

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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6 One White Flint North

7 Rockville, Maryland

8 Wednesday, November 9, 1988

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

12 COMMISSIONERS PRESENT:

13 Lando W. Zech, Jr., Chairman

14 Thomas M. Roberts, Commissioner

15 Kenneth M. Carr, Commissioner

16 STAFF SEATED AT TABLE:

17 Samuel Chilk, SECY

18 William Parler, OGC

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P R O C E E D I N G S

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

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

DATE OF MEETING: Wednesday, November 9, 1988

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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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