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ORIGINAL
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

AFFIRMATION/DISCUSSION & VOTE ON

SECY-84-218
SECY-84-182
SECY-84-116

Location: Washington, D.C.

Pages: 1 - 7

Date: Thursday, June 7, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
AFFIRMATION/DISCUSSION & VOTE
PUBLIC MEETING

Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C.

Thursday, June 7, 1984

The Commission met, pursuant to notice at 4:37 p.m.

COMMISSIONERS PRESENT:

NUNZIO PALLADINO, Commissioner
THOMAS ROBERTS, Commissioner
JAMES ASSELSTINE, Commissioner
FREDERICK .BERNTHAL, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

S. Chilk
M. Malsch
J. Zerbe
G. Gilbert
T. Rehm
S. Tu

1 Commissioner Palladino: Please come to order.
2 This is an affirmation discussion session. We have
3 planned three items for this afternoon, but I
4 understand we need a vote to hold this meeting unless
5 one week's notice.

6 I'm going to ask the secretary to identify the
7 items so that we can vote on short notice.

8 SECRETARY CHILK: Three items. The three items are
9 SECY-84-116, second item is SECY-84-182, and the third
10 item is SECY-84-218.

11 That vote would hold an affirmation on these in
12 less than one week.

13 RESPONSE: Aye.

14 SECRETARY CHILK: The first item, Mr. Chairman, is
15 SECY-84-116, it's the UCLA reactor license renewal
16 proceeding and a staff request to initiate rule making
17 on the interpretation of 10 CFR 73.40(a).

18 In this paper the Commission is being asked to
19 approve a proposed order that declines the NRC staff's
20 request to initiate a rule making to modify two
21 decisions by the Atomic Safety and Licensing Board.

22 The board decisions held at 10CFR7340 requires
23 UCLA to take some measure to protect the reactor from
24 potential sabotage.

25 The extent of the measures is the issue that was

1 before the board. Mr. Roberts, Asselstine and
2 Bernthal have approved the proposed order that was
3 attached to the paper.

4 Chairman Palladino has disapproved it and has
5 separate views, which have been distributed. Mr.
6 Gilinsky is not participating.

7 Would you please affirm your vote?

8 RESPONSE: Aye.

9 SECRETARY CHILK: The second item is 84-182, sua
10 sponte issue raised in the matter of Duke Power
11 Company, where the Commission is being asked to approve
12 a proposed order that terminates consideration by the
13 Atomic Safety and Licensing Board of a contention that
14 was raised sua sponte by the board to consider site-
15 specific problems experienced with Catawba's diesel
16 generator manufactured by TDI.

17 Chairman Palladino, Commissioner [REDACTED] and
18 Commissioner Bernthal have approved the proposed order.
19 Commissioner Gilinsky and Asselstine have disapproved
20 it.

21 They both have separate views which have been
22 distributed to the Commission. Would you please affirm
23 your vote?

24 RESPONSE: Aye.

25 SECRETARY CHILK: The third item is SECY-84-218.

1 It's a Shoreham-Suffolk County motion to clarify
2 CLI-84-8.

3 The Commission in this order is being asked to
4 approve a proposed order that responds to a motion by
5 Suffolk County and support by the State of New York for
6 clarification of the Commission's order of May 16.

7 The order indicates in part that Suffolk has
8 demonstrated no practical consequences from the
9 Commission's use of the word "resume" to characterize
10 the hearing and the State of New York concerned that
11 the hearing would denied procedural rights as
12 speculative.

13 Commissioners Roberts, Asselstine, and Bernthal
14 have approved the proposed order as it was enclosed in
15 the SECY paper with the modifications drafted by OGC to
16 identify other pertinent and similar motions.

17 Commissioner Gilinsky is not participating.
18 Chairman Palladino abstains and I would like to read
19 his current vote of abstaining.

20 "I have decided to withdraw my earlier vote and to
21 abstain on this matter. The reasons for my decisions
22 are as follows: on June 6, 1984, Suffolk County in the
23 State of New York filed a request for my recusal . I
24 have not had sufficient time to review in detail the
25 arguments made in that paper, consult with legal

1 counsel or consider the steps I should take in
2 responding to it. Therefore, I am not prepared at this
3 time to respond to the r request.

4 My action in this matter does not imply a decision
5 on my part with regard to the requested r or my
6 participation in any future Shoreham matter."

7 Please affirm your vote.

8 RESPONSE: Aye.

9 SECRETARY CHILK: Mr. Chairman, that concludes the
10 affirmation.

11 Chairman Palladino: Anything further to come
12 before us? Thank you. The meeting is adjourned.

13 (The meeting adjourned at 4:43 p.m., Thursday, June
14 7, 1984.)

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CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings
before the NRC Commission

In the matter of:

AFFIRMATION/DISCUSSION & VOTE

Date of Proceeding: Thursday, June 7, 1984

Place of Proceeding: Washington, D.C.

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

MELBA REEDER

Official Reporter

Melba Reeder
Official Reporter

3/84

TRANSMITTAL TO: Document Control Desk, 016 Phillips

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C&R (Natalie)

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Meeting Title: Affirmation / Discussion and Vote

Meeting Date: 6/7/84 Open Closed

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