

Appendix D

(Template)

[7590-01-P]

NUCLEAR REGULATORY COMMISSION

[Docket No.; NRC-XXXX]

[licensee name]

[plant name]

Affirmative 10 CFR 52.103(g) Finding and Commencement of Operations

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Finding that the acceptance criteria in the combined license are met. *[If interim operation allowed, add: Order allowing interim operation.]*

SUMMARY: The NRC found pursuant to 10 CFR 52.103(g) that the acceptance criteria in the combined license for **[plant name]** are met. *[If interim operation allowed, add: The NRC also issued an order allowing interim operation pending the completion of a hearing associated with closure of inspections, tests, analyses, and acceptance criteria (ITAAC). This order was based on a Commission determination that there was reasonable assurance of adequate protection of the public health and safety during a period of interim operation.]* Because of **[this action/these actions]**, **[interim]** operation of the facility is allowed.

DATES: The 10 CFR 52.103(g) finding was effective on [date]. *[If interim operation allowed, add: The order allowing interim operation was effective on [date].]*

ADDRESSES: Please refer to Docket ID NRC-[XXXX] when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-[XXXX]. Address questions about NRC dockets to [name of NRC contact; telephone: 301-XXX-XXXX; e-mail: XXX]. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: [licensing project manager], U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: [301-XXX-XXXX]; e-mail: [XXX].

SUPPLEMENTARY INFORMATION:

Under 10 CFR 2.106, the NRC is providing notice that it has found that the acceptance criteria in the combined license for [plant name] are met. Section 185b. (42 USC 2235(b)) of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 52.97(b) require that the Commission identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the AEA, and the Commission's rules and regulations. In compliance with these requirements, the Commission included ITAAC in Appendix C of the combined license [license #], for [plant name].

AEA Section 185b. also requires, in part, that following issuance of the combined license, the Commission shall ensure that the prescribed inspections, tests, and analyses are performed, and prior to operation of the facility, find that the prescribed acceptance criteria are met. The NRC codified the requirement to ensure completion of

the inspections, tests, and analyses in 10 CFR 52.99(e) and codified the requirement regarding the finding that the acceptance criteria are met in 10 CFR 52.103(g).

The NRC staff has determined that the inspections, tests, and analyses have been successfully completed, and found that all specified acceptance criteria in the [plant name] combined license [license #] are met. This finding (ADAMS Accession No. [XXXXXXXX]) was made on [date] and was effective on [date]. The principal basis for the staff's 10 CFR 52.103(g) finding was the staff's review of the licensee's ITAAC notifications under 10 CFR 52.99(c) and the staff's inspection of ITAAC-related activities conducted by the licensee. The staff's basis for its finding is provided in the document titled "10 CFR 52.103(g) Basis Document [plant name]" (ADAMS Accession No. [XXXXXXXX]).

[If interim operation allowed, add: Section 189a.(1)(B) (42 USC 2239(a)(1)(B)) of the AEA provides an opportunity to request a hearing on conformance with the acceptance criteria. A hearing request in the ITAAC proceeding for [plant name] was granted. In this circumstance, Section 189a.(1)(B) of the AEA provides that the Commission shall allow interim operation pending completion of the hearing if it determines that there is reasonable assurance of adequate protection of the public health and safety during a period of interim operation. In an order dated [date] (ADAMS Accession No. [XXXXXXXX]), the Commission determined that there is such reasonable assurance of adequate protection during a period of interim operation. The staff issued an order allowing interim operation on [date], which was effective on [date] (ADAMS Accession No. [XXXXXXXX]). Interim operation will be allowed until subsequent NRC action is taken based on the outcome of the hearing.]

