

NRC proposed edits to NEI 08-01 Rev 2

Section 3.1.1 Relationship of ITAAC to Engineering Design Verification Process

ITAAC are used to demonstrate that as-built conditions and performance characteristics of SSCs meet established acceptance criteria. The purpose of engineering design verification (EDV), on the other hand, is to enable the NRC to verify that the NRC-approved design has been properly translated into drawings, specifications, and other design information used to procure materials and equipment and to construct the plant. EDV may be conducted before or after the design certification is granted and continued through the COL phase and into the early stages of construction. EDV is intended to gather necessary information on, ~~first-of-a-kind engineering efforts~~ for the standard plant, site-specific design, and related design information. EDV conducted post-COL may include the NRC assessment of the licensee's implementation of Design Acceptance Criteria (DAC). See NRC IMC-2504, "Construction Inspection Program – Non-ITAAC Inspections," Section 8.03.a, for work completed post-COL issuance. While EDV efforts are aimed at verifying the proper translation of the approved design, such activities are not a pre-requisite for design certification or COL issuance. The NRC staff's ITAAC verification process will focus on assuring SSCs meet ITAAC acceptance criteria consistent with the certified design.

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Deleted: Having verified the proper translation of the approved design via EDV, the NRC staff's ITAAC verification process may, except for DAC, focus on assuring SSCs meet ITAAC acceptance criteria, and not on the underlying design of ITAAC SSCs.

Section 3.3 Remove last paragraph of this section:

"Section 554(a)(3) of the Administrative Procedure Act may give the Commission the option of excluding certain ITAAC from litigation in the ITAAC hearing, regardless of whether the hearing procedures are formal or informal. This APA exemption, applicable to matters in which decisions "rest solely on inspections, tests and elections," could preclude the need to adjudicate contentions when compliance with an ITAAC can be decided solely on the basis of inspections or test results (objective, pre-established criteria). On this point, the Part 52 final rule Supplementary Information states: "(indeed, the NRC has always recognized the possibility that ITAAC could be written such that the 'inspections and tests' exception in Section 554(a)(3) of the APA could be invoked to preclude the need to provide an opportunity for hearing on §52.103(g) findings)." 72 Fed. Reg. 49,428. No process for identifying and excluding such ITAAC from the Section 52.103 hearing opportunity was addressed in the Part 52 final rule."

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Section 8.5 In the second paragraph, replace the term "no-entry ITAAC system" with "non-ITAAC system"