

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Title: AFFIRMATION/DISCUSSION AND VOTE

Location: ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND

Date: FRIDAY, MAY 6, 1988

Pages: 1-7

Ann Riley & Associates

Court Reporters

1625 I Street, N.W., Suite 921

Washington, D.C. 20006

(202) 293-3950

8805190287 880506
PDR ADOCK 0500034B
T PDR

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on May 6, 1988 in the Commission's office at One White Flint North, Rockville, Maryland. 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 final determination 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.

1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 ***

4 AFFIRMATION/DISCUSSION AND VOTE

5 ***

6 PUBLIC MEETING

7 ***

8 Nuclear Regulatory Commission

9 One White Flint North

10 Rockville, Maryland

11
12 Friday, May 6, 1988

13
14 The Commission met in open session, pursuant to
15 notice, at 11:45 a.m., the Honorable LANDO W. ZECH, Chairman of
16 the Commission, presiding.

17 COMMISSIONERS PRESENT:

18 LANDO W. ZECH, Chairman of the Commission

19 THOMAS M. ROBERTS, Member of the Commission

20 FREDERICK M. BERNTHAL, Member of the Commission

21 KENNETH CARR, Member of the Commission

22

23

24

25

1 STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

2

3 J. HOYLE

4 J. FITZGERALD

5 S. ALOOT

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

P R O C E E D I N G S

[11:45 a.m.]

CHAIRMAN ZECH: Good morning, ladies and gentlemen.

This is an affirmation session. I understand we have one item to come before us this morning. Before we ask the Secretary to lead us through the item, do any of my fellow Commissioners have any comments to make?

[No response.]

CHAIRMAN ZECH: Does the Secretary understand that we have to hold a vote to hold this meeting on less than one week's notice; is that correct?

MR. HOYLE: Less than one week's notice; yes, that's correct.

CHAIRMAN ZECH: All right. May I have such a vote?

COMMISSIONER BERNTHAL: Aye.

COMMISSIONER ROBERTS: Aye.

COMMISSIONER CARR: Aye.

CHAIRMAN ZECH: Aye.

Mr. Secretary, would you lead us through the item, please?

MR. HOYLE: Thank you, sir.

The paper before you is SECY-88119, the title of which is "Motion to Modify or Quash Subpoenas, Farley Nuclear Plant Investigation."

Under consideration is a motion by eleven employees

1 at the Farley Nuclear Power Plant to modify or quash subpoenas
2 issued by the Director of the Office of Investigations on April
3 the 13th of this year. The Commission is being asked to
4 approve an order prepared by the Office of the General Counsel,
5 which would deny the motion to quash, but grant in part the
6 motion to modify the subpoenas.

7 The order would modify the language of the subpoenas
8 to better indicate the specific range of documents desired by
9 OI, and I would ask Mr. Aloom to describe the status of the
10 voting. He has walked around a late version of the order and
11 has the up-to-the-minute status of the voting.

12 MR. ALOOM: Subsequent to the distribution of the
13 SECY paper, Alabama Power's Counsel and Counsel for, I believe,
14 18 of their management officials filed a Petition to Intervene.
15 The original proposed Commission order has been modified to
16 reflect that filing and to also reflect that there is no
17 proceeding to intervene in, and therefore it's an unauthorized
18 filing, but also to indicate that the views of the petition or
19 set forth in that Petition to Intervene had been considered in
20 reaching a decision on the resolution of the motion to quash or
21 modify the subpoenas.

22 We did have some votes that came in, apparently based
23 on a reading of the first order or proposed order, and for the
24 purpose of this vote, I need to -- the Secretary needs to
25 determine that the votes that you are affirming apply to the

1 revised order. I believe all the offices have gotten and
2 reviewed copies of this revised order.

3 CHAIRMAN ZECH: I believe that's true. It is in my
4 case, I know.

5 COMMISSIONER CARR: And in my case.

6 CHAIRMAN ZECH: All right. We've all seen the
7 revised order, I presume. Did anybody --

8 COMMISSIONER BERNTHAL: I assume that's the order
9 dated May 4th?

10 MR. HOYLE: No. There's one May 6th.

11 [Pause.]

12 COMMISSIONER BERNTHAL: I see. That's dated today.

13 MR. HOYLE: Yes.

14 COMMISSIONER BERNTHAL: And only Footnote 2 is --
15 that's the only addition.

16 MR. HOYLE: The new footnote.

17 COMMISSIONER CARR: I still have one change I'd like
18 to get made in the order that didn't get made as a result of
19 the vote on the first order, and that's on page 4, the fifth
20 line down.

21 I'd like to delete the words "distinguish from
22 inspections" in the parenthetical phrase there.

23 CHAIRMAN ZECH: What page again is that?

24 COMMISSIONER CARR: Page 4 of the order. I think
25 there's a -- I don't think that adds anything to the order, and

1 I think it --

2 CHAIRMAN ZECH: Where is it again? I see page 4, but
3 --

4 COMMISSIONER CARR: Page 4, fifth line down. There's
5 a parenthetical there that says "distinguish from inspections."
6 That's editorial.

7 CHAIRMAN ZECH: I have no problem with that.

8 COMMISSIONER BERNTHAL: Well, let's see. If the
9 Counsel has no difficulty with that change, then, that's
10 certainly no problem for me.

11 The footnote, I gather, is the only addition, the
12 only change, which we received this morning. It appears only
13 to be explanatory, so I have no problem with that.

14 CHAIRMAN ZECH: All right. Does anybody have any
15 problem with that?

16 [No response.]

17 CHAIRMAN ZECH: No is the answer, I guess.

18 MR. HOYLE: The change, then, that you've made this
19 morning is deleting the parenthetical on page 4, and I ask you
20 to affirm your votes.

21 CHAIRMAN ZECH: Aye.

22 COMMISSIONER BERNTHAL: Aye.

23 COMMISSIONER ROBERTS: Aye.

24 COMMISSIONER CARR: Aye.

25 CHAIRMAN ZECH: Is there anything else to come before

1 us this morning, Mr. Secretary?

2 MR. HOYLE: No, sir, there isn't.

3 CHAIRMAN ZECH: All right. Thank you very much. We
4 stand adjourned.

5 [Whereupon, at 11:50 o'clock, a.m., the Commission
6 meeting was adjourned.]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF TRANSCRIBER

This is to certify that the attached events of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: Affirmation/Discussion and Vote

PLACE OF MEETING: Washington, D.C.

DATE OF MEETING: Friday, May 6, 1988

were transcribed by me. I further certify that said transcription is accurate and complete, to the best of my ability, and that the transcript is a true and accurate record of the foregoing events.

Luzanne B. Young

Ann Riley & Associates, Ltd.

TRANSMITTAL TO: X Document Control Desk, 016 Phillips
 ADVANCED COPY TO: _____ The Public Document Room
 DATE: _____ 5/9/88 _____
 FROM: SECY Correspondence & Records Branch

Attached are copies of a Commission meeting transcript and related meeting document(s). They are being forwarded for entry on the Daily Accession List and placement in the Public Document Room. No other distribution is requested or required.

Meeting Title: Ref/Pres & Vote

Meeting Date: 5/6/88 Open X Closed _____

Item Description*	Copies Advanced to PDR	DCS Copy
1. TRANSCRIPT	1	1
_____	_____	_____
2. _____	_____	_____
_____	_____	_____
3. _____	_____	_____
_____	_____	_____
4. _____	_____	_____
_____	_____	_____
5. _____	_____	_____
_____	_____	_____
6. _____	_____	_____
_____	_____	_____

* PDR is advanced one copy of each document, two of each SECY paper. C&R Branch files the original transcript, with attachments, without SECY papers.