



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

SECRETARY

January 9, 2008

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0208

TITLE: PROPOSAL FOR UPDATING OFFICE OF NUCLEAR  
MATERIAL SAFETY AND SAFEGUARDS-COGNIZANT  
REGULATORY GUIDES

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 9, 2008.

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 "A. L. Vietti-Cook".

---

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

VOTING SUMMARY - SECY-07-0208

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	1/2/08
COMR. JACZKO	X				X	12/19/07
COMR. LYONS	X				X	12/17/07

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 January 9, 2008.

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** CHAIRMAN KLEIN  
**SUBJECT:** SECY-07-0208 – PROPOSAL FOR UPDATING  
OFFICE OF NUCLEAR MATERIAL SAFETY AND  
SAFEGUARDS-COGNIZANT REGULATORY  
GUIDES

Approved  Disapproved  Abstain

Not Participating

COMMENTS: Below  Attached  None



\_\_\_\_\_  
SIGNATURE

1/ 2/2008

\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

**Chairman Klein's Comments on SECY-07-0208, Proposal for Updating Office of Nuclear Material Safety and Safeguards-Cognizant Regulatory Guides**

I approve the staff's recommendation to defer the review and update of the 89 NMSS Regulatory Guides (RGs) until the FY 2009 – 2010 budget cycle. The staff's proposal is a reasonable and practical result of the Commission-mandated Regulatory Guide Update Program (RGUP) and the NRC's common prioritization structure, with RG updates being among the lowest priority activities. Thus, in the interest of ensuring that public resources are used effectively, efficiently, and responsibly, I agree with the staff that it would not be appropriate to displace higher priority licensing, incident response, and oversight activities to reallocate 8.9 FTE to perform this work.

The staff notes that it has been using the applicable Standard Review Plans and accompanying Interim Staff Guidance documents to conduct licensing and certification reviews, and there have been no apparent adverse impacts as a result. It is therefore appropriate for the staff to stay within the RGUP process to review and update or withdraw the NMSS RGs, as appropriate. Nevertheless, I do support Commissioner Lyons' proposal that the staff should consider applying some minimal amount of resources to utilize contractors to support withdrawal of unnecessary Regulatory Guides.



---

Dale E. Klein 1/2/2008

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** COMMISSIONER JACZKO  
**SUBJECT:** SECY-07-0208 – PROPOSAL FOR UPDATING  
OFFICE OF NUCLEAR MATERIAL SAFETY AND  
SAFEGUARDS-COGNIZANT REGULATORY  
GUIDES

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached  X  None \_\_\_\_\_

  
\_\_\_\_\_  
SIGNATURE


12/19/07  
\_\_\_\_\_  
DATE

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

**Commissioner Jaczko's Comments on SECY-07-0208  
Proposal for Updating Office of Nuclear Material Safety and Safeguards-Cognizant  
Regulatory Guides**

I approve the staff's recommendation to address the Office of Nuclear Materials Safety and Safeguards (NMSS) Regulatory Guide (RG) updates subject to the following recommendations. The agency has done well to focus resources on updating documents that might be needed for new reactors, but if the nuclear resurgence does happen, it will impact the entire fuel cycle. Thus, it is essential that the infrastructure documents in the NMSS arena be revised or updated given the role they play in the regulatory process. The staff should work with the staff of the Chief Financial Officer to identify carry-over funds that are available in order to support this initiative. If excess resources are not found in fiscal year 2008, fiscal year 2009 or both to complete these activities, I support the staff recommendation to discuss this issue in the fiscal year 2009 and 2010 budget discussion.

I have some concerns about the number of regulatory guides that will be withdrawn as part of this action. The paper does not provide a justification for withdrawing many of the regulatory guides nor does it describe the number and type of regulatory guides that would be revised rather than updated. The staff should provide the commission a list of regulatory guides that would be withdrawn and a justification for withdrawing each. I recognize that updates to RGs have lagged behind changes in our regulations, however, the staff should take appropriate actions to revise or develop new RGs to ensure licensees and applicants are provided with the most recent guidance on implementation of the agency's regulations.

  
\_\_\_\_\_  
Gregory B. Jaczko

(2/19/07)  
\_\_\_\_\_  
Date

**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER LYONS  
SUBJECT: SECY-07-0208 – PROPOSAL FOR UPDATING  
OFFICE OF NUCLEAR MATERIAL SAFETY AND  
SAFEGUARDS-COGNIZANT REGULATORY  
GUIDES

Approved  X  Disapproved   Abstain

Not Participating

COMMENTS: Below   Attached  X  None



Peter B. Lyons

SIGNATURE

12/17/07

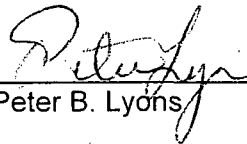
DATE

Entered on "STARS" Yes  X  No

**Commissioner Lyons' Comments on SECY-07-0208**

I approve the staff's plan to address funding of NMSS's regulatory guide updates during the next fiscal year budget cycle. Guidance revision is an essential element of a predictable regulatory program and is an important means to incorporate lessons learned and new insights over time. Staff should continue to make every reasonable effort to budget for this activity.

I appreciate the near-term resource issues facing NMSS in overseeing contractor work on updating or withdrawing 89 Regulatory Guides. However, staff noted that these Guides are not needed for licensing/certification determinations, based on the availability of current Standard Review Plans (SRPs) and the associated Interim Staff Guidance (ISG). In the near-term, NMSS staff should consider utilizing contractors to support withdrawal of all unnecessary Regulatory Guides. This should require minimal FTE. In the longer-term, NMSS should continue to seek the resources needed to incorporate ISGs into the SRPs and to update any necessary Regulatory Guides.

  
Peter B. Lyons      12/17/07  
Date