

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 13, 2003

The Commission met in open session, pursuant to notice, at 10:15 a.m.,

Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman

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.

[10:15 a.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good morning Madame Secretary. I guess we have some affirmations? Can we proceed please?

MS. VIETTI-COOK: The Commission is being asked to act on a final rule amending 10 CFR Part 2 to substantially modify the NRC's regulations governing the conduct of hearings. 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 DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The second item is on Sequoyah Fuels Corporation. The Commission is being asked to act on a Memorandum and Order responding to the Presiding Officer's certified question related to consideration of Sequoyah Fuels Corporation's front-end waste as byproduct material under section 11e(2) of the Atomic Energy Act. The Commission has voted to approve a Memorandum and Order which answers the Presiding Officer's certified question and states that Sequoyah Fuels Corporation's front-end waste can be considered as Atomic Energy Act section 11e(2) byproduct material and remands this matter to the Presiding Officer for action consistent with this decision. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: In the third item Private Fuel Storage Independent Spent Fuel Storage Installation the Commission is being asked to act on an Order calling for appeals of interlocutory Board orders now in order to expedite this proceeding. The Commission has voted to approve an Order which advances the deadline for interlocutory appeals in this case. 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: 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:	November 13, 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)