

# REGULATORY ANALYSIS

## **DRAFT REGULATORY GUIDE DG-1250, “GUIDANCE FOR ITAAC CLOSURE UNDER 10 CFR PART 52”** *(Proposed Revision 1 of Regulatory Guide 1.215, dated October 2009)*

### **Statement of the Problem**

The purpose of Regulatory Guide 1.215, “Guidance for ITAAC Closure under 10 CFR Part 52,” is to provide a tool for licensees to use in standardizing the content and format of licensee submittals to satisfy the inspections, tests, analyses, and acceptance criteria (ITAAC) notification requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) 52.99, “Inspection during Construction.” The purpose of this proposed revision to Regulatory Guide 1.215 is to maintain consistency with anticipated rulemaking changes to 10 CFR 52.99 and with changes in the industry guidance document Nuclear Energy Institute (NEI) 08-01, “Industry Guideline for the ITAAC Closure Process under 10 CFR Part 52,” Revision 4, issued July 2010.

As the process evolves, licensee submittals necessary to meet the requirements in 10 CFR 52.99 could vary greatly in the amount of information submitted to the U.S. Nuclear Regulatory Commission (NRC). Therefore, the issuance of this revision to the regulatory guidance is necessary to provide licensees with information that they will need to develop (1) quality ITAAC notifications on a timely basis, (2) associated details at levels that meet the NRC’s expectations, (3) submittals of required and supporting documentation, and (4) associated licensee ITAAC closure schedules. The NRC will likely revise this guide as experience grows with the implementation of the ITAAC process during new plant construction.

### **Objective**

The objective of this regulatory action is to provide guidance on technical matters related to ITAAC submittals pertaining to nuclear power plant construction in accordance with the ITAAC listed in a combined license and to provide additional guidance on the proposed changes to 10 CFR 52.99.

### **Alternative Approaches**

The NRC staff considered the following alternative approaches:

- Do not revise Regulatory Guide 1.215.
- Revise Regulatory Guide 1.215.

#### Alternative 1: Do Not Revise Regulatory Guide 1.215

Under this alternative, the NRC would not issue additional guidance. If the NRC does not take action, there would be no change in costs or benefit to the public, licensees, or the NRC. However, the “no-action” alternative would not address identified concerns in the absence of NRC guidance and would likely cause confusion following the issuance of proposed changes to 10 CFR 52.99. This alternative provides a baseline condition from which any other alternatives will be assessed.

## Alternative 2: Revise Regulatory Guide 1.215

Under this alternative, the NRC would revise Regulatory Guide 1.215, taking into consideration the endorsement of NEI 08-01.

One benefit of this action is that it would enhance the quality of the notifications required under the proposed 10 CFR 52.99 and would help to ensure consistency. Furthermore, this guide also describes the NRC's construction inspection program and may aid licensees in meeting the agency's expectations.

The impact to the NRC would be the costs associated with preparing and issuing the revised regulatory guide. The impact to the public would be the voluntary costs associated with reviewing and providing comments to the NRC during the public comment period. The value to the NRC staff and current and prospective combined license applicants would be the benefits associated with enhanced efficiency and effectiveness in using a common guidance document as the technical basis for licensee ITAAC notifications, closure schedules, and other interactions between the NRC and its regulated entities. Because stakeholders and the NRC are currently working together to discuss changes in associated rulemaking, there are modest resources required to participate in the regulatory guide revision process.

### **Conclusion**

Based on this regulatory analysis, the NRC staff recommends revision of Regulatory Guide 1.215. The staff concludes that the proposed action will enhance the licensee's understanding of the NRC's expectations for adequate ITAAC notifications and closure packages before and during new nuclear power plant construction. It could also lead to cost savings for the industry, especially with regard to reducing paperwork, preparing licensee submittals, and reducing the potential need for licensees to make multiple submittals to achieve and maintain ITAAC closure.