

# Implementation of Code Case N-921

**Michael Benson**  
NRR/DNRL/NVIB

NRC Public Meeting  
Rockville, MD  
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# Timeline

- June 2020: [EMBARC Venture Studio Final Report](#)
- March 2021: rulemaking plan on code of record interval extension ([SECY-21-0029](#))
- November 2021: Commission approval ([SRM-SECY-21-0029](#))
- December 2021: [ASME letter](#) requesting NRC include N-921 in the rule
- August 2022: info paper to the Commission ([SECY-22-0075](#))
- March 2023: proposed rule ([88 FR 13717](#))
- July 2024: final rule ([89 FR 58039](#)), effective August 16, 2024

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# Condition 2 on N-921 and Problem Statement

- *This code case can only be implemented at the beginning of an ISI interval as part of a routine update of the ISI program.*
- Condition 2 was added in response to public comments received on the proposed rule
- Plans to implement N-921 may have been disrupted by Condition 2
- Find an efficient and effective resolution

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# Public Comment Resolution

- [Annotated Public Comments](#) and [Public Comment Responses](#)
- Comment 13-2, Anonymous Commenter
- Disruption to the Inservice Inspection plan if changes were made “mid-interval”
  - What about alternative requests approved assuming a 10-year interval?
  - What about changes to examination schedules to accommodate the new interval length?
- Planning, order, and predictability of licensee ISI programs
  - Staff agreed that mid-interval changes create complications
  - Ideal: Licensees plan the interval in advance and simply execute the plan upon entering the interval
  - Qualified equipment, qualified personnel, occupational radiation exposure, ...

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# Interpretation of Condition 2

- Individual licensees may want to interpret the condition in a manner to support their intent to implement N-921
  - What if a licensee hasn't had a refueling outage in the new interval yet?
  - What if a licensee has had only one outage in the new interval?
  - What about the second or third inspection period?
- Allowing individual licensees to so interpret the condition compromises the integrity of the rule
- Rule should function the same for all licensees, regardless of when they happened to last update their programs
- Staff position: Condition 2 means prior to the start date of the new interval
  - i.e., plan the program in advance and execute the plan

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# Exemption vs. Alternative Request

- Legal subtleties – not entirely straight-forward
- 50.55a(z) alternative request is most appropriately applied to Code rules
- 50.12 exemption request is more appropriate as Part 50 rules become more relevant
- Code of Record and ISI intervals are now in 50.55a(y)
- Exemption request is the appropriate route

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# Select Aspects of 50.12 Exemption Requests

- The NRC may grant exemptions when:
  - No undue risk to public health and safety
  - “Special circumstances” are present
- 50.12(a)(2)(i)-(vi)
  - (i) conflicts with other rules
  - (ii) application of the rule would not serve the underlying purpose of the rule
  - (iii) compliance would result in hardship
  - (iv) results in a benefit to health and safety
  - (v) temporary relief
  - (vi) other material circumstance not considered when the rule was adopted

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# Minimum Content of Exemption Request

- [LIC-103, Revision 2, "Exemptions from NRC Regulations"](#)
- Define the set of requirements needing exemption
  - 10 CFR 50.55a(y), where NRC defines the ISI interval
  - 10 CFR 50.55a(3)(ii), where NRC incorporates by reference Regulatory Guide 1.147
  - Condition 2 on Code Case N-921
- Identification of appropriate special circumstance in 50.12(a)(2)
  - May be plant-specific
  - Describe and justify choice; may be more difficult to justify later in the interval
- Discussion of all items related to orderly execution of the ISI program
  - List approved alternatives and discuss potential resubmittal (provide justification if not resubmitting)
  - Describe interval start date and end date, including any changes to the end date
  - Describe impact on examination schedules



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# Review Efficiencies

- Template for exemption request may be the best option
- Staff can support development of the template to facilitate an efficient process
- May require a separate public meeting to discuss the template
- Open for discussion

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ANY  
QUESTIONS

