U.S.NRC

UNITED STATES NUCLEAR REGULATORY COMMISSION

Protecting People and the Environment

Review of NEI 08-01 Draft B "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 most changes to the draft guide satisfactory, and again acknowledge the effort in preparation

- Many of the topics of discussion from May 13th and June 17th have already been incorporated into the guide

Section 3 – General Description

- General comment – No reference to the NRC 52.99 and 52.103(g) flowchart
- 3.1.2 - Staff indicated that clarification is needed in this section and App C of this document to describe the intent of how non-safety related ITAAC will be performed, and how this is related to Pt 50 App B requirements
- 3.1.2, last paragraph - language is too narrow because it seems to suggest that only deficiencies identified by the NRC according to the IRCF definition are relevant to successful completion of ITAAC. Alternative language could be taken from page C-6 of NUREG-1789, the first two sentences of the last indented paragraph.
  - "The NRC staff recognizes that there may be programmatic QA/QC deficiencies that are not relevant to one or more aspects of a given ITAAC under review and, therefore, should not be relevant to or considered in the NRC's determination as to whether that ITAAC has been successfully completed. Similarly, individual QA/QC deficiencies unrelated to an aspect of the ITAAC in question would not form the basis for an NRC determination that an ITAAC has not been met."

Section 3 – General Description

- 3.2 – Correct terminology for design components of "DAC" will be determined by staff.
- 3.2.1, 7th paragraph, p.12 - Language is potentially outside the scope of the document, and (as written) is not correct because a program deficiency relating to an ITAAC that is raised by an intervenor could be the subject of an ITAAC hearing if the appropriate showings are made.
- 3.3, 3rd paragraph – Regarding the 52.103(b) reference, this showing must also be a "prima facie" showing according to the rule text.

Section 3 – General Description

- 3.3, last paragraph - language potentially goes beyond what the Commission has stated in previous rules, but a quotation from the Part 52 rule SOCs would be acceptable.
- 3.3.1, 1st paragraph - NRC has not stated that the late-filed contention standards would definitely apply to late-filed ITAAC contentions. Any such interpretation would be made by the Commission, not by the NRC Staff, and NEI's purpose can be achieved by modifying the text.
- 3.4, 5th paragraph - Note that the first sentence in 2.340(c) states that the presiding officer will make the initial decision; the reference to the finding made by the Commission or various office directors in 2.340(c) refers to the final finding, as elaborated on in 2.340(j).

Section 8 – Special ITAAC Closure Topics

- 8.4 - this section is ahead of what the NRC has internally worked out; although the language is indicating an attempt to standardize the process. If 8.4 is not deleted, NEI will need to elaborate more since it is rather open ended as written, including the last sentence in the section. It tries to cover too much in only a few sentences. As written now, we'd need to take exception to 8.4.
- 8.5 – this section could be acceptable, but NRC is still internally working towards it and is not prepared to agree to it now; discussion to follow (7/10).

Appendix C to the Draft Guide

- Appendix C does not clearly indicate what quality standards will be followed for safety related ITAAC completion and non-safety related ITAAC completion

- Appendix C should clarify that all ITAAC closure submittals will be completed per 10 CFR 50, App B requirements