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What Happens When an Accepted ICN, IPCN, or UIN Is Not Acceptable?

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“The NRC staff determinations made in these documents [VEFs on ICNs, inspection reports, FRNs on ITAAC closure] are interim determinations that do not become final unless and until the NRC makes the 10 CFR 52.103(g) finding at the end of construction that all acceptance criteria are met.”

Template A in the Commission’s ITAAC hearing procedures

While there is some significance that the staff may have previously addressed an issue in a public meeting on ITAAC, or previously accepted a UIN or ICN, it is the licensing basis that controls, and the principal arguments should be made on that basis. In other words, it is more important that the licensee's prior arguments are convincing and the staff's basis for accepting them are correct, not just that the staff accepted them.

- NRO-REG-103 initially contained instructions for reopening ITAAC
- The instructions were removed prior to issuing NRR-LIC-211
- IMC 2506 Section 07.17 and RG 1.215 discuss reopening ITAAC
- Clear guidance should be reinstated in NRR-LIC-211
- For previously accepted ICNs or IPCNs that are reopened by the NRC:
 - If the requirements of the ITA or AC were never met, the ICN would be rejected and a new ICN of record must be submitted.
 - If the IPCN does not demonstrate the ITAAC AC continues to be met, the IPCN would be rejected and a new IPCN must be submitted.
- After the 103(g) Finding, the ITAAC are no longer requirements. The issue would be evaluated in-terms of its effect on operability of the SSC and conformance with the licensing basis.
- The Tier 1 design descriptions are lifetime requirements

When an accepted ICN is subsequently determined to be unacceptable

1. SNC/NRC should notify each other ASAP after discovery
 - a. NEI 08-01 provides guidance on early notification of new, material information under ITAAC maintenance principles
 - b. IPCN is required for licensee-identified issues unless staff rejects original ICN because ITAAC was never met, in which case a new ICN is submitted
2. Hold public meeting to discuss the issue and path forward
3. NRC makes final acceptability determination
4. NRC ITAAC status boards updated to revise closure status
5. May issue FRN to update the ITAAC closure status
6. The ITAAC is performed/reperformed, or an exemption and/or LA is processed to resolve the issue
7. A new ICN (or IPCN) of record is submitted
8. The issue should be discussed briefly in the ICN cover letter.

When an accepted UIN is subsequently determined to be unacceptable

1. SNC/NRC should notify each other ASAP after discovery
2. Hold public meeting to discuss the issue and path forward
3. NRC makes final UIN determination
4. The ITAAC is performed, reperformed, or an exemption and/or LA is processed to resolve the issue
5. ICN (or revised ICN) is submitted
6. May be advantageous to submit a new UIN for Unit 4
7. The issue should be briefly discussed in the ICN/UIN cover letter.

Case 1: The NRC has accepted the ICN for Unit 3 ITAAC X.

Subsequent inspection identified the required test lineup was not established. The obtained test results were determined to be invalid.

1. Notify NRC RI Office and HOO
2. Update NRC ITAAC status boards to indicate the prior ICN has been rejected and the ITAAC remains open until a new ICN is accepted
3. Reperform ITAAC (or seek exemption and/or LA)
4. Submit a new ICN of record with explanation in cover letter
5. Evaluate potential impact on Unit 4 ICN/UIN

Case 2: The Unit 3 103(g) Finding has been made.

During review of a unit 4 analysis to support ITAAC X closure, the licensee identified an error. When corrected the ITAAC acceptance criteria is no longer met. The same method of analysis was used, and the same error exists on Unit 3.

1. Inform the NRC RI Office & VPO
2. For Unit 4, implement corrective actions to comply with the ITAAC AC. Licensee may seek an exemption and/or license amendment
3. When the ITAAC is met submit the ICN for Unit 4
4. ITAAC are no longer requirements for the Unit 3 license.
5. The Unit 3 issue should be evaluated for reportability under 50.72 and 50.73 and impact on Tech Spec operability of the applicable SSC and conformance with the licensing basis.
6. A public meeting and notifying the HOO for ITAAC reasons are not applicable

Case 3: The ICN for the Unit 3 Non-Targeted ITAAC XYZ was accepted.

Based on inspection findings the NRC has chosen to inspect ITAAC XYZ on Unit 4. During the inspection, NRC inspectors challenged the acceptability of the licensee's testing methodology. The testing methodology used is as described in the accepted Unit 4 UIN and Unit 3 accepted ICN. Both U3 and U4 ITAAC are now in question.

1. The issue is an inspection item and will be handled accordingly
2. NRC RII, NRR technical staff and VPO will review the issue and seek input from SNC. The TAR process may or may not be entered.
3. If methodology is deemed acceptable proceed normally
4. If not, acceptable corrective action is required for both units
5. Update ITAAC status boards for Unit 3, may issue FRN to update Unit 3 ITAAC closure status
6. Submit a new ICN of record for Unit 3 and an ICN for Unit 4. In this example, ITAAC for Unit 4 has been performed, so no need to update UIN.