

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Friday, September 10, 1999

The Commission met in open session, pursuant to notice, at 11:30 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

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STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

STEPHEN G. BURNS, Deputy General Counsel

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DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on September 10, 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.

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[11:30 a.m.]

PROCEEDINGS

CHAIRMAN DICUS: Well good morning ladies and gentlemen. This is an affirmation session and we have two 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 that they would like to make?

COMMISSIONER DIAZ: No.

COMMISSIONER MCGAFFIGAN: No.

COMMISSIONER MERRIFIELD: No.

CHAIRMAN DICUS: All right. 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 20. The amendments recognize new respiratory protection devices and procedures that have been proven

effective, adopt new national consensus standards from the American National Standards Institute, conform NRC requirements to new Occupational Safety and Health Administration regulations, reduce licensee burden without reducing worker safety, and are consistent with the Commission's intent to promulgate performance-based rules. The Commission has voted to approve the publication and implementation of this final rule subject to the comments and editorial changes noted in the attachment. Would you please affirm your vote?

CHAIRMAN DICUS: Aye.

COMMISSIONER DIAZ: Aye.

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COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The second item is the Commission is being asked to act on a Memorandum and Order responding to Yankee Atomic Electric Company's May 26, 1999 motion to dismiss without prejudice its appeal of a Board order admitting four contentions and to vacate both LBP-99-14 and LBP-99-17. The Commission has voted to approve a Memorandum and Order, with the attached changes, which grants the motion to dismiss without prejudice and vacates LBP-99-14 and LBP-99-17. Would you please affirm your vote?

CHAIRMAN DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

CHAIRMAN DICUS: Madam Secretary, do we have anything else to come before us today?

MS. VIETTI-COOK: No.

CHAIRMAN DICUS: If not, then we are adjourned.

[Whereupon, at 11:35 a.m., the affirmation session was adjourned.]

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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 10, 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: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)