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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

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4 AFFIRMATION SESSION

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6 PUBLIC MEETING

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8  
9 Nuclear Regulatory Commission

10 Room 1F-16

11 One White Flint North

12 11555 Rockville Pike

13 Rockville, Maryland

14  
15 Friday, June 6, 1998

16  
17 The Commission met in open session, pursuant to  
18 notice, at 11:29 a.m., the Honorable SHIRLEY A. JACKSON,  
19 Chairman of the Commission, presiding.

20  
21 COMMISSIONERS PRESENT:

22 SHIRLEY A. JACKSON, Chairman of the Commission

23 NILS J. DIAZ, Member of the Commission

24 EDWARD McGAFFIGAN, JR., Member of the Commission

25  
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Washington, D.C. 20005  
(202) 842-0034

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEVE BURNS

JOE COLVIN, CEO and President of the Nuclear  
Energy Institute

GEORGE HAIRSTON, CEO and President of the Southern  
Company

ROBIN JONES, Vice President for Nuclear Power,  
EPRI

PAT McDONALD, Executive Director, Advanced Reactor  
Corp.

JOHN TAYLOR, Vice President Emeritus for Nuclear  
Power, EPRI

ANNETTE VIETTI-COOK, Assistant Secretary

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## P R O C E E D I N G S

[11:29 a.m.]

CHAIRMAN JACKSON: All right. May we come to order?

Good morning, ladies and gentlemen, this is an affirmation session. We have four items to come before us this morning. Before I ask the Assistant Secretary to lead us through the items for affirmation, do any of my colleagues have any opening comments they wish to make?

[No response.]

CHAIRMAN JACKSON: If not, Madame Assistant Secretary, please proceed.

MR. VIETTI-COOK: The first item is SECY-98-118, Private Fuel Storage, ruling by Chief Judge of the Atomic Safety and Licensing Board Panel to establish a second board. The Commission is being asked to act on an order responding to a petition by the Applicant, Private Fuel Storage for interlocutory review of a ruling by the Chief Judge of the Atomic Safety and Licensing Board Panel to establish a second panel to consider all matters concerning the physical security plan for Private Fuel Storage's proposed independent fuel storage installation at Skull Valley, Utah.

The Commission has voted to approve the order with the attached edits which grants interlocutory review and

1 reverses the Chief Judge's decision to reassign jurisdiction  
2 over the security plan contingency to a newly established  
3 second board.

4 I ask that you affirm your votes.

5 [A chorus of ayes.]

6 MR. VIETTI-COOK: Commissioner Dicus previously  
7 gave approval to this item and if present, she would have  
8 affirmed her vote as well.

9 The second item is SECY-98-112, proposed license  
10 to export high enriched uranium for production of medical  
11 isotopes at the Canadian NRU and Maple Reactors. The  
12 Commission is being asked to act on an order responding to a  
13 request by the Nuclear Control Institute for leave to  
14 intervene in a hearing on two separate applications for  
15 licenses to export highly enriched uranium to Canada.

16 The Commission has voted to approve the order with  
17 the attached changes denying the request for a hearing and  
18 authorizing issuance of the two export licenses.

19 I ask that you affirm your votes.

20 [A chorus of ayes.]

21 MR. VIETTI-COOK: Again, Commissioner Dicus  
22 approved the order.

23 The third item is SECY-98-109, Hydro Resources,  
24 Incorporated, memorandum and order denying motion for stay  
25 and request for prior hearing, lifting temporary stay

1 denying motions to strike and for leave to reply.

2 The Commission is being asked to issue an order  
3 responding to both a petition for review of LBP 98-05 and  
4 separate motion for stay which was filed directly with the  
5 Commission in April. In LBP 98-05, the presiding officer  
6 denied an earlier motion filed with him in January to stay  
7 the staff's grant of Hydro Resources, Incorporated materials  
8 license application until the completion of a hearing in  
9 this proceeding.

10 Petitioners now seek Commission review of LBP  
11 98-05 and also request the Commission to stay the  
12 effectiveness of staff's grant of the materials license  
13 until the Commission has ruled upon their petition for  
14 review of LBP 98-05.

15 On April 16th, 1998, the Commission, in CLI 98-04  
16 granted a temporary stay of LBP 98-05. The Commission has  
17 voted to approve an order with the attached editorial  
18 changes denying the petition for review, dismissing the stay  
19 motion as moot and lifting the temporary stay granted in CLI  
20 98-04.

21 I ask that you affirm your votes.

22 [A chorus of ayes.]

23 MR. VIETTI-COOK: Commissioner Dicus approved this  
24 order as well.

25 The fourth item is SECY-98-124, Hydro Resources,

1 Incorporated, memorandum and order, denial of motion to  
2 disqualify presiding officer. The Commission is being asked  
3 to act on an order responding to a motion by the Eastern  
4 Navajo Dine against uranium mining in the Southwest Research  
5 and Information Center to disqualify the presiding officer  
6 from sitting in its subpart (1) proceeding. The presiding  
7 officer referred the disqualification motion in LBP 98-11 to  
8 the Commission pursuant to 10 CFR Section 2.703(c).

9 The Commission has voted to approve the order  
10 denying the Petitioner's motion to disqualify the presiding  
11 officer.

12 I ask that you affirm your votes.

13 [A chorus of ayes.]

14 MR. VIETTI-COOK: Commission Dicus approved this  
15 order as well.

16 CHAIRMAN JACKSON: Is there anything else to come  
17 before us today?

18 MR. VIETTI-COOK: No.

19 CHAIRMAN JACKSON: If not, we are adjourned.  
20 Thank you.

21 [Whereupon, at 11:34 a.m., the affirmation session  
22 was concluded.]

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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: Friday, June 6, 1998

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: Maria Brumel

Reporter: Jon Hundley