

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
Thursday, November 21, 2002

The Commission met in open session, pursuant to notice, at 9:55 a.m.

Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman

GRETA JOY 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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

KAREN D. CYR, Office of the General Counsel

DISCLAIMER

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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.]

P R O C E E D I N G S

CHAIRMAN MESERVE: Good morning. We have several affirmation matters to deal with at the outset, so why don't we turn to those. Madam Secretary?

MS. VIETTI-COOK: The Commission is being asked to act on a final rule amending 10 CFR Parts 50 and 72 to establish objectives and criteria considered essential for decommissioning trust fund agreements. The Commission has voted to approve the publication and implementation of this final rule subject to the comments and changes provided in the attachment. 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 the material control and accounting regulations. The final rule revises the requirements for the Material Balance Reports and Inventory Composition Reports for all licensees except Category I licensees. The categorical exclusion for the approval of safeguards plans is revised to specifically include approval of amendments to safeguards plans. The material control and accounting requirements for Category II facilities are revised to be more risk-informed. The amendments are intended to reduce unnecessary burden on licensees and the NRC without adversely affecting public health and safety. The Commission has voted to approve the publication and implementation of this final rule subject to the changes provided in the attachment. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER DICUS: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: The third item the Commission is being asked to act on a Memorandum and Order responding to a petition for Commission review by Connecticut Coalition Against Millstone and the Long Island Coalition Against Millstone 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 Commission has voted to approve a Memorandum and Order which grants review and affirms the Board's decision. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER DICUS: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: The fourth and last item the Commission is being asked to act on 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 has voted to approve a Memorandum and Order which denies the intervenors' petition to stay the licensing proceeding. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER DICUS: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

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

CHAIRMAN MESERVE: Thank you Madam Secretary.

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: November 21, 2002

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)