

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20585-0001

SECRETARY

November 15, 2007

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0155

TITLE: DENIAL OF A PETITION FOR RULEMAKING TO RECONCILE NRC
GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR NUCLEAR
POWER PLANT OPERATING LICENSE RENEWAL APPLICATIONS
WITH THE NATIONAL ACADEMY OF SCIENCES HEALTH RISKS
FROM EXPOSURE TO LOW LEVELS OF IONIZING RADIATION:
BIOLOGICAL EFFECTS OF IONIZING RADIATION VII, SEVENTH ED.,
2005 REPORT (PRM-51-11)

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 15, 2007.

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", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

SECY NOTE: This SRM, SECY-07-0155, and the related Commission Voting Record will be released to the public 5 working days after dispatch of the letter to the petitioner.

VOTING SUMMARY - SECY-07-0155

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X					10/05/07
COMR. JACZKO	X					10/26/07
COMR. LYONS	X					9/28/07

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved 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 November 15, 2007.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

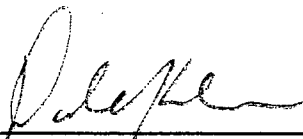
FROM: CHAIRMAN KLEIN

SUBJECT: SECY-07-0155 – DENIAL OF PRM TO RECONCILE
NRC GEIS FOR NUCLEAR POWER PLANT OL
RENEWAL APPLICATIONS WITH THE NAS
HEALTH RISKS FROM EXPOSURE TO LOW
LEVELS OF IONIZING RADIATION: BEIR VII,
SEVENTH ED., 2005 REPORT (PRM-51-11)

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____



SIGNATURE

10/5/07

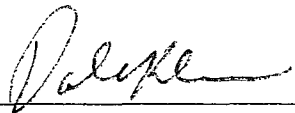
DATE

Entered on "STARS" Yes No _____

Chairman Klein's Comments on SECY-07-0155

I approve the staff's recommendation to deny the petition for rulemaking to reconcile the Nuclear Regulatory Commission's (NRC) Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants, issued in May 1996, with the National Academy of Sciences (NAS) Health Risks from Exposure to Low Levels of Ionizing Radiation: Biological Effects of Ionizing Radiation (BEIR) VII, 7th Ed., 2005 report.

In 2005, the staff reviewed the BEIR VII report and concluded in SECY-05-0202 that the scientific evidence in the report is consistent with the system of radiological protection that NRC uses to develop its regulations; that, there is a linear, no-threshold dose response relationship between exposure to ionizing radiation and the development of cancer in humans. The staff further concluded that when compared to its previous edition of the BEIR report, BEIR VII did not contain new and significant information that warranted amending NRC regulations or the GEIS. I agree with the staff that the current regulations contain adequate radiation safety limits, and thus continue to ensure adequate protection of the public and occupational workers. Therefore, I approve denying the subject petition.


Dale E. Klein 10/5/07
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

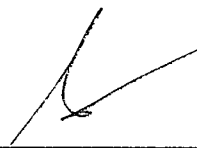
FROM: COMMISSIONER JACZKO

SUBJECT: SECY-07-0155 – DENIAL OF PRM TO RECONCILE
NRC GEIS FOR NUCLEAR POWER PLANT OL
RENEWAL APPLICATIONS WITH THE NAS
HEALTH RISKS FROM EXPOSURE TO LOW
LEVELS OF IONIZING RADIATION: BEIR VII,
SEVENTH ED., 2005 REPORT

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE

12/26/07

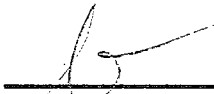
DATE

Entered on "STARS" Yes X No

Commissioner Jaczko's Comments on SECY-07-0155
Denial of a Petition for Rulemaking to Reconcile NRC Generic Environmental
Impact Statement for Nuclear Power Plant Operating License Renewal
Applications with the National Academy of Sciences Health Risks from Exposure
to Low Levels of Ionizing Radiation: Biological Effects of Ionizing Radiation VII,
Seventh Ed., 2005 Report (PRM-51-11)

I approve of the staff's recommendation to deny the petition for rulemaking to reconcile the Nuclear Regulatory Commission's (NRC) Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants, with the Biological Effects of Ionizing Radiation (BEIR) VII report, in part, because the issue is not ready for Commission consideration. I believe there are larger regulatory issues involved in changing the agency's approach to radiological protection which requires a larger evaluation of the standards and the development of a supporting technical basis that involves more than the License Renewal program. Additionally, the International Commission on Radiological Protection (ICRP) has yet to publish its final recommendations, and the final ICRP recommendations should be considered as part of evaluating whether the protection standards or methods should be modified.

The Advisory Committee on Nuclear Waste and Materials has reviewed the ICRP draft recommendations and recommended that the Commission consider adopting technical improvements such as new radiation weighting factors for neutrons and protons once the ICRP recommendations are finalized. I also believe that the staff should more closely evaluate the potential influence of gender on radiation sensitivity once the ICRP publishes its recommendations. Thus, I look forward to the staff's recommendations to the Commission concerning its comprehensive evaluation of the BEIR reports, ICRP recommendations, including other relevant radiation protection studies, whether the agency should make enhancements to its radiation protection standards and methods.



Gregory B. Jaczko 10/26/07
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: SECY-07-0155 – DENIAL OF PRM TO RECONCILE
NRC GEIS FOR NUCLEAR POWER PLANT OL
RENEWAL APPLICATIONS WITH THE NAS
HEALTH RISKS FROM EXPOSURE TO LOW
LEVELS OF IONIZING RADIATION: BEIR VII,
SEVENTH ED., 2005 REPORT

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



Peter B. Lyons

SIGNATURE

09/ 28 /07

DATE

Entered on "STARS" Yes ✓ No


Commissioner Lyons' Comments on SECY-07-0155

I approve the staff recommendation to deny the subject petition for rulemaking subject to the following comments.

The staff had previously reviewed the Biological Effects of Ionizing Radiation (BEIR) VII report and concluded that the findings in the report were consistent with the system of radiological protection that the NRC uses to develop its regulations. The staff concluded that the NRC's existing regulations continue to be protective of public health and safety and the environment and that none of the findings in the report warrant initiating any immediate change to NRC regulations or guidance. The petition provided no information that would challenge this earlier conclusion and therefore the petition should be denied.

However, as noted in the subject SECY paper, the staff is in the process of updating the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS) through a planned rulemaking to include lessons learned from reviewing plant specific environmental impact reports and recent scientific studies, including the BEIR VII report. So, although the petition is denied, the BEIR VII report will be considered during the previously scheduled update of the GEIS. I believe the petitioner and other stakeholders should be apprised of this fact.

On an editorial note, the last sentence of the second full paragraph on page 11 of the *Federal Register* Notice, "The discussion in the GEIS about the 1 rem per year is not to represent that the risk to occupational workers." Is incomplete.


Peter B. Lyons 9/28/07
Date