

March 5, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-016

TITLE: PROPOSED COMMERCIAL USE OF NRC-DEVELOPED CODES BY NON-U.S. ORGANIZATIONS

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of March 5, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commissioners, and the SRM of March 5, 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-99-016

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	2/19/99
COMR. DICUS	X				X	1/30/99
COMR. DIAZ	X				X	2/11/99
COMR. McGAFFIGAN	X					2/9/99
COMR. MERRIFIELD	X				X	2/1/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation to pursue Option 2 and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on March 5, 1999.

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Commissioner Comments on SECY-99-016

Chairman Jackson's Comments on SECY-99-016

I approve Option 2.

**Commissioner Dicus' Comments on SECY-99-016**

I approve Option 2.

**Commissioner Diaz' Comments on SECY-99-016**

I approve Option 2.

**Commissioner Merrifield's Comments on SECY-99-016**

I approve the implementation of option 2 on an interim basis. However, the paper did not present a balanced discussion of the benefits and disadvantages between the options, and, in particular, focused on the potential disadvantages of option 1. In the long term, it may be that a modified version of option 1 considering the benefits of a copyright or trademark and/or considering inclusion of the intellectual property addendum may be the preferred alternative. SECY-99-016 commits to providing a separate paper for Commission consideration if the staff determines that copyrights or trademarks are desirable. SECY should track when the staff is to make this decision.