

June 4, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-083  
TITLE: FISCAL YEAR 1998 NRC ANNUAL REPORT

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of June 4, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of June 4, 1999.

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Annette Vietti-Cook  
Secretary of the Commission

Attachments: 1. Voting Summary  
2. Commissioner Vote Sheets  
3. Final SRM

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

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VOTING SUMMARY - SECY-99-083

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	4/26/99
COMR. DICUS	X				X	4/17/99
COMR. DIAZ	X				X	4/26/99
COMR. McGAFFIGAN	X				X	4/12/99
COMR. MERRIFIELD	X					3/30/99

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 June 4, 1999.

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Commissioner Comments on SECY-99-083

Chairman Jackson

I approve the FY 1998 Annual Report with the attached comments. The NRC Annual Report does not seem to be well focused and does not present who

we are and what we do in a precise way. I believe that it is appropriate to consider the necessity of future versions of the annual report and how well they serve our stakeholders, including the Congress and the public. Therefore, as part of the NRC efforts to be more effective and efficient, the staff should examine whether the NRC should continue to issue periodic reports such as the NRC Annual Report. The NRC Annual Report was issued to satisfy a requirement of the Energy Reorganization Act of 1974 which stipulates that "The Commission shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Commission during the preceding fiscal year." In order to comply with the Government Performance and Results Act (GPRA), we also will be required to prepare and submit an annual report on program performance to the President and Congress no later than March 31, 2000. This program performance report will provide a review of our accomplishments in achieving the performance goals of the previous fiscal year. In addition, the report will evaluate the performance plan for the current fiscal year relative to the performance achieved against the performance goals in the previous fiscal year. These reporting requirements appear to overlap and will result in the NRC producing two reports that contain similar information. Additionally, the GPRA includes a provision which would allow agencies to incorporate all program performance information required to be submitted as part of the financial statement requirements in the annual program performance report. Because these reporting requirements are similar in content and timing, it appears that it may be feasible to merge the Annual Report with the Performance Plan and the Accountability Report.

Further, in completing its evaluation, if the staff determines that elimination of the NRC Annual Report is not achievable, the staff should consider designing the report to be more concise and clearer to the target audience without duplicating information in other documents. As part of this effort, I suggest an examination of a few corporation annual reports to use as a guide for modeling a report that highlights NRC achievements and better serves the public.

#### **CHAIRMAN JACKSON'S COMMENTS ON SECY-99-083, FISCAL YEAR 1998 NRC ANNUAL REPORT**

First page of Highlights - delete the sixth bullet. In the seventh bullet, insert "on light-water reactor safety" following "conducting research."

Page X, Changes in the Commission and Organization - strike "As of September 30, 1998", and replace with "Since July 1, 1995". Strike the parenthetical statements which provide the date each Commissioner's term expires.

Program Highlights, Nuclear Reactor Safety, - suggest including a significant accomplishment such as establishing a streamlined review process for license renewal applications and issue of the final approval of the AP-600 design

XI, Nuclear Waste Safety, - revise the last sentence to read, "license for the North Anna Nuclear Station."

XII, Communicating with Stakeholders, - the text should highlight the plain language initiative and efforts to involve stakeholders by holding meetings to discuss improvements to the regulatory process.

Page 5, Year 2000 Problem in Nuclear Power Plants, - in the last sentence change "FY 1999" to "CY 1999"

Page 10, Issuance of Risk-Informed License Amendments - Most of the examples involved reductions in unnecessary regulatory burden, but none were required in the face of deregulation. Therefore, recommend removal of the last paragraph or revision of the paragraph to discuss that these activities were done to reduce unnecessary regulatory burden.

Page 11, Seismic Design of Piping, second paragraph - Change "basis" to "bases."

Pages 13 - 14, Independent Program Assessment - change "Anderson" to "Andersen." Revise the paragraph to discuss the accomplishments in the past tense.

Page 16, Radiation Exposures and Overexposures - This information is a duplicate of information of page 32 and should be deleted. Second, staff should reconsider the value of including the charts on pages 33 - 36, 45 and 47 which provide annual exposure data. This information can be confusing to the general public. It would be preferable to include a statement that indicates that this information is published annually and publicly available.

Page 23, Table 1.5 Civil Penalty Information - The information does not appear to be correct - NRC imposed one civil penalty? The distinction between "proposed" and "imposed" should be explained.

Page 28, Medical Use of Byproduct Material, last sentence should be revised to reflect the current schedule for publishing the final rule.

Chapter 3, Nuclear Waste Safety - should be expanded to include a discussion of NRC activities related to uranium recovery.

Chapter 6, Support Services, The Chief Financial Officers Act, second paragraph, last sentence change the date to "FY 1998".

Page 74, Government Performance and Results Act. The second paragraph should be updated. Suggest deleting the first five sentences and revising the sixth sentence to read, "The NRC's first strategic plan, which covered FY 1997 through FY 2000 was submitted . . ." At the end of the paragraph insert, "Currently, the NRC is in the process of updating the Strategic Plan to reflect fully the regulatory reform efforts underway."

Page 74, Managing Receivables - Replace the text with the following, "The Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), as amended, requires that in FY 1998, the NRC collect fees (under 10 CFR Part 170) and annual fees (under 10 CFR Part 171) that approximate 100 percent of the agency's budget authority, less the amount appropriated to the NRC from the Nuclear Waste Fund. Public Law 101-508 appropriated \$472.8 million to the NRC for FY 1998. Of the funds appropriated to the NRC, \$15 million was derived from the Nuclear Waste Fund and \$3 million was appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies, both of which are excluded

from licensee fee revenues. In FY 1998, the total amount collected through fees and other charges was \$458.9 million. Of this total, \$454.8 million offsets the appropriation, bringing the net appropriation for FY 1998 to \$18 million. The remaining \$4.1 million will be used to reduce the total fees assessed in FY 1999."

Page 75, Year 2000 at the NRC, Internal Program, following the first paragraph add the following sentence, "As of February 5, 1999, remediation and implementation of all NRC computer information systems needing repair because of the Year 2000 problem were completed."

#### Commissioner Dicus

1. Page IX of the HIGHLIGHTS - Third paragraph - add after the word "licensing" the word "**certification**". Also, at the fifth bullet change to read: "**inspecting licensed and certified facilities and activities;**" then add a new bullet reading "**certifying privatized uranium enrichment facilities**".
2. Page X under "CHANGES IN THE COMMISSION AND ITS ORGANIZATION" change the first sentence in the second paragraph by changing the word "and" to "**by**" and the word "consolidate" to "**consolidating**".
3. Chapter 1, Page 1 - In numbered activities in lower half of page, change item 3 to read: "**increasing public responsiveness and communication; and** "
4. Chapter 1, Page 5 - the "http" listing for the SRP at the top of the second column may not be accessible on the external web page. Please check.
5. Chapter 1, Page 7 - Typo in spelling "Washington" in next to last paragraph in second column.
6. Chapter 1, Page 10 - "http" reference in first paragraph does not appear to be accessible from external NRC webpage.
7. Chapter 2, Page 27 - Second paragraph, add word "**specific**" after number "7,000" and as next to last word in the same sentence. Also, remove "s" from "Agreements" in the same sentence. Finally, add the following before the last sentence in the paragraph: "**Other radioactive materials, primarily incorporated into devices, are used under general licenses issued by the NRC and Agreement States.**"
8. Chapter 2, Page 28 - Add the word "**specific**" to the following locations - First column following the number "5,830", following the number "70", following the number 15,000 and in the table following the word Materials in the title. In the second column following the number "15,000 in the last paragraph.
9. Chapter 2, Page 28 - Under "Medical Use of Byproduct Material" change the last line of the paragraph to delete the phrase "the summer of".
10. Chapter 2, Page 28 - Under "Fuel Cycle Facilities" change the end of the second sentence in the first paragraph to read: "...**authorization to process onsite source material.**"
11. For the Charts beginning on page 33 and continuing to page 36 the following comments apply:
  - The first chart deals only with reactors and should not be in this Chapter.
  - The first line of the second chart addressing "reactors" should be removed and the title should include the word "**Materials**" before the word "Licensees". The 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> charts will be in NUREG-0713 and are unnecessary detail for this annual report.
12. Chapter 4, Page 54 - in the second paragraph in the first column, add the phrase "**radioactive materials safety**" before the phrase "radiation protection".
13. Chapter 4, Page 59 - Second paragraph in first column - in second sentence change "nuclear, radiation," to "**nuclear and radiation safety,**". Also, the reference to Commissioner Rogers in the second paragraph should say "**Former**" Commissioner Rogers.
14. In Chapter 4, in or near Page 59, it would be useful to provide a chart that summarizes the IAEA and NEA conferences and committees in which the NRC staff participated. These important activities deserve some highlighting.
15. Chapter 5, Page 64 - In the second column referencing staff participation in the activities of NARUC add "**..., including Commissioner Dicus' representation of the Commission as a member of the NARUC Subcommittee on Nuclear/Waste Issues.**"

#### Commissioner Diaz

I approve publication of the FY 1998 NRC Annual Report, provided the following comments are addressed:

Page 7 The discussion of the agency responses to the events listed in Table 1.1 should summarize the significance and overall impact on public health and safety of each event, including the risk implications of each.

Page 14 The discussion of Generic Safety Issues should include definitions for the acronyms GSI and USI.

Page 18 In the paragraph under the Panel Caseload table, 30-percent should be changed to 40-percent.

Page 19 In the last sentence of the first paragraph (continued from the previous page), the phrase regarding the MOX fuel plant ("a MOX fuel plant for burning plutonium") should be changed to reflect that the purpose of this plant is to manufacture mixed-oxide (MOX) fuel for use in power reactors as a means of disposing of excess weapons plutonium.

The paragraph straddling the first and second columns contains repetitive phrases and should be rewritten.

Page 27 The second paragraph states that the NRC regulates approximately 7,000 materials licensees, while the first full paragraph on page 28 states that the NRC administered approximately 5,830 materials licensees. This apparent inconsistency should be resolved.

#### **Commissioner McGaffigan**

1. Correct the text to clarify that Commissioners are approved with the advice *and consent* of the Senate. (p.ix, second paragraph)
2. If available, provide WWW average daily hit rate for FY 1998; in any event, include this data point in the FY 1999 Annual Report. (p. xiii, second column, first paragraph of the section titled "NRC's World Wide Web Site," and p. 77, first column, first paragraph of the section titled, "World Wide Web Site")
3. For Y2K, clarify that NRC plans to review Y2K program activities at all 103 operating reactors, and to conduct special audits of Y2K contingency plans at six of those plants (per Press Release-99-57). (p. 5, first column, at the end of the section titled, "Year 2000 Problem in Nuclear Power Plants")
4. Add a brief paragraph to discuss NRC's efforts to revise its "generally licensed" device program and address orphan sources found nationwide through cooperative efforts with the States. (p. 28, second column, at the end of the section titled, "Generic Materials Licensing and Inspection Activities")
5. Add a brief section on Uranium Recovery Facilities. The purpose is to discuss the ongoing rulemaking effort, now completed, to promulgate a "cleanup" rule specific to this category of licensees and to acknowledge the industry's "white paper" and staff efforts to address significant regulatory and jurisdictional issues raised in the paper. (p. 31, first column, after the section titled, "The Conference of Radiation Control Program Directors, Inc.")
6. Include a brief discussion of the August 7<sup>th</sup> tasking memo & periodic Updated Staff Response, including the Web address.. (p. 62, first column, at the end of the Public Information writeup)