

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Wednesday, February 14, 2001

The Commission met in open session, pursuant to notice, at 12:30 p.m., Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman
GRETA J. DICUS, 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
STEPHEN G. BURNS, Deputy General Counsel

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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.

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[12:30 p.m.]

PROCEEDINGS

CHAIRMAN MESERVE: Good afternoon. We have an affirmation matter to deal with.

MR. BATES: Yes, we have one item Mr. Chairman. Before we do that I have to ask you to hold this on short notice please. We need a vote to hold this on less than one week's notice. Do I have your OK.

CHAIRMAN MESERVE: I approve.

COMMISSIONER DICUS: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MR. BATES: The item before us for affirmation this morning is SECY-01-0013 - Carolina Power & Light Company (Shearon Harris Nuclear Power Plant); Orange County's Petition for Review and Request for Immediate Suspension and Stay of the NRC Staff's "No Significant Hazards Consideration" Determination and Issuance of the License Amendment for Shearon Harris Spent Fuel Pool Expansion. The Commission is being asked to act on a Memorandum and Order responding to Orange County's petition for review and request for a stay related to the license amendment application filed by Carolina Power & Light Company (CP&L) to increase the spent fuel storage capacity at its Shearon Harris Nuclear Power Plant. The Commission has voted to approve a Memorandum and Order which rejects Orange County's petition, but directs the staff to file a brief addressing certain matters identified in the Memorandum and Order. In addition, CP&L is directed to store no spent fuel under the license amendment pending further action by the Commission or a Licensing Board decision approving

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the amendment, whichever comes sooner. Commissioner Dicus did not believe, given the licensee's current

activities, that it was necessary to preclude storage of spent fuel under the amendment while awaiting the staff response to this Order. Commissioner Diaz had previously indicated that he would approve this Memorandum and had he been present he would have affirmed his prior vote. Can I have the vote from the other Commissioners?

CHAIRMAN MESERVE: Aye

COMMISSIONER DICUS: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MR. BATES: That's all I have today.

CHAIRMAN MESERVE: Good. Thank you very much. We're adjourned.

[12:35p.m.]

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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 14, 2001

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 GREATHEAD

Reporter: (Tape Recording)