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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION 81-15

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

Thursday, April 9, 1981

The Commission met, pursuant to notice, at 3:25 p.m.

JOSEPH M. HENDRIE, Chairman, presiding.

BEFORE:

- JOSEPH M. HENDRIE, Chairman
- PETER A. BRADFORD, Commissioner
- JOHN F. AHEARNE, Commissioner

ALSO PRESENT:

- LEONARD BICKWIT
- SAMUEL J. CHILK

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DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on 4-9-81 in the Commission's offices at 1717 H Street, N. W., Washington, D. C. 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 determinations 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.

P R O C E E D I N G S

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2 CHAIRMAN HENDRIE: If we may come to order, the
3 Commission meets this afternoon in affirmation session. I
4 don't have to ask you for short notice or other kinds of votes.
5 Sam, please lead us in the reading of the affirmation.

6 MR. CHILK: SECY 81-167, ACRS Participation in Rule-
7 making: The Commission by a three to one vote has approved
8 publication in the Federal Register of an amendment of its rules
9 of practice to provide procedures for by the Advisory Committee
10 on Reactor Safeguards in NRC rulemaking. Commissioner Gilinsky
11 disapproved a proposed Section 2.809(a) and approved a proposed
12 Section 2.809(b).

13 The Commission unanimously agreed with the Memorandum
14 of Understanding between EDO and ACRS.

15 Would you please affirm your vote?

16 (A chorus of ayes.)

17 CHAIRMAN HENDRIE: So ordered.

18 Thank you very much. We are adjourned.

19 (Whereupon, at 3:27 p.m., the Commission meeting was
20 adjourned.)

NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
Nuclear Regulatory Commission

in the matter of:

Date of Proceeding: April 9, 1981

Docket Number: _____

Place of Proceeding: 1717 H NW, Washington

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

Sunny P. Barker

Official Reporter (Typed)

Sunny P. Barker

Official Reporter (Signature)

March 16, 1981



SECY-81-167

RULEMAKING ISSUE
(Affirmation)

For: The Commissioners

From: Leonard Bickwit, Jr., General Counsel

Subject: ACRS PARTICIPATION IN RULEMAKING

Purpose: To propose that the Commission amend Title 10, Code of Federal Regulations by adding section 2.809 which would govern ACRS involvement in NRC rulemaking.

Discussion: In January of 1980 this office was requested to develop, in consultation with ACRS, procedures for ACRS participation in rulemaking activities. The procedures were reviewed and approved by the Committee at its 237th meeting, and were proposed to the Commission in SECY-80-169. The Commission approved the general methods suggested for ACRS participation in rulemaking and requested the staff to work with ACRS to develop the necessary amendments to the regulations. A draft Federal Register Notice promulgating new section 2.809 of the Commission's Rules is the result of this effort. A copy of the Notice is attached.

The EDO and ACRS have approved the proposed rule. The new section 2.809 recognizes that ACRS may recommend that the Commission initiate rulemaking in a particular area and establishes the procedure by which the Commission will respond to such ACRS recommendations. This procedure would be consistent with the recommendations of the President's

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