



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

April 20, 2006

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-06-0053

TITLE: **PACKAGE PERFORMANCE STUDY STATUS UPDATE**

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 20, 2006.

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 "K. Hart", written over a horizontal line.

Kenneth R. Hart
Acting Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
 Commissioner McGaffigan
 Commissioner Merrifield
 Commissioner Jaczko
 Commissioner Lyons
 OGC
 EDO
 PDR

VOTING SUMMARY - SECY-06-0053

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	3/28/06
COMR. McGAFFIGAN	X				X	3/22/06
COMR. MERRIFIELD	X				X	3/15/06
COMR. JACZKO	X				X	4/07/06
Comr. LYONS	X				X	3/13/06

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 April 20, 2006.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN DIAZ
SUBJECT: **SECY-06-0053 - PACKAGE PERFORMANCE
STUDY STATUS UPDATE**

Approved Disapproved _____ Abstain _____
Not Participating _____

COMMENTS:

I approve Option 1 with the attached comments.

Nils J Diaz
SIGNATURE
3/28/06
DATE

Entered on "STARS" Yes No _____

Chairman Diaz's Comments on SECY-06-0053

I approve the staff's recommendations under Option 1. It will be important to conduct the PPS using a cask that is likely to be used to transport spent fuel to a potential high-level waste repository, and therefore, delaying the package performance test until after DOE selects a transportation cask is a prudent decision. The staff should continue its preparatory work and keep the Commission apprised of its progress in this regard. I remain particularly interested in the aspects of this study that can be used to validate the scaling methodologies that support quarter-scale cask testing for regulatory certification. I also support Commissioner Lyons' suggestion that staff engage higher level management at DOE to request funding to support this demonstration test.



NOTATION VOTE

RESPONSE SHEET

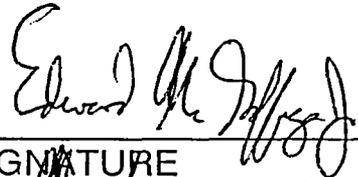
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: **SECY-06-0053 - PACKAGE PERFORMANCE
STUDY STATUS UPDATE**

Approved ^{w/ comments} Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached comments.



SIGNATURE

DATE

March 22, 2006

Entered on "STARS" Yes No _____

Commissioner McGaffigan's Comments on SECY-06-0053

I approve the Package Performance Study (PPS) schedule as described in Option 1, in which the milestones for the study are tied to the date of DOE's issuance of performance specifications for a transportation cask. The staff's proposal to tie the dates of the study to DOE's procurement milestone makes sense because DOE's schedule for procuring transportation casks remains uncertain while it evaluates its approach to the transportation, aging, and disposal canisters (TADs). I am in no way concerned about this schedule uncertainty - as I stated at this year's Regulatory Information Conference, DOE's recent decision to hold back its license application while it addresses fundamental programmatic questions is a "breath of fresh air."

As I stated in my vote on SECY-05-0051, I continue to believe that the PPS will prove to be an important factor in increasing the public confidence in the transportation of spent fuel. And, while I am not seeking my colleagues support for this concept at this time, I also continue to support an even broader scope for the PPS, to include full scale regulatory and demonstration tests on both a rail cask and a truck cask.

Finally, I support Commissioner Lyons suggestion that the staff engage with higher level management in DOE to request funding to support this demonstration test.

I also request release of this paper, the voting record and the SRM upon completion of the voting process.

 3/22/06

Edward McGaffigan, Jr. (Date)

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-06-0053 - PACKAGE PERFORMANCE
STUDY STATUS UPDATE**

Approved Disapproved Abstain

Not Participating

COMMENTS:

See attached comments.



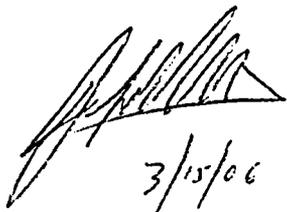
SIGNATURE
3/15/06

DATE

Entered on "STARS" Yes No

Comments from Commissioner Merrifield on SECY-06-0053:

I approve the staff recommended option 1 in SECY-06-0053. I support an appropriate package performance test and past Commission decisions have defined the level of testing necessary. I also believe this test should be performed on a cask likely to be used in the transportation process. Staff should keep the Commission informed of significant developments that could affect the overall schedule or planning. I fully understand that DOE must deal with budget uncertainties and constraints affecting the overall high-level waste repository program and may not be willing to commit funds to support this testing at this time. But I agree with Commissioner Lyons that staff should continue discussions with senior DOE management on the possibility that they would consider providing some funding for this testing at an appropriate time in the future.



3/15/06

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: **SECY-06-0053 - PACKAGE PERFORMANCE
STUDY STATUS UPDATE**

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: See attached comments.



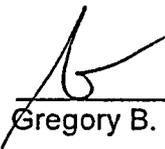
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4/17/06

DATE

Entered on "STARS" Yes No ___

**Commissioner Jaczko's Comments on SECY-06-0053
Package Performance Study Statue Update**

I approve the staff recommendation to delay the completion of the package performance study until there is a more definitive design from the Department of Energy for a proposed transportation, aging and disposal cannister. I do not believe, however, that the staff should necessarily wait to initiate the package performance study program until the Department of Energy has completed its design work for a new cannister, since the study is expected to take 4 years.. Although there is currently a tremendous amount of uncertainty involving the possibility and timing of large-scale shipments of fuel, the package performance study will provide important information for the limited spent fuel shipments that currently occur. In fact, the transportation casks themselves may not actually change, even if the Department modifies the cannister containing the spent fuel.



Gregory B. Jaczko 4/7/06
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: **SECY-06-0053 - PACKAGE PERFORMANCE
STUDY STATUS UPDATE**

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:



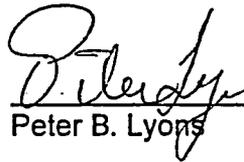
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3/13/06

DATE

Entered on "STARS" Yes ✓ No _____

Commissioner Lyons' Comments on SECY-06-0053

I approve staff's recommendation that the package performance demonstration test be delayed until either DOE places an order to procure the transportation cask to support proposed Yucca Mountain repository operations or the NRC issues a certificate of compliance for the transportation cask design (whichever is later). I believe it is not a good use of resources to proceed with the demonstration testing at this time because the transportation cask to be used for a demonstration test may not necessarily be one that will be used by DOE to transport nuclear fuel to the potential high-level waste repository at Yucca Mountain. Even though I am approving to delay the test, I want to reinforce that my desire to have full scale testing has not changed. I believe that the benefit of providing additional assurance to the general public that our process for licensing cask designs is robust cannot be overlooked. In order to alleviate some of the resource impacts, I encourage staff to engage with higher level management in DOE to request funding to support this demonstration test.

 3/13/06
Peter B. Lyons Date