

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Tuesday, June 22, 1999

The Commission met in open session, pursuant to notice, at 3:00 p.m.,
Shirley Ann Jackson, Chairman, presiding.

COMMISSIONERS PRESENT:

SHIRLEY ANN JACKSON, Chairman of the Commission

(via telephone)

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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

JOSEPH R. GRAY, Associate General Counsel for Licensing and
Regulation

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on June 22, 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.

[3:00 p.m.]

PROCEEDINGS

MS. VIETTI-COOK: The Commission is being asked to act on a Final Rule amending 10 CFR 50.59 and related requirements in Parts 50 and 72 concerning the authority for licensees of production and utilization facilities such as nuclear reactors and for independent spent fuel storage facilities and for certificate holders for spent fuel storage casks to make changes to their facilities and procedures or to conduct tests and experiments without prior NRC approval. The Commission has voted to approve the publication and implementation of this final rule subject to the comments and changes provided in the attachment and any related conforming changes. Although Commission Diaz would favor early implementation of a well-defined 50.59 rule, given that the process for rulemaking appears to be in flux, Commissioner Diaz did not participate in determining the implementation schedule of the 50.59 rule.

Commissioner Diaz recognizes that the Commission has agreed to an effective date of the final rule to be 90 days following Commission approval of the final regulatory guide which is due to the Commission on May 30, 2000. Would the Commissioners seated in the Commission Hearing Room affirm your vote?

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. ANNETTE VIETTI-COOK: Chairman Jackson, would you please affirm your vote?

CHAIRMAN JACKSON: Aye. Is there anything else to come before us this afternoon?

COMMISSIONER MERRIFIELD: Yes, Chairman, this is Commissioner Merrifield. I do have a comment about the vote that we just had.

CHAIRMAN JACKSON: (unintelligible)

COMMISSIONER MERRIFIELD: It is my understanding that there was some significant work accomplished by ourselves and our respective staff today...

CHAIRMAN JACKSON: (unintelligible)

COMMISSIONER MERRIFIELD: ... I wasn't finished yet. I was going to say I think there has been a significant improvement today in the timeliness of the schedule beyond what was originally proposed by the professional staff. I believe this is a significant rule and I am personally comfortable with the decision that the Commission has come to today, appropriately balances the need to do this action in a timely manner as well as balancing the necessity to have an effective and meaningful public participation process.

CHAIRMAN JACKSON: My understanding was the original date was September.

COMMISSIONER MERRIFIELD: That is correct.

CHAIRMAN JACKSON: (unintelligible)

COMMISSIONER MERRIFIELD. Yes, that is correct, Chairman.

COMMISSIONER MCGAFFIGAN: Madame Chairman, this is Commissioner McGaffigan. I just hope that the staff can far exceed the May 30, 2000. I, for one, still do not understand why it is going to take them another year to issue this guidance, but I hope that they at least meet ...

CHAIRMAN JACKSON: (unintelligible)

COMMISSIONER DICUS: We couldn't understand that.

CHAIRMAN JACKSON: (unintelligible)

COMMISSIONER MCGAFFIGAN: Okay.

COMMISSIONER MERRIFIELD: It will be in your hands, Greta.

COMMISSIONER DICUS: That's true.

CHAIRMAN JACKSON: (unintelligible)

MS. VIETTI-COOK: No, there's nothing else.

[Whereupon, at 3:04 p.m., the affirmation session was adjourned.]

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: June 22, 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: *Deleve K. Wish*

Reporter: (TAPE RECORDING)