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UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the matter of:

AFFIRMATION SESSION 80-16

Place: Washington, D. C.

Date: April 16, 1980

Pages: 1 - 4

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION :
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80-16 :
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Commissioners' Conference Room
1717 H Street, N.W.
Washington, D. C.
Wednesday, April 16, 1980

The Commission met, pursuant to notice, for
presentation of the above-entitled matter, at 3:45 p.m.,
John F. Ahearne, Chairman of the Commission presiding.

BEFORE:

VICTOR GILINSKY, Commissioner
RICHARD T. KENNEDY, Commissioner
JOSEPH HENDRIE, Commission
PETER A. BRADFORD, Commissioner

P R O C E E D I N G S

Chairman Ahearne:

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COMM. KENNEDY: The Commission meets for affirmation session. John?

MR. HOYLE: The first item for affirmation session is SECY 80-156. It is the disposition of ---

(NOISE FROM AUDIENCE)

COMM. KENNEDY: Could we please have quiet so we could hear what we have to hear?

MR. HOYLE: The first item has to do with the disposition of FOIA Appeal to the Commission. The Commission has voted five to nothing to withhold portions of two memoranda and one complete memorandum. This will be --

COMM. KENNEDY: This being 156?

MR. HOYLE: Yes. This will release additional -- an additional eight documents to the requester. And may I have an affirmation of the proposals?

(Chorus of ayes)

MR. HOYLE: The second item is SECY A 80-39. This is review of two ALABs in Sharon Harris Nuclear Power Plant case. By a vote of four to nothing with Chairman Ahearne concurring in part and dissenting in part -- has agreed to approve a memorandum and order in this case.

Chairman Ahearne concurs in the decision that the Appeals Board lacked authority to direct the Staff in this case but dissents from the decision not to grant

1 the applicant's petition to review AIAB 581. May I
2 have your affirming votes, please.

3 (Chorus of ayes.)

4 MR. HOYLE: The third item is SECY 80-159. This
5 paper requests the delegation of authority to regional
6 directors to issue orders to licensees during an emergency.
7 By a vote of five to nothing, the Commission has approved
8 a memorandum containing this delegation of authority with
9 the addition that the determinations will be made by
10 the director of the executive management team. May I
11 have your affirmation, please.

12 (Chorus of ayes.)

13 MR. HOYLE: The final item is SECY 80-119, an
14 ENO determination for the Three Mile Island accident.
15 By a vote of five to nothing, the Commission has approved
16 the text of the determination which indicates that the
17 Three Mile Island occurrence was not an extraordinary
18 nuclear occurrence.

19
20 On page 21, there is a footnote in which
21 Commissioners Gilinsky and Bradford indicate that they
22 do not believe that the Heidleburg Report is relevant
23 to this ENO determination. With that, though, the text
24 of the determination has been approved by all of you.
25 May I have your affirmation, please?

1 (Chorus of ayes.)

2 MR. HOYLE: Thank you.

3 COMMISSIONER BRADFORD: John, I want to be
4 quoted as being against the issuance of disabling
5 license today.

6 MR. HOYLE: Yes, sir. You will be recorded.
7 Okay. You were not in the room at the time of the vote.

8 COMMISSIONER GILINSKY: I must say I'm surprised the
9 vote was taken.

10 CHAIRMAN AHEARNE: I'm surprised you weren't in
11 the room.

12 MR. HOYLE: You didn't say anything. If you
13 had said that you wanted to hold the vote, I would
14 have held the vote.

15 COMMISSIONER GILINSKY: I didn't realize you
16 were right at the end of the meeting. It's all right.
17 It's done.

18 MR. HOYLE: The meeting finished and you sat
19 here.

20 CHAIRMAN AHEARNE: Well, why don't you go ahead
21 and allow Mr. Gilinsky to cast his vote. We just
22 allowed Mr. Bradford too. I would vote we do that.

23 COMMISSIONER GILINSKY: Well, I would have
24 proposed putting off an affirmation next week, but anyway
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1 you just proceed.

2 (Whereupon, the hearing was adjourned on April
3 16, 1980.)
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