

**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary

FROM: Chairman Gregory B. Jaczko

SUBJECT: SECY-11-0172 – RESPONSE TO STAFF  
REQUIREMENTS MEMORANDUM COMGEA-11-0001,  
“UTILIZATION OF EXPERT JUDGMENT IN  
REGULATORY DECISION MAKING”

Approved X (in part) Disapproved X (in part) Abstain \_\_\_\_\_

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

COMMENTS: Below \_\_\_ Attached X None \_\_\_



\_\_\_\_\_  
SIGNATURE

1/30/12

\_\_\_\_\_  
DATE

Entered on “STARS” Yes \_\_\_ No \_\_\_

**Chairman Jaczko's Comments on SECY-11-0172  
"Response to Staff Requirements Memorandum COMGEA-11-0001,  
Utilization of Expert Judgment in Regulatory Decision Making"**

I approve in part and disapprove in part the staff's recommendation to not develop any additional guidance for the formal use of expert judgment in regulatory decision making. I agree with my colleagues and the staff that improvements to the existing expert judgment approaches used by the NRC can be made, and that doing so is a worthwhile endeavor. Therefore, I join with my colleagues in supporting Commissioner Apostolakis' proposed scope for this work, as described in his vote.

I also find the concerns raised by the staff concerning skill set limitations of certain subject matter experts that will be needed to complete this work compelling. This is not the first time that the staff has expressed these concerns to the Commission. Last year, in the annual update of the risk-informed and performance-based plan (i.e., SECY-11-0151), the staff noted that the number of planned and ongoing risk-informed activities places a significant demand for risk analysts and other subject matter experts in engineering disciplines (e.g. fire, seismic) and has found it necessary to assess and adjust priorities in the budget execution process. Considering these known and communicated limitations on the availability of certain subject matter experts in the near-term, this work should be started at a more opportune time.

With that in mind, I support Commissioner Ostendorff's proposal to pursue this worthwhile work, and letting the staff decide the priority and resources for this work in accordance with the Planning, Budgeting, and Performance Management process. In doing so, the staff should ensure that this work once started will not displace or impede work of higher safety importance such as implementation of the Fukushima Dai-ichi lessons learned recommendations, completion of fire protection NFPA 805 licensing amendment reviews, or resolution of generic issues.

  
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Gregory B. Jaczko

1/20/12  
Date