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NUCLEAR REGULATORY COMMISSION  
OFFICE OF THE SECRETARY  
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AFFIRMATION SESSION  
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PUBLIC MEETING  
Nuclear Regulatory Commission  
One White Flint North  
Building 1, Room 1F-16  
11555 Rockville Pike  
Rockville, Maryland  
Thursday, March 2, 2000

The Commission met in open session, pursuant to notice, at 9:27 a.m., the Honorable RICHARD A. MESERVE, Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

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

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STAFF:  
KAREN D. CYR, General Counsel  
ANNETTE L. VIETTI-COOK, Assistant Secretary

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P R O C E E D I N G S

[9:27 a.m.]

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3 CHAIRMAN MESERVE: Good morning. Before we turn  
4 to your business, we have two other minor matters that we  
5 need to deal with first, these are affirmation matters.

6 Madame Secretary, do you want to proceed?

7 MS. VIETTI-COOK: Sure. The Commission is being  
8 asked to act on a memorandum and order responding to a  
9 petition by NRC staff to review the presiding officer's  
10 decision to reverse the denial of Michael A. Philippon's  
11 application for a senior reactor operator license.

12 The Commission has voted to approve a memorandum  
13 and order which rescinds the presiding officer's initial  
14 decision and remands the case for further consideration.

15 Would you please affirm your votes?

16 [A chorus of ayes.]

17 MS. VIETTI-COOK: The second item, the Commission  
18 is being asked to act on a memorandum and order responding  
19 to the State of Utah's petition that the Commission grant  
20 discretionary interlocutory review of LBP-99-43 which denied  
21 Utah's request for the admission of a late filed contention  
22 with respect to the application of private fuel storage, for  
23 a license to construct and operate an independent spent fuel  
24 storage installation.

25 The Commission with Chairman Meserve,

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1 Commissioners Dicus, Diaz and Merrifield agreeing, has voted  
2 to approve a memorandum and order which denies interlocutory  
3 review. Commission McGaffigan would have granted  
4 discretionary interlocutory review, clarified the nature of  
5 the intervenor's obligations to timeliness, and remanded the  
6 contention to the Board.

7 Would you please affirm your votes?

8 [A chorus of ayes.]

9 MS. VIETTI-COOK: That is all.

10 CHAIRMAN MESERVE: Thank you.

11 [Whereupon, at 9:29 a.m., the affirmation session  
12 was concluded.]