



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

April 24, 2007

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0060

TITLE: BASIS AND JUSTIFICATION FOR APPROVAL PROCESS
FOR 10 CFR 20.2002 AUTHORIZATIONS AND OPTIONS
FOR CHANGE

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 24, 2007.

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

VOTING SUMMARY - SECY-07-0060

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	4/14/07
COMR. McGAFFIGAN	X					4/2/07
COMR. MERRIFIELD	X					4/9/07
COMR. JACZKO	X				X	4/5/07
COMR. LYONS	X				X	4/10/07

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 April 24, 2007.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: SECY-07-0060 - BASIS AND JUSTIFICATION FOR APPROVAL FOR 10 CFR 20.2002 AUTHORIZATIONS AND OPTIONS FOR CHANGE

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



SIGNATURE

4/14/07

DATE

Entered on "STARS" Yes ✓ No _____

Chairman Klein' Comments on SECY-07-0060

I approve the staff's recommendation to continue to issue 10 CFR 20.2002 approvals by letter for reactor licensees and by license amendment for materials and fuel cycle licensees. These mechanisms have been used successfully in the past, and the staff's recent efforts to improve the transparency of the approval process have provided additional opportunity for stakeholder involvement in, and understanding of, the approval process. I agree with Commissioner Lyons that the current process provides an appropriate balance of resource usage and opportunity for stakeholder involvement, and do not believe the potential additional burden needed to implement an alternative process for some reactor licensee 10 CFR 20.2002 requests would be justified given the low risk posed by these disposals.



Dale E. Klein

4/14/07

Date

NOTATION VOTE

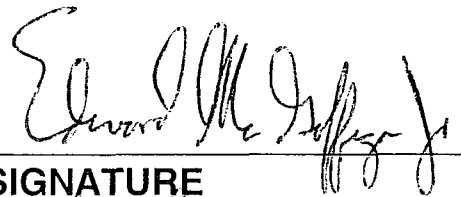
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: SECY-07-0060 - BASIS AND JUSTIFICATION FOR APPROVAL FOR 10 CFR 20.2002 AUTHORIZATIONS AND OPTIONS FOR CHANGE

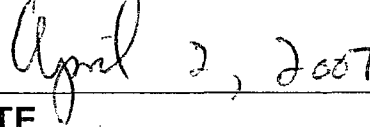
Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached _____ None



SIGNATURE



DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: SECY-07-0060 - BASIS AND JUSTIFICATION FOR APPROVAL FOR 10 CFR 20.2002 AUTHORIZATIONS AND OPTIONS FOR CHANGE

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

4/9/03

DATE

Entered on "STARS" Yes No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-07-0060 - BASIS AND JUSTIFICATION FOR
APPROVAL FOR 10 CFR 20.2002 AUTHORIZATIONS
AND OPTIONS FOR CHANGE

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE

4/5/07

DATE

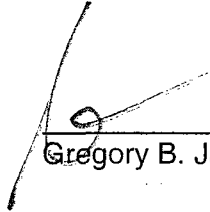
Entered on "STARS" Yes X No

**Commissioner Jaczko's Comments on SECY-07-0060
Approval Process for 10 CFR 20.2002 Authorizations**

I approve the staff's recommendation to maintain the current process for fuel cycle and materials 10 CFR 20.2002 disposals and propose a modified approach for nuclear power plants. I previously stated my concerns regarding the transparency of the 10 CFR 20.2002 process, a process that permits a licensee to dispose of material in a manner not otherwise provided for in the regulations, in a memorandum to my fellow Commissioners (COMGBJ-05-0001). Since that time, I have been encouraged by the changes staff has made in this area, such as the increased information available on the NRC's public website regarding the NRC's process for 10 CFR 20.2002 requests. The public now has more ready access to this information and there have been significant improvements in the transparency of the process. Further, I am encouraged by the staff's continuing efforts to ensure that there is additional public outreach for all significant 10 CFR 20.2002 disposals. I would encourage the staff in its efforts to find future improvements in transparency for this process.

Currently, the approval process is different based on the type of licensee: fuel cycle and materials licensees are issued approvals through license amendments while reactor licensees are issued approvals by letter. I believe the staff has provided compelling reasons why the 10 CFR 20.2002 requests are handled as license amendments for fuel cycle and materials licensees.

In the case of reactor licensees, when the disposal is onsite, the current process of issuing a letter approval seems appropriate. For instances where the material is to be disposed of offsite, though, I would propose that a reactor licensee should be issued a license amendment with an exemption, as necessary, to dispose of the material at a site not licensed by the NRC. This option would increase the transparency of the process, and stakeholder participation, when disposals are to offsite locations where more public interest may be likely. Since nearly all nuclear power plant 10 CFR 20.2002 disposal requests are for onsite locations, this option should require few additional resources, but I would support any future requests for staff resources necessary to implement this option.



Gregory B. Jaczko

4/15/07

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: SECY-07-0060 - BASIS AND JUSTIFICATION FOR APPROVAL FOR 10 CFR 20.2002 AUTHORIZATIONS AND OPTIONS FOR CHANGE

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None


Peter B. Lyons

SIGNATURE

4/10/07

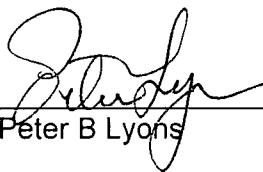
DATE

Entered on "STARS" Yes No

Commissioner Lyons' Comments on SECY-07-0060

I approve the staff's recommendation to continue the current practice of approving all reactor 10 CFR 20.2002 requests by letter, and all fuel cycle and material licensee requests by license amendment. As with Commissioner Jaczko, I commend the staff in improving the transparency of the approval process.

I believe that the transparency process approved by the Commission in its Staff Requirements Memorandum to SECY-06-0056 continues to provide the appropriate balanced solution for providing 10 CFR 20.2002 information to the public. The process will enhance future public participation opportunities while appropriately using our resources. I, therefore, respectfully disagree with Commissioner Jaczko's proposal to create an additional practice for reactor 10 CFR 20.2002 approvals.


Peter B Lyons

4/10/07
Date