

# REGULATORY ANALYSIS

## DRAFT REGULATORY GUIDE DG-1316, “GUIDANCE FOR ITAAC CLOSURE UNDER 10 CFR PART 52”

*(Proposed Revision 2 of Regulatory Guide 1.215, dated May 2012)*

### 1. Statement of the Problem

The purpose of Regulatory Guide 1.215, “Guidance for ITAAC Closure under 10 CFR Part 52,” is to provide a tool for licensees to use in standardizing the content and format of licensee submittals to satisfy the inspections, tests, analyses, and acceptance criteria (ITAAC) notification requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) 52.99, “Inspection during Construction.” The purpose of this proposed revision to Regulatory Guide 1.215 is to maintain consistency with the requirements of 10 CFR 52.99 and with changes in the industry guidance document Nuclear Energy Institute (NEI) 08-01, “Industry Guideline for the ITAAC Closure Process under 10 CFR Part 52,” Revision 5 - Corrected, issued June 2014.

Licensee submittals required by 10 CFR 52.99 could vary greatly in the amount of information submitted to the U.S. Nuclear Regulatory Commission (NRC). Although the regulation provides clarity as to the nature of the information to be provided, it does not include detailed and prescriptive direction on the level of information to be provided. Therefore, the issuance of this revision to the regulatory guidance is necessary to provide licensees with information that they will need to develop (1) quality ITAAC notifications on a timely basis, (2) associated details at levels that meet the NRC’s expectations, (3) submittals of required and supporting documentation, and (4) associated licensee ITAAC closure schedules. The NRC will likely revise this guide as experience grows with the implementation of the ITAAC process during new plant construction.

### 2. Objective

The objective of this regulatory action is to provide guidance on technical matters related to ITAAC submittals pertaining to nuclear power plant construction in accordance with the ITAAC listed in a combined license and to provide additional guidance on the requirements of 10 CFR 52.99.

### 3. Alternative Approaches

The NRC staff considered the following alternative approaches:

1. Do not revise Regulatory Guide 1.215.
2. Withdraw Regulatory Guide 1.215
3. Revise Regulatory Guide 1.215.

#### Alternative 1: Do Not Revise Regulatory Guide 1.215

Under this alternative, the NRC would not issue additional guidance. If the NRC does not take action, there would be no change in costs or benefit to the public, licensees, or the NRC. However, the “no-action” alternative would not address identified concerns in the absence of NRC guidance and would likely cause confusion with the requirements of 10 CFR 52.99. This alternative provides a baseline

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condition from which any other alternatives will be assessed.

#### Alternative 2: Withdraw Regulatory Guide 1.215

Withdrawing this regulatory guide would eliminate the guidance for ITAAC closure under 10 CFR Part 52. This alternative would remove the existing guidance which would result in the loss of consistency for ITAAC submittals.

#### Alternative 3: Revise Regulatory Guide 1.215

Under this alternative, the NRC would revise Regulatory Guide 1.215, taking into consideration the endorsement of NEI 08-01.

One benefit of this action is that it would enhance the quality of the notifications required under 10 CFR 52.99 and would help to ensure consistency. Furthermore, this guide also describes the NRC's construction inspection program and may aid licensees in meeting the agency's expectations.

The impact to the NRC would be the costs associated with preparing and issuing the revised regulatory guide. The impact to the public would be the voluntary costs associated with reviewing and providing comments to the NRC during the public comment period. The value to the NRC staff and current and prospective combined license applicants would be the benefits associated with enhanced efficiency and effectiveness in using a common guidance document as the technical basis for licensee ITAAC notifications, closure schedules, and other interactions between the NRC and its regulated entities. Because stakeholders and the NRC consider RG 1.215 and NEI 08-01 as dynamic documents that are revised and updated based upon lessons learned in implementing the relatively untested process of ITAAC completion and ITAAC notification, there are modest resources required for NRC stakeholders to participate in the regulatory guide revision process, and for the NRC to engage in the regulatory guide revision process.

#### **4. Comparison of Alternatives**

For Alternative 1, the benefit would be that no agency resources would be committed to revising the regulatory guide. Licensees would continue to use guidance with which many licensees are already familiar. They would not incur any costs needed to revise their methods of implementing the guidance. However, RG 1.215 would not reflect the current common understanding between the licensees and the staff on implementing the requirements for ITAAC closure of 10 CFR Part 52. As a result, submittals of ITAAC closure notifications (ICNs) and uncompleted ITAAC notifications (UINs) may not be found acceptable by the NRC staff. This may result in additional interactions and submittals and could lead to increased costs to licensees.

For Alternative 2, withdrawing the guide could be done at very modest cost. The impact of withdrawal is significant. By eliminating guidance for future licensees, the content of future s ICNs or UINs could vary from licensee to licensee, thereby making their review more burdensome for the staff. Delays and cost increases would likely be greater than under Alternative 1 due to an increased number of requests for additional information resulting from the lack of a current standard.

For Alternative 3, the value to the NRC staff and its licensees in revising the guide would be the benefits associated with providing guidance based on the latest understandings of the requirements for ITAAC closure in 10 CFR Part 52. In addition, years of interactions during public meetings between the NRC staff and licensees have enabled a common understanding of the requirements and appropriate

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guidelines for implementing them. The impact on the NRC would be the costs associated with preparing and issuing the regulatory guide. The impact on the public would be the voluntary costs associated with reviewing and providing comments to the NRC during the public comment period.

## **5. Conclusion**

Based on this regulatory analysis, the NRC staff concludes that revision of Regulatory Guide 1.215 is warranted. The proposed action will enhance the licensee's understanding of the NRC's expectations for adequate ITAAC notifications and closure packages. It could also lead to cost savings for the industry, especially with regard to reducing paperwork, preparing licensee submittals, and reducing the potential need for licensees to make multiple submittals to achieve and maintain ITAAC closure. It will also lead to cost savings for the NRC, inasmuch as it may reduce the need for multiple NRC reviews of the ITAAC notices mandated by § 52.99. Finally, by reducing the delays associated with multiple reviews and resubmissions of various ITAAC notices, the regulatory guide can help achieve the statutory requirement in section 189 of the Atomic Energy Act of 1954, as amended, to complete ITAAC hearings before the scheduled date of initial loading of fuel into the reactor.