

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



SECRETARY

December 17, 2007

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0203

TITLE: RULEMAKING PLAN: 10 CFR PART 110, "EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; UPDATES AND CLARIFICATIONS"

The Commission (with Chairman Klein and Commissioner Lyons agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 17, 2007. Commissioner Jaczko disapproved the paper.

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 Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-07-0203

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X					12/5/07
COMR. JACZKO		X			X	12/11/07
COMR. LYONS	X					12/30/07

COMMENT RESOLUTION

In their vote sheets, Chairman Klein and Commissioner Lyons approved the staff's recommendation. Commissioner Jaczko disapproved the paper. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on December 17, 2007.

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: SECY-07-0203 – RULEMAKING PLAN: 10 CFR
PART 110, “EXPORT AND IMPORT OF NUCLEAR
EQUIPMENT AND MATERIAL; UPDATES AND
CLARIFICATIONS”

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

12/8/07

DATE

Entered on “STARS” Yes No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER JACZKO

SUBJECT: SECY-07-0203 – RULEMAKING PLAN: 10 CFR
PART 110, “EXPORT AND IMPORT OF NUCLEAR
EQUIPMENT AND MATERIAL; UPDATES AND
CLARIFICATIONS”

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



SIGNATURE

12/11/07

DATE

Entered on “STARS” Yes X No _____

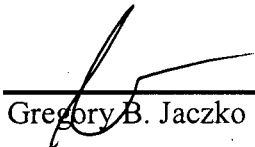
Commissioner Jaczko's Comments on SECY-07-0203
Rulemaking Plan: 10 CFR Part 110, "Export and Import of Nuclear Equipment and Material; Updates and Clarifications"

I disapprove of the staff's recommendation to amend Part 110 in accordance with Option 2 of proposed rulemaking plan. Option 2 of the staff's rulemaking plan would eliminate the requirement for licensees to obtain a specific license to import risk significant sources without Commission approval.

The agency, in response to the events of September 11, 2001, conducted a comprehensive review of nuclear and radioactive material security requirements in the new threat environment to assure the common defense and security. This analysis revealed that byproduct materials, which the Commission traditionally provided very little controls over, could potentially be used by terrorist to construct a dirty bomb. Thus, the Nuclear Regulatory Commission (NRC), in collaboration with the Department of State, sought to amend its export and import nuclear material security policies consistent with the International Atomic Energy Agency's Code of Conduct.

In recognizing the potential for improperly handling risk significant quantities of radioactive sources, the agency developed a rule requiring these sources be (i) specifically licensed; (ii) advance notification be provided for the export/import of sources; (iii) and tracking be conducted to prevent them from being diverted for illicit purposes. In May 2005, the Commission unanimously approved the final rule implementing the new export and import security policies. In approving the final rule the Commission agreed with staff that the amendments would address the "fact that most radioactive materials subject to NRC's authority may be imported or exported without specific authorization by NRC and without NRC's knowledge."

I continue to believe that the Commission should remain cognizant of the export/import of risk significant quantities of radioactive sources using the current provision of Part 110. I understand that some minor improvements or clarifications in Part 110 may result in efficiencies in the agency's process for authorizing exports/imports; however, without a significant change in the current threat environment, I see no reason for amending Part 110 for the export and import of risk significant sources.



Gregory B. Jaczko

12/11/07

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER LYONS

SUBJECT: SECY-07-0203 – RULEMAKING PLAN: 10 CFR
PART 110, “EXPORT AND IMPORT OF NUCLEAR
EQUIPMENT AND MATERIAL; UPDATES AND
CLARIFICATIONS”

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached None X


Peter B. Lyons

SIGNATURE

11/30/07

DATE

Entered on “STARS” Yes X No