

July 19, 2013

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

Margaret M. Doane
General Counsel

Brooke D. Poole, Director
Office of Commission Appellate Adjudication

FROM: Andrew L. Bates, Acting Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-13-0033 – ALLOWING
INTERIM OPERATION UNDER TITLE 10 OF THE CODE OF
FEDERAL REGULATIONS SECTION 52.103

The Commission has approved the staff's recommendation that the Commission delegate to the staff the making of the 10 CFR 52.103(g) acceptance criteria finding for all Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC), irrespective of the pendency of any hearing.

Given the lack of clarity regarding processes for ITAAC hearings, the staff, the Office of the General Counsel (OGC), and the Office of Commission Appellate Adjudications (OCA) should develop a range of options for ITAAC hearing formats for Commission review and approval. These options should ensure that, in practice, the actions of the Commission in determining adequate protection during the period of interim operation cannot be construed as prejudicing the staff's findings with respect to ITAAC closure.

Procedures related to the conduct of ITAAC hearings should be developed, deliberated, and resolved within the next 12 to 18 months.

The staff should continue to proactively identify issues and bring them to the attention of the Commission through semi-annual Commissioners' Assistants briefings, as full implementation of the ITAAC program and processes are carried out for the first time.

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR