



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

SECRETARY

January 3, 2008

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0207

TITLE: MULTINATIONAL DESIGN EVALUATION PROGRAM -
STAGE 2 PILOT PROJECT

The Commission (with Chairman Klein and Commissioner Lyons agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 3, 2008. Commissioner Jaczko disapproved the paper.

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 cursive script, appearing to read "Annette L. 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 Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-07-0207

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	12/15/07
COMR. JACZKO		X			X	12/20/07
COMR. LYONS	X				X	12/3/07

COMMENT RESOLUTION

In their vote sheets, Chairman Klein and Commissioner Lyons approved the staff's recommendation and provided some additional comments. Commissioner Jaczko disapproved the paper and provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on January 3, 2008.

NOTATION VOTE

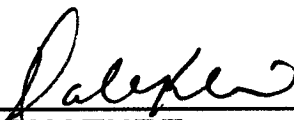
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: SECY-07-0207 – MULTINATIONAL DESIGN
EVALUATION PROGRAM – STAGE 2 PILOT
PROJECT

Approved xx Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached xx None _____



SIGNATURE

12/15/07

DATE

Entered on "STARS" Yes No _____

Chairman Klein's comments on SECY-07-0207

I approve continued staff participation in the Multinational Design Evaluation Program (MDEP), including support for the implementation of the recommendations of the MDEP Stage 2 pilot project. I fully support reconstituting the program by merging the three separate stages into a single program with two working groups, one type focused on specific designs and the other type focused on specific issues relevant to all design. I believe that the work performed under Stage 1 and Stage 2 has proven to be effective in enhancing cooperation with our international partners to improve the safety and security of new reactors in this and other countries. I recognize that harmonization of regulatory requirements is not feasible in the short-term, but the current focus of cooperation and convergence on regulatory practices could ultimately lead to convergence of regulatory requirements used in licensing of new reactor designs in the long term.

I commend the staff for the leadership it has taken in the MDEP Stage 2 pilot project and assessment, and look forward to reviewing the conclusions and recommendations. As the MDEP moves forward, the staff should continue to keep the Commission apprised of developments, and the interest of other countries to participate in the MDEP program.


Dale E. Klein 12/15/07

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-07-0207 – MULTINATIONAL DESIGN
EVALUATION PROGRAM – STAGE 2 PILOT
PROJECT

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

02/20/07

DATE

Entered on "STARS" Yes X No ___

**Commissioner Gregory B. Jaczko's Comments on SECY-07-0207
Multinational Design Evaluation Program – Stage 2 Pilot Project**

I disapprove of this paper. According to the October 19, 2007, trip report summarizing the results of the October 8-10, 2007, MDEP Steering Committee Meeting, many of the concerns I have raised about this program were validated by the multinational delegates. The staff's trip report notes that the "wholesale convergence of regulations, codes, and standards, associated with the design of new reactors is not achievable in the near term... the convergence of regulatory practices was more achievable, since changing regulatory practices is often entirely within the control of the regulator and is not wrought with the complexities of making changes to laws, regulations, etc." It also states that there was a "consensus that an enhanced legal framework with associated agreements will be necessary to allow the free exchange of information among MDEP participating countries. This could be a significant challenge. Also, the question of how to make selected information available to non-MDEP participants remains." Finally, "there was little interest in pursuing a regulatory framework for Generation IV reactors...."

I take from this discussion that the original reason for the creation of MDEP – the development of a multinational design approval process, has been recognized by the participants as unachievable. Instead of the initial goal of Stage 2, which was "multinational convergence of codes, standards, and safety goals" as stated in the Terms of Reference that the staff took to the October meeting, the scope of MDEP has now been narrowed to focus on short-term cooperation efforts within the existing regulatory framework. This is a step in the right direction but there are two problems with this approach. First, while the goals are now much more modest, the resources required remain the same. Second, there are many other valuable and productive international fora – bilateral agreements and participation in IAEA, NEA, the Convention on Nuclear Safety, and the International Nuclear Regulators Association meeting which already accomplish these goals. There is questionable benefit to expending the resources necessary to create and perpetuate an entirely new forum in MDEP, which may add some marginal value in its new incarnation but will essentially duplicate other efforts. Such a path is now much more difficult to justify.

It is not a responsible use of limited resources to continue to push forward with a program, the ultimate goal of which our international partners have made clear is not realistically achievable. Instead, the NRC should scale back its efforts and continue to focus on other ongoing efforts to share operating experience and best practices. This is especially prudent when we factor in the significant resources that will be devoted to other important international fora in the year ahead, including participating in the Convention on Nuclear Safety and the IAEA General Conference, and hosting the International Nuclear Regulators Association meeting.

The revised pilot program report the NRC staff is developing to form the basis for the final MDEP stage 2 Policy Group decision must accurately reflect these issues. Therefore, the staff must get Commission approval of the language in that report prior to participating in the Policy Group meeting in January 2008.



Gregory B. Jaczko Date

12/7/07

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: SECY-07-0207 – MULTINATIONAL DESIGN
EVALUATION PROGRAM – STAGE 2 PILOT
PROJECT

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____



SIGNATURE

12/3/07

DATE

Entered on "STARS" Yes No _____

Commissioner Lyons' Comments on SECY-07-0207

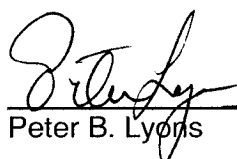
I approve the staff's continued participation in the Multinational Design Evaluation Program (MDEP) at the levels already budgeted for Fiscal Years 2008 and 2009, including implementation of the Stage 2 pilot project, as described in SECY-07-0207.

I want to recognize the hard work by the staff in moving ahead on this initiative even as I express caution that very much remains to be done. The increasingly international character of the nuclear industry in design, manufacturing, and markets continues to argue strongly for strengthening the international dialogue among oversight bodies, including Code committees and regulators. I continue to believe that the potential for the long-term benefit to nuclear safety and security is worth this effort, though I acknowledge that issues associated with laws and sovereignty of individual national regulators may eventually impose their own limits. For example, I want to assure that no currently required NRC inspections of components will be replaced by inspections conducted by other regulatory bodies without a specific decision by the Commission. Also, since international interest in this initiative may well grow, staff should assess the potential need to develop or further formalize the process for admitting additional countries to participate in the MDEP.

I endorse the recommendation of the Steering Technical Committee (STC) to advocate the formation of the two types of working groups, one type focused on specific designs and the other type focused on specific issues relevant to all designs. I consider the former type analogous to the NRC design-centered approach and the latter to generic safety issue groups. Such a structure should enhance compatibility with NRC counterparts, which is particularly important as operating reactor issues will affect NRR, new reactor items will affect NRO, Generation IV items will affect RES, and so on.

The staff has laid out a commendable list of "actions that are achievable in the near term". Several of those items involve the completion of ongoing initiatives, but others may involve proprietary product issues, and still others may face challenges concerning sovereignty. All involve matters with the very real potential to improve nuclear safety or the efficiency of technical safety reviews and, as such, are indicative of the potential value of MDEP.

I look forward to the final report of MDEP Policy Group in early 2008 and the outcome of the subsequent international meeting. Those results, coupled with updates on progress toward the stated Stage 2 goals and the actual benefits being derived will be essential to the Commission in assessing the manner and extent to which this effort should continue.

 12/5/07
Peter B. Lyons Date