

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: Chairman Allison M. Macfarlane  
SUBJECT: COMSECY-13-0006 - 10 CFR 50.46c RULEMAKING:  
REQUEST TO DEFER DRAFT GUIDANCE AND  
EXTENSION REQUEST FOR FINAL RULE AND FINAL  
GUIDANCE

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

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

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



SIGNATURE

3 | 27 | 13  
DATE

Entered on "STARS" Yes  X  No \_\_\_\_\_

**RESPONSE SHEET**

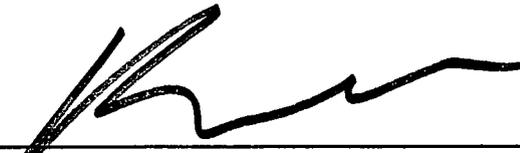
**TO:** Annette Vietti-Cook, Secretary  
**FROM:** COMMISSIONER SVINICKI  
**SUBJECT:** COMSECY-13-0006 - 10 CFR 50.46c RULEMAKING:  
REQUEST TO DEFER DRAFT GUIDANCE AND  
EXTENSION REQUEST FOR FINAL RULE AND FINAL  
GUIDANCE

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

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

**COMMENTS:** Below XX Attached \_\_\_ None \_\_\_

I approve the staff's extension request for the draft final rule for 10 CFR 50.46(c) and resetting of the due date, in light of Commission direction issued subsequent to establishment of the existing schedule. I approve the staff's Scenario B, to publish the proposed rule at the same time as the draft guidance document, consistent with the Commission's direction in SRM-SECY-11-0032. The availability of draft guidance has the potential to illuminate related technical topics and, as a result, to inform public comment on the proposed rule more fully.

  
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SIGNATURE

04/16/13  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: Commissioner Apostolakis  
SUBJECT: COMSECY-13-0006 - 10 CFR 50.46c RULEMAKING:  
REQUEST TO DEFER DRAFT GUIDANCE AND  
EXTENSION REQUEST FOR FINAL RULE AND FINAL  
GUIDANCE

Approved  X  Disapproved  \_\_\_\_\_  Abstain  \_\_\_\_\_

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

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



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SIGNATURE

April 8, 2013

\_\_\_\_\_  
DATE

Entered on "STARS" Yes  x  No  \_\_\_\_\_

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Magwood

SUBJECT: COMSECY-13-0006 - 10 CFR 50.46c RULEMAKING:  
REQUEST TO DEFER DRAFT GUIDANCE AND  
EXTENSION REQUEST FOR FINAL RULE AND FINAL  
GUIDANCE

Approved  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

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

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

I approve staff's extension request for the draft final rule for 10 CFR 50.46(c) and also approve resetting of the due date. Additionally, I approve the staff's proposed Scenario A – to publish the proposed rule upon development of a provision to allow risk-informed alternatives to address GSI-191 but prior to development of the draft guidance related to the GSI-191 provision. This is a departure from previous Commission direction in SRM-SECY-11-0032. However, the GSI-191 provision is an alternative to one of the acceptance criteria. Therefore, most of the guidance associated with the rule is designed to reflect the findings of research embrittlement research into our regulations and, under Scenario A, the guidance related to the applicable rule changes will be published in concert with the rule.

Given this, I do not see sufficient cause to delay presentation of the draft rule and draft guidance for public consideration. That said, staff's plan and schedule for GSI-191-related guidance should be elucidated in the FRN. Further, as reflected in Scenario A, it is essential that the complete final guidance be provided to the Commission prior to publication of the final rule.

  
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SIGNATURE

6 May 2013  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER OSTENDORFF

SUBJECT: COMSECY-13-0006 - 10 CFR 50.46c RULEMAKING:  
REQUEST TO DEFER DRAFT GUIDANCE AND  
EXTENSION REQUEST FOR FINAL RULE AND FINAL  
GUIDANCE

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

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

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

I approve of the staff's recommendation to extend the due date for the final 10 CFR 50.46(c) rule and defer draft guidance development related to Generic Safety Issue (GSI)-191.

Although I supported including a provision in the 10 CFR 50.46(c) rule allowing a risk-informed alternative to addressing GSI-191, my intent was not to delay the rule. I recognize that the Commission, in "Staff Requirements- SRM-SECY-11-0032, Consideration of the Cumulative Effects of Regulation in the Rulemaking Process", directed that draft guidance be issued with proposed rules, except in limited cases approved by the Commission. I believe this case meets the criteria for one in which an exception should be made for several reasons. Most importantly, while the staff has confirmed that sufficient safety margin exists for operating reactors, the staff considers the provisions of 10 CFR 50.46(c) necessary for adequate protection. In addition, since the proposed provision in 10 CFR 50.46(c) regarding GSI-191 will provide an alternative method to meet existing requirements, it is less urgent that the guidance for this provision be issued with the proposed rule. Lastly, 10 CFR 50.46(c) includes requirements for several issues other than GSI-191 related to emergency core cooling, and the draft guidance for these issues will be available when the proposed rule is published. I do not believe we should delay a rule that is largely complete and is necessary to ensure adequate protection so that guidance on an alternative approach to meeting our requirements can be developed.

  
\_\_\_\_\_  
SIGNATURE

4/9/13  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  X  No \_\_\_\_\_