



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

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-13-0079

TITLE: REQUEST TO CHANGE APPROVAL AUTHORITY FOR EMERGENCY
PLAN CHANGES

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 30, 2013.

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 that reads "Kenneth R. Hart".

Kenneth R. Hart
Acting Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

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

VOTING SUMMARY - SECY-13-0079

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MACFARLANE			X		X	8/26/13
COMR. SVINICKI			X		X	8/26/13
COMR. APOSTOLAKIS			X		X	8/12/13
COMR. MAGWOOD	X		X		X	8/2/13
COMR. OSTENDORFF			X		X	8/9/13

NOTATION VOTE

RESPONSE SHEET

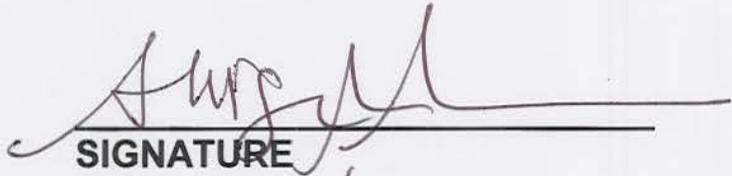
TO: Annette Vietti-Cook, Secretary
FROM: Chairman Allison M. Macfarlane
SUBJECT: SECY-13-0079 – REQUEST TO CHANGE APPROVAL
AUTHORITY FOR EMERGENCY PLAN CHANGES

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below X Attached ___ None ___

Emergency preparedness continues to be a high-profile subject matter within the NRC and perhaps more profoundly, in the minds of interested external parties. For that reason, while noting my appreciation for the staff's continued attempts to increase efficiencies in agency processes, I disapprove the staff's recommendation in SECY-13-0079 to delegate to Branch Chiefs in the Office of Nuclear Reactor Regulation the approval authority for emergency plan changes that result in a decrease in effectiveness.



SIGNATURE

8/26/13

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

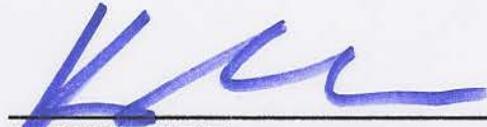
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-13-0079 – REQUEST TO CHANGE APPROVAL
AUTHORITY FOR EMERGENCY PLAN CHANGES

Approved _____ Disapproved XX Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached XX None ___



SIGNATURE

08/26/13

DATE

Entered on "STARS" Yes No _____

**Commissioner Svinicki's Comments on SECY-13-0079
Request to Change Approval Authority for Emergency Plan Changes**

I find no basis at this time to disturb the settled policy judgment of the Commission that it is appropriate to delegate to the Director of the Office of Nuclear Reactor Regulation (NRR) the authority to approve emergency plan changes, including those resulting in a decrease in effectiveness, provided that this authority be delegated not lower than the Director (or Deputy Director when acting for the Office Director) of NRR, in consultation with the Office of Nuclear Security and Incident Response. [See SRM-SECY-08-0024] In voting to establish this condition in 2008, I agreed with the Commission majority that this policy would align the NRR Director's authority to approve these changes with the authority already in place to approve other significant licensing and regulatory actions. The staff does not identify any unmanageable administrative burdens associated with this delegation; consequently, I disapprove the staff's request to delegate this authority to NRR Branch Chiefs.

In his vote on this matter, Commissioner Magwood observes that regulatory and program decisions that are already appropriately delegated to various levels of the staff are not consistently communicated to the Commission. In a noteworthy parallel, in his vote on SECY-08-0024 (the paper which established this delegation), [then] Commissioner Jaczko stated that he remained "unconvinced" regarding some of the staff's arguments that it was "too time consuming and burdensome" to fulfill the staff's concurrence process and to provide information to the Commission in a timely manner. He urged the staff to increase the efficiency of its processes and to do so expeditiously "so that the Commission can continue to play its statutory role as the head of agency." In a similar vein, in comments on a recent voting matter, I noted that updates to agency websites are not a substitute for and do not fulfill the staff's obligation, under law, to keep the Commission fully and currently informed. In light of this, I support Commissioner Magwood's proposal that representatives of the Office of Executive Director should meet with Commissioners Assistants and the Secretary of the Commission to review the protocols, standards, and methods for providing such information to the Commission to assure that expectations are in alignment.



Kristine L. Svinicki

08 26 13

NOTATION VOTE

RESPONSE SHEET

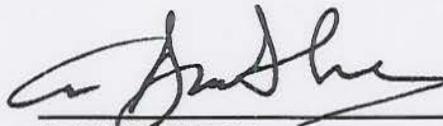
TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Apostolakis
SUBJECT: SECY-13-0079 – REQUEST TO CHANGE APPROVAL
AUTHORITY FOR EMERGENCY PLAN CHANGES

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below X Attached _____ None _____

Because of the high interest in emergency preparedness issues, I disapprove the staff's recommendation that the Commission further delegate to the staff the ability to approve emergency plan changes that represent a decrease in effectiveness.



SIGNATURE

8/12/13

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-13-0079 – REQUEST TO CHANGE APPROVAL
AUTHORITY FOR EMERGENCY PLAN CHANGES

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

2 August 2013

DATE

Entered on "STARS" Yes No

**Commissioner Magwood's Comments on SECY-13-0079,
"Request to Change Approval Authority for Emergency Plan Changes"**

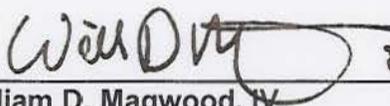
I appreciate and encourage staff's ongoing effort to seek out efficiencies and improvements in the agency's processes and regulatory activities. In the subject SECY, staff makes a fair point that the staff process used to approve emergency plan license amendment changes does not significantly differ from the processes and controls the NRC employs for approval of many licensing actions.

However, in contrast to the majority of our regulatory activities, emergency preparedness programs are highly interactive with state and local governments and are of significantly higher interest to the general public. As a result, changes in emergency preparedness programs require considerable sensitivity to the interests of many involved stakeholders and warrants careful treatment. In some cases, it would be appropriate to consult with or alert the Chairman or the Commission as a whole regarding planned changes. For this reason, I disapprove the staff's proposal to change the approval authority for emergency plan changes.

The approval or denial authority should remain with the Director (or designated Acting Director) of NRR and should not be further delegated. Maintaining this level of approval aligns emergency plan change approval authority with other licensing and regulatory actions that enjoy broad public attention (e.g., license renewals, power uprates, exemptions from regulations, and license transfers). Maintaining approval authority at this level helps assure that the agency conducts the appropriate coordination with key stakeholders and that potential policy issues are identified and communicated to the Commission.

As a general matter, I note that regulatory and program decisions that are already appropriately delegated to various levels of the staff are not consistently communicated to the Commission. It is not uncommon for commission offices to learn of significant staff decisions through the media. This is, obviously, not ideal. I suggest that staff hold a meeting with commission assistants and the Secretary of the Commission to review the protocols, standards, and methods for providing such information to the Commission in order to assure that all expectations are in alignment.

Finally, I fully support staff's recommendation that the Commission should continue to maintain approval authority for any license amendments regarding the relocation of emergency operations facilities to locations more than 25 miles from associated nuclear power plant sites.



William D. Magwood, IV 8/2/13
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-13-0079 – REQUEST TO CHANGE APPROVAL
AUTHORITY FOR EMERGENCY PLAN CHANGES

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below X Attached ___ None ___

I join Commissioner Magwood in encouraging the staff's ongoing effort to seek out efficiencies and improvements in the agency's processes and regulatory activities. I recognize that the processes and controls the NRC staff currently employs for approval of emergency plan changes submitted in accordance 10 CFR 50.54(q)(4) are more onerous than the approval of other licensing actions such as security plan changes and technical specification changes. I also understand that an argument can be made that emergency plan changes should be approved at a similar organizational level as these other activities. That said, emergency preparedness is a unique subject area with significant stakeholder interest. In light of the continued heightened visibility of emergency preparedness issues, I disapprove the staff's proposal to delegate the signature authority from the Director of NRR to the Branch Chief level for approval or denial of emergency plan changes requiring NRC approval in accordance with 10 CFR 50.54(q)(4).



SIGNATURE

8/9/13

DATE

Entered on "STARS" Yes X No ___