

POOR ORIGINAL

NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

DISCUSSION OF

NRC SAFETY REVIEWS OF FOREIGN FACILITIES

[REDACTED]

Place - Washington, D. C.

Date - Wednesday, 8 June 1977

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Discussion of  
NRC Safety Reviews of Foreign Facilities

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11th Floor Commission Meeting Room  
1717 H. Street N.W.  
Washington, D.C.

Wednesday, June 8, 1977

The Commission met, pursuant to notice, at 11:40  
a.m.

PRESENT: Commissioners Rowden, Kennedy and Gilinsky.

STAFF: Strauss, Stoiber, Terrell, Shea, <sup>Hauber</sup>Gossick  
and Case.

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*Handwritten initials*

P R O C E E D I N G S

1  
2 CHAIRMAN ROWDEN: We have about 25 minutes for  
3 this. The basic paper is this classified document.

4 MR. SHEA: I might start off, if we are ready.  
5 The subject of the discussion is NRC Safety Reviews of Foreign  
6 Facilities. We ~~sent~~<sup>did</sup> a paper, SECY 77-279, at Commission  
7 request to examine the policy and other factors that were  
8 involved in a number of different issues and papers that have  
9 been sent to the Commission in recent months.

10 I might quickly go over those. The first in  
11 sequence was an assessment of NRC participation in IAEA  
12 reactor safety missions, and technical assistance  
13 assignments in developing countries. This was discussed with  
14 the Commission and ~~this was the agreement~~<sup>was</sup> reached, I  
15 believe, on having a flexible policy which would take into  
16 account certain criteria which are listed here in the  
17 paper, namely, whether U.S. supplied reactors are concerned,  
18 ~~and whether NRC would learn something from the exchange, and~~  
19 <sup>whether</sup> NRC had unique safety expertise and whether ~~NRC~~<sup>NRC</sup> staff ~~was~~<sup>was</sup>  
20 available to do this.

21 ~~In~~<sup>raised the</sup> that discussion there ~~was~~ a possibility of  
22 <sup>- a hitch -</sup> another ~~criterion~~<sup>crit</sup> ~~raised~~<sup>raised</sup> which has been discussed <sup>further</sup> since  
23 that time. I understand we don't yet have full agreement  
24 on the precise wording of the suggested additional criterion,  
25 which would attempt ~~to~~ perhaps have a statement from the  
IAEA as to the extent of the receiving country's commitment

1 to develop a regulatory organization. ~~So that is still~~  
 2 ~~under discussion.~~ <sup>This matter is</sup> ~~But it was~~ a particular interest of the  
 3 Commission, <sup>and is still under discussion.</sup>

4 Another <sup>suggested</sup> possible criterion developed <sup>and highlighted</sup> in the  
 5 course of preparing the <sup>is</sup> staff paper ~~that we highlighted here,~~  
 6 ~~it is just a suggestion,~~ <sup>was to take into account</sup> consider whether the assistance would  
 7 support U.S. non-proliferation policy or otherwise make a  
 8 substantial contribution to foreign policy objectives of the  
 9 U.S. Government. That is of particular interest, I think,  
 10 in view of the ~~changes~~ <sup>developments</sup> in U.S. <sup>Nuclear</sup> policy in recent weeks.

11 Now this all has been in the context of <sup>NRC</sup> provision  
 12 of safety advice via the IAEA upon <sup>its</sup> request. This is something  
 13 that has been done in the past.

14 As far as I know there is no particular question  
 15 as to the legal basis for doing so. <sup>The</sup> <sup>typically</sup> U.S. participates in ~~that~~  
 16 <sup>such activities</sup> as part of ~~typically~~ a multi-national team that goes ~~and~~ <sup>to</sup>  
 17 ~~advise on the safety in~~ a particular foreign country <sup>and</sup>  
 18 <sup>advise on safety aspects of its Nuclear program.</sup>

19 The main question has been the availability of  
 20 staff to participate in <sup>these efforts</sup> ~~them~~, and the priorities we should  
 21 put on them. So that is one topic that I think is relevant  
 22 here.

23 Since that was discussed, there <sup>has been</sup> ~~was~~ a specific  
 24 request that came in from the Iranians --

25 COMMISSIONER GILINSKY: Let me go back to the first  
 topic. At one time we discussed the question of whether the

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IAEA reviews really were reviews, and whether one ought to be participating in just perfunctory reviews, if there were no other reviews taking place, and whether we are just simply providing a fig leaf <sup>for</sup> <sub>A</sub> safety.

COMMISSIONER KENNEDY: Or worse.

COMMISSIONER GILINSKY: Okay. And we raised the question of the relation of our activity to other activities, whether in fact it facilitated a broader review, or was simply serving as a kind of once-over. And we raised a question as to whether that might also be a consideration.

I don't see that on your list.

2

MR. SHEA: Well, that was factored into the discussion of the possible fifth criterion, although I think it is a little ~~in~~ different in the sense that I suppose with that thought in mind, one might put people on notice directly that the NRC does not view <sup>its</sup> ~~this~~ participation as approving in any way the total safety program of the country, but is just providing assistance.

2

COMMISSIONER KENNEDY: The thrust of that earlier discussion was simply that all disclaimers notwithstanding, the fact is that the country concerned, which has little or no capability to do <sup>any</sup> ~~any~~ of this sort of thing itself, in all probability, is assuming that the great United States guys having appeared on the scene and been there a week, that whatever they say is a sweeping generalization applicable

1 to all such activity in their country and now they are  
2 in great shape and all they have to do is go right ahead.

3 COMMISSIONER GILINSKY: Certainly the people outside  
4 of their nuclear bureaucracy would assume that all the  
5 more.

6 COMMISSIONER KENNEDY: Certainly, indeed, even  
7 the nuclear bureaucracy is like to do so. But certainly  
8 beyond that even more.

9 MR. SHEA: That is right. We have had some discussion  
10 in the staff about possibly communicating with let's say  
11 the U.S. <sup>M</sup>ission to the IAEA to perhaps solicit ~~their advice~~ <sup>its views</sup>  
12 on <sup>an</sup> ~~the~~ option that might involve <sup>the</sup> U.S. making representations  
13 to the IAEA about <sup>our</sup> ~~the~~ concerns in this direction, and making  
14 sure that we are not misrepresented in this regard.

15 COMMISSIONER KENNEDY: We did once, didn't we?

16 MR. SHEA: I don't believe so. Not recently.

17 COMMISSIONER KENNEDY: My recollection of those  
18 discussions was that was one of the things that was going to  
19 be done. Do you think the same thing?

20 COMMISSIONER GILINSKY: I thought so.

21 MR. SHEA: I didn't think it was quite that clear.  
22 But we can, I think, certainly <sup>look into</sup> ~~do~~ that.

23 COMMISSIONER KENNEDY: Let me suggest it was an  
24 option to be explored, but it is over a year ago, so presumably  
25 the exploration ought to be finished at least. I think

1 we did, and explained to them our concern, that these teams  
2 kind of fairly quickie safety reviews, and might not be  
3 performing the mission which IAEA really intended for them  
4 and their role and their capabilities and actually the nature  
5 of their reviews and recommendations may be misunderstood  
6 by the countries involved.

7 COMMISSIONER GILINSKY: I think they are, at least  
8 in some cases. I know the IAEA does not intend them as  
9 safety reviews, but certainly some countries do regard  
10 them as safety reviews.

11 COMMISSIONER KENNEDY: That is exactly right.  
12 I thought though this was taken up with <sup>Dr.</sup> Ecklund by <sup>Ambassador</sup> ~~Mr.~~ <sup>Tape</sup>  
13 at some point.

14 MR. GOSSICK: I am not aware of anything that went  
15 out in written form to them, <sup>although it</sup> ~~that~~ may ~~be~~ have.

16 COMMISSIONER KENNEDY: Could somebody go back and  
17 look at the record on this? I think you will find that we  
18 certainly asked that something of this sort be done, and my  
19 impression had been that it was.

20 MR. CASE: We are always very concerned and ask  
21 to participate in those kind of reviews.

22 One way to mitigate that problem at least is to  
23 only provide specialists, <sup>so that</sup> ~~where one~~ in <sup>no</sup> ~~any~~ sense <sup>could one</sup> ~~can't~~ draw  
24 a conclusion that a specialist can make an over-all safety  
25 conclusion. If you limit yourself to specialists, I feel

1 more comfortable.

2 COMMISSIONER KENNEDY: Well, somewhat, but I would  
3 not be too comfortable even with that, Ed, because I  
4 don't think they will draw that distinction as readily as you  
5 do.

6 MR. SHEA: We can certainly review what happened  
7 on that as one of the follow-on actions here.

8 CHAIRMAN ROWDEN: There is a ~~dilemma~~<sup>dilemma -</sup> should we do  
9 nothing, because doing something will be misunderstood, or  
10 should we make whatever contribution we can in this regard,  
11 recognizing the potential for misunderstanding is there.

12 COMMISSIONER GILINSKY: I think what we would like  
13 to do is steer this activity in the direction of encouraging  
14 safety reviews abroad.

15 COMMISSIONER KENNEDY: A more effective safety  
16 review.

17 CHAIRMAN ROWDEN: I agree, but ~~their~~<sup>there are</sup> mechanisms  
18 for doing that. Say a country is going to go forward and  
19 implement a nuclear power project, with whatever resources  
20 they had <sup>^</sup> because we may not be satisfied with the  
21 regulatory set-up, we won't contribute whatever capability  
22 we might in that regard?

23 COMMISSIONER KENNEDY: That is not my concern.

24 CHAIRMAN ROWDEN: That is the concern that has  
25 been raised, or one of the concerns that has been raised.



1 COMMISSIONER KENNEDY: That is a different  
2 question. My concern is that the role we play <sup>could</sup> ~~cannot~~ be  
3 misunderstood.

4 CHAIRMAN ROWDEN: Oh, yes.

5 COMMISSIONER KENNEDY: On that, up until now my  
6 concern has been that our participation may well have been  
7 thought by many to have been at least tacit approval on our  
8 part of their plants, when that is not what was intended at  
9 all.

10 COMMISSIONER GILINSKY: Maybe what is needed is  
11 there be some kind of disclaimer that goes along with the  
12 participation.

13 CHAIRMAN ROWDEN: I don't think it will solve the  
14 problem we have identified. It may broaden the universe  
15 for understanding, but I think the potential for misunder-  
16 standing is going to still be there.

17 But again, recognizing that problem, should we  
18 back away from providing what otherwise might be very useful  
19 advice?

20 COMMISSIONER GILINSKY: I think, you know, we have  
21 to exercise some judgment; in some cases the answer may be  
22 to back away. It depends on the situation.

23 MR. SHEA: I note here the IAEA does include  
24 some standard language in its correspondence with countries  
25 receiving assistance, <sup>saying</sup> ~~and they~~ say that the services of the

1 consultant agency official are to be for the exclusive  
2 benefit of ~~your~~ <sup>the</sup> government, <sup>that</sup> the agency will have to rely  
3 on information supplied by the country and <sup>that</sup> the authorities  
4 in the agency are not in a position to vouch for the correct-  
5 ness of the mission's conclusion.

6 So there is ~~that~~ <sup>a</sup> sort of a disclaimer in a sense.

7 COMMISSIONER KENNEDY: On the part of the agency.  
8 That even makes that U.S. guy stand out brighter and higher,  
9 not less.

10 MR. SHEA: Right. ~~Fine.~~ That is something we  
11 will do more on, and get back to you.

12 COMMISSIONER KENNEDY: Would you get back to us  
13 quickly, please?

14 MR. SHEA: Yes.

15 One other point I <sup>would like to</sup> mentioned here that was noted  
16 in the assessment paper which you just received is the thought  
17 that occurred to us as we went through this, that there didn't  
18 appear to be anything inherently multilateral, if you will,  
19 about the criteria we developed in the assessment of  
20 safety reviews, that perhaps the same criteria could be  
21 used in looking at requests for bilateral assistance.

22 These seemed to be rather independent of whether  
23 they were multilateral or bilateral; they might be general  
24 criteria.

25 We go on then to note that there are various ways

1 one might assist people, ranging from a low level  
 2 participation, maybe <sup>Seminars,</sup> ~~74~~, bilateral meetings, on up through  
 3 safety missions, review of reports, and finally, a complete  
 4 consulting or contract arrangement with the foreign agency  
 5 to do extensive assistance.

6 The more you do, of course, the more person power  
 7 is required to implement that. And generally the staff  
 8 preference has been to work with the approaches that do  
 9 not involve extensive assistance, just a few weeks here and  
 10 there, because of <sup>other</sup> ~~our~~ demands on <sup>NEC</sup> personnel.

11 CHAIRMAN ROWDEN: In any event, we carry out our  
 12 own independent policy in this regard. There are resources  
 13 in other agencies in the Government that the countries might  
 14 want to draw from.

15 MR. GOSSICK: I think it is worth mentioning, ~~I~~  
 16 ~~can recall~~ two week courses during the summer months or the  
 17 fall, <sup>which I can recall</sup> where we have had people from ~~the~~ various countries  
 18 in here to go through a rather intensive training course  
 19 in the regulatory business, and now ERDA has a course at  
 20 Argonne where they have picked that up, and it is  
 21 actually IAEA-sponsored, isn't it?

22 MR. SHEA: Yes.

23 MR. GOSSICK: So there is a lot of U.S. support  
 24 in the regulatory <sup>area</sup> ~~effort~~ for those countries.

25 CHAIRMAN ROWDEN: What it isn't is project-  
 specific.

1 MR. GOSSICK: That is right, it is general. It is  
2 aimed at developing a capability within the country to  
3 do their own thing.

4 MR. SHEA: The approach of providing direct  
5 consulting assistance in a fairly extensive way has been put  
6 into focus by a specific request from the Iranian government  
7 which is ~~being~~ discussed in a paper we sent down a little  
8 while back, where they had asked for provision of staff  
9 experts from NRC <sup>^</sup> perhaps one or two <sup>^</sup> to participate in a  
10 multi-national team that would be located in Iran, and that  
11 would advise on the safety of Iranian <sup>nuclear</sup> installations.

12 They are now installing German reactors, or ~~contracting~~  
13 <sup>CONTRACTING</sup> for French reactors and the United States is negotiating  
14 an agreement for cooperation with the Iranians.

15 COMMISSIONER GILINSKY: I thought Iran had an  
16 agreement with Britian to supply safety reviews?

17 MR. SHEA: ~~They~~ have --

18 COMMISSIONER KENNEDY: And also one with France,  
19 I think.

20 MR. SHEA: They do have an agreement, they do have  
21 some staff help there in Iran already, French and British  
22 people, I think maybe some Germans as well. They would  
23 like the NRC staff people to join that team, and to do that ~~very~~  
24 <sup>very</sup> soon, and advise on the reactor installations now going in.

25 So you would have an NRC person under this scenario

1 advising on the safety features of French and German  
2 reactors.

3 COMMISSIONER GILINSKY: Stationed in Iran?

4 MR. SHEA: Stationed in Iran, joining this team  
5 and providing the assistance.

6 COMMISSIONER GILINSKY: For how long?

7 MR. SHEA: They suggest perhaps a year or two.  
8 If they found that satisfactory, I suspect they would like to  
9 renew it.

10 COMMISSIONER KENNEDY: This is a bilateral arrange-  
11 ment, not through IAEA?

12 MR. SHEA: Yes, bilateral arrangement directly with  
13 us.

14 In talking with them about this, they have said  
15 ~~well,~~ <sup>that</sup> the <sup>NORMAL route</sup> IAEA ~~group~~ is a rather slow ~~and inefficient~~  
16 and uncertain way to go, it takes a long time, and they are  
17 not sure what they will get out of that process, although I  
18 think they realize <sup>that</sup> if they were to indicate ~~they were~~ willingness  
19 to pay for <sup>the assistance</sup> it, and to work with the agency <sup>and</sup> the U.S.  
20 ~~mission,~~ <sup>to the IAEA,</sup> this could be expedited.

21 ~~And~~ <sup>T</sup>he last discussion I had with them indicated  
22 they were considering pursuing that route to see what could  
23 be done there, assuming that bilateral assistance was  
24 unlikely. But they would prefer the direct bilateral  
25 link and having an NRC person, and other experts <sup>available</sup> for advice

1 in other connections. They kept coming back to the desirability  
 2 of an NRC staff person to help with that. They have a high  
 3 regard for our expertise.

4 I suspect also there ~~is~~ <sup>may</sup> perhaps <sup>be</sup> somewhat of a  
 5 feeling that ~~the~~ <sup>an</sup> NRC blessing <sup>of</sup> what they are doing <sup>in the safety area could be</sup> helpful  
 6 ~~perhaps~~ from an appearance point of view as well.

7 COMMISSIONER KENNEDY: Dr. ~~Siran~~ <sup>SARAME</sup> (?) is a graduate  
 8 of one of those courses you talked about, which may have  
 9 some bearing on it.

10 MR. SHEA: That is right.

11 Well, doing this would be a significant departure  
 12 from what NRC has done in the past. And it raises some  
 13 questions about not only the additional manpower requirements,  
 14 but also the legal question of whether we have authority to do  
 15 this, or how clear our authority is.

16 There has been some discussion of that in the  
 17 staff. I believe Peter raised a question about it and the  
 18 Stoller request --

19 COMMISSIONER KENNEDY: The Stoller matter is a  
 20 different thing than the Iranian matter, I would think, even  
 21 from a legal standpoint. They are different questions.

22 MR. STRAUSS: One is a national question, one is  
 23 a foreign question, yes.

24 MR. SHEA: I think Peter was asking if <sup>in both cases</sup> there might  
 25 be a way to work <sup>it</sup> ~~this~~ out within our existing authority, ~~and~~

1 <sup>W</sup> ~~say~~ within the staff <sup>We have</sup> talk<sup>A</sup> with ELD on this, and there are  
2 questions ~~to be examined~~ which haven't been fully looked  
3 into at this point, but it is possible there may be a way  
4 to do this, ~~at this point~~. We need to look into that further.

5 CHAIRMAN ROWDEN: Are you suggesting we look at  
6 it from a policy standpoint, if we have the legal authority?  
7 There are a number of other questions, legal and other  
8 questions. From a legal standpoint it would be very important  
9 to protect ourselves from any claims made that actions taken  
10 by one of our personnel gave rise to some injury, indemnity,  
11 hold-harmless, or some <sup>F</sup> such mechanism which is traditional  
12 in this area.

13 MR. SHEA: Yes.

14 CHAIRMAN ROWDEN: These are the sort of issues  
15 we propose to explore in this part of the study?

16 MR. SHEA: That is right.

17 CHAIRMAN ROWDEN: I move quickly to the study,  
18 because I want to get this wrapped up.

19 MR. SHEA: Right. The study. I think you are  
20 referring to <sup>is</sup> the Export Study Group's analysis, ~~the relation~~  
21 ~~of this to that~~ I have been thinking about <sup>the relationship of this analysis to what we have been</sup> the last day or <sup>discussing</sup>  
22 two. <sup>and</sup> ~~and~~ the focus, you will recall, of the study group  
23 efforts that you directed on May 10 was to examine the  
24 health and safety aspects <sup>of nuclear</sup> on exports. <sup>and</sup> ~~and~~ <sup>The</sup> ~~the~~ study <sup>A</sup> group has  
25 generally been <sup>viewing its</sup> ~~taking the~~ charter in that light, although as you

1 perhaps noticed from the outline of their effort, they  
2 start out by looking at the Iranian and Stoller requests  
3 and so on.

4 However, I understand they have been generally  
5 thinking of looking at that as more background material  
6 and quickly moving on to the question of exports, <sup>this</sup> ~~which~~  
7 is a question of our responsibility or our policy desires  
8 on materials and equipment that we ship abroad, in response to  
9 export license requests, >

10 <sup>how NRC</sup> ~~Whereas~~ the issues addressed here <sup>today</sup> are rather more  
11 <sup>answers to</sup> specific <sup>assistance</sup> requests that have come in.

12 So there is a difference there in the way that  
13 the issue comes up.

14 They could be addressed together in the export  
15 study, but I guess I would be inclined to treat them  
16 separately. I think perhaps we could move more quickly on  
17 these.

18 <sup>NRC International</sup> We may receive <sup>more</sup> requests <sup>for assistance,</sup> especially after the  
19 <sup>seminar</sup> <sup>on Spent Fuel Storage Enhancement,</sup> which you have now approved.

20 CHAIRMAN ROWDEN: Individual circumstances <sup>may</sup>  
21 dictate that course of action. But I don't think these  
22 are unrelated to the issue that we actually should consider  
23 in the export study, because each of these cases indicates  
24 different ways in which we can provide assistance.

25 The export issue was whether we should assume the



1 responsibility for assuring some sort of safety review  
 2 before we approve the export say of a facility. The  
 3 answer to that might be no, it is not desirable from a policy  
 4 standpoint, but one of the important ingredients of our  
 5 over-all posture we have in mind is there are other mechanisms  
 6 we can utilize, not in the form of a veto of an export  
 7 license, but in the form of providing assistance to a  
 8 country to upgrade its programs.

9 COMMISSIONER GILINSKY: Is there any reason for  
 10 these things to await that?

11 CHAIRMAN ROWDEN: Not necessarily. <sup>an</sup> The Iranian  
 12 case one, of course they are not dealing with an American reactor;  
 13 that is the one most directly related to the issue of  
 14 the export study.

15 The one on spent fuel, you know, the seminar, that  
 16 is something that ought to be dealt with on its merits.

17 COMMISSIONER KENNEDY: I thought we already did.

18 CHAIRMAN ROWDEN: There were a couple of questions  
 19 raised with respect to the financing. But I think we have  
 20 all agreed to that in principle. It is just a question of  
 21 mechanics of moving forward on that.

22 The Stoller one, maybe that is something else.  
 23 But I still think this issue of how we go about aiding other  
 24 countries is related to export licensing.

25 MR. SHEA: Yes, I think it is, right. I think we

1 can address it in that study, while also perhaps working  
2 ~~on it~~ in parallel <sup>on</sup> with some of the specific issues. Pretty  
3 much the same people are involved.

4 CHAIRMAN ROWDEN: What do we have? The seminar, which  
5 I think we all approved in principle, ~~it is~~ <sup>has</sup> just a question  
6 of financing. I had some problems with regard to the  
7 financing.

8 COMMISSIONER KENNEDY: Approved it with the under-  
9 standing that whatever financing was provided was not going  
10 to be provided by us.

11 CHAIRMAN ROWDEN: Well, I have no difficulty in  
12 providing a room and expert staff, but in terms of paying  
13 the transportation of people from overseas, I don't see why  
14 we should provide that.

15 COMMISSIONER KENNEDY: That is right, exactly.

16 COMMISSIONER GILINSKY: Have we heard from the  
17 Executive Branch on any of these matters?

18 MR. SHEA: Not --

19 COMMISSIONER GILINSKY: Have we consulted with  
20 them?

21 MR. SHEA: I don't believe so. Ron, have you had  
22 any input from the Executive Branch on this?

23 MR. HAUBER: I know it has been discussed in general  
24 terms. Joe did the discussing; I wasn't here. I wasn't in  
25 town at the time. Now he is out of town. One of the problems

1 we have had here is transition of people.

2 COMMISSIONER GILINSKY: I would think one of the  
3 principal incentives, at least for one of these matters,  
4 would be precisely some interest on the part of the Executive  
5 Branch. And whether or not we do it, how much we do it  
6 and so on, I think would be importantly affected by that.

7 MR. SHEA: Yes. That is correct. We will, of  
8 course, be coordinating with them certainly on the seminar.  
9 We could seek their views on these other issues.

10 COMMISSIONER GILINSKY: Well, the seminar, spent  
11 fuel storage in general, and do we want to conduct individual  
12 reviews for countries, and how accommodating do we want to  
13 be?

14 I would think they would have some views on that.

15 MR. SHEA: The export study group plans to consult  
16 with them.

17 COMMISSIONER KENNEDY: In the last analysis,  
18 however accommodating we might wish to be, we can never  
19 forget, and the Executive Branch does not have to worry  
20 about this problem for us, we can never forget that it is  
21 our resources we are talking about. And at some point we  
22 have to make a decision as to what kind of trade-off we want  
23 to make here.

24 COMMISSIONER GILINSKY: That is right. But you have  
25 to assign priorities and one of the ingredients in that

1 is what the Executive Branch thinks is impor<sup>+</sup>ant here.

2 CHAIRMAN ROWDEN: Well, to put it in another  
3 context, that covers both of them. There are other resources  
4 in the U.S. Government.

5 COMMISSIONER KENNEDY: That is one consideration in  
6 the priority setting business, but I would certainly not  
7 consider it a governing one.

8 CHAIRMAN ROWDEN: Are there other resources available?  
9 We are not the only agency in town that has nuclear expertise.  
10 ERDA can supply personnel and technical competence from  
11 the laboratory structure. This is a U.S. Government problem,  
12 not just an NRC problem.

13 COMMISSIONER GILINSKY: All the more reason to  
14 consult with them.

15 CHAIRMAN ROWDEN: I agree. I am surprised it hasn't  
16 been done. As a matter of fact when I raised the question  
17 about what should our posture be re health and safety  
18 in exports, I said you have to sit down and discuss it with  
19 the Executive Branch.

20 MR. SHEA: The export study <sup>group</sup> noted in ~~their~~ <sup>its</sup> outline  
21 that ~~they~~ <sup>it</sup> proposes to hold discussions with the Executive  
22 Branch on this full range of issues, which could include this  
23 as well.

24 COMMISSIONER KENNEDY: I am getting a little  
25 concerned about the export study group's continuing expansion

1 of its activities and never termination.

2 CHAIRMAN ROWDEN: Well, we are breaking off pieces.  
3 We had one piece of that pie on our agenda, the licensing  
4 procedures.

5 And one of the difficulties, let's face it, with  
6 regard to the export study is the pendency of the legislation  
7 up on the Hill. And lack of disposition to come to grips  
8 with say the criteria until that matter is cleared.

9 But I agree, this thing can be just unending and  
10 open-ended. In one respect we have simply had to break off  
11 a piece on the export procedures.

12 COMMISSIONER GILINSKY: Where are we left on the  
13 matter now?

14 CHAIRMAN ROWDEN: We are going to get a summing  
15 up in about two minutes. As far as the seminar is concerned,  
16 I think we ought to move forward on that. I don't know what  
17 the next steps are. You ought to explore the matter of  
18 financing. That also ought to be taken up with the Executive  
19 Branch.

20 What about the Stoller request?

21 MR. SHEA: <sup>T</sup>What was a request by <sup>the</sup> Stoller <sup>Company</sup> for NRC  
22 review of techniques for expanding spent fuel storage  
23 which they then hoped to sell to the Spanish government to  
24 expand their spent fuel storage capacity. And we presented  
25 some options for how to do that. They wanted a full review,

1 which is quite costly.

2 COMMISSIONER KENNEDY: Doesn't the seminar indeed  
3 move on that problem in a way which avoids what I am deeply  
4 concerned about, our direct involvement with a particular  
5 contractor?

6 The seminar will provide the basis for other  
7 people to think about this problem, and then if they want  
8 specific technical advice about the question of spent fuel  
9 storage, they can get it, and then make their own judgments  
10 vis-a-vis Stoller or anybody else who may be in the  
11 business.

12 But I am concerned that we get in the business  
13 of reviewing Stoller's proposal to make it possible for  
14 Stoller to sell the proposition to the Spanish. That is  
15 not our business.

16 CHAIRMAN ROWDEN: I am concerned about that, and  
17 also I think it would be desirable--and here again it is  
18 an area in which the Executive Branch has a pretty direct  
19 interest-- to have them consider this. Maybe this is a quid  
20 pro quo they would like <sup>the</sup> United States to be able to  
21 contribute in terms of getting cooperation from other  
22 countries. I don't know.

23 COMMISSIONER GILINSKY: I think also when we go  
24 into the seminar we ought to be prepared to answer whether  
25 we are prepared to engage in other activities, say requests

1 from other countries.

2 MR. SHEA: That is right. I think once the seminar  
3 is held we can expect ~~perhaps~~ an increase in the requests.

4 CHAIRMAN ROWDEN: I have to leave now, but you  
5 can continue the staff briefing.

6 MR. SHEA: I think we are pretty close to the end.

7 MR. GILINSKY: Can we put off Burgeraktion until  
8 Friday?

9 CHAIRMAN ROWDEN: I think we might as well consider  
10 that now.

11 COMMISSIONER GILINSKY: We are going to have the  
12 whole --

13 CHAIRMAN ROWDEN: I suggest it is a very complex  
14 problem, it will take guidance on our part.

15 COMMISSIONER GILINSKY: We have had one day to  
16 look at that other paper.

17 CHAIRMAN ROWDEN: Legal analysis is drawn from  
18 that paper.

19 COMMISSIONER GILINSKY: Right. But we have had one  
20 day to look at that paper.

21 CHAIRMAN ROWDEN: I will put it to my colleagues.  
22 Do you want to defer it? I would like to have it scheduled  
23 for this afternoon, recognizing we will have to have further  
24 sessions on it.

25 COMMISSIONER KENNEDY: It is scheduled already.

1 I would like to go ahead and listen to what is being  
2 said. I am sympathetic to your concern about receiving the  
3 paper yesterday. Counsel is already aware of my concern  
4 in this regard, as he always is when he doesn't give it  
5 to me 48 hours in advance.

6 COMMISSIONER GILINSKY: You are not going to  
7 impose your usual ~~rule~~<sup>rule</sup> here?

8 COMMISSIONER KENNEDY: Indeed I am. I did quote my  
9 usual rule. I said earlier at one point I didn't intend to  
10 attend the meeting unless I saw the paper. I got the paper.

11 CHAIRMAN ROWDEN: When was the Burgeraktion  
12 paper distributed?

13 MR. SHEA: Last week.

14 CHAIRMAN ROWDEN: It is a complete, replete  
15 analysis.

16 MR. STRAUSS: The NEPA paper you got Monday.

17 COMMISSIONER KENNEDY: That is the one I am  
18 talking about.

19 COMMISSIONER GILINSKY: We got it Monday night.  
20 So effectively we got it Tuesday morning, and we have had  
21 one day,

22 CHAIRMAN ROWDEN: Gentlemen, if you want to defer,  
23 I am prepared to abide by your decision. I think it is  
24 a mistake.

25 COMMISSIONER KENNEDY: I say I will go ahead and



1 listen to whatever counsel would like to say on the subject  
2 this afternoon, but certainly would not undertake any  
3 desire at this juncture to make any decisions in this regard,  
4 or even at this point be prepared to offer much in the way  
5 of advice or comment.

6 COMMISSIONER KENNEDY: No, because I am not prepared  
7 to do that. I would like to listen to it.

8 CHAIRMAN ROWDEN: I am prepared to listen to it.  
9 The others will have to make up their own mind in terms of  
10 when they will be prepared to decide it.

11 COMMISSIONER KENNEDY: I would like to get the  
12 matter decided on Friday.

13 CHAIRMAN ROWDEN: I think we ought to remember  
14 that this is a matter that has been pending before us for  
15 sometime. It is not a new issue.

16 MR. STRAUSS: If you want <sup>to</sup> right now, I think you  
17 can schedule a continuation session for Friday.

18 CHAIRMAN ROWDEN: All right. Why don't you continue  
19 with this?

20 COMMISSIONER KENNEDY: Do we need to continue here?  
21 Where are we going?

22 MR. SHEA: I think the staff has pretty well finished  
23 its presentation. We will be examining the legal issues  
24 more completely, moving in parallel with the study group,  
25 consulting with the Executive Branch, and looking into the

1 other matters, checking out the background on the matter  
2 of consulting with ~~the~~<sup>n</sup> IAEA.

3 COMMISSIONER GILINSKY: You are folding it into  
4 the study group, or you will handle it sep~~ar~~<sup>a</sup>ately?

5 MR. SHEA: I think it will come up both places.  
6 ~~I think~~ <sup>he</sup> we will coordinate with the study group.

7 COMMISSIONER GILINSKY: I don't like these things  
8 to be held up to await the results of the study group report.

9 MR. SHEA: They have prepared a longer term  
10 schedule than perhaps you have seen, an August paper.  
11 So that is somewhat longer than originally envisioned.

12 CHAIRMAN ROWDEN: You won't hold up the matter  
13 of the spent fuel seminar. Have a discussion with the  
14 Executive Branch with respect to the Stoller request, and  
15 different ways of implementing what may be a desirable  
16 concept. I guess I would have difficulty with the Iranian  
17 matter outside of the Executive Branch consideration.

18 (Thereupon, at 12:10 p.m. the above entitled  
19 discussion was concluded.)  
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21  
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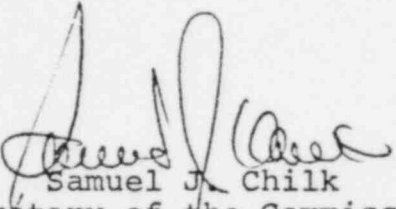
UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

August 15, 1980

COMMISSION DETERMINATION REGARDING PUBLIC DISCLOSURE  
UNDER THE GOVERNMENT IN THE SUNSHINE ACT OF:

Transcript of Discussion of NRC Safety Reviews of  
Foreign Facilities, June 8, 1977

Pursuant to the Commission's regulations implementing the Government in the Sunshine Act (10 CFR 9.108(d)), it has been determined, after a further review of this transcript, that the entire text can be released to the public.

  
Samuel J. Chilk  
Secretary of the Commission