

August 20, 2002

COMMISSION VOTING RECORD

DECISION ITEM: SECY-02-0107

TITLE: ADDENDUM TO SECY-02-0074: "NATIONAL
MATERIALS PROGRAM: PILOT PROJECTS"

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 20, 2002.

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 Meserve
 Commissioner Dicus
 Commissioner Diaz
 Commissioner McGaffigan
 Commissioner Merrifield
 OGC
 EDO
 PDR

VOTING SUMMARY - SECY-02-0107

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. MESERVE	X				X	7/22/02
COMR. DICUS	X				X	7/15/02
COMR. DIAZ	X				X	8/6/02
COMR. McGAFFIGAN	X				X	8/6/02
COMR. MERRIFIELD	X					8/6/02

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation 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 August 20, 2002.

Commissioner Comments on SECY-02-0107

Chairman Meserve

In SECY-02-0107, the staff requests Commission approval of the staff's recommendation on a preferred National Materials Program (NMP) option. This preferred option is a blending of the "Current Program" and the "Alliance" options described in SECY-01-0112 and will be applied in the conduct of five pilot projects described in SECY-02-0074. The staff also requests approval to share SECY-02-0074 and SECY-02-0107 with the States to obtain their views. I approve staff's plan to conduct the pilot projects and to share the SECY papers with the States. However, in my view, the Commission's decision on the ultimate direction of the materials program should be guided by the learning from the pilot projects.

When carrying out the pilot projects, the staff, in collaboration with the states, should establish a process that ensures the comments and concerns from all participants are appropriately considered. At the end of the pilot projects, the staff should report the results of these pilot projects to the Commission and provide an assessment of the effectiveness and efficiency of the blended option. The staff should also solicit comments from the broad spectrum of stakeholders, including licensees and non-Agreement States.

In light of the aggressive program that is being undertaken to address security issues, particularly with regard to the security concerns with the radioactive dispersal devices, we in effect have another pilot project underway. Staff should ensure that any understandings arising from this effort are included in the evaluation of the five pilot projects.

Commissioner Dicus

I approve the staff's recommendation to implement a blending of the "Current Program" and "Alliance" options and further commend the staff of the National Materials Program Working Group, for all their hard work over the past two years. I believe that the efforts that the Working Group obtained, including input from internal and external stakeholders at several meetings, and a tabletop exercise at the October 2000 OAS meeting, coupled with the staff's proposal in SECY-02-0074 and SECY-02-0107 has provided the Commission with a balanced path forward.

Due to the increased financial concerns recently expressed by several Agreement States, I am concerned that some State radiation control programs may not be able to participate as fully in the Alliance option as they would prefer, or as originally envisioned by the Working Group. The staff should seek to identify any equity issues that may arise during the implementation of these pilot projects and include this feedback to the Commission once the Pilot Projects are completed. Although this path ahead will not be a simple one, I believe that collaborative identification, prioritization and development of regulatory products necessary for support of the national program are necessary steps in the establishment of a national program.

Commissioner Diaz

I approve the staff's recommendation to implement a combination of the "Current Program" and "Alliance" options, as presented in SECY-01-0112, to determine how the expertise and experience of the States can be used to support the National Materials Program (NMP) as the number of NRC material licensees decreases. I support use of the blended approach until the pilot projects in SECY-02-0074 have been evaluated and the results provided to the Commission. I believe that a more even sharing of responsibilities between the States and NRC could have potential merit. I also believe that the "success measures" against which the pilots will be evaluated address very important issues that need to be carefully considered before any, or all, of the components of the Alliance option are permanently incorporated in the NMP.

Commissioner McGaffigan

I approve the staff's recommendation to implement a blending of the NRC's current program with the Alliance approach presented in the Working Group report for the National Materials Program.

Almost a year ago the Commission met with the Organization of Agreement States and the CRCPD where one topic of discussion was the National Materials Program. I stated in that meeting that after reading the working group's report my preference was to direct the staff to work on an approach that was between the status quo and the alliance option. I also suggested that the staff perform some pilot projects to provide the information needed to determine how best to proceed with this program. I was pleased that the staff recommended the same approach in SECY-02-0074.

I also agree with the Chairman that in the security area we effectively have an additional pilot program underway. Although this pilot may not fit the exact mold envisioned by the working group, it is still a good opportunity for the staff to study the interactions between NRC and the Agreement States and to apply any lessons learned to the work on the National Materials Program.