



ITAAC Hearing Process

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Background Information on ITAAC and ITAAC Closure

What Are ITAAC?

- ITAAC stands for inspections, tests, analyses, and acceptance criteria
- ITAAC verify that a new reactor has been constructed as required and will be operated safely
- ITAAC are requirements included in the combined license for each reactor
- ITAAC are made up of 2 parts (ITA + AC)

Examples of ITAAC

Design Commitment	Inspections, Tests, and/or Analyses	Acceptance Criteria
<p>The [Refueling Machine (RM)] and [Fuel Handling Machine (FHM)]/spent fuel handling tool (SFHT) gripper assemblies are designed to prevent opening while the weight of the fuel assembly is suspended from the grippers.</p>	<p>The RM and FHM/SFHT gripper assemblies will be tested by operating the open controls of the gripper while suspending a dummy fuel assembly.</p>	<p>The RM and FHM/SFHT gripper assemblies will not open while suspending a dummy test assembly.</p>
<p>The [Reactor Coolant System (RCS)] provides circulation of coolant to remove heat from the core.</p>	<p>Testing and analysis to measure RCS flow with four reactor coolant pumps operating at no-load RCS pressure and temperature conditions will be performed. Analyses will be performed to convert the measured pre-fuel load flow to post-fuel load flow with 10-percent steam generator tube plugging.</p>	<p>The calculated post-fuel load RCS flow rate is $\geq 301,670$ gpm.</p>

How Are ITAAC Closed?

- After completing a portion of the plant, the licensee completes ITAAC to verify that safety requirements are met
- NRC inspectors oversee licensee construction activities and ITAAC completion
- The licensee sends notifications to the NRC describing how it successfully completed ITAAC
- Operation is not allowed until the NRC staff finds that all acceptance criteria are met (10 CFR 52.103(g))

ITAAC Notifications

10 CFR 52.99(c) requires notifications from the licensee to the NRC

- ITAAC closure notifications—must provide sufficient information to demonstrate the ITAAC is satisfied
- ITAAC post-closure notifications—address new information affecting the basis for determining that the ITAAC was completed. This notification must demonstrate that the ITAAC remains satisfied
- Uncompleted ITAAC notifications—must provide sufficient information to demonstrate that the not-yet-completed ITAAC will be satisfied
- All ITAAC complete notification—notifies the NRC that all ITAAC are complete and are being maintained

ITAAC Closure Guidance

- NRC Regulatory Guide 1.215, Revision 2, provides guidance to licensees on how to close ITAAC
- NRC Office Instruction NRO-REG-103 describes the staff's ITAAC closure and verification process
- NRC Office Instruction NRR-LIC-114 describes the process for how the staff can make the 52.103(g) finding that the acceptance criteria are met

ITAAC Hearing Process

ITAAC Hearings Topics Covered

- Hearing Opportunity
- Hearing Request Requirements
- Procedures
- Schedule
- Interim Operation
- NRC Commissioner Involvement
- Safeguards Information and ITAAC Hearings

Hearing Opportunity

- The Atomic Energy Act (AEA) provides a hearing opportunity on whether the acceptance criteria in the ITAAC have been or will be met
 - The hearing opportunity is limited to the acceptance criteria because design, siting, environmental, and most other matters were resolved before the combined license was issued
 - There were opportunities for public involvement, including hearings, when these issues were resolved
 - The ITAAC address those issues that couldn't be addressed until after the combined license was issued

Hearing Opportunity (cont.)

- A “Notice of Intended Operation” will be published in the *Federal Register* to announce the opportunity to request a hearing
- The Notice will provide that hearing requests must be filed within 60 days
- Based on current schedules, the NRC will likely publish this Notice in February 2020, but this is subject to change

Hearing Request Requirements

10 CFR 2.309

- Hearing requests must show standing and an admissible contention
- The contention must meet several criteria, including a showing, *prima facie*, that:
 - The acceptance criteria have not been or will not be met, and
 - The failure to meet the acceptance criteria results in operational safety consequences that are contrary to reasonable assurance of adequate protection of the public health and safety
- Contentions on uncompleted ITAAC would address any inadequacies in the ITAAC completion methods described in the uncompleted ITAAC notification

ITAAC Hearing Procedures

- The AEA allows the NRC to use formal or informal procedures of its choosing
- 10 CFR 2.310(j): The Commission will establish ITAAC hearing procedures on a case-specific basis
- The NRC published ITAAC Hearing Procedures in the *Federal Register* on July 1, 2016 (81 FR 43266). These procedures:
 - define schedule expectations for the proceeding
 - provide detailed templates for the case-specific procedures

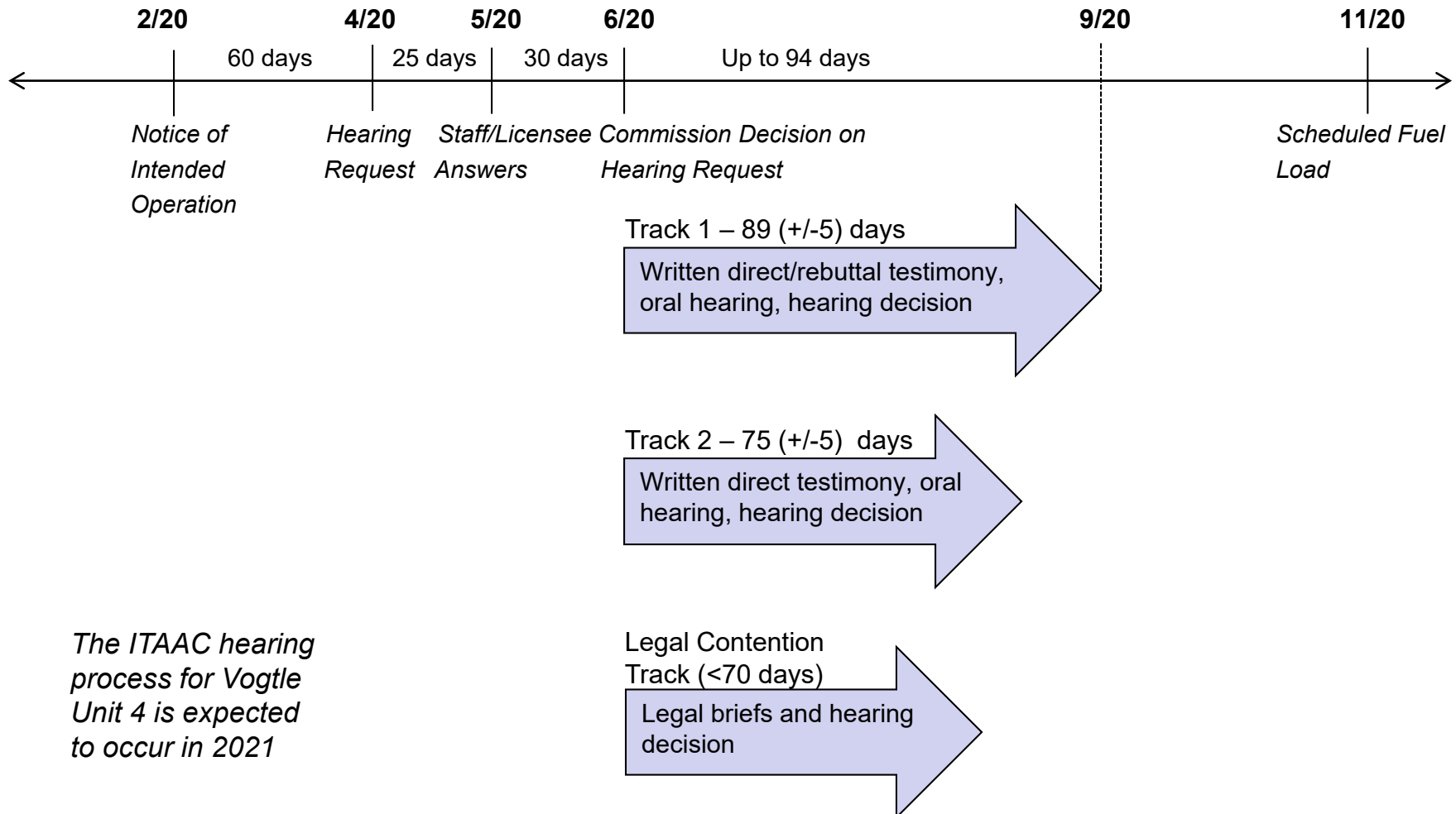
Expedited Hearing Schedule

- The AEA effectively requires the NRC to issue a decision on the hearing issues “to the maximum possible extent” by the scheduled date for initial loading of fuel into the reactor
 - ITAAC hearings will be completed much more quickly than other NRC hearings (7 months or less)
 - The narrow focus of ITAAC and the prima facie showing support an expedited hearing
 - The NRC streamlined the ITAAC hearing procedures

Streamlined Process

- The hearing procedures are based on existing hearing rules, as modified to support the accelerated ITAAC hearing schedule
 - Testimony and position statements will be prepared immediately after a hearing request is granted
 - The Commissioners will set a strict deadline for the decision after any hearing
 - Motions for extension of time must show unavoidable and extreme circumstances
 - Regulatory deadlines were shortened
 - The NRC eliminated or limited processes that were not necessary for ITAAC hearings

Tentative ITAAC Hearing Timeline for Vogtle Unit 3



Interim Operation

- *AEA: If a hearing request is granted, the Commission shall determine whether to allow interim operation*
- Interim operation is intended to prevent the ITAAC hearing from delaying plant operation if it's safe to operate in the interim period
- Interim operation shall be allowed if:
 - The Commissioners determine that there is reasonable assurance of adequate protection of the public health and safety during the interim period of operation, AND
 - The NRC staff makes the 52.103(g) finding that all acceptance criteria are met

Involvement by NRC Commissioners

- The NRC Commissioners will
 - decide whether to grant the hearing request
 - issue the hearing procedures
 - ordinarily rule on hearing requests, new contentions, and similar filings after the original deadline for hearing requests
 - make the adequate protection determination for interim operation
 - decide on appeals of licensing board decisions
- The NRC Commissioners could serve as the presiding officer for the hearing (e.g., on legal contentions, which are rarely encountered)

Access to Safeguards Information and ITAAC Hearings

- Some ITAAC (a small portion) verify security hardware
- To meet the contention standards for these ITAAC, the public might need access to Safeguards Information
- Access to Safeguards Information requires (1) a need to know and (2) an NRC determination that the person is trustworthy and reliable, based on a background check
- The background check takes months to complete, which might affect participation in ITAAC hearings on security matters

Preclearance Background Check for Access to SGI

- To avoid delays from background checks, the NRC is giving an opportunity to begin the background check early
- A Federal Register notice announcing this “preclearance” opportunity was published on 10/11/2019 (84 FR 54928)
- The preclearance notice provides instructions on how to request a background check
- If the NRC determines that the person is trustworthy and reliable, a need to know is still necessary to access Safeguards Information
- Participation in the preclearance process is voluntary, but the NRC will not delay the 52.103(g) finding or the ITAAC hearing because of delays from background checks

Overview of Other Public Participation Processes Prior to Operation

Avenues of Public Participation Prior to Operation

- For safety matters other than whether the ITAAC are met, the public may use the following processes:
 - 10 CFR 52.103(f): Petitions to modify the combined license to address operational safety matters
 - 10 CFR 2.206: Petitions to suspend or revoke the combined license, and petitions to modify the combined license to address non-operational matters, like construction
 - 10 CFR 2.802: Petitions for rulemaking to challenge a referenced design certification rule (or matters resolved by the design certification rule)
- Informal Participation: public meetings, letters to the NRC, allegations

10 CFR 52.103(f) Process

- Part of the NRC decision on whether to allow operation to begin
- The Commissioners will decide whether to grant or deny the petition upon consideration of a recommendation from the staff
- For operational activities allegedly affected by the petition, the NRC must determine whether immediate action is necessary before that activity begins
- 52.103(f) petitions may be submitted from issuance of the combined license to the 52.103(g) finding
 - Petitions submitted after the 52.103(g) finding will be addressed under 10 CFR 2.206

Where to Find Information

- Info on ITAAC Hearings: <https://www.nrc.gov/reactors/new-reactors/oversight/itaac-hearings.html>
- Info on 10 CFR 52.103(f): [nrc.gov/about-nrc/regulatory/licensing/petition-to-mod-terms-col.html](https://www.nrc.gov/about-nrc/regulatory/licensing/petition-to-mod-terms-col.html)
- Info on Vogtle Units 3 and 4:
<https://www.nrc.gov/reactors/new-reactors/col-holder/vog3.html>
<https://www.nrc.gov/reactors/new-reactors/col-holder/vog4.html>

The website for each Vogtle unit has links to many sources of information, including the ITAAC, ITAAC guidance, and an ITAAC status report with the review status for each ITAAC and links to licensee ITAAC notifications, NRC inspection reports, and NRC ITAAC review documents

Questions?