

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

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PUBLIC MEETING

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

Monday, August 4, 1997

The Commission met in open session, pursuant to notice, at 2:05 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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

JOHN C. HOYLE, Secretary

STEPHEN G. BURNS, Associate General Counsel for Hearings,  
Enforcement and Administration

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on August 4, 1997 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.

## P R O C E E D I N G S

[2:05 p.m.]

CHAIRMAN JACKSON: 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 lead us through the item for affirmation, do any of my colleagues have any opening comments? If not, Mr. Secretary, please proceed.

MR. HOYLE: Thank you, Chairman Jackson. The item is SECY-97-141. In this paper, the Commission is being asked to act on an Order in response to an appeal of a Licensing Board Order that concluded that the appellant had lacked standing and that therefore denied his petition to intervene in the Atlas Corporation case. The Commission's Order concludes that the Presiding Officer gave the appellant four reasonable opportunities to meet his burden of proof on the issue of standing, but that he nevertheless failed to provide the necessary factual details that would support his claim of standing. Each of you has voted to approve the attached Order to my memorandum of the 29th, denying the appeal and affirming the Licensing Board issuance 97-9. May I ask you to affirm your votes please?

[A chorus of ayes.]

MR. HOYLE: Thank you.

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

MR. HOYLE: No, there isn't.

CHAIRMAN JACKSON: If not, we're adjourned.

[Whereupon, at 2:07 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: Monday, August 4, 1997

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: *Delore K. Wright*

Reporter: (TAPE RECORDING)