



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

IN RESPONSE, PLEASE  
REFER TO: M850516B

ACS

May 29, 1985

OFFICE OF THE  
SECRETARY

MEMORANDUM FOR: Herzel H.E. Plaine, General Counsel

FROM:

for Samuel J. Chilk, *JCH* Secretary

SUBJECT:

STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION  
AND VOTE, 2:00 P.M., THURSDAY, MAY 16, 1985,  
COMMISSIONERS' CONFERENCE ROOM, D.C. OFFICE  
(OPEN TO PUBLIC ATTENDANCE)

I. Government in the Sunshine Act Regulations (SECY-85-67)

The Commission approved publication of proposed revisions to 10 CFR Part 9 Government in the Sunshine Act Regulations as follows:

1. all Commissioners<sup>1/</sup> approved publication of the proposed rule for public comment. The Commission (with Commissioners Roberts, Bernthal, and Zech agreeing) has also approved<sup>2/</sup> making the proposed rule effective on an interim basis during the public comment period. Chairman Palladino and Commissioner Asselstine disagreed with making it effective in the interim and provided separate views.

(Subsequently, on May 16, 1985 the Federal Register Notice was signed and forwarded for publication.)

<sup>1/</sup> Section 201 of the Energy Reorganization Act, 42 USC § 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Roberts was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Roberts, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.

<sup>2/</sup> Section 201 of the Energy Reorganization Act, 42 USC § 5841, provides that action of the Commission shall be determined by a "majority of the members present." Commissioner Roberts was not present when this item was affirmed. In order to allow the will of the majority to prevail Commissioner Asselstine did not participate in the formal affirmation on this issue. Accordingly, the formal vote of the Commission was 2-1 in favor of the decision. Commissioner Roberts, however, had previously indicated that he would approve this issue and had he been present he would have affirmed his prior vote. Commissioner Asselstine had previously indicated his disapproval and he would have affirmed his vote.

II. SECY-85-74A - TMI-1 - Aamodt Motion for Reconsideration  
and Reopening of the Record

Chairman Palladino and Commissioners Roberts<sup>3/</sup> and Zech approved an order denying a January 15, 1985 motion by the Aamodt's to reopen the record and defer a decision on TMI-1 restart. Commissioner Bernthal approved the order, but would have preferred a modified version. Commissioner Asselstine concurred in the result of the order but did not agree with the substance and provided separate views.

(Subsequently on May 16, 1985 the Secretary signed the Order.)

cc: Chairman Palladino  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal  
Commissioner Zech  
Commission Staff Offices  
EDO  
PDR - Advance  
DCS - 016 Phillips

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<sup>3/</sup> Section 201 of the Energy Reorganization Act, 42 USC § 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Roberts was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-1 in favor of the decision. Commissioner Roberts, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.