

ORIGINAL

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Title:

AFFIRMATION SESSION -- PUBLIC MEETING

Location:

Rockville, Maryland

Date:

Wednesday, July 26, 1995

Pages:

1 - 4

SECRETARIAT RECORD COPY

ANN RILEY & ASSOCIATES, LTD.

1250 I St., N.W., Suite 300

Washington, D.C. 20005

(202) 842-0034

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on July 26, 1995 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 informational 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.

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 ***

4 AFFIRMATION SESSION

5 PUBLIC MEETING

6 ***

7
8 Nuclear Regulatory Commission
9 Commissioner's Conference Room
10 11155 Rockville Pike
11 Rockville, Maryland
12

13 Wednesday, July 26, 1995
14

15 The Commission met in open session, pursuant to
16 notice, at 11:22 a.m., Shirley Jackson, Chairman, presiding.
17

18 COMMISSIONERS PRESENT:

19 SHIRLEY JACKSON, Chairman

20 KENNETH C. ROGERS, Commissioner
21
22
23
24
25

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1250 I Street, N.W., Suite 300
Washington, D.C. 20005
(202) 842-0034

1 STAFF SEATED AT THE COMMISSION TABLE:

2 JOHN HOYLE, Secretary of the Commission

3 KAREN CYR, General Counsel

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1250 I Street, N.W., Suite 300
Washington, D.C. 20005
(202) 842-0034

P R O C E E D I N G S

[11:22 a.m.]

1
2
3 CHAIRMAN JACKSON: Good morning. This is an
4 affirmation session. We have one item to come before us
5 this morning.

6 Before I ask the Secretary to lead us through the
7 item for affirmation, I ask Commissioner Rogers if he has
8 any opening comments he would like to make.

9 COMMISSIONER ROGERS: No, none.

10 CHAIRMAN JACKSON: Then, Mr. Secretary, you may
11 proceed.

12 SECRETARY HOYLE: Thank you, Chairman Jackson.

13 The paper is SECY 95-177, Georgia Institute of
14 Technology appeal of a Licensing Board order.

15 The Commission is being requested to act on an
16 order arising out of appeals of Licensing Board order by
17 Georgia Tech and the NRC Staff. That Licensing Board order
18 had granted a request for hearing and petition for leave to
19 intervene by the Georgians against Nuclear Energy.

20 In June, the Commission issued a temporary
21 housekeeping stay of discovery on gains, security
22 contention, to allow the Commission to receive and consider
23 the party's responses to three questions. Those responses
24 have been received.

25 The Commission decision to issue an order today in

1 this case is taken by the Chairman under delegated authority
2 voted by the Commission, as authorized by the NRC
3 Reorganization Plan Number 1 of 1980. This decision was
4 made after consultation with Commissioner Rogers.

5 The order being issued lifts the temporary stay of
6 discovery, vacates the Licensing Board decision on the
7 security contention, and remands that contention to the
8 Board for reconsideration in light of new facts.

9 Chairman Jackson has stated her approval of this
10 order. Commissioner Rogers has also stated his agreement
11 with the order. I ask that you affirm your positions.

12 COMMISSIONER ROGERS: I affirm.

13 CHAIRMAN JACKSON: I do.

14 SECRETARY HOYLE: Thank you.

15 CHAIRMAN JACKSON: Thank you.

16 Is there anything else?

17 SECRETARY HOYLE: I have nothing further.

18 CHAIRMAN JACKSON: If not, we are adjourned.

19 [Whereupon, at 11:25 a.m., the affirmation session
20 was concluded.]

21

22

23

24

25

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 AND NOTICE
PUBLIC MEETING

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: Wednesday, July 26, 1995

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: Jenne Malloy

Reporter: Mark Mahoney