

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

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PUBLIC MEETING

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**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**

**DISCLAIMER**

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[9:30 a.m.]

**PROCEEDINGS**

**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

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.

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.]**

