

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, August 25, 1999

The Commission met in open session, pursuant to notice, at 9:55 a.m.,  
Greta Joy Dicus, Chairman, presiding.

COMMISSIONERS PRESENT:

GRETA J. DICUS, Chairman 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, General Counsel

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on August 25, 1999 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.

[9:55 a.m.]

## PROCEEDINGS

CHAIRMAN DICUS: Good morning, ladies and gentlemen. This is an affirmation session and we have one item to come before us this morning. Before I ask the Secretary to lead us through the item for affirmation, do any of my colleagues have any opening comments that they would like to make?

COMMISSIONER MERRIFIELD: No.

CHAIRMAN DICUS: Okay. Then, if not, Madam Secretary, you may proceed.

MS. VIETTI-COOK: The Commission is being asked to act on a final rule amending 10 CFR Part 72 to clarify its applicability to holders of, and applicants for, certificates of compliance and their contractors and subcontractors. These amendments would enhance the Commission's ability to take enforcement action when legally binding requirements are violated. In addition, a new section identifies record keeping and reporting requirements for certificate of compliance holders and applicants for certificates of compliance. 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 justification that justifies the cost to all. Commissioner Merrifield disapproved the extension of regulatory requirements to contractors and subcontractors of certificate holders and licensees for similar reasons to those articulated by Commissioner Diaz. However, Commissioner Merrifield approved of those changes related to certificate of compliance holders since he believes those change represent clarifications to existing requirements and not an extension into new areas.

The staff should revise the proposed final rule language and discussion of the Federal Register Notice and accompanying documents to delete the changes that would extend the rule to contractors and subcontractors and incorporate the changes in the attachment. Note that any references to contractors and subcontractors in the existing regulations need not be changed. Would you please affirm your vote?

CHAIRMAN DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

CHAIRMAN DICUS: Is there anything else to come before us today?

MS. VIETTI-COOK: No.

CHAIRMAN DICUS: If not, then we stand adjourned.

[Whereupon, at 10:00 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: August 25, 1999

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: *Dorlene F. Wright*

Reporter: (TAPE RECORDING)