



SECRETARY

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

August 25, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-174

TITLE: FINAL RULE: EXPAND APPLICABILITY OF 10
CFR PART 72 TO HOLDERS OF, AND
APPLICANTS FOR, CERTIFICATES OF
COMPLIANCE, AND THEIR CONTRACTORS
AND SUBCONTRACTORS

The Commission (with Chairman Dicus and Commissioner McGaffigan approving, Commissioner Merrifield approving in part and disapproving in part, and Commissioner Diaz disapproving) has approved in part and disapproved in part the subject paper as noted in the Affirmation Session and recorded in the Affirmation Session Staff Requirements Memorandum (SRM) of August 25, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the Affirmation Session SRM of August 25, 1999.

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook".

Annette Vietti-Cook
Secretary of the Commission

Attachments:

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

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

PDR
AF 93-2



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Annette Vietti-Cook
Secretary of the Commission

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VOTING SUMMARY - SECY-99-174

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DICUS	X				X	8/6/99
COMR. DIAZ		X			X	8/4/99
COMR. McGAFFIGAN	X				X	8/9/99
COMR. MERRIFIELD	X	X			X	8/6/99

COMMENT RESOLUTION

The Commission (with Chairman Dicus and Commissioners McGaffigan and Merrifield approving) has voted to approve the publication and implementation of the final revisions to 10 CFR Part 72 which serve to clarify the regulatory requirements imposed on holders of, or applicants for, a certificate of compliance under this Part. The Commission (with Commissioners Diaz and Merrifield disapproving) has not approved the extension of NRC requirements under Part 72, Subpart G, to contractors and subcontractors. Commissioner Diaz disapproved this rule because he believes licensees are responsible for assuring that their contractors and subcontractors are implementing adequate quality assurance programs and that the NRC should not extend its regulatory reach into new areas beyond matters of adequate protection without a compelling safety benefit that justifies the costs to all. Commissioner Merrifield disapproved of the extension of regulatory requirements to contractors and subcontractors of certificate holders and licensees for reasons similar to those articulated by Commissioner Diaz. However, Commissioner Merrifield approved of those changes related to certificate of compliance holders since he believes those changes represent clarifications to existing requirements and not an extension into new areas. Subsequently, the Commission approved portions of the final rule as noted in the Affirmation Session SRM issued on August 25, 1999.