

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

4 ***

5 AFFIRMATION SESSION

6 ***

7 PUBLIC MEETING
8

9 Nuclear Regulatory Commission
10 One White Flint North
11 Building 1, Room 1F-16
12 11555 Rockville Pike
13 Rockville, Maryland
14

15 Thursday, May 25, 2000

16 The Commission met in open session, pursuant to
17 notice, at 1:25 p.m., the Honorable RICHARD A. MESERVE,
18 Chairman of the Commission, presiding.

19 COMMISSIONERS PRESENT:

- 20 RICHARD A. MESERVE, Chairman of the Commission
- 21 NILS J. DIAZ, Member of the Commission
- 22 EDWARD McGAFFIGAN, JR., Member of the Commission
- 23 JEFFREY S. MERRIFIELD, Member of the Commission

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1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:
2 ANNETTE L. VIETTI-COOK, Secretary
3 STEPHEN BURNS, Deputy General Counsel
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P R O C E E D I N G S

[1:25 p.m.]

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3 CHAIRMAN MESERVE: We have two items of
4 affirmation we need to deal with.

5 First, Madam Secretary?

6 MS. VIETTI-COOK: The Commission is being asked to
7 act on Memorandum and Order related to an informal
8 adjudicatory proceeding concerning a Part 50 source and
9 byproduct materials license authorizing Hydro Resources,
10 Incorporated to construct and operate in situ leach mining
11 facilities for a five-year period from 1998 through 2003 at
12 certain sites in Church Rock and Crownpoint, New Mexico
13 after meeting certain license conditions.

14 Eastern Navajo Dine Against Uranium Mining, the
15 Southwest Research and Information Center, Marilyn Morris,
16 and Grace Sam oppose the grant of HRI's license.

17 This Memorandum and Order center on the failure of
18 HRI to submit a financial assurance plan.

19 The Commission has voted to approve a Memorandum
20 and Order which: one, modifies the ruling in LBP-99-13
21 regarding financial assurance, places a condition on the
22 license issued to HRI, and remands the case to the Presiding
23 Officer for further proceedings; two, grants HRI's
24 September 3rd motion to strike; three, denies as moot HRI's
25 September 14th motion to strike; four, denies HRI's

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1 September 14th motion for sanctions; and five, denies
2 Intervenors' request for oral argument.

3 Would you please affirm your votes?

4 [Chorus of ayes.]

5 MS. VIETTI-COOK: Commissioner Dicus had
6 previously indicated that she would approve this paper and
7 had she been present for this vote would have affirmed her
8 previous vote.

9 The second item, the Commission is being asked to
10 act on a final rule amending 10 CRF 50.48 and 10 CFR Part
11 50, Appendix R to eliminate the noncombustibility
12 requirement for fire barrier penetration seal materials and
13 to make other minor changes.

14 The Commission has voted to approve the
15 publication and implementation of this final rule subject to
16 the attached changes.

17 Would you please affirm your votes?

18 [Chorus of ayes.]

19 MS. VIETTI-COOK: And again Commissioner Dicus had
20 previously indicated that she would approve this paper and
21 had she been present she would have affirmed her prior vote.

22 That's all I have.

23 CHAIRMAN MESERVE: Thank you, Madam Secretary.

24 [Whereupon, at 1:29 p.m., the affirmation session
25 was concluded.]

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