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

SECRETARY

August 31, 2007

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0129

TITLE: REVISIONS TO POLICY GOVERNING PUBLIC AVAILABILITY OF INFORMATION ASSOCIATED WITH CATEGORY I FUEL FACILITIES

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 31, 2007.

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 Klein
Commissioner McGaffigan
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-07-0129

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	8/22/07
COMR. McGAFFIGAN	X				X	8/20/07
COMR. JACZKO	X				X	8/20/07
COMR. LYONS	X				X	8/23/07

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 August 31, 2007.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM:

SUBJECT: SECY-07-0129 - REVISIONS TO POLICY GOVERNING PUBLIC AVAILABILITY OF INFORMATION ASSOCIATED WITH CATEGORY I FUEL FACILITIES

Approved _XX____ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below___ Attached_XX__ None ___

SIGNATURE

8/22/07
DATE

Entered on "STARS" Yes ✓ No ___

Chairman Klein's Comments on SECY-07-0129
Policy on Public Availability of Information
Associated with Category I Fuel Facilities

I approve the staff recommendation to implement Option 3 with some modification. Future documents associated with Category I fuel facilities generated by the NRC containing Sensitive Unclassified Non-Safeguards Information (SUNSI) should be redacted and made publicly available. While we must continue to be mindful of the national security aspects of these facilities, we must also remember that our regulatory oversight process should be performed in an open and transparent manner that instills public trust. With regard to historical documents discussed in the SECY paper (January 2004 to present), staff should perform a review of a subset of documents generated that are not publicly available in ADAMS. The subset of documents should include inspection reports, licensee performance reviews, enforcement actions (non-ORDER), event reports, and other documents which the staff determines to be relevant. Additionally, the staff should utilize section 189 of the Atomic Energy Act to make information regarding proposed license amendments and proposed Orders available to the public. I believe the staff can perform these reviews without delaying activities associated with the two fuel cycle facility license renewals. I agree with Commissioner McGaffigan's vote to direct the Chief Financial Officer to fund this activity from FY2007 carryover. The National Nuclear Security Administration Office of Naval Reactors and their Category I fuel facilities contractors should be responsible for redacting their corresponding historical and future documents.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MCGAFFIGAN

SUBJECT: SECY-07-0129 - REVISIONS TO POLICY GOVERNING PUBLIC AVAILABILITY OF INFORMATION ASSOCIATED WITH CATEGORY I FUEL FACILITIES

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below___ Attached X None ___

Edward McGaffigan Jr.

SIGNATURE

August 20, 2007

DATE

Entered on "STARS" Yes X No ___

Commissioner McGaffigan's Comments on SECY-07-0129

I approve the staff's recommendation to adopt Option 3, which is to apply NRC's guidance for sensitive unclassified non-safeguards information (SUNSI) to documents that were created after January 1, 2004, that are related to both the Nuclear Fuel Services facility in Erwin, Tennessee, and the BWXT Services facility in Lynchburg, Virginia, and to prepare and release redacted versions of any documents containing SUNSI. I also believe that we should direct the Chief Financial Officer to fund this activity from FY 2007 carryover, so as not to require staff to delay decisions on two fuel cycle facility license renewals.

8/20/07

Edward McGaffigan, Jr. **(Date)**

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER JACZKO

SUBJECT: SECY-07-0129 - REVISIONS TO POLICY GOVERNING PUBLIC AVAILABILITY OF INFORMATION ASSOCIATED WITH CATEGORY I FUEL FACILITIES

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___

SIGNATURE

8/20/07

DATE

Entered on "STARS" Yes X No ___

Commissioner Jaczko's Comments on SECY-07-0129
Revisions to Policy Governing Public Availability of Information
Associated with Category I Fuel Facilities

I support the staff's recommendation of Option 3. The staff has indicated that this would be an unbudgeted activity in FY08. I support full funding of this activity using available funds in FY08. The reviews should be performed as quickly as possible without causing delay of other staff activities, such as fuel cycle renewals.

Gregory B. Jaczko Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER LYONS

SUBJECT: SECY-07-0129 - REVISIONS TO POLICY GOVERNING PUBLIC AVAILABILITY OF INFORMATION ASSOCIATED WITH CATEGORY I FUEL FACILITIES

Approved _X_ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below___ Attached_X_ None ___

Peter B. Lyons
SIGNATURE

6 / 30 /07
DATE

Entered on "STARS" Yes _X_ No ___

Commissioner Lyons' Comments on SECY-07-0129

I approve the staff's recommendation to implement Option 3 as modified by the Chairman in his vote. The Executive Director of Operations should ensure that the subset proposed by the Chairman includes all documents that will provide the public with a complete record of NRC's regulatory actions. I do not believe that delaying the licensing decisions for 2 fuel cycle license renewals until Fiscal Year 2010 is appropriate in this case. Therefore, I support the Chairman and my fellow Commissioner's directing the Chief Financial Officer (CFO) to fund the contractor support as requested by staff so Option 3 could be completed within 8 months. I firmly support making as much information available to the public as possible to ensure openness in our regulatory processes.

8/ 22 /07

Peter B. Lyons Date