



SECRETARY

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

May 24, 2012

COMMISSION VOTING RECORD

DECISION ITEM: SECY-12-0046

TITLE: OPTIONS FOR REVISING THE REGULATORY APPROACH
TO GROUND WATER PROTECTION

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of May 24, 2012.

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 L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
EDO
PDR

VOTING SUMMARY - SECY-12-0046

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACZKO	X				X	4/27/12
COMR. SVINICKI	X				X	5/14/12
COMR. APOSTOLAKIS	X					5/14/12
COMR. MAGWOOD	X				X	5/10/12
COMR. OSTENDORFF	X				X	4/11/12

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Gregory B. Jaczko
SUBJECT: SECY-12-0046 – OPTIONS FOR REVISING THE
REGULATORY APPROACH
TO GROUND WATER PROTECTION

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE

4/27/12

DATE

Entered on "STARS" Yes x No

**Chairman Jaczko's comments on SECY-12-0046,
"Options for Revising the Regulatory Approach to Ground Water Protection"**

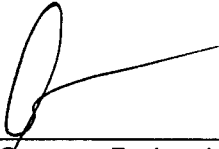
I continue to support my previous votes on SECY-11-0019, "Senior Management Review of Overall Regulatory Approach to Groundwater Protection," and SECY-11-0076, "Improving the Public Radiation Safety Cornerstone of the Reactor Oversight Process." It's simply not acceptable for licensees to have accidental releases of radiation – even onsite, and then in a less than objective and transparent way, voluntarily explain the consequences of these leaks. Communicating the significance of these events to the public using objective, risk informed, performance based regulatory criteria, including the use of enhanced performance indicators, would go a long way towards providing the public with accurate and easily understandable information.

In that light, I support key portions of Option 2 that could be implemented today with minimal impact as the most reasonable and reliable means to ensure that leaks to the groundwater and the environment do not someday result in more significant offsite consequences. Specifically, I support adopting regulations incorporating elements of the Nuclear Energy Institute's "Industry Ground Water Protection Initiative," and the Nuclear Energy Institute's "Industry Initiative on Underground Pipes and Tanks Integrity," thereby removing the voluntary nature of this guidance.

I also support adopting a regulation to change reporting requirements requiring licensees to promptly report ground water monitoring data for leaks and spills, which the licensee would make publicly available on a web site. The agency should require licensees to report more frequently than annually as currently required for effluent and environmental monitoring information including data on ground water monitoring results, and radioactive effluent summary reports.

Regarding environmental monitoring, I think the industry could do much more to enhance public confidence and trust by providing publicly available real time information concerning effluent releases and offsite radiation levels. As evidenced by the annual effluent reports, the nuclear industry has a good record of maintaining their releases as low as reasonable achievable. Furthermore, many of these instrumented parameters are already remotely monitored. Modern day electronic sensors are inexpensive and capable of providing real time information via the internet, or short message service (SMS) such as text messages.

The staff provided information that approximately 40 percent of the licensees had not fully implemented the industry's voluntary program elements. Even with approximately eight percent of the program elements being incomplete, until the staff completes its inspection of those licensees with incomplete program elements we do not know the significance of this information. This illustrates the inherent weakness of allowing voluntary initiatives. As I have previously stated, voluntary initiatives are no substitute for the regulator consistently and appropriately enforcing its regulatory requirements to monitor, control, and limit releases of radioactive materials from nuclear power plants.



Gregory B. Jaczko

4/27/12

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-12-0046 – OPTIONS FOR REVISING THE
REGULATORY APPROACH TO GROUND WATER
PROTECTION

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached _____ None _____

I approve the staff's recommended Option 1. I agree with the staff's conclusion that the existing regulatory framework, including the recently imposed additional requirements contained in the decommissioning planning rule, provides adequate protection of public health and safety while balancing agency resources against the relatively minor risk significance of reported groundwater events.


SIGNATURE

05/14/12
DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Apostolakis
SUBJECT: SECY-12-0046 – OPTIONS FOR REVISING THE
REGULATORY APPROACH TO GROUND WATER
PROTECTION

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached None X



SIGNATURE

5/14/02

DATE

Entered on "STARS" Yes ✓ No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-12-0046 – OPTIONS FOR REVISING THE
REGULATORY APPROACH TO GROUND WATER
PROTECTION

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



SIGNATURE

10 May 2012

DATE


Entered on "STARS" Yes X No _____

**Commissioner Magwood's Comments on SECY-12-0046,
"Options for Revising the Regulatory Approach to Groundwater Protection"**

After discussing this paper in detail with both technical and legal staffs, I find that the regulatory options available to NRC in this matter are very limited and that the recommendations made by staff are appropriate. I therefore approve staff's recommendation to rely on the strengthened regulatory requirements resulting from the recent decommissioning planning rulemaking which compel licensees to minimize the introduction of residual radioactivity on their sites and on the outcome of previous Commission direction for staff to develop a technical basis for remediation.

However, I think it unlikely that this will be the end to the groundwater protection story. As the staff paper points out, our sister agency, the EPA, is considering a revision to 40 CFR Part 190. I will watch this development with great interest. I also think it would serve us well to explore further the option of a prompt remediation rulemaking. In that respect, I recommend that staff provide the Commission with a voting paper that includes the pros and cons of moving forward with the proposed rule including the staff's initial analysis of whether the cost/benefit analysis satisfies the backfit requirements.

While these regulatory approaches are considered, I note that that staff has assessed that industry's voluntary groundwater protection initiatives are proceeding well and effectively and have providing greater assurance that groundwater resources are protected. I appreciate the commitment licensees have demonstrated in implementing the industry programs and look forward to continuing improvement along these lines.



William D. Magwood, IV 5/10/12
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-12-0046 – OPTIONS FOR REVISING THE
REGULATORY APPROACH TO GROUND WATER
PROTECTION

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below X Attached None

I approve Option 1, to continue the current regulatory approach to groundwater protection. I believe that the staff's current regulatory framework for groundwater protection is adequate. I appreciate the staff's efforts to develop a technical basis for a rulemaking that would require remediation during operations. However, I reserve judgment on the need for additional requirements in this area pending a full evaluation by the staff and our stakeholders during the rulemaking process.



SIGNATURE

4/11/12

DATE

Entered on "STARS" Yes X No