

APPENDIX B
Template for Initial Commission Memorandum
LIC-114, Revision 1
"Title 10 of the Code of Federal Regulations (10 CFR) Section 52.103(g)
Finding and Communication Process"

MEMORANDUM TO: Chairman [surname]
Commissioner [surname]
Commissioner [surname]
Commissioner [surname]
Commissioner [surname]

FROM: [name], Director
Office of Nuclear Reactor Regulation

SUBJECT: STATUS OF ITAAC CLOSURE, INSPECTION, AND
LICENSING ACTIVITIES FOR [plant name]

The purpose of this memorandum is to inform the Commission of the status of the following activities related to [plant name]: closure of inspections, tests, analyses, and acceptance criteria (ITAAC), inspections related to ITAAC and operational programs, and current licensing activities and any possible impact these activities might have on the timing of the staff's finding under Title 10 of the *Code of Federal Regulations* (10 CFR) 52.103(g).

Background:

In SECY-13-0033, "Allowing Interim Operation under Title 10 of the *Code of Federal Regulations* Section 52.103," dated April 4, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12289A928), the staff proposed that the Commission delegate to the staff the 10 CFR 52.103(g) finding that all ITAAC acceptance criteria are met. Further, the staff stated that its 10 CFR 52.103(g) finding would be based on the ITAAC-related inspection activities performed during construction and the staff's independent ITAAC closure verification activities, which would be summarized in a Basis Document to be enclosed with a paper to the Commission. The Commission approved the staff's recommendation in the Staff Requirements Memorandum, dated July 19, 2013, for SECY-13-0033 (ADAMS Accession No. ML13200A115).

In SECY-06-0114, "Description of the Construction Inspection Program for Plants Licensed under 10 CFR Part 52," dated May 13, 2006 (ADAMS Accession No. ML060740479), the staff discussed inspecting the development and implementation of testing programs (i.e., the initial test program) and the other operational programs. The staff committed to informing the Commission of the status of those programs before the anticipated date for loading fuel.

To support the commitments described above, the staff issued Office Instruction (OI) LIC-114, Revision 1, "Title 10 of the *Code of Federal Regulations* (10 CFR) 52.103(g) Finding and Communication Process" (ADAMS Accession No. ML20055E096). This OI describes the steps for informing the Commission of the status of regulatory activities in the final year of construction under a combined license and the actions the staff must take in support of determining whether

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to make the 10 CFR 52.103(g) finding. The actions outlined in the OI include the Commission meeting held on [XX/XX/XXXX], this memorandum, and a final memorandum to inform the Commission that the staff is prepared to make the 10 CFR 52.103(g) finding.

Status of ITAAC Completion:

The licensee is required, in accordance with 10 CFR 52.99(c)(1), to notify the NRC that the prescribed inspections, tests, and analyses (ITAs) have been performed and the acceptance criteria are met. The staff reviews each of these ITAAC closure notifications (ICNs) to verify that the acceptance criteria are met. The results are then posted on the NRC public Web site [website hyperlink for VOICES ITAAC Status Report]. As of [XX/XX/XXXX], Appendix C to the combined license [license #] for [plant name] contains [XXX] ITAAC; the current status of the staff's ICN verification review is as follows:

ICNs Verified [XXX]
ICNs Under Review [XXX]
ICNs Not Received [XXX]

The requirements of 10 CFR 52.99(c)(2) specify that after an ICN is submitted, the licensee shall notify the NRC in a timely manner of new information that materially alters the basis for determining that either the ITAs were performed as required or that the acceptance criteria are met. These are referred to as ITAAC post-closure notifications (IPCNs). As of [XX/XX/XXXX], the NRC had received [X] IPCNs. *[Provide summary sentence of actions taken or ongoing for these IPCNs, if necessary.]*

[If there are any challenges in verifying the remaining ITAAC, summarize these challenges and any related NRC actions.]

In accordance with the requirements of 10 CFR 52.99(c)(4), the licensee shall notify the NRC that all ITAAC are complete. The staff anticipates that this notification will be included with the final ICN, which is expected to be submitted to the NRC by [XX/XX/XXXX].

Status of Inspection Activities:

The staff continues to perform independent inspections of a sample of ITAAC to independently verify the licensee's performance of the ITAs and that the results meet the acceptance criteria. These inspections also verify that the licensee (1) has quality construction programs, processes, and procedures, (2) provides adequate quality assurance oversight of construction activities, and (3) identifies and corrects conditions adverse to quality. A sample of the ICNs was inspected against the associated closure packages to verify the accuracy of the information reported in the ICNs. A comprehensive ITAAC Status Report provides the public with a hyperlink to each NRC inspection report related to a corresponding ITAAC, as well as the corresponding ICN and staff actions responding to the ICN. This report can be found on the NRC public Web site at [link to public Web site].

[Insert paragraph with summary description of remaining ITAAC-related inspections, including any challenges with these inspections (e.g., schedule challenges), if necessary.]

In SECY-05-0197, "Review of Operational Programs in a Combined License Application and Generic Emergency Planning Inspections, Tests, Analyses, and Acceptance Criteria," dated October 28, 2005, the staff identified operational programs that are required by regulation, reviewed in a combined license application, and inspected to verify program implementation as described in the final safety analysis report. **[Location of operational programs and implementation dates in FSAR]** includes a listing of all the operational programs and their implementation milestones. Enclosure 1 includes a table listing these programs, their implementation dates, and NRC inspections associated with the implementation of these programs. The 10 CFR 52.103(g) finding is based on verification that the ITAAC, including the emergency planning ITAAC, have been successfully completed; it is not dependent on the inspection of any operational program other than the emergency planning program.

Status of Licensing Activities:

During the Commission Meeting on **[XX/XX/XXXX]**, the staff summarized the licensing actions that it was currently reviewing. *[Provide summary of current license actions being reviewed by staff, their scheduled completion date, and any issues related to their impact on the staff's 10 CFR 52.103(g) finding.]*

Future Staff Actions:

As stated above, the staff expects the licensee to provide the "All ITAAC Complete" notification by **[XX/XX/XXX]**. Provided that (1) no ICNs are deficient, (2) no additional inspections are required to address either deficient ICNs or other emergent issues, and (3) there are no other regulatory activities that may prevent the staff from determining that the acceptance criteria are met, the staff will inform the Commission via memorandum of the staff's plan to make the 10 CFR 52.103(g) finding. This memorandum will be sent to the Commission at least 3 calendar days before the finding is made and will reference a publicly available document summarizing the staff's basis for the finding that all acceptance criteria are met. The staff will also include an updated table describing the current status of operational program inspections.

Once the staff makes the 10 CFR 52.103(g) finding, it will issue a *Federal Register* notice, as required by 10 CFR 2.106(a)(2), announcing the issuance of the finding and that the licensee is authorized to operate the facility. The staff will also send a letter to the licensee informing it of the finding.

Enclosure:
Operational Program Inspection Status Table

Enclosure 1: Operational Program Inspection Status Table

Operational Program	Inspection Status	Scheduled or Actual Implementation Date	Inspection Report Number (ADAMS Accession No.)