

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 Wednesday, April 3, 2002

The Commission met in open session, pursuant to notice, at 2:30 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:

ANNETTE L. VIETTI-COOK, Secretary

JOSEPH R. GRAY, Office of the General Counsel

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on April 3, 2002 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.

[2:30 p.m.]

P R O C E E D I N G S

CHAIRMAN MESERVE: Good afternoon. This is an affirmation session and I understand we have three items to come before us. Madame Secretary, you may proceed.

MS. VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to Duke Cogema Stone & Webster's petition for interlocutory review contesting several contentions admitted for hearing by the Licensing Board. The Commission has voted to approve a Memorandum and Order which denies Duke Cogema Stone & Webster'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. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Commissioner Diaz had previously voted to approve this order and had he been present, he would have affirmed his prior vote. The second item the Commission is being asked to act on a Memorandum and Order related to a license amendment granted to International Uranium Corporation to receive and process, at its White Mesa mill in Utah, waste material from a Molycorp site in California. This Memorandum and Order responds to two appeals, a number of motions seeking expedition, stays, and the striking of an opponents's brief. The Commission has voted to approve a Memorandum and Order which 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 International Uranium Corporation motion to strike the Sierra Club's appellate brief; and finds all other pending motions or requests for relief moot. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Commissioner Diaz again had previously voted to approve this memorandum and order and had he been present, he would have affirmed his prior vote. And the third item, the Commission is being asked to act on 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. The Commission has voted to approve a Memorandum and Order which denies the request to stay the proceedings, defers the petition for rulemaking, and accepts review of the Nuclear Waste Policy Act issue. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Commissioner Diaz again had previously voted to approve this memorandum and order and had he been present, he would have affirmed his prior vote. That's all I have.

CHAIRMAN MESERVE: Very good. We stand adjourned.

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: April 3, 2002

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)