



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

September 7, 2010

OFFICE OF THE
SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-10-0078

TITLE: CENTRALIZED EMERGENCY OPERATIONS FACILITIES
AND COMBINED LICENSE APPLICATIONS

The Commission (with Commissioners Svinicki, Apostolakis, Magwood and Ostendorff agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of September 7, 2010. Chairman Jaczko disapproved the paper.

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".

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-10-0078

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. JACZKO		X			X	8/26/10
COMR. SVINICKI	X					6/28/10
COMR. APOSTOLAKIS	X					7/16/10
COMR. MAGWOOD	X					7/12/10
COMR. OSTENDORFF	X					7/22/10

COMMENT RESOLUTION

In their vote sheets, Commissioners Svinicki, Apostolakis, Magwood and Ostendorff approved the staff's recommendation as reflected in the SRM issued on September 7, 2010. Chairman Jaczko disapproved the staff's recommendation and provided some additional comments.

NOTATION VOTE

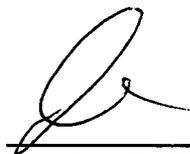
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Gregory B. Jaczko
SUBJECT: SECY-10-0078 – CENTRALIZED EMERGENCY
OPERATIONS FACILITIES AND COMBINED LICENSE
APPLICATIONS

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

8/26/10

DATE

Entered on "STARS" Yes ___ No ___

Chairman Jaczko's Comments on SECY-10-0078
"Centralized Emergency Operations Facilities and Combined License Applications"

I disapprove delaying the Commission's review of exceptions or exemptions to emergency operations facility (EOF) requirements as delineated in the staff paper as it states that this would be done as part of the final Commission review (i.e., COL mandatory hearings). A separate paper as directed in SECY-96-170 should be prepared as early as possible in the combined license (COL) review to avoid the introduction of unwarranted uncertainty in the licensing process. The paper should contain all of the relevant information for the Commission's consideration. Waiting until the final steps of licensing process may lead to assumptions that approval of a centralized EOF is inevitable and could possibly constrain future Commission decisions.

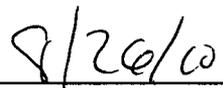
In addition, the paper makes assumptions about the scope and conduct of the "reviews" (i.e., COL mandatory hearings) that is currently being discussed among the Commission. One of the current proposals is for the Commission to determine whether the staff's review has been adequate to make the necessary findings set forth in §52.97 and §51.107 – not to conduct a separate review of the COL request. In SRM SECY-96-170, SRM SECY-87-067, and SRM M830302B direction was provided to the staff that exceptions or exemptions to EOF requirements be submitted to the Commission for review. It is very clear from these documents that the intent of the Commission's review is to review the request – not make a determination whether the staff's review was adequate. Inserting this review activity into the mandatory hearing at this time seems premature and inconsistent with the review approach for new reactors, which has been to identify and resolve regulatory and technical issues early in the review process. Postponing the Commission's review of exceptions or exemptions to EOF requirements to the very end of the new reactor review process would introduce unwarranted uncertainty in the licensing process. In the past, requests for this exception or exemption have been denied and Commissioners have voted to disapprove this exception or exemption.

In addition, I do not agree with what seems to be a major premise of the paper that it is inherently acceptable for licensees of either existing facilities or of new reactors, to establish centralized EOFs. It is true that SECY-96-170 allows for Commission approval of centralized EOFs if certain criteria are met. In looking at two previous requests, Southern Nuclear and Duke Power (SECY 04-0236 and SECY 05-0172), I voted against such centralized EOFs for very specific reasons.

I continue to believe that each request would require a thorough review by the Commission based on the individual merits of the case. The description in the paper provided by the staff of the exemptions under review as part of COL applications seems to imply a de facto approval, if the request is similar to past requests. Also, the actions described in the paper did not appear to fully address past concerns that were well described in former Commissioner McGaffigan's votes concerning centralized EOFs.



Gregory B. Jaczko



Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-10-0078 – CENTRALIZED EMERGENCY
OPERATIONS FACILITIES AND COMBINED LICENSE
APPLICATIONS

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached ___ None XX



SIGNATURE

06/28/10

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Apostolakis
SUBJECT: SECY-10-0078 – CENTRALIZED EMERGENCY
OPERATIONS FACILITIES AND COMBINED LICENSE
APPLICATIONS

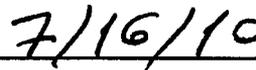
Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached ___ None XX



SIGNATURE



DATE

Entered on "STARS" Yes X No _____

NOTATION VOTE

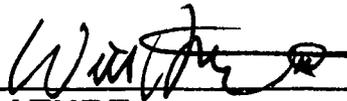
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-10-0078 – CENTRALIZED EMERGENCY
OPERATIONS FACILITIES AND COMBINED LICENSE
APPLICATIONS

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached None X



SIGNATURE

12 July 2010

DATE

Entered on "STARS" Yes X No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-10-0078 – CENTRALIZED EMERGENCY
OPERATIONS FACILITIES AND COMBINED LICENSE
APPLICATIONS

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached ___ None X

W. Ostendorff
SIGNATURE

7/22/10
DATE

Entered on "STARS" Yes X No _____