



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

September 14, 2005

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-05-0130

TITLE: POLICY ISSUES RELATED TO NEW PLANT LICENSING
AND STATUS OF THE TECHNOLOGY-NEUTRAL
FRAMEWORK FOR NEW PLANT LICENSING

The Commission (with all Commissioners agreeing) disapproved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of September 14, 2005.

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 Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-05-0130

RECORDED VOTES

| | APRVD | DISAPRVD | ABSTAIN | NOT PARTICIP | COMMENTS | DATE |
|------------------|-------|----------|---------|-----------------|----------|---------|
| CHRM. DIAZ | | X | | | X | 8/26/05 |
| COMR. MERRIFIELD | | X | | | X | 9/7/05 |
| COMR. JACZKO | | X | | | X | 9/2/05 |
| COMR. LYONS | | X | | | X | 9/2/05 |

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 September 14, 2005.


NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN DIAZ
SUBJECT: **SECY-05-0130 - POLICY ISSUES RELATED TO NEW PLANT LICENSING AND STATUS OF THE TECHNOLOGY-NEUTRAL FRAMEWORK FOR NEW PLANT LICENSING**

Approved _____ Disapproved ^{w/comments} xx MD Abstain _____
Not Participating _____

COMMENTS:

See attached comments.


SIGNATURE
Aug 26, 05
DATE

Entered on "STARS" Yes No

Chairman Diaz' Comments on SECY-05-0130

I disapprove the staff recommendations in SECY-05-0130. Several issues need to be fully considered to achieve the desired result. Furthermore, the important policy issue recommendations contained in SECY-05-0130 have not had the benefit of Advisory Committee on Reactor Safeguards (ACRS) review and comments.

The staff should proceed to take the following actions:

- The staff recommendations on the two policy issues (level of safety and integrated risk) should be presented to the ACRS for review. The staff should then consider ACRS comments in developing a subsequent notation vote paper addressing these policy issues.
- The framework described in this paper involves criteria for technical requirements and should be subjected to the rulemaking process. The staff should develop expeditiously an Advanced Notice of Proposed Rulemaking (ANPR) to consider the spectrum of issues relating to risk-informing the reactor requirements. The formal program to risk-inform Part 50, as well as other related risk-informed efforts, should be incorporated into this ANPR. Safety, security and preparedness should be integrated throughout this effort.

A handwritten signature in black ink, appearing to be 'LD', is written below the second bullet point.

NOTATION VOTE

RESPONSE SHEET

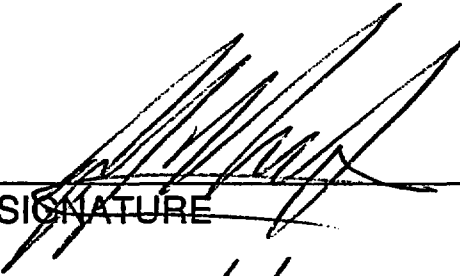
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-05-0130 - POLICY ISSUES RELATED TO NEW PLANT LICENSING AND STATUS OF THE TECHNOLOGY-NEUTRAL FRAMEWORK FOR NEW PLANT LICENSING**

Approved _____ Disapproved Abstain _____

Not Participating _____

COMMENTS:

See attached comments.



SIGNATURE

DATE 9/7/05

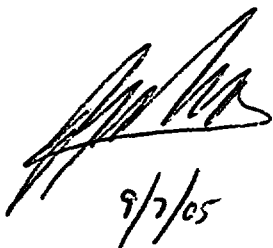
Entered on "STARS" Yes No _____

Commissioner Merrifield's Comments on SECY-05-0130

At this time, I disapprove the staff recommendations on specifying the minimum level of safety for new reactor designs, and the proposal on the integrated risk from modular or multiple reactors at a site. I agree that these difficult policy issues must be resolved to support the technology-neutral framework for new reactor licensing, and I commend the staff for holding a public workshop to engage stakeholders on these issues early in the process, but I believe it is premature to ask the Commission to decide on these important policy issues before the Advisory Committee on Reactor Safeguards provides comments to the Commission.

In addition, the issue of a risk-informed technology-neutral framework for new reactor licensing should no longer be considered a stand-alone effort. The Commission has already directed the staff to develop an integrated plan to risk-inform Part 50, and I agree with Chairman Diaz that it is time to develop an Advanced Notice of Proposed Rulemaking (ANPR) to consider the wide spectrum of issues related to risk-informing the regulations for both existing plants and new reactors. Risk-informing the regulations in Part 50 has the potential to focus licensee and NRC resources on the most safety significant issues facing the current fleet of operating reactors. Likewise, the evolutionary advanced light water reactor designs may derive some benefit in licensing space from risk-informing the regulations, although I believe it may be too late for rulemaking to affect any near-term design certification or combined license applications that may be received in the next few years. The Generation IV non-light water reactor designs, which are still several years away, will be the primary beneficiaries of the technology-neutral framework.

That said, while I support moving forward with an ANPR to lay the issues on the table for the current fleet of reactors, the next generation advanced light water designs, and the non-light water designs of the future, I have reservations about committing too many resources to support the technology neutral framework and non-light water designs, at the expense of currently operating reactors and the advanced light water designs. I believe an ANPR is the best vehicle to provide stakeholders the opportunity to comment on the full spectrum of issues associated with risk-informing the regulations, and resolution of the public comments will aid the staff in developing a cogent plan to risk-inform the regulations for both the power reactors operating today, as well as those that may be built tomorrow.



9/2/05

NOTATION VOTE

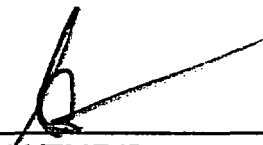
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: **SECY-05-0130 - POLICY ISSUES RELATED TO NEW
PLANT LICENSING AND STATUS OF THE
TECHNOLOGY-NEUTRAL FRAMEWORK FOR NEW
PLANT LICENSING**

Approved _____ Disapproved x Abstain _____

Not Participating _____

COMMENTS: See attached comments.



SIGNATURE


9/2/05

DATE

Entered on "STARS" Yes X No _____

**Commissioner Jaczko's Comments on SECY-05-0130
Policy Issues Related to New Plant Licensing and Status of the Technology-
Neutral Framework for New Plant Licensing**

I disapprove the staff paper on Policy Issues Related to New Plant Licensing. I appreciate the staff efforts to seek and incorporate stakeholder views on this important subject; however, I believe the Commission would make a more informed decision on this issue after additional development of the framework by the staff and additional stakeholder input, especially from the Advisory Committee on Reactor Safeguards. The crucial policy elements identified by the staff such as containment requirements, enhanced safety standards, emergency preparedness requirements and co-located reactor risk should be considered by the Commission in a single paper, allowing the Commission to fully understand how each of these elements – together or separate – affects the entire framework.



Gregory B. Jaczko

9/2/05

Date

Commissioner Lyons' Comments on SECY-05-0130

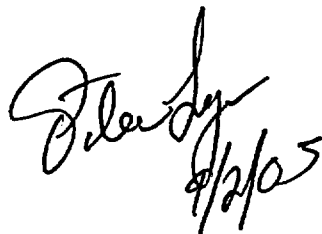
I join the Chairman in valuing the input of the Advisory Committee on Reactor Safeguards (ACRS) prior to deciding such fundamentally important policy issues. Therefore, I disapprove the staff recommendations in SECY-05-0130.

I am not convinced that the staff's recommended approach in Option 2 of Issue 1 will adequately promote the desired regulatory stability, and I would particularly value any ACRS views on the expected degree of difficulty to develop technology-neutral risk objectives/measures at a level of definition more closely linked to measurable plant performance than the QHOs, but that can also be analytically derived from the QHOs (the staff notes in its discussion of Option 3 that it is not apparent that such measures can be developed at all). Further, adoption of existing QHOs does not represent the enhanced safety the Commission expects as stated in 59 FR 35461. In addition, I am concerned whether calculation of minimum level of safety/risk needed to meet the QHOs can be accomplished with sufficient certainty to enable public confidence in the calculated values. If new target QHOs are established well below the existing QHOs, as in Option 4, perhaps calculational uncertainties would become acceptable.

Finally, both policy issues identified in this paper are smaller pieces of a much larger possible technology-neutral licensing framework for future plants that, in my view, should be developed so as to provide a fixed and stable regulatory framework, but one that can easily accommodate advancing technical knowledge and accumulating operational experience. I envision such a framework to be highly coherent, internally consistent and rational, and clearly understandable and open to the maximum extent possible, in a manner that unifies probabilistic and deterministic methods to maximize the strengths of each.

Therefore, I believe the staff should re-focus their effort on developing the technology-neutral framework as an umbrella initiative that will encompass all other risk-informed improvement initiatives. To this end, I suggest that the staff seek no further risk-informed improvements to the regulations beyond those which have already entered the rulemaking process, and I join the Chairman in requesting the staff to develop an Advanced Notice of Proposed Rulemaking (ANPR) to establish the technology-neutral licensing framework initiative as the over-arching integrator of future risk-informed improvement initiatives. This focused effort will allow the staff to concentrate their efforts to bring a potentially more effective and efficient regulatory structure to realization.

Based on the above, I request that the Commission request that the ACRS provide its views on the expected degree of difficulty to develop technology-neutral risk objectives/measures at a level of definition more closely linked to measurable plant performance than the QHOs, but that can also be analytically derived from the QHOs.



Peter Lyons
8/2/05