

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland  
January 30, 2012

The Commission met in open session, pursuant to notice, at 1:25 p.m.,  
Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

KRISTINE L. SVINICKI, Member of the Commission

GEORGE APOSTOLAKIS, Member of the Commission

WILLIAM D. MAGWOOD, IV, Member of the Commission

WILLIAM C. OSTENDORFF, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEPHEN G. BURNS, General Counsel

ANNETTE L. VIETTI-COOK, Secretary of the Commission

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on January 30, 2012 in the Commission's office at One White Flint North, Rockville, Maryland. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected or edited, and it may contain inaccuracies.

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 p.m.]

## P R O C E E D I N G S

CHAIRMAN JACZKO: This is a formal Commission meeting for the Affirmation Session first and then we'll have Agenda Planning.

MS. VIETTI-COOK: You ready?

CHAIRMAN JACZKO: Yes.

MS. VIETTI-COOK: The first item is the final rule requirements for distribution of byproduct material. The Commission is being asked to act on a final rule amending Title 10 of the Code of Federal Regulations 10 CFR Parts 30, 31, 32, 40, and 70 to revise the regulations to make the requirements for distributors of byproduct material clearer, less prescriptive, and more risk-informed and up to date. The final rule also redefines the categories of devices to be used under exemptions, adds explicit provisions regarding the sealed source and device registration process, and adds flexibility to the licensing of users of sealed sources and devices. The rule also makes licensing processes more efficient and effective. The Commission (with Chairman Jaczko disapproving in part) has voted to approve the publication and implementation of this final rule, subject to removing the quantity limit for the new class exemption, revising the statements of consideration to clarify that the basis for the misuse criteria is safety, and making the changes noted in the attachments. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

MS. VIETTI-COOK: The second item is the final rule advanced notification to Native American Tribes of transport of certain types of nuclear waste. The Commission is being

asked to act on a final rule amending 10 CFR Parts 71 and 73 to require licensees to provide advance notification to participating Federally-recognized Tribal governments prior to shipping irradiated reactor fuel and certain radioactive wastes through Tribal reservations. The Commission has voted to approve the publication and implementation of this final rule subject to the changes noted in the attachment. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

MS. VIETTI-COOK: That's all I have.

CHAIRMAN JACZKO: Okay, thanks. That concludes this part of the meeting.

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: January 30, 2012

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: Darlene K. Wright

Reporter: (TAPE RECORDING)