

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 AFFIRMATION SESSION

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6 PUBLIC MEETING

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9 Nuclear Regulatory Commission
10 Room 1F-16
11 One White Flint North
12 11555 Rockville Pike
13 Rockville, Maryland

14
15 Friday, June 6, 1998

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17 The Commission met in open session, pursuant to
18 notice, at 11:29 a.m., the Honorable SHIRLEY A. JACKSON,
19 Chairman of the Commission, presiding.

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21 COMMISSIONERS PRESENT:

22 SHIRLEY A. JACKSON, Chairman of the Commission
23 NILS J. DIAZ, Member of the Commission
24 EDWARD McGAFFIGAN, JR., Member of the Commission

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1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

2 STEVE BURNS
3 JOE COLVIN, CEO and President of the Nuclear
4 Energy Institute
5 GEORGE HAIRSTON, CEO and President of the Southern
6 Company
7 ROBIN JONES, Vice President for Nuclear Power,
8 EPRI
9 PAT McDONALD, Executive Director, Advanced Reactor
10 Corp.
11 JOHN TAYLOR, Vice President Emeritus for Nuclear
12 Power, EPRI
13 ANNETTE VIETTI-COOK, Assistant Secretary

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

2 [11:29 a.m.]

3 CHAIRMAN JACKSON: All right. May we come to
4 order?

5 Good morning, ladies and gentlemen, this is an
6 affirmation session. We have four items to come before us
7 this morning. Before I ask the Assistant Secretary to lead
8 us through the items for affirmation, do any of my
9 colleagues have any opening comments they wish to make?

10 [No response.]

11 CHAIRMAN JACKSON: If not, Madame Assistant
12 Secretary, please proceed.
13 MR. VIETTI-COOK: The first item is SECY-98-118,
14 Private Fuel Storage, ruling by Chief Judge of the Atomic
15 Safety and Licensing Board Panel to establish a second
16 board. The Commission is being asked to act on an order
17 responding to a petition by the Applicant, Private Fuel
18 Storage for interlocutory review of a ruling by the Chief
19 Judge of the Atomic Safety and Licensing Board Panel to
20 establish a second panel to consider all matters concerning
21 the physical security plan for Private Fuel Storage's
22 proposed independent fuel storage installation at Skull
23 Valley, Utah.
24 The Commission has voted to approve the order with
25 the attached edits which grants interlocutory review and

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1 reverses the Chief Judge's decision to reassign jurisdiction
2 over the security plan contingency to a newly established
3 second board.

4 I ask that you affirm your votes.
5 [A chorus of ayes.]

6 MR. VIETTI-COOK: Commissioner Dicus previously
7 gave approval to this item and if present, she would have
8 affirmed her vote as well.

9 The second item is SECY-98-112, proposed license
10 to export high enriched uranium for production of medical
11 isotopes at the Canadian NRU and Maple Reactors. The
12 Commission is being asked to act on an order responding to a
13 request by the Nuclear Control Institute for leave to
14 intervene in a hearing on two separate applications for
15 licenses to export highly enriched uranium to Canada.

16 The Commission has voted to approve the order with
17 the attached changes denying the request for a hearing and
18 authorizing issuance of the two export licenses.

19 I ask that you affirm your votes.
20 [A chorus of ayes.]

21 MR. VIETTI-COOK: Again, Commissioner Dicus
22 approved the order.

23 The third item is SECY-98-109, Hydro Resources,
24 Incorporated, memorandum and order denying motion for stay
25 and request for prior hearing, lifting temporary stay

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1 denying motions to strike and for leave to reply.

2 The Commission is being asked to issue an order
3 responding to both a petition for review of LBP 98-05 and
4 separate motion for stay which was filed directly with the
5 Commission in April. In LBP 98-05, the presiding officer
6 denied an earlier motion filed with him in January to stay
7 the staff's grant of Hydro Resources, Incorporated materials
8 license application until the completion of a hearing in
9 this proceeding.

10 Petitioners now seek Commission review of LBP
11 98-05 and also request the Commission to stay the
12 effectiveness of staff's grant of the materials license
13 until the Commission has ruled upon their petition for
14 review of LBP 98-05.

15 On April 16th, 1998, the Commission, in CLI 98-04
16 granted a temporary stay of LBP 98-05. The Commission has
17 voted to approve an order with the attached editorial
18 changes denying the petition for review, dismissing the stay
19 motion as moot and lifting the temporary stay granted in CLI
20 98-04.

21 I ask that you affirm your votes.
22 [A chorus of ayes.]

23 MR. VIETTI-COOK: Commissioner Dicus approved this
24 order as well.

25 The fourth item is SECY-98-124, Hydro Resources,

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1 Incorporated, memorandum and order, denial of motion to
2 disqualify presiding officer. The Commission is being asked
3 to act on an order responding to a motion by the Eastern
4 Navajo Dine against uranium mining in the Southwest Research
5 and Information Center to disqualify the presiding officer
6 from sitting in its subpart (1) proceeding. The presiding
7 officer referred the disqualification motion in LBP 98-11 to
8 the Commission pursuant to 10 CFR Section 2.703(c).

9 The Commission has voted to approve the order
10 denying the Petitioner's motion to disqualify the presiding
11 officer.

12 I ask that you affirm your votes.

13 [A chorus of ayes.]

14 MR. VIETTI-COOK: Commission Dicus approved this
15 order as well.

16 CHAIRMAN JACKSON: Is there anything else to come
17 before us today?

18 MR. VIETTI-COOK: No.

19 CHAIRMAN JACKSON: If not, we are adjourned.
20 Thank you.

21 [Whereupon, at 11:34 a.m., the affirmation session
22 was concluded.]

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