

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
October 25, 2006

The Commission met in open session, pursuant to notice, at 1:25 pm,
Dale E. Klein, presiding.

COMMISSIONERS PRESENT:

DALE E. KLEIN, Chairman of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, General Counsel

ANNETTE VIETTI-COOK, Secretary of the Commission

DISCLAIMER

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The transcript is intended solely for general information purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determination or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of, or addressed to, any statement or argument contained herein, except as the Commission may authorize.

[1:25 pm]

P R O C E E D I N G S

CHAIRMAN KLEIN: Before we start our briefing, I think, Madam Secretary we have an affirmation?

ANNETTE VIETTI-COOK: Yes. The Commission is being asked to act on a final rule amending Parts 20 and 32 of Title 10 of the *Code of Federal Regulations*. The amendments establish the regulatory foundation for the National Source Tracking System. The final rule requires licensees to report transactions involving the manufacture, transfer, receipt, disassembly, and the disposal of nationally tracked sources.

Chairman Klein and Commissioners Merrifield and Lyons voted to approve the publication and implementation of this final rule under the NRC's authority to protect public health and safety. Commissioners McGaffigan and Jaczko disapproved issuing the final rule under the Commission's public health and safety authority and would have preferred to issue it under NRC's common defense and security authority.

Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

.COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Commissioner McGaffigan had previously voted by Notation Vote and had he been here he would have affirmed his prior vote. That's all I have.

CHAIRMAN KLEIN: Thank you. This is probably the largest crowd we've ever had for an affirmation vote. (Laughter)

CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: Affirmation Session
(PUBLIC MEETING)

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: October 25, 2006

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company.

Transcriber: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)