



U.S. NRC

UNITED STATES NUCLEAR REGULATORY COMMISSION

Protecting People and the Environment

Review of NEI 08-01 Draft “Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52”

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NRC Review of NEI 08-01

- Generally, staff found the draft guide well written, and acknowledge the effort in preparation
- Overall, the draft guide covers each major topic for ITAAC closure, and therefore no additional sections are recommended
- Many of the workshop topics of discussion have been incorporated into the guide
- Simple editorial comments will be communicated separately
- Discussing perceived NRC intentions, NRC plans for inspections, or other expectations of NRC action should generally be avoided



Section 1 – Introduction

- Identify that the NRC plans to endorse this guide, but with exceptions as required
- 10 CFR 52.97(a)(2) is an incorrect citation, and should be corrected to 10 CFR 52.97(b)



Section 2 – Definitions

- NRC does not support suggested revision to “as-built” definition
- “Inspection” for industry should include “review of records based on visual observation or physical examination”
- “ITAAC-Related Construction Finding” – delete “acceptance criterion” as the ITA are just as important as the AC; in some cases the AC does not fully identify all the attributes that an ITAAC must meet
- Recommend including definition for “ITAAC Finding” if the topic is added to section 3.1.4



Section 3 – General Description

- 3.1.1 – EDV inspections description should include FOAKE inspections, which can occur before and after COL issuance
- 3.1.2 - Reference should not be the February 1993 draft Commission paper, but rather SECY-00-0092 which is described in NUREG 1789
- 3.1.2 - NRC Staff has determined that a QA/QC deficiency may be considered in determining whether an ITAAC has been successfully completed; it is recognized that this is on a case-by-case basis
- 3.1.2 – (last sentence in the section) The ITAAC closure process will be controlled under procedures governed by licensees' Appendix B QA programs
- 3.1.4 – Recommend that “ITAAC Findings” topic be added



Section 3 – General Description, Cont'd

- 3.2.1 –
 - Definition of “reasonable person”
 - Clarify that c(2) notifications are meant for public disclosure of licensee intended actions, not only for the NRC’s behalf
 - Delete “Nominal” from title
- 3.2.3 - Prefer the use of “DAC” instead of “DAC ITAAC”, applicable to whole document
- 3.3 – There will be a mandatory hearing and opportunity to petition to intervene
- 3.4 – Assure that 10 CFR 2.340 references are correct
- 3.4 – Last paragraph, delete phrase in parentheses, move 5th sentence to end of paragraph, and add that filing of a petition can be for an action to modify, suspend, or revoke a license



Section 4 – Schedule Consideration

- 4.2 - This section assumes that everything marked as proprietary by the licensee will automatically be handled as proprietary
- 4.3 – Should include description of what different levels of schedules exist, and what is included in a Level 3 schedule
- 4.3 – 2nd paragraph, clarify that licensee schedule does not dictate NRC inspection activities



Sections 5, 6, and 7

- 5.1.2 – Clarify inspections verses verifications
- Titles for Sections 6 and 7, parentheses should be removed
- Section 6, last paragraph – Revise as necessary to indicate that items could invalidate the acceptance criteria of a closed ITAAC



Section 8 – Special ITAAC Closure Topics

- 8.1 - Each program description such as QAP, maintenance, PI&R, and Design/Configuration should include that each will ensure that the acceptance criteria continue to be met
- 8.1 – Evaluate the scope of ITAAC maintenance programs to be included in the COL application and other methods for NRC review
- 8.1 – Transition of construction to operations needs to maintain the continued acceptability of ITAAC
- 8.2 - Intention should be to timely inform NRC that an acceptance criteria is no longer met, and not wait until the reissuance of a c(1) closure letter
- 8.3.2 – The FSAR will need to be updated, in accordance with 10 CFR 50.71(e), to appropriately reflect the design information generated in closing out the DAC



Appendix C to the Draft Guide

- Description of the licensee's QA program in Appendix C of the draft guide is not consistent with all of 10 CFR 50 Appendix B criteria
- Either Appendix C needs to be edited to reflect the 10 CFR 50 Appendix in its entirety, or an edit is required to state that this appendix does not meet all of Appendix B's criteria