

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Wednesday, February 6, 2002

The Commission met in open session, pursuant to notice, at 9:25 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:

ANDREW L. BATES, Office of the 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.

[9:25 a.m.]

PROCEEDINGS

CHAIRMAN MESERVE: Good Morning. Why don't we get started. Before we turn to the subject of this morning's meeting we have four items in the nature of affirmations that we need to deal with. Mr. Secretary, you may proceed.

MR. BATES: Mr. Chairman, Commissioners, we have four items this morning for the affirmation session. The first one is SECY-02-0007, Private Fuel Storage (the Independent Spent Fuel Storage Installation). The Commission is being asked to act on an Order and Memorandum responding to the Atomic Safety and Licensing Board's referral of its decision denying the admission of a late-filed contention relating to the threat of a terrorist attack on Private Fuel Storage, proposed independent spent fuel storage installation. The Commission has voted to approve the Memorandum and Order which grants review and sets the case for briefing. Will you affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. BATES: The second item is SECY-02-0016, Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility) the Applicant's Petition for Interlocutory Review. The Commission is being asked to act on a Memorandum and Order responding to the Duke Cogema Stone & Webster petition for interlocutory review of the Atomic Safety and Licensing Board's denial of DCS's request to reconsider its decision admitting four contentions. The Commission has voted to approve the Memorandum and Order which grants

partial interlocutory review regarding the terrorism issue, establishes a briefing schedule, and declines to rule on the remainder of the petition for review. Will you affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. BATES: The third item is SECY-02-0017, the Dominion Nuclear Connecticut, Inc. (the Millstone Nuclear Power Station, Operating License). The Commission is being asked to act on a Memorandum and Order responding to the Atomic Safety and Licensing Board's referral of its denial to admit an intervenor's contention concerning terrorism related to the Millstone Nuclear Station. The Commission has voted to approve the Memorandum and Order which accepts the Board's referral and sets a briefing schedule. Will you affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. BATES: The last item is SECY-02-0018, Duke Energy Corporation in relation to the McGuire Station and the Catawba Units, Licensing Board Decision-02-04 -- a Memorandum and Order Ruling on Standing and Contentions from January 24. The Commission is being asked to act on a Memorandum and Order responding to the Atomic Safety and Licensing Board's certification to the Commission of the intervenor's terrorism contentions related to the Duke Energy Corporation at the McGuire and Catawba Stations. The

Commission has voted to approve the Memorandum and Order which accepts the certification and establishes a briefing schedule. Will you affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. BATES: Thank you. 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: February 6, 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)