



SECRETARY

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

August 19, 2016

COMMISSION VOTING RECORD

DECISION ITEM: SECY-16-0093

TITLE: RULEMAKING PLAN FOR REVISIONS TO TRANSPORTATION
SAFETY REQUIREMENTS AND HARMONIZATION WITH
INTERNATIONAL ATOMIC ENERGY AGENCY
TRANSPORTATION REQUIREMENTS

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 19, 2016.

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, reading "Andrew L. Bates", written over a horizontal line.

Andrew L. Bates
Acting Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Burns
Commissioner Svinicki
Commissioner Baran
OGC
EDO
PDR

VOTING SUMMARY – SECY-16-0093

RECORDED VOTES

	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>ABSTAIN</u>	<u>NOT PARTICIPATING</u>	<u>COMMENTS</u>	<u>DATE</u>
Chrm. Burns	X				X	08/08/16
Cmr. Svinicki	X				X	08/11/16
Cmr. Baran	X				X	08/11/16

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Chairman Burns

SUBJECT: SECY-16-0093: RULEMAKING PLAN FOR REVISIONS TO TRANSPORTATION SAFETY REQUIREMENTS AND HARMONIZATION WITH INTERNATIONAL ATOMIC ENERGY AGENCY TRANSPORTATION REQUIREMENTS

Approved X Disapproved Abstain Not Participating

Comments: Below X Attached None

I approve initiation of a rulemaking related to the harmonization of Title 10 of the *Code of Federal Regulations* Part 71 with the International Atomic Energy Agency and the U.S. Department of Transportation regulations. I also approve staff's recommendation that an Advisory Committee on Reactor Safeguards (ACRS) review is not warranted at this time. I support staff's position to engage ACRS, if necessary, after further review of the extent of this rulemaking.

Entered in STARS
Yes
No



SIGNATURE

8 August 2016

DATE

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER SVINICKI

SUBJECT: SECY-16-0093: RULEMAKING PLAN FOR REVISIONS TO TRANSPORTATION SAFETY REQUIREMENTS AND HARMONIZATION WITH INTERNATIONAL ATOMIC ENERGY AGENCY TRANSPORTATION REQUIREMENTS

Approved XX Disapproved Abstain Not Participating

Comments: Below XX Attached None

I approve the staff's request to initiate a rulemaking for the limited purposes of harmonizing NRC's 10 CFR Part 71 regulations with the revised standards of the International Atomic Energy Agency and U.S. Department of Transportation regulations, subject to the following. First, the priority of this rulemaking should be set to "medium." The handful of rulemaking plans submitted subsequent to the Commission's direction in SRM-SECY-15-0129 may indicate a systemic flaw in the Common Prioritization of Rulemaking methodology in that the method is routinely returning a proposed priority of "high." Not every activity that "contributes toward the NRC's safety goal, safety strategies, and . . . regulatory effectiveness and openness" can be "high" priority. As part of the agency's rebaselining activity, the staff recently proposed and the Commission approved the cancellation of certain rulemaking activities to harmonize regulations with current versions of various international and national standards. In light of this, I cannot agree that this harmonization rulemaking should take funding priority over all ongoing medium priority rulemaking work, nor do I agree that it is co-equal to high priority rulemaking work, such as the decommissioning rulemaking. Second, the scope of this rulemaking, beyond the external harmonization, should be limited to administrative or editorial changes. The staff's proposed addition of other staff-initiated changes "to clarify rule text" is too open ended and renders the Commission's approval of this rulemaking plan no more than ritualistic hand-waving. If the staff seeks to re-open broader provisions of the rule, beyond the harmonization, it should submit such a proposal, with specificity and justification, for the Commission's consideration at that time. Finally, there is not enough clarity either to approve or disapprove waiving ACRS review at this time. The staff should engage in discussions with the ACRS after further development of the proposed rule to determine whether ACRS review is necessary or appropriate.



SIGNATURE

08/11/16

DATE

Entered on "STARS" Yes No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Baran

SUBJECT: SECY-16-0093: RULEMAKING PLAN FOR REVISIONS TO TRANSPORTATION SAFETY REQUIREMENTS AND HARMONIZATION WITH INTERNATIONAL ATOMIC ENERGY AGENCY TRANSPORTATION REQUIREMENTS

Approved Disapproved Abstain Not Participating

Comments: Below Attached None

I approve initiation of a rulemaking to harmonize NRC's 10 CFR Part 71 regulations for packaging and transportation of radioactive materials with the International Atomic Energy Agency (IAEA) and U.S. Department of Transportation (DOT) regulations. The rulemaking would update NRC's requirements to be consistent with the latest revision of IAEA's "Specific Safety Requirements Number SSR-6" and was explicitly contemplated in NRC's prior harmonization rule issued in June 2015. As the staff explains, "SSR-6 represents an international consensus set of requirements that provides a high level of safety in the packaging and transportation of radioactive materials and provides a basis and framework that facilitates the development of internationally consistent regulations." Moreover, DOT plans to proceed with its own harmonization rulemaking, and it is important to ensure that the NRC and DOT regulations remain compatible.

Entered in STARS

Yes

No



SIGNATURE

8/10/16

DATE