

Response to Public Comments on Draft Regulatory Guide DG-1204 “Guidance for ITAAC Closure Under 10 CFR Part 52”

A notice that Draft Regulatory Guide DG-1204 was available for public comment was published in the *Federal Register* on March 13, 2009 on page 74 FR 10784-10785. The comment period ended May 13, 2009. Comments were received from the organizations listed below. The NRC has combined the comments and NRC staff disposition in the following table.

Comments were received from the following:

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David L. Moses	General	After a quick look at DG-1204 (ML082960039 at http://adamswebsearch2.nrc.gov/idmws/doccontent.dll?library=PU_ADAMS^PBNTAD01&ID=090640241) and the several versions of NEI 08-01, which DG-1204 will endorse, on the NRC ADAMS web site, I find that this document does not clarify that it is applicable almost exclusively to Generation III ALWRs but not necessarily to Generation IV advanced non-LWRs which will likely not rely on demonstrated and well-qualified fuels that	Staff disagrees. DG-1204, through its endorsement of industry guidance NEI 08-01 for licensees, provides guidance on complying with the requirements of 10 CFR 52.99, and describes methods that the NRC staff considers acceptable for licensees to use for documenting and reporting the satisfactory completion of the acceptance criteria for each ITAAC in the combined license (COL). ITAAC are used to provide

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		<p>have been operated extensively in Generation II LWRs. No mention is made of the new fuel Testing, Inspection, and Surveillance Plans from Section 4.2 (Revision 3) of the SRP in NUREG-0800. There is no doubt that new fuel in a new Generation IV VHTR or SCR will have to undergo an extensive surveillance program under ITAAC, but this doesn't even get mentioned in DG-1204 that is clearly based on ITAAC only for ALWRs. This lack of clarification will only serve to foster naivete among the Generation IV proponents who</p>	<p>reasonable assurance that a new nuclear plant is constructed and will operate in accordance with the license. ITAAC are not used to qualify fuel designs, but rather provide assurance that, for example, a core and reactor vessel that will hold such fuel is constructed as it appears in the FSAR. Further, ITAAC have no legal status after the Commission makes an affirmative 10 CFR 52.103(g) finding, which authorizes a licensee to load fuel.</p>
NEI	<p>B.1 Development of Industry Guideline Document NEI 08-01</p> <p>Second paragraph, bottom of page 2</p> <p>“ITAAC closure letters must be submitted for all ITAAC.”</p>	<p>Clarify that ITAAC closure letters will be submitted for all ITAAC identified in the COL.</p>	<p>Staff agrees. The sentence will be revised as follows:</p> <p>“ITAAC closure letters must be submitted for all ITAAC, with the exception of ITAAC resolved at COL issuance under 10 CFR 52.97(a)(2).”</p>
NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Third paragraph, middle of page 4.</p> <p>“Section 2 of NEI 08-01 provides a list of definitions for terminology used in the guide. Some of these definitions will reappear in other documents such as operating license applications, design certification applications, and other supporting documents. Therefore, it is important that the full meaning of the</p>	<p>The last sentence could be interpreted as incorporating explanatory information in Section 3.1.4 into the definition of “as-built.” Section 3.1.4 is not part of the definition but rather provides supporting information for how licensees will need to close some of the ITAACs.</p> <p>While suitable as guidance, the language in Section 3.1.4, e.g., “where ... inspection or test is <i>impractical</i> after installation,” is not</p>	<p>Staff agrees with the recommended edits, but disagrees that the language in Section 3.1.4 is not appropriate to include in the definition of “as-built”, and will revise this section as follows:</p> <p>“Section 2 of NEI 08-01 provides a list of definitions for terminology used in the guide. Some of these definitions will reappear in other</p>

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	definition be preserved.”	<p>appropriate to include in the definition of “as-built.”</p> <p>Therefore, the third sentence should be deleted.</p> <p>In the second sentence, “operating license applications” should be replaced by “combined license applications.”</p>	<p>documents such as combined license applications, design certification applications, and other supporting documents. Currently certified designs have the following definition for “as-built”:</p> <p>‘As-built means the physical properties of the structure, system, or component following the completion of its installation or construction activities at its final location at the plant site.’</p> <p>“NEI 08-01 defines “as-built” as follows: ‘As-built means the physical properties of a structure, system, or component following the completion of its installation or construction activities at its final location at the plant site. Determination of physical properties of the as-built structure, system, or component may be based on measurements, inspections, or tests that occur prior to installation, provided that subsequent fabrication, handling, installation, and testing do not alter the properties.’</p> <p>“COL licensees referencing already-certified designs are, of</p>

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			<p>course, bound by the definitions in the design certification rather than the definitions in NEI 08-01, but the NRC staff believes that the NEI 08-01 definition of “as-built” could form part of the basis for a DCD definition of “as-built” in future design certifications and design certification amendments. Any such DCD definition, however, should also reflect the additional discussion in NEI 08-01 Section 3.1.4. The second paragraph of NEI 08-01 Section 3.1.4 states:</p> <p>‘Many ITAAC require verification of ‘as-built’ SSCs. However, some of these ITAAC will involve measurements and/or testing that can only be conducted at the vendor site due to the configuration of equipment or modules or the nature of the test (e.g., measurements of reactor vessel internals). For these specific items where access to the component for inspection or test is impractical after installation in the plant, the ITAAC closure documentation (e.g., test or inspection record) will be generated at the vendor site and provided to the licensee.’</p> <p>“As-built inspections, tests,</p>

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			<p>and analyses of ITAAC SSCs should ordinarily be performed after installation and construction activities at the final location at the plant site. Section 3.1.4 of NEI 08-01 acknowledges that it may be impractical to perform some inspections and testing after installation in the plant. In those cases, it may be appropriate to perform inspections or tests prior to final installation (e.g., measuring an interior dimension prior to final assembly of a valve).”</p>
NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Fourth paragraph, bottom of page 4, top of page 5.</p> <p>“The additional information included in Section 3.1.4 of NEI 08-01 places a restraint on the use of other than final in-place inspections used to satisfy the prescribed inspections, tests, and analyses for ITAAC closure. The intent of the additional language in Section 3.1.4 is to limit the use of those DG-1204, Page 5 inspections to instances when the final in-place inspection is impractical. An acceptable example could be the use of a record of inspection of an interior diameter measurement before final assembly of a valve completed at a vendor location. Every effort should be made by the licensee to complete the prescribed inspections, tests, and analyses in the SSCs at the final constructed location,</p>	<p>The phrasing “every effort should be made” is vague and subject to interpretation. This paragraph should be revised to be consistent with the acknowledgement that there may be some cases where final, in-place inspections are impractical.</p>	<p>Staff agrees. The paragraph will be revised as follows:</p> <p>“Inspections, tests, and analyses of ITAAC SSCs should be performed in the as-built condition. Section 3.1.4 of NEI 08-01 acknowledges that it may be impractical to perform some inspections and testing after installation in the plant. In those cases, it may be appropriate to perform inspections or tests prior to final installation (e.g., measuring an interior dimension prior to final assembly of a valve).”</p>

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	or “as-built.”		
NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Sixth paragraph, middle of page 5.</p> <p>“The NRC will consider any licensee claims that the submitted schedule is proprietary and should be withheld from public release under the Freedom of Information Act and 10 CFR 2.390 (Ref. 15).”</p>	NRC should reference SECY 06-0114, which documents the commission’s agreement to use a single proprietary determination for the construction schedule and its updates, over the entire life of the construction project.	Staff disagrees. SECY-06-114 does not document the Commission’s agreement on anything, because it was an information paper. It only documents how the staff intends to proceed.
NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Ninth paragraph, bottom of page 5.</p> <p>“The NRC expects that the notification of ITAAC completion to contain more information than just a simple statement that the licensee believes that it has completed the ITAAC and has met the acceptance criteria.”</p>	This sentence could be stated more strongly.	<p>Staff agrees. The sentence will be revised as follows:</p> <p>“The NRC expects the notification of ITAAC completion to contain more information than just a simple statement that the licensee has completed the ITAAC and has met the acceptance criteria.”</p>
NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Tenth paragraph, top of page 6.</p> <p>“Each inspection, test, or analysis should be detailed to clearly indicate how and when it was completed and should state its results.”</p>	It is not necessary to specify when each inspection, test, or analysis was completed.	<p>Staff agrees. The sentence will be revised as follows:</p> <p>“Each inspection, test, or analysis should be detailed to clearly indicate how it was completed and should state its results.”</p>

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NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Thirteenth paragraph, bottom of page 6.</p> <p>“Each inspection, test, or analysis for both completed and uncompleted portions should be detailed to clearly indicate how and when it was, or will be, completed.”</p>	<p>It is not necessary to specify when each inspection, test, or analysis was or will be completed.</p>	<p>Staff agrees. The sentence will be revised as follows:</p> <p>“Each inspection, test, or analysis for both completed and uncompleted portions should be detailed to clearly indicate how it was, or will be, completed.”</p>
NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Fourteenth paragraph, top of page 7.</p> <p>“The NRC staff position is that the licensee must satisfy all of the acceptance criteria for all ITAAC at the time that the 10 CFR 52.103(g) finding is made.”</p>	<p>This statement is understood to be a restatement of NRC regulations on this point. As such, the RG should restate Section 103(g) (as was done in NEI 08-01, Section 3.1), rather than characterize this requirement as a staff position using language that may be subject to a different interpretation. Clarification and guidance on the meaning of Section 52.103(g) is the subject of ongoing discussion. Embellishment or interpretation of the regulation in this RG would be premature.</p>	<p>Staff agrees. The sentence will be revised as follows:</p> <p>“Section 52.103(g) states, “The licensee shall not operate the facility until the Commission makes a finding that the acceptance criteria in the combined license are met.”</p>
NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Top of page 8.</p> <p>“The staff considers these letters to be examples and anticipates that additional information may be necessary for individual ITAAC letters.”</p>	<p>This sentence is too open-ended with respect to what “additional information may be necessary” in individual ITAAC closeout letters.</p>	<p>Staff agrees. The sentence will be revised as follows:</p> <p>“The staff considers these letters to be examples and anticipates that differing or additional information, consistent with Section 6 of NEI 08-01 (Guidance on Sufficient Information for ITAAC Closure Letters), may be necessary for individual ITAAC letters.”</p>

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NEI	<p>B.2. Guidelines on ITAAC Closure Development and Documentation in NEI 08-01</p> <p>Sixteenth paragraph, middle of page 7.</p> <p>“Three scenarios exist for the closure of design acceptance criteria, namely, closure through the amendment of the design certification rule, closure through the COL application review process, and closure after COL issuance. The NRC staff prefers closure through the amendment of the design certification rule and closure through the COL application review process, as ways to satisfy and close out the acceptance criteria for those design characteristics because these two scenarios would be completed before construction begins. <u>The staff does not prefer closure after COL issuance, because the closeout of the acceptance criteria could be delayed until the end of plant construction.</u>”</p>	<p>The last sentence presumes a worst case timing for DAC closeout without basis. This sentence is unnecessary anyway because the staff’s preference is clear without it.</p>	<p>Staff agrees. The sentence will be deleted.</p>
NEI	<p>C. REGULATORY POSITION</p> <p>4. Guidance for Site-Specific ITAAC</p> <p>“If necessary, the staff may provide further guidance or examples for use with respect to such site-specific attributes and characteristics at a later date.”</p>	<p>The staff may always provide further guidance at a later date, so this sentence is unnecessary. Retaining it would raise questions about why additional guidance would be needed in light of there being no difference from an ITAAC closure perspective between design certification and plant-specific ITAAC.</p>	<p>Staff agrees. The sentence will be deleted, and the first sentence of this paragraph will be revised as follows:</p> <p>“For licensees who have site-specific ITAAC in their COL, the guidance in NEI 08-01 applies to both design certification and site-specific ITAAC closure notification development.”</p>

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