



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

January 14, 2009

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-08-0117

TITLE: STAFF APPROACH TO VERIFY CLOSURE OF INSPECTIONS, TESTS, ANALYSES, AND ACCEPTANCE CRITERIA (ITAAC) AND TO IMPLEMENT TITLE 10 CFR 52.99, "INSPECTION DURING CONSTRUCTION," AND RELATED PORTION OF 10 CFR 52.103(g) ON THE COMMISSION FINDING

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 14, 2009.

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", with a horizontal line underneath.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
OGC
EDO
PDR

VOTING SUMMARY - SECY-08-0117

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	12/8/08
COMR. JACZKO	X				X	11/24/08
COMR. LYONS	X				X	11/26/08
COMR. SVINICKI	X				X	12/12/08

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's paper 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 January 14, 2009.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: SECY-08-0117 – STAFF APPROACH TO VERIFY CLOSURE OF INSPECTIONS, TESTS, ANALYSES, AND ACCEPTANCE CRITERIA (ITAAC) AND TO IMPLEMENT TITLE 10 CFR 52.99, “INSPECTION DURING CONSTRUCTION,” AND RELATED PORTION OF 10 CFR 52.103(g) ON THE COMMISSION FINDING

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



SIGNATURE

12/8/2008

DATE

Entered on “STARS” Yes No _____

Chairman Klein's Comments on SECY-08-0117, Staff Approach to Verify Closure of Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) and to Implement Title 10 CFR 52.99, "Inspection During Construction," and Related Portion of 10 CFR 52.103(g) on the Commission Finding

I applaud the staff's commendable performance in transparently working with stakeholders to establish the framework for completing inspections, tests, analyses, and acceptance criteria (ITAAC) for nuclear power plants licensed under 10 CFR Part 52. Significant progress has been made on identifying issues and resolving them in a timely manner, and I approve the staff's intended approach to address ITAAC closure and 10 CFR 52.99 and 52.103(g) implementation as described in SECY-08-0117.

I note that the staff has not sought Commission direction on how to address the potential impacts of plant modifications during construction on ITAACs that have been completed. The staff states in SECY-08-0117 that it has been working with stakeholders to develop an appropriate approach to ensure that acceptance criteria will continue to be met for systems, structures, and components (SSCs) that have undergone maintenance or modification after completion of one or more of their associated ITAAC. This point was reiterated during the October 22, 2008 Commission meeting on new reactor issues. The staff is clearly on a path to bring this issue to an appropriate and effective resolution, and I believe it unnecessary for the Commission to direct the staff to modify its intended course of action.

I share with my colleagues an interest in learning how the staff plans to approach the need to ensure that acceptance criteria will continue to be met for SSCs that are modified after completion of one or more of their associated ITAACs. The staff should keep the Commission informed of progress in resolving this issue and, should policy issues requiring Commission decision arise, they should be articulated in a timely manner, along with options to address them.



Dale E. Klein

12/8/2008

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

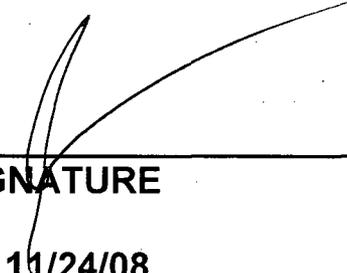
FROM: COMMISSIONER JACZKO

SUBJECT: SECY-08-0117 – STAFF APPROACH TO VERIFY CLOSURE OF INSPECTIONS, TESTS, ANALYSES, AND ACCEPTANCE CRITERIA AND TO IMPLEMENT TITLE 10 CFR 52.99, “INSPECTION DURING CONSTRUCTION,” AND RELATED PORTION OF 10 CFR 52.103(g) ON THE COMMISSION FINDING

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE

11/24/08

DATE

Entered on “STARS” Yes X No

Commissioner Jaczko's Vote on SECY-08-0117

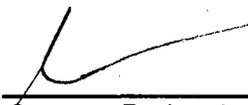
Staff Approach to Verify Closure of Inspections, Tests, Analyses, and Acceptance Criteria and to Implement Title 10 CFR 52.99, "Inspection during Construction," and Related Portion of 10 CFR 52.103(g) on the Commission Finding

I converted this staff information paper to a notation vote in order to continue the important dialogue with the Commission concerning Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) with respect to the finding the Commission will have to make under § 52.103(g) to allow an applicant to operate a commercial nuclear power plant. Under the current process, the requirements for an applicant making significant repairs or modifications to accepted ITAAC are not well defined.

Once a licensee has notified the agency that an ITAAC is completed, and the staff has accepted it and noticed it in the Federal Register, § 52.99 is silent regarding any responsibilities that a licensee has concerning making significant repairs or modifications to an accepted ITAAC. For example, if a large portion of a system is removed and replaced after it was accepted to allow installation of another system, or had to undergo major repairs or replacement of components for whatever reason, there is no requirement for a licensee to inform the Commission. Under such circumstances, I believe it is important to ensure to the Commission and the public that pertinent information concerning the construction of a new nuclear power plant is available for review. Given that staff resources are limited, and actual on-site inspection time by the NRC is small compared to the number of hours a licensee and its contractors will spend constructing a new nuclear power plant, it is vital that our expectations are clear.

Therefore, I believe that staff should provide a paper to the Commission discussing when an applicant must make a determination that successfully completed ITAAC are no longer satisfied, as well as the notifications required under those circumstances. This paper should include clear criteria on when a licensee must inform the Commission as to the nature, extent, and quantity of corrective maintenance or modifications to equipment or systems. Additionally, the staff should inform the Commission on the need for expedited rulemaking and on the use of license conditions to implement appropriate licensee notification requirements and a reporting threshold to require licensees to report to the NRC when previously closed ITAAC are no longer satisfied.

Clarity regarding ITAAC is important. 10 CFR 52.103(g) requires that the licensee shall not operate the facility until the Commission makes a finding that the acceptance criteria in the combined license are met. I think we should be neither too stingy nor too expansive with information concerning an applicant's ability to achieve and maintain satisfaction of the criteria of the ITAAC. Ultimately, it is the ITAAC that play a leading role for the Commission to decide on a licensee's ability to load fuel and commence power operations of a nuclear power plant.



Gregory B. Jaczko 11/24/08
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER LYONS

SUBJECT: SECY-08-0117 – STAFF APPROACH TO VERIFY CLOSURE OF INSPECTIONS, TESTS, ANALYSES, AND ACCEPTANCE CRITERIA AND TO IMPLEMENT TITLE 10 CFR 52.99, “INSPECTION DURING CONSTRUCTION,” AND RELATED PORTION OF 10 CFR 52.103(g) ON THE COMMISSION FINDING

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None


Peter B. Lyons

SIGNATURE

11/26/08
DATE

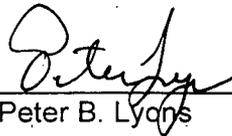
Entered on “STARS” Yes No

Commissioner Lyons' Vote on SECY-08-0117

Staff Approach to Verify Closure of Inspections, Tests, Analyses, and Acceptance Criteria and to Implementing Title 10 CFR 52.99, "Inspection during Construction," and Related Portion of 10 CFR 52.103(g) on the Commission Finding

I would like to acknowledge the efforts of the staff and industry to thoughtfully consider and prepare for the significant task of meeting the requirements imposed by the 10 CFR Part 52 Inspection, Tests, Analyses, and Acceptance Criteria (ITAAC) process. ITAAC closure letter content, quality control measures associated with ITAAC closure letters, and ITAAC preservation requirements will become critical issues once construction under Part 52 begins. Additionally, the efforts to plan and refine the NRC's ITAAC inspection and ITAAC closure letter review processes will assure these inspections and reviews are focused on safety and conducted efficiently.

I agree with the statements and issues described in Commissioner Jaczko's vote on this issue. The staff should continue to work with stakeholders on methods to confirm that acceptance criteria will continue to be met for systems, structures, and components that have undergone maintenance or modification after completion of one or more of their associated ITAAC. This should include appropriate thresholds for reporting when previously closed ITAAC no longer meet the criteria for closure. I further agree that the staff should provide to the Commission a paper describing these notification requirements, reporting thresholds and the staff's plan for implementation, including rulemaking if necessary.


Peter B. Lyons

11/26/08
Date

NOTATION VOTE

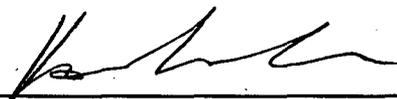
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-08-0117 – STAFF APPROACH TO VERIFY CLOSURE OF INSPECTIONS, TESTS, ANALYSES, AND ACCEPTANCE CRITERIA AND TO IMPLEMENT TITLE 10 CFR 52.99, “INSPECTION DURING CONSTRUCTION,” AND RELATED PORTION OF 10 CFR 52.103(g) ON THE COMMISSION FINDING

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached XX None _____



SIGNATURE

12/12/08

DATE

Entered on “STARS” Yes No _____

**Commissioner Svinicki's Comments on SECY-08-0117
Staff Approach to Verify Closure of Inspections, Tests, Analyses, and Acceptance
Criteria and to Implement Title 10 CFR 52.99, "Inspection during Construction," and
Related Portion of 10 CFR 52.103(g) on the Commission Finding**

I join the Chairman and my fellow Commissioners in recognizing the ongoing efforts of the NRC staff and our external stakeholders to craft the framework for completing the inspections, tests, analyses, and acceptance criteria (ITAAC) for future nuclear power plants licensed under 10 CFR Part 52. The ITAAC process is a critical portion of the Part 52 licensing process and, as such, I believe that the Commission should continue to monitor its development. The staff's submittal of information papers such as SECY-08-0117 constitutes one element of Commission oversight.

In SECY-08-0117, the staff reported on progress being made in resolving issues associated with ITAAC, but did not identify any policy issues requiring Commission decision. Given that progress continues to be made in an open and transparent process that includes external stakeholders, I join with the Chairman in believing it to be premature to give direction to the staff. Instead, staff should continue to keep the Commission informed and, should policy decisions requiring Commission decision be identified, they should be brought forward with resolution options for Commission consideration.



Kristine L. Svinicki 12/12/08