

May 13, 2004

COMMISSION VOTING RECORD

DECISION ITEM:       SECY-04-0055

TITLE:                    PLAN FOR EVALUATING SCIENTIFIC  
                              INFORMATION AND RADIATION PROTECTION  
                              RECOMMENDATIONS

The Commission (with Commissioners McGaffigan and Merrifield approving and Chairman Diaz approving in part and disapproving in part) acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of May 13, 2004.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

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Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:     Chairman Diaz  
          Commissioner McGaffigan  
          Commissioner Merrifield  
          OGC  
          EDO  
          PDR

VOTING SUMMARY - SECY-04-0055

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X	X			X	4/14/04
COMR. McGAFFIGAN	X				X	5/10/04
COMR. MERRIFIELD	X				X	4/21/04

COMMENT RESOLUTION

In their vote sheets, Commissioners McGaffigan and Merrifield approved and Chairman Diaz approved in part and disapproved in part 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 May 13, 2004.

## Commissioner Comments on SECY-04-0055

### Chairman Diaz

I approve the staff's plan for evaluating scientific information and radiation protection recommendations with one exception. I disapprove further staff support for ongoing efforts by the International Atomic Energy Agency and International Commission on Radiation Protection to develop regulatory standards for protection of the environment from ionizing radiation, i.e., flora and fauna. If staff participates in future meetings on this initiative, the staff should clearly express the Commission's strong reservations with it and not assist in development of the standard or its scientific basis.

As I have stated previously, I have deep misgivings with, and am highly skeptical of, the need to develop separate standards for the protection of non-human species. There is no evidence to suggest that the existing regulatory framework to protect the public is not protective of other species, and in the absence of such evidence, the effort to develop separate standards is likely to detract from our ongoing efforts to improve, integrate, and harmonize the existing framework for the protection of the public health and safety and the environment.

### Commissioner McGaffigan

I approve the staff's plan for evaluating scientific information and recommendations of national and international radiation protection organizations, with one clarification. I share the Chairman's and Commissioner Merrifield's misgivings about the need to go forward with the development of a separate standard for the protection of non-human species. I believe, and there is no evidence to the contrary, that the strict standards that are in place for the protection of humans are also fully protective of the environment and non-human species. The European community, however, has decided to pursue the development of such a standard. That being the case, I believe that the NRC staff should be involved in the on-going efforts by the International Atomic Energy Agency and the International Commission on Radiation Protection on this topic to ensure that our opinion is heard and to ensure that individual nations have great flexibility to decide what, if any, additional measures need to be implemented. The NRC staff should not, however, expend significant research dollars on this activity.

### Commissioner Merrifield

I approve the staff's plan for evaluating scientific information and radiation protection recommendations as modified in the following sentences. Available data continues to support the general conclusion that radiation standards developed to protect the human species also adequately protects other elements of the environment. Consequently, I share the Chairman's misgivings about the need to develop separate standards for the protection of non-human species. However, it is evident that there is international interest in developing standards in this area. NRC staff should expend appropriate resources to participate in this international effort and provide comments, but significant research dollars should not be spent on this effort. The staff should continue to articulate the Commission's view on this activity. If the international community desires to continue this effort, staff should participate to (1) maintain the focus of the IAEA activity on the development of an overall process for evaluating environmental impacts and (2) not support the development of specific IAEA standards in this area but rather leave the development of specific standards for the protection of non-human species to the individual national governments so that flexibility for implementation is maintained on a national level.