

March 19, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-022

TITLE: RULEMAKING TO MODIFY REPORTING REQUIREMENTS FOR POWER REACTORS

The Commission (with all Commissioners agreeing) disapproved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of March 19, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commissioners, and the SRM of March 19, 1999.

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Annette Vietti-Cook  
Secretary of the Commission

Attachments: 1. Voting Summary  
2. Commissioner Vote Sheets  
3. Final SRM

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

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VOTING SUMMARY - SECY-99-022

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON		X			X	3/1/99
COMR. DICUS		X			X	2/19/99
COMR. DIAZ		X			X	3/5/99
COMR. McGAFFIGAN		X			X	3/3/99
COMR. MERRIFIELD		X			X	2/10/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners disapproved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on March 19, 1999.

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[Commissioner Comments on SECY-99-022](#)

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**Chairman Jackson's comments on SECY-99-022**

I join Commissioners Merrifield and Dicus in disapproving the subject paper based on the staff's failure to provide the schedule and plan of action requested by the Commission. As Commissioner Merrifield correctly points out, the agency has a planning, budgeting, and performance measuring process specifically designed for this type of activity, and the process should be exercised in this case.

I would also note that the bases the staff provides for not proceeding more expeditiously with the recommended changes to reporting requirements do not appear to relate to the areas in which the changes would occur; that is, it is not clear why staff efforts on 10 CFR 50.59 changes, risk-informing 10 CFR Part 50, and even the changes to reporting requirements in 10 CFR 50.72 and 50.73 would bear on the ability of the staff to act on changes to reporting requirements in 10 CFR Parts 20 (radiological exposure), 26 (fitness for duty), 72 (independent storage) and 73 (physical security). Presumably, the staff members with cognizance over the areas associated with the recommended changes to reporting requirements (e.g. radiological issues) are not the same as those with cognizance in the areas of activity cited by the staff (e.g. changes to 10 CFR 50.59). In making this comment, I do not mean to suggest that the staff should immediately embark on the recommended changes described in the paper. Rather, the staff should determine, on a case-by-case basis, what priority should be assigned to each action, what limitations (resource or otherwise) may impact progress on each action, and plan work on each action based on its own merits and limitations.

#### **Commissioner Diaz' Comments on SECY-99-022**

I disapprove staff's recommendation to defer further consideration of the industry suggested reporting requirement rule changes. The staff should submit a schedule and plan of action for the suggested rule changes as part of the planned paper on the proposed rulemaking for 10 CFR 50.72 and 50.73, or as a separate paper no later than the end of April, 1999.

In this plan, the staff should give priorities to those reporting requirement changes that are simple and common sense which will endure as 10 CFR 50 rules become risk-informed.

#### **Commissioner McGaffigan's Comments on SECY-99-022**

I concur in the comments of Commissioner Merrifield, Commissioner Dicus, and Chairman Jackson.

#### **Commissioner Merrifield's Comments on SECY-99-022**

I cannot approve the staff's recommendation to defer further consideration of the suggested rule changes until the end of calendar year 1999.

In its SRM of May 14, 1998, the Commission directed the staff to provide a schedule and plan of action for addressing reporting requirements that can be risk-informed and/or simplified. While the staff has successfully worked with stakeholders to identify such reporting requirements, it has not provided the Commission with either a schedule or a plan of action. I recognize that the identified reporting requirements are of lesser significance than many matters currently being handled by the staff. I agree with the staff that given the agency's resource constraints, initiating rulemaking in 1999 to address these reporting requirements would not be the best use of staff time. However, that should not preclude the staff from providing the Commission with a plan of action. The Planning, Budgeting, and Performance Management (PBPM) process provides an outstanding framework by which to plan the agency's future workload. If the staff does not believe it is prudent to initiate the subject rulemaking in 1999, I can accept that position. However, when the time comes to initiate this rulemaking, I expect a plan to already be in place, and the resources to already be allocated, so there are no unnecessary delays. Thus, I still expect the staff to provide the Commission with a plan of action, regardless of whether the actual rulemaking is to be initiated in the near future or at a later date.

I also encourage the staff to use the PBPM process it has worked so hard to develop as a tool for more effectively planning its work, allocating its resources, and assessing its performance.