

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland  
Thursday, June 14, 2001

The Commission met in open session, pursuant to notice, at 9:55  
a.m.,

Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman  
GRETA J. DICUS, Member of the Commission  
NILS J. DIAZ, 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:

ANNETTE L. VIETTI-COOK, Secretary  
KAREN D. CYR, General Counsel

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DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on June 14, 2001 in the Commission's office at One White Flint North, Rockville, Maryland. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected or edited, and it may contain inaccuracies.

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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[9:55 a.m.]

PROCEEDINGS

CHAIRMAN MESERVE: Good morning. This is an affirmation session.

Madam Secretary, I believe we have two items and you may proceed.

MS. VIETTI-COOK: The Commission is being asked to act on 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 the applicant Private Fuel Storage 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 Commission has voted to approve a Memorandum and Order which finds that Utah's contentions on exemption related issues should be the subject of a hearing. In addition, the Commission affirmed the Board's findings concerning the admissibility of Utah's proffered contentions. The Commission has remanded this proceeding to the Board for further proceedings on those issues of the proposed amended Contention Utah L

that the Board found would be admissible. Would you please affirm your votes?

COMMISSIONER MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The Commission is being asked to act on an

Order related to an application filed by the consortium of Duke, Cogema, and Stone & Webster for

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authorization to build a mixed oxide fuel fabrication facility at the Department of Energy's Savannah River site in South Carolina. Petitions to intervene and/or requests for hearing were timely filed by four petitioners. The Commission has voted to approve an Order which refers the petitions to the Atomic Safety and Licensing Board and establishes hearing milestones. Would you please affirm your votes?

COMMISSIONER MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: That's all I have.

CHAIRMAN MESERVE: Thank you Madam Secretary.

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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: July 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: DARLENE K. WRIGHT  
Reporter: (TAPE RECORDING)