

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

Tuesday, July 25, 2000

The Commission met in open session, pursuant to notice, at 3:25 p.m., Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman of the Commission  
  
GRETA J. DICUS, Member of the Commission  
  
NILS J. DIAZ, Member of the Commission  
  
EDWARD MCGAFFIGAN, JR., Member of the Commission  
  
JEFFREY S. MERRIFIELD, Member of the Commission

2

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary  
KAREN D. CYR, General Counsel

3

DISCLAIMER

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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.

4

[3:25

p.m.]

P R O C E E D I N G S

CHAIRMAN MESERVE: Okay. Good afternoon. We're here this afternoon for an Affirmation Session on two matters. Before I ask the Secretary to proceed are there any comments anyone would like to make? 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 which sections apply to general licensees and certificate holders. This final rule will also eliminate repetitive review of previously approved storage cask designs and add some flexibility to begin cask fabrication before the NRC issues a certificate of compliance. The Commission has voted to approve the publication and implementation of this final rule subject to the attached changes. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The second item the Commission is being asked to act on a final rule amending 10 CFR Part 70, Domestic Licensing of Special Nuclear Material, for certain licensees authorized to possess a critical mass of special nuclear material. The final rule identifies performance requirements for prevention of accidents

5

or mitigation of their consequences, requires affected licensees to perform an integrated safety analysis to identify potential accidents at the facility and the items relied on for safety necessary to prevent these potential accidents and/or mitigate their consequences, requires the implementation of measures to ensure that the items relied on for safety are available and reliable to perform their function when needed, requires the safety basis to be maintained and changes reported to the NRC, allows licensees to make certain changes to their safety program and facilities without prior NRC approval, requires reporting of certain events and requires NRC to perform a backfit analysis under specified

conditions. The Commission has voted to approve the publication and implementation of this final rule subject to the changes in the attachment. For the reasons described in this vote, Commissioner McGaffigan would not have adopted the substantial increase criterion in the backfit provision. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: That's all I have.

CHAIRMAN MESERVE: Good. Is there anything else to come before

us?

MS. VIETTI-COOK: No.

CHAIRMAN MESERVE: Good. With that, we're adjourned.

[Whereupon, at 3:30 p.m., the affirmation session was adjourned.]

6

#### 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: July 25, 2000

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)