



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

January 29, 2004

SECRETARY

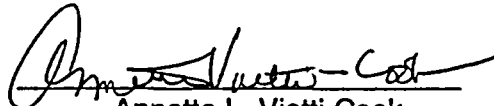
COMMISSION VOTING RECORD

DECISION ITEM:       SECY-03-0223

TITLE:                 RULEMAKING PLAN: ASSURED ISOLATION  
                              FACILITIES

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 29, 2004.

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

  
Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:     Chairman Diaz  
          Commissioner McGaffigan  
          Commissioner Merrifield  
          OGC  
          EDO  
          PDR

VOTING SUMMARY - SECY-03-0223

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	1/22/04
COMR. McGAFFIGAN	X				X	1/21/04
COMR. MERRIFIELD	X				X	1/22/04

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 January 29, 2004.


NOTATION VOTE  
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN DIAZ  
SUBJECT: SECY-03-0223 - RULEMAKING PLAN: ASSURED ISOLATION FACILITIES

Approved  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.

  
\_\_\_\_\_  
SIGNATURE

Jan 22, 04  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**SECY-03-0223 - Rulemaking Plan: Assured Isolation Facilities**

There is insufficient need to initiate rulemaking on assured isolation facilities at this time, and I therefore approve the staff's recommendation to proceed with Option 3. Within already-budgeted resources, the staff should participate, as appropriate, in the CRCPD's development of a Suggested State Regulation for Control of Radiation on Assured Isolation Facilities with the expectation that state regulations would be compatible with NRC regulations.

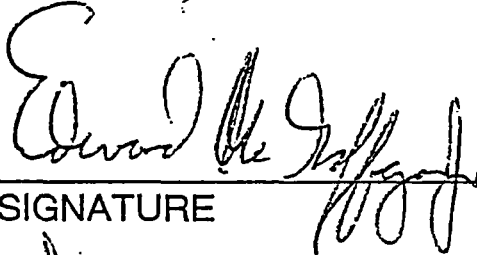
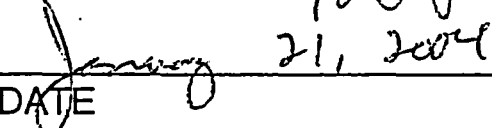
NOTATION VOTE  
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-03-0223 - RULEMAKING PLAN: ASSURED ISOLATION FACILITIES**

Approved  <sup>w/comments</sup> Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.

  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**Commissioner McGaffigan's Comment's on SECY-03-0223**

I approve the staff's recommended Option 3. There does not appear to be a pressing need for the NRC to develop an assured isolation rulemaking at this point. As I stated in my vote on SECY-02-0127, "NRC currently has a long list of priorities and spending significant time and FTE on this rulemaking is not the best use of NRC resources".

The staff should defer rulemaking activities and should perform an annual review to determine the future need for NRC action in this area. The staff should also provide a liaison to work closely with the CRCPD Committee working on developing a Suggested State Regulation for Control of Radiation for assured isolation facilities.

*EMG*

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: SECY-03-0223 - RULEMAKING PLAN: ASSURED ISOLATION FACILITIES

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

*See attached comments.*

  
\_\_\_\_\_  
SIGNATURE

*1/22/04*  
\_\_\_\_\_  
DATE

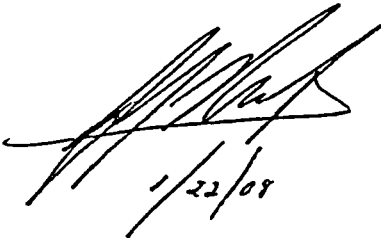
Entered on "STARS" Yes  No

Comments from Commissioner Merrifield on SECY-03-0223:

I approve the staff recommended option 3 in SECY-03-0223 as modified and/or clarified in the following paragraphs. The principal focus of my modification is to include elements of option 4 as described in the paper. There is no evidence of a clear need for the staff to develop an assured isolation rulemaking at this time. We need to focus our limited resources on areas where Commission action is clearly needed.

The staff recommendation was to defer rulemaking activities and perform an annual review to determine the need for future NRC action in this area. The staff also recommended continuing to liaison with the Conference of Radiation Control Program Directors (CRCPD) in their development of Suggested State Regulation for Control of Radiation (SSRCR) for assured isolation facilities. The annual review conducted by the staff should not focus solely on the potential need for rulemaking for an assured isolation facility. The annual review can address the assured isolation facility but should be expanded to include evaluating the need to change existing regulations or regulatory guidance on storage of radioactive waste in general, as discussed in option 4 of the paper. If during the annual review the staff concludes that rulemaking in this area can still be deferred or no significant modifications are needed for existing regulatory guidance, that decision should be communicated to the Commission through a note to the appropriate Commission technical assistants or a briefing of the appropriate Commission technical assistants. If the staff concludes that rulemaking should be initiated or that existing regulatory guidance on storage requires significant modification, an appropriate SECY paper should be prepared to obtain Commission approval.

I do agree with the staff recommendation that they should work with the CRCPD in their development of SSRs for assured isolation facilities. In the long term, the SSRs, if judged to be adequate, may considerably reduce the effort to develop NRC regulations in this area if the Commission determines that rulemaking should be initiated for such facilities.



1/22/08