

ORIGINAL

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Title:** Discussion/Affirmation and Vote

**Location:** Rockville, Maryland

**Date:** Wednesday, November 9, 1988

**Pages:** 1 - 3

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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Discussion/Affirmation and Vote

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One White Flint North

Rockville, Maryland

Wednesday, November 9, 1988

The Commission met, pursuant to notice, at 3:30 o'clock p.m., the Honorable Lando W. Zech, Jr., Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

Lando W. Zech, Jr., Chairman

Thomas M. Roberts, Commissioner

Kenneth M. Carr, Commissioner

STAFF SEATED AT TABLE:

Samuel Chilk, SECY

William Parler, OGC

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CHAIRMAN ZECH: Good afternoon, ladies and gentlemen.

This is an affirmation session. We have one item to come before us this afternoon.

Before I ask the Secretary to walk us through the item, do any of my fellow Commissioners have any comments to make?

If not, Mr. Secretary, proceed.

MR. CHILK: Before I present the item, Mr. Chairman, I need the Commission to vote to hold this on less than one week's notice.

CHAIRMAN ZECH: Aye.

COMMISSIONER ROBERTS: Aye.

COMMISSIONER CARR: Aye.

MR. CHILK: Thank you.

The item before the Commission is SECY-88-291. The Commission here is being asked to act on an order which addresses the review procedures for the September 23rd, 1988 Licensing Board decision which dismissed the "Governments" as intervenors in the Shoreham licensing proceeding.

Chairman Zech, Commissioners Roberts, Carr and Rogers have approved an order which, pursuant to 10 CFR 2.785 and the Commission's inherent supervisory powers over pending adjudicatory proceedings, directs appeals from the Licensing Board's decision dismissing the Governments from the proceeding

1 to be certified to the Commission itself for decision. The  
2 Commission will decide, on appeal, whether the Governments'  
3 conduct was such as to warrant their dismissal from the entire  
4 proceeding and whether if dismissal from the entire proceeding  
5 is not warranted, what other sanction, if any, is appropriate.  
6 Other matters decided in LBP-88-24, such as the role conflict  
7 of the bus drivers or emergency broadcast system, remain before  
8 the Appeal Board.

9 This order is procedural in nature. It does not  
10 authorize any licensing action for Shoreham.

11 Commissioner Curtiss did not participate in this  
12 matter.

13 Will you affirm your votes.

14 [Chorus of ayes.]

15 CHAIRMAN ZECH: Anything else to come before us  
16 today?

17 MR. CHILK: I have nothing.

18 CHAIRMAN ZECH: Thank you very much. We stand  
19 adjourned.

20 [Whereupon, at 3:31 o'clock p.m., the proceedings  
21 were adjourned.]

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**CERTIFICATE OF TRANSCRIBER**

**This is to certify that the attached events of a meeting of the U.S. Nuclear Regulatory Commission entitled:**

**TITLE OF MEETING:** Affirmation/Discussion and Vote

**PLACE OF MEETING:** ~~Washington, D.C.~~ Rockville, Maryland

**DATE OF MEETING:** Wednesday, November 9, 1988

were transcribed by me. I further certify that said transcription is accurate and complete, to the best of my ability, and that the transcript is a true and accurate record of the foregoing events.



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ANN RILEY

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