



SECRETARY

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

April 11, 2016

COMMISSION VOTING RECORD

DECISION ITEM: SECY-16-0005

TITLE: CORNERSTONE DEVELOPMENT FOR THE
REVISED FUEL CYCLE OVERSIGHT PROCESS

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 11, 2016.

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 Vietti-Cook - 6/16".

Annette L. Vietti-Cook
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
OGC
EDO
PDR

VOTING SUMMARY - SECY-16-0005

RECORDED VOTES

	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>ABSTAINING</u>	<u>N/P*</u>	<u>COMMENTS</u>	<u>DATE</u>
Chrm. Burns		X			X	3/29/16
Comr. Svinicki		X			X	3/22/16
Comr. Ostendorff		X			X	3/1/16
Comr. Baran	X				X	2/26/16

*Not Participating

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN BURNS
SUBJECT: SECY-16-0005: CORNERSTONE DEVELOPMENT FOR THE REVISED FUEL CYCLE OVERSIGHT PROCESS

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

I appreciate the staff's work on the conceptual development for a Revised Fuel Cycle Oversight Process (RFCOP). Although continued development of such a program might have some merit and be worthwhile under different circumstances, I do not approve the proposal to proceed with such development as set forth in SECY 16-0005. Continued development of a RFCOP would likely achieve only minimal additional safety or security benefits for the fuel cycle facility program. In that light, given our focus in Project Aim on the effectiveness and efficiency of our programs and given that the existing fuel cycle oversight process is effective and ensures the safety and security of licensed activities at these facilities, I do not support further development of a RFCOP.

Entered in STARS

Yes
No



Signature
29 March 2016

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-16-0005 – CORNERSTONE DEVELOPMENT
FOR THE REVISED FUEL CYCLE OVERSIGHT
PROCESS

Approved _____ Disapproved XX Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached XX None _____



SIGNATURE

03/22 /16

DATE

Entered on "STARS" Yes No _____

**Commissioner Svinicki's Comments on SECY-16-0005
Cornerstone Development for the Revised Fuel Cycle Oversight Process**

I acknowledge the extensive labor that has gone into the staff's work over the past approximately 8 – 10 years to revise the Fuel Cycle Oversight Process but I continue to assess that the resources put into this effort over that time have not been and will not be commensurate with any resulting enhancement to safety and security that would derive from the continuation of this process. Consequently, I disapprove the actions proposed by the staff and, in so doing, support discontinuing any further effort to develop the Revised Fuel Cycle Oversight Process.

In the years I have been monitoring this work, I have yet to be presented with any basis or regulatory gap calling for the fundamental revision of the inspection framework for these facilities. The Commission's endorsement of the staff's conclusion back in 2012 that "the existing [fuel cycle] oversight process is effective and ensures safety and security" and the Commission's judgement that "the activities undertaken to enhance the NRC's fuel cycle oversight process are truly that – enhancements – and are a lower funding priority" was intended to communicate the view that the Commission was not convinced that these activities were addressing any safety and security gaps. [See SRM-SECY-11-0140.] Four years later, the current paper does nothing to alter this conclusion.

Our resources must be devoted to issues with actual safety and security significance. Elaborate redesigns of processes that are both familiar and effective – change for the sake of change – cannot be justified. At bottom, the proposed cornerstones and their continued refinement into a revised oversight process would simply continue us on the road towards mimicking the reactor oversight process for the oversight of fuel cycle facilities even though we know that these facilities exhibit a significantly lower hazard profile. As noted in the Commission's public meeting on February 25, 2016, the staff has already applied a number of insights and enhanced efficiencies to the fuel cycle inspection and oversight process. These implemented actions are sufficient.



Kristine L. Svinicki 03/22/16

NOTATION VOTE

RESPONSE SHEET

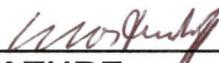
TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Ostendorff

SUBJECT: SECY-16-0005 – CORNERSTONE DEVELOPMENT
FOR THE REVISED FUEL CYCLE OVERSIGHT
PROCESS

Approved Disapproved Abstain Not Participating

COMMENTS Below Attached None



SIGNATURE



DATE

Entered in "STARS" Yes No

Commissioner Ostendorff's Comments on SECY-16-0005 – "Cornerstone Development for the Revised Fuel Cycle Oversight Process."

I thank the staff for their work on SECY-16-0005. I continue to believe that the fuel cycle oversight process (FCOP) is effective and ensures safety and security. The actions the staff and industry have already taken to enhance the existing FCOP are reasonable and sufficient. Therefore, I disapprove the staff's recommended approach. The staff should discontinue development of the Regulatory Framework and Cornerstones. The staff should continue its interactions with industry and stakeholders as the staff implements the current enhancements to the FCOP.

In my vote on COMSGB-15-0004, "Fiscal Year 2017 Budget Proposal," I approved a decrease in funding for the revisions to the FCOP. Particularly in these times of decreasing resources, our activities should be driven by a safety or security need or a significant effectiveness or efficiency enhancement. During the February 25, 2016, Commission briefing on Fuel Cycle Facilities, the staff acknowledged the changing environment and noted the number of fuel facilities that are approved but not built, the number of fuel facilities that have closed, and the decreasing number of licensing actions demonstrating that the program is stable. The staff also noted that the revised FCOP would improve the efficiency of the use of inspection resources. However, the staff went on to state that some of those efficiencies are already in place with the expanded use of inspection teams and enhanced pre-planning for inspections. With such process improvements already in place, and the associated efficiencies already realized, I see no basis for the continued development of the revised FCOP.

I want to briefly comment on the use of Integrated Safety Assessments (ISAs). Relying upon the current ISAs—that have proven effective in identifying safety significant fuel cycle processes—remains essential. In my visits to fuel cycle facilities, I continue to note the unique nature of each of these facilities. In my discussions with the licensees and their operators, it is clear that they understand the importance of both ISAs and items relied on for safety (IROFS) and use that terminology in their daily interactions. These unique fuel facilities develop site-specific ISAs and IROFS that would not significantly benefit from a generic framework that does not have its basis in the ISAs. The enhancements made to the current FCOP program will rely upon these ISAs as the basis of the inspection program, as it should.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Baran

SUBJECT: SECY-16-0005 – CORNERSTONE DEVELOPMENT
FOR THE REVISED FUEL CYCLE OVERSIGHT
PROCESS

Approved Disapproved Abstain Not Participating

COMMENTS Below Attached None

Entered in
STARS

Yes

No



SIGNATURE

2/26/16

DATE

**Commissioner Baran's Comments on SECY-16-0005,
"Cornerstone Development for the Revised Fuel Cycle Oversight Process"**

This paper reflects the NRC staff's thoughtful work over a number of years. As the Advisory Committee on Reactor Safeguards (ACRS) explained, the cornerstones "formulate the mission and safety objectives the NRC has for fuel cycle facilities." Developing cornerstones (and the associated key attributes and inspectable areas) lays the foundation for a more risk-informed and performance-based inspection program for fuel cycle facilities.

The NRC staff's work has benefitted from feedback from ACRS, licensees, and other stakeholders. ACRS examined the recommended cornerstones and found them to be "an adequate basis for the development of the revised Fuel Cycle Oversight Process." Although some industry stakeholders have generally challenged the need to revise the fuel cycle oversight process, the staff notes that they have "expressed no substantive objections or concerns with the cornerstone approach or the staff's recommended cornerstones."

For these reasons, I approve the staff's recommended cornerstones, as described in Enclosure 2 of the paper. Those eight cornerstones are: criticality safety, chemical operational safety, occupational radiation safety, public radiation safety, emergency preparedness, security, and material control and accounting. As ACRS recommends, the staff should appropriately incorporate any cybersecurity requirements established by the ongoing expedited rulemaking into the revised fuel cycle oversight process.

I look forward to the staff's continuing efforts to develop the inspection procedures, significance determination process, and performance assessment process necessary to pilot and then fully implement the revised fuel cycle oversight process.