

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
Wednesday, December 18, 2002

The Commission met in open session, pursuant to notice, at 9:25 a.m.

Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman

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

STEPHEN G. BURNS, Office of the General Counsel

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on December 18, 2002 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.

[9:25 a.m.]

PROCEEDINGS

CHAIRMAN MESERVE: Good morning. We're here to have our meeting with the Advisory Committee on Nuclear Waste but before we do that, we have some other matters that we need to handle. We have some affirmations. Madam Secretary, you may proceed.

MS. VIETTI-COOK: The first item is SECY-02-0117 Duke Cogema Stone and Webster. The Commission is being asked to act on a Memorandum and Order which reviews the Licensing Board's decision insofar as it admitted a contention filed by Georgians Against Nuclear Energy under the National Environmental Policy Act based on the risk of terrorist attacks. The Commission has voted to approve a Memorandum and Order which reverses the Board's decision to admit Georgians Against Nuclear Energy's terrorism contention. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: Commissioner Dicus had previously indicated that she would approve this Order and she been present she would have affirmed her prior vote. The second item, SECY-02-0118 Private Fuel Storage. The Commission is being asked to act on a Memorandum and Order which reviews the Licensing Board's decision in this case which denied the admission of a late-filed contention of the State of Utah under the National Environmental Policy Act related to the threat of a terrorist attack on Private Fuel Storage's proposed independent spent fuel storage installation. The Commission has voted to approve a Memorandum and Order which declines to require a NEPA review of the impact of terrorism at

the proposed PFS facility and affirms the Licensing Board's decision rejecting Utah's late-filed terrorism contention. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: Commissioner Dicus had previously voted that she would approve this Order and had she been present she would have affirmed her prior vote. The third item, SECY-02-0119 Duke Energy Corporation. The Commission is being asked to act on a Memorandum and Order which reviews 14 security- and terrorism-related contentions related to Duke Energy Corporation's license renewal application for the McGuire and Catawba Nuclear Stations. The Licensing Board certified these contentions to the Commission for review. The Commission has voted to approve a Memorandum and Order which declines consideration of the security- and terrorism-related contentions and directs the Board to reject those contentions. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: Again, Commissioner Dicus had previously indicated she would approve this Order and had she been present she would have affirmed her prior vote. On SECY-02-0120, Dominion Nuclear Connecticut Incorporated. The Commission is being asked to act on a Memorandum and Order which reviews the terrorism contention related to Dominion Nuclear Connecticut, Inc.'s application for a license amendment to increase the

storage capacity of its spent fuel pool. The Commission has voted to approve a Memorandum and Order which affirms the Licensing Board's decision to reject the terrorism contention proposed by the interveners. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: Commissioner Dicus had previously indicated she would approve this Order and had she been present she would have affirmed her prior vote. SECY-02-0157, Duke Energy Corporation. The Commission is being asked to act on a Memorandum and Order responding to Duke Energy Corporation's motion for clarification of CLI-02-17 and addressing a Licensing Board certified question to the Commission. The Commission has voted to approve a Memorandum and Order which clarifies the issue of severe accident mitigation analyses and remands to the Board several additional issues related to this matter. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: Commissioner Dicus had previously indicated she would approve this Order and had she been present she would have affirmed her prior vote. On SECY-02-0207, Private Fuel Storage. The Commission is being asked to act on a Memorandum and Order responding to "Utah's Suggestion of Lack of Jurisdiction" related to

the Private Fuel Storage license application. The Commission has voted to approve a Memorandum and Order which rejects Utah's argument. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: And Commissioner Dicus had previously indicated she would approve this Order and had she been present she would have affirmed her prior vote. 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: December 18, 2002

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)