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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Thursday, April 16, 1998

The Commission met in open session, pursuant to notice, at 1:30 p.m.,
Shirley Ann Jackson, Chairman, presiding.

COMMISSIONERS PRESENT:

SHIRLEY ANN JACKSON, 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

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STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

JOHN C. HOYLE, Secretary

KAREN D. CYR, General Counsel

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on April 16, 1998 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.

PROCEEDINGS

[1:30 p.m.]

MR. HOYLE: Chairman Jackson, Commissioners Dicus and McGaffigan are now assembled. You may begin.

CHAIRMAN JACKSON: Good afternoon ladies and gentlemen. This is an affirmation session. We do have one item to come before us this afternoon. Before I ask the Secretary to lead us through the item for affirmation, do any of my colleagues have any opening comments they would like to make?

(CHORUS OF "NOS".)

MR. HOYLE: None, Chairman Jackson.

CHAIRMAN JACKSON: Mr. Secretary, please proceed.

MR. HOYLE: Thank you. The paper before the Commission is SECY-98-079 which concerns the Hydro Resources, Inc. proceeding. The Commission is being asked to act on an Order granting a temporary stay of the Atomic Safety and Licensing Board's Memorandum and Order, LBP-98-5, which was issued on April 2. In that Order, the Presiding Officer denied petitioner's motion for a stay of staff's grant of a materials license authorizing Hydro Resources to conduct an in situ leach mining and milling operation. The effect of this Order before you now would be to stay the effectiveness of Hydro Resources' license for a short period of time necessary for the Commission to review and rule on both the petitioner's pending motion for a full stay and their pending petition for review of LBP-98-5. Each of you has voted to approve the Order granting the petitioner's request for a temporary stay pending the

Commission's review of the full stay motion and petition for review. At this time I would like to call upon each of you individually to affirm your votes. Chairman Jackson?

CHAIRMAN JACKSON: Aye.

MR. HOYLE: Commissioner Dicus?

COMMISSIONER DICUS: Aye.

MR. HOYLE: Commissioner Diaz?

COMMISSIONER DIAZ: (no response)

MR. HOYLE: Commissioner Diaz?

COMMISSIONER DIAZ: (no response)

MR. HOYLE: Commissioner McGaffigan?

COMMISSIONER MCGAFFIGAN: Aye.

MR. HOYLE: Chairman Jackson, I have three votes so perhaps Commissioner Diaz dropped off the line. I heard a beep as I was speaking.

CHAIRMAN JACKSON: Okay. We have a majority.

MR. HOYLE: We do, and he has previously ...

CHAIRMAN JACKSON: (unintelligible) Karen, can we ... (unintelligible)

KAREN CYR: We in the past have said that if he'd been present, he would have voted to affirm and I think we can...

MR. HOYLE: He was asked if he fell off the line to hang up so the operator could reconnect him. Perhaps they are trying to do that now.

CHAIRMAN JACKSON: Okay, perhaps we can wait a minute.

MR. HOYLE: Okay.

CHAIRMAN JACKSON: How are you?

COMMISSIONER MCGAFFIGAN: Fine.

COMMISSIONER DICUS: How are you?

KAREN CYR: How are you doing?

COMMISSIONER MCGAFFIGAN: What time is it in India?

CHAIRMAN JACKSON: It's getting pretty late, but I'm here.

COMMISSIONER MCGAFFIGAN: Is it midnight, or two in the morning?

MR. HOYLE: 10:30.

CHAIRMAN JACKSON: (unintelligible)

MR. HOYLE: They're making one more attempt to get him on the line.

COMMISSIONER MCGAFFIGAN: He's giving us a signal of some sort.

GARY ARMSTRONG: He did drop off and they are in fact trying to get him reconnected right now.

MR. HOYLE: Okay. Thanks, Gary. He was using a cell phone, I understand, whether that made any difference or not. This is certainly a first to have not one but two Commissioners coming in by phone, and particularly, out of the country.

COMMISSIONER MCGAFFIGAN: Do we still have Chairman Jackson?

CHAIRMAN JACKSON: I'm still here.

COMMISSIONER MCGAFFIGAN: We don't want to get him and then lose you.

CHAIRMAN JACKSON: No, I think I'm going to be I'm hard-wired.

MR. HOYLE: Do you have the monsoons with you over there?

CHAIRMAN JACKSON: No, the monsoon season doesn't start until June.

MR. HOYLE: June.

CHAIRMAN JACKSON: Very hot, though. Very hot.

COMMISSIONER MCGAFFIGAN: Does your path cross Ambassador Richardson's at any point? We understand he's in the country from the press reports.

CHAIRMAN JACKSON: (unintelligible)

COMMISSIONER MCGAFFIGAN: U.N. Ambassador Bill Richardson?

CHAIRMAN JACKSON: No, (unintelligible).

COMMISSIONER MCGAFFIGAN: Here he is, maybe?

MR. HOYLE: Commissioner Diaz?

COMMISSIONER DIAZ: Yes, I'm here.

MR. HOYLE: Okay.

COMMISSIONER DIAZ: Something happened -- I don't know what.

MR. HOYLE: Okay, sir. I ask you to affirm your vote. The others have already done so.

COMMISSIONER DIAZ: Aye.

MR. HOYLE: Alright. That completes the voting. Chairman Jackson?

CHAIRMAN JACKSON: Is there anything else to come before us today?

MR. HOYLE: I have nothing more. Your colleagues have nothing.

COMMISSIONER MCGAFFIGAN: Have a good trip.

CHAIRMAN JACKSON: The meeting is adjourned.

MR. HOYLE: Thank you.

(CHORUS OF GOODBYES)

[Whereupon, at 1:37 p.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: Thursday, April 16, 1998

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: *Cedene K. Wright*

Reporter: (TAPE RECORDING)