

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, December 5, 2001

The Commission met in open session, pursuant to notice, at 1:40 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

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.

[1:40 p.m.]

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

CHAIRMAN MESERVE: Why don't we get started? I have to apologize to the Advisory Committee that we were testifying, or I was testifying this morning and I fortunately had lots of reinforcements behind me, but mainly my colleagues here at the table, and it went considerably longer than we had anticipated. We do have two minor business items we need to clear up first—affirmations. Madam Secretary, you may proceed.

MS. VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to an appeal by the Connecticut Coalition Against Millstone and the Standing for Truth About Radiation Foundation of the Atomic Safety and Licensing Board's decision in LBP-01-10 which found the petitioners' sole contention to be inadmissible. The Commission has voted to approve a Memorandum and Order which affirms the Board's decision in LBP-01-10. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Commissioner McGaffigan had previously agreed to this Order and had he been here he would have affirmed his vote. The second item the Commission is being asked to act on a Memorandum and Order responding to Connecticut Yankee Atomic Power Company's request for Commission review of the Licensing Board's decision in LBP-01-21. The Commission has voted to approve a Memorandum and Order which concludes that the request does not meet the standards for interlocutory review and denies the petition for directed certification. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: And again, Commissioner McGaffigan had previously approved this order and had he been here he would have affirmed his prior vote. That's all I have.

CHAIRMAN MESERVE: Thank you very much.

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 5, 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)