



SECRETARY

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

September 16, 2014

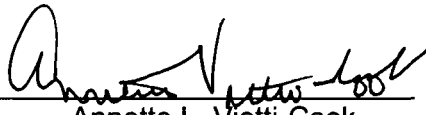
COMMISSION VOTING RECORD

DECISION ITEM: SECY-14-0038

TITLE: PERFORMANCE-BASED FRAMEWORK FOR NUCLEAR
POWER PLANT EMERGENCY PREPAREDNESS
OVERSIGHT

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of September 16, 2014.

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


Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Ostendorff
OGC
EDO
PDR

VOTING SUMMARY - SECY-14-0038

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MACFARLANE	X					5/12/14
COMR. SVINICKI	X					9/9/14
COMR. OSTENDORFF	X					4/25/14

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Macfarlane
SUBJECT: SECY-14-0038 – PERFORMANCE-BASED
FRAMEWORK FOR NUCLEAR POWER PLANT
EMERGENCY PREPAREDNESS OVERSIGHT

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____


SIGNATURE

5/12/14
DATE

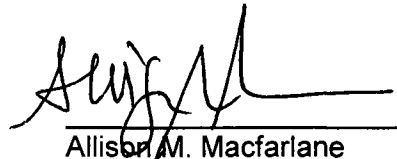
Entered on "STARS" Yes X No _____

Comments accompanying Chairman Macfarlane's vote on
SECY-14-0038 – PERFORMANCE-BASED FRAMEWORK FOR NUCLEAR POWER
PLANT EMERGENCY PREPAREDNESS OVERSIGHT

I approve Option 2, in which the staff recommends not pursuing rulemaking at this time, but instead continuing to apply lessons learned to the current emergency preparedness regulatory framework.

As addressed in the SECY, over the last decade, the staff has undertaken significant analysis on the state of the emergency preparedness regime. This work, accompanied by coordination with U.S. interagency partners, emergency response organizations, and other interested parties, has led to significant improvements in the requirements and guidance promulgated by the NRC. I agree with the staff that the NRC's existing emergency preparedness program provides reasonable assurance of protection of public health and safety. For this reason and in light of limited resources and more significant agency priorities, I concur with the staff that rulemaking is not the best course of action now.

However, I am mindful that our business is not static. The staff should be vigilant in continuing to assess the NRC's emergency preparedness program and should not rule out the possibility of moving to a performance-based framework in the future. I also note the staff's brief discussion of the potential benefit of a performance-based emergency preparedness regimen for small modular reactors, and direct that the staff should return to the Commission if it finds that conditions warrant rulemaking.

 7/12/14
Allison M. Macfarlane Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-14-0038 – PERFORMANCE-BASED
FRAMEWORK FOR NUCLEAR POWER PLANT
EMERGENCY PREPAREDNESS OVERSIGHT

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached _____ None _____

I approve the staff's recommended Option 2, under which a rulemaking would not be initiated at this time but rather, the staff will continue to use insights to enhance the existing emergency preparedness (EP) framework. The staff has acknowledged, and I agree, that a systematic review and revision of EP requirements to employ a more performance-based oversight regimen has the potential to enhance many aspects of emergency response and oversight – indeed, the limited studies done so far have proven this concept while yielding noteworthy insights; however, existing programs provide reasonable assurance of adequate protection of public health and safety. In light of this; the many other activities already underway related to EP; and the input received from FEMA, offsite response organizations, and other stakeholders that was critical of further concurrent regulatory change being initiated at this time, I agree with the staff's assessment that initiating rulemaking now is contraindicated.


SIGNATURE

09/ 9 /14
DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-14-0038 – PERFORMANCE-BASED
FRAMEWORK FOR NUCLEAR POWER PLANT
EMERGENCY PREPAREDNESS OVERSIGHT

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached XX None ___

W. Ostendorff

SIGNATURE

4/25/14

DATE

Entered on "STARS" Yes X No _____

**Commissioner Ostendorff's Comments on SECY-14-0038,
"Performance-Based Framework for Nuclear Power Plant Emergency Preparedness
Oversight"**

I approve the staff's recommendation to not conduct any further systematic exploration of revised Emergency Preparedness (EP) oversight.

In 2011, the EP rule was revised to incorporate post-9/11 orders, and enhancements identified through comprehensive review of the NRC's EP regulations and guidance. In addition, following the Fukushima accident, a number of EP enhancements were identified as lessons learned. These enhancements are being implemented and will be included in a rulemaking scheduled to commence in 2016.

No weaknesses in the current framework have been identified. As such, the resources required to develop a new framework are not justified in light of other higher priorities, such as the post-Fukushima enhancements.