

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

Thursday, December 11, 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

STEVEN G. BURNS, Acting General Counsel

# DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on December 11, 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 two items to come before us this afternoon. 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? If not, Mr. Secretary, please proceed.

MR. HOYLE: Thank you, Chairman Jackson. The first item is SECY-97-252. This paper contains a proposed rulemaking, a final rulemaking, which provides amendments to the Commission's regulations to deal with the deliberate misconduct of unlicensed persons. The amendments extend the deliberate misconduct rule to cover certificate holders and applicants for licenses or certificates of compliance as well as employees, contractors, subcontractors, and consultants for certificate holders and applicants. All of you have voted to approve publication of this final rule. I ask you to affirm your votes.

CHAIRMAN JACKSON: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

MR. HOYLE: The second is SECY-97-266. In this paper, the Commission is being asked to act on an order responding to a motion from an attorney for St. Mary's Hospital to quash six subpoenas. All of you have voted to approve the order. I ask you to affirm your votes.

CHAIRMAN JACKSON. Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER DICUS: Aye.

COMMISSIONER DIAZ: Aye.

MR. HOYLE: Thank you.

CHAIRMAN JACKSON: Thank you. Is there anything else to come before us this afternoon?

MR. HOYLE: No there isn't.

CHAIRMAN JACKSON: If not, we're adjourned.

[Whereupon, at 2:10 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, December 11, 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: *Devere F. Wright*

Reporter: (TAPE RECORDING)