



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

January 4, 2007

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-06-0234

TITLE: FINAL RULE: SECURE TRANSFER OF NUCLEAR  
MATERIAL (RIN 3150-AH90)

The Commission (with all Commissioners agreeing) approved the subject paper as noted in an Affirmation Session and recorded in the Staff Requirements Memorandum (SRM) of January 4, 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 L. 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-06-0234

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X					12/14/06
COMR. McGAFFIGAN	X					12/7/06
COMR. MERRIFIELD	X					12/5/06
COMR. JACZKO	X				X	12/12/06
COMR. LYONS	X					12/7/06

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the final rule as noted in an Affirmation Session reflected in the SRM issued on January 4, 2007.

**AFFIRMATION ITEM**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN KLEIN  
SUBJECT: **SECY-06-0234 - FINAL RULE: SECURE TRANSFER OF  
NUCLEAR MATERIAL (RIN 3150-AH90)**

Approved xx Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below\_\_\_ Attached\_\_\_ None xx



\_\_\_\_\_  
SIGNATURE

12/15/2006  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**AFFIRMATION ITEM**

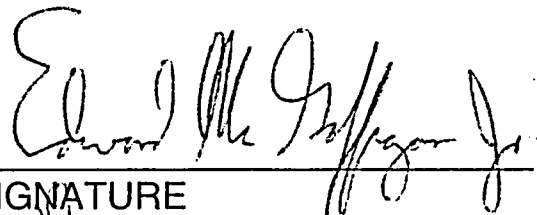
**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-06-0234 - FINAL RULE: SECURE TRANSFER OF NUCLEAR MATERIAL (RIN 3150-AH90)**

Approved  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached \_\_\_\_\_ None



SIGNATURE

December 7, 2006

DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**AFFIRMATION ITEM**

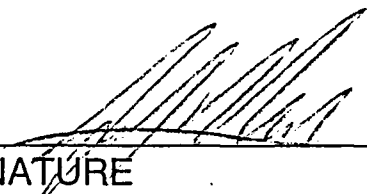
**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: **SECY-06-0234 - FINAL RULE: SECURE TRANSFER OF  
NUCLEAR MATERIAL (RIN 3150-AH90)**

Approved  Disapproved  Abstain

Not Participating

COMMENTS: Below  Attached  None

  
\_\_\_\_\_  
SIGNATURE

12/5/06  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

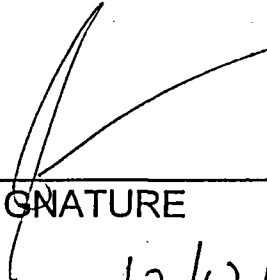
**AFFIRMATION ITEM**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER JACZKO  
SUBJECT: **SECY-06-0234 - FINAL RULE: SECURE TRANSFER OF NUCLEAR MATERIAL (RIN 3150-AH90)**

Approved  Disapproved  Abstain   
Not Participating

COMMENTS: Below  Attached  None

  
\_\_\_\_\_  
SIGNATURE  
12/12/06  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

**Commissioner Jaczko's Comments on SECY-06-0234  
Final Rule: Secure Transfer of Nuclear Material (RIN 3150-AH90)**

I approve of the staff's recommendation to publish the final rule for the secure transfer of nuclear materials in the *Federal Register*. The publication of this rulemaking implements Section 656, Secure Transfer of Nuclear Material, of the Energy Policy Act (EPAc) of 2005, which directed the Nuclear Regulatory Commission (NRC) to establish a system of manifests and security background checks for any party pursuant to and NRC import or export license. This action completes one of the many actions currently underway by the NRC to implement the new authorities given to it under the EPAc.

The regulation, in its current form, only applies to licensees who receive an Order from the NRC requiring the completion of security background checks as a prerequisite for unescorted access to risk significant radioactive materials. The Commission, prior to the development of this rule, directed the staff to Order manufacturers and distributors, and pool type irradiator licensees to restrict access to risk-significant materials based on fingerprinting and criminal history record checks. Additionally, Orders were sent to licensees who ship radioactive material quantities of concern.

The new statutory responsibilities of the NRC under Section 656 covered a range of materials such as spent nuclear fuel, source and special nuclear materials, radioactive waste, as well as byproduct materials. As a result, I believe a wider range of licensees should be required to receive Orders from the NRC under this new regulation to restrict access to these materials if they are risk significant. I understand, however, that the staff is preparing a paper that includes its recommendations for issuing additional Orders, as appropriate. Thus, I will withhold further comment on this issue until I see the staff's recommendations in the aforementioned paper.

  
\_\_\_\_\_  
Gregory B. Jaczko

  
\_\_\_\_\_  
Date

**AFFIRMATION ITEM**

**RESPONSE SHEET**

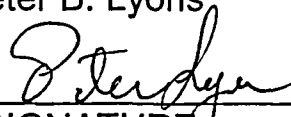
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER LYONS  
SUBJECT: **SECY-06-0234 - FINAL RULE: SECURE TRANSFER OF  
NUCLEAR MATERIAL (RIN 3150-AH90)**

Approved   X   Disapproved        Abstain       

Not Participating       

COMMENTS: Below        Attached        None   X  

Peter B. Lyons

  
\_\_\_\_\_  
SIGNATURE

  12/7/06    
DATE

Entered on "STARS" Yes   ✓   No