



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

SECRETARY

November 4, 2013

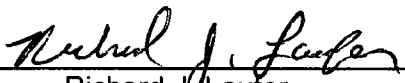
COMMISSION VOTING RECORD

DECISION ITEM: SECY-13-0093

TITLE: REPROCESSING REGULATORY FRAMEWORK – STATUS
AND NEXT STEPS

The Commission acted on subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 4, 2013.

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


Richard J. Laufer
Acting Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
EDO
PDR

VOTING SUMMARY - SECY-13-0093

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MACFARLANE		X			X	10/7/13
COMR. SVINICKI	X				X	10/21/13
COMR. APOSTOLAKIS		X			X	10/17/13
COMR. MAGWOOD	X				X	10/18/13
COMR. OSTENDORFF	X				X	10/7/13

NOTATION VOTE

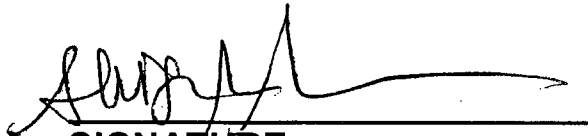
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Allison M. Macfarlane
SUBJECT: SECY-13-0093 – REPROCESSING REGULATORY
FRAMEWORK – STATUS AND NEXT STEPS

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



SIGNATURE

10/7/13

DATE

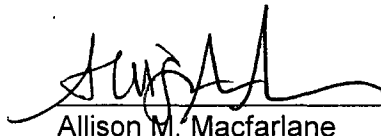
Entered on "STARS" Yes X No _____

Chairman Macfarlane's Comments on SECY-13-0093
"Reprocessing Regulatory Framework – Status and Next Steps"

I do not approve continued development of a regulatory basis for reprocessing under the plan provided by staff. A 20-year development plan with a few staff is not practical or sustainable. It is likely that national policies on spent fuel management and technologies will have significantly evolved by its conclusion. More importantly, the Commission remains challenged in maintaining a sufficient level of resources to address licensing and rulemaking priorities that are more certain in the reactor, materials, and waste arenas.

I believe the draft regulatory basis and gap analysis provided by the staff in 2011 represents an important milestone in understanding future regulatory needs and provides an appropriate point to suspend rulemaking efforts at this time. I also note industry support for developing a new technology-neutral regulatory framework. In this context, it is still important for the agency to maintain an appropriate level of technical and policy expertise in advanced fuel cycle issues – especially if national policies change or certain licensing needs emerge in the future. Within budgeted resources, the staff should still remain cognizant of developments in advanced fuel cycle technologies and evolving national fuel cycle policies. This should include coordination and participation with the Department of Energy and Environmental Protection Agency, as appropriate in regulatory and scientific programs. The staff should also continue to participate and provide expertise in international activities involving reprocessing, such as the review and development of safety, security, and environmental standards. The staff should only pursue technical work on advanced fuel cycle issues, such as chemical consequence and risk assessments tools, that may be also beneficial to effectively regulating the safety of other types of fuel cycle facilities.

The staff should periodically assess the reprocessing framework, in an integrated manner with assessing regulatory needs that are associated with long-term spent fuel storage, transportation, and disposal of spent nuclear fuel (e.g., research, rulemaking, and licensing activities). The staff should inform the Commission if a reprocessing application becomes imminent, or if it is appropriate to restart rulemaking efforts because of significant changes in national policy.


Allison M. Macfarlane

10/7/13
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-13-0093 – REPROCESSING REGULATORY
FRAMEWORK – STATUS AND NEXT STEPS

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached _____ None _____

I approve the staff's recommended Option 4, the development of a reprocessing-specific rule in a new part of the Commission's regulations, referred to notionally as "10 CFR Part 7X." As stipulated by Commissioner Magwood in his vote, however, the continued development of the framework should be limited – for the time being – to the areas of risk considerations (Gap 5) and general design criteria (Gap 9). As proposed by Commissioner Ostendorff, the staff should provide a notation vote paper to the Commission presenting the results of this limited scope effort, upon its completion, as well as recommendations regarding next steps. I approve the staff's continued involvement in national and international technical exchanges and standards development. I acknowledge the staff's efforts, which continue, with modest resources, to prepare this agency to address the possibilities of alternative fuel cycles and technologies of the future.



SIGNATURE

10/21/13

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Apostolakis
SUBJECT: SECY-13-0093 – REPROCESSING REGULATORY
FRAMEWORK – STATUS AND NEXT STEPS

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below X Attached _____ None _____

I disapprove the staff's recommendation to develop a new rule. The staff has not provided a compelling justification to expend the proposed large resources during a time of limited agency resources. We need to focus our resources on ensuring operational safety and security of existing facilities, as well as reviewing pending and expected licensing requests.

Staff should remain cognizant of both domestic and international developments in advanced fuel cycle technologies and evolving fuel cycle policies. Once a license application becomes likely, staff should provide the Commission with options and recommendations on how to proceed.



SIGNATURE

10/17/13

DATE

Entered on "STARS" Yes x No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-13-0093 – REPROCESSING REGULATORY
FRAMEWORK – STATUS AND NEXT STEPS

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

18 October 2013

DATE

Entered on "STARS" Yes X No _____

**Commissioner Magwood's Comments on
SECY-13-0093, "Reprocessing Regulatory Framework - Status and Next Steps"**

I appreciate the staff's continuing efforts to craft a path-forward for the agency's activity to develop a regulatory framework for reprocessing in the face of considerable uncertainty regarding future government policy and industrial interest regarding the construction of recycling plants in the U.S. This uncertainty has characterized the agency's work in this area for several years. This is an appropriate time for the Commission to decide whether to continue a program or to terminate this effort entirely.

I have stated in many venues that I am skeptical that a commercial reprocessing facility based on current technology will be built in the United States in any foreseeable future. (If this supposition is incorrect, industry is welcome to present the agency with an application based on 10 CFR Part 50; as discussed in the subject SECY paper, while not optimal, Part 50 is sufficiently flexible to enable an application to proceed.) But I also believe that technologies currently being explored in laboratories around the world might yet find their way to large-scale use.

A technology that addresses the proliferation, economic, environmental challenges that are often associated with current technologies could provide an enhanced option for a more sustainable and environmentally sound future. It makes sense for the NRC to consider how it might best respond to such a development. In some ways, the state of spent nuclear fuel recycling today might be very much like the state of advanced light water reactors 30 years ago. At that time, few believed that new plants would be built in the U.S.; but NRC proceeded to develop a framework optimized for the construction of Generation III+ plants. This framework, 10 CFR Part 52, is in use today and is serving us well.

Ideally, as noted in the Chairman's vote on this paper, we could shift our attention to a technology-neutral framework that would serve a broad range of advanced technology purposes. Whatever the outcome of the current decision process, it is worth the Commission's time to consider pursuing that approach. I also agree with the Chairman that a reasonable approach would be to require staff to maintain a basic capability in this area that would be available should circumstances require us to develop a framework or respond to an application in the future.


However, in my experience, it is difficult, if not impossible for a technical organization to maintain a capability without a programmatic imperative. There are simply too many demands on the staff and too many emerging needs to assure that critical skills and

knowledge are maintained as an ancillary effort. Without a clear programmatic structure, the agency will lose the capability to respond adequately to future potential applications. In addition, I believe that the development a clear programmatic structure could help advance our continuing efforts to risk-inform our regulatory approach to other large fuel facilities. That said, I also agree with Commission Apostolakis that the resources assigned to the project proposed by the staff appear exorbitant given the current financial environment. In that light, committing to a 20 year effort, especially given the many uncertainties, strikes me as overambitious at this time.

Therefore, I approve a modified version of staff's recommendation of Option 4. I approve staff's proposal to proceed with the development of a framework, but limiting the effort to the development of risk considerations (Gap 5) and general design criteria (Gap 9). Rather than a 20-year program, staff should develop a program based on completion of these elements. At that stage, consistent with Commissioner Ostendorff's recommendation, staff should provide a new decision paper to the Commission to present the results of its efforts and seek guidance regarding any future steps.

In presenting its conclusions and recommendations to the Commission, staff should provide its most up-to-date assessment of the prospects for the construction of recycling facilities in the US, the state of Department of Energy activities in this area, and the staff's recommendation for the next phase of work. Staff should also consider whether its development of a risk-informed approach to reprocessing facility regulation provides insights that may be applied to other nuclear facilities.

Finally, staff should remain cognizant of relevant efforts in the U.S. and overseas and inform the Commission should the policy or industrial environment with regard to spent fuel recycling change before the next staff paper is provided to the Commission. Staff should also be prepared to engage other U.S. government agencies as necessary as they consider issues relevant to the safety implications of building and operating recycling facilities.

 10/18/13

William D. Magwood, IV

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-13-0093 – REPROCESSING REGULATORY
FRAMEWORK – STATUS AND NEXT STEPS

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below X Attached _____ None _____

I approve staff's recommendation of Option 4, which would serve as the framework for completing the regulatory gaps. I also approve staff's efforts to continue involvement in national and international standards development and technical exchanges. This should all continue to be done at the current funding level. Further, staff should provide a Commission Notation Vote Paper after resolution of Gap 5, "Safety and Risk Assessment Methodologies and Considerations for a Reprocessing Facility," with a recommendation on whether rulemaking should continue.



SIGNATURE

10/7/13

DATE

Entered on "STARS" Yes _____ No _____