

NUCLEAR REGULATORY COMMISSION

PUBLIC COMMISSION MEETING

In the Matter of:

AFFIRMATION/DISCUSSION SESSION

(PUBLIC MEETING)

DATE: August 5, 1982

PAGES: 1 thru 6

AT: Washington, D.C.

ALDERSON  REPORTING

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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, August 5, 1982

The Commission convened, pursuant to notice, at
at 3:12 p.m.

BEFORE:

NUNZIO PALLADINO, Chairman of the Commission
JOHN AHEARNE, Commissioner
THOMAS ROBERTS, Commissioner
JAMES ASSELSTINE, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

J. HOYLE
G. GILBERT
L. BICKWIT

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1 is an FOIA appeal regarding the investigation of Hayward
2 Tyler Pump Company.

3 The Commissioner is being asked to authorize
4 the Secretary to send a letter denying this FOIA
5 appeal. The Chairman, Commissioners Ahearne, Asselstine
6 and Roberts have approved this denial. Commissioner
7 Gilinsky has disapproved.

8 May I ask you to affirm your votes, please.

9 CHAIRMAN PALLADINO: Aye.

10 COMMISSIONER AHEARNE: Aye.

11 COMMISSIONER ROBERTS: Aye.

12 COMMISSIONER ASSELSTINE: Aye.

13 MR. HOYLE: The third paper is SECY-82-304.
14 In this paper the Commission is being asked to approve
15 an order that would respond to three petitions by the
16 City of West Chicago for a hearing on an additional
17 amendment to its Part 50 license for Kerr McGee's Rare
18 Earths Facility in West Chicago, Illinois. The order
19 would grant an informal hearing at which the Director of
20 NMSS or his designee would officiate.

21 The Chairman, Commissioners Ahearne, Roberts
22 and Asselstine have approved this order. Commissioner
23 Gilinsky has disapproved and proposed that an ALJ
24 preside at the informal proceeding.

25 May I ask you to affirm your votes, please.

1 CHAIRMAN PALLADINO: Aye.

2 COMMISSIONER AHEARNE: Aye.

3 COMMISSIONER ROBERTS: Aye.

4 COMMISSIONER ASSELSTINE: Aye.

5 MR. HOYLE: The next is SECY-82-214. The
6 Commission is being asked to approve an order permitting
7 the disposal of samples taken at or around Three Mile
8 Island after the TMI-2 accident and authorizing the
9 Director of NRR to allow destruction of certain records
10 covered by the Commission's May 22, 1979 order.

11 The Chairman and Commissioner's Gilinsky,
12 Roberts and Asselstine have approved the order as
13 modified by a June 10 General Counsel Change.
14 Commissioner Ahearne has disapproved this order and I
15 understand he does have separate views.

16 COMMISSIONER AHEARNE: Which I have provided
17 to you.

18 MR. HOYLE: Which you have provided me, yes,
19 sir.

20 May I ask you to affirm your votes, please.

21 CHAIRMAN PALLADINO: Aye.

22 COMMISSIONER AHEARNE: Aye.

23 COMMISSIONER ROBERTS: Aye.

24 COMMISSIONER ASSELSTINE: Aye.

25 MR. HOYLE: The final item is SECY-82-277.

1 This paper discusses a request for fees and expenses
2 under the Equal Access to Justice Act in the Bailly
3 Proceeding.

4 The Chairman has circulated an order which
5 would announce the Commission's decision to hold the
6 petition in abeyance pending issuance of a final rule to
7 implement Section 504 of the Equal Access to Justice Act.

8 The Chairman, Commissioners Ahearne and
9 Roberts have approved this version of the rule as
10 modified by Commissioner Roberts. Commissioner Gilinsky
11 disapproves of the order.

12 May I ask you to affirm your votes, please.

13 CHAIRMAN PALLADINO: Aye.

14 COMMISSIONER AHEARNE: Aye.

15 COMMISSIONER ROBERTS: Aye.

16 COMMISSIONER ASSELSTINE: Aye.

17 COMMISSIONER AHEARNE: And I have additional
18 views which I wish to attach to it.

19 MR. GILBERT: That is correct.

20 MR. HOYLE: I stand corrected. I do have
21 additional views, yes, sir.

22 CHAIRMAN PALLADINO: Let's see, you have
23 additional views on 277, John?

24 COMMISSIONER AHEARNE: Yes.

25 CHAIRMAN PALLADINO: And which other?

1 MR. GILBERT: 214.

2 CHAIRMAN PALLADINO: Does that complete the
3 affirmation session?

4 MR. HOYLE: That completes all I have, Mr.
5 Chairman.

6 CHAIRMAN PALLADINO: Are there any other items
7 that should come up at this time?

8 MR. GILBERT: Also, on 277 we have a separate
9 comment by Commissioner Asselstine.

10 MR. HOYLE: That completes it, Mr. Chairman.

11 CHAIRMAN PALLADINO: Thank you.

12 We will stand adjourned.

13 (Whereupon, at 3:17 p.m., the
14 affirmation/discussion session adjourned.)

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NUCLEAR REGULATORY COMMISSION

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

in the matter of: AFFIRMATION/DISCUSSION SESSION

Date of Proceeding: August 5, 1982

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)