

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

RETURN TO SECRETARIAT RECORDS

In the Matter of: PUBLIC MEETING
AFFIRMATION/DISCUSSION SESSION

DATE: December 4, 1981 PAGES: 1 - 12
AT: Washington, D. C.

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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.
Friday, December 4, 1981

The Commission met, pursuant to notice,
at 2:15 p.m.

BEFORE:

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

ALSO PRESENT:

- S. CHILK
- L. BICKWIT
- F. REMICK

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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 order.

4 The subject this afternoon is
5 Affirmation/Discussion Session on items listed on the agenda.

6 We will ask the Secretary to walk through the
7 items listed.

8 MR. CHILK: The first item is SECY 81-554 and
9 554-A, Amendment to 10 CFR Part 50, Clarifications to
10 Emergency Preparedness Regulations.

11 Here the Commission is being asked to act on a
12 rule change which would clarify 10 CFR 50 with regard to the
13 need for full-scale emergency preparedness exercises prior
14 to fuel load and low-power licenses.

15 All of you have approved the rule change which was
16 circulated to you on the third as modified by an OGC
17 recommendation.

18 Would you please affirm your votes.

19 (Chorus of Unanimous Ayes.)

20 MR. CHILK: The second item is SECY 81-570, a
21 Proposed Amendment to 10 CFR Part 50 and to Appendix E:
22 Modification to Emergency Preparedness Regulations, where
23 the Commission is being asked to approve for publication a
24 proposed rule to eliminate the need to have any finding in
25 determination on the adequacy of off-site emergency planning

1 and preparedness in order to issue an operating license
2 authorizing fuel loading and/or low-power operation.

3 The Chairman, Commissioner Ahearne and
4 Commissioner Roberts have voted for the rule. Commissioners
5 Bradford and Gilinsky have voted against it. Commissioner
6 Gilinsky will have separate views which will be attached to
7 the rule.

8 Would you please affirm your vote.

9 COMMISSIONER GILINSKY: I would just like to have
10 an opportunity to write a brief short paragraph on that
11 subject before it goes out.

12 MR. CHILK: Would you please affirm your votes.

13 (Chorus of Unanimous Ayes.)

14 COMMISSIONER AHEARNE: Could I see those
15 comments? I am not sure, but I might end up agreeing with
16 you even though I voted for the rule.

17 (Laughter.)

18 COMMISSIONER GILINSKY: The purpose of the
19 comments is to put them before you.

20 CHAIRMAN PALLADINO: You might have us all look at
21 them.

22 COMMISSIONER GILINSKY: I would be delighted.

23 (Laughter.)

24 MR. CHILK: The next item is SECY 81-627, Issuance
25 of Notice of Hearing in Civil Penalty Action where the

1 Commission was asked to approve the issuance of a notice of
2 a hearing in a civil penalty action and the Commission
3 unanimously approved of that notice.

4 Would you please affirm your votes.

5 CHAIRMAN PALLADINO: Which one are we talking
6 about?

7 MR. CHILK: 81-627, Issuance of Notice of Hearing
8 in a Civil Penalty Action.

9 (Chorus of Unanimous Ayes.)

10 MR. CHILK: The fourth one is SECY-81-622A, the
11 Draft Commission Order on San Onofre Sua Sponte Issue.

12 The order that the Commission is being asked to
13 approve is a version circulated by Commissioner Ahearne
14 today to include in addition a footnote recommended by
15 Commissioner Roberts.

16 The Chairman, Commissioner Roberts and
17 Commissioner Ahearne have approved that order.
18 Commissioners Gilinsky and Bradford have disapproved it. In
19 addition to the order, there will be a request to the staff
20 to make further investigations and so some generic reviews.

21 CHAIRMAN PALLADINO: It is my understanding that
22 that instruction to the staff will be circulated for
23 approval.

24 MR. CHILK: It will be circulated for approval.

25 COMMISSIONER GILINSKY: I am not sure I have never

1 seen this order, although I disapprove it. I did disapprove
2 the original version.

3 COMMISSIONER AHEARNE: The changes I made, Vic,
4 are very minor.

5 COMMISSIONER GILINSKY: Are we talking about this
6 version?

7 MR. CHILK: Yes.

8 COMMISSIONER AHEARNE: They are really very minor
9 changes. You can look at the first one, which was Joe's
10 markup, and there are a couple of spots where there are
11 changes that I made.

12 COMMISSIONER GILINSKY: The think I wanted to ask
13 was whether the Commission in taking a generic look at this
14 subject is going to look at the problem of earthquakes or
15 other natural hazards as well? I think the Chairman wanted
16 to restrict it to earthquakes. I got the impression that
17 you were going to take a broader look.

18 COMMISSIONER AHEARNE: I feel my draft staff
19 requirements has the broader look in it.

20 CHAIRMAN PALLADINO: Well, I thought we were
21 voting not on the specifics of the draft instructions to the
22 staff but rather do we want to treat this problem
23 generically, and I would like to see it treated generically.

24 I have not in my own mind decided whether I want
25 to support going broader or stick with earthquakes. That is

1 why I was saying in voting for this I am voting to refer it
2 back to the staff as a generic issue and I would like the
3 opportunity to review specifically the proposed instructions
4 we sent to the staff and treat that separately.

5 COMMISSIONER ROBERTS: I agree with that.

6 COMMISSIONER GILINSKY: What does this memorandum
7 do? I have read it now that I understand which one you are
8 talking about, but I don't remember exactly whether it is
9 restricted to earthquakes or not.

10 COMMISSIONER AHEARNE: The changes that I made to
11 the order really focus upon the issue that was raised by the
12 San Onofre Board, the earthquake issue. So whether or not
13 it is the broader view that I think we ought to end up doing
14 or the narrower view wouldn't affect the way the order was
15 written. It would only affect the way the eventual staff
16 requirements memo gets written.

17 I have agreed with Joe that the draft staff
18 requirements memo can be a separate issue. I have proposed
19 one which I of course would encourage separately everybody
20 to agree to.

21 COMMISSIONER GILINSKY: It doesn't sound like you
22 are going to go along with that.

23 COMMISSIONER AHEARNE: But there are five of us.

24 (Laughter.)

25 COMMISSIONER BRADFORD: I think we can work

1 something out here.

2 (Laughter.)

3 COMMISSIONER AHEARNE: What I am saying is I am
4 willing to separate the staff requirements memo. We can
5 address that at another meeting as a separate issue.

6 COMMISSIONER GILINSKY: Well, I must say, my
7 interest is not in broadening this thing. It is dealing
8 with circumstances of the case. Well, at least I understand
9 what you are up to.

10 (Laughter.)

11 COMMISSIONER ROBERTS: It sounds nefarious.

12 COMMISSIONER GILINSKY: I still disagree with the
13 order. I just want to have a chance to make sure that the
14 views that I had in response to the other order still
15 conform to this one for whatever slight changes I need to
16 make to make adjustment for the new memorandum.

17 MR. CHILK: You have views and Commissioner
18 Bradford has views.

19 Would you please affirm your votes then.

20 (Chorus of Unanimous Ayes.)

21 MR. CHILK: The fourth item is SECY-81-631, the
22 Final Rule for Pending CP/ML Applications, which I believe
23 the Commission would like to discuss.

24 COMMISSIONER GILINSKY: Let's see, were you not
25 going to deal with this 81-618? Is that dropped?

1 MR. CHILK: No. I will get to that in a moment.

2 COMMISSIONER GILINSKY: Oh, I thought you said the
3 final one. I am sorry.

4 MR. CHILK: No, no. I am sorry.

5 CHAIRMAN PALLADINO: On 81-631 we seem to have
6 agreement by a majority of the Commissioners that a rule
7 such as this should be issued. However, it seems that there
8 is still need for further deliberation on whether buckling
9 should be included or excluded. So I thought I would raise
10 that point so that individuals can give it attention. Then
11 I suggest it be brought up for later deliberation.

12 COMMISSIONER AHEARNE: Fine.

13 COMMISSIONER GILINSKY: That would impose a
14 tougher standard on the containment to some extent which is
15 unclear to me at this point because it would a further
16 requirement.

17 COMMISSIONER AHEARNE: That is correct.

18 CHAIRMAN PALLADINO: Well, the rule does say that
19 the containment is supposed to be testable up to these
20 conditions and if it were to be tested we would presumably
21 have buckling unless we changed it.

22 COMMISSIONER AHEARNE: Let me just note that I
23 disagree with you.

24 CHAIRMAN PALLADINO: You disagree.

25 COMMISSIONER GILINSKY: You disagree on what?

1 COMMISSIONER AHEARNE: The "presumably."

2 COMMISSIONER GILINSKY: The what?

3 COMMISSIONER AHEARNE: That presumably you would
4 have buckling I disagree with.

5 COMMISSIONER GILINSKY: Let me understand that
6 now. You are disagreeing about the physical facts or you
7 are disagreeing with what ought to be required?

8 COMMISSIONER AHEARNE: I am disagreeing on what
9 ought to be required because I disagree on the physical
10 facts.

11 CHAIRMAN PALLADINO: That is why I put on
12 "presumably."

13 COMMISSIONER AHEARNE: Yes.

14 COMMISSIONER GILINSKY: I must say for myself I
15 haven't looked into this and can't say that I understand it
16 very well at this point other than that you are adding an
17 additional requirement on the structure.

18 CHAIRMAN PALLADINO: Well, the way it is written
19 now it does not include buckling.

20 COMMISSIONER GILINSKY: That is right. The
21 calculation doesn't have to demonstrate that you will
22 prevent buckling.

23 COMMISSIONER AHEARNE: That is right.

24 COMMISSIONER GILINSKY: I am not in favor with
25 this entire approach, but if I agree that that is a sensible

1 requirement I will be happy to vote for that portion of it
2 if you decide that that makes sense given that the
3 Commission has gone this way.

4 CHAIRMAN PALLADINO: I think we really need a
5 little more time to deliberate.

6 COMMISSIONER AHEARNE: The first time I heard
7 about the question of failure, of buckling during testing
8 was just a little while ago. My initial conclusion is that
9 I don't agree with that, but I have to look into that.

10 CHAIRMAN PALLADINO: There is also the question of
11 inadvertent inerting as opposed to inerting approach.

12 COMMISSIONER AHEARNE: Sure, but there you have to
13 ask how many times does that occur.

14 CHAIRMAN PALLADINO: True. But if it occurs and
15 there were to be buckling there certainly would have to be a
16 lot of deliberation on what actions should be taken as a
17 result of that condition. So I do think it is worthy of
18 further deliberations.

19 COMMISSIONER AHEARNE: Right.

20 CHAIRMAN PALLADINO: So we won't vote on that
21 today.

22 COMMISSIONER AHEARNE: My basic concern is that
23 wherever we come out we come out having a logical
24 development of here are the reasons we logically reach a
25 conclusion.

1 CHAIRMAN PALLADINO: The reasons I have looked at
2 led me to the logical conclusion that is different from the
3 one that you followed.

4 MR. CHILK: The last item is SECY-81-618,
5 Amendments to 10 CFR Chapter I, Parts 19, 30, 40, 50, 60,
6 70, 72 and 150 With Respect to Employees Who Provide
7 Information and I believe the Commission would like to
8 discuss that one.

9 CHAIRMAN PALLADINO: I believe there is a general
10 sympathy with this approach on the part of the Commission.
11 There were a number of respects in which this document
12 wasn't as well prepared as several of us would like to see
13 it prepared. Commissioner Ahearne has written up some
14 suggestions on how it might be better written.

15 I proposed that we send it back for rewriting and
16 then consider it after it has been rewritten and I gather
17 that that is an acceptable procedure by the Commission.

18 COMMISSIONER BRADFORD: What is the rewriting
19 going to do. Is this just a stylistic improvement?

20 COMMISSIONER AHEARNE: It is a combination. There
21 are some really logic problems in the way it is written.

22 CHAIRMAN PALLADINO: I think we can afford the
23 time to rewrite it.

24 COMMISSIONER AHEARNE: I would hope that perhaps
25 someone could also contact the Labor Department in the

1 meantime.

2 CHAIRMAN PALLADINO: I would like to see that
3 memorandum of understanding.

4 COMMISSIONER AHEARNE: Yes.

5 CHAIRMAN PALLADINO: Anything more to come before
6 us on the affirmations?

7 MR. CHILK: No, that completes the affirmation
8 session, Mr. Chairman.

9 CHAIRMAN PALLADINO: Then we will stand adjourned.

10 (Whereupon, at 2:25 p.m., the affirmation session
11 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 4, 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)