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**Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

AFFIRMATION SESSION 81-40

(Open to Public Attendance)

Thursday, October 29, 1981

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION 81-40  
(Open to Public Attendance)

Commissioners' Conference Room  
1717 H Street, N.W.  
Washington, D. C.

Thursday, October 29, 1981

The Commission met, pursuant to notice, at 2:40 p.m.,  
Nunzio J. Palladino, Chairman of the Commission, presiding.

PRESENT:

- Chairman Palladino
- Commissioner Gilinsky
- Commissioner Bradford
- Commissioner Ahearne
- Commissioner Roberts

ALSO PRESENT:

- S. Chilk, Secretary
- L. Bickwit, General Counsel
- S. Trubatch, OGC
- A. Bates, Office of the Secretary

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P R O C E E D I N G S

1  
2 CHAIRMAN PALLADINO: The meeting will please come  
3 to order. This is an affirmation/discussion session and I  
4 will ask the Secretary to walk us through the items listed on  
5 the agenda.

6 MR. CHILK: The first paper is SECY-81-245A,  
7 Interim Amendments to 10 CFR Part 50 related to hydrogen  
8 control.

9 The Commission is being asked to approve a final  
10 rule here, which would require inerted atmospheres for BWR  
11 Mark I and Mark II containments and hydrogen recombiner  
12 capability for LWR's that rely upon purge/repressurization  
13 systems as a primary means of hydrogen control.

14 The Chairman, Commissioners Bradford, Ahearne and  
15 Roberts have approved the final rule as contained in  
16 SECY-81-245A, and as modified in memorandum from the EDO  
17 on October the 7th and the 14th.

18 Commissioner Gilinsky has not yet voted, but I  
19 understand he is prepared to vote at the table, and to approve  
20 the rule with language changes.

21 CHAIRMAN PALLADINO: Well, I suggest we give  
22 Commissioner Gilinsky a chance to make his observations.

23 COMMISSIONER GILINSKY: Yes. I didn't want to  
24 suggest specific changes now.

25 CHAIRMAN PALLADINO: Oh, I see.

COMMISSIONER GILINSKY: I would like to have a short

1 time to make them. I don't know whether you want to go  
2 ahead today or not. We could either not go ahead. I rather  
3 thought that ---

4 COMMISSIONER AHEARNE: I would like to make a  
5 point. I would prefer to have a final rule in front of us  
6 that we are going to vote on, in any event. In this  
7 particular case, although changes are described still,  
8 unless there is a pressing urgency to move ahead on a given  
9 time, I would prefer to have the final document that we are  
10 going to vote on.

11 COMMISSIONER GILINSKY: Yes, in clean form.

12 COMMISSIONER AHEARNE: Yes. So if you -- Vic, do  
13 you think you could get those changes in the next couple of  
14 days?

15 COMMISSIONER GILINSKY: Oh, yes.

16 COMMISSIONER AHEARNE: Because then, perhaps we  
17 could put it over until next week and then have the final  
18 document.

19 CHAIRMAN PALLADINO: I'm not sure of any urgency  
20 that would not allow us to go until next week. Does any of  
21 the staff have any feeling on that?

22 (No response)

23 CHAIRMAN PALLADINO: Well, then, why don't we hold  
24 off our votes until ---

25 COMMISSIONER AHEARNE: Could I ask ---

COMMISSIONER GILINSKY: Yes, none of this goes to any

1 of the basic features of the rule, which seems to me to be  
2 okay.

3 COMMISSIONER AHEARNE: Can I ask another question:  
4 I notice that the proposed rule is also being deferred. There  
5 are some questions on equipment survivability. Is that  
6 correct?

7 MR. CHILK: Yes, there are. Andy?

8 MR. BATES: I understand that Commissioner Bradford  
9 and Chairman Palladino both had still some questions with  
10 regard to equipment survivability and the difference between  
11 that and equipment qualification as proposed in the rule.

12 CHAIRMAN PALLADINO: As what?

13 MR. BATES: As proposed in the rule, that it was  
14 going to -- certain criteria on equipment survivability, and  
15 I understood that this morning's meeting that was cancelled on  
16 equipment qualification might have addressed some of those  
17 questions.

18 CHAIRMAN PALLADINO: That is another reason why we  
19 ought to hold ---

20 MR. CHILK: Well, we can separate those two.

21 COMMISSIONER AHEARNE: My question really was, since  
22 I gather that it was, Joe you and Peter who had put a hold  
23 on the other rule, what it was, that was going to be required  
24 next to move that forward.

25 COMMISSIONER BRADFORD: Well, I need to -- for myself --  
I can't speak for Joe -- just to formulate a position. My

1 concern is that while we may have to accept survivability as  
2 a concept in the short run, I have a lot of problems with it  
3 and would like to come out of whatever we do on survivability  
4 in a posture that points us toward real qualification for that  
5 equipment, and not be committed to accepting survivability as  
6 a standard in the longer run.

7 CHAIRMAN PALLADINO: That's is the other part of this.  
8 We were only voting on Enclosure C.

9 COMMISSIONER AHEARNE: But since this is an interim  
10 rule, I agree with you that we ought to get to that posture,  
11 but at least in my mind, it is not necessarily -- I don't  
12 necessarily have to be able to reach a final position on the  
13 qualification, and could embed survivability into this, since  
14 it is an interim. I thought I understood that, and is that  
15 also, Joe, your concern?

16 CHAIRMAN PALLADINO: Yes.

17 COMMISSIONER AHEARNE: Perhaps if we could get  
18 that addressed by next week ---

19 CHAIRMAN PALLADINO: -- by next week, well, let's  
20 give it a try. Anyhow I gather there is consensus not to  
21 try to force a vote on this today.

22 MR. CHILK: The next one is SECY-81-604 -- Commission  
23 Review of the Full Power Contentions in the Diablo Canyon,  
24 where the Commission is being asked to address a request by  
25 the joint intervenors for directed certification to the  
Commission of the Licensing Board, rejection of their TMI

1 related full power contentions.

2 The Commission voted unanimously to deny the joint  
3 intervenors request that the Commission undertake review of  
4 the Licensing Board decision. Chairman Palladino,  
5 Commissioners Gilinsky, Bradford and Ahearne, however, have  
6 voted to direct the Appeal Board to take prompt interlocutory  
7 review of the Licensing Board decision. Would you please  
8 affirm your votes?

9 (Chorus of Ayes)

10 MR. CHILK: The third item deals with a memo from  
11 the General Counsel on NFS -- request for a stay of and a  
12 hearing on the license amendment to the West Valley license.  
13 Is there to be a discussion on that?

14 CHAIRMAN PALLADINO: Yes, I would like to propose  
15 that we discuss it for a few minutes, but I gather, since  
16 this is an adjudicatory item, it should be discussed in a  
17 closed session. So might I have a vote on closing this  
18 session.

19 (Chorus of ayes.)

20 CHAIRMAN PALLADINO: All right, so we will close  
21 this session.

22 (Whereupon, the Commission went into closed  
23 session at 2:50 p.m.)  
24  
25