

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

\*\*\*

PUBLIC MEETING

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Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland

Tuesday, March 23, 1999

The Commission met in open session, pursuant to notice, at 4:05 p.m.,  
Shirley Ann Jackson, Chairman, presiding.

COMMISSIONERS PRESENT:

SHIRLEY ANN JACKSON, 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  
(via telephone)

**STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:**

**ANNETTE L. VIETTI-COOK, Secretary**

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on March 23, 1999 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.

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

[4:05 p.m.]

CHAIRMAN JACKSON: This is an Affirmation Session. We have one item to come before us this afternoon. Before I ask the Secretary to lead us through the item for affirmation, do any of my colleagues have any opening comments they wish to make?

COMMISSIONER MCGAFFIGAN: No.

COMMISSIONER DICUS: No.

CHAIRMAN JACKSON: If not, Madam Secretary, please proceed.

MS. VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to the petitions by Eastern Navajo Dine Against Uranium Mining and Southwest Research and Information Center for interlocutory review of the presiding officer's March 3, 1999 Memorandum and Order. The Commission has approved the proposed Memorandum and Order which denies the intervenors March 12, 1999 petition for interlocutory review. Would you please affirm your votes?

CHAIRMAN JACKSON: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Commissioner Merrifield, I just want to make sure I call you out separately. Would you please affirm your vote?

COMMISSIONER MERRIFIELD: Aye.

CHAIRMAN JACKSON. Is there anything else to come before us this afternoon?

MS. VIETTI-COOK: No.

CHAIRMAN JACKSON: If not, we're adjourned. Thank you.

[Whereupon, at 4:10 p.m., the affirmation session was 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: March 23, 1999

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: *Debra L. Wisp*

Reporter: (TAPE RECORDING)