



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

SECRETARY

March 31, 2006

COMMISSION VOTING RECORD

DECISION ITEM:      SECY-06-0056

TITLE:                      **IMPROVING TRANSPARENCY IN THE 10 CFR 20.2002  
PROCESS**

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of March 31, 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 "Annette Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook  
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-06-0056

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	3/18/06
COMR. McGAFFIGAN	X				X	3/22/06
COMR. MERRIFIELD	X				X	3/27/06
COMR. JACZKO	X				X	3/17/06
Comr. LYONS	X				X	3/20/06

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 March 31, 2006.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM:

SUBJECT: **SECY-06-0056 - IMPROVING TRANSPARENCY  
IN THE 10 CFR 20.2002 PROCESS**

Approved  *AV* Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

I approve the staff's recommendations under Option 2. This option would both provide basic, generic information on 10 CFR 20.2002 disposals on the NRC's public web site, as well as define and document a systematic approach for interacting with the public and obtaining input on particular requests. This approach is risk-informed and achieves the objective of improving transparency for the process.

*Annette Vietti-Cook*  
\_\_\_\_\_  
SIGNATURE  
*2/18/06*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

NOTATION VOTE

RESPONSE SHEET

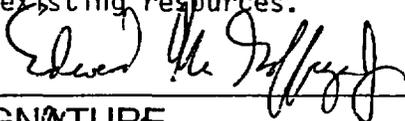
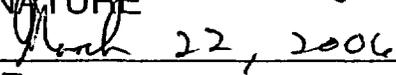
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-06-0056 - IMPROVING TRANSPARENCY  
IN THE 10 CFR 20.2002 PROCESS**

Approved  <sup>w/comment</sup> Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

I support the Staff's recommendation under Option 2. This option, that provides generic information to the public, with additional specific information being provided for significant 10 CFR 20.2002 requests, provides a balanced solution to enhancing public understanding and awareness while responsibly utilizing existing resources.

  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: **SECY-06-0056 - IMPROVING TRANSPARENCY  
IN THE 10 CFR 20.2002 PROCESS**

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

*See attached comments.*

  
\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

*3/27/06*

Entered on "STARS" Yes  No

Comments from Commissioner Merrifield on SECY-06-0056:

I approve with comments the staff recommended option 2 for improving transparency in the 10 CFR 20.2002 process. This is an area which I believe the NRC must improve its outreach to the public. The staff overall has proposed an improved procedure. I have three comments concerning the staff proposal.

The first two comments apply to the communication plan and issues to be addressed on the web site. I recognize that staff may not be limiting the information to only the topics discussed in this paper. However, there are two topics that should be addressed which are not specifically mentioned. First, staff should discuss how 10 CFR 20.2002 authorized on-site disposals at operating facilities are again addressed at the time of license termination. Second, staff should provide a basis and justification of why some 10 CFR 20.2002 disposals are authorized by letter and why some are authorized by license amendment. It may be a controversial topic, but we need to be open to the public about our current process.

The last comment I have does not affect option 2 as proposed by the staff but affects a future effort still in progress. The paper notes the staff is preparing a separate paper comparing how NRR (approval by letter) and NMSS (approval by amendment) approve 10 CFR 20.2002 requests and potential recommendations for changes, if warranted. I look forward to receiving this paper. The paper should also address what happens when a decommissioning power reactor is transferred from NRR to NMSS. I expect the staff to present a range of reasonable options in a risk informed manner. Staff should not be solely focusing on an all or nothing approach (i.e., all NRR approvals must be by letter and all NMSS approvals must be by amendment). Under a risk informed approach, it may be possible that some approvals are by letter and other approvals are by amendments, regardless of which office has the lead. Staff should address the pros and cons of such an approach.

A handwritten signature in black ink, appearing to read "Jeff Merrifield", written in a cursive style.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER JACZKO  
SUBJECT: **SECY-06-0056 - IMPROVING TRANSPARENCY  
IN THE 10 CFR 20.2002 PROCESS**

Approved  Disapproved  Abstain

Not Participating

COMMENTS: See attached comments.

  
\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
DATE 3/14/06

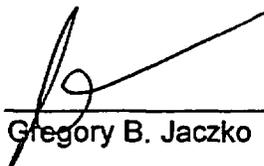
Entered on "STARS" Yes  No

**Commissioner Jaczko's Comments on SECY-06-0056  
Improving Transparency in the 10 CFR 20.2002 Process**

I approve of the staff's recommendation to proceed with Option 2 as a method by which the NRC can enhance public understanding of 10 CFR 20.2002 disposals and encourage stakeholder input by those affected by a 10 CFR 20.2002 approval.

A request pursuant to 10 CFR 20.2002, if approved, permits an NRC licensee to dispose of material generated at its licensed facility in a manner not otherwise provided for in our regulations. As I explained in the memorandum to my fellow Commissioners that generated this paper (COMGBJ-05-0001), my primary concern was that there appeared to be a lack of public understanding regarding this process. Given some of the recent attention focused upon the agency's 10 CFR 20.2002 processes, my hope was to find a means by which the public could become better educated on this process and thus decrease the level of misunderstanding on these issues. Option 2, as presented by the staff appears to accomplish these goals through increasing the background information available to the public and applying resources for additional public outreach to case-specific requests of 10 CFR 20.2002 approvals. Also, it appears to do so with relatively minor budget implications. Given this, I believe the potential gains in public confidence that could be achieved by the staff's recommended approach appear to far outweigh the efforts required.

Because option 2 currently requires the staff to apply somewhat subjective criteria to determine the "significance" of a 10 CFR 20.2002 request, I believe it would be useful for the staff to inform the Commission when it receives a request it deems "significant". I also support release of this paper and voting record upon completion of the voting process.

  
\_\_\_\_\_  
Gregory B. Jaczko                      3/14/06  
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER LYONS  
SUBJECT: **SECY-06-0056 - IMPROVING TRANSPARENCY  
IN THE 10 CFR 20.2002 PROCESS**

Approved  <sup>with comments</sup> Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached.

  
\_\_\_\_\_  
SIGNATURE  
3/20/06  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

Commissioner Lyons Comments on SECY-06-0056

I approve option 2 of staff's recommendation to increase the background information available to the public on 10 CFR 20.2002 disposal, and apply resources for additional public outreach to case-specific requests based on a defined criteria.

I applaud staff for providing the Commission with a well organized and thorough analysis of the issue. I believe that option 2 will enhance public participation opportunities and would memorialize the 10 CFR 20.2002 process.

  
3/20/06