

Attachment 2 – Industry Responses to April 10 and May 9 NRC Comments on Draft NEI 08-01, Revision 5 – July 18, 2013

Staff Comment	Comment	Industry Response
2.0	Page.4, 2 nd paragraph starting “(NDEs). The terms, inspect...”: should be part of the paragraph above.	Corrected.
2.1	Page. 4, last paragraph: What is the purpose of the parenthetical remark (also known as...)?	Deleted parenthetical.
3.0	Page 6, 1 st paragraph: Revise “Initial Test Program” to “Inspections, Tests, Analyses, and Acceptance Criteria”.	Corrected title of SRP Section 14.3.
3.1	Page. 7, 1 st paragraph: Sentence which starts “EDV may be conducted...”, revise “COL phase” to “COL application phase”. Last sentence revise “ITAAC verification” to “ITAAC closure verification”.	Accepted.
3.2	Page 7, 3 rd paragraph: 1 st line and 4 th from the bottom, revise “NRC” to “the NRC”.	Corrected.
3.3	<p>Page 9, 1st paragraph under 3.1.3: Revise 3rd sentence as follows:</p> <p>For plants licensed under Part 52, the inspection targets for the NRC’s baseline inspection program will be selected based on a process that identifies those ITAAC having a higher inspection value.</p>	Accepted.
3.4	Page 10, 2 nd paragraph: Delete “a record review of the”.	Accepted.
3.5	Page 10, last paragraph: In the second line, revise “any” to “all planned inspections for the given ITAAC were completed and that any”.	Accepted.
3.6	Page 11, top lines: Revise “specific inspections.” to “specific inspections related to its contents.”	Accepted.

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3.7	<p>Page 11, 1st paragraph: Revise paragraph to read:</p> <p>The NRC may, if necessary, delay its closure determination for a non-targeted ITAAC until at least some target ITAAC inspections have been completed in a particular ITAAC family to confirm that the licensee's performance within that ITAAC family is satisfactory.</p>	No change. Paragraph already matches the proposed wording.
3.8	<p>Page 11, 3rd full paragraph: In last sentence, revise "Findings" to "Findings if verified by subsequent NRC inspections."</p>	Accepted.
3.9	<p>Page 11, last paragraph of 3.1.4: Revise the following sentence as follows:</p> <p>In accordance with Section 52.99(c)(2), ITAAC post-closure notifications are submitted when the licensee identifies new information that materially alters the bases for determining that ITAAC were performed as required or that the acceptance criteria are met.</p>	Corrected.
3.10	<p>Page 13, 1st paragraph under (c)(4): Sufficient publically available information should be available, however some ICNs only reference non-public documents or need to discuss content of the non-public documents.</p>	Agree. But no change to the existing language on p.13 was requested or made. The importance of summarizing the key aspects of non-public references in ICNs is specifically discussed later in the guidance.
3.11	<p>Page 13, last paragraph: Revise "supplemental notifications" to ITAAC post-closure notifications".</p>	Corrected .

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3.12	<p>Page 14, next to last paragraph: Where is the following interpretation of what the rule means stated or addressed?</p> <p>Licensees should seek to provide the appropriate level of detail for “completeness,” without including extraneous information that might create confusion or expand the scope of issues inappropriately. In the case of ITAAC closure notifications, reliance on routine programs (e.g., quality assurance program, corrective action program) to provide assurance that the ITAAC are completed successfully should be expected. Information on these programs is not required in this context unless a program inadequacy calls into question the successful completion of ITAAC.</p>	<p>This guidance was endorsed by the NRC in RG 1.215. As discussed in a public meeting on June 27, we have deleted the phrase, “without including extraneous information that might create confusion or expand the scope of issues inappropriately”, for clarity.</p>
3.13	<p>Page 21, paragraph above 4: 3rd line should have “See 10 CFR 2.340(c).” or something to tie to sentence before.</p>	<p>Corrected.</p>
5.0	<p>Page 24, first bullet under 5.1.2: Prerequisites to these activities are that construction be completed to the extent that the ITAAC may be performed.</p>	<p>Agree. No need to change NEI 08-01.</p>
5.1	<p>Page 24, 1st paragraph under 5.1.3: Comment to 1st sentence – If the possibility exists that there will not be an ITAAC Completion Plan, will there always be an ITAAC Completion Package?</p>	<p>Yes, there will always be an ITAAC Completion Plan, or its functional equivalent. Upon further review, that sentence is redundant to guidance in the previous section on ITAAC Completion Plan, and will be deleted.</p>
5.2	<p>Page 26, number 4: Revise “regarding” to “indicating”.</p>	<p>Accepted.</p>
5.3	<p>Page 26, number 5: Revise bracketed information to “which should be complete/closed if the item is material to completion of the ITAAC”.</p>	<p>Agree. Bullet clarified consistent with NRC intent.</p>

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5.4	Page 26, number 6: Comment – What about the list of references and their appropriate sections or articles for instance the ASME Code?	A sentence has been added to Appendix D-1 (ICN template) that says that Codes and Standards should be referred to with specificity consistent with the licensing basis.
5.5	Page 26, paragraph above 5.3: Comment – It would seem that the format of ITAAC Completion Packages are sufficiently high level to be able to envelope all ITAAC. If not, please state here what sections of it would possibly change and why.	Agreed. Section 5.2 has been modified.
6.0	<p>Page 27, 1st full paragraph: In the first sentence, revise “and/ key steps” to “including all key steps, and the entire scope of the ITAAC including its unique aspects”</p> <p>In last sentence, comment, if there is a paring away of the difference between ICNs and UINs, it would seem that the higher standard for UINs should be invoked.</p>	<p>We believe the language proposed by the NRC staff is unnecessary and may cause confusion. As an alternative, we have: 1) corrected the language (four places) so it reads “methodology and key steps” (not and/or); and 2) modified Section 6 (paragraph 4, 6th sentence) to read as follows: “In developing a specific ITAAC Closure Notification, licensees should consider the example(s) provided that are most similar or relevant and ensure that plant-specific information is reflected as appropriate (including any differences in the wording <u>or unique aspects</u> of the ITAAC).</p> <p>We believe these corrections and change meet the intent of the NRC comment.</p>

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6.1	Page 27, 2 nd full paragraph: Global comment, more explanation on writing determination basis still needed.	We have taken the following sentences from the final report of the Simulated ITAAC Closure Demonstration Project and added them to the cited paragraph: “Section 52.99 notifications should provide a narrative description, using plain language, of the process followed to close the ITAAC. Including adequate description in the ICN will ensure that a reasonable person can understand the basis for closure of the ITAAC. The ICN should explain how key steps of the ITA were performed and how each element of the AC was met.”
6.2	Page 27, last full paragraph: In the bracketed information, revise “wording” to “wording and unique aspects”.	Accepted.
6.3	Page 27, last bullet: Revise “and/or key steps” to “including key steps, and the entire scope of the ITAAC including its unique aspects”. Also revise “ITA description” to ITAAC Determination Basis”.	See response to Comment 6.0. Accepted edit to “ITAAC Determination Basis.”
6.4	Page 28, 2 nd bullet: Revise “closed” to “complete with the signature of someone with the authority to make this statement for the licensee”.	Accepted.
6.5	Page 28, 1 st paragraph: In last sentence, revise to put “in” before “Section 8.1”.	Corrected.
6.6	Page 28, 3 rd paragraph which starts “Licensees...” After NRC add “The notifications will be attachments to a single transmittal letter”.	Accepted.

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6.7	<p>Page 28, last paragraph: In the first sentence add “or an ITAAC can be partitioned into distinct parts” before “for”. After this sentence add “Generally for most certified designs, distinct, individual acceptance criteria will be treated by the NRC as individual ITAAC”.</p> <p>Revise the following sentence:</p> <p>A partial ITAAC closure notification should clearly state that it is only “a partial ICN” in a watermark or equivalent on each of its pages.</p>	Agreed. Slightly different wording incorporated in NEI 08-01.
7.0	Page 29, 1 st paragraph: In 2 nd sentence, delete “wish to”.	Accepted.
7.1	Page 29, 2 nd paragraph: The 2 nd sentence seems indicate that the ICNs and UINS are treated similarly.	This sentence says the content of ICNs and UINs is similar, not that they would be treated similarly.

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7.2	<p>Page 29, 3rd paragraph: Revise the following sentences as follows</p> <p>As a result of these discussions, NEI 08-01 calls for ICNs to summarize the purpose and entire scope and unique aspects of the ITAAC with respect to demonstrating the Design Commitment, the methodology and all key steps for conducting the ITA, and the results that demonstrate that the acceptance criteria are met. The ICN template in Appendix D-1 specifically calls for licensees to describe the methodology including all key steps and the entire scope of the ITAAC and its unique aspects used in performing the ITA and demonstrating that acceptance criteria are met, and the examples presented in Appendix D were developed based on this standard as a guideline. Thus, ITAAC notifications based on NEI 08-01 guidance, including description of methodology, including all key steps, and the entire scope of the ITAAC and its unique aspects for performing the ITA and determining that the AC are met, will meet both the 52.99(c)(1) standard for ICNs), and the differing standard for c(3) uncompleted (UIN).</p>	<p>Accepted in part; paragraph modified as marked up below. See also response to comment 6.0.</p> <p>As a result of these discussions, NEI 08-01 calls for ICNs to summarize the purpose and scope of the ITAAC with respect to demonstrating the Design Commitment, the methodology <u>and key steps</u> for conducting the ITA, and the results that demonstrate that the acceptance criteria are met. <u>This guidance is repeated in the ICN template in Appendix D-1, and the examples presented in Appendix D were developed based on this standard.</u> Thus, ITAAC notifications based on NEI 08-01 guidance, including description of methodology and key steps for performing the ITA and determining that the AC are met, will meet both the 52.99(c)(1) standard for ICNs), and the differing standard for <u>52.99(c)(3) uncompleted ITAAC notifications (UIN).</u></p>

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7.3	Page 30, 4 th paragraph: The staff had requested that two sentences be deleted, however, the use of the word “prospectively” has raised the issue of present vs. future tense for the UIN. The staff and industry continue to discuss the proper tense.	<p>The two sentences have been modified as shown below to reflect the staff’s position (conveyed during a May 9 public meeting) that the UIN may use the present tense:</p> <p><u>“As illustrated in Appendix E-3, ITAAC-specific attachments to the UIN should describe in the passive present tense (e.g., “the valve is tested …”) the ITAAC closure activities to be completed and described in ITAAC Closure Notifications. Because both the UIN and ITAAC Closure Notifications require a similar description of ITAAC completion activities (one prospectively, <u>in passive present tense</u>, the other after the fact), licensees may refer to the ITAAC Closure Notification examples in Appendix D for guidance on the level of detail to include in UIN.”</u></p>
8.0	<p>Page 32, above 8.1: Add the following:</p> <p>If during maintenance of an ITAAC, it is discovered that the wording of an ITAAC should be altered effectively making the ITAAC a new ITAAC, the NRC would expect an ICN under 52.99(c)(1) to be submitted to the NRC to verify completion of that ITAAC. Since modifying the ITAAC would be a change to the COL, this change would have to be processed as a license amendment.</p>	<p>We believe this issue is adequately covered in Section 3.2.4, “Certain ITAAC-Related Changes Require a License Amendment,” and by Section 8.1 guidance to screen construction/maintenance activities for impact on ITAAC.</p>
8.1	Page 33, paragraph above 8.2: Comment – ITAAC are only in effect until fuel load so this should be taken into account.	<p>Paragraph modified as follows: <u>To support the Section 52.103(g) finding</u>, the licensee is responsible for ensuring that these programs, and others as applicable, maintain the validity of prior ITAAC conclusions before, during and after systems and buildings are turned over to the operations staff.</p>

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8.2	Page 34, 2 nd paragraph: Based on discussions between the NRC and industry, would like to ensure consistency and therefore further discussion is necessary.	<p>This section of the NEI guidance was reorganized based on discussions with the NRC staff. Specifically, the existing guidance in Revision 4 treats material errors/omissions separately from conditions that would prompt an ITAAC Maintenance post-closure notification. After discussion with the NRC staff, we revised this section to include material errors/omissions as one more ITAAC Maintenance notification threshold. We believe this simplifies the guidance while preserving the intent.</p> <p>As discussed in response to NRC Comment 8.4, note that guidance to submit a “corrected” ICN that replaces/supersedes the original has been dropped. Instead, licensees will submit an ITAAC Post-Closure Notification that provides the corrected or missing information.</p>
8.3	Page 34, paragraph above ITAAC Post-Closure Notification Thresholds: Revise “supplemental post-closure ITAAC” to “ITAAC post-closure”.	Corrected.
8.4	<p>Page 34, under 1. Material Error or Omission:</p> <p>1st paragraph - Revise “a corrected ITAAC Closure Notification” to “ITAAC Post-Closure Notification”.</p> <p>2nd paragraph – Revise “a corrected ITAAC Closure Notification” to “an ITAAC Post-Closure Notification”.</p> <p>In the next sentence – what is a “separate notification” and what is it called?</p>	<p>Accepted.</p> <p>The “separate notification,” as discussed in the third sentence of the 2nd paragraph, is the request to withdraw an ITAAC that cannot be completed without relief from its terms. To make this clearer, we have replaced “separate notification,” with “request.”</p>

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9.0	Page 38, last paragraph of 9.1: 2 nd sentence comment, typically the ITAAC itself would not do this, but the ICN should address this.	Agree. Second sentence deleted.
9.1	Page 39, section 9.5 last paragraph. Comment, in Revision 4 section 8.5.5, 4 th paragraph, it stated, “This document should provide the basis for performing the inspection in a manner different than normal industry practice.” This does not appear anywhere in Revision 5.	<p>The last paragraph of Section 8.5.5 (Revision 4) was deleted from Revision 5 because it is redundant to the guidance provided in Section 9.7 (formerly Section 8.5.7), which states:</p> <p>“Technical justification for performing ITA of SSCs at other than their final installed location in a manner other than that described in Sections 9.1–9.6 should be documented in the ITAAC Completion Package and summarized in the ITAAC Closure Notification.”</p>
9.2	Pg. 40, 2 nd paragraph, 2 nd line: delete “other than those described above”. The licensee should identify all ITAAC to be performed at the vendor facility to support NRC vendor inspection planning. In addition, when the 8.5.5, 4 th paragraph in Revision 4 was moved to Section 9.7, the concept of documenting the basis for performing the inspection in a manner different than normal industry practice appears to have been removed.	<p>We have deleted the phrase “other than those described above” from the second paragraph of Section 9.7.</p> <p>We have clarified the first paragraph of Section 9.7 so it reads, “Technical justification for performing ITA of SSCs at other than their final installed location in a manner other than that described in Sections 9.1–9.6 should be documented in the ITAAC Completion Package and summarized in the ITAAC Closure Notification.”</p>
10.0	Pg. 43, last paragraph: revise “within-scope SSCs” to read “SSCs within scope of the RAP (RAP SSCs). On page 44, 2 nd paragraph under 10.4.1, revise “SSCs within scope of the RAP (RAP SSCs)” to read “RAP SSCs”.	Accepted.

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10.1	Page 44, 4 th paragraph under 10.4.1, next to last line: Revise so that the D- and RAP are on the same line.	Corrected.
10.2	Page 46, 2 nd paragraph: What if the design description itself does not provide an adequate description?	In a Dec. 1, 2011, public meeting the NRC staff concluded that Functional Arrangement ITAAC verify the physical arrangement of Tier 1 SSCs, including SSCs described in Tier 1 Design Descriptions or identified in Tier 1 Figures or Tables. Tier 1 Design Descriptions describe Tier 1 SSCs commensurate with their safety significance and have been certified by the NRC. The “adequacy” of Tier 1 Design Descriptions is not subject to question in the context of ITAAC closure guidance. FA ITAAC will verify the physical arrangement of Tier 1 SSCs to the extent described in NRC-certified Tier 1 Design Descriptions, Tables and Figures. No change to the guidance is proposed.
10.3	Page 47, 1 st paragraph, last sentence: Delete “it” before “there”.	Corrected.
A.0	Page A-2, last paragraph above 10 CFR 52.103: Extra period at end of paragraph.	Corrected.

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D.0	<p>Example D-100, in previous comments, the staff indicated that the ICN should either state that a report exists meeting the requirements or that if the requirement is not met that there is insufficient flow to transport the caulking. Further discussion is still needed on this.</p>	<p>Based on the April 10th public meeting with NRC, we added the following to ICN D-100.</p> <p>“No materials of lower density were utilized in these applications/locations”</p> <p>This change clarifies that, for this example, the licensee has not used the alternative AC provided in the ITAAC in the event that coating material having a density ≤ 100 lb/ft³ was used. Thus the ICN does not discuss methodology for determining that the alternative AC (insufficient flow rate for transport) is met. See also below regarding additional discussion w/NRC on May 9.</p>
H.0	<p>Page H-5 and H-6, Example 3: As in Example 2, after module replacement should not post work testing be the basis for not having to submit a supplemental closure notification. The first sentence is outdated since the NRC is deleting the functional arrangement ITAAC from future DC for I&C components however it probably still exists for the AP-1000.</p>	<p>We have replaced the APWR example with a corresponding example for AP1000 and clarified that because like-for-like digital module replacement does not affect the functional arrangement that was verified by this ITAAC, no ITAAC post-closure notification is required.</p>

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Additional NRC feedback – May 9, 2013

The NRC staff provided additional feedback concerning UINs during a May 9, 2013, public meeting. Based on the May 9 discussion on use of present tense for the UIN, partially completed ITAAC, and the option/potential to use more than one method to complete an ITAAC, we have modified NEI 08-01, Section 7; Appendix E-1 (UIN Cover Letter Template); and Appendix E-2 (UIN Enclosure Template) as follows:

1) Three sentences have been added such that paragraph 4 of Section 7 now reads as follows:

ITAAC are considered uncompleted until all the activities within its scope are completed. Therefore, the UIN should cover ITAAC for which required inspections, tests or analyses have not yet been performed, as well as ITAAC for which ITA have been only partially completed. For partially completed ITAAC, the UIN does not need to specify which ITAAC activities have been completed versus which have not. For all ITAAC covered by the Section 52.99(c)(3) notification, licensees are required subsequently to submit Section 52.99(c)(1) ITAAC Closure Notifications, and these notifications are made publicly available by the NRC. These notifications, together with the “All ITAAC Complete” notification required by Section 52.99(c)(4), provide confirmation that all ITAAC are successfully completed.

2) Paragraph 1 of Appendix E-1 template has been revised as follows:

This notification is consistent with the guidance described in NEI-08-01, *Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52, which was endorsed by the NRC in Regulatory Guide 1.215.* In accordance with NEI 08-01, this notification includes ITAAC for which required inspections, tests or analyses have not been performed or have been only partially completed. All ITAAC will be fully completed and all Section 52.99(c)(1) ITAAC Closure Notifications will be submitted to NRC to support the Commission finding that all acceptance criteria are met prior to plant operation, as required by 10 CFR 52.103(g).

3) Paragraph 2 added to E-2 template discussion on ITAAC Completion Description:

It is expected that licensees will use the same method for performing required inspections, tests and analyses and determining that acceptance criteria are met for the entire scope of SSCs covered by a given ITAAC. However, if the licensee plans to use more than one method, the UIN ITAAC Completion Description should provide a sufficient description of all methods to be used.