



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

September 26, 2006

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-06-0186

TITLE: INCREASING LICENSING TERMS FOR CERTAIN FUEL  
CYCLE FACILITIES

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of September 26, 2006.

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

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons  
OGC  
EDO  
PDR

VOTING SUMMARY - SECY-06-0186

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	9/18/06
COMR. McGAFFIGAN	X				X	8/31/06
COMR. MERRIFIELD	X				X	9/5/06
COMR. JACZKO	X				X	9/13/06
COMR. LYONS	X				X	9/6/06

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 September 26, 2006.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vletti-Cook, Secretary

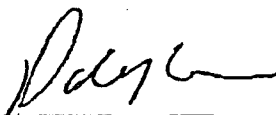
FROM: CHAIRMAN KLEIN

SUBJECT: SECY-06-0186 - INCREASING LICENSING TERMS  
FOR CERTAIN FUEL CYCLE FACILITIES

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

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

COMMENTS: Below \_\_\_\_\_ Attached XX None \_\_\_\_\_



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SIGNATURE

9/18/2006  
\_\_\_\_\_  
DATE

DATE

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

06 SEP 19 PM 1:32

09/19/06 1:32 PM

**Chairman Klein's Comments on SECY-06-0186, Increasing Licensing Terms  
for Certain Fuel Cycle Facilities**

I approve the staff's recommendation to implement maximum license terms of 40 years for license renewals and new applications, specific to licensees required to submit integrated safety analysis (ISA) summaries according to 10 CFR Part 70, Subpart H, requirements. I also agree that the staff may justify shorter licensing terms on a case-by-case basis.

Our ability to implement longer license terms is a direct result of the improved safety focus that has arisen from licensees performing ISAs of their facilities. The ISA is intended to be a living document that requires a licensee to identify, and maintain the availability of, items relied on for safety. The management measures that licensees are required to implement to ensure the satisfaction of Subpart H performance criteria provide for licensee management of material degradation and aging issues. The staff should inform the Commission how material degradation and aging issues are addressed by Subpart H and the NRC's licensing and inspection programs.

*JK*  
9/18/06

NOTATION VOTE

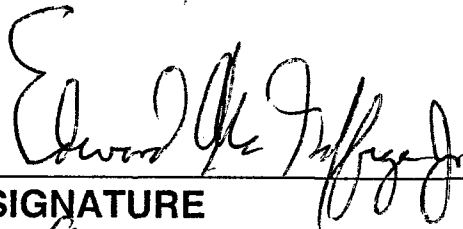
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: SECY-06-0186 - INCREASING LICENSING TERMS  
FOR CERTAIN FUEL CYCLE FACILITIES

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

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

COMMENTS: Below \_\_\_\_\_ Attached  None \_\_\_\_\_



SIGNATURE

August 31, 2006

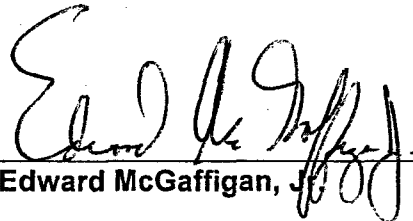
DATE

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

**Commissioner McGaffigan's Comments on SECY-06-0186**

I approve the staff's recommendation to implement initial and renewal license terms of up to 40 years for fuel cycle facilities that must comply with 10 CFR 70, Subpart H. I believe that as the staff completes its Integrated Safety Analysis (ISA) reviews early next year, the regulatory process for existing fuel facilities will have matured to the point that the licensing bases of all such facilities will provide and maintain reasonable assurances of safety.

I also want to comment on the staff's analysis of material degradation and aging effects. In the staff's view, the 10 CFR 70.72 configuration management requirement for licensees to submit annual summaries of facility changes will provide staff the safety assurance it needs on material degradation and aging effects. Each facility's annual summary will describe, among other things, configuration changes during the previous year that did not require pre-approval by NRC, some of which could be changes that were required by age-related equipment failures. But my concern with a purely retrospective approach to aging management is that it could leave us chasing will o' the wisps, instead of getting in front of potential age-related failures, especially in passive engineered systems. This approach also appears to place an undue burden of identifying fuel facility aging problems on the staff, rather than on the licensees. Therefore, I believe the staff should ensure that the proposed change in license terms is also buttressed by a review of the NRC fuel cycle facility inspection program to ensure that inspectors are appropriately focused on the licensees' existing programs that address material degradation and aging issues, such as the chemical process safety, corrosion prevention, and environmental qualification programs.


  
Edward McGaffigan, Jr.      8/31/06  
\_\_\_\_\_  
(Date)

NOTATION VOTE  
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: SECY-06-0186 - INCREASING LICENSING TERMS  
FOR CERTAIN FUEL CYCLE FACILITIES

Approved  Disapproved  Abstain   
Not Participating

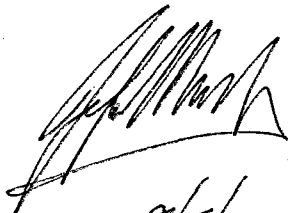
COMMENTS: Below  Attached  None

  
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4/5/06  
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DATE

Entered on "STARS" Yes  No

Comments from Commissioner Merrifield on SECY-06-0186:

I approve the staff's recommendations for increasing the maximum licensing terms to 40 years for license renewals and new applications for facilities required to submit integrated safety analysis summaries in accordance with 10 CFR part 70, Subpart H, requirements. Both the operating experience and regulatory practices are sufficient to justify extending the licensing terms for these facilities while continuing to protect the public health and safety. Extending these licensing terms will allow a more efficient use of staff resources. I also agree that on a case-by-case basis staff may justify shorter licensing terms. I commend the staff for their initiative in submitting this recommendation to the Commission.



9/5/06



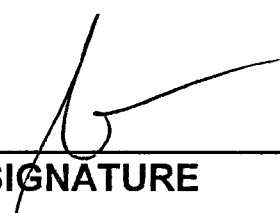
NOTATION VOTE  
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER JACZKO  
SUBJECT: SECY-06-0186 - INCREASING LICENSING TERMS  
FOR CERTAIN FUEL CYCLE FACILITIES

Approved  X  Disapproved   Abstain

Not Participating

COMMENTS: Below   Attached  X  None

  
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7/13/06  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  X  No

**Commissioner Jaczko's Comments on SECY-06-0186  
Increasing Licensing Terms for certain Fuel Cycle Facilities**

I approve of the staff's recommendation to modify current Commission policy to increase license terms from 10- to 40-years for new applications and renewals of fuel cycle facilities subject to the requirements of 10 CFR 70, Subpart H, "Additional Requirements for Certain Licensees Authorized to Possess a Critical Mass of Special Nuclear Material." I also approve of license terms for less than 40 years on a case-by-case basis where there are concerns with safety risk to the facility or where a licensee introduces a new process or technology.

In the past the staff has struggled with completing license renewal reviews in a timely fashion. Currently, BWX Technologies, Honeywell, and Westinghouse-Columbia are in timely renewal as a result of higher priority work or other resource challenges. Changing the license terms from 10- to 40-years may avoid the need to put licensees in timely renewal; however, these resource challenges may still affect the staff's ability to review licensees annual updates to their integrated safety assessments (ISA) required by Subpart H.

I believe that timely review of annual ISA updates are required to enable the Commission to conduct risk-informed inspections of licensee control processes and to justify 40 year license. Extended delays in completing these reviews could result in unfavorable operating conditions at these facilities. Therefore, the staff should develop effective timeliness metrics for completing its review of ISA updates to facilitate risk-informed inspection and validation of licensees' programs. If additional resources are needed to complete timely reviews of ISA updates the staff should request them from the Commission.

Although the Commission recently disapproved an initiative to develop performance indicators at fuel cycle facilities, I believe the Commission should reconsider this decision in light of the staff proposal to increase license terms to 40 years.

  
\_\_\_\_\_  
Gregory B. Jaczko

9/13/06  
Date

NOTATION VOTE  
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary


FROM: COMMISSIONER LYONS

SUBJECT: SECY-06-0186 - INCREASING LICENSING TERMS FOR  
CERTAIN FUEL CYCLE FACILITIES

Approved  Disapproved  Abstain

Not Participating

COMMENTS: Below  Attached  None

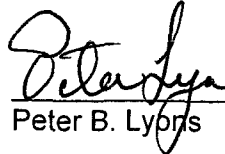
  
Peter B. Lyons  
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9/ 6 /06  
DATE

Entered on "STARS" Yes  No

**Commissioner Lyons' Comments on SECY-06-00186**

I approve the staff's recommendation to implement a maximum license term of 40 years for license renewals and new applications, for licensees required to submit integrated safety analysis summaries pursuant to 10 CFR Part 70, Subpart H. I also agree that staff may justify shorter licensing terms on a case-by-case basis.

 9/6/06  
Peter B. Lyons                      Date