

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  
Wednesday, September 4, 2002

The Commission met in open session, pursuant to notice, at 10:25a.m.

Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman

GRETA JOY DICUS, Member of the Commission

NILS J. DIAZ, Member of the Commission

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

KAREN D. CYR, Office of the General Counsel

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on September 4, 2002 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.

[10:25 a.m.]

P R O C E E D I N G S

CHAIRMAN MESERVE: Good morning. This is an affirmation session. And I understand we have two items to deal with this morning. Madam Secretary you may proceed.

ANNETTE VIETTI-COOK: Thank you. Commissioner Dicus are you on the line?

COMMISSIONER DICUS: Yes, I'm on the line.

ANNETTE VIETTI-COOK: OK, I'm going to call you out separately at the end. OK?

COMMISSIONER DICUS: That's fine.

ANNETTE VIETTI-COOK: OK, the Commission is being asked to act on a final rule amending 10 CFR Part 63 to establish the annual probability of occurrence that defines an unlikely feature, event, or process. The Commission has voted to approve the publication and implementation of this final rule, subject to the changes in the attachment to this affirmation notice and the SRM that will be issued following the affirmation session. Would you please affirm your votes.

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

ANNETTE VIETTI-COOK: Commissioner Dicus would you please affirm your vote.

COMMISSIONER DICUS: Aye.

ANNETTE VIETTI-COOK: The second item is in the matter of Duke Cogema Stone and Webster (Savannah River Mixed Oxide Fuel Fabrication Facility); Board's certified question regarding procedure. The Commission is being asked to rule on a certified question concerning whether the appropriate provisions of 10 CFR Part 2, Subparts I and G, concerning the procedures for dealing with classified and safeguards information should be applied to this modified Subpart L proceeding. The Commission has voted to approve a Memorandum and Order which accepts the Board's procedural recommendations in this matter and directs the staff to keep the Board apprised of changes in the status of the Memorandum of Understanding between the NRC and the Department of Energy regarding the two agencies' responsibilities for granting security clearances. Would you please affirm your votes.

CHAIRMAN MESERVE: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

ANNETTE VIETTI-COOK: Commissioner Dicus, would you please affirm your vote.

COMMISSIONER DICUS: Aye.

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

CHAIRMAN MESERVE: Thank you very much with that we're adjourned.

## 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: September 4, 2002

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: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)