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1. Transcript of: Affirmation Session 81-34, Sept. 17.81, (1 copy)


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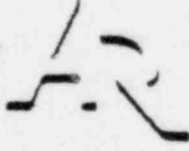
NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

In the Matter of: AFFIRMATION SESSION 81-34
 PUBLIC MEETING

DATE: September 17, 1981 PAGES: 1 - 9
AT: Washington, D. C.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION 81-34

PUBLIC MEETING

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

Thursday, September 17, 1981

The Commission met in open session, pursuant to
notice, at 3:07 p.m.

BEFORE:

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

ALSO PRESENT:

S. CHILK
F. REMICK
L. BICKWIT

* * *

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on September 17, 1981 in the Commission's offices at 1717 E 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

1
2 CHAIRMAN PALLADINO: The meeting will please come
3 to order.

4 This is an affirmation discussion session. We
5 have a number of items listed on the agenda. There are two
6 items we would like to add to the agenda for discussion
7 purposes and possibly affirmation. One is SECY 81-540,
8 which relates to Diablo Canyon physical security, and SECY
9 81-550, which relates to petitions by Governor Brown. And I
10 wonder if I might have the Commission vote to do that.

11 COMMISSIONER GILINSKY: Did you say 540?

12 CHAIRMAN PALLADINO: 540 and 550.

13 COMMISSIONER GILINSKY: I'm not ready to deal with
14 550.

15 CHAIRMAN PALLADINO: I don't think we're going to
16 deal with it now except I want to discuss it.

17 COMMISSIONER GILINSKY: That's fine.

18 COMMISSIONER AHEARNE: Fine.

19 COMMISSIONER ROBERTS: Fine.

20 CHAIRMAN PALLADINO: We'll put both of them for
21 short notice.

22 When we get to discussing 540 on physical security
23 we will have to close the meeting because it is on an
24 exempted item. May we have the approval to close the
25 meeting for discussion on 540?

1 (A show of hands.)

2 CHAIRMAN PALLADINO: All right. Let us proceed,
3 Mr. Secretary. Will you walk us through?

4 MR. CHILK: The first paper listed on the schedule
5 is 81-464 and 464a, which is scheduled for the following
6 week and will not be taken up today.

7 The next one is SECY 81-521 and 521a, which is the
8 San Onofre Sua Sponte issue where the Commission is being
9 asked to consider an order taking up for Commission review
10 the matters posed sua sponte by the San Onofre licensing
11 board.

12 Chairman Palladino, Commissioner Ahearne,
13 Commissioner Gilinsky and Commissioner Roberts have approved
14 the order. Commissioner Bradford has not. There have been
15 differing views regarding how you wanted to treat the views
16 of the Board, and I believe the Chairman would like to
17 discuss that.

18 CHAIRMAN PALLADINO: Yes. I understand
19 Commissioners Roberts and Ahearne would like to have input
20 from the Board in written form. Commissioner Gilinsky would
21 like to have some oral discussion with the Board. It is my
22 feeling that we ought to have both.

23 (Laughter.)

24 MR. BICKWIT: Mr. Chairman, if this is one that is
25 going to be discussed I suggest that this be closed also.

1 CHAIRMAN PALLADINO: We're not allowed to?

2 HR. BICKWIT: You are allowed to but you're also
3 allowed to close it.

4 CHAIRMAN PALLADINO: Well, I was going to
5 recommend -- see if I can't convince them that we ought to
6 do both and just give them a reason and not get into the
7 substance of the reason, being that if we're going to have
8 an oral discussion I find it very profitable to have to have
9 written input on which to base any questions that I have,
10 and that is my purpose for suggesting that we go with both,
11 if I could convince my colleagues.

12 COMMISSIONER AHEARNE: Since I didn't think that
13 the oral was either a necessary, and in fact I think that it
14 has some very significant negative aspects, I was not in
15 favor of going the oral. So I would agree with you in
16 general that if we are having oral that we also ought to
17 have some written input, since I didn't think the oral was a
18 good idea. I felt that written input was a good idea.

19 But more than that I would have to get into
20 substance.

21 COMMISSIONER GILINSKY: Could we put this off to
22 deal with the other adjudicatory items toward the end so
23 we're a little freer?

24 CHAIRMAN PALLADINO: If we're going to get into
25 substance I gather we should close it. Then we'll have to

1 vote to close on that item, too.

2 All right, we'll try another one.

3 MR. CHILK: SECY 81-525, which is the Commanche
4 Peak Sua Sponte issue in which the Commission is being asked
5 to consider an order requesting the Licensing Board to
6 describe more fully the basis for its determination that the
7 issues it retains presents serious safety environmental or
8 common defense material.

9 All of you have voted on the order and have
10 approved it with various modifications. It is my
11 understanding that the Chairman, Commissioner Bradford and
12 Commissioner Ahearne have agreed on a majority version. I
13 don't know whether Commissioner Roberts has agreed with that
14 version, nor do I know, as yet --

15 COMMISSIONER GILINSKY: I hate to sound like a
16 broken record, but I wonder if we are going to do anything
17 more than simply approve one chorus, if we're going to talk
18 about this at all, whether it might not be useful to close
19 this one as well. They are all adjudicatory items. I think
20 we're all freer.

21 MR. BICKWIT: If you're going to discuss it I
22 would recommend that you close it.

23 CHAIRMAN PALLADINO: But you do have majority vote
24 on that?

25 MR. BICKWIT: If you're not going to discuss it

1 there's no reason to close.

2 COMMISSIONER GILINSKY: I have some comments about
3 that. If I could persuade you --

4 CHAIRMAN PALLADINO: If you want to discuss it
5 then I suppose we should.

6 COMMISSIONER GILINSKY: I just have a brief
7 comment.

8 CHAIRMAN PALLADINO: All right, then we will vote
9 to discuss that one in closed session.

10 MR. CHILK: Before I take up the next item, which
11 is the proposed matter of decontamination of Dresden, I
12 wonder if --

13 MR. BICKWIT: The same advice. If you want to
14 discuss it I recommend that you close.

15 CHAIRMAN PALLADINO: Do you wish to close on this
16 item 223?

17 COMMISSIONER GILINSKY: I would just as soon have
18 us be free to deal with these things on an unrestrained
19 basis, you know, unless there's a clear majority that has
20 been known for a while and it's just being affirmed.

21 CHAIRMAN PALLADINO: Yes, if we're getting into
22 deep substance one of the problems I have is sometimes it is
23 just an identification of the fact that there are points of
24 view and that there has been an agreement reached on some of
25 the points of view.

1 Now in this case you have a different point of
2 view and I think it is appropriate to discuss it. But my
3 inclination is not to close unless we absolutely have to.
4 But I gather you do have comments that go in depth, so may I
5 have your concurrence to close the discussion on this item?

6 COMMISSIONER GILINSKY: I would say I don't have a
7 great deal to say on this one.

8 CHAIRMAN PALLADINO: Do you agree to discuss this
9 one in closed session? All right, fine. Then we'll go on.

10 MR. CHILK: The next one is an EDO delegation of
11 authority which appears on your schedule which is also
12 another one rescheduled for another day. So we won't have
13 to close for that one.

14 MR. BICKWIT: If you were to have discussed it I
15 would suggest that you could have opened it.

16 MR. CHILK: 81-550, on 81-550, which is the
17 interim order on Diablo Canyon effectiveness review, I
18 believe there's been a request to pass that or postpone it
19 to Friday. I believe the Chairman may want to discuss it.
20 Both he and Commissioner Roberts have voted on the paper,
21 along with Commissioner Ahearne.

22 COMMISSIONER GILINSKY: This is 550?

23 MR. CHILK: 550, interim order on Diablo Canyon
24 effectiveness review.

25 CHAIRMAN PALLADINO: You skipped 421.

1 MR. CHILK: I'll get back to that. I'm sorry.
2 I wonder if you'd like to --
3 MR. BICKWIT: If you want to discuss that I would
4 close.
5 CHAIRMAN PALLADINO: May I have a motion to close
6 on that one?
7 COMMISSIONER GILINSKY: Yes.
8 COMMISSIONER AHEARNE: Aye.
9 COMMISSIONER ROBERTS: Aye.
10 CHAIRMAN PALLADINO: All right.
11 MR. CHILK: 81-421, 421a, revisions to immediate
12 effectiveness rule for fuel loading and low power testing.
13 The Chairman, Commissioner Roberts, Commissioner Ahearne
14 have agree on a rule as modified by Commissioner Roberts and
15 Ahearne and dropped a section dealing with the issue of
16 licensing on the case of a two-to-two split. Commissioner
17 Roberts would prefer to retain that section.
18 Mr. Bradford is not participating. Commissioner
19 Gilinsky, I think, views have been accommodated.
20 COMMISSIONER GILINSKY: Is that any difference?
21 Am I not in agreement?
22 MR. CHILK: No, I think you are in agreement. I
23 just haven't had time. It happened so recently I haven't
24 had time to get back to it.
25 COMMISSIONER AHEARNE: I think that that was to be

1 dropped out.

2 COMMISSIONER GILINSKY: That was more trouble,
3 yeah.

4 MR. CHILK: If you are in agreement, please affirm
5 your votes.

6 (A chorus of ayes.)

7 MR. CHILK: The last one is SECY 81-540, which I
8 think we've already voted to close. So the rest of the
9 meeting will be closed.

10 I might announce, for the record, on 421 that
11 Commissioner Bradford has approved it as modified by the
12 Chairman.

13 MR. BICKWIT: Do you need short notice votes on
14 some of these?

15 CHAIRMAN PALLADINO: We took the short notice on
16 540 and 550.

17 MR. CHILK: The others were voted at the table.
18 Can we ask all visitors to please leave? The
19 meeting will be closed.

20 (Whereupon, at 3:20 o'clock p.m., the hearing was
21 adjourned, to reconvene immediately in executive session.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
COMMISSION MEETING

in the matter of: AFFIRMATION SESSION 81-34 - PUBLIC MEETING

Date of Proceeding: September 17, 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.

Alfred E. Ward

Official Reporter (Typed)

Alfred E. Ward

Official Reporter (Signature)