Proposed NSIR/DPR/EP group changes to:
Nuclear Energy Institute (NEI) 08-01, Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52, (Revision 4 DRAFT E)

Black text – current unrevised text

Blue text – currently NEI proposed (3-17-10, rev 4E), revised text

Red text – NSIR/EP group proposed revisions

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Chapter 1.0, "Introduction", Section 1.1, Purpose and Scope, para. #1 -

NRC regulations implement the AEA's provisions. In particular, the Commission findings that must be made in connection with the issuance of a COL are set forth in 10 CFR 52.97. The Commission will identify within the COL the inspections, tests and analyses, **including those applicable to emergency planning,** that the licensee shall perform, and the acceptance criteria that, if met, "are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with" the license, the AEA, and NRC regulations. **See** 10 CFR 52.97(b). The licensee verifies that the plant has been built according to the COL, the Atomic Energy Act and the Commission's regulations by performing ITAAC that are part of the COL.

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Chapter 2.0, "Definitions"

Inspect or inspection means visual observations, physical examinations, or review of records based on visual observation or physical examination that compare the SSC condition to one or more design commitments. **Inspect or inspection also includes the review of program elements, for compliance with ITAAC acceptance criteria.** Examples include walkdowns, configuration checks, measurements of dimensions, ~~or~~ non-destructive examinations (NDEs) **or provisions for program elements.**

Add definition for Program Element

Program element refers to the means that exist to implement emergency preparedness items (e.g., procedures, facilities, equipment, or training) of the licensee's programs.

Add definition for SSC

Structures, systems and components (SSC) refers to both safety-related and non-safety- related SSCs.

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Section 3.0, "General Description of 10 CFR Part 52 and ITAAC Processes," Section 3.1, "Role of ITAAC in Part 52 Process," para. #3 -

Licensee programs (including but not limited to the technical specifications, the in-service inspection and in-service testing program, the quality assurance program, **the physical security and emergency preparedness/planning program** and the maintenance program), as well as the Commission's continuing regulatory oversight, continue to assure that the facility is operated in accordance with the license and NRC regulations. **It should be noted that elements of emergency preparedness/planning consist of facilities/equipment, programs, personnel and training. The majority of emergency preparedness/planning requirements are programmatic in nature and supplement the licensee's safety-related SSC physical facilities/equipment.**

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Section 3.1.3, "Sampling Based Construction Inspection Program," para. #1 -

While the scope of NRC's Construction Inspection Program (CIP) is comprehensive, the NRC program does not, **typically,** inspect 100% of ITAAC related activities. Consistent with historical practice, NRC will employ a sampling based inspection program**, for selected ITAAC.** For plants licensed under Part 52, the sampling based inspection targets to be included in the NRC's baseline inspection program will be selected based on a process that identifies those ITAAC having a higher inspection value. **However, the NRC has determined that all physical security and EP ITAAC will be inspected, as described in SECY-08-0117. This decision was based on the relatively small number of physical security and EP ITAAC, the qualitative nature of the Security and EP ITAAC, and their high relative importance.** For subsequent construction projects, the NRC's baseline inspection scope may be **further** adjusted, based on prior inspection experience. For more information about the NRC's sampling based CIP for new plants. See SECY-070047**, SECY-08-0117,** and Inspection Manual Chapter-2503, Construction Inspection Program: Inspections of Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC).

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Section 3.1.4, "ITAAC Performance by Licensees and Verification by NRC," para. #8 –

If the NRC determines after an ITAAC closure letter has been submitted that an ITAAC was, in fact, not met, the licensee would be subject to an ITAAC Finding. In determining the severity level of an ITAAC finding, the NRC should weigh the circumstances that led to the submittal of information later found to be incorrect. After the ITAAC letter is submitted, events may occur that adversely affect a SSC **or program element(s), which** was the subject of a previously closed ITAAC. The process for tracking and correcting these issues to restore the SSC **or program element,** is discussed in Section 8.1 of this document.

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Section 8.1, "Maintaining the validiy of ITAAC conclusions post ITAAC completion," para #3 –

The licensee will complete ITAAC over a prolonged period. ITAAC closure letters will be submitted by the licensee to establish closure in accordance with 10 CFR 52.99(c)(1), as discussed in SECY-06-0114, *Description of the Construction Inspection Program for Plants Licensed Under 10 CFR Part 52*, May 13, 2006. Following licensee submittal of an ITAAC closure letter, significant time may elapse before the finding is made that all ~~the~~ ITAAC acceptance criteria are met in accordance with 10 CFR 52.103(g).

Until the time all ITAAC are met and the Commission makes its 10 CFR 52.103(g) ITAAC finding licensees will use established programs (e.g., quality assurance, problem identification and resolution, design/configuration control, and construction/maintenance programs) to maintain the validity of prior ITAAC conclusions. This is known as ITAAC maintenance or maintaining ITAAC. The licensee should ensure that the following activities do not invalidate the ITAAC determinations:

- Normal maintenance and repairs on SSCs **or of program elements**, associated with ITAAC.

- Incidents or findings (e.g., damage from other nearby construction work, **or a licensee's failure to maintain training qualifications of emergency response organization (ERO) plant personnel) which** ~~that~~ create or identify potential non-compliances or non-conformances with SSCs **or program elements, which** ~~that~~ may be corrected under the licensee's Corrective Action Processes.

- Changes to SSCs, or program **elements,** associated with ITAAC that may be permitted to be made by the licensee without prior NRC approval in accordance with applicable change control requirements.

While it is incumbent upon the licensee to maintain the validity of ITAAC conclusions as described above, the licensee should notify the NRC of the occurrence of certain post-ITAAC closure activities to affirm that the basis for determining that the ITAAC are met

In addition to notifications described below, routine interactions such as daily meetings would facilitate the communication with NRC Resident Inspectors regarding activities affecting closed ITAAC.

The licensee should notify the NRC resident inspector of:

- Corrective maintenance on SSCs **or program elements** related to closed ITAAC
- Submittal of a Supplemental ITAAC Closure Letter
- Submittal of a ITAAC Component Replacement Summary Letter

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Section 8.1.1, "Attributes of Licensee Programs for Maintaining ITAAC." para.# 6

Each of these programs is subject to NRC inspection, and the NRC staff may assess the licensee's maintenance of ITAAC conclusions as one element of these inspections. NRC inspectors may also assess the licensee's maintenance of ITAAC conclusions as part of inspections under IP-XXXXX, Licensee Program for ITAAC Closure. Provided licensee programs restore SSCs **or program elements** to their ITAAC compliant condition following maintenance, prior ITAAC conclusions remain valid. Licensees will use these same or similar programs to maintain plant SSCs **or program elements** for the life of the plant after the 10 CFR 52.103(g) ITAAC finding is made.

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Section 8.1.2, "Post-ITAAC Closure Notifications to NRC Under 10 CFR 52.99(TDB)," last para.

If a condition is identified near the time of the expected 52.103(g) finding (e.g., after submittal of the ITAAC All Complete Letter), the NRC staff may proceed with the Section 52.103(g) finding recommendation to the Commission on condition that the affected SSCs **or program elements** must be restored and verified to their ITAAC compliant condition before the Commission makes the Section 52.103(g) finding that all ITAAC are met, and provided the following conditions are...

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Section 8.1.2, "Post-ITAAC Closure Notifications to NRC Under 10 CFR 52.99(TDB)," para. # 1

met: 1) the ITAAC was verified to be met at one time, and 2) the staff has reviewed and found acceptable the licensee's corrective action plan, including any engineering justification necessary for post work verification that significantly differs from the original ITAAC, and 3) the staff has confidence that all other ITAAC determination bases have been maintained and that the ITAAC continue to be met. Such a conditioned recommendation to the Commission allows the Section 52.103(g) finding process to proceed in parallel with maintenance to restore SSCs **or program elements** while assuring that all ITAAC are met prior to the Commission finding.