

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, March 7, 2002

The Commission met in open session, pursuant to notice, at 2:55 p.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 VIETTI-COOK, Secretary of the Commission

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.

[2:55 p.m.]

P R O C E E D I N G S

CHAIRMAN MESERVE: Good afternoon ladies and gentlemen. This is an affirmation session. I understand we have two items to come before us this afternoon. Madam Secretary, will you proceed?

MS. VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to Georgians Against Nuclear Energy (GANE) petition for interlocutory Commission review of the Licensing Board's denial of GANE's motion that the proceeding be dismissed or held in abeyance on the ground that the NRC's contemplated two-step proceeding is incompatible with 10 CFR Part 70. The Commission has voted to approve a Memorandum and Order which grants GANE's petition for review and, on review, affirms the Board's decision. The Memorandum and Order also denies as moot GANE's motion for a stay of the proceedings pending review. Would you please affirm your votes.

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The second item the Commission is being asked to act on a Memorandum and Order responding to the Atomic Safety and Licensing Board's decision in LBP-02-08 issued on February 22, 2002. The Commission has voted to approve a Memorandum and Order which grants a stay of the proceedings on environmental justice, takes review, and sets a briefing schedule. Would you please affirm your votes.

CHAIRMAN 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 very much. We're 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: March 7, 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: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)