



# ADJUDICATORY ISSUE

October 6, 1983

(Notation Vote)

SECY-83-410

COMMISSION LEVEL  
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For: The Commission

From: Herzel H. E. Plaine  
General Counsel

Subject: UCS MOTION TO OPEN OCTOBER 6 TMI MEETING

Discussion: The Union of Concerned Scientists on October 4, 1983 moved to open the closed Commission meeting on TMI scheduled for October 6, 1983.

← For the reasons explained below, we recommend that

5

<sup>1</sup>Chairman Palladino has circulated a memorandum to the other Commissioners suggesting that the UCS motion be denied orally at the close of the open meeting. We have nonetheless proceeded with this paper because of Commissioner Asselstine's request.

recommend,

we also

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA 92-436

SECY NOTE: This paper is identical to the one advanced on October 5.

✓

*Herzel H. E. Plaine*

Herzel H. E. Plaine  
General Counsel

Attachments:

1. Draft order
2. UCS motion

Commissioners' comments or consent should be provided directly to the Office of the Secretary ASAP.

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ATTACHMENT 1

ATTACHMENT 2

release

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF GENERAL  
DOCKETING & SERVICE  
BRANCH

BEFORE THE NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
METROPOLITAN EDISON COMPANY	)	
	)	Docket No. 50-289
	)	(Restart)
(Three Mile Island Nuclear	)	
Station, Unit No. 1)	)	

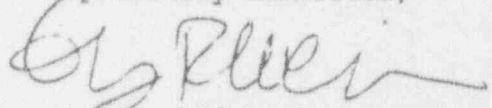
UNION OF CONCERNED SCIENTISTS' MOTION TO  
OPEN COMMISSION MEETING OF OCTOBER 6, 1983

The Commission has scheduled a closed meeting for 10:30 a.m. on October 6, 1983 on "Status of Investigations and Adjudicatory Matters Related to TMI Restart." The title of this meeting indicates on its face that the matters under discussion relate to the TMI-1 Restart adjudication. Such discussions are required to be open to the parties. Moreover, since only the "status" of investigations and adjudicatory matters is the topic of discussion, there should be no objection to the presence of the interested parties. Finally, we remind you that in response to UCS motions in 1982 seeking the identification of ex parte contacts between the Staff and Commission, the Commission stated the following: "Representatives of the NRC staff... will not attend future closed meetings concerning whether the facility should be permitted to resume operations." (Order, March 10, 1982) If the meeting is simply to discuss "status" of matters related to the adjudication, there would appear to be no

reason to preclude attendance of the parties and public. If, on the other hand, it does involve the discussion of substantive matters properly subject to Sunshine Act exemptions, the Staff should not be present.

Therefore, UCS moves that the scheduled meeting for October 6, 1983 be held open to the parties and public.

Respectfully submitted,



Elynn R. Weiss  
General Counsel, Union of  
Concerned Scientists

DATED: October 4, 1983

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NUCLEAR REGULATORY COMMISSION  
OFFICE OF SERVICE  
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(Restart)

CERTIFICATE OF SERVICE

I hereby certify that copies of "UNION OF CONCERNED SCIENTISTS' MOTION TO OPEN COMMISSION MEETING OF OCTOBER 6, 1983" have been served on the following persons by deposit in the United States mail, first class postage, this 4th day of October, 1983 or by indicated asterisk.

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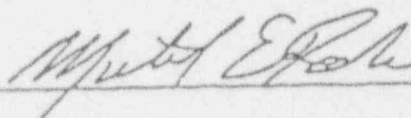
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