

June 14, 2001

MEMORANDUM John F. Cordes, Director
FOR: Office of Commission Appellate Adjudication
Karen D. Cyr
General Counsel
FROM: Annette L. Vietti-Cook, Secretary /RA/
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:55 A.M., THURSDAY, JUNE 14, 2001,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

**I. SECY-01-0086 - Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22;
Review of LBP-01-03**

The Commission approved a Memorandum and Order responding to the Atomic Safety and Licensing Board's order dated January 31, 2001, which certified for Commission's review the issue of whether the Board should adjudicate a request by applicant Private Fuel Storage, L.L.C. for an exemption from NRC's seismic hazards analysis regulations. The Board also referred to the Commission its ruling that Utah's challenge to the exemption would be admissible under NRC's contention rule (10 CFR §2.714(b)) were the NRC to allow the Board to entertain it.

The Memorandum and Order finds that Utah's contentions on exemption related issues should be the subject of a hearing and affirmed the Board's findings concerning the admissibility of Utah's proffered contentions. The Commission remanded this proceeding to the Board for further proceedings on those portions of the proposed Amended Contention Utah L that the Board found would be admissible.

(Subsequently, on June 14, 2001, the Secretary signed the Memorandum and Order.)

II. COMSECY-01-0017 - Order Referring Petitions to Intervene in MOX Proceeding to Licensing Board

The Commission approved an Order related to an application filed by the consortium of Duke, Cogema, and Stone & Webster for authorization to build a mixed oxide (MOX) fuel fabrication facility at the Department of Energy's Savannah River site in South Carolina. The Order refers four timely filed petitions to intervene and/or requests for hearing to the Atomic Safety and Licensing Board and establishes hearing milestones.

(Subsequently, on June 14, 2001, the Secretary signed the Order.)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance