

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
Friday, April 12, 2002

The Commission met in open session, pursuant to notice, at 1:35 p.m., Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman

NILS J. DIAZ, Member of the Commission

EDWARD MCGAFFIGAN, JR., Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

KAREN D. CYR, Office of the General Counsel

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.

[1:35 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 five items to come before us. Madame Secretary, you may proceed.

MS. VIETTI-COOK: The Commission is being asked to act on a final rule amending 10 CFR Part 35. The final rule has been revised to include Subpart J, Training and Experience Requirements, as was included in the proposed rule. The Commission has voted to approve the publication and implementation of this final rule subject to incorporation of the comments and changes in the attachment. Commissioner Diaz would not have included statement that the Commission will consider changes in training and experience because the Commission indeed always has the opportunity to improve a rulemaking as appropriate. He believes that by stating this point, the overall revised training and experience requirements could be placed in question by those who need finality. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

MS. VIETTI-COOK: Commissioners Dicus and Merrifield had previously approved this final rule and had they been present, they would have affirmed their prior votes. The second item is on 02-0045 Pacific Gas and Electric. The Commission is being asked to act on a Memorandum and Order related to the license transfer application submitted by Pacific Gas and Electric Company. The Commission has voted to approve a Memorandum and Order which seeks briefs from the parties including the parties' views on two questions. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

MS. VIETTI-COOK: Again, Commissioners Dicus and Merrifield had previously voted to approve this Memorandum and Order and had they been present, they would have affirmed their prior votes. The third item, SECY-02-0047 on International Uranium Corporation. The Commission is being asked to act on a Memorandum and Order responding to an appeal by the Glen Canyon Group of the Utah Sierra Club of its dismissal of LBP-02-03 and an unpublished Memorandum and Order rejecting unauthorized filing of January 2, 2002 from the License Amendment Proceeding where International Uranium Corporation would be authorized to receive and process alternative feed material from a site in Maywood, New Jersey. The Commission has voted to approve a Memorandum and Order which vacates LBP-02-03 and the unpublished Memorandum and Order and remands a proceeding to the Presiding Officer to reconsider whether to accept any portion of the Sierra Club's response to International Uranium Corporation's supplemental filing and if appropriate, to reconsider the Sierra Club's standing to intervene in this proceeding. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

MS. VIETTI-COOK: Commissioners Dicus and Merrifield again had previously voted to approve this Memorandum and Order and had they been present, would have affirmed their prior vote. The fourth item, 02-0050 on Duke Energy Corporation. The Commission is being asked to act on a Memorandum and Order responding to appeals submitted by Duke Energy Corporation and the NRC staff from the Atomic Safety and Licensing Board's

January 24, 2001, Order (LBP-02-04) in this license renewal proceeding involving four of Duke's nuclear power plants. The Commission has voted to approve a Memorandum and Order which reverses the mixed oxide fuel ruling in LBP-02-04, vacates the Board's March 1, 2002 order, and dismisses the staff's motion for stay and interlocutory review of the March 1, 2002 order as moot. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye. I notice it's a January 24, 2002 order, not 2001, but that's...

MS. VIETTI-COOK: Did I say one?

COMMISSIONER MCGAFFIGAN: You said one. The Order says two.

MS. VIETTI-COOK: Sorry.

MS. VIETTI-COOK: Commissioners Dicus and Merrifield had previously voted to approve this Memorandum and Order and had they been present, they would have affirmed their prior votes. The last item, SECY-02-0065 Private Fuels Storage. The Commission is being asked to act on an Order responding to a motion from the Skull Valley Board Band of Goshute Indians for a protective Order covering two documents attached to its brief filed in response to CLI-02-08. The Commission has approved a protective Order which grants the Skull Valley Band's motion. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

MS. VIETTI-COOK: Commissioners Dicus and Merrifield had previously voted to approve this Memorandum and Order and had they been present, would have affirmed their prior votes. That's all I have.

CHAIRMAN MESERVE: Good. Thank you very much. We're 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 12, 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)