

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: COMSECY-08-0012 – DENIAL OF PETITION FOR
RULEMAKING (PRM-54-5) ON EMERGENCY
PLANNING REVIEWS DURING LICENSE
RENEWAL

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

7/10/08

DATE

Entered on "STARS" Yes X No ___

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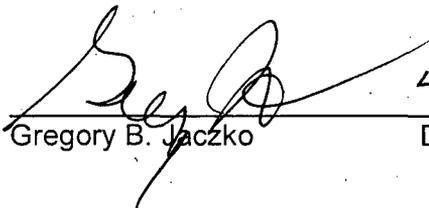
**Commissioner Jaczko's Comments on COMSECY-08-0012
Denial of Petition for Rulemaking (PRM-54-5) on Emergency Planning Reviews
During License Renewal**

I disapprove of the recommendation to deny this petition for rulemaking. Instead, I believe the review of a license renewal application authorizing, if granted, an additional twenty-years of operation, provides the opportune time at which the agency should re-evaluate emergency preparedness issues.

Currently, the only time the NRC issues a comprehensive affirmative finding that both onsite and offsite emergency plans are in place around a nuclear power plant, and that they can be implemented, is at the time it grants an initial operating license. Although the NRC and the Department of Homeland Security regularly assess the emergency plans in place at a site through exercises and reviews, our agencies do not periodically reassess that initial reasonable assurance of adequate protection of the population finding - even it was made decades ago - unless and until we find a serious deficiency in a biennial exercise.

While I understand the argument that emergency preparedness requirements are in effect at all times, I believe that considering emergency preparedness during the license renewal process would be good public policy and a very valuable exercise. It would give the public a forum in which to raise concerns, analyze and point out the changes that have occurred in their communities over the intervening decades, and suggest improvements. It also represents a huge opportunity to improve public confidence in the licensees and in all levels of government by demonstrating how seriously these issues are taken.

I believe the Commission should not miss this opportunity to reflect upon and demonstrate our commitment to an issue that is so critical to our mission and our stakeholders. Therefore, I believe the Commission should grant this petition for rulemaking.



Gregory B. Jaczko 4/15/08
Date

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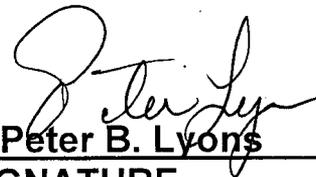
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: COMSECY-08-0012 – DENIAL OF PETITION FOR
RULEMAKING (PRM-54-5) ON EMERGENCY
PLANNING REVIEWS DURING LICENSE
RENEWAL

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



Peter B. Lyons
SIGNATURE

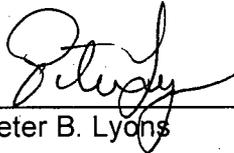
5/12/08
DATE

Entered on "STARS" Yes X No

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Commissioner Lyons' Comments on COMSECY-08-0012
Denial of Petition for Rulemaking (PRM-54-5) on Emergency Planning
Reviews During License Renewal

I approve the denial of this petition for rulemaking (PRM-54-5). My decision is based on the sound rationale that staff developed during the drafting of the 1991 rulemaking on license renewal. The most fundamental issue that was decided in the 10 CFR Part 54 rulemaking was the standards and scope of review that should apply to license renewal decisions. After several public workshops, public meetings, and opportunities to provide comments, the agency determined that the licensing basis for a nuclear power plant during the renewal term would consist of the current licensing basis and new commitments to monitor, manage, and correct age-related degradation unique to license renewal, as appropriate. This rationale was based on the regulatory philosophy that issues that are relevant to both current plant operation and operation during the extended period must be addressed now within the present license term rather than at the time of renewal. Thus, while the NRC issues a comprehensive affirmative finding at the time of the initial licensing of nuclear power plants that both onsite and offsite emergency plans are in place and can be implemented, through periodic exercises and reviews, the NRC and the Department of Homeland Security assess and confirm that these plans continue to be appropriate and can be implemented, when needed, during plant operation. Public and regulatory confidence in the adequacy of emergency preparedness plans is based on their successful demonstration and the ongoing incorporation of lessons learned from periodic evaluated exercises. The basis for this confidence must continue to be maintained, regardless of whether or not a licensee decides to seek license renewal.


Peter B. Lyons 5/12/08
Date

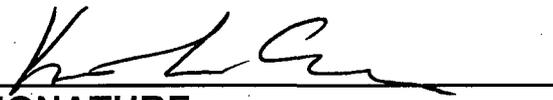
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: COMSECY-08-0012 -- DENIAL OF PETITION FOR
RULEMAKING (PRM-54-5) ON EMERGENCY
PLANNING REVIEWS DURING LICENSE
RENEWAL

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____


SIGNATURE

6-12-08
DATE

Entered on "STARS" Yes X No _____

**Commissioner Svinicki's Comments on COMSECY-08-0012
Denial of Petition for Rulemaking (PRM-54-5) on
Emergency Planning Reviews During License Renewal**

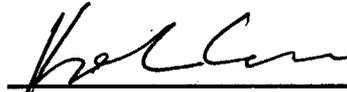
I approve the denial of this petition for rulemaking (PRM-54-5) on the basis proposed by staff as outlined in the draft Federal Register notice. I have studied this petition and prior similar petitions [Andrew J. Spano (PRM-54-02) and Joseph Scarpelli (PRM-54-03)] considered and denied [71 FR 74848] by the Commission prior to my service as a Commissioner. I have further studied the history and content of the Final Rule on Nuclear Power Plant License Renewal [59 FR 64943; December 13, 1991]. In developing the final rule, the Commission evaluated carefully the scope of review that would be appropriate and necessary for the examination of license renewal. As referenced by Commissioner Lyons in his vote, this evaluation included public workshops, public meetings, and opportunities for all interested parties to provide comment. As an outcome of this process, the Commission adopted a philosophy and approach to the scope of license renewal proceedings, as described in the following statement:

There is considerable logic to the proposition that issues that are material as to whether a nuclear power plant operating license may be renewed should be confined to those issues that are uniquely relevant to protecting the public health and safety and common defense and security during the renewal period. Other issues would, by definition, have a relevance to the safety and security of current plant operation. Given the Commission's ongoing obligation to oversee the safety and security of operating reactors, issues that are relevant to both current plant operation and operation during the extended period must be addressed now within the present license term rather than at the time of renewal. Otherwise, the scope of Commission inquiry into the safety and security during the current term of operation would depend on the unrelated decision of a licensee to seek license renewal and the timing of the Commission's renewal decision. ...While in theory the Commission could undertake duplicative reviews of issues that are relevant to both ongoing operation during the current license term and extended operation beyond the current term, this would be wasteful of the Commission's resources. [56 FR 64946]

Consistent with this approach, but speaking more specifically to the issue of emergency planning considerations in the context of license renewal, the Commission concluded:

...the Commission's regulations require the routine evaluation of the effectiveness of existing emergency preparedness plans against the 16 planning standards and the modification of emergency preparedness plans when the 16 standards are not met. Through its standards and required exercises, the Commission ensures that existing plans are adequate throughout the life of any plant even in the face of changing demographics and other site-related factors. Thus, these drills, performance criteria, and independent evaluations provide a process to ensure continued adequacy of emergency preparedness in light of changes in site characteristics that may occur during the term of the existing operating license, such as transportation systems and demographics. **There is no need** for a licensing review of emergency planning issues in the context of license renewal. [56 FR 64966, emphasis added]

I find no flaw or defect in the Commission's reasoning. I agree that the Commission's approach to the scope of license renewal reviews, as put forward in the final rule on nuclear power plant license renewal, is, and continues to be, sound and I support the denial of the petition on that basis.



Kristine L. Svinicki

06/12/08

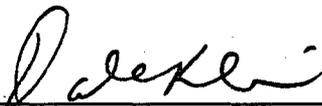
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: COMSECY-08-0012 – DENIAL OF PETITION FOR
RULEMAKING (PRM-54-5) ON EMERGENCY
PLANNING REVIEWS DURING LICENSE
RENEWAL

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

6/17/08

DATE

Entered on "STARS" Yes No

Chairman Klein's Comments on COMSECY-08-0012
Denial of Petition for Rulemaking (PRM-54-5) on
Emergency Planning Reviews During License Renewal

I approve the denial of this petition for rulemaking (PRM-54-5). I support the Commission's long-standing position that license renewal reviews are to focus on issues that are uniquely relevant to the renewal period, namely issues of management of age-related degradation. In light of the continuing oversight and testing of emergency preparedness plans, our regulations reasonably exclude emergency planning from the scope of license renewal review. Therefore, I join Commissioners Lyons and Svinicki in approving the denial of this petition for rulemaking.


Dale E. Klein 6/17/08
Date Date