



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

July 14, 2015

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-15-0074

TITLE: DISCONTINUATION OF RULEMAKING ACTIVITY – TITLE
10 OF THE CODE OF FEDERAL REGULATIONS PART 26,
SUBPART I, QUALITY CONTROL AND QUALITY
VERIFICATION PERSONNEL IN FITNESS FOR DUTY
PROGRAM (RIN 3150-AF12)

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of July 14, 2015.

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 blue ink, reading "Annette L. Vietti-Cook" with a stylized flourish at the end.

Annette L. Vietti-Cook
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
OGC
EDO
PDR

VOTING SUMMARY - SECY-15-0074

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. BURNS	X				X	7/9/15
COMR. SVINICKI	X					7/9/15
COMR. OSTENDORFF	X				X	5/29/15
COMR. BARAN	X				X	7/6/15

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary


FROM: Chairman Burns

SUBJECT: SECY-15-0074: Discontinuation of Rulemaking Activity – Title 10 of the Code of Federal Regulations Part 26, Subpart 1, Quality Control & Quality Verification Personnel in Fitness for Duty Program (RIN 3150-AF12)

Approved X Disapproved Abstain Not Participating

COMMENTS: Below X Attached None

I approve the staff's request to discontinue the rulemaking activity that would require work hour controls for nuclear power plant personnel who perform independent quality control and quality verification (QC/QV) activities. The staff has determined that in recent years the number of such workers has significantly declined, and these functions have increasingly been folded into maintenance organizations, which are subject to the work hour controls of the fitness for duty program. As a result, the proposed rulemaking provisions would not result in a substantial increase in the overall protection of the public health and safety or the common defense and security. Accordingly the staff should publish a notice of withdrawal of the regulatory basis and preliminary proposed rule language in the *Federal Register* to inform the public that the agency is no longer pursuing this rulemaking activities and the three petitions for rulemaking that were also to have been considered will be addressed in a separate action. In addition, I delegate the signature authority to the Executive Director for Operations for the *Federal Register* notice withdrawing the rulemaking.



SIGNATURE

9 July 2015

DATE

Entered in STARS" Yes X No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER SVINICKI

SUBJECT: SECY-15-0074: DISCONTINUATION OF RULEMAKING
ACTIVITY – TITLE 10 OF THE CODE OF FEDERAL
REGULATIONS PART 26, SUBPART 1, QUALITY
CONTROL & QUALITY VERIFICATION PERSONNEL
IN FITNESS FOR DUTY PROGRAM (RIN 3150-AF12)

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached _____ None XX



SIGNATURE

07/ 9 /15

DATE

Entered in STARS"

Yes ✓

No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER OSTENDORFF

SUBJECT: SECY-15-0074: DISCONTINUATION OF RULEMAKING
ACTIVITY – TITLE 10 OF THE CODE OF FEDERAL
REGULATIONS PART 26, SUBPART 1, QUALITY
CONTROL & QUALITY VERIFICATION PERSONNEL
IN FITNESS FOR DUTY PROGRAM (RIN 3150-AF12)

Approved X Disapproved Abstain Not Participating

COMMENTS: Below X Attached None

I approve the staff's request to discontinue the rulemaking to impose fatigue management requirements on quality control and quality verification personnel. As discussed in SECY-15-0074, the staff has determined that the majority of these personnel are already covered under existing fatigue management requirements. I applaud the staff bringing this issue to the Commission's attention to avoid unnecessary resource expenditure. Lastly, I also delegate the signature authority to the Executive Director for Operations for the *Federal Register* notice to withdraw the regulatory basis and preliminary proposed rule language. This action is important to provide clarity to the public and other NRC stakeholders on the status of NRC rulemakings and to ensure that the Unified Agenda includes only active rulemakings.



SIGNATURE

5/29/15

DATE

Entered in STARS" Yes No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Baran

SUBJECT: SECY-15-0074: DISCONTINUATION OF RULEMAKING
ACTIVITY – TITLE 10 OF THE CODE OF FEDERAL
REGULATIONS PART 26, SUBPART 1, QUALITY
CONTROL & QUALITY VERIFICATION PERSONNEL
IN FITNESS FOR DUTY PROGRAM (RIN 3150-AF12)

Approved XX Disapproved _____ Abstain _____ Not Participating _____

COMMENTS: Below XX Attached _____ None _____

Comments:

After reading the SECY paper and receiving an additional briefing from the staff, I am persuaded that the quality control and quality verification (QC/QV) rulemaking is not necessary at this time. The bulk of QC/QV activities are now performed by individuals who also perform maintenance activities and are subject to the work hour controls of the fitness for duty program. Although there are a limited number of QC/QV personnel not currently covered by work hour controls, those personnel are subject to other aspects of the fitness for duty program, such as training, drug and alcohol testing, and behavioral observation. Moreover, the work examined by such QC/QV personnel is performed by maintenance personnel who are themselves subject to the work hour controls. Therefore, I approve the staff's recommendation to discontinue the QC/QV proposed rulemaking. I also approve the Commission delegating signature authority to the Executive Director for Operations for the *Federal Register* notice withdrawing the regulatory basis and preliminary proposed rule language.



SIGNATURE

7/16/15

DATE

Entered in STARS"

Yes ✓

No _____