

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, August 28, 2003

The Commission met in open session, pursuant to notice, at 9:00 a.m.,

Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman of the

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

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on August 28, 2003 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.

[9:00 a.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good morning. Madame Secretary, I believe we have some affirmations this morning? Please proceed.

ANNETTE VIETTI-COOK: This is a final rule, 10 CFR Parts 30, 40, and 70 financial assurance for materials licensees. The Commission is being asked to act on a final rule amending 10 CFR Parts 30, 40, and 70 to bring financial assurance requirements more in line with actual decommissioning costs for these materials licensees. The Commission has voted to approve the publication and implementation of this final rule subject to the comments provided in the attachment. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The second item is a final rule risk-informed 10 CFR 50.44 combustible gas control in containment. The Commission is being asked to act on a final rule amending 10 CFR 50.44 to eliminate the requirements for hydrogen recombiners and hydrogen purge systems to currently licensed light water reactors and relax the requirements for hydrogen and oxygen monitoring equipment commensurate with the equipment's risk significance. The rule also specifies requirements for combustible gas control in future water-cooled reactors and non-water-cooled reactors. The Commission has voted to approve the publication and implementation of this final rule subject to the changes to the *Federal Register* notice provided in the attachment. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Third, the final rule on electronic maintenance and submission of information. The Commission is being asked to act on a final rule which implements the Government Paperwork Elimination Act. The rule clarifies how licensees and other members of the public may use electronic means such as CD-ROM and e-mail to communicate with the agency. 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 DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Lastly, the Commission is being asked to act on a Memorandum and Order responding to Tennessee Valley Authority's petition for review of the Atomic Safety and Licensing Board's Final Initial Decision (LBP-03-10) that found the licensee in violation of 10 CFR § 50.7 (regarding whistleblower protection) but reduced the amount of the civil penalty from \$110,000 to \$44,000. The Commission has voted to approve a Memorandum and Order (as circulated by OCAA on 8/22/03) which grants TVA's petition for review of LBP-03-10. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

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

CHAIRMAN DIAZ: Alright, Madame Secretary, is that it?

MS. VIETTI-COOK: Yes.

CHAIRMAN DIAZ: Any comments? No? We're adjourned.

MS. VIETTI-COOK: Thank you.

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 28, 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: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)