

NUCLEAR REGULATORY COMMISSION

In the Matter of: COMMISSION MEETING

AFFIRMATION SESSION 81-18

DATE: May 12, 1981 PAGES: 1 thru 6

AT: Washington, D. C.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION 81-18

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Nuclear Regulatory Commission
Room 1130, 1717 H St., N.W.
Washington, D. C.

Tuesday, May 12, 1981

The Commission met, pursuant to notice, at 3:45 p. m.,
JOSEPH M. HENDRIE, Chairman of the Commission, presiding.

BEFORE:

- JOSEPH M. HENDRIE, Chairman of the Commission
- VICTOR GILINSKY, Commissioner
- PETER A. BRADFORD, Commissioner
- JOHN F. AHEARNE, Commissioner

ALSO PRESENT:

- LEONARD BICKWIT, JR., General Counsel
- SAMUEL J. CHILK, Secretary
- WILLIAM J. DIRCKS
- JIM FITZGERALD

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DISCLAIMER

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P R O C E E D I N G S

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2 CHAIRMAN HENDRIE: The Commission will now turn to
3 affirmation matters.

4 I am advised that I should ask you to join me in voting
5 to hold on less than one week's notice a meeting of the
6 Commission to affirm the following items, the Goldsmith FOIA
7 Appeal, SECY-81-277; FOIA Appeal-Attorney Conduct in Diablo
8 Canyon Proceeding, SECY-81-262; and the Review of ALAB-637 in
9 the matter of Houston Lighting and Power Company, SECY-81-278.

10 All in favor say aye.

11 COMMISSIONER AHEARNE: Aye.

12 CHAIRMAN HENDRIE: Aye.

13 COMMISSIONER GILINSKY: Aye.

14 COMMISSIONER BRADFORD: Aye.

15 CHAIRMAN HENDRIE: So ordered.

16 Sam, forward.

17 MR. CHILK: The first affirmation is SECY-81-247,
18 Indian Point Cooling Towers, in which the Commission by a vote of
19 three to nothing has approved an order which accepts a settlement
20 of the Indian point Cooling Tower proceeding.

21 Chairman Hendrie has disqualified himself from
22 participating.

23 Will the remainers please affirm your vote?

24 COMMISSIONER AHEARNE: Aye.

25 COMMISSIONER GILINSKY: Aye.

1 COMMISSIONER BRADFORD: Aye.

2 CHAIRMAN HENDRIE: I affirm my non-participation.

3 MR. CHILK: SECY-81-254, Reappointment of ACRS Member.

4 The Commission by vote of three to one, with Commissioner

5 Gilinsky dissenting, has approved the appointment of

6 Dr. ~~Schuman~~ ^{Sheumon} of the ACRS.

7 Commissioner Gilinsky, while not intending this as

8 critical of Dr. ~~Schuman~~ ^{Sheumon}, prefers to introduce new members to the

9 ACRS.

10 Would you please affirm you votes?

11 COMMISSIONER AHEARNE: Aye.

12 CHAIRMAN HENDRIE: Aye.

13 COMMISSIONER BRADFORD: Aye.

14 MR. CHILK: SECY-81-277, the Goldsmith FOIA Appeal.

15 The Commission unanimously has approved withholding some 12

16 documents under Exemption 5.

17 Would you please affirm your votes?

18 COMMISSIONER AHEARNE: Aye.

19 CHAIRMAN HENDRIE: Aye.

20 COMMISSIONER GILINSKY: Aye.

21 COMMISSIONER BRADFORD: Aye.

22 MR. CHILK: SECY-81-262, FOIA Appeal-Attorney Conduct

23 in Diablo Canyon.

24 The Commission by a vote of three to nothing has

25 approved withholding all the documents under Exemption 5, with a

1 correction, minor change, suggested by Commissioner Ahearne, to
2 which all of you have approved.

3 Commissioner Gilinsky has disqualified himself from
4 participation in this case.

5 Would you please affirm your votes?

6 COMMISSIONER AHEARNE: Aye.

7 CHAIRMAN HENDRIE: Aye.

8 COMMISSIONER BRADFORD: Aye.

9 MR. CHILK: The last one is SECY-81-278, Review of
10 ALAB-637, which the Commission is being asked to approve a
11 proposed order indicating no sua sponte review of ALAB-637.

12 The Chairman, Commissioner Gilinsky and Commissioner
13 Bradford have approved; Commission Ahearne has requested a short
14 discussion and is prepared to vote, as I understand it.

15 MR. BICKWIT: I would prefer that if we have a
16 discussion on the matter that the meeting be closed, in view of
17 the fact that this pending adjudication and exemption would
18 appear to be ---

19 COMMISSIONER AHEARNE: Well, that was my request when
20 I told SECY I was willing to go to affirmation, but I wanted a
21 short discussion.

22 COMMISSIONER BRADFORD: That it be closed?

23 COMMISSIONER AHEARNE: I didn't care.

24 MR. BICKWIT: I don't care a lot, but I would prefer,
25 I would recommend that it be closed.

1 CHAIRMAN HENDRIE: In hopes that we might move briskly
2 forward, what I suggest is we have a short closed discussion,
3 cautioning those who now leave the room that we will come back
4 into public session and hopefully affirm this item.

5 Those in favor of closing the meeting on the basis of
6 Exemption 10, the Sunshine Act, say aye.

7 COMMISSIONER AHEARNE: Aye.

8 CHAIRMAN HENDRIE: Aye.

9 COMMISSIONER GILINSKY: Aye.

10 COMMISSIONER BRADFORD: Aye.

11 CHAIRMAN HENDRIE: So ordered.

12 (Whereupon, the Commission adjourned, to reconvene in
13 closed session.)
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1 (Whereupon, the public session resumed following a
2 short closed session.)

3 CHAIRMAN HENDRIE: Okay, let us reconvene the public
4 session of the meeting now that the public has once more access
5 to the proceeding.

6 Sam, go ahead with the reading of this affirmation.

7 MR. CHILK: SECY-81-278, again, Review of ALAB-637.

8 The Commission has approved unanimously a proposed order indicating
9 there will be no sua sponte review of ALAB-637.

10 Would you please affirm your votes?

11 COMMISSIONER AHEARNE: Aye.

12 CHAIRMAN HENDRIE: Aye.

13 COMMISSIONER GILINSKY: Aye.

14 COMMISSIONER BRADFORD: Aye.

15 CHAIRMAN HENDRIE: So ordered.

16 Thank you all very much.

17 (Whereupon, at 3:55 p. m., the meeting was concluded.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
NUCLEAR REGULATORY COMMISSION

in the matter of: Affirmation Session 81-18

Date of Proceeding: Tuesday, May 12, 1981

Docket Number: _____

Place of Proceeding: Room 1130, 1717 H St., N.W., Washington, D. C.

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Marilynn M. Nations

Official Reporter (Typed)

Marilynn M. Nations

Official Reporter (Signature)