

ORIGINAL

OFFICIAL TRANSCRIPT PROCEEDINGS BEFORE

NUCLEAR REGULATORY COMMISSION

COMMISSION MEETING

PUBLIC MEETING

DKT/CASE NO.

TITLE

AFFIRMATION SESSION SECY-82-419

PLACE

WASHINGTON, D.C.

DATE

November 12, 1982

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING - AFFIRMATION SESSION

SECY-82-419

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

Friday, November 12, 1982

The Commission convened, pursuant to notice,
at 11:17 a.m.

COMMISSIONERS PRESENT:

- NUNZIO PALLADINO, Chairman of the Commission
- JOHN F. AHEARNE, Commissioner
- VICTOR GILINSKY, Commissioner
- THOMAS ROBERTS, Commissioner
- JAMES ASSELSTINE, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

- J. HOYLE
- W. DIRCKS
- M. MALSCH
- J. ZERBE

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DISCLAIMER

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P R O C E E D I N G S

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2 CHAIRMAN PALLADINO: Please come to order.

3 This is an affirmation discussion session, and
4 we will have the secretary walk through the items on the
5 agenda.

6 MR. HOYLE: Mr. Chairman, we will have only
7 one item this morning. We have withdrawn two.

8 The item that is on is SECY-82-419. This
9 paper discusses a petition by the Sunflower Coalition
10 for the Commission to reconsider its decision regarding
11 approval of amended agreement with the State of
12 Colorado. The order which was circulated in that paper
13 will deny the petition for reconsideration.

14 All the Commissioners have voted to approve
15 the order with a change proposed by Commissioner
16 Asselstine, but I do understand that Commissioner
17 Ahearne has a question that we failed to resolve prior
18 to the meeting that he would like to discuss.

19 COMMISSIONER AHEARNE: My understanding is
20 that OGC has ruled on the question. What I am curious
21 about is Congress clearly does not want us to regulate
22 mill tailings at the moment or impose regulation upon
23 the states. In the case where a state has turned back
24 the agreement to us, can the state still go ahead and
25 regulate in the mill tailings area?

1 MR. MALSCH: It can go ahead and regulate.
2 The question that comes up is what would happen if we
3 were to determine for some reason that the agreement
4 here should be revoked or suspended. What effect would
5 that have on the state authority? And the answer is it
6 has no effect.

7 COMMISSIONER AHEARNE: In fact, they could go
8 ahead and regulate in the mill tailings are, but since
9 there is no agreement we would have no supervisor
10 control of any kind, so it would be, at best, an
11 informal working relationship.

12 MR. MALSCH: That is correct. All we would
13 really do is presumably, if we had a real problem, we
14 would simply go back and negotiate with the state and
15 try to work something out. So, if possible, their
16 desire to have an agreement could be, again, fulfilled,
17 but it would be subject to informal negotiations.

18 COMMISSIONER AHEARNE: Is that affected in any
19 way by whether or not the taking back of the Agreement
20 State status was voluntary on their part or mandatory on
21 our part? Does that have any effect on it?

22 MR. MALSCH: I do not think so.

23 COMMISSIONER AHEARNE: So the net result is
24 the state can go ahead and pick up the regulatory
25 authority over mill tailings.

1 MR. MALSCH: I believe that is correct. That
2 is correct.

3 CHAIRMAN PALLADINO: Okay.

4 MR. HOYLE: I ask you to affirm your votes to
5 approve the order.

6 (A chorus of ayes.)

7 MR. HOYLE: That is all I have, Mr. Chairman.

8 CHAIRMAN PALLADINO: What happened on the
9 others? Someone asked for withdrawal?

10 MR. HOYLE: Someone asked for withdrawal.

11 CHAIRMAN PALLADINO: Anything more that should
12 come before us at this session?

13 If not, we will stand adjourned.

14 (Whereupon, at 11:19 o'clock a.m., the meeting
15 was adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
NUCLEAR REGULATORY COMMISSION

in the matter of: PUBLIC MEETING - AFFIRMATION SESSION SECY-82-419

Date of Proceeding: November 12, 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.

ALFRED H. WARD

Official Reporter (Typed)



Official Reporter (Signature)

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11/12/82

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