

Response to Public Comments on Draft Regulatory Guide (DG)-1316

“GUIDANCE FOR ITAAC CLOSURE UNDER 10 CFR PART 52”

Proposed Revision 2 of Regulatory Guide (RG) 1.215

On January 5, 2015, the NRC published a notice in the *Federal Register* (80 FR 265) that Draft Regulatory Guide, DG-1316 (Proposed Revision 2 of RG 1.215), was available for public comment. The Public Comment period ended on March 6, 2015. The NRC received comments from the organizations listed below. The NRC has combined the comments and NRC staff responses in the following table.

Comments were received from the following:

Russel J. Bell, Senior Director
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Comment Number	Commenter	Section of DG-1316	Specific Comments	NRC Resolution
1a	Russel J. Bell	A. Introduction, Purpose, pg. 1	<p>Comment/Basis</p> <p>The text refers to 10 CFR 52.99; however, the reference (Ref. 1) is for 10 CFR Part 52.</p> <p>Recommendation</p> <p>Revise Ref. 1 on page 9.</p>	<p>Staff agrees with the comment.</p> <p>Reference 1 on Page 9 of the RG will be revised as follows:</p> <ol style="list-style-type: none"> 1. U.S. Code of Federal regulations (CFR), Title 10, “Energy,” Section 52.99, “Inspection during construction; ITAAC schedules and notifications; NRC notices,” U.S. Nuclear Regulatory Commission, Washington, DC.
1b	James A. Gresham	Page 1, Purpose	Comment/Basis	Staff agrees with the comment. The RG will be revised as described in the NRC Resolution to

			<p>The Section refers to 10 CFR 52.99, however, the reference (Ref. 1) is for 10 CFR Part 52.</p> <p>Recommendation</p> <p>Revise Ref. 1, page 9</p>	<p>Comment Number 1a.</p>
2	Russel J. Bell	<p>B. Discussion, Background, 1st paragraph, last sentence, pg. 3</p>	<p>Comment/Basis</p> <p>The sentence is incomplete as written because all inspections, tests, analyses, and acceptance criteria (ITAAC) complete notifications have not been included. [10 CFR 52.99(c)(4)]</p> <p>Recommendation</p> <p>Revise the sentence to read: “It also sets forth requirements for notifying the NRC of uncompleted ITAAC, and of potential changes in the completion status of ITAAC previously reported to the NRC as being met, <u>and when all ITAAC are complete.</u>”</p>	<p>Staff agrees with the comment.</p> <p>The sentence will be revised as follows: “It also sets forth requirements for notifying the NRC of uncompleted ITAAC, of potential changes in the completion status of ITAAC previously reported to the NRC as being met, and when all ITAAC are complete.”</p>
3a	Russel J. Bell	<p>B. Discussion, Background, 2nd paragraph, pg. 3</p>	<p>Comment/Basis</p> <p>RG 1.215 draft Rev. 2 states: “The NRC uses these notifications to determine whether the Licensee has successfully completed ITAAC, to verify that acceptance criteria are met, to facilitate public participation in the ITAAC hearing process, and to</p>	<p>Staff disagrees with the comment. The information included in these notifications submitted to the NRC may be used to schedule or plan future inspections in response to information on ITAAC completion, ITAAC maintenance activities, or future activities included in an uncompleted ITAAC notification.</p> <p>No changes were made to the RG to address this</p>

			<p>plan inspections.</p> <p>Section 52.99(c) notifications are not used to plan inspections.</p> <p>Recommendation</p> <p>Revise the first sentence to read: "The NRC uses these notifications to determine whether the Licensee has successfully completed ITAAC, to verify that acceptance criteria are met, <u>and</u> to facilitate public participation in the ITAAC hearing process, and to plan inspections."</p>	comment.
3b	James A. Gresham	Page 3, Background, 2 nd paragraph	<p>Comment/Basis</p> <p>RG 1.215 draft Rev 2 states: "The NRC uses these notifications to determine whether the Licensee has <u>successfully completed ITAAC, to verify that acceptance criteria are met,</u> to facilitate public participation in the ITAAC hearing process, and <u>to plan inspections.</u> This RG, through its approval for use of an industry guidance document, describes methods that the NRC staff considers acceptable for licensees to use for <u>documenting, reporting, and maintaining</u> the satisfactory completion of the ITAAC in the COL as required by 10 CFR 52.99" (emphasis added)</p> <p>This draft does not discuss the</p>	<p>Staff disagrees with the comment. Please see the NRC Resolution to Comment Number 3a.</p> <p>No changes were made to the RG to address this comment.</p>

			<p>submittals required to satisfy 10 CFR 52.99(a), therefore the statement regarding planning inspections is irrelevant. (Note that Revision 1 did contain some discussion on the 52.99(a) submittals.)</p> <p>The inspections to determine if the ITAAC have been successfully completed occur via different Inspection Manual Chapters (IMCs), and are typically done prior to the submittal of the ITAAC Closure Notification (ICN). The review is/should be to determine if the notification contains the appropriate level of detail to describe how the ITAAC was satisfied.</p> <p>Recommendation</p> <p>Recommend revising the first sentence above to better correspond to the second sentence in the paragraph and the VEF process.</p>	
4	Russel J. Bell	B. Discussion, Background, Requirements for ITAAC Submittal and Closure, middle of the paragraph, pg. 3	<p>Comment/Basis</p> <p>Sentence beginning, “The second type of ITAAC notification, an ITAAC post-closure notification (also referred to as supplemental ITAAC closure notification) is governed by 10 CFR 52.99(c)(2) and would...” contains outdated terminology. The parenthetical should be deleted or revised. NEI 08-01 and 10 CFR 52.99</p>	<p>Staff agrees with the comment.</p> <p>The sentence will be revised as follows: “The second type of notification, an ITAAC post-closure notification (formerly referred to as a supplemental ITAAC closure notification) is governed by 10 CFR 52.99(c)(2) and would apply to ITAAC for which an ITAAC closure notification has previously been submitted.”</p>

			<p>no longer contain the term “supplemental ITAAC closure notification.”</p> <p>Recommendation</p> <p>Remove parenthetical or revise to “(also formerly referred to as supplemental ITAAC closure notification).”</p>	
5	Russel J. Bell	C. Staff Regulatory Guidance, 1.a, pg. 5	<p>Comment/Basis</p> <p>The second sentence of this paragraph (which was not in prior revisions of RG 1.215) states: “Licensees should develop their QA program to address oversight of nonsafety related (NSR) structures, systems, and components (SSCs).”</p> <p>This sentence is misleading because it could be misconstrued to mean that the quality assurance program (QAP) should provide oversight for all nonsafety-related SSCs. The QAP should apply program controls to nonsafety-related SSCs that are significant contributors to plant safety (for which 10 CFR 50, Appendix B is not applicable).</p> <p>Recommendation</p> <p>Recommend deleting the sentence, essentially reverting to the language in RG 1.215, Rev. 1.</p>	<p>Staff agrees with the comment, since the sentence could be misleading. The remaining text provides sufficient guidance on the topic.</p> <p>The RG has been edited by deleting the second sentence in paragraph 1.a in Section C. Staff Regulatory Guidance.</p>

6a	Russel J. Bell	C. Staff Regulatory Guidance, 1.c, pg. 5	<p>Comment/Basis</p> <p>The bulleted information gives the perception that if the index number goes up to 875, there will be 875 ICNs for that unit. This is not the case where license amendment requests (LARs) have been submitted to delete ITAAC. See index number 474 in the VC Summer COL Appendix C for an example.</p> <p>Alternatively, it is possible for an LAR to add a new ITAAC in the middle of the number sequence.</p> <p>Recommendation</p> <p>Recommend acknowledging that there may not be a one for one correlation between index number and the total number of ITAAC for a Licensee.</p>	<p>Staff agrees with the comment. There may not necessarily be a one to one correlation between the highest index number in the COL and the total number of ITAAC for a license. If an ITAAC is added to or deleted from the ITAAC list, the original index number assigned to the other ITAAC at the time of COL issuance will remain with those ITAAC until an affirmative 10 CFR 52.103(g) finding is made. This preserves the validity of the index number used in the subject line of ITAAC notifications submitted prior to any changes to the ITAAC population of a COL.</p> <p>A sentence will be added to paragraph 1.c of Section C. Staff Regulatory Guidance that states: "It should be noted that due to possible additions, deletions, and changes to ITAAC after COL issuance, there may not be a direct correlation between the highest ITAAC index number and the total number of ITAAC in a COL."</p>
6b	James A. Gresham	Page 6, item c	<p>Comment/Basis</p> <p>The bulleted information gives the perception that if the index number goes up to 875, there will be 875 ICNs for that unit. This is not the case where LARs have been submitted to delete ITAAC. See index number 474 in the VCS COL Appendix C for an example.</p> <p>Alternatively, it is possible for an LAR to add a new ITAAC in the middle of the number sequence.</p>	<p>Staff agrees with the comment. The RG will be revised as described in the NRC Resolution to Comment Number 6a.</p>

			<p>Recommendation</p> <p>Recommend acknowledging that there is not a one for-one correlation between index number and the total number of ITAAC for a Licensee.</p>	
7	Russel J. Bell	C. Staff Regulatory Guidance, 1.e, pg. 6	<p>Comment/Basis</p> <p>The last two sentences of this paragraph state: "In determining the anticipated date, the licensee should use NRC guidance on timeframes for the NRC's completion of its review and the making of the 10 CFR 52.103(g) finding. This NRC guidance will be developed in the future."</p> <p>This "guidance" is of no value at this time.</p> <p>Recommendation</p> <p>Delete the last two sentences.</p>	<p>Staff disagrees with the comment. This language was included to recommend that the licensee consider the NRC's timeframes for completing actions on ITAAC closure and preparation for the 10 CFR 52.103(g) finding, which would create a more accurate schedule by the licensee. In the Statement of Considerations for the 2007 10 CFR Part 52 Rule, the following statement appears (72 FR 49367), "The NRC staff intends to develop regulatory guidance on the licensee's completion and NRC verification of ITAAC and will provide estimates of the time it expects to take to verify successful completion of various types of ITAAC. The NRC expects that such guidance, along with frequent communication with licensees during construction, will provide licensees with adequate information to plan initial fuel loading and related activities."</p> <p>No changes were made to the RG to address this comment.</p>
8a	Russel J. Bell	C. Staff Regulatory Guidance, 1.f, pg. 6	<p>Comment/Basis</p> <p>This sentence is from RG 1.215, Rev. 1, but the context (ITAAC Maintenance) has been lost.</p> <p>Recommendation</p>	<p>Staff disagrees with the comment. This sentence intends to have a licensee assess potential impacts on ITAAC incurred because of any changes related to ITAAC, including maintenance activities and design changes in general. Whereas ITAAC maintenance is meant to address situations after an ITAAC has been</p>

			<p>Recommend either deleting this paragraph because it merely repeats guidance provided in NEI 08-01, or restoring the ITAAC Maintenance context. For example:</p> <p>“One proposed method that the licensee can use to meet ITAAC Maintenance requirements is to include ITAAC maintenance provisions in programs such as the quality assurance (QA) program, the maintenance program, the corrective action program, and the design and configuration control program. The design and configuration control program should provide for assessment and evaluation that confirms that the ITAAC potentially affected by a proposed change are still valid and assures the functionality originally intended.”</p>	<p>completed, this statement encompasses a more comprehensive assessment effort for impacts on completed and uncompleted ITAAC.</p> <p>No changes were made to the RG to address this comment.</p>
8b	James A. Gresham	Page 6, Item f	<p>Comment/Basis</p> <p>It is unclear why this paragraph is included. An assessment of whether the ITAAC in the COL are still valid is part of the overall design and licensing change process, and not directly related to ITAAC closure. The NRC has separate regulations that govern the revision to the COL, which would include revision to ITAAC.</p> <p>Recommendation</p>	<p>Staff disagrees with the comment. Design changes may impact ITAAC as they appear in the COL as well as impact previously completed ITAAC that are under ITAAC maintenance, and therefore is associated with ITAAC completion. For example, changes to piping designs could affect the population of SSCs included in an ITAAC. Also, please see the NRC Resolution to Comment Number 8a.</p> <p>No changes were made to the RG to address this comment.</p>

			Recommend deleting this paragraph.	
9a	Russel J. Bell	C. Staff Regulatory Guidance, 1.g, pg. 6	<p>Comment/Basis</p> <p>We understand and agree that technical justification for performing ITA on an SSC at other than its final installed location must be provided in the ICN itself or by referencing one of the generic justifications in NEI 08-01, Rev. 5 – Corrected, Sections 9.1 - 9.5, in the ICN. This is demonstrated in the appendix examples D-16, D-17, and D-100.</p> <p>If there are questions concerning the technical justification for performing the ITA on an SSC at other than its final installed location, including questions concerning “standard industry practice,” we expect the NRC would resolve that concern with the licensee through established processes. This goes without saying and need not be stated in the regulatory guide. Moreover, it would not add value and thus was not intended that licensees document justification for standard industry practice in either the ITAAC Completion Package or ICN.</p> <p>Recommendation</p>	Staff agrees with the comment. Section 9 in NEI 08-01 adequately describes how a licensee may take credit for inspections, tests, or analyses completed for “as-built” ITAAC for which it is technically justified at a location other than the final installed location. The RG will be revised by deleting paragraph 1.g in Section C.

			<p>The proposed NRC language is legacy guidance from RG 1.215, Revision 1; we recommend the NRC staff reconsider the continued need for this guidance in light of the significant additional discussions we have had since 2012 on this subject.</p>	
9b	James A. Gresham	Page 6, Item g	<p>Comment/Basis</p> <p>It is not clear what exception or additional guidance to NEI 08-01, Revision 5 - Corrected is being discussed in this paragraph. It appears to be paraphrasing/reinforcing what is already in NEI 08-01 Section 9.</p> <p>Recommendation</p> <p>If there is no exception or additional guidance, delete this paragraph. If there is an exception or additional guidance, more clearly state what it is.</p>	Staff agrees with the comment. The RG will be revised as described in the NRC Resolution to Comment Number 9a.
10a	Russel J. Bell	C. Staff Regulatory Guidance, 2, pg. 7	<p>Comment/Basis</p> <p>Regarding Use of Examples, we agree that “sufficient information” will be determined with respect to each ITAAC closure. The significant effort of adding the example ICNs to NEI 08-01 was to give Licensees and the public some certainty as to what level of detail would be required for a similar “type” of ITAAC, regardless of the technology. The NEI 08-01 examples reflect common</p>	<p>Staff agrees with the comment. The proposed addition to the sentence underscores the intent of guidance with respect to the level of detail in the examples’ ITAAC determination basis.</p> <p>The second sentence of paragraph 2 of Section C. Staff Regulatory Guidance will be edited to read: “Although these examples are intended to illustrate and reinforce the guidance in NEI 08-01, the licensee should not consider the NRC’s endorsement of this industry guideline document a determination that each example applies to all licensees as it is presented and written in the</p>

			<p>understanding of the “sufficient information” required by 10 CFR 52.99(c)(1), for the specific ITAAC presented, and it is understood that the examples should be used to inform the submittal of the ICNs for each site.</p> <p>Recommendation</p> <p>Recommend adding to the end of the 2nd sentence, “...as it is presented and written in the guide, <u>but rather as an example of what constitutes sufficient information for the ITAAC presented.</u>”</p> <p>This would update the guidance from RG 1.215, Revision 1, to reflect discussions we have had since 2012.</p>	<p>guide, but rather as an example of what constitutes sufficient information for the ITAAC presented.”</p>
10b	James A. Gresham	Page 7, item 2	<p>Comment/Basis</p> <p>Use of Examples section indicates that sufficient information will be determined with respect to each ITAAC closure. The significant effort of adding the example ICNs to NEI 08-01 was to give the Licensees and the public some certainty as to what level of detail would be required for a similar "type" of ITAAC, regardless of the technology. It is understood that the examples should be used to inform the submittal of the ICNs for each site, however, the level of detail for each example ICN has been agreed upon</p>	<p>Staff agrees with the recommendation and will revise the sentence. Staff does not agree with the rationale of the comment, though. The level of detail for certain types of ITAAC may change for different technologies. Different technologies can result in different ITAAC wording, different methods of ITAAC completion, and different ITAAC scope. For example, an ITAAC applying to all SSCs of a certain type might apply to more or less SSCs in a different design. These differences should be reflected in the ICN.</p> <p>The RG will be revised as described in NRC Resolution to Comment Number 10a.</p>

			<p>and should be sufficient for an actual ICN submittal.</p> <p>Recommendation</p> <p>Recommend adding to the end of the 2nd sentence, "...as it is presented and written in the guide, <u>but rather as an example of what constitutes sufficient information for the ITAAC presented.</u>"</p>	
11	James A. Gresham	Appendix A	<p>Comment/Basis</p> <p>It is unclear why this appendix is contained with the ITAAC Closure Document. The NRC has separate regulations that govern the revision to the COL, which would include revision to ITAAC.</p> <p>Recommendation</p> <p>Recommend removal.</p>	<p>Staff disagrees with the comment. This appendix was included with Revision 1 to the RG to provide guidance on when license amendments would be required in the ITAAC maintenance context. Appendix A augments the guidance on this topic that is presented in Sections 3.2.4, 8.1, and 8.2 of NEI 08-01, Rev. 5 – Corrected.</p> <p>No changes were made to the RG to address this comment.</p>