

UNITED STATE OF AMERICA  
NUCLEAR REGULATORY COMMISSION

\*\*\*

OFFICE OF THE SECRETARY

\*\*\*

AFFIRMATION SESSION

One White Flint North  
Room 1F-16  
11555 Rockville Pike  
Rockville, Maryland  
Tuesday, April 6, 1999

The Commission met, pursuant to notice at 12:45 p.m., the Honorable SHIRLEY  
A. JACKSON, Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

SHIRLEY A. JACKSON, Chairperson

NILS T. DIAZ, Commissioner

EDWARD MCGAFFIGAN, JR., Commissioner

JEFFREY S. MERRIFIELD, Commissioner

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on April 6, 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 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.

[12:45 p.m.]

CHAIRMAN JACKSON: Good afternoon. 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? If not, please lead us through, Madam Secretary.

MADAM SECRETARY: The Commission is being asked to act on a Memorandum and Order responding to the Interveners Eastern Navajo Diné Against Uranium Mining and Southwest Research and Information Center petition for Commission interlocutory review of the Presiding Officer's Memorandum and Order (Questions Concerning Radioactive Air Emissions) (LBP-99-15), issued on March 18, 1999, and reaffirmed on March 23 in response to a motion for reconsideration. The Commission has voted to approve a Memorandum and Order which denies the interveners petition for interlocutory review.

Would the Commissioners present in the room affirm your votes.

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

Chairman Jackson would you please affirm your vote.

CHAIRMAN JACKSON: Aye

Commissioner Dicus had previously voted to approve the Memorandum and Order and had she been here would have affirmed her vote.

[Votes affirmed 5 to 0].

CHAIRMAN JACKSON: Is there anything else to come before us today?

MADAM SECRETARY: No, there is not.

CHAIRMAN JACKSON: If not, we're adjourned.

[Whereupon, at 12:50 p.m., the affirmation session was concluded.]

## 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 6, 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: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)