

September 1, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-175

TITLE: PROPOSED RULE: 10 CFR PART 72 - CLARIFICATION AND ADDITION OF FLEXIBILITY

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of September 1, 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 September 1, 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 Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

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VOTING SUMMARY - SECY-99-175

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
COMR. DICUS	X				X	8/18/99
COMR. DIAZ	X					8/25/99
COMR. McGAFFIGAN	X				X	8/13/99
COMR. MERRIFIELD	X				X	8/25/99

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 September 1, 1999.

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Commissioner Comments on SECY-99-175

Chairman Dicus

I appreciate the staff's efforts to improve the clarity and flexibility of 10 CFR Part 72 so that the burden on staff and industry is reduced. The staff should continue its efforts to improve and enhance the regulatory process and the associated regulatory requirements in regard to spent fuel storage.

## Commissioner McGaffigan

I approve publication of the proposed amendments for Part 72, "Clarification and Addition of Flexibility to Part 72." I suggest that the staff establish points of contact within the Department of Energy (DOE [EXIT](#)) to inform DOE of all Part 72 rulemakings and solicit comments from DOE on such rulemakings.

## Commissioner Merrifield

I approve the staff's proposal to publish the proposed changes to 10 CFR Part 72 described in SECY 99-175 subject to the following changes:

1. The discussion under "Environmental Impact" on page 13 of the Federal Register Notice does not provide sufficient information to justify the categorical exclusions under 51.22(c)(2) and (3). Before publishing the proposed rule, the staff should revise the FRN to provide clear and convincing information to support the categorical exclusion. If sufficient supporting information can not be assembled, the staff should take actions as appropriate under [10 CFR Part 51](#).