



# **Operation for an Interim Period 10 CFR 52.103(c)**

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## **SECY-13-0033 – Interim Operation 52.103(c)**

### **Allowing Interim Operation under Title 10 of the *Code of Federal Regulations* Section 52.103**

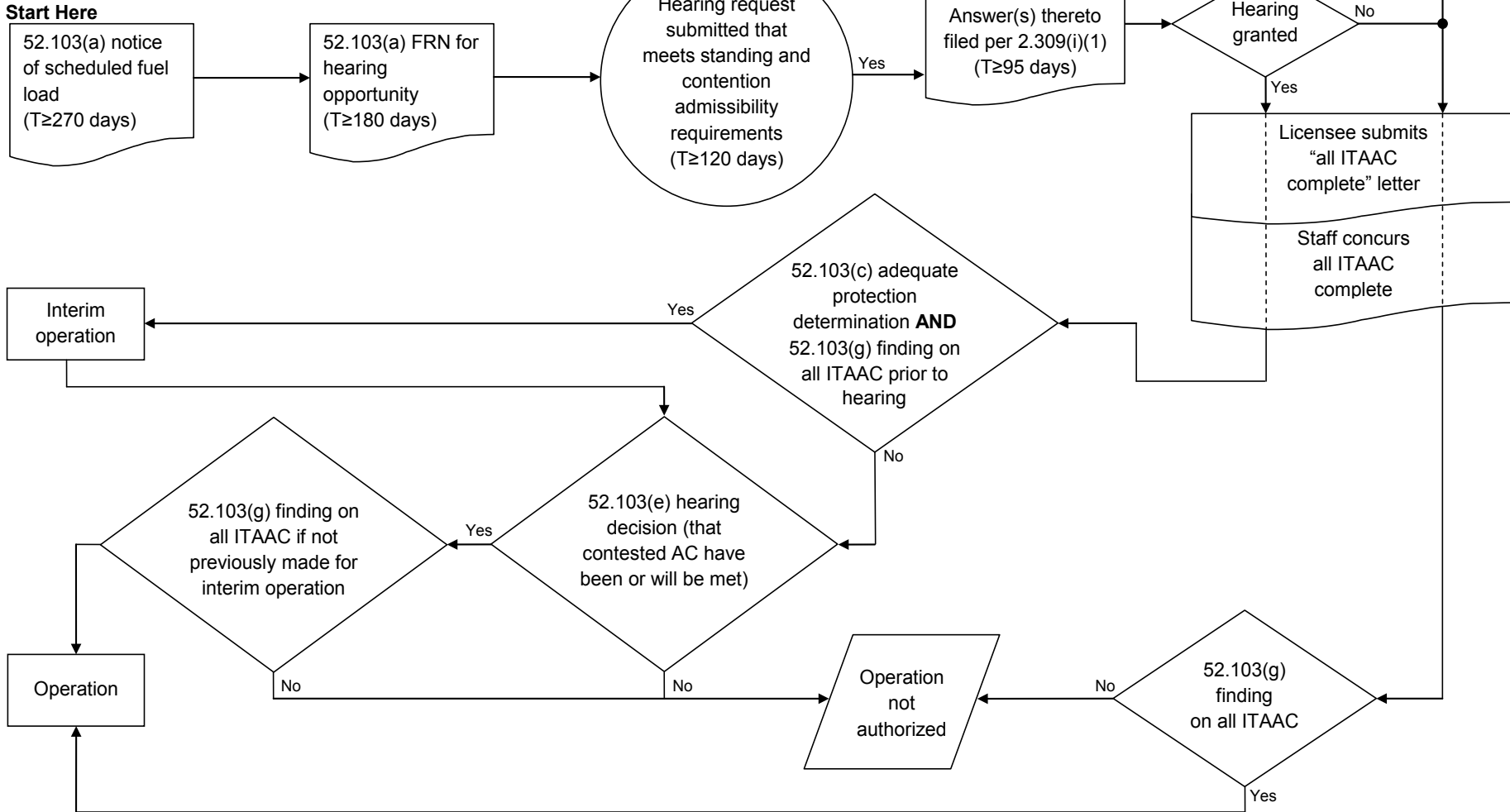
- Section 52.103 Operation under a combined license.
- Framework for the transition from construction to operation
- Must be read in total, (a) through (h) inclusive

## **52.103(c) – Interim Operation Timeline**

- Construction phase - 52.99(c)(1) ICNs
- >270 days before scheduled fuel load (SFL) – 52.103(a) notification of scheduled fuel load
- >225 days before SFL – 52.99(c)(3) uncompleted ITAAC notification
- >180 days before SFL – 52.103(a) Federal Register Notice (FRN) of intended operation and opportunity to request a hearing
- >120 days before SFL – 52.103(a) deadline for hearing request (60 days following FRN)
- >95 days before SFL – 2.309(h)(1) Answers to hearing request (25 days after hearing request)
- 10 CFR 52.103(e): The Commission shall, to the maximum possible extent, render a decision on issues raised by the hearing request within 180 days of the FRN or by scheduled fuel load, whichever is later

# 52.103(c) – Interim Operation Timeline Figure

**Note:** Interim operation under 52.103(c) only occurs if hearing is not completed prior to scheduled fuel load.



## **52.103(g) – Finding**

### **Construction transition to Operation**

#### **10 CFR 52.103(g) finding**

- Licensee cannot operate the facility until the Commission finds, in accordance with AEA §185b. and 10 CFR 52.103(g), that the acceptance criteria in the ITAAC are met
- NRC will determine that all acceptance criteria are met based upon all information available to the NRC
  - ITAAC Closure Notifications (ICN), 52.99(c)(1) and ITAAC Post-Closure Notification, 52.99(c)(2)
  - Inspection reports, CIPMS
  - All ITAAC complete notification, 52.99(c)(4)

## **52.103 – Hearing Request**

### **Hearing Opportunity**

Hearing request must contain the petitioners *prima facie* showing

- One or more acceptance criteria have not been or will not be met
- Specific operational consequences of nonconformance are contrary to providing reasonable assurance of adequate protection of the public health and safety

**Commission decision on whether to grant a hearing**

## 52 – Adequate Protection

### When the Commission grants a hearing

The Commission shall allow interim operation if it determines that there is reasonable assurance of adequate protection of public health and safety during an interim period of operation

- The Commission must consider the petitioners *prima facie* showing
- The Commission must consider the answers thereto
- Determination of reasonable assurance is not a ruling on the merits of the petitioners *prima facie* showing
- Interim operation may have conditions to assure adequate protection
- Interim operation is the time during which the plant is operating pending the completion of an ITAAC hearing

## **52.103(c) – Interim Operation Decision**

### **Prerequisites for Interim Operation**

- All acceptance criteria must be met before operation commences
- Assure of adequate protection during interim operation may require
  - Remediation of systems, structures or components
  - Compensatory actions
  - Mitigation measures
  - Constraints on operations during the interim period

**These are two related sequences progressing concurrently during the transition from construction to operation**



## **52.103(c) – Interim Operation Environmental Evaluation**

Operations for an interim period is an intermediate step implementing the licensees' authorization of construction and operation

- NEPA law provides that separate environmental statements are not required for intermediate, implementing steps where an EIS has been prepared for a proposed action
- Decision allowing interim operations is an intermediate step implementing COL's authorization of construction and operation
- No separate environmental review of decision allowing interim operations will be necessary where the environmental impacts of interim operation do not significantly differ from the impacts described in the COL EIS
  - Although unlikely due to the nature of interim operation, unique compensatory actions or mitigation measures may require additional environmental review

## **52.103(c) – Interim Operation Operational Programs ITAAC Maintenance**

Operational programs and requirements specified as implemented on a 52.103(g) finding, these programs and requirements shall also be implemented in the event that the Commission allows interim operation in accordance with 10 CFR 52.103(c), given that the 10 CFR 52.103(g) finding would be made in support of interim operation.

ITAAC maintenance activities and associated ITAAC post-closure notifications would no longer be necessary or required after a 10 CFR 52.103(g) finding, including during interim operation.

## **52.103(c) – Interim Operation Petition to modify the license**

**Members of the public may submit a petition to modify the terms and conditions of the COL, 52.103(f)**

- The petitions will be processed in accordance with 2.206
- Commission will determine whether any immediate action is necessary before the licensed activity allegedly affected by the petition commences
- Review of 103(f) petitions must be coordinated with 52.103(g) and 52.103(c) actions

## **52.103(c) – Interim Operation Mode 1 Operation**

**100% Rx Pwr, NOT/NOP**