

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

\*\*\*\*\*

AFFIRMATION SESSION

\*\*\*

PUBLIC MEETING

\*\*\*

Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland

Friday, December 28, 2001

The Commission met in open session, pursuant to notice, at 11:30 a.m.,  
Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman

GRETA J. DICUS, Member of the Commission (participated by telephone)

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission (participated by telephone)

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

LAWRENCE J. CHANDLER, Office of General Counsel

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on December 28, 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.

[11:30 a.m.]

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

CHAIRMAN MESERVE: Good Morning. Today we have an affirmation session. I understand we have three matters to come before us. Madam Secretary you may proceed.

ANNETTE VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to the State of Utah's petition to suspend proceedings regarding the proposed Private Fuel Storage Independent Spent Fuel Storage Installation in light of the September 11, 2001 attacks. The State of Utah, simultaneously with this petition, asked the Board to admit a late-filed contention concerning the risk of terrorists attacking the facility. On December 13, 2001, the Board denied the request to admit the contention and referred its ruling for Commission review in LBP-01-37. The Commission has voted to approve a Memorandum and Order which denies the petition. The Commission is not acting on the Board's referred ruling in LBP-01-37 in this Order. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

ANNETTE VIETTI-COOK: Commissioner Dicus would you please affirm your vote?

COMMISSIONER DICUS: Aye.

ANNETTE VIETTI-COOK: Commissioner Merrifield would you please affirm your vote?

COMMISSIONER MERRIFIELD: Aye.

ANNETTE VIETTI-COOK: Commissioner Diaz had previously indicated that he would approve this Order and had he been present he would have affirmed his prior vote. The second item the Commission is being asked to act on a Memorandum and Order responding to

Blue Ridge Environmental Defense League's petition to dismiss Duke Energy Corporation's application to renew four power reactor operating licenses or, in the alternative, to hold it in abeyance to await the conclusion of our ongoing comprehensive review of the NRC's terrorism-related rules and policies. The Commission has voted to approve a Memorandum and Order which denies the petition. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

ANNETTE VIETTI-COOK: Commissioner Dicus would you please affirm your vote?

COMMISSIONER DICUS: Aye.

ANNETTE VIETTI-COOK: Commissioner Merrifield would you please affirm your vote?

COMMISSIONER MERRIFIELD: Aye.

ANNETTE VIETTI-COOK: Again, Commissioner Diaz had previously indicated that he would approve this Order and had he been present he would have affirmed his prior vote. The third item the Commission is being asked to act on a Memorandum and Order responding to Georgians Against Nuclear Energy and the Nuclear Control Institute's petition to suspend the construction authorization request proceeding for Duke Cogema Stone & Webster's proposed MOX fuel fabrication facility as a result of the September 11, 2001 terrorist attacks on New York City and the Pentagon. The Commission has voted to approve a Memorandum and Order which denies the petition. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

ANNETTE VIETTI-COOK: Commissioner Dicus would you please affirm your vote?

COMMISSIONER DICUS: Aye.

ANNETTE VIETTI-COOK: Commissioner Merrifield would you please affirm your vote?

COMMISSIONER MERRIFIELD: Aye.

ANNETTE VIETTI-COOK: Commissioner Diaz had previously indicated he would approve this Order and had he been present he would have affirmed his prior vote. That's all I have.

CHAIRMAN MESERVE: Very good. Thank you very much. I wish everyone a happy New Year and with that 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: December 28, 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: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)