

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
Wednesday, May 28, 2003

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

Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman

GRETA JOY DICUS, Member of the Commission (VIA TELECONFERENCE)

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, Acting Secretary of the Commission

KAREN D. CYR, Office of the 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.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good morning. I'm sorry we're running around.

Mr. Secretary, we have an affirmation to conduct before the meeting?

MR. BATES: Yes.

CHAIRMAN DIAZ: Please proceed.

MR. BATES: The item for affirmation before us this morning is SECY-03-0077, in the matter of the Private Fuel Storage and its an Order regarding the Petition for Review. The Commission is being asked to act on an Order and Memorandum responding to referral to the Commission in a March 10, 2003 Order by the Atomic Safety and Licensing Board of a Partial Initial Decision on air crash probability at the proposed Private Fuel Storage spent fuel facility in Utah. The Commission has voted to approve a Memorandum and Order which holds further Commission review in this matter in abeyance until the Board has completed its "consequences" review. The Commission will review all issues relating to air crash risk at that time and directs the Board to expedite its consequences review. Would you please affirm your votes please?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

CHAIRMAN DIAZ: Mr. Secretary, is there any other issue?

MR. BATES: That's the only issue we have thank you.

COMMISSIONER MCGAFFIGAN: Do you need to separately ask Commissioner

Dicus?

CHAIRMAN DIAZ: Yes.

MR. BATES: Commissioner Dicus?

COMMISSIONER DICUS: Aye.

MR. BATES: Thank you.

CHAIRMAN DIAZ: Thank you. Thank you, Commissioner Dicus. We will proceed now with our normal meeting.

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: May 28, 2003

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)