



OFFICE OF THE  
COMMISSIONER

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

PDR

April 9, 1985

The Honorable John T. Myers  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Myers:

During the March 27, 1985 hearing before the Subcommittee on Energy and Water Development on the fiscal year 1986 budget request for the Nuclear Regulatory Commission, you made a statement regarding the release of transcripts of closed Commission meetings. Specifically, you stated:

...I vote no more often than I vote yes, and I usually get outvoted across the street here, but I still have to obey the law. I may be critical on the floor, but after it is passed, I have got to obey the law. I don't say I can drive 70 miles an hour because I have voted against a 55-mile-an-hour speed limit. I can't do that, and I don't think you people can either. Why have an Executive Session if you are going to go out and release everything to the press? What is the sense in having an Executive Session? Transcript, pp. 64-65.

Because the Diablo Canyon case is the only recent case in which transcripts of closed Commission meetings have been released to the press, and because I was the only dissenting Commissioner on the Diablo Canyon case, I read your statement as indicating that you believe I participated in the unauthorized release of the Diablo Canyon transcripts.

Let me set the record straight. Neither I nor any member of my staff in any way participated in an unauthorized public release of the transcripts of the Commission's deliberations in the Diablo Canyon case. I can assure you that had I chosen to release the transcripts I would have done so openly, and I would have taken full responsibility for my actions.

I continue to have serious concerns about both the Commission's decision to issue a full-power operating license for the Diablo Canyon plant and the manner in which that decision was made. My reasons for believing that a hearing should have been held on the issue of the complicating effects of earthquakes on emergency planning in the Diablo Canyon case are set forth in my dissenting views to the Commission's August 10, 1984 decision (CLI-84-12). A general statement of my reasons for

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concluding that the Commission majority abused the adjudicatory process in making its decision on the earthquakes and emergency planning issue is included in the Commission's October 29, 1984 response to Chairman Markey and the November 9, 1984 response to Chairman Ottinger. In those responses, I stated my belief that the public interest in identifying and correcting serious abuses by the Commission in the conduct of its adjudicatory proceedings called for the public release of the transcripts of the Commission's deliberations on that issue.

Despite my belief that the public interest would best be served by release of the Diablo Canyon transcripts and my urging that the Commission do so, I did not release the transcripts. In fact, I even refrained from describing in great detail, or quoting directly from, the Commission transcripts and related documents in deference to the majority's position that these documents should remain confidential. My December 19, 1984 response to Chairman Markey makes this clear.

I did not elaborate on my previous general descriptions of my concerns regarding the Commission majority's abuse of the adjudicatory process until my March 19, 1985 response to Chairman Markey. I felt compelled to provide a more detailed statement of my concerns after the Commission majority provided its own detailed response to Chairman Markey on February 25, 1985 in which the Commission asserted that my concerns were unfounded. Both the Commission's February 25 response and my March 19 response to Chairman Markey were sent only after the Diablo Canyon transcripts became publicly available.

I have enclosed copies of all the relevant correspondence on this subject. I hope that this information clears up any misimpression you may have that I was in any way involved in the unauthorized release of the Diablo Canyon transcripts.

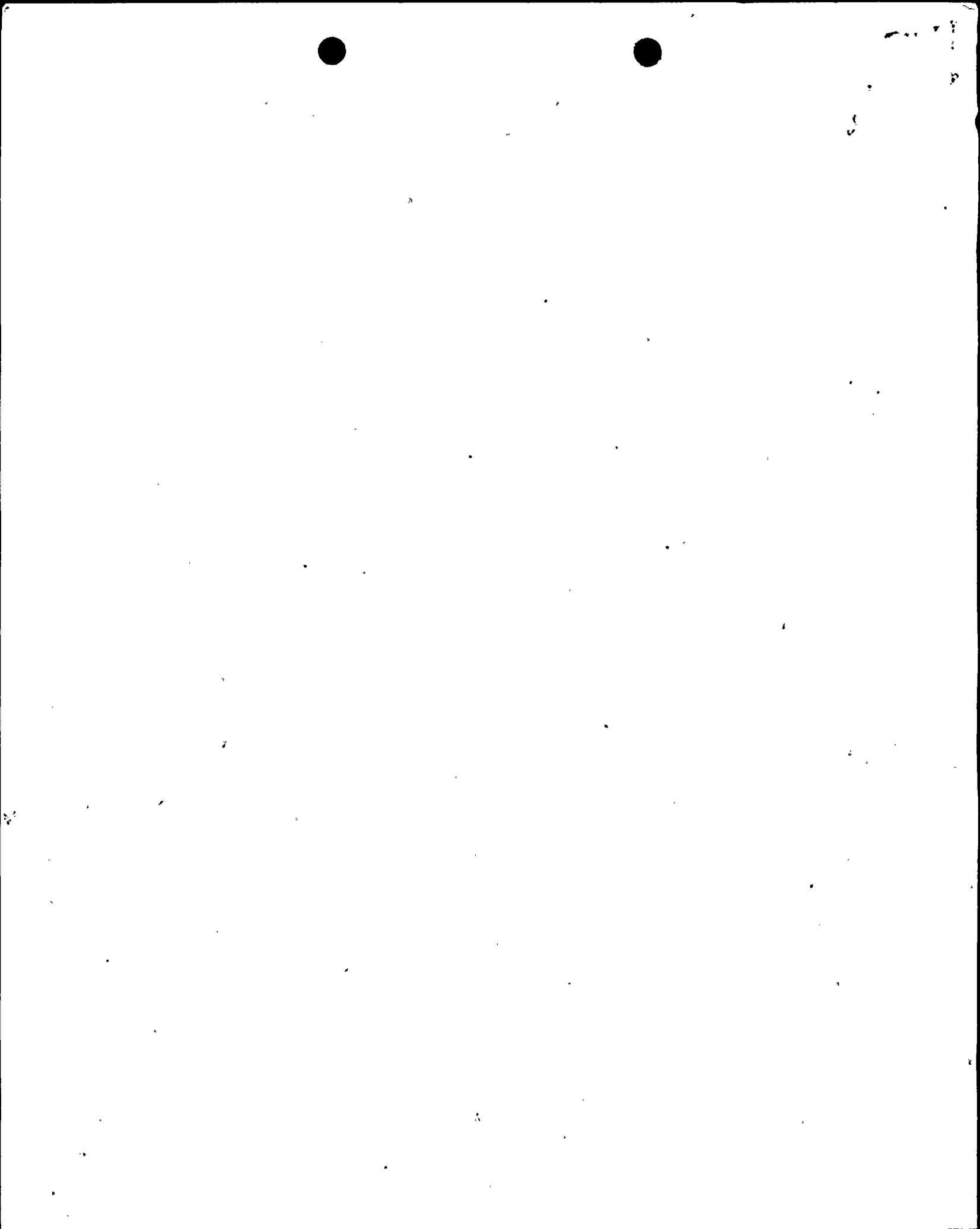
Sincerely,



James K. Asselstine

Enclosures: As stated

cc: Rep. Tom Bevill



April 2, 1985

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DOCKET NO(S) ~~EO-272/311~~  
Mr. C. A. McNeill, Jr.  
Vice President - Nuclear  
Public Service Electric and Gas Company  
Post Office Box 236  
Hancocks Bridge, New Jersey .08038

SUBJECT: PUBLIC SERVICE ELECTRIC AND GAS COMPANY  
SALEM NUCLEAR GENERATING STATION UNITS 1 AND 2

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application, dated \_\_\_\_\_.
- Draft/Final Environmental Statment, dated \_\_\_\_\_.
- Notice of Availability of Draft/Final Environmental Statement, dated \_\_\_\_\_.
- Safety Evaluation Report, or Supplement No. \_\_\_\_\_, dated \_\_\_\_\_.
- Notice of Hearing on Application for Construction Permit, dated \_\_\_\_\_.
- Notice of Consideration of Issuance of Facility Operating License, dated \_\_\_\_\_.
- Monthly Notice; Applications and Amendments to Operating Licenses Involving no Significant Hazards Considerations, dated \_\_\_\_\_.
- Application and Safety Analysis Report, Volume \_\_\_\_\_.
- Amendment No. \_\_\_\_\_ to Application/SAR dated \_\_\_\_\_.
- Construction Permit No. CPPR- \_\_\_\_\_, Amendment No. \_\_\_\_\_ dated \_\_\_\_\_.
- Facility Operating License No. \_\_\_\_\_, Amendment No. \_\_\_\_\_, dated \_\_\_\_\_.
- Order Extending Construction Completion Date, dated \_\_\_\_\_.
- Other (Specify) Monthly Notice covering period March 27, 1985. Expiration date  
for hearing requests and comments April 26, 1985.

Division of Licensing, ORB#1  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc: w/enclosures

OFFICE >	ORB#1:DL CParrish, ps					
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