

March 1, 2005

COMMISSION VOTING RECORD

DECISION ITEM: SECY-05-0029

TITLE: USE OF THE NRC PUBLIC WEB SITE FOR
DISSEMINATION OF THE NRC ENFORCEMENT POLICY

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of March 1, 2005.

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 Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-05-0029

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	2/11/05
COMR. McGAFFIGAN	X					2/10/05
COMR. MERRIFIELD	X				X	2/22/05
COMR. JACZKO	X				X	2/16/05
COMR. LYONS	X				X	2/17/05

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 March 1, 2005.

Commissioner Comments on SECY-05-0029

Chairman Diaz

I approve the staff's recommendations, in SECY 05-0029, to simplify the title of the NRC's Enforcement Policy from "General Statement of Policy and Procedures for NRC Enforcement Actions - Enforcement Policy," to "NRC Enforcement Policy," and to discontinue publishing the policy, in paper form, as NUREG-1600. Posting the Enforcement Policy on the NRC's public Web site to achieve widespread dissemination is a more effective and efficient approach than the occasional publication of the Enforcement Policy as a NUREG. The staff should continue to make the policy available in ADAMS and publish revisions in the Federal Register.

I approve the staff's recommendation to publish the Federal Register notice for announcing the above changes subject to the attached edits.

Commissioner Merrifield

I approve the staff's recommendation to discontinue publication of NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions - Enforcement Policy," in paper form, as well as the recommendation to simplify the title to "NRC Enforcement Policy." The goal of publishing this document is to inform licensees and members of the public of the criteria and policy considerations the NRC staff uses when making enforcement decisions. I believe that use of the NRC Web site to disseminate the policy statement will be successful in achieving this goal. I commend the staff for identifying an opportunity to improve openness in the NRC's enforcement process and a means to contribute to effective management of agency resources.

I also approve the recommendation to publish the Federal Register notice prepared by the staff announcing these changes subject to the attached edits.

Commissioner Jaczko

I approve of the staff's recommendation to publish a *Federal Register* notice announcing the NRC's intent to discontinue publication of NUREG-1600 in paper form and simplifying the title of the policy to "NRC Enforcement Policy." I believe that continuing to publish revisions to the Enforcement Policy in the *Federal Register*, and providing printed copies to licensees and individuals being considered for significant enforcement action who may not have easy access to the web, will ensure the NRC's commitment to openness while also increasing efficiency. The Staff should, additionally, be prepared to provide printed versions of the enforcement policy upon request to any interested stakeholder.

I also approve the *Federal Register* notice prepared by the staff, subject to attached edits, and concur with Commissioner Lyons' comment that if negative public comments are received on this notice, the staff should, again, consult with the Commission.

Commissioner Lyons

I approve the staff's recommendation to publish a *Federal Register* notice announcing the NRC's intent to discontinue publication of NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions - Enforcement Policy," and to use the NRC Web site for dissemination of the enforcement policy. The purpose of publishing the enforcement policy as a NUREG was to make the enforcement policy easier to identify and locate. Since the NRC Web site provides widespread communication of the enforcement policy, publication and dissemination of hard copies of the enforcement policy seems unnecessary.

In addition, I approve the *Federal Register* notice prepared by the staff. I also agree that the enforcement policy should be renamed, "NRC Enforcement Policy."

If public comments are received in opposition to the proposal, the staff should consult with the Commission again on this matter.