

September 11, 2002

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-02-0067 - INSPECTIONS,  
TESTS, ANALYSES, AND ACCEPTANCE CRITERIA (ITAAC)  
FOR OPERATIONAL PROGRAMS (PROGRAMMATIC ITAAC)

The Commission has disapproved the staff's proposal that the combined license (COL) applications submitted in accordance with the requirements of 10 CFR 52 Subpart C must contain Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) for a wide range of operational programs such as training, quality assurance, fitness for duty, and others. The Commission has approved a much more limited use of programmatic ITAAC than that proposed by the staff. A review of the regulatory and legislative history reveals that ITAACs were intended to be very narrow. They should encompass only those matters that, by their nature, cannot be resolved prior to construction. In fact, most, if not all, of the operational areas in which the staff has proposed ITAACs are ones that can and should be resolved at the time of the issuance of the COL. Consistent with this framework, the staff should resolve the maximum number of programmatic issues prior to issuing the COL. However, because the NRC has yet to have any experience in the actual application of ITAAC, the Commission is not prepared to dismiss the possibility that programmatic ITAAC may be necessary in some very limited areas.

Although the NRC inspection process does not replace a particular ITAAC, an ITAAC for a program should not be necessary if the program and its implementation are fully described in the application and found to be acceptable by the NRC at the COL stage. The burden is on the applicant to provide the necessary and sufficient programmatic information for approval of the COL without ITAAC.

One should not confuse NRC authorization to operate a power plant in accordance with its license with a finding that the licensee is necessarily in compliance with every regulatory requirement of that license. If the Commission determines prior to operations that a licensee will not be in compliance with a regulation or a portion of the license, the normal enforcement process still applies. If the Commission finds that the licensee's programs do not provide adequate protection of public health and safety, the staff would take appropriate enforcement action to prohibit or delay fuel load pending appropriate corrective action.

The staff should work to bring added predictability to the process by developing appropriate guidelines, with Commission approval of the final product, to support the submission of necessary and sufficient information on programs in COL applications and clarify when programs beyond emergency planning, if any, require or are likely to require ITAAC in the combined license application. The staff should be available to meet with stakeholders as it

develops more specific guidance on what information is necessary and sufficient in the application such that an ITAAC for that program may not be necessary. The staff should interact with stakeholders to identify those issues that are material to the Commission making a reasonable assurance finding at the COL stage. A report should be submitted to the Commission on the status of these interactions by March 1, 2004.

For at least the first few COLs that are received, the staff should inform the Commission if it plans to require any specific programmatic ITAAC.

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR