

May 14, 2004

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - SECY-04-0032 - PROGRAMMATIC  
INFORMATION NEEDED FOR APPROVAL OF A COMBINED  
LICENSE WITHOUT INSPECTIONS, TESTS, ANALYSES AND  
ACCEPTANCE CRITERIA

The Commission has approved the staff's proposed categorization of programs into five areas; however, Categories C and D should be modified to clarify that inspections, tests, analyses and acceptance criteria (ITAAC) are to be used only to address those aspects of program implementation that are needed to make an appropriate licensing decision "... that there is reasonable assurance that the facility will be constructed and operated in conformity with the license, the provisions of the Atomic Energy Act, and the Commission's regulations," per 10 CFR 52.97(a). The information needed to determine the acceptability of the program itself should be provided and reviewed at the COL stage.

Beyond Categorization, the Commission disapproved the remainder of the staff proposal including the staff recommendation concerning procedure-level information. Sufficient justification demonstrating the need for this level of information was not provided by the staff.

The phrase, "... the program and its implementation are fully described in the application ..." in the SRM on SECY-02-0067, may have been misinterpreted by the staff to encourage increased reliance on programmatic ITAACs beyond what the Commission intends and the regulations require. In this context, "fully described" should be understood to mean that the program is clearly and sufficiently described in terms of the scope and level of detail to allow a reasonable assurance finding of acceptability. Required programs should always be described at a functional level and at an increased level of detail where implementation choices could materially and negatively affect the program effectiveness and acceptability.

The Commission's decision on this paper should be reflected in the Statements of Consideration of the final Part 52 amended rule.

The staff should not interpret this Commission decision as precluding continued inspection of procedure-level information prior to fuel loading. The staff should continue the practice of inspecting relevant licensee procedures and programs in a similar manner as was done in the past and consistent with applicable inspection programs. The staff should also continue to ensure, consistent with the inspection and enforcement processes, that licensees address pertinent issues prior to fuel loading. To allow the staff to complete the necessary inspections, procedure-level information that has typically not been docketed for staff review should continue

to be made available to NRC inspectors with sufficient time to allow the inspectors to complete the necessary inspections and resolve pertinent issues.

The staff should complete its work on the information necessary for the COL application for each of the programs for which the staff had previously assumed ITAACs would be required (fire protection, training, quality assurance during operation, fitness for duty, access authorization, radiation protection, physical security, licensed operator, and reportability programs) by December 31, 2005, and present its results to the Commission. The sooner this critical matter is clarified the better for potential applicants expending potentially significant resources on draft COL applications.

(EDO)

(SECY Suspense:

12/31/05)

As SECY-04-0032 does not address the requirements for contents of the final safety analysis report (FSAR) as specified in 10 CFR Part 52, Subsection C, the Commission decision on SECY-04-0032 should not be interpreted to decide the scope of information required by NRC regulations to be included in that document.

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