

# ORIGINAL

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of:

Commission Meeting

Affirmation/Discussion and Vote

(Public Meeting)

Docket No.

Location: Washington, D. C.

Date: Thursday, May 16, 1985

Pages: 1 - 5

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This is an unofficial transcript of a meeting of the  
7 United States Nuclear Regulatory Commission held on Thursday,  
8 May 16, 1985 in the Commission's office at 1717 H Street,  
9 N.W., Washington, D.C. The meeting was open to public  
10 attendance and observation. This transcript has not been  
11 reviewed, corrected, or edited, and it may contain  
12 inaccuracies.

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21 authorize.

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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AFFIRMATION/DISCUSSION AND VOTE

- - -

PUBLIC MEETING

Room 1130

1717 H Street, N.W.

Washington, D. C.

Thursday, 16 May 1985

The Commission met, pursuant to notice, at 2:05 p.m.

COMMISSIONERS PRESENT:

NUNZIO PALLADINO, Chairman of the Commission

JAMES ASSELSTINE, Commissioner

FREDERICK BERNTHAL, Commissioner

LANDO ZECH, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

ANDY BATES

## 1 PROCEEDINGS

2 CHAIRMAN PALLADINO: Please come to order.

3 This is an affirmation discussion session. We have  
4 two items on the agenda, and I will ask Andy Bates from the  
5 Secretary's office, to walk us through those items.6 MR. BATES: The first item on the Commission agenda  
7 is the Government in the Sunshine Act Regulations.8 On this item the Commission is being asked to  
9 approve publication of proposed revision to 10 CFR Part  
10 9, Government in the Sunshine Act Regulations.11 On this item we are going to ask you for two votes.  
12 On the first one, all Commissioners have approved publication  
13 of the proposed rule for public comment. That is what we  
14 circulated to you earlier. And I would ask you to affirm your  
15 vote on that item.

16 COMMISSIONER ASSELSTINE: Aye.

17 COMMISSIONER BERNTHAL: Aye.

18 COMMISSIONER ZECH: Aye.

19 COMMISSIONER ASSELSTINE: Making it clear that my  
20 vote is simply to put out the rule to obtain comments.

21 MR. BATES: Yes.

22 On the second vote, the Commission by a three to two  
23 majority, Commissioner Zech, Commissioner Roberts and the  
24 Chairman have approved making the proposed rule effective in  
25 the interim period during the public comments.

1 CHAIRMAN PALLADINO: Say that again.

2 MR. BATES: I'm sorry. Commissioner Zech,  
3 Commissioner Bernthal, Commissioner Roberts. You voted not to  
4 make it effective, Commissioner Asselstine voted not to make  
5 it effective in the interim.

6 CHAIRMAN PALLADINO: That's right.

7 MR. BATES: We understand Commissioner Asselstine  
8 will sit out on this vote.

9 COMMISSIONER ASSELSTINE: That's correct.

10 MR. BATES: So that it is a three to two vote, since  
11 Commissioner Roberts is not here -- I'm sorry, a two to one  
12 vote, since Commissioner Roberts is not here.

13 CHAIRMAN PALLADINO: To make sure that it is clear,  
14 I am not voting for using it in the interim.

15 MR. BATES: You are not voting, right.

16 The interim vote was Commissioner Zech, Commissioner  
17 Roberts and Commissioner Bernthal, to make that effective in  
18 the interim.

19 COMMISSIONER BERNTHAL: That's a fact.

20 COMMISSIONER ZECH: That's fact.

21 MR. BATES: Do you affirm your votes?

22 COMMISSIONER BERNTHAL: Aye.

23 COMMISSIONER ZECH: Aye.

24 MR. BATES: The second item is Secy 8574A, TMI-1,  
25 Aamodt Motion for Reconsideration, Reopening of the Record.

1           In this item the Commission is being asked to  
2    respond to a January 15, 1985 Motion by the Aamodts, asking  
3    for the Commission to reconsider its December 13th, 1984  
4    denial of their previous request to one, investigate  
5    allegations of releases of airborne radioactive materials from  
6    the 1979 TMI 2 accident; and two, to defer a decision on  
7    restart of the TMI 1 reactor until the issues have been  
8    further studied and researched.

9           Chairman Palladino and Commissioners Roberts and  
10   Zech approved an order that we circulated to you earlier  
11   denying the motion to reopen the record, and defer a decision  
12   on the TMI 1 restart.

13          Commissioner Bernthal approved the order, although  
14   he would have preferred an alternative wording of it.

15          Commissioner Asselstine, while concurring in the  
16   results of the order, did not agree with the substance and  
17   provided separate views.   -

18          I ask you to affirm your votes on this.

19          CHAIRMAN PALLADINO:   Aye.

20          COMMISSIONER ASSELSTINE:   Aye.

21          COMMISSIONER BERNTHAL:   Aye.

22          COMMISSIONER ZECH:   Aye.

23          MR. BATES:   That is all we have before us.

24          CHAIRMAN PALLADINO:   Anything further to come before  
25   us at this time?



1 (No response)

2 All right. Thank you.

3 We will stand adjourned.

4 (Whereupon, at 2:10 p.m., the Affirmation hearing of  
5 the Commissioners was adjourned.)

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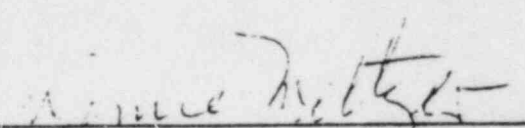
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Date: Thursday, May 16, 1985

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