

**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**

**Title:**           **AFFIRMATION SESSION**  
**PUBLIC MEETING**

**Location:**       **Rockville, Maryland**

**Date:**            Thursday, March 2, 2000

**Pages:**          **1 - 4**

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The transcript is intended solely for general informational 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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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF THE SECRETARY

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AFFIRMATION SESSION

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PUBLIC MEETING

Nuclear Regulatory Commission  
One White Flint North  
Building 1, Room 1F-16  
11555 Rockville Pike  
Rockville, Maryland

Thursday, March 2, 2000

The Commission met in open session, pursuant to  
notice, at 9:27 a.m., the Honorable RICHARD A. MESERVE,  
Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

- RICHARD A. MESERVE, Chairman of the Commission
- 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

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1 STAFF:

2 KAREN D. CYR, General Counsel

3 ANNETTE L. VIETTI-COOK, Assistant Secretary

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

[9:27 a.m.]

CHAIRMAN MESERVE: Good morning. Before we turn to your business, we have two other minor matters that we need to deal with first, these are affirmation matters.

Madame Secretary, do you want to proceed?

MS. VIETTI-COOK: Sure. The Commission is being asked to act on a memorandum and order responding to a petition by NRC staff to review the presiding officer's decision to reverse the denial of Michael A. Philippon's application for a senior reactor operator license.

The Commission has voted to approve a memorandum and order which rescinds the presiding officer's initial decision and remands the case for further consideration. Would you please affirm your votes?

[A chorus of ayes.]

MS. VIETTI-COOK: The second item, the Commission is being asked to act on a memorandum and order responding to the State of Utah's petition that the Commission grant discretionary interlocutory review of LBP-99-43 which denied Utah's request for the admission of a late filed contention with respect to the application of private fuel storage, for a license to construct and operate an independent spent fuel storage installation.

The Commission with Chairman Meserve,

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1 Commissioners Dicus, Diaz and Merrifield agreeing, has voted  
2 to approve a memorandum and order which denies interlocutory  
3 review. Commission McGaffigan would have granted  
4 discretionary interlocutory review, clarified the nature of  
5 the intervenor's obligations to timeliness, and remanded the  
6 contention to the Board.

7 Would you please affirm your votes?

8 [A chorus of ayes.]

9 MS. VIETTI-COOK: That is all.

10 CHAIRMAN MESERVE: Thank you.

11 [Whereupon, at 9:29 a.m., the affirmation session  
12 was concluded.]

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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: Thursday, March 2, 2000

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: Martha Brazil

Reporter: Jon Hundley