



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

April 21, 2006

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-06-0041

TITLE: PROPOSED STRATEGY TO SUPPORT  
IMPLEMENTATION OF THE NEW-REACTOR  
CONSTRUCTION INSPECTION PROGRAM

The Commission approved in part and disapproved in part the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 21, 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 L. Vietti-Cook".

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

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

VOTING SUMMARY - SECY-06-0041

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ		X			X	3/22/06
COMR. McGAFFIGAN		X			X	3/01/06
COMR. MERRIFIELD	X	X			X	3/16/06
COMR. JACZKO	X				X	3/27/06
COMR. LYONS	X				X	3/21/06

COMMENT RESOLUTION

In their vote sheets, Chairman Diaz and Commissioner McGaffigan disapproved the staff's recommendation; Commissioner Merrifield approved it in part and disapproved in part; and Commissioners Jaczko and Lyons approved the recommendation. All provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on April 21, 2006.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN DIAZ

SUBJECT: **SECY-06-041 - PROPOSED STRATEGY TO  
SUPPORT IMPLEMENTATION OF THE NEW-  
REACTOR CONSTRUCTION INSPECTION PROGRAM**

Approved \_\_\_\_\_ Disapproved <sup>w/comments</sup> xx *LD* Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.

*Liz Diaz*  
\_\_\_\_\_  
SIGNATURE  
*March 22, 06*  
\_\_\_\_\_  
DATE

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

**Chairman Diaz's Comments on SECY-06-0041, Proposed Strategy to Support Implementation of the New-Reactor Construction Inspection Program**

I disapprove the staff's recommended Option 2, and approve Option 1 as the initial approach for implementing the Construction Inspection Program (CIP) for new reactors. I believe that locating all specialized inspection resources in a single region, reporting to the Regional Administrator, is the best approach, and a Regional Administrator can provide the appropriate management oversight of the initial CIP efforts while maintaining focus on the NRC mission in the safety oversight of operating facilities. This initial approach should be reviewed at least annually to ensure that the safety oversight of operating facilities is not adversely affected and to consider alternatives, as appropriate, to address developments in the actual construction of new facilities. I agree with my fellow Commissioners who support the selected location to be in Region II.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MCGAFFIGAN

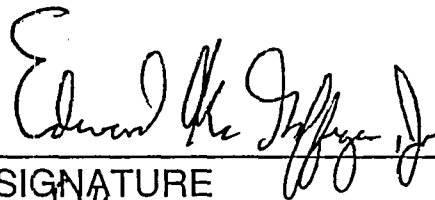
SUBJECT: **SECY-06-041 - PROPOSED STRATEGY TO  
SUPPORT IMPLEMENTATION OF THE NEW-  
REACTOR CONSTRUCTION INSPECTION PROGRAM**

Approved \_\_\_\_\_ Disapproved X <sup>w/comments</sup> Abstain \_\_\_\_\_

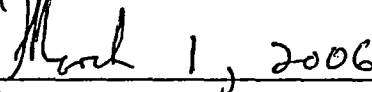
Not Participating \_\_\_\_\_

COMMENTS:

I disapprove Option 2 and instead approve Option 1.  
See attached comments.



SIGNATURE



DATE

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

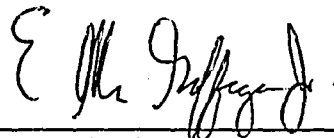
Commissioner McGaffigan's Comments on SECY-06-0041

I disapprove the staff recommendation - Option 2 - and instead approve Option 1, the centralization of all construction inspection resources in a single Region. Furthermore, the selected office should be Region II, located in Atlanta, Georgia.

Should Combined Operating Licenses be granted, consistency of regulatory oversight will be crucial during the implementation of the construction inspection program if the NRC is to properly discharge its regulatory responsibilities. This is particularly true since the Agency has no recent experience in construction inspections; the last plant to begin operation (Watts Bar) received its Construction Permit in 1973. Furthermore, as noted in SECY-06-0041, the construction program which will be used for future plants was not the one used during the construction of the last generation of plants. In fact, the construction inspection program is even now still being developed. These facts have convinced me that centralization of the construction inspection program will be vital.

Added to the above, announcements by the nuclear industry have made it clear that nearly all of the Combined Operating License applications currently under serious consideration involve sites in states that are either within or bordering Region II. This makes Region II the logical choice for centralization, especially as it will be the Region that will be providing regulatory oversight for the vast majority of plants during operation. I recognize that Option 1 could create transition problems from construction to operation for new plants in Regions other than Region II. However, this can be ameliorated by a suggestion the staff made in discussing Option 4 that applies equally to Option 1. That is, I support the staff recommendation that, as construction nears completion, operations resident staff would be assigned to the site from the Region in which the plant would be operating.

I do not dismiss entirely the staff's concerns that the oversight of the entire construction inspection program, which could easily encompass a dozen sites at one time, might challenge any single Region tasked simultaneously with the oversight of operating plants. Thus, should a majority of Commission reject centralizing the construction inspection program in Region II, I would suggest Option 4 be considered, with the Technical Training Center in Chattanooga, Tennessee as a logical candidate.



Edward McGaffigan, Jr.

3/1/06

(Date)

NOTATION VOTE

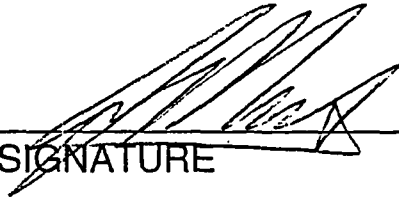
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: **SECY-06-041 - PROPOSED STRATEGY TO  
SUPPORT IMPLEMENTATION OF THE NEW-  
REACTOR CONSTRUCTION INSPECTION PROGRAM**

Approved  <sup>in part</sup> Disapproved  <sup>in part</sup> Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

*See attached comments.*

  
\_\_\_\_\_  
SIGNATURE  
  
*3/14/06*  
\_\_\_\_\_  
DATE

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

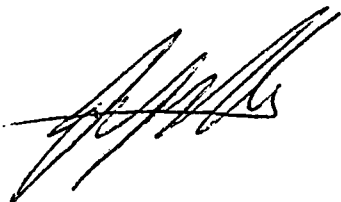
Commissioner Merrifield's Comments on SECY-06-0041

I disapprove the staff proposal for Option 2 and instead support Commissioner McGaffigan's vote for Option 1 and I support his argument for the selected location to be at the Region II office in Atlanta, Georgia.

The staff identified several benefits to Option 1. In my opinion, there are three significant benefits. First, there will be greater consistency in the inspection process. Communications among inspectors will be enhanced. (Counterpart meetings, as is currently being carried out by the regional SRAs twice a year as part of implementing the Reactor Oversight Process will also foster consistency and communications, but will come at a cost in terms of travel expenses and loss of inspector time.) Second, Option 1 will result in better efficiency in areas such as common training, improved staff utilization, more flexibility in scheduling, less susceptibility to assumptions as to where new plants will be built, and economies of scale. Third, Option 1 will allow for the easier and faster communication of generic issues related to construction and for the analysis of the applicability of these issues at other sites. None of these important benefits are as applicable under Options 2 and 3.

I acknowledge that there can be potential inefficiency and ineffectiveness of knowledge transfer and transition of responsibility from Region II to the other Regions during the changeover from the plant construction phase to plant operation phase. However, I believe that this problem is already being minimized as part of the current staff proposal. First, the onsite construction inspectors will originate from the "home" Region. Knowledge gained from being onsite during the entire construction period will be significant. Second, startup testing, which will occur four to six months prior to plant operation should be carried under the purview of the "home" Region. The knowledge gained on plant component and system operation during these startup tests will again be valuable.

I also acknowledge that Option 4 has many of the same benefits as Option 1. In addition, Option 4 has the additional advantage of not overburdening the Regional Administrator with the management of both an operating inspection organization and a construction inspection organization. However, I believe that the benefit of having easy access to experienced inspectors and other staff and managers in the Regional office will outweigh the above mentioned challenge.



3/16/06



NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary



FROM: **COMMISSIONER JACZKO**

SUBJECT: **SECY-06-0041 - PROPOSED STRATEGY TO  
SUPPORT IMPLEMENTATION OF THE NEW-  
REACTOR CONSTRUCTION INSPECTION PROGRAM**

Approved  X  Disapproved       Abstain      

Not Participating      

COMMENTS: See attached comments.

  
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DATE

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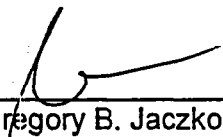
**Commissioner Jaczko's Comments on SECY-06-0041**  
**Proposed Strategy to Support Implementation of the New-Reactor Construction**  
**Inspection Program**

I approve the recommendation of the staff to support a new construction inspection program in each region proportional to the number of new reactors that may be construction in each region.

Minimizing the impact of the new reactor inspection program on the existing reactor oversight program is crucial to a successful construction inspection program. New reactor construction activities have the potential to draw focus away from the regulation of the existing operating reactors. This concern is increased, because most of the potential applicants for new reactors have proposed sites for the new reactors at locations with existing operating reactors.

Although most of the applicants for new reactors will be reactors located in Region II, there may be some regions that may have new reactor construction. Ensuring that the regional administrator in the region with the new reactor applicant has full authority to schedule the construction inspections, especially at existing sites, will be crucial to maintaining the focus on the operating reactors in that region. The regional administrator for each region has the best understanding of the operation and status of the facilities in that region. As a result, the regional administrator will be able to best schedule and implement construction inspections to minimize the impact on existing operation reactors. For these reasons, I believe the construction inspection program should locate inspectors in each region proportional to the number of new reactors that may be constructed in that region.

In addition, having the construction inspection program in each region with new plant construction will facilitate the transfer from construction programs to operational programs. This will maximize the knowledge transfer, ensuring the agency is able to efficiently regulate any newly-licensed facilities.

  
\_\_\_\_\_  
Gregory B. Jaczko                      3/27/06  
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER LYONS  
SUBJECT: **SECY-06-041 - PROPOSED STRATEGY TO  
SUPPORT IMPLEMENTATION OF THE NEW-  
REACTOR CONSTRUCTION INSPECTION PROGRAM**

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

See attached comments.

Peter B. Lyons

  
SIGNATURE

3/ 21 /06

DATE

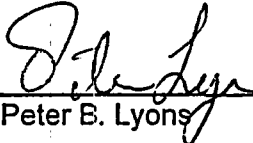
Entered on "STARS" Yes  No

Commissioner Lyons' Comments on SECY-06-0041

As an initial organizational approach to the first new reactor construction projects, I approve Option 1 to locate all specialized inspection resources in a single region, and that this region schedule all construction inspector activities nationwide. I would note that this initial organization may well need to change in the next few years based on how the new construction environment actually evolves.

My expectation is that that the Option 1 approach will ensure consistency in implementing the new inspection program, concentrate lessons learned within a single organization, speedily incorporate ongoing lessons learned into the entire program, and provide a single senior manager accountable for the appropriate completion of the construction-related inspection program at all construction sites. The duplication of such an organization within other Regions, if and when needed, will be significantly enhanced by the model provided by the startup Region.

However, this approach has the potential to impact the operating reactor focus in the startup Region, particularly at the senior management level. Here my expectation is that the management structure of the new organization will be carefully designed so as to maintain an appropriate focus on the safety and security of the operating reactors. Further, I expect that the EDO will take action as necessary, including that which may require Commission approval, if organizational needs change in response to expanding construction activities, to ensure Regional Administrators are able to maintain the appropriate focus on operating reactors. One example might be creating a second Deputy Regional Administrator devoted to the construction inspection program.

 3/21/06  
Peter B. Lyons Date