

November 21, 2002

MEMORANDUM FOR: William D. Travers  
Executive Director for Operations

John F. Cordes, Director  
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:55 A.M., THURSDAY, NOVEMBER 21, 2002,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)

### **I. SECY-02-0084 - Final Rule on Decommissioning Trust Provisions**

The Commission approved a final rule amending 10 CFR Parts 50 and 72 to establish objectives and criteria considered essential for decommissioning trust fund agreements. The Commission approved the final rule subject to the changes in attachment 1.

Following incorporation of the changes, the *Federal Register* notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense: 12/20/02)

### **II. SECY-02-0185 - Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Unit No. 3; Facility Operating License NPF-49)**

The Commission approved a Memorandum and Order responding to a petition for Commission review by Connecticut Coalition Against Millstone and the Long Island Coalition Against Millstone (CCAM/CAM) of the Licensing Board decision to deny the petitioners' request for evidentiary hearing related to the reactor license amendment filed by Northeast Nuclear Energy Company to increase storage capacity of the spent fuel pool at Millstone Unit 3. The Memorandum and Order grants review and affirms the Board's decision.

(Subsequently, on November 21, 2002, the Secretary signed the Memorandum and Order.)

### **III. SECY-02-0190 - Pacific Gas & Electric Co. (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation); Petition to Suspend Proceeding Pending Comprehensive Review of Adequacy of Design and Operation Measures to Protect Against Terrorist Attack and Other Acts of Malice or Insanity**

The Commission approved a Memorandum and Order responding to a petition filed by numerous intervenors in the proceeding related to an application by Pacific Gas & Electric Company to build an independent spent fuel storage installation at the site of its Diablo Canyon nuclear power plants. The petition seeks to suspend the licensing proceeding pending a comprehensive review of the adequacy of measures to protect against terrorist attack and other acts of malice or insanity. The Commission Memorandum and Order denies the intervenors' petition to stay the licensing proceeding.

(Subsequently, on November 21, 2002, the Secretary signed the Memorandum and Order.)

Attachment: [Changes to the Final Rule in SECY-02-0084](#)

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR

**Changes to the Final Rule in SECY-02-0084**

1. On page 4, 1<sup>st</sup> full paragraph, revise line 8 to read ' ... stated that ~~[u]pon~~~~Up~~ontaking into account ....'
2. On page 5, paragraph 3, line 5, insert an additional period after "request".
3. On page 5, last paragraph, revise line 3 to read ' ... is that, ~~[u]ntil~~~~Until~~recently, ....'
4. On page 9, last paragraph, line 9, replace "would" with "should".
5. On page 13, last paragraph, line 1, replace "Another" with "One".
6. On page 14, 1<sup>st</sup> full paragraph, line 1, replace "The next" with "Other".
7. On page 17, paragraph 2, revise lines 3 and 4 to read ' ... one commenter's ~~assertion~~~~position~~....' Delete the paragraph break which occurs at the end of line 4.
8. On page 17, last paragraph, revise line 3 to read ' ... only those licensees ~~not~~meeting the ....'
9. On page 24, 1<sup>st</sup> full paragraph, add the following sentence at the end of the paragraph: 'The final rule has been revise to reflect these points.'
10. On page 31, paragraph 2, line 4, delete the extra 's' at the end of 'theses'.