

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

\*\*\*

AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland

Tuesday, November 24, 1998

The Commission met in open session, pursuant to notice, at 10:30 a.m.,  
Shirley Ann Jackson, Chairman, presiding.

COMMISSIONERS PRESENT:

SHIRLEY ANN JACKSON, Chairman of the Commission

GRETA J. DICUS, 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:**

**JOHN C. HOYLE, Secretary**

**JOSEPH R. GRAY, Associate General Counsel for Licensing and  
Regulation**

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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.

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

[10:35 a.m.]

CHAIRMAN JACKSON: Good morning ladies and gentlemen. This is an Affirmation Session. We have four items to come before us this morning. Before I ask the Secretary to lead us through the items for affirmation, do any of my colleagues have any opening comments they wish to make?

VOICE: No.

CHAIRMAN JACKSON: If there are no comments, Mr. Secretary, please proceed.

MR. HOYLE: Thank you, Chairman Jackson. The first item is SECY-98-237. The Commission is being asked in this paper to act on a Final Rule Amending 10 CFR Part 2, Subpart J concerning the procedures applicable to proceedings for the issuance of licenses for the receipt of high level radioactive waste at a geologic repository. Each of you has voted to approve the publication and implementation of this Final Rule with several amendments. I ask you to affirm your votes.

CHAIRMAN JACKSON: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER McGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. HOYLE: I note Commissioner Diaz also had voted to approve this paper and were he here would also affirm his vote. The second one is SECY-98-250. The Commission is being asked in this paper to act on an Order responding to

Envirocare's request for a hearing and leave to intervene in the licensing proceeding concerning International Uranium Corporation. Each of you has voted to approve a Memorandum and Order which affirms the Presiding Officer's Memorandum and Order of August 19, 1998 dismissing Envirocare. Please affirm your vote.

CHAIRMAN JACKSON: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER McGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. HOYLE. Again, I note that Commissioner Diaz would have affirmed his vote if he were present. The third is SECY-98-257. The Commission is being asked to act on a Final Rule Amending 10 CFR Part 2 concerning the Commission's Rules of Practice for domestic licensing proceedings and issuance of orders. It provides new procedures in Subpart M to provide specific uniform informal procedures for handling requests for hearings associated with license transfer applications and would apply to all license transfers that require prior NRC approval. Each of you has voted to approve publication and implementation of this Final Rule. I ask that you affirm your votes.

CHAIRMAN JACKSON: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER McGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. HOYLE: Again, Commissioner Diaz...

CHAIRMAN JACKSON: When does that become final? When does that rule become final?

VOICE: Immediately. It's immediately effective upon publication. Isn't that right, Joe? It's immediately effective upon publication?

MR. GRAY: The rule would become effective on publication in the Federal Register which we would anticipate to be next week sometime.

CHAIRMAN JACKSON: Good. Okay.

MR. HOYLE: The last item is 98-262. The Commission is being asked to act on an Order responding to North Atlantic Energy Corporation's Motion to Withdraw its Amendment Applications and to Terminate two Related Adjudicatory Proceedings regarding Seabrook Station. Each of you has voted to approve a Memorandum and Order with some changes which grants North Atlantic Energy Corporation's Motion to Withdraw its Amendment Applications, dismisses the related adjudicatory proceedings as moot, and vacates the Atomic Safety and Licensing Board's decision in LBP-98-23. I ask you to affirm your votes.

CHAIRMAN JACKSON: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER McGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. HOYLE: Again, Commissioner Diaz had voted to approve this paper.

CHAIRMAN JACKSON. Is there anything else to come before us today?

MR. HOYLE. No, there isn't.

CHAIRMAN JACKSON: If not, we're adjourned. Thank you.

MR. HOYLE. Thank you.

[Whereupon, at 10:45 a.m., the affirmation session was 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: Tuesday, November 24, 1998

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: *Debra K. Wright*

Reporter: (TAPE RECORDING)