



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 6, 2004

SECRETARY

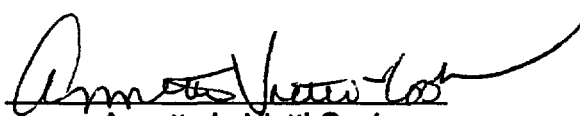
COMMISSION VOTING RECORD

DECISION ITEM:      SECY-04-0115

TITLE:                      RULEMAKING PLAN TO INCORPORATE FIRST  
REVISED ORDER EA-03-009 REQUIREMENTS INTO  
10 CFR 50.55a

The Commission (with all Commissioners agreeing) approved option 3, evaluate reactor pressure vessel (RPV) inspection requirements of an upcoming ASME Code Case or revision of the ASME Code for incorporation into 10 CFR 50.55a., of the subject paper, as recorded in the Staff Requirements Memorandum (SRM) of August 6, 2004.

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

  
Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:      Chairman Diaz  
         Commissioner McGaffigan  
         Commissioner Merrifield  
         OGC  
         EDO  
         PDR

## VOTING SUMMARY - SECY-04-0115

### RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	7/30/04
COMR. McGAFFIGAN		X			X	7/30/04
COMR. MERRIFIELD	X				X	7/30/04

### COMMENT RESOLUTION

In their vote sheets, all Commissioners approved option 3, evaluate reactor pressure vessel (RPV) inspection requirements of an upcoming ASME Code Case or revision of the ASME Code for incorporation into 10 CFR 50.55a., of the subject paper and provided some comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on August 6, 2004.

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN DIAZ  
SUBJECT: **SECY-04-0115 - RULEMAKING PLAN TO  
INCORPORATE FIRST REVISED ORDER EA-03-009  
REQUIREMENTS INTO 10 CFR 50.55a**

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.

  
SIGNATURE  
July 30, 04  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**Chairman Diaz' Comments on SECY-04-0115:**

I approve the use of option three. Licensees are providing evaluations of the Alloy 690 nozzles used on the replacement vessel heads. This information will undoubtedly be used to develop an ASME Code Case which the staff should evaluate for incorporation into 10 CFR 50.55a. One advantage of this option is that individual licensees could apply to use the Code Case through a relaxation of the Order before the revised 10 CFR 50.55a is issued.

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NOTATION VOTE  
RESPONSE SHEET

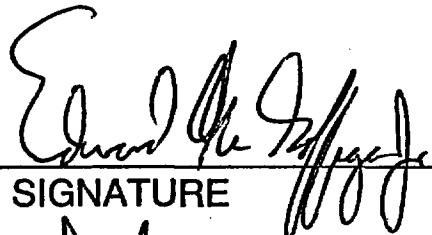
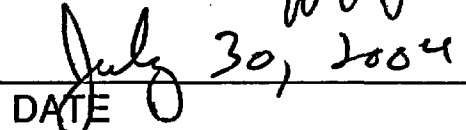
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-04-0115 - RULEMAKING PLAN TO  
INCORPORATE FIRST REVISED ORDER EA-03-009  
REQUIREMENTS INTO 10 CFR 50.55a**

Approved \_\_\_\_\_ Disapproved  Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.

  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**Commissioner McGaffigan's Comments on SECY-04-0115**

I disapprove Option 1 and instead approve Option 3.

As discussed in SECY-04-0115, continued plant operations do not pose any undue risk to public health and safety because the current Order provides reasonable assurance that any cracks in CRDM penetration welds will be detected before they can challenge the integrity of the RCS pressure boundary. In the absence of any safety case and mindful of the current stringent budgetary constraints on the NRC, particularly in light of a likely FY 2005 continuing resolution, I can not support the allocation of the Agency's slender rulemaking resources on the staff's proposed Option 1. Indeed, as the staff notes, Option 1 would likely require two rulemakings. Reliance on the consensus standard ASME Code, through the incorporation of an ASME approved and NRC reviewed Code Case into 10 CFR 50.55a, is a reasonable and appropriate long term approach to resolve this issue.

A handwritten signature in black ink, appearing to read 'Ed McGaffigan', is located in the lower right quadrant of the page.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: SECY-04-0115 - RULEMAKING PLAN TO  
INCORPORATE FIRST REVISED ORDER EA-03-009  
REQUIREMENTS INTO 10 CFR 50.55a

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

*See attached comments.*

  
SIGNATURE

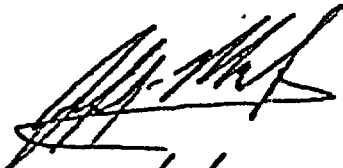
*7/20/01*  
DATE

Entered on "STARS" Yes  No

Commissioner Merrifield's Comments on SECY-04-0115

I appreciate the considerable effort the staff has dedicated to the issues associated with reactor pressure vessel (RPV) head inspections over the past several years. While I support improving the current regulations through rulemaking, I do not support the staff's recommended rulemaking approach in Option 1. Instead, I support the approach outlined in Option 3, evaluation of RPV inspection requirements of an upcoming ASME Code Case for incorporation into 10 CFR 50.55a.

Licensee actions to date in response to the associated NRC bulletins and the February 20, 2004, revised RPV head inspection Order have provided reasonable assurance of adequate protection of public health and safety. I recognize the staff's desire to codify the RPV head inspection requirements and bring regulatory stability in an expeditious manner. However, I do not believe that the 11 month scheduler savings between Option 1 and 3 outweighs the additional resources required to support the staff's recommendation. In addition, as the staff indicated and Chairman Diaz highlighted in his vote, once a Code Case is complete, the NRC can approve use of it on an individual plant basis.



7/20/04