

PDR

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Wednesday, December 22, 1999

The Commission met in open session, pursuant to notice, at 11:30 a.m.,
Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

- RICHARD A. MESERVE, Chairman of the Commission
- GRETA J. DICUS, Member of the Commission
- EDWARD MCGAFFIGAN, JR., Member of the Commission
- JEFFREY S. MERRIFIELD, Member of the Commission

DF02

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

JOSEPH R. GRAY, Associate General Counsel for Licensing
and Regulation

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on December 22, 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 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.

[11:30 a.m.]

P R O C E E D I N G S

CHAIRMAN MESERVE: Why don't we get started? We're here this morning for an affirmation session. Before I turn this matter over to the Secretary, would any of my colleagues like to make an opening statement?

COMMISSIONER MERRIFIELD: No.

CHAIRMAN MESERVE: If not, Madam Secretary, you may proceed.

MS. VIETTI-COOK: The Commission has voted to approve a Memorandum and Order which vacates LBP-99-45, grants GPU's request to withdraw without prejudice its license amendment application, and terminates the proceeding. Would you please affirm your vote?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Had Commissioner Diaz been here he would have affirmed the Memorandum and Order as well. The second item the Commission is being asked to act on is a Memorandum and Order involving a September 10, 1999, license transfer application by AmerGen Energy Company, Niagara Mohawk Power Corporation and the New York State Electric and Gas Corporation regarding Units 1 and 2 of the Nine Mile Point nuclear generating facility. The Commission has voted to approve a Memorandum and Order which grants standing to the co-owners of Nine Mile

Point, Unit 2, permits the New York Attorney General to participate in a manner analogous to a participating government under 10 CFR Part 2.715(c) should a hearing be granted, rejects co-owners' "suggestion" that formal hearing procedures be applied in this case, and provides a short suspension of the proceeding. Would you please affirm your vote?

CHAIRMAN MESERVE: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Again, had Commissioner Diaz been here he would have affirmed this Memorandum and Order as well.

CHAIRMAN MESERVE: Are there any other matters you want to bring to our attention?

MS. VIETTI-COOK: No.

CHAIRMAN MESERVE: If not, do we have any closing statements by my colleagues?

CHAIRMAN MESERVE: Then we stand adjourned.

[Whereupon, at 11:35 a.m., the affirmation session was adjourned.]

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: December 22, 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: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)