

May 11, 2012

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

Patrick Moulding, Acting Director  
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary **/RAI**

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 8:55 A.M.,  
FRIDAY, MAY 11, 2012, COMMISSIONERS' CONFERENCE  
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND  
(OPEN TO PUBLIC ATTENDANCE)<sup>1</sup>

I. SECY-12-0030 – Final Rule: Requirements for Maintenance of Inspections, Tests, Analyses, and Acceptance Criteria (RIN 3150-AI77)

The Commission approved a final rule amending the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 52.99, "Inspection during construction," related to verification of nuclear power plant construction activities through inspections, tests, analyses, and acceptance criteria (ITAAC) under a combined license. The rule adds new provisions that apply after a licensee has completed an ITAAC verification and submitted an ITAAC closure letter under 10 CFR 52.99(c)(1).

Following incorporation of the attached changes, the *Federal Register* notice should be reviewed by the Rulemaking, Directives, and Editing Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense:

6/11/12)

As full implementation of the ITAAC program and processes are carried out for the first time, the staff should continue to proactively identify issues and bring them to the attention of the Commission.

The Commission looks forward to the staff's paper addressing issues associated with an interim operation finding during the pendency of ITAAC hearings.

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<sup>1</sup> Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Chairman Jaczko, and Commissioners Svinicki, Magwood and Ostendorff were present in the Conference Room. Commissioner Apostolakis participated in the meeting via speakerphone.

II. SECY-12-0044 – Strata Energy Inc. (Ross in situ Recovery Uranium Project), Appeal by NRC Staff and Strata Energy of LBP-12-3 (Feb. 10, 2012)

The Commission approved a Memorandum and Order responding to appeals by the NRC Staff and Strata Energy, Inc. of the Atomic Safety and Licensing Board's decision granting a hearing to the Natural Resources Defense Council and the Powder River Basin Resource Defense Council (together, Joint Petitioners) in the Ross in situ uranium recovery facility licensing proceeding. The Memorandum and Order affirms the Board's order with respect to its finding of standing for Joint Petitioners.

(Subsequently, on May 11, 2012, the Secretary signed the Memorandum and Order.)

Attachment: Changes to the Final Rule in SECY-12-0030

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

### Changes to the Final Rule in SECY-12-0030

1. Page 6, line 8, revise to read: "...guidance to verify **that** licensees..."
2. Page 6, line 17: "...10 CFR **part** 52..." *Address the inconsistent capitalization of the word "part" in the title of RG 1.215 in several places and in other text throughout the FRN.*
3. Page 8, line 18, revise to read: "...statements **s** of considerations..."
4. Page 9, line 10, revise to read: "...to agree with the Regulatory Guide **RG** 1.215..."
5. Page 10, line 22, revise to read: "... 10 CFR Part 50, **"Domestic Licensing of Production and Utilization Facilities," Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,"** require the preparation..."
6. Page 11, line 10, revise to read: "...may take corrective actions **s** to ..."
7. Page 11, line 15, revise to read: "...The sentence now reads, **,** ..."
8. Page 12, line 4, revise to read: "...(**proposed R** Revision 1 of RG 1.215)..." *Address the inconsistent capitalization of the word "Revision" throughout the FRN.*
9. Page 12, lines 4 – 5, revise to read: "...DG-1250, (**proposed R** revision 1 of RG 1.215), **G**Guidance for ITAAC Closure Under 10 CFR Part 52..."
10. Page 13, line 7, revise to read: "...rulemaking, **,** and the ~~basis~~ **bases** for..."
11. Page 14, line 1, revise to read: "...package, **,** as appropriate, **,** to ..."
12. Page 14, line 22, revise to read: "The **"**materially altered determination**"** is further developed in RG 1.215 and **in** the industry guidance..."
13. Page 14, line 22-23, revise to read: "...guidance **in** NEI 08-01, **,** Revision 4."
14. Page 16, line 10, revise to read: "...Statements **s** of Consideration..."
15. Page 18, line 7, revise to read: "...After, **,** or concurrent with, **,** the last ITAAC..."
16. Page 18, line 19, revise to read: "... ITAAC determination ~~basis~~ **bases**..."
17. Page 20, line 14, revise to read: "...with the ~~basis~~ **bases** for the changes..."
18. Page 20, last line, revise to read: "...Section 185-(b) of the AEA..."
19. Page 22 line 3, revise to read: "...contains only two paragraphs, **,** (j)(1) and (2)."
20. Page 22, line 14, revise to read: "...the criteria ~~which~~ **that** are..."
21. Page 22, line 17, delete extra space before "be"

22. Page 22, line 18, revise to read "...information..."
23. Page 22, line 19, revise to read: "...findings, with respect to..."
24. Page 23, line 1, revise to read "...(1) information..."
25. Page 27, line 15, revise to read: "... inspections, tests, or analyses..."
26. Page 28, line 11, revise to read: "... inspections, tests, or analyses..."
27. Page 28, line 24, revise to read: "...not provided, in the notification..."
28. Page 30, line 10, revise to read: "...Thus, it is the licensee's..."
29. Page 31, line 9, revise to read: "...ITAAC determination basis bases..."
30. Page 32, lines 24 – 25, revise to read: "...describe, and make available to the public, information such as..."
31. Page 33, line 19: indent this line, and revise to read: "...following paragraph sentence is included..."
32. Page 33, line 20, change the period to a colon after "...discussed:"
33. Page 34, line 4, revise to read: "SECY-XX-XXXX-12-0030..."