

ORIGINAL

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Title: Affirmation/Discussion and Vote

Location: Washington, D. C.

Date: Thursday, September 10, 1987

Pages: 1 - 5

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

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4 AFFIRMATION/DISCUSSION AND VOTE

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6 [PUBLIC MEETING]

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8 Nuclear Regulatory Commission  
9 Room 1130  
10 1717 H Street, Northwest  
11 Washington, D.C.

12  
13 Thursday, September 10, 1987

14  
15 The Commission met in open session, pursuant to  
16 notice, at 3:33 o'clock p.m., the Honorable LANDO W. ZECH,  
17 Chairman of the Commission, presiding.

18 COMMISSIONERS PRESENT:

19 LANDO W. ZECH, Chairman of the Commission  
20 FREDERICK M. BERNTHAL, Member of the Commission  
21 KENNETH C. ROGERS, Member of the Commission

22 STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

23 S. Chilk  
24 W. Parler  
25

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

CHAIRMAN ZECH: Good afternoon, ladies and gentlemen. This is an affirmation session. I understand we have two items before us this afternoon. Before I ask the Secretary to lead us through the items, do any of my fellow Commissioners have any remarks to make?

COMMISSIONER BERNTHAL: I have one remark, I guess with respect to the Kress Creek item. I have concurred in the suggested order from OGC on that matter. I can't help but commenting that we wouldn't be sitting here with this order today if we had done as I had originally asked but the order as it stands for where we are today is what we have to do now. Enough said.

CHAIRMAN ZECH: All right.

MR. PARLER: For clarification, what you originally asked was not done not because of any problem you had with OGC.

COMMISSIONER BERNTHAL: No, no. I didn't suggest that. I am sorry if what I said could have been construed that way. It is what the Commission did, not OGC.

CHAIRMAN ZECH: Anything else?

[No response.]

CHAIRMAN ZECH: If not, Mr. Secretary, lead us through the issues, please.

SECRETARY CHILK: Before I ask for a vote, one of the items, 87-196, the licensing of the board decision in the

1 Radiology Ultrasound Nuclear Consultants requires the  
2 Commission to vote to hold it on less than one week's notice  
3 and I wonder if I could have such a vote, please.

4 [Chorus of unanimous ayes.]

5 SECRETARY CHILK: The first item for affirmation is  
6 jurisdiction over Kress Creek. It is SECY-87-200. The  
7 Commission here is being asked to act on an order dealing with  
8 the jurisdiction and the proper division of responsibility  
9 between Illinois and NRC with respect to certain radioactive  
10 materials and contamination and whether they should be  
11 classified as source material or as byproduct material.

12 Chairman Zech and Commissioners Carr and Rogers have  
13 approved an order which was attached to the SECY memo of  
14 September 10th which requests such relevant and material  
15 factual information and legal opinions as the State of  
16 Illinois, interested counties or municipalities and any  
17 present or former parties to either the Kress Creek proceeding  
18 or the West Chicago decommissioning proceeding may have.

19 Until this further proceeding is completed the  
20 Commission will exercise jurisdiction to the extent it did  
21 prior to the effectiveness of the Illinois agreement over the  
22 radiologically contaminated materials in Kress Creek and the  
23 West Branch of the DuPage River and in Reed-Keppler Park and  
24 the thorium bearing material recovered from residential  
25 properties and a sewer treatment plant and now stored at the

1 Kerr-McGee site.

2 Commissioner Roberts did not participate. He was  
3 unavailable but his office has no objection to this proceeding  
4 in his absence.

5 Would you please affirm your votes?

6 [Chorus of unanimous ayes.]

7 SECRETARY CHILK: The second item deals with SECY-87-  
8 196, licensing board decision in Radiology Ultrasound Nuclear  
9 Consultants. Here the Commission is being asked to act on an  
10 order directed to the Presiding Officer of the proceeding on an  
11 appeal by the Radiology Ultrasound Nuclear Consultants of the  
12 staff's denial of their request for a license amendment.

13 The order directs the Presiding Officer to consider a  
14 submission from this company which was sent to the Presiding  
15 Officer after his final decision in the proceeding as a motion  
16 to reopen to be evaluated by him in accordance with the  
17 standards for reopening.

18 All Commissioners have approved the order attached  
19 which makes it clear that the submission is being considered by  
20 the Commission as a matter of discretion.

21 Would you please affirm your votes?

22 [Chorus of unanimous ayes.]

23 CHAIRMAN ZECH: Is there anything else to come before  
24 us?

25 SECRETARY CHILK: I have nothing else.

1 CHAIRMAN ZECH: Thank you. We stand adjourned.

2 [Whereupon, the meeting of the Commission was  
3 adjourned at 3:37 o'clock p.m., to reconvene at the Call of the  
4 Chair.]

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2 REPORTER'S CERTIFICATE  
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5 meeting of the U.S. Nuclear Regulatory Commission entitled:  
6

7 TITLE OF MEETING: Affirmation/Discussion and Vote

8 PLACE OF MEETING: Washington, D.C.

9 DATE OF MEETING: Thursday, September 10, 1987  
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11 were held as herein appears, and that this is the original  
12 transcript thereof for the file of the Commission taken  
13 stenographically by me, thereafter reduced to typewriting by  
14 me or under the direction of the court reporting company, and  
15 that the transcript is a true and accurate record of the  
16 foregoing events.  
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20 Marilyn Nations  
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