

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

Wednesday, November 14, 2001

The Commission met in open session, pursuant to notice, at 8:55 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

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on November 14, 2001 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.

[8:55 a.m.]

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

CHAIRMAN MESERVE: Good morning. This is an affirmation session and I understand we have three items to come before us this morning. Madam Secretary, you may proceed.

MS. VIETTI-COOK: This first item is on International Uranium. The Commission is being asked to act on a Memorandum and Order responding to an appeal of LBP-01-15 in which the Presiding Officer denied Petitioner Glen Canyon Group of the Sierra Club's hearing request for lack of standing. The Commission has voted to approve a Memorandum and Order which affirms LBP-01-15. Commissioners Dicus and Merrifield preferred a version of the order that would have granted standing to Glen Canyon Group. 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 is on Private Fuels Storage. The Commission is being asked to act on a Memorandum and Order responding to CLI-01-15 in which the Commission accepted review of the Atomic Safety and Licensing Board Panel's referred ruling on the threshold probability for a design basis air crash event at an independent spent fuel storage installation. The Commission has voted to approve a Memorandum and Order which affirms the Board's ruling in LBP-01-19 that the threshold probability for design

basis events should be set at one in a million for Independent Spent Fuel Storage Installations. Commissioner Dicus did not join in this opinion. She would have sent the matter back to the Board for a factual determination whether the consequences of a potential accident at an Independent Spent Fuel Storage Installation are more similar to those of an accident at a Geological Repository Operations Area or those of an accident at a nuclear power reactor as a basis for setting the threshold probability. 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 third item is on U.S. Enrichment Corporation. The Commission is being asked to act on a Memorandum and Order responding to PACE's petition for review of Director's Decision issued on June 14, 2001, which denied the April 17, 2001 petition filed by PACE. The Commission has voted to approve a Memorandum and Order which denies the appeal of PACE's petition. 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: Very good. 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: November 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)