

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Thursday, June 14, 2001

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 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

KAREN D. CYR, 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.]

PROCEEDINGS

CHAIRMAN MESERVE: Good morning. This is an affirmation session.

Madam Secretary, I believe we have two items and you may proceed.

MS. VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to the Atomic Safety and Licensing Board's order dated January 31, 2001, which certified for Commission's review the issue of whether the Board should adjudicate a request by the applicant Private Fuel Storage for an exemption from NRC's seismic hazards analysis regulations. The Board also referred to the Commission its ruling that Utah's challenge to the exemption would be admissible under NRC's contention rule (10 CFR §2.714(b)) were the NRC to allow the Board to entertain it. The Commission has voted to approve a Memorandum and Order which finds that Utah's contentions on exemption related issues should be the subject of a hearing. In addition, the Commission affirmed the Board's findings concerning the admissibility of Utah's proffered contentions. The Commission has remanded this proceeding to the Board for further proceedings on those issues of the proposed amended Contention Utah L that the Board found would be admissible. Would you please affirm your votes?

COMMISSIONER MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The Commission is being asked to act on an Order related to an application filed by the consortium of Duke, Cogema, and Stone & Webster for

authorization to build a mixed oxide fuel fabrication facility at the Department of Energy's Savannah River site in South Carolina. Petitions to intervene and/or requests for hearing were timely filed by four petitioners. The Commission has voted to approve an Order which refers the petitions to the Atomic Safety and Licensing Board and establishes hearing milestones.

Would you please affirm your votes?

COMMISSIONER MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: 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: July 14, 2001

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)