

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  
Friday, August 15, 2003

The Commission met in open session, pursuant to notice, at 10:00a.m.,

Jeffrey S. Merrifield, Commissioner, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman (VIA TELECONF)

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 of the Commission

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.

[10:00 a.m.]

P R O C E E D I N G S

MS. VIETTI-COOK: Chairman Diaz?

CHAIRMAN DIAZ: Yes.

ANNETTE VIETTI-COOK: This is Annette speaking. I just wanted to make sure you know I'm going to call you out separately. OK?

CHAIRMAN DIAZ: Oh yes, I understand.

COMMISSIONER Merrifield: Madam Secretary we're here for an affirmation. I'll turn it to you.

MS. VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to the State of Utah's Petition

for Review of a Board order addressing the seismic-related aspects of the application of Private Fuel Storage to build and operate an independent spent fuel storage installation to house casks of spent fuel rods from nuclear reactors. In LBP-03-08, the Atomic Safety and Licensing Board rejected Utah's seismic contentions. The current Petition for Review seeks Commission review of numerous factual and legal rulings in LBP-03-08. The Commission has voted to approve a Memorandum and Order which denies Utah's petition for review of LBP-03-08. Would you please affirm your votes.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Chairman Diaz would you please affirm your vote.

CHAIRMAN DIAZ: Aye.

MS. VIETTI-COOK: The second item the Commission is being asked to act on a final rule amending 10 CFR Part 72 to make it compatible with the 1996 revision to 10 CFR Part 100. The final rule requires a new specific-license applicant for a dry cask storage facility located in either the western U.S. or in areas of known seismic activity in the eastern U.S., and not co-located with a nuclear power plant, to address uncertainties in seismic hazard analysis by using appropriate analyses, such as a "probabilistic" seismic hazard analysis or other suitable sensitivity analyses, for determining the design earthquake ground motion. All other new specific-license applicants for dry cask storage facilities will have the option of complying with the final rule requirement to use a "probabilistic" seismic hazard analysis or other suitable sensitivity analyses to address uncertainties in seismic hazard analysis, or other options compatible with the existing regulation. The final rule will also revise the conditions of general licenses for storage of spent fuel at power reactor sites issued under Part 72. The final rule will require general licensees to address the dynamic loads of stored casks, in addition to the static loads. The requirements are changed because during a seismic event the cask experiences dynamic inertia loads in addition to the static loads, which are supported by the concrete pad. Consideration of the dynamic loads, in addition to the static loads, of the stored casks will ensure that the pad would perform satisfactorily during a seismic event. The Commission has voted to approve the publication and implementation of this final rule. Would you please affirm your votes.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Chairman Diaz would you please affirm you vote.

CHAIRMAN DIAZ: Aye.

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

COMMISSIONER Merrifield: Alright, with that Mr. Chairman, we are adjourned.

CHAIRMAN DIAZ: Thank you so much.

#### 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:	August 15, 2003

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: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)