April 21, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-077

TITLE: TO REQUEST COMMISSION APPROVAL TO GRANT EXEMPTIONS FROM PORTIONS OF 10 CFR PART 20

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 21, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commissioners, and the SRM of April 21, 1999.

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Annette Vietti-Cook
Secretary of the Commission

Attachments:
1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-077

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	3/30/99
COMR. DICUS	X					4/7/99
COMR. DIAZ	X					4/6/99
COMR. McGAFFIGAN	X					3/22/99
COMR. MERRIFIELD	X					3/30/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and Chairman Jackson provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on April 21, 1999.

Commissioner Comments on SECY-99-077

Chairman Jackson

This issue is analogous to the EPA use of out dated methodology to derive its maximum concentration limits, which the Commission has publicly opposed; therefore, I approve the staff proposal to grant the exemption request by OSRAM and on a case by case basis to grant future exemption requests from licensees on this modeling issue. Generically, the staff should consider this issue in the development of future rulemakings related to the adoption of Industry Standards so as not to unnecessarily tie the agency and its licensees to industry methodologies that are static and quickly dated. Methodologies developed to show compliance with industry standards are dynamic in nature and continually evolving; therefore, rather than incorporating methodologies and protocols into the regulations themselves, the staff should instead incorporate the standards through reference in guidance documents which can be updated as needed to reflect the current state of the art. The final measure of the licensee's program should be compliance with the dose limits, not with a set of values that were meant to ease the calculational burden of the licensees.