

ORIGINAL

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Title: Affirmation/Discussion and Vote

Location: Washington, D. C.

Date: February 24, 1988

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION / DISCUSSION AND VOTE

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PUBLIC MEETING

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Nuclear Regulatory Commission
Room 1130
1717 H Street, Northwest
Washington, D.C.

February 24, 1988

The Commission met in open session, pursuant to
notice at 3:33 p.m., the Honorable LANDO W. ZECH, JR.,
Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

LANDO W. ZECH, Chairman of the Committee
THOMAS M. ROBERTS, Commissioner
FREDERICK M. BERNTHAL, Commissioner
KENNETH C. ROGERS, Commissioner

1 STAFF AND PRESENTERS SEATED AT TABLE:

2 S. CHILK - Secretary

3 W. PARLER - OGC

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

2 CHAIRMAN ZECH: Good afternoon ladies, and
3 gentlemen. Mr. Carr will not be with us this afternoon.
4 This is a an Affirmation Session. I understand we have
5 one item to come before us this afternoon.

6 Before asking the Secretary to lead us through
7 that item, do any of my fellow Commissioners have any
8 remarks to make?

9 COMMISSIONER BERNTHAL: Well, I -- a small family
10 here today, I'm a little concerned about one element of
11 the final language here, Mr. Chairman. It's only a matter
12 of --

13 MR. CHILK: Commissioner Bernthal, before you
14 start, could I ask the Commission to vote to hold this
15 meeting on a short notice, please.

16 COMMISSIONER BERNTHAL: Certainly.

17 CHAIRMAN ZECH: All right. Will you do so,
18 please.

19 [Chorus of ayes.]

20 MR. CHILK: Thank you, Commissioner.

21 COMMISSIONER BERNTHAL: My concern is one that
22 nobody may notice, but it's the sentence here, "The
23 Commission has reconsidered this policy because some
24 individuals believe it implies that enforcement action, "
25 and the words that were added is, "some individuals

1 believe." Otherwise it had been "because it implies an
2 enforcement action would not normally be reopened."
3 Although obviously I have no difficulty with that
4 addition -- in fact, that's almost a direct quote without
5 that addition. It's almost a direct quote of the language
6 that in fact we used. It just seems to me we are likely
7 to embarrass ourselves slightly if we go ahead with that.
8 It's all up to you.

9 CHAIRMAN ZECH: No, let's see. I think that was
10 probably my thought.

11 COMMISSIONER BERNTHAL: It was, and I understand
12 what you are saying and it's true, except that it seems to
13 me almost on the face of it, it does imply.

14 CHAIRMAN ZECH: Yes. Well, I think that's a good
15 suggestion. I'd just as soon withdraw --

16 COMMISSIONER ROBERTS: It's up to you.

17 CHAIRMAN ZECH: I'll withdraw if nobody has any
18 problem with it. Tom, do you -- it doesn't -- I think
19 that's fine with me to take that out of there. If you
20 would, Mr. Secretary.

21 COMMISSIONER BERNTHAL: I'm just afraid the sound
22 of it is --

23 CHAIRMAN ZECH: Sure. Fine. I think that's
24 not --

25 COMMISSIONER ROGERS: Well, Mr. Chairman, if we

1 are doing a little wordsmithing, I don't want to go too
2 far, but I would like to suggest that the word in the
3 begining summary, the little handwritten sentence that
4 begins, "Inasmuch as this action concerns a general
5 statement", if you could substitute "since" I'd prefer it,
6 but I don't feel very -- for inasmuch --

7 CHAIRMAN ZECH: I'm not following you. I'm
8 sorry.

9 COMMISSIONER ROGERS: I'm sorry. It's on the
10 first page in the summary paragraph.

11 CHAIRMAN ZECH: Okay.

12 MR. CHILK: The suggestion is that we substitute
13 the word "since," I think, instead of --

14 COMMISSIONER ROGERS: For "inasmuch". "Inasmuch"
15 is a kind of vague thrashing around --

16 COMMISSIONER BERNTHAL: Slightly theological.

17 COMMISSIONER ROBERTS: Inasmuch as. Delete the
18 "as" also.

19 COMMISSIONER ROGERS: Yes. Right.

20 CHAIRMAN ZECH: All right. That sounds fine to
21 me, too. Does anybody have any problem with that small
22 editorial change?

23 COMMISSIONER BERNTHAL: Fine. Fine.

24 CHAIRMAN ZECH: All right. Do you have that, Mr.
25 Secretary?

1 MR. CHILK: The item for affirmation, Mr.
2 Chairman, is Secy 8~~8~~-33. A reconsideration of the
3 enforcement policy provision involving reopening of closed
4 cases.

5 The Commission in this paper is being asked to
6 approve modifications to the Commission's enforcement
7 policy which are contained in Appendix C, 10 CFR Part 2.

8 The revisions clarify the Commission's policy on
9 reopening closed enforcement actions.

10 All Commissioners have approved the proposed
11 revisions as modified by the Chairman, Commissioner Carr,
12 and as modified at the table today, and attached our
13 memorandum of February 23rd. Would you please affirm your
14 votes.

15 [Chorus of ayes.]

16 MR. CHILK: I have nothing further.

17 CHAIRMAN ZECH: All right. Well, I don't think
18 those editorials, Mr. Secretary, would make any difference
19 as far as Mr. Carr is concerned, but he's not here to say
20 anything. Could you clarify that before you go forward?

21 MR. CHILK: I will clarify that.

22 CHAIRMAN ZECH: I'd appreciate that very much.
23 Anything else to come before us?

24 MR. CHILK: I have nothing.

25 CHAIRMAN ZECH: All right. We stand adjourned.

1 [Whereupon at 3:38 p.m., the Affirmation
2 Hearing was adjourned.]

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REPORTER'S CERTIFICATE

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.

DATE OF MEETING: February 24, 1988

were held as herein appears, and that this is the original transcript thereof for the file of the Commission taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing events.

Mario Rodriguez

Mario Rodriguez

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