

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

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In the Matter of: AFFIRMATION/DISCUSSION SESSION

PUBLIC MEETING

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DATE: September 9, 1982 PAGES: 1 - 6  
AT: Washington, D. C.

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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, September 9, 1982

The Commission convened, pursuant to notice, at  
3:40 p.m.

BEFORE:

JOHN AHEARNE, Commissioner (Presiding)  
VICTOR GILINSKY, Commissioner  
THOMAS ROBERTS, Commissioner  
JAMES ASSELSTINE, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

S. CHILK  
L. BICKWIT  
M. MALSCH  
J. ZERBE

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### DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on September 9, 1982 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.

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1                                    P R O C E E D I N G S

2                    COMMISSIONER AHEARNE: The Commission meets  
3 again for what is described as an affirmation session.

4                    MR. CHILK: The first paper is SECY-82-327, an  
5 amendment to Part 110, exports of Australian-origin  
6 equipment and material where the Commission is being  
7 asked to approve amendments to 10 CFR Part 110 to  
8 require persons holding export licenses to notify the  
9 Commission in certain instances before shipping material  
10 and equipment of Australian origins.

11                   All Commissioners have approved the amendments  
12 that are proposed.

13                   Would you please affirm your votes.

14                   COMMISSIONER AHEARNE: Aye.

15                   COMMISSIONER GILINSKY: Aye.

16                   COMMISSIONER ROBERTS: Aye.

17                   COMMISSIONER ASSELSTINE: Aye.

18                   MR. CHILK: The second item is SECY-82-338,  
19 review of ALAB-654 in the matter of the Tennessee Valley  
20 Authority where the Commission in this paper is being  
21 asked to decide how to proceed in the review of ALAB-664  
22 in light of an Appeal Board finding in ALAB-677 that an  
23 amendment application constituted a material alteration  
24 of TVA's earlier presentation.

25                   Chairman Palladino, Commissioner Gilinsky and

1 Commissioner Asselstine have approved the order that was  
2 presented with modifications that were made to it which  
3 would remand the case to the Appeal Board to reconsider  
4 the provisions of its previous decision. Commissioner  
5 Ahearne and Commissioner Roberts have disapproved the  
6 order.

7 In view of the fact that Chairman Palladino is  
8 not present, Commissioner Roberts has agreed not to  
9 participate in this affirmation vote so that the will of  
10 the majority of the Commission can be accomplished.

11 Would you please affirm your votes.

12 COMMISSIONER AHEARNE: Aye.

13 COMMISSIONER GILINSKY: Aye.

14 COMMISSIONER ASSELSTINE: Aye.

15 MR. CHILK: The third item is SECY-82-337  
16 which is the Indian Point special proceeding order  
17 responding to the Licensing Board's certified questions  
18 where the Commission is being asked to respond to  
19 certified questions contained in a Licensing Board  
20 memorandum and certification dated August the 9th.

21 Chairman Palladino and Commissioners Ahearne  
22 and Roberts have approved an order responding to the  
23 Board's questions as modified by Commissioner Ahearne  
24 and a small Chairman Palladino change on the OGC  
25 edition. Commissioners Gilinsky and Asselstine have

1 disapproved.

2           The order will have additional views by  
3 Commissioner Ahearne and Commissioner Roberts and  
4 separate dissenting views by Commissioner Asselstine as  
5 we now understanding them.

6           Before I ask for an affirmation, I believe  
7 Commissioner Gilinsky would like to discuss something.

8           COMMISSIONER GILINSKY: Yes. I was going to  
9 ask those who wanted to approve this order to explain  
10 it, but before we do that Commissioner Roberts has just  
11 supplied us with his views.

12           I don't think as a matter of general practice  
13 we ought to have views come in at the same time as we  
14 are voting. The whole point of having a Commission is  
15 that we exchange views. To do that and to have a chance  
16 to read Commissioner Roberts' views I think we ought to  
17 put off the vote.

18           MR. CHILK: May I suggest allowing additional  
19 time to - - -

20           COMMISSIONER GILINSKY: I mean, you may  
21 persuade me. I don't know.

22           (Laughter.)

23           COMMISSIONER GILINSKY: I don't even know what  
24 he has dealt with in here, or he may persuade me on some  
25 points of the order.

1           You know, we have fallen into this way of  
2 attaching views at the end sometimes after a Commission  
3 vote. I think it is a mistake and I don't believe we  
4 ought to do that. We ought to try to exchange views  
5 before we vote.

6           COMMISSIONER ROBERTS: I certainly cannot  
7 disagree with that principle. This was an unusual  
8 circumstance.

9           COMMISSIONER GILINSKY: I would suggest just  
10 one day. When I write something I would like you to  
11 have a chance to look at it and when you write something  
12 I would like to look at it and think it over.

13          COMMISSIONER AHEARNE: Could we meet at 11:30  
14 tomorrow?

15          COMMISSIONER GILINSKY: That would be fine  
16 with me.

17          COMMISSIONER ROBERTS: Fine.

18          MR. CHILK: Would the Commission consider  
19 affirming the order and permitting discussion?

20          COMMISSIONER GILINSKY: We could have a little  
21 discussion here at least on parts of the order.

22          COMMISSIONER AHEARNE: Jim, is 11:30 all right?

23          COMMISSIONER ASSELSTINE: That is fine with me.

24          COMMISSIONER AHEARNE: Okay, let us meet at  
25 11:30 tomorrow and we will have a short-notice meeting

1 at that time.

2 Since then we are giving you a chance to read  
3 all the views why don't we postpone the discussion until  
4 11:30 tomorrow.

5 COMMISSIONER GILINSKY: We can do that or we  
6 can discuss it now.

7 COMMISSIONER AHEARNE: I guess I would prefer  
8 to postpone it.

9 COMMISSIONER GILINSKY: Very well, let's do  
10 that then.

11 COMMISSIONER AHEARNE: Okay.

12 Any other affirmation items?

13 MR. CHILK: I have nothing further.

14 COMMISSIONER AHEARNE: All right, that ends  
15 the affirmation meeting.

16 (Whereupon, at 3:47 p.m., the affirmation  
17 session concluded.)

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NUCLEAR REGULATORY COMMISSION

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

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in the matter of: PUBLIC MEETING - Affirmation/Discussion Session

Date of Proceeding: September 9, 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)