01," of RG 1.215 to address your concern. The types of documents the staff is considering to provide the detailed closure guidance on DAC include an inspection manual chapter, the standard review plan, or other suitable guidance.

ACRS Recommendation No. 3

“The DAC closure process guidance should include a provision for an in-depth review comparable to the usual design certification process to ensure adequacy of the design.”

NRC Response

The staff understands the ACRS concerns on DAC closure for the digital I&C systems. We will provide ACRS with the opportunity to review the DAC closure process guidance once the staff completes developing the process. The staff believes that the in-depth review process for certified designs is adequate to determine the suitability of the DAC and to conclude that completed designs meeting those acceptance criteria provide adequate protection of public health and safety. The combined efforts of the NRC staff, applicants, and ACRS on design certification applications currently under review have resulted in DAC that are improved with respect to implementation and closeout. The staff continues to seek clarity and sufficiency in the DAC such that they will ensure that the final design will conform with the approved licensing basis. ACRS insights in this effort would be valuable. The inspections that the staff will perform to support DAC closure will ensure compliance of the completed designs with the established acceptance criteria and will be documented in appropriate inspection reports.

The staff believes it is important to reinforce the underlying regulatory principals of Part 52 licensing process, where the safety findings and the DAC/ITAAC requirements are made at the licensing phase and the meeting of the acceptance criteria is verified through post-licensing inspections and reviews. The staff believes that an ACRS review of the completed designs could be construed as an additional review after the license has already been issued and is inconsistent with the underlying regulatory principles. Therefore, the staff proposes to work with the ACRS to ensure that the DAC/ITAAC established during the design certification and combined license are sufficient to define an appropriate licensing basis against which further inspections can be performed.

ACRS Recommendation No. 4

“The DAC closure process guidance should be provided to the ACRS for review.”

NRC Response

The staff agrees. DAC closure guidance will be provided to the ACRS for review once the process guidance is developed. The staff is currently working internally and with stakeholders through a series of public workshops to outline and define important aspects of the DAC closure process.

As noted in the NRC response to ACRS Recommendation No. 2, the types of documents being considered for the DAC closure process include an inspection manual chapter, the standard review plan, or other suitable guidance.

M. Bonaca

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The NRC appreciates the comments and recommendations provided by the ACRS. We look forward to continuing to work with the Committee as the staff develops the final regulatory guidance and in verifying that licensees have completed their ITAAC satisfactorily, including the resolution of DAC.

Sincerely,

/RA Bruce S. Mallet for/

R. W. Borchardt
Executive Director
for Operations

cc: Chairman Jaczko
Commissioner Klein
Commissioner Svinicki
SECY

The NRC appreciates the comments and recommendations provided by the ACRS. We look forward to continuing to work with the Committee as the staff develops the final regulatory guidance and in verifying that licensees have completed their ITAAC satisfactorily, including the resolution of DAC.

Sincerely,

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Commissioner Klein
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SECY

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