

**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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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
3 OFFICE OF THE SECRETARY

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5 AFFIRMATION SESSION

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7 PUBLIC MEETING

8 Nuclear Regulatory Commission  
9 One White Flint North  
10 Building 1, Room 1F-16  
11 11555 Rockville Pike  
12 Rockville, Maryland

13

14 Thursday, March 2, 2000

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

19 COMMISSIONERS PRESENT:

20 RICHARD A. MESERVE, Chairman of the Commission  
21 GRETA J. DICUS, Member of the Commission  
22 NILS J. DIAZ, Member of the Commission  
23 EDWARD MCGAFFIGAN, JR., Member of the Commission  
24 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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## 1 P R O C E E D I N G S

2 [9:27 a.m.]

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

6 Madame Secretary, do you want to proceed?

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

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

16 [A chorus of ayes.]

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

25 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