

IN RESPONSE, PLEASE  
REFER TO: M000613A

June 13, 2000

MEMORANDUM FOR: William D. Travers  
Executive Director for Operations

John F. Cordes, Director  
Office of Commission Appellate Adjudication

FROM: Annette Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M.,  
TUESDAY, JUNE 13, 2000, COMMISSIONERS' CONFERENCE  
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND  
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-00-0096 - Final Rule -- Clarification of Regulations to Explicitly Limit Which Types of Applications Must Include Antitrust Information

The Commission approved a final rule amending 10 CFR Parts 2 and 50 to clarify its regulations to no longer require antitrust information as part of a post-operating license transfer application, since the Commission is not authorized to conduct antitrust reviews of post-operating license transfer applications. The Commission approved the publication and implementation of this final rule subject to the attached changes.

Following incorporation of these changes, the Federal Register notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense:

7/14/00)

II. SECY-00-0119 - Niagara Mohawk Power Corporation (Nine Mile Point, Units 1 & 2); Docket Nos. 50-220 & 50-410

The Commission approved an Order dismissing proceedings related to the license transfer application at Nine Mile Point as moot, based on the applicants' withdrawal of their license transfer application.

(Subsequently, on June 13, 2000, the Secretary signed the Order.)

III. SECY-00-0122 - Graystar, Inc. Request for Hearing on License Denial

The Commission approved a Memorandum and Order referring Graystar's request for a hearing on the NRC staff denial of Graystar's application to register the Model GS-42 sealed source and Model 1 irradiator to the Chief Judge of the Atomic Safety and Licensing Board Panel (ASLBP) to initiate a Subpart L hearing process.

(Subsequently, on June 13, 2000, the Secretary signed the Memorandum and Order.)

Attachment:  
As stated

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CIO  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR - Advance

**Changes to the Federal Register Notice in SECY-00-0096**

1. Page 2, paragraph 1, line 11, change 'affects' to 'effects'.
2. Page 8, next to last line, replace the semicolon with a comma.
3. Page 16, 1<sup>st</sup> full paragraph, line 11, replace the first 'Company' with 'Corporation'.
4. Page 24, last line, delete '[sic]'.
5. Page 28, revise lines 11 and 12 from the top to read ' ... contained in Section 105c and focused it **that authority** on the antitrust situation which existed prior to the initial operation of the facility.'
6. Page 29, last paragraph, revise line 3 to read ' ... has been shown to be ~~and the Commission adheres to it~~ .'
7. Correct the footnote numbering throughout the notice using the Government Style Manual for quoting footnotes and text.
8. Page 30, in the footnote, revise lines 1 through 3 to read ' ... authority does not include ; ~~however, and is unaffected by the Wolf Creek decision,~~ other authority which applies **both** ~~as equally~~ to the post-operating license conduct of ~~its~~ **a** licensees ~~as~~ **and** to conduct occurring ....'
9. Page 30, in the footnote, revise line 6 to read ' ... finding of an antitrust violation, **the Commission** has clear authority to ....'
10. Page 30, in the footnote, next to last line, insert a comma after 'and'.
11. Page 31, paragraph 2, revise lines 5 and 6 to read 'The Commission **stated** ~~indicated therein that , in such cases,~~ it would entertain proposals by the ~~relevant, interested~~ parties as to ....'
12. Page 33, last paragraph, line 5, at the beginning of the quote, the 't' should be lowercase and placed in brackets.
13. Page 36, last paragraph, delete the 2<sup>nd</sup> sentence (Only by a complete ... mentioned by CAN.)
14. Page 37, 2<sup>nd</sup> full paragraph, delete the last sentence (No "analysis" is necessary ... national security.)