

April 3, 2002

MEMORANDUM FOR: John F. Cordes, Director
Office of Commission Appellate Adjudication
FROM: Annette L. Vietti-Cook, Secretary/RA/
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 2:30 P.M., WEDNESDAY, APRIL 3, 2002,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)⁽¹⁾

**I. SECY-02-0038 - Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility);
Duke Cogema Stone & Webster's Petition for Interlocutory Review**

The Commission approved a Memorandum and Order responding to Duke Cogema Stone & Webster's (DCS) petition for interlocutory review contesting several contentions admitted for hearing by the Licensing Board. The Memorandum and Order denies DCS's petition for interlocutory review as it relates to Georgians Against Nuclear Energy contentions 1, 2, 5, and 8 and Blue Ridge Environmental Defense League contention 9A.

(Subsequently, on April 3, 2002, the Secretary signed the Memorandum and Order.)

II. SECY-02-0048 - International Uranium (USA) Corp. White Mesa Uranium Mill Appeal of LBP-02-06 (MLA-11)

The Commission approved a Memorandum and Order related to a license amendment granted to International Uranium Corp (IUSA) to receive and process, at its White Mesa mill in Utah, waste material from a Molycorp site in California. The Memorandum and Order responds to two appeals, a number of motions seeking expedition, stays, and the striking of an opponents's brief. The Memorandum and Order affirms the Presiding Officer's decision in LBP-02-06 to grant standing to two intervenors, William Love and the Sierra Club; denies the intervenors' motion to stay the effect of the license amendment pending a hearing; denies the IUSA motion to strike the Seirra Club's appellate brief; and finds all other pending motions or requests for relief moot.

(Subsequently, on April 3, 2002, the Secretary signed the Memorandum and Order.)

III. SECY-02-0053 - Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22-ISFSI; Order Responding to Utah's "Suggestion of Lack of Jurisdiction" and Petition for Rulemaking Under the Nuclear Waste Policy Act

The Commission approved a Memorandum and Order responding to two documents filed by the State of Utah on February 11, 2002, relating to the pending license application of Private Fuel Storage, L.L.C. (PFS). The Memorandum and Order denies the request to stay the proceedings, defers the petition for rulemaking, and accepts review of the Nuclear Waste Policy Act issue.

(Subsequently, on April 3, 2002, the Secretary signed the Memorandum and Order.)

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

1. Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Diaz was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Diaz, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.