

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

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

Friday, October 23, 1998

The Commission met in open session, pursuant to notice, at 11:45 a.m., Shirley Ann Jackson, Chairman, presiding.

COMMISSIONERS PRESENT:

SHIRLEY ANN JACKSON, Chairman 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

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P R O C E E D I N G S

[11:45 a.m.]

CHAIRMAN JACKSON: Good morning ladies and gentlemen. This is an Affirmation Session. We have three items to come before us this morning. Before I ask the Secretary to lead us through the items for affirmation, do any of my colleagues have any opening comments they wish to make?

CHAIRMAN JACKSON: If not, Mr. Secretary, please proceed.

MR. HOYLE: Thank you, Chairman Jackson. The first item is SECY-98-227. This concerns Northeast Nuclear Energy Company (Millstone Plant). The Commission is being asked in this paper to act on an Order responding to the Citizen's Regulatory Commission's (CRC) appeal of the Licensing Board Issuance 98-22, in which the Board denied CRC's petition to intervene and terminated the proceeding.

The Commission has voted to approve the Memorandum and Order which affirms the Licensing Board's decision. Will you affirm your votes, please?

CHAIRMAN JACKSON: Aye.

CHAIRMAN DIAZ. Aye.

COMMISSIONER McGAFFIGAN: Aye.

MR. HOYLE: Thank you. The second is 98-233, the Yankee Atomic Electric Company regarding the Yankee Nuclear Power Station. In this paper the Commission is being asked to act on a Memorandum and Order responding to appeals by the Franklin Regional Planning Board, the New England Coalition on Nuclear Pollution, Inc., and the Citizen's Awareness Network, from the Atomic Safety and

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Licensing Board's decision in LBP-98-12. In that issuance, the Board concluded that Petitioners had failed to establish standing and terminated the proceeding. The Commission has voted to approve a Memorandum and Order affirming in part and reversing in part the Board's decision. The Memorandum and Order grants standing to New England Coalition on Nuclear Pollution, Inc. and the Citizen's Awareness Network, and denies the standing to the Franklin Regional Planning Board. I ask you to affirm your votes.

CHAIRMAN JACKSON: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER McGAFFIGAN: Aye.

MR. HOYLE. Thank you. Third is SECY-98-240 concerning the Hydro Resources, Inc. proceeding. The Commission is being asked in this paper to act on a Memorandum and Order responding to a petition from the Eastern Navajo Din against Uranium Mining and Southwest Research and Information Center seeking Commission interlocutory review of one aspect of the Presiding Officer's September 22, 1998, Memorandum and Order on scheduling and requesting the Commission to stay the ongoing licensing proceeding. Each of you has voted to approve a Memorandum and Order denying the petition for interlocutory review and denying as moot the motion to stay proceedings pending appellate review. I ask you to affirm your votes.

CHAIRMAN JACKSON: Aye.

COMMISSIONER DIAZ: Aye.

COMMISSIONER McGAFFIGAN: Aye.

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MR. HOYLE: Thank you.

CHAIRMAN JACKSON. Is there anything else to come before us this morning?

MR. HOYLE. No, there isn't.

CHAIRMAN JACKSON: If not, we're adjourned.

MR. HOYLE. Thank you.

[Whereupon, at 11:50 a.m., the affirmation session was adjourned.]

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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: Friday, October 23, 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: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)