

October 25, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-237

TITLE: DRAFT REGULATORY GUIDE ON "CRITERION FOR TRIGGERING A REVIEW UNDER 10 CFR 50.80 FOR NON-OWNER OPERATOR SERVICE COMPANIES"

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 25, 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 October 25, 1999.

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

VOTING SUMMARY - SECY-99-237

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
COMR. DICUS	X					10/7/99
COMR. DIAZ	X				X	10/11/99
COMR. McGAFFIGAN	X				X	10/18/99
COMR. MERRIFIELD	X				X	10/14/99

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 October 25, 1999.

Commissioner Comments on SECY-99-237

Commissioner Diaz

The revised DG-1086 is sufficiently clear and explicit to be useful for NRC staff, licensees, and potential licensees, and I approve its publication for comment.

One area that needs further consideration is the responsibility for the maintenance and implementation of nuclear power plant site security programs. Before the DG is issued for comment, it should be revised as applicable to reflect the types of changes to site security activities that would trigger an automatic 50.80 review, and those that would be part of a collective evaluation.

Commissioner McGaffigan

While reserving judgment on any particular assertion in the draft regulatory guide, I agree with my colleagues that the draft is clearer on some important matters than was the draft attached to [SECY-99-159](#), and that the new draft can now usefully be published for comment. As Commissioner Merrifield has stated in his own behalf, my vote in no way reflects an endorsement of the content of DG-1086.

Commissioner Merrifield

I approve the staff's recommendation to publish Draft Regulatory Guide DG-1086 for public comment.

I must note that my vote on [SECY-99-237](#) in no way reflects an endorsement of the content of DG-1086. In fact, I continue to have concerns about some of the examples provided of areas where the transfer of final decision-making authority would automatically require [10 CFR 50.80](#) review. Further, I believe there are inconsistencies between those examples and the examples provided of areas that would be considered collectively.

However, the content of DG-1086 is not the matter before the Commission in [SECY-99-237](#). Rather, the matter before the Commission is whether DG-1086 should be published for public comment. There is little doubt in my mind that the agency should benefit from public comments on the draft regulatory guide. I believe that stakeholder insights could serve to both improve the clarity of the guidance and provide critical feedback on the examples noted above. Thus, I see no reason to delay its publication.