

December 3, 2002

COMMISSION VOTING RECORD

DECISION ITEM:       SECY-02-0179

TITLE:                   FINAL RULE: MATERIAL CONTROL AND  
                              ACCOUNTING AMENDMENTS

The Commission (with all Commissioners agreeing) approved the final rule as noted in an Affirmation Session on November 21, 2002 and recorded in the Staff Requirements Memorandum (SRM) of December 3, 2002.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

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Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

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

VOTING SUMMARY - SECY-02-0179

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. MESERVE	X				X	11/4/02
COMR. DICUS	X				X	10/12/02
COMR. DIAZ	X				X	10/10/02
COMR. McGAFFIGAN	X				X	10/17/02
COMR. MERRIFIELD	X					10/16/02

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the final rule and some provided additional comments. Subsequently, the Commission approved the final rule in an affirmation session on November 21, 2002, as reflected in the SRM issued on December 3, 2002.

## Commissioner Comments on SECY-02-0179

### Chairman Meserve

SECY-02-0179 requests Commission approval for publication of the final rule: "Material Control and Accounting Amendments." The rulemaking would clarify the material control and accounting requirements by removing the inconsistencies between Category I, II, & III requirements.

I join my fellow Commissioners in approving publication of the final rule. I also certify that this rule satisfies the requirement of the Regulatory Flexibility Act, 5 U.S.C. 605 (b). However, I note that the Environmental Assessment for the final rule includes a section on environmental justice. Attachment 3 at 2. The staff had proposed that environmental justice issues should not be considered if a Finding of No Significant Impact has been made. COMSECY-99-021, at 3. The Commission approved the staff's recommendation. Staff Requirements Memorandum for COMSECY-99-021, Aug. 5, 1999. In future rulemakings, staff should adhere to this direction.

I suggest some editorial changes of the *Federal Register* notice (attached).

### Commissioner Dicus

I approve staff's comments to consolidate and modify the Category II facility and the generally applicable material control and accounting requirements currently contained in 10 CFR Part 70 and 10 CFR Part 74, and to make the necessary conforming adjustments to other impacted regulations. I also agree with staff that due to the nature and scope of these changes, it is logical to move forward with the final rule prior to staff completing their comprehensive review and evaluation of the safeguards and security program.