

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Title: AFFIRMATION/DISCUSSION AND VOTE

Location: ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION/DISCUSSION AND VOTE

PUBLIC MEETING

Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland

Friday, May 6, 1988

The Commission met in open session, pursuant to notice, at 11:45 a.m., the Honorable LANDO W. ZECH, Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

LANDO W. ZECH, Chairman of the Commission
THOMAS M. ROBERTS, Member of the Commission
FREDERICK M. BERNTHAL, Member of the Commission
KENNETH CARR, Member of the Commission

1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

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J. HOYLE

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J. FITZGERALD

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S. ALOOT

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[11:45 a.m.]

CHAIRMAN ZECH: Good morning, ladies and gentlemen.

This is an affirmation session. I understand we have one item to come before us this morning. Before we ask the Secretary to lead us through the item, do any of my fellow Commissioners have any comments to make?

[No response.]

CHAIRMAN ZECH: Does the Secretary understand that we have to hold a vote to hold this meeting on less than one week's notice; is that correct?

MR. HOYLE: Less than one week's notice; yes, that's correct.

CHAIRMAN ZECH: All right. May I have such a vote?

COMMISSIONER BERNTHAL: Aye.

COMMISSIONER ROBERTS: Aye.

COMMISSIONER CARR: Aye.

CHAIRMAN ZECH: Aye.

Mr. Secretary, would you lead us through the item, please?

MR. HOYLE: Thank you, sir.

The paper before you is SECY-88119, the title of which is "Motion to Modify or Quash Subpoenas, Farley Nuclear Plant Investigation."

Under consideration is a motion by eleven employees

1 at the Farley Nuclear Power Plant to modify or quash subpoenas
2 issued by the Director of the Office of Investigations on April
3 the 13th of this year. The Commission is being asked to
4 approve an order prepared by the Office of the General Counsel,
5 which would deny the motion to quash, but grant in part the
6 motion to modify the subpoenas.

7 The order would modify the language of the subpoenas
8 to better indicate the specific range of documents desired by
9 OI, and I would ask Mr. Aloit to describe the status of the
10 voting. He has walked around a late version of the order and
11 has the up-to-the-minute status of the voting.

12 MR. ALOIT: Subsequent to the distribution of the
13 SECY paper, Alabama Power's Counsel and Counsel for, I believe,
14 18 of their management officials filed a Petition to Intervene.
15 The original proposed Commission order has been modified to
16 reflect that filing and to also reflect that there is no
17 proceeding to intervene in, and therefore it's an unauthorized
18 filing, but also to indicate that the views of the petition or
19 set forth in that Petition to Intervene had been considered in
20 reaching a decision on the resolution of the motion to quash or
21 modify the subpoenas.

22 We did have some votes that came in, apparently based
23 on a reading of the first order or proposed order, and for the
24 purpose of this vote, I need to -- the Secretary needs to
25 determine that the votes that you are affirming apply to the

1 revised order. I believe all the offices have gotten and
2 reviewed copies of this revised order.

3 CHAIRMAN ZECH: I believe that's true. It is in my
4 case, I know.

5 COMMISSIONER CARR: And in my case.

6 CHAIRMAN ZECH: All right. We've all seen the
7 revised order, I presume. Did anybody --

8 COMMISSIONER BERNTHAL: I assume that's the order
9 dated May 4th?

10 MR. HOYLE: No. There's one May 6th.

11 [Pause.]

12 COMMISSIONER BERNTHAL: I see. That's dated today.

13 MR. HOYLE: Yes.

14 COMMISSIONER BERNTHAL: And only Footnote 2 is --
15 that's the only addition.

16 MR. HOYLE: The new footnote.

17 COMMISSIONER CARR: I still have one change I'd like
18 to get made in the order that didn't get made as a result of
19 the vote on the first order, and that's on page 4, the fifth
20 line down.

21 I'd like to delete the words "distinguish from
22 inspections" in the parenthetical phrase there.

23 CHAIRMAN ZECH: What page again is that?

24 COMMISSIONER CARR: Page 4 of the order. I think
25 there's a -- I don't think that adds anything to the order, and

1 I think it --

2 CHAIRMAN ZECH: Where is it again? I see page 4, but

3 --

4 COMMISSIONER CARR: Page 4, fifth line down. There's
5 a parenthetical there that says "distinguish from inspections."
6 That's editorial.

7 CHAIRMAN ZECH: I have no problem with that.

8 COMMISSIONER BERNTHAL: Well, let's see. If the
9 Counsel has no difficulty with that change, then, that's
10 certainly no problem for me.

11 The footnote, I gather, is the only addition, the
12 only change, which we received this morning. It appears only
13 to be explanatory, so I have no problem with that.

14 CHAIRMAN ZECH: All right. Does anybody have any
15 problem with that?

16 [No response.]

17 CHAIRMAN ZECH: No is the answer, I guess.

18 MR. HOYLE: The change, then, that you've made this
19 morning is deleting the parenthetical on page 4, and I ask you
20 to affirm your votes.

21 CHAIRMAN ZECH: Aye.

22 COMMISSIONER BERNTHAL: Aye.

23 COMMISSIONER ROBERTS: Aye.

24 COMMISSIONER CARR: Aye.

25 CHAIRMAN ZECH: Is there anything else to come before

1 us this morning, Mr. Secretary?

2 MR. HOYLE: No, sir, there isn't.

3 CHAIRMAN ZECH: All right. Thank you very much. We
4 stand adjourned.

5 [Whereupon, at 11:50 o'clock, a.m., the Commission
6 meeting was adjourned.]

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This is to certify that the attached events of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: Affirmation/Discussion and Vote

PLACE OF MEETING: Washington, D.C.

DATE OF MEETING: Friday, May 6, 1988

were transcribed by me. I further certify that said transcription is accurate and complete, to the best of my ability, and that the transcript is a true and accurate record of the foregoing events.

Suzanne B. Young

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