

August 5, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-162

TITLE: POLICY FOR REGULATORY ACTIONS FOR LICENSEES OF NUCLEAR POWER PLANTS THAT HAVE NOT COMPLETED YEAR 2000 READINESS ACTIVITIES

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 5, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of August 5, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-162

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
COMR. DICUS	X				X	7/13/99
COMR. DIAZ	X				X	7/12/99
COMR. McGAFFIGAN	X				X	7/16/99
COMR. MERRIFIELD	X				X	7/7/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on August 5, 1999.

Commissioner Comments on SECY-99-162

Chairman Dicus
Commissioner Diaz

I approve the policy for regulatory actions regarding the nuclear power plants Y2K readiness as described in SECY-99-162 with the following comments.

The staff should make every effort possible to ensure that all nuclear units are Y2K ready by November 30, 1999. In the event that any nuclear unit is not Y2K ready by November 30, 1999, the staff should take immediate plant-specific regulatory actions as described in the policy. These regulatory actions should be consistent with the NRC's Y2K Contingency Plan and the Interim Enforcement Policy for the Y2K transition.

I agree with the staff's recommendation that the Commission-approved policy be released to the public.

Commissioner McGaffigan

I approve the staff's proposed policy on regulatory actions for nuclear power plant licensees that have not completed Y2K readiness activities, and concur in the comments by Commissioner Merrifield and Chairman Dicus. The staff and the nuclear power industry have done an outstanding job over the past three years to resolve Y2K issues and get U.S. nuclear power plants Y2K ready. We now need to stay the course and deal with the remaining issues in a straight forward, transparent fashion.

I share the concern that we must provide the public with an accurate and full accounting of our licensees' plans for Y2K readiness. In my view, the information on the 35 plants that were not fully Y2K ready as of July 1, 1999, is incomplete. We have not yet adequately conveyed to the public the reasons why 35 of our licensees failed to meet the July 1 readiness goal. I believe that we can do more in embracing the advice which John Koskinen, Chairman of the President's Council on the Year 2000 Conversion, shared with the Commission during the February 11 public meeting on Y2K. At that meeting, Mr. Koskinen urged the Commission and our licensees to be open and candid with the public on the status of Y2K readiness, to share all the information we have whether it's difficult or positive. I commend the staff for its Y2K public information efforts thus far, but I believe we can do more.

I understand that the responses to Generic Letter 98-01 and its supplement are available in the Public Document Room, but are not accessible via our Y2K website. For all plants, with priority for those plants that have yet to achieve Y2K readiness, I favor placing on our Y2K website either the licensees responses or a synopsis that provides the status - including the licensee's stated rationale for postponing remediation actions - and schedule information for remediation. The Y2K website should also include the staff's preliminary assessment of each of the sites that are not fully Y2K ready as Category A, B, or C, as described in the attachment to SECY-99-162.

Commissioner Merrifield

Staff's proposed policy for regulatory actions to be taken for nuclear power plants that have not completed their Y2K readiness activities by July 1, 1999 is a reasonable plan. However, I believe that additional clarity needs to be provided to ensure that stakeholder concern is not raised unnecessarily.

A key issue is ensuring that the plants will be in a stable, safe condition during the Y2K transition, and that orders will be prepared and implemented sufficiently in advance of the rollover date. This important message is not clear from the SECY paper or the attached policy. The last sentence in the next to the last paragraph on page 3 of the policy states that "The staff will then conduct a thorough assessment of the likelihood that the licensee will be able to remediate the Y2K deficiencies so that the plant will be Y2K-ready before the end of December 1999, and determine the potential impact of unremediated deficiencies". In my mind, this does not provide the appropriate level of assurance that the plants will be in a stable, safe condition during the Y2K transition. No information is provided that specifies the length of time that remedial activities will take, or the actual date of completion of such activities. I believe that firm dates should be provided for December activities so that we do not provide the inappropriate impression to stakeholders that we are making last minute decisions which could raise unnecessary concern.

In addition, it is my understanding that the reason that many plants that have not completed Y2K-related remedial activities until after September 30, 1999 is not due to Y2K complexities. Rather, many licensees have scheduled refueling outages after September 30th and have determined that for efficacy, Y2K deficiencies will be handled concomitantly. This seems quite logical, however it is not clearly articulated in the SECY paper or the policy. Again, without providing such clarity, it is likely that stakeholder concerns could be elevated unnecessarily. I believe it is important to state this and any other reasonable explanations regarding why 100% of the licensees will not have fully remediated Y2K related deficiencies by the deadlines provided.

Finally, as I stated in my vote on [SECY 99-135](#), and as former Chairman Jackson stated in her memorandum dated June 30, 1999 to the Commissioners, the subject paper should be clear that overall plant safety will be assured before a decision is made to allow continued operation in support of the grid.