

NUCLEAR REGULATORY COMMISSION

**RETURN TO SECRETARIAT RECORDS**

COMMISSION MEETING

**ORIGINAL**

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In the Matter of: PUBLIC MEETING  
AFFIRMATION/DISCUSSION SESSION

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DATE: December 10, 1981 PAGES: 1 - 6  
AT: Washington, D. C.

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400 Virginia Ave., S.W. Washington, D. C. 20024

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

AFFIRMATION/DISCUSSION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission  
Room 1130  
1717 H Street, N. W.  
Washington, D. C.

Thursday, December 10, 1981

The Commission met, pursuant to notice, at

2:35 p.m.

BEFORE:

NUNZIO PALLADINO, Chairman of the Commission  
VICTOR GILINSKY, Commissioner  
PETER BRADFORD, Commissioner  
JOHN AHEARNE, Commissioner  
THOMAS ROBERTS, Commissioner

STAFF PRESENT:

S. CHILK  
L. BICKWIT  
F. REMICK

\* \* \*

DISCLAIMER

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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.

4 This is an affirmation/discussion session.

5 I am going to ask the Secretary to walk us through  
6 the items listed on the agenda.

7 MR. CHILK: The first one is SECY-81-637, a  
8 proposed amendment to 10 CFR 50.54, modification of  
9 requirements for submittal of emergency plans by research  
10 and test reactor licensees where the Commission is being  
11 asked to approve a proposed rule that would amend the dates  
12 and associated power levels for submittal of emergency plans  
13 by certain research and test reactor licensees.

14 The Chairman, Commissioners Roberts and Ahearne  
15 have approved the proposed rule as modified by Commissioner  
16 Ahearne. Commissioner Gilinsky has approved in part. He  
17 does not approve the change in the power level threshold  
18 from 500 KW to 2 MW nor the date change as suggested by  
19 Commissioner Ahearne. Commissioner Bradford approves. He  
20 agrees in part with Commissioner Ahearne's changes but he  
21 also would desire to include reactors from 500 KW to 2 MW  
22 and would agree with the date change if there were a firm  
23 outer limit to potential delay.

24 Would you please affirm your vote.

25 (Chorus of unanimous Ayes.)

1 COMMISSIONER AHEARNE: Could I ask, Peter, I  
2 couldn't quite understand your "later" but "not later than"  
3 because the modification was four months after the effective  
4 date of the rule which was pretty clear.

5 COMMISSIONER BRADFORD: We don't know what the  
6 effective date of the rule is going to be though.

7 COMMISSIONER AHEARNE: Right. Oh, I see.

8 MR. BICKWIT: "But in no event."

9 COMMISSIONER BRADFORD: Yes, "but in no event"  
10 later.

11 COMMISSIONER GILINSKY: Isn't the rule held up  
12 awaiting some guidance that hasn't been developed? Isn't  
13 that what is holding up the date of the rule?

14 COMMISSIONER AHEARNE: The guidance has been  
15 developed though.

16 COMMISSIONER GILINSKY: It has been developed?

17 COMMISSIONER AHEARNE: Right. What had triggered  
18 the delay in getting a lot of the reports in was that the  
19 guidance hadn't been developed.

20 CHAIRMAN PALLADINO: But the guidance is developed  
21 now.

22 COMMISSIONER AHEARNE: Yes.

23 COMMISSIONER GILINSKY: Is the rule available?

24 COMMISSIONER AHEARNE: That is what we are working  
25 on.

1           COMMISSIONER GILINSKY: What was the need for this  
2 four months business?

3           MR. BICKWIT: It is a proposed rule.

4           COMMISSIONER AHEARNE: Yes.

5           COMMISSIONER GILINSKY: I see.

6           MR. BICKWIT: We don't know when it will be  
7 effective.

8           COMMISSIONER AHEARNE: The proposed submittal date  
9 in the rule was May 1st, '82, and the final rule should be  
10 somewhere around February or March of '82.

11          COMMISSIONER GILINSKY: Well, except that the  
12 process has been dragged out for quite some time by the  
13 participants.

14          COMMISSIONER BRADFORD: One of the concerns that I  
15 had had was that one piece of the loop at least back along  
16 has been a committee or a group of those who were actually  
17 being regulated by the rule. While I know the staff had  
18 taken a position consistently that they hadn't been slowing  
19 things down for their own benefit, at the same time it  
20 seemed to me better not to take a chance on that phenomenon  
21 recurring and just put a firm outer limit on it.

22          CHAIRMAN PALLADINO: Well, we still stand as we  
23 were.

24          MR. CHILK: The second item then SECY-81-640,  
25 final amendments to 10 CFR Parts 71 and 73 for advance

1 notification to Governors of transportation of nuclear waste  
2 including spent fuel where the Commission is being asked to  
3 approve final amendments to provide for timely notification  
4 of State Governors prior to the transportation of nuclear  
5 waste or spent fuel through their state boundaries.

6           The Chairman, Commissioners Gilinsky, Ahearne and  
7 Bradford have approved the rule. Commissioner Roberts has  
8 abstained.

9           Would you please affirm your votes.

10           (Chorus of Unanimous Ayes.)

11           COMMISSIONER AHEARNE: Commissioner Bradford had a  
12 request to the staff.

13           MR. CHILK: Commissioner Bradford wanted the staff  
14 to give him some information, yes, and that will be done.

15           COMMISSIONER AHEARNE: I would be interested in  
16 that.

17           MR. CHILK: That concludes the affirmations.

18           COMMISSIONER GILINSKY: That is all?

19           (Laughter.)

20           MR. CHILK: Yes. One was taken off earlier which  
21 was information that was requested of OPE which had not come  
22 through, and one was taken off this morning, a petition for  
23 review of the Director's decision on 2206, because the  
24 Commission had decided against vacating the Director's  
25 decision.

1 MR. REMICK: I am sorry, what information of  
2 OPE's? I was not aware that you were waiting for something.

3 MR. CHILK: On 625, final rule on physical  
4 protection from waste material.

5 COMMISSIONER AHEARNE: In transit physical  
6 protection.

7 MR. REMICK: Had we been requested for a memo?

8 COMMISSIONER AHEARNE: I asked.

9 MR. REMICK: You asked me, but I thought Cookie  
10 Ong briefed you on that.

11 COMMISSIONER AHEARNE: Cookie Ong came up and said  
12 well, is it all right if I just give you a verbal  
13 description, and I said no, I would really prefer something  
14 written.

15 MR. REMICK: I am sorry, I was not aware of that.

16 MR. CHILK: That concludes the affirmations.

17 CHAIRMAN PALLADINO: Anything more on the  
18 affirmation discussion?

19 (No response.)

20 CHAIRMAN PALLADINO: Then we will stand adjourned.

21 (Whereupon, at 2:40 p.m., the affirmation session  
22 adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

COMMISSION MEETING

in the matter of: PUBLIC MEETING - AFFIRMATION/DISCUSSION SESSION

Date of Proceeding: December 10, 1981

Docket Number: \_\_\_\_\_

Place of Proceeding: Washington, D. C.

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

Mary C. Simons

Official Reporter (Typed)

Mary C Simons

Official Reporter (Signature)