



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 19, 2007

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-06-0228

TITLE: DENIAL OF A PETITION FOR RULEMAKING TO CODIFY
FEDERAL EMERGENCY MANAGEMENT AGENCY GM
EV-2, "PROTECTIVE ACTIONS FOR SCHOOL CHILDREN,"
INTO THE EMERGENCY PLANNING REGULATIONS IN 10
CFR PART 50 (PRM-50-81)

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 19, 2007.

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 cursive script, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

SECY NOTE: This SRM, SECY-06-0228, and the related Commission Voting Record will be released to the public 5 working days after dispatch of the letter to the petitioner.

VOTING SUMMARY - SECY-06-0228

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	12/20/06
COMR. McGAFFIGAN	X				X	12/1/06
COMR. MERRIFIELD	X				X	11/29/06
COMR. JACZKO	X				X	1/12/07
COMR. LYONS	X				X	12/26/06

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved 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 January 19, 2007.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN KLEIN

SUBJECT: SECY-06-0228 - DENIAL OF A PETITION FOR
RULEMAKING TO CODIFY FEDERAL EMERGENCY
MANAGEMENT AGENCY GM EV-2, "PROTECTIVE
ACTIONS FOR SCHOOL CHILDREN," INTO THE
EMERGENCY PLANNING REGULATIONS IN 10 CFR
PART 50 (PRM-50-81)

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached XX None _____



SIGNATURE

Dec 20, 2006

DATE

Entered on "STARS" Yes No _____

Chairman Klein's Comments on SECY-06-0228

I am confident that the Commission as a whole recognizes the importance of State and local emergency planning for evacuation of school children in the unlikely event of a radiological emergency. As explained in the proposed response to the petition for rulemaking, PRM-50-81, this has been the subject of much recent Commission attention and action.

The petitioner requests that the NRC amend its emergency planning regulations to incorporate GM-EV2, a guidance document developed by FEMA and utilized by the Department of Homeland Security (DHS) which has the primary responsibility for developing the acceptance criteria for, and performance of, assessments of offsite emergency preparedness. Among other things, the petition raises concerns about evacuation capabilities for schoolchildren in the Commonwealth of Pennsylvania.

I approve the staff's request to deny the petition for rulemaking. In its analysis of this petition, the NRC staff did not find significant new information or arguments not previously considered by the Commission. Thus, I join Commissioners McGaffigan and Merrifield in concluding that it is not necessary to revisit this issue at this time. It is noteworthy that, as directed by the Commission in 2005, the staff has gathered information, through interchanges with the DHS and the Commonwealth of Pennsylvania, and reviewed questions relating to local implementation of relevant requirements and guidance. In particular, the staff has observed that the Commonwealth of Pennsylvania has undertaken significant recent efforts to ensure that day care facilities have arrangements to implement adequate protective measures, providing additional assurance on this matter. Further, I note that initiatives to enhance the NRC's emergency planning program are ongoing.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MCGAFFIGAN

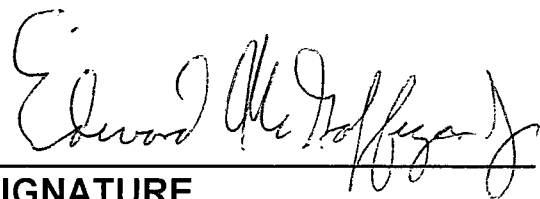
SUBJECT: SECY-06-0228 - DENIAL OF A PETITION FOR RULEMAKING TO CODIFY FEDERAL EMERGENCY MANAGEMENT AGENCY GM EV-2, "PROTECTIVE ACTIONS FOR SCHOOL CHILDREN," INTO THE EMERGENCY PLANNING REGULATIONS IN 10 CFR PART 50 (PRM-50-81)

Approved Disapproved _____ Abstain _____

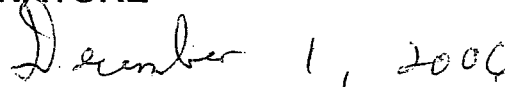
Not Participating _____

COMMENTS: Below Attached _____ None _____

I approve the staff's request to deny the petition for rulemaking, PRM-50-81. I agree with Commissioner Merrifield that in the absence of any significant new information, there is no reason for the Commission to revisit the issue at this time.



SIGNATURE



DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: SECY-06-0228 - DENIAL OF A PETITION FOR
RULEMAKING TO CODIFY FEDERAL EMERGENCY
MANAGEMENT AGENCY GM EV-2, "PROTECTIVE
ACTIONS FOR SCHOOL CHILDREN," INTO THE
EMERGENCY PLANNING REGULATIONS IN 10 CFR
PART 50 (PRM-50-81)

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

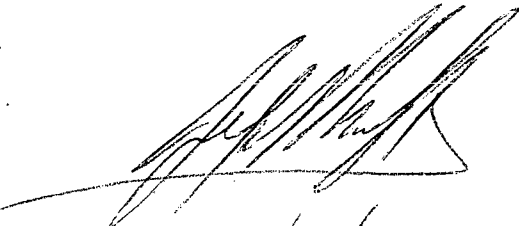


DATE

Entered on "STARS" Yes No

Commissioner Merrifield's Comments on SECY-06-0228

I approve the staff's request to deny the petition for rulemaking, PRM-50-81. I agree with the staff that the petition does not provide any new information that was not previously considered in denying an earlier petition, PRM-50-79, also requesting an amendment to our emergency planning regulations. I see no reason for the Commission to revisit this issue at this time.



11/29/06

NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

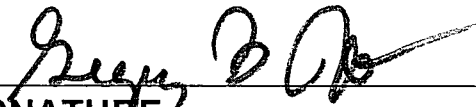
FROM: COMMISSIONER JACZKO

SUBJECT: SECY-06-0228 - DENIAL OF A PETITION FOR
RULEMAKING TO CODIFY FEDERAL EMERGENCY
MANAGEMENT AGENCY GM EV-2, "PROTECTIVE
ACTIONS FOR SCHOOL CHILDREN," INTO THE
EMERGENCY PLANNING REGULATIONS IN 10 CFR
PART 50 (PRM-50-81)

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____



SIGNATURE

1/12/07


DATE

Entered on "STARS" Yes No _____

Commissioner Jaczko's Comments on SECY-06-0228
Denial of a Petition for Rulemaking to Codify Federal Emergency Management Agency
GM- EV-2, "Protective Actions for School Children," into the Emergency Planning
Regulations in 10 CFR Part 50 (PRM-50-81)

While I fully agree with the petitioners that the agency should proceed with a rulemaking to clarify and strengthen emergency preparedness (EP) regulations, I approve of the staff's recommendation to deny this specific petition for rulemaking.

I believe the most comprehensive and efficient vehicle for accomplishing that goal is to proceed with the development of performance-based EP regulations and am pleased the Commission has now approved the initial effort to develop such a regime in its decision on SECY-06-0200, the "Top to Bottom Review of Emergency Preparedness." I look forward to hearing the views of stakeholders, such the petitioners in this matter, on how the concerns they have raised can be resolved through that larger effort.



Gregory B. Jaczko

1/12/07

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER LYONS


SUBJECT: SECY-06-0228 - DENIAL OF A PETITION FOR RULEMAKING TO CODIFY FEDERAL EMERGENCY MANAGEMENT AGENCY GM EV-2, "PROTECTIVE ACTIONS FOR SCHOOL CHILDREN," INTO THE EMERGENCY PLANNING REGULATIONS IN 10 CFR PART 50 (PRM-50-81)

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below Attached _____ None _____

I endorse comments of chairman



SIGNATURE

12/26/06

DATE

Entered on "STARS" Yes No _____