

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Wednesday, September 13, 2000

The Commission met in open session, pursuant to notice, at 9:30

a.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

JEFFREY S. MERRIFIELD, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

KAREN D. CYR, General Counsel

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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.

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[9:30 a.m.]
P R O C E E D I N G S

CHAIRMAN MESERVE: Good morning. This is an affirmation session.

I believe we have three items come before us. Madam Secretary, you may proceed.

MS. VIETTI-COOK: The Commission is being asked to act on a Direct Final Rule Amending 10 CFR 2.205 by adjusting the maximum civil penalty per violation under the Atomic Energy Act of 1954, as amended, from \$110,000 to \$120,000 and amending 10 CFR 13.3(a)(1) and (b)(1) by adjusting the civil monetary penalty for violations of the Program Fraud Civil Remedies Act from \$5,500 to \$6,000. This final rule also makes a minor change to 10 CFR 1.23(e) to reflect the longstanding OGC practice of only providing legal advice to NRC staff upon request on agency procurement matters. Finally, the rule amends 10 CFR 13.2 by revising the designation of NRC "Reviewing Official" for the purposes of the Program Fraud Civil Remedies Act. The Commission has voted to approve the publication and implementation of this final rule. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

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Commissioner Dicus also voted to approve this final rule and had she been present she would have affirmed her prior vote.

The second item the Commission is being asked to act on a Memorandum and Order responding to a petition filed by Connecticut Coalition Against Millstone and the Long Island Coalition Against Millstone seeking a hearing under 10 CFR Part 2, Subpart M, on an application for an indirect transfer of the operating licenses for the Millstone Nuclear Power Station, Units 1, 2, and 3, and a request for stay of the NRC August 22 Order approving the indirect transfer and for an independent investigation of the circumstances surrounding the staff's decision. The Commission has voted to approve the Memorandum and Order which denies the petition for hearing, application for stay, and request for an independent investigation, and terminates the proceeding.

Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

Commissioner Dicus has also voted to approve this Memorandum and Order and had she been present she would have affirmed her prior vote.

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The third item the Commission is being asked on a Memorandum and Order responding to a motion by the North American Water Office and Ms. Carol Overland for reconsideration of CLI-00-14. The Commission has voted to approve a Memorandum and Order which denies the motion for reconsideration. Would you please affirm your votes?

CHAIRMAN MESERVE: Aye

COMMISSIONER DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

Again, Commissioner Dicus had voted to approve this Memorandum and Order and had she been present she would have affirmed her prior vote.

CHAIRMAN MESERVE: Are there any other matters?

MS. VIETTI-COOK: No.

CHAIRMAN Meserve: We stand adjourned. [9:35 a.m.]

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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: September 13, 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: NANCY GREATHEAD

Reporter: (TAPE RECORDING)