

# ORIGINAL

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
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5 In the Matter of:  
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9 AFFIRMATION/DISCUSSION AND VOTE  
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14 OPEN MEETING  
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24 Location: Washington, D.C.

Pages: 1 - 7

25 Date: Thursday, August 16, 1984

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
3 AFFIRMATION/DISCUSSION AND VOTE  
4 OPEN MEETING  
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7 Nuclear Regulatory Commission  
8 1717 H Street, N.W.  
9 Room 1130  
10 Washington, D.C.

11 August 16, 1984

12 The Commission met, pursuant to notice, at  
13 3:30 p.m.

14  
15 COMMISSIONERS PRESENT:

16 NUNZIO PALLADINO, Chairman of the Commission  
17 JAMES ASSELSTINE, Commissioner  
18 FREDERICK BERNTHAL, Commissioner  
19 LANDO W. ZECH, JR., Commissioner

20 STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

21 S. Chilk, Secretary  
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DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on August 16, 1984 in the Commission office at 1717 H. Street, N.W., Washington, D.C. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected, or edited, and it may contain inaccuracies.

The transcript is intended solely for general informational purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect the final determinations or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of or addressed to any statement or argument contained herein, except as the Commission may authorize.

PROCEEDINGS

1  
2 CHAIRMAN PALLADINO: Will you please come to order?  
3 We have several items on the agenda, and I'll ask the  
4 Secretary to walk us through the items.

5 And if it's necessary to take a short notice vote,  
6 they'll ask him to alert us.

7 SECRETARY CHILK: Mr. Chairman, there are three SECY  
8 papers and a weight confidence decision ready for  
9 affirmatin.

10 They are SECY-84-203, SECY-84-254, SECY-84-296.  
11 203 deals with Diablo Canyon, as does 254. 296 is a  
12 Shoreham matter, and a way confidence decision.

13 We need to vote to hold all of these. In less than  
14 one week's notice, we tried to hear these in a heavy  
15 meeting schedule and travel schedule.

16 And if I can have a vote to hold these, on less  
17 than one week's notice.

18 CHAIRMAN PALLADINO: Aye.

19 COMMISSIONER ASSELSTINE: Aye.

20 COMMISSIONER BERNTHAL: Aye.

21 COMMISSIONER ZECH: Aye.

22 SECRETARY CHILK: The first paper is SECY-84-254,  
23 ALAB 763, in the matter of the Pacific Gas & Electric  
24 Company, where the Commission is being asked to act on  
25 an order responding to certain petitions for review of

1 the ALAB. The proposed order would deny the petitions  
2 for review, but it does modify a portion of the appeal  
3 board decision regarding the rationale for excluding  
4 from the reopen hearing certain QA contentions filed by  
5 the joint intervenors and the California people.

6 The Chairman, Commissioners Roberts and Bernthal  
7 have approved the proposed order. Commissioner Zech  
8 is not participating.

9 Commissioner Asselstine has disapproved it,  
10 indicating he would have taken review. Would you  
11 please affirm your vote?

12 COMMISSIONER ASSELSTINE: Aye.

13 CHAIRMAN PALLADINO: Aye.

14 COMMISSIONER BERNTHAL: Aye.

15 SECRETARY CHILK: The second paper is 84-296 and  
16 296A, subject to Shoreham, Long Island Lighting  
17 Company's motion for reconsideration of the  
18 Commission's July 18 memorandum and order.

19 The Commission here is being asked to respond to a  
20 motion from LILCO to reconsider the Commission's July  
21 18th order concerning the scope of the security issues  
22 that were to be litigated in the Shoreham exemption  
23 request proceeding.

24 Commissioner Roberts, Commissioner Asselstine,  
25 Commissioner Bernthal, Commissioner Zech have approved

1 the draft order as it appears in 296A, which denies the  
2 motion of LILCO. Chairman Palladino was not  
3 participating.

4 Would you please affirm your vote?

5 COMMISSIONER ASSELSTINE: Aye.

6 CHAIRMAN PALLADINO: Aye.

7 COMMISSIONER BERNTHAL: Aye.

8 COMMISSIONER ZECH: Aye.

9 CHAIRMAN PALLADINO: My aye means I'm not  
10 participating.

11 SECRETARY CHILK: You're not participating.

12 The third paper is SECY-84-203. It's a director's  
13 denial of a 2206 relief in the matter of Pacific Gas &  
14 Electric Company, Diablo Canyon.

15 The Commission here is being asked to act on an  
16 order that presents its review of the director's denial  
17 of the 2206.

18 The Chairman and Commissioners Asselstine and  
19 Bernthal have approved the order, which is attached to  
20 our memorandum, which directs the staff to reclassify  
21 the severity level of the material fall statement and  
22 to issue a notice of violation.

23 Commissioner Asselstine would also have imposed a  
24 civil penalty. Commissioner Roberts disapproved and  
25 would not have reviewed the director's decision.

1 Commissioner Zech is not participating. Would you  
2 please affirm your vote?

3 CHAIRMAN PALLADINO: Aye.

4 COMMISSIONER ASSELSTINE: Aye.

5 COMMISSIONER ZECH: Aye.

6 COMMISSIONER BERNTHAL: Aye.

7 SECRETARY CHILK: The last item is a way confidence  
8 decision, and here the Commission is being asked to  
9 approve a final way confidence decision and an  
10 associated rulemaking concerning requirements for  
11 disposition of spent fuel upon the expiration of a  
12 reactor operating license.

13 This is a paper that was circulated without actual  
14 formal vote sheets. It's our understanding that the  
15 Chairman, Commissioners Roberts, Asselstine, and  
16 Bernthal have approved the decision and the associated  
17 rulemaking, which we circulated to you today.  
18 Commissioner Zech did not participate.

19 I know all of you have seen the earlier papers. I  
20 don't know whether any of you had a chance to focus  
21 specifically on the large documents, but I would ask  
22 you to affirm your votes to approve the thing and if  
23 you desire me to hold it for a day or two, until you  
24 can look at it...

25 CHAIRMAN PALLADINO: I would suggest that we affirm



1 our vote, but that we hold the document for five days  
2 so that people have a chance to see the composite.

3 I think we've approved individual comments and  
4 modifications. But what's the wish of the Commission?

5 COMMISSIONER BERNTHAL: It's all right with me.

6 CHAIRMAN PALLADINO: Well, at least...

7 COMMISSIONER ASSELSTINE: I'm ready to let it go  
8 now.

9 COMMISSIONER ASSELSTINE: You're ready to let go  
10 now?

11 COMMISSIONER ZECH: I'm not participating, so it  
12 doesn't make any difference to me.

13 COMMISSIONER ASSELSTINE: If you feel you want a  
14 few days to read through it all again, it's okay.

15 CHAIRMAN PALLADINO: I just don't want anybody to  
16 feel that there's something that wasn't caught because  
17 we were dealing with comments individually.

18 Well, in any event, is three days enough?

19 COMMISSIONER ASSELSTINE: Sure, yeah.

20 CHAIRMAN PALLADINO: All right. Three working  
21 days. Okay.

22 SECRETARY CHILK: I ask you to affirm your votes.

23 CHAIRMAN PALLADINO: Aye.

24 COMMISSIONER ASSELSTINE: Aye.

25 COMMISSIONER ZECH: Aye.



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COMMISSIONER BERNTHAL: Aye.

CHAIRMAN PALLADINO: Okay. Anything further?

SECRETARY CHILK: That completes the affirmation.

CHAIRMAN PALLADINO: Then we stand adjourned.

(Whereupon, the meeting was adjourned at 3:48 p.m.)

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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 AND VOTE

Date of Proceeding: August 16, 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.

KIM SCHROEDER

\_\_\_\_\_  
Official Reporter

*Kim Schroeder*

\_\_\_\_\_  
Official Reporter - Signature

*Debra Reed*  
\_\_\_\_\_  
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Meeting Date: 8/16/84 Open  Closed

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