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ITAAC Maintenance Draft Proposed Rule

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Agenda

- Logistics and Meeting Ground Rules
- Background on ITAAC Maintenance
- Overview of Draft Rule Text
- Summary of key observations by external stakeholders
- NRC approach and schedule for finalizing proposed rule

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Meeting Ground Rules

- Not requesting formal rule comments
- One speaker at a time
- Identify yourself before speaking
- Respectful listening & dialog

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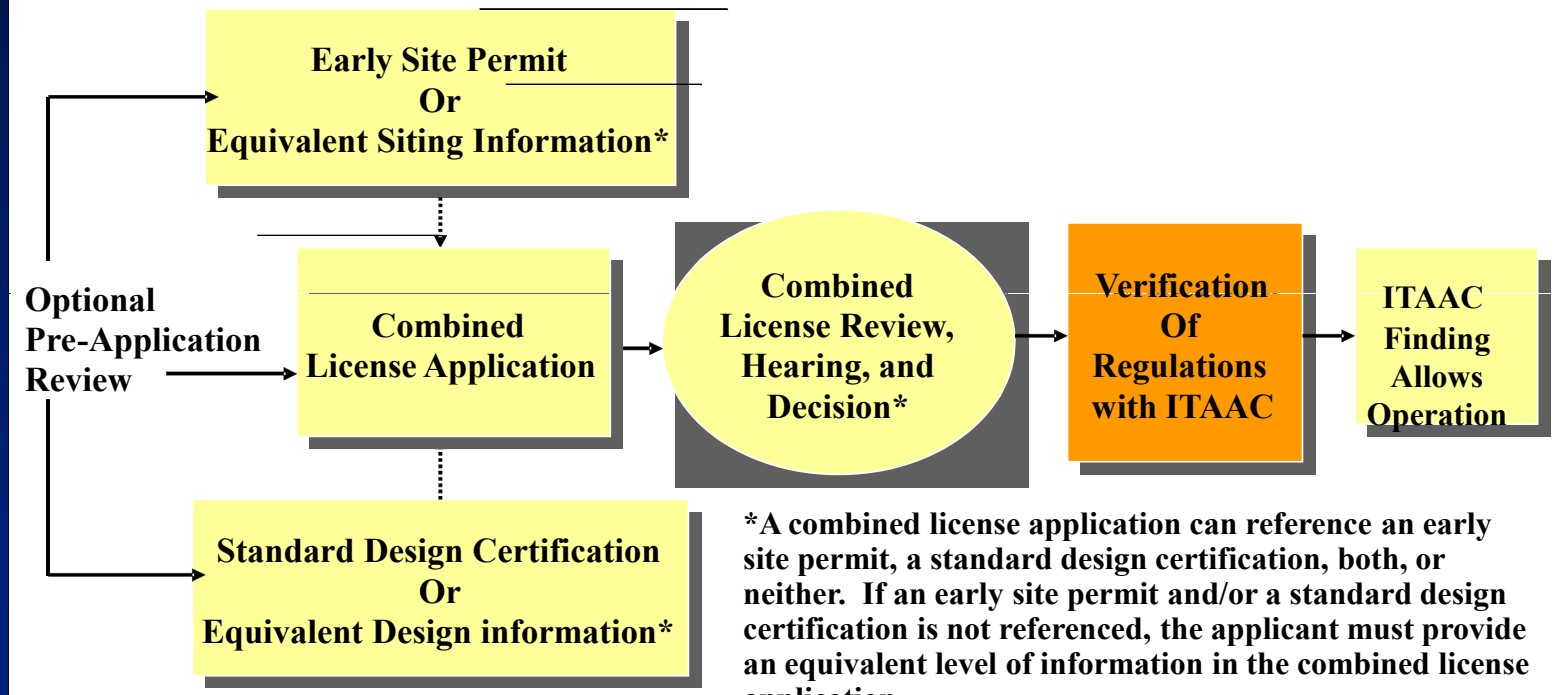
Part 52 Licensing Process



***A combined license application can reference an early site permit, a standard design certification, both, or neither. If an early site permit and/or a standard design certification is not referenced, the applicant must provide an equivalent level of information in the combined license application.**

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Closing ITAAC (10 CFR 52.99)

- Licensee must submit schedule for completing ITAAC
- Licensee must inform NRC that ITAAC have been completed
- NRC will inspect sample of ITAAC
- NRC will review each ITAAC closeout letter
- NRC will notify the public of ITAAC completion
- Commission will make ITAAC finding after **all** ITAAC acceptance criteria are met
- Operation may commence

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ITAAC Hearing Opportunity

- Commission publishes notice of intended operation in Federal Register no less than 180 days before scheduled fuel load
- Any person whose interest may be affected by operation of the plant can request a hearing
- Hearing granted if prima facie information shows
  - One or more ITAAC acceptance criteria have not been or will not be met, and
  - That specific operational consequences of nonconformance are contrary to public health and safety

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Commission Finding on ITAAC (10 CFR 52.103(g))

- The licensee shall not operate the facility until the Commission makes a finding that acceptance criteria in the combined license **are met**

- After § 52.103(g) finding, ITAAC "expire"

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Guidance on ITAAC Closure

- Regulatory Guide 1.215, “Guidance for ITAAC Closure Under 10 CFR Part 52,” October 2009
- Endorses NEI 08-01, “Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52,” Revision 3, issued January 2009

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ITAAC Maintenance Background

- SECY-09-0119, August 26, 2009
- Purpose is to maintain the validity of completed ITAAC
- ITAAC maintenance period is the time from ITAAC closure letter until the §52.103(g) finding
- Addresses activities affecting closed ITAAC

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Developmental Factors

- Part 52 is silent on ITAAC maintenance
- External stakeholder concerns
- Regulatory predictability and transparency
- Complete and accurate information

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ITAAC Maintenance Approach

- Licensee programs are a key element
- Supplemental notifications
- Reporting thresholds

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Reporting Thresholds

- NRC staff have been discussing thresholds for supplemental ITAAC reporting in public meetings
- Thresholds will be discussed at a high level in proposed rule *Federal Register* notice
- Detailed guidance on thresholds will be provided for public comment in draft Revision 1 to RG 1.215

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Draft Rule Text - §2.340

- Changing phrase stating that acceptance criteria “have been met” to “are met” for consistency with §52.103(g) and Atomic Energy Act
- Clarifying the prerequisites for, and timing of, NRC issuance of§ 52.103(g) finding

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Draft Rule Text - §52.99(a) – (b)

(a) Requirements for submitting ITAAC schedules

- No changes

(b) States applicants & licensees may proceed at own risk with design, procurement, and construction activities even though NRC has not found ITAAC are met

- Changing phases stating that acceptance criteria "have been met" to "are met"

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Draft Rule Text - §52.99(c)(1) & (c)(2)

(c)(1) Requires licensees to submit ITAAC closure letters

- Changing phrase stating that acceptance criteria “have been met” to “are met”

(c)(2) Requires licensees to submit information on uncompleted ITAAC 225 days before fuel load

- Changing phrase stating that acceptance criteria “have been met” to “are met”

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Draft Rule Text - §52.99(c)(3)(i)

(3) *ITAAC post-closure notifications*. These requirements apply to each ITAAC after the licensee makes the initial ITAAC closure notification under paragraph (c)(1).

(i) *New information on ITAAC closure.* The licensee shall notify the NRC of new information raising a reasonable concern that a prescribed inspection, test or analysis was not performed as required, or that a prescribed acceptance criterion is not met.

The notification must be made no later than 7 days after licensee identification of the concern or before licensee repair or replacement activities begin, whichever is sooner.

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Draft Rule Text - §52.99(c)(3)(ii)

(ii) Supplemental ITAAC closure notification. The licensee shall notify the NRC of its resolution of concerns reported under paragraph (c)(3)(i).

The notification must contain sufficient information to demonstrate that, notwithstanding the new information, the prescribed inspections, tests, analyses have been performed as required, and the prescribed acceptance criteria are met.

The notification must be made no later than 30 days after licensee resolution of the concern.

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Draft Rule Text - §52.99(c)(3)(iii)

(iii) If, by 225 days before the scheduled fuel load date, the licensee has made a notification about new ITAAC information under (c)(3)(i) but has not made the supplemental ITAAC closure notification under paragraph (c)(3)(ii), then the licensee must notify the NRC of its proposed resolution of the concern.

The notification must provide sufficient information to demonstrate that, upon licensee completion of the proposed resolution, the prescribed inspections, tests, or analyses will have been performed and the prescribed acceptance criteria are met.

The notification must include a description of the specific procedures and analytical methods for resolving the concern, and any changes or supplements to information previously provided in the original ITAAC closure notification under paragraph (c)(1).

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Draft Rule Text - §52.99(c)(3)(iv)

(iv) Records. The licensee shall maintain records documenting the basis for determining whether a notification about new ITAAC information under paragraph (c)(3)(i) is required.

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Draft Rule Text - §52.99(d)

- Changing phases stating that acceptance criteria “have been met” to “are met”
- In (d)(2), changing “ITAAC” to “prescribed acceptance criteria” for consistency with language in (d)(1)

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Draft Rule Text - §52.99(e)(1)

(e) *NRC inspection, publication of notices, and availability of licensee notifications*. The NRC shall ensure that the prescribed inspections, tests, and analyses in the ITAAC are performed.

(1) The NRC will periodically publish *Federal Register* notices of the NRC staff's determination of the successful completion of inspections, tests, and analyses up until the last date for submission of hearing requests under § 52.103(a).

If the licensee notifies NRC that it has exceeded the supplemental reporting thresholds under paragraph (c)(3), then the NRC will include this information in a future periodic *Federal Register* notice.

The NRC will also include the NRC staff's determinations on any supplemental ITAAC notifications in a periodic notice until the last date for submission of hearing requests under § 52.103(a).

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Draft Rule Text - §52.99(e)(2)

(2) The NRC shall make all licensee notifications publicly available.

No later than the date of publication of the notice of intended operation required by § 52.103(a), the NRC shall make publicly available the licensee notifications under paragraphs (c)(1), (c)(2), and (c)(3).

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Draft Rule Text - §52.99(f)(1) & (2)

(f) *All ITAAC Complete notification*.

(1) After submitting the ITAAC closure letter under paragraph (c)(1) for the last ITAAC to be completed, the licensee must notify the NRC that there is no new ITAAC information that exceeds or may exceed the supplemental reporting threshold under paragraph (c)(3)(i).

(2) If, after making the All ITAAC Complete notification required under paragraph (f)(1), the licensee identifies new ITAAC information exceeding the supplemental ITAAC reporting threshold under paragraph (c)(3)(i) of this section, then the licensee must notify the NRC within 24 hours of the identification of the new information.

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Draft Rule Text - §52.99(f)(3) & (4)

(3) After making the 24-hour notification under paragraph (f)(2), the licensee must submit a notification about the new ITAAC information in accordance with paragraph (c)(3)(i), or must submit a notification explaining why such a notification is not required.

(4) If, after submitting the 24-hour notification required under paragraph (f)(1), the licensee submits a notification about new ITAAC information under paragraph (c)(3)(i), then it must also resubmit the All ITAAC Complete notification required by paragraph (f)(1).

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Key Observations

Summarize key observations made during the meeting

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Rulemaking Plan & Schedule

- Factor key observations into final NRC staff decision making on proposed rule
- Submit proposed rule to Commission for review by June 30, 2010
- Publish proposed rule following Commission and OMB review