

1 UNITED STATES OF AMERICA
 2 NUCLEAR REGULATORY COMMISSION
 3 ***
 4 AFFIRMATION SESSION
 5 ***
 6 PUBLIC MEETING
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9 Nuclear Regulatory Commission
 10 One White Flint North
 11 Rockville, Maryland
 12 Friday, June 18, 1999
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14 The Commission met in open session, pursuant to
 15 notice, at 11:30 a.m., Shirley A. Jackson, Chairman,
 16 presiding.
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18 COMMISSIONERS PRESENT:

- 19 SHIRLEY A. JACKSON, Chairman of the Commission
- 20 NILS J. DIAZ, Commissioner
- 21 GRETA J. DICUS, Commissioner
- 22 EDWARD McGAFFIGAN, JR., Commissioner
- 23 JEFFREY S. MERRIFIELD, Commissioner
- 24
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1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

- 2 ANNETTE L. VIETTI-COOK, Secretary of the
- 3 Commission
- 4 KAREN D. CYR, General Counsel
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1 P R O C E E D I N G S

2 [11:30 a.m]

3 CHAIRMAN JACKSON: Good morning, ladies and
 4 gentlemen. This is an affirmation session. We have two
 5 items to come before us this morning. Before I ask the
 6 Secretary to lead us through the items for affirmation, do
 7 any of my colleagues have any opening comments they wish to
 8 make? I know there may be some follow-on comments.

9 Madam Secretary, please proceed.
10 MS. VIETTI-COOK: The first item is the Commission
11 is being asked to act on a Memorandum and Order in response
12 to a petition for review of the antitrust issues in the
13 license transfer application for the Wolf Creek Nuclear
14 Power Reactor.
15 The Commission has voted to approve a Memorandum
16 and Order with the attached changes which rejects the
17 pending hearing request. It also directs the NRC staff to
18 initiate a rulemaking to remove any implication in current
19 rules that the NRC would conduct antitrust reviews of
20 license transfers.
21 Further, the order solicits the parties' views on
22 how best to handle the Wolf Creek license conditions and
23 gives non-parties an opportunity to comment.
24 Would you please affirm your votes.
25 [Chorus of ayes.]

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1 MS. VIETTI-COOK: For the second item I would like
2 to request your vote to hold an affirmation on the final
3 revision to 10 CFR 50.65 to require licensees to perform
4 assessments before performing maintenance on short notice.
5 [Chorus of ayes.]
6 COMMISSIONER DIAZ: No.
7 MS. VIETTI-COOK: I will just reflect that a
8 majority of the Commission has agreed to go forward.
9 The Commission is being asked to act on a final
10 rule amending 10 CFR 50.65 to require that power reactor
11 licensees before performing maintenance assessment and
12 manage the increase in risk that may result from the
13 maintenance activities. The Commission, with Chairman
14 Jackson and Commissioners Dicus, McGaffigan and Merrifield
15 agreeing, has voted to approve the publication and
16 implementation of this final rule subject to the changes in
17 the attachment.
18 Commissioner Diaz disapproved the rulemaking,
19 believing that it was no longer necessary to ensure
20 licensees are performing adequate safety assessments and
21 that for the purposes of risk-informing the rule it should
22 be issued for public comments.
23 Would you please affirm your votes.
24 [Chorus of ayes.]
25 COMMISSIONER DIAZ: I do have a comment, Madam

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1 Secretary, and Madam Chairman. I would like to state for
2 the public record that I object to rushing the maintenance
3 rule affirmation this morning. My vote was only distributed
4 this morning to the Commissioners' office. It contained new
5 and significant information which I think should have been
6 deliberated on.
7 I really believe that there is no reason to rush
8 this affirmation under the present conditions. Two or three
9 days you would have had the same result, but you would have
10 had the ability to look at the vote. We have been in
11 meetings all morning. We have not been able to deliberate
12 on the votes.
13 Finally, I would like to note, and this is kind of
14 philosophy, quoting from somebody that we all know,
15 whatsoever you do to the least of your brothers you do it to
16 yourself.
17 Thank you.
18 CHAIRMAN JACKSON: Is there anything else to come

19 before us today?

20 MS. VIETTI-COOK: No.

21 CHAIRMAN JACKSON: With that, we are adjourned.

22 [Whereupon at 10:34 a.m., the affirmation session
23 was concluded.]

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