

Comments/Suggestions Regarding NEI 04-01

Chapter/ Section #	Tracking #	NRC Action	Page #	Proposed Change
4.3.1.1	4.3.1.1-1	S	22	The table on this page references proposed changes to the 2003 NOPR. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
4.3.2	4.3.2-1	S	24	Paragraph 3: Describes the relationship between Tier 1 and Tier 2 information of the generic DCD, and FSAR. We suggest that the discussion also includes Tier 2* information for completeness.
4.3.2	4.3.2-2	S	24	Paragraph 3: The same paragraph stated that "NRC approval is required for departures from Tier 1 information." We suggest that the sentence be revised as: "Departures from Tier 1 information will require NRC approval, are subject to rule making and may involve public hearing or litigation."
4.3.3	4.3.3-1	C	25	Paragraph 1: There is a typographic error - in that Section IV.A.d of the design certification rule should be Section IV.A.2.d of the design certification rule.
4.3.4	4.3.4-1	C	25	Paragraph 1: There is a typographic error - in that Section IV.2.e of the design certification rule should be Section IV.A.2.e of the design certification rule.
4.3.4	4.3.4-2	S	26	Paragraph 2: Discusses deviations from the standards or criteria identified in COL items. If the COL applicant specifies other standards or criteria, the staff may request additional information and may delay the review process.
4.3.9.13.3	4.3.9.13.3-1	S	138	Table: The table on this page references proposed changes concerning training program in connection with the 2003 NOPR. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.

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4.3.9.14.2	4.3.9.14.2-1	C	143	Paragraph 1: "Table 4.3.9.14-1 lists the COL application scope information." Clarify whether this table is an example applicable only for AP1000 or also applicable to other designs such as ABWR.
4.3.9.14.3	4.3.9.14.3-1	S	147	Last paragraph of this section references proposed changes concerning COL ITAAC in connection with the 2003. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
4.3.9.14.4	4.3.9.14.4-2	S	171	Paragraph 1: References proposed section 52.211(d)(2). The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
4.3.9.15	4.3.9.15-1	C	175	The writeup for Section 4.3.9.15 is generally acceptable. However, a sentence should be added to indicate the need to address interface items and COL action items related to Chapter 15 accident analysis. Also, if an applicant changes the fuel design or criteria, additional transients and accidents analysis may be required by the staff. During this review, the staff will be following the draft SRP 15.0.2 dated January 2003. This draft SRP describes the review process and acceptance criteria for analytical methods and computer codes used by the applicant to analyze accident and transient behavior.
4.3.9.15	4.3.9.15-2	C	176	Table 4.3.5.15-1: is merely an example for the AP1000 site specific information requirement, and should be indicated as such. Also, for completeness, the table should include the following COL items: COL applicant interface item 8.3 (DCD Tier 2, Table 1.8-1), identified in the AP1000 FSER Section 15.1.3: "Offsite transmission system analysis: Loss of AP1000 or largest unit voltage operating range transient stability must be maintained and the RCP bus voltage required to maintain the flow assumed in Chapter 15 analyses for a minimum of three (3) seconds following a turbine trip. The protective devices controlling the switchyard breakers are set with consideration given to preserving the plant grid connection following a turbine trip."

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4.3.9.15	4.3.9.15-3	C	176	Table 4.3.5.15-1: is merely an example for the AP1000 site specific information requirement, and should be indicated as such. Also, for completeness, the table should include the following COL items: Combined license Information Item 7.1-1(DCD Section 7.1.6), identified in the AP1000 FSER Section 15.1.5: "Combined License applicant referencing the AP1000 certified design will provide a calculation of setpoints for protective functions consistent with the methodology presented in Reference 5."
4.3.9.16	4.3.9.16-1	C	177	<p>Section 4.3.9.16 of NEI 04-01, Rev. D provides guidance for plant-specific Technical Specifications. However, for passive plants such as AP1000, which rely on non-safety active systems to provide defense-in-depth functions, there is a need for availability control of non-safety systems. Section 16.3 of the AP1000 DCD specifies investment protection short-term availability controls for various safety-significant non-safety systems. Identified as Combined License Information Item 16.3-1, Section 16.3.2 states that COL applicants referencing the AP1000 will develop a procedure to control the availability/operability of investment protection systems, structures and components.</p> <p>There is no guidance regarding availability controls of the risk important non-safety active systems, which provide defense-in-depth functions, for the passive safety system plant designs such as AP1000.</p>
4.3.9.17	4.3.9.17-1	C		The design and operation reliability assurance programs (D-RAP and O-RAP) are discussed in Section 4.3.9.17 of NEI 04-01. D-RAP and O-RAP should also be discussed in Section 4.3.9.14, Initial Test Program and ITAAC; Section 4.3.9.16, Plant Specific Technical Specifications; and Section 4.3.9.19, Insights From Plant Specific PRA. This change is needed to ensure the guidance in NEI 04-01 specifies the appropriate D-RAP and O-RAP interfaces in all the applicable FSAR sections.
4.3.9.17	4.3.9.17-2	C		The regulatory treatment of non-safety related systems (RTNSS) for passive verses non-passive reactor designs is not discussed in NEI 04-01. Guidance for RTNSS should be included with D-RAP and O-RAP guidance in NEI 04-01 where appropriate. This change is needed to ensure the applicability of the RTNSS is specified in NEI 04-01.
4.3.9.17	4.3.9.17-3	C		The Maintenance Rule (10 CFR 50.65) is not discussed in NEI 04-01. Guidance on the Maintenance Rule should be included in NEI 04-01 where appropriate. This guidance should describe the interface between the O-RAP and the Maintenance Rule. This change is needed to ensure that the Guidance in NEI 04-01 addresses the regulatory requirements in 10 CFR 50.65.

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4.3.9.17	4.3.9.17-4	C	189	It is stated on Page 189 that the elements of the D-RAP and O-RAP as specified in the design control document and in Section 17.4 of NUREG-0800 should be included in the FSAR. More specific guidance in NEI 04-01 is needed when addressing these programs because the D-RAP and O-RAP are new programs. For example, the applicant is required to provide site-specific details of the D-RAP and describe O-RAP component maintenance recommendations for the plant's operations and maintenance activities. This change is needed to ensure the guidance in NEI 04-01 specifies the appropriate elements of the D-RAP and O-RAP that should be addressed in the FSAR.
4.3.9.17	4.3.9.17-5	C		The NRC is developing a new Section 17.1-3 to NUREG-0800. The new Section 17.1-3 will provide updated guidance for meeting the requirements in Appendix B of 10 CFR Part 50. The NRC plans to use Section 17.1-3 to review a new applicant's quality assurance program. Deviations from Section 17.1-3 will be acceptable provided that they are justified. Therefore, it will not be necessary to reference Sections 17.1 and 17.2 of NUREG 0800 and Regulatory Guides 1.8, 1.28 and 1.33 in Section 4.3.9.17 of NEI 04-01.
4.3.9.17	4.3.9.17-6	S		Regulatory Guide 1.142, 10 CFR 50.34(f)(3)(iii), and SECY 03-0117 are referenced in Section 4.3.9.17. No guidance is provided in NEI 04-01 that explains why the documents are relevant.
4.3.9.17	4.3.9.17-7	S		Do applicants plan to use a two-stage approach to submit their quality assurance programs to the NRC for review and approval? A two-stage approach would involve submitting a design and construction quality assurance program for NRC approval and review. The operations quality assurance program would be submitted for NRC review and approval at a later date. NEI 04-01 should be revised to provide guidance on the two-stage approach, if it is anticipated that this approach will be used.
4.3.9.2.2	4.3.9.2.2-1	S	37	Paragraph 1, line 4, footnote 4, last sentence: Recommend a clarification in response to the 2003 NOPR. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.

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4.3.9.2.2	4.3.9.2.2-2	S	38	Paragraph 1, line 7, footnote 5: References facility design within the ESP site characteristics. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
4.3.9.2.3	4.3.9.2.3-1	S	38	Paragraph 1, number (1), line 6, footnote 6: Same as the above.
4.3.9.4	4.3.9.4-1	S	71	The writeup is generally acceptable. However, we suggest that the following paragraph be added for clarifying the ABWR case: "ABWR DCD introduction Section Table 8 lists the fuel system design criteria and first cycle design and methods. Tier 2* items Fuel burn up limits, fuel design evaluation and fuel licensing acceptance criteria can not be changed without prior approval of NRC."
4.3.9.4	4.3.9.4-2	S	72	Table 4.3.9.4-1: Item 4.1: PSDCD Section 4.2.3 and 4.3.4 should be changed to 4.2.5.
4.3.9.4	4.3.9.4-3	S	72	Table 4.3.9.4-1: Item 4.2: PSDCD Section 4.3.1 should be changed to 4.3.4, and in Description, DCD Section 4.2.5 should be changed to 4.3.4.
4.3.9.4	4.3.9.4-4	S	73	Table 4.3.9.4-1: Item 4.3: PSDCD Section 4.4.1 should be changed to 4.4.7, and Description DCD Section 4.2.7 should be changed to 4.4.7.
4.3.9.4	4.3.9.4-5	S	73	Table 4.3.9.4-1: Item 4.4: PSDCD Section 4.4.1 should be changed to 4.4.7.
4.3.9.5	4.3.9.5-1	S	75	Paragraph 3: States that "Table 4.3.9.5-1 indicates that the information addressing COL information items is required to be submitted with the COLA." A clarification is needed on whether this table is an example applicable only for AP1000 or also applicable to other designs such as ABWR.
4.3	4.3-1	S		General comment: Most of the examples are given for AP1000. We recommend that NEI include more ABWR examples for completeness.

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4.4.2	4.4.2-1	S	245	Paragraph 1, footnote 12: References proposed changes concerning plant specific PRA and input for supplemental NOPR planned for 2005. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
4.5	4.5-1	S	253	Paragraph 2, X.B.1 and X.B.3.a.: Reference proposed change in connection with report on departures from the generic DCD. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
5.4.1	5.4.1-1	S	265	Paragraph 2, X.A. records, number 3: References proposed change in connection with recordkeeping. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
5.4.2	5.4.2-1	S	266	Paragraph 1, X.B.1 and X.B.3.a: References proposed change in connection with reports and updates to NRC. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.

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6.2.2.1	6.2.2.1-1	S	270	Paragraph 1 of this section: References proposed changes to the 2003 NOPR. COL applicants should not apply the proposed design information governed by section VIII.B.5 standards. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
6.2.2.1	6.2.2.1-2	S	271	Paragraph 2 of this section: Departures affecting resolution of a severe accidents references proposed changes to the 2003 NOPR. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
6.4.3	6.4.3-1	S	277	Paragraph 1: Changes in approved emergency planning information references proposed changes to the 2003 NOPR. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.
6	6-1	S	268	Paragraph 3, line 2, footnote 14: References proposed change regarding generic changes to design certification information should be withdrawn. The NRC may withdraw the 2003 NOPR when it issues a new proposed rule for public comment later this year. If the NRC withdraws the 2003 NOPR, comments that were submitted for the 2003 NOPR should be reassessed for applicability to the new proposed rule. NEI should review the new proposed rule when it is issued and provide comments during the prescribed comment period. This section of NEI 04-01 should be revised to reflect the final rule and to remove the rulemaking comments.

S - Suggested change to improve guidance.

C - Comment NRC Staff believes needed to make guidance reflective of NRC regulations and guidance.