

ORIGINAL

RETURN TO SECRETARIAT RECORDS

NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

AFFIRMATION OF ORDER ON XSNM-1026

INCLUDING INTERVENTION PETITIONS

Place - Washington, D. C.

Date - Thursday, 22 December 1977

Pages 1 - 6

Telephone:
(202) 347-3700

ACE - FEDERAL REPORTERS, INC.

Official Reporters

444 North Capitol Street
Washington, D.C. 20001

NATIONWIDE COVERAGE - DAILY

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on December 22, 1977 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.

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.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

AFFIRMATION OF ORDER ON XSNM-1026
INCLUDING INTERVENTION PETITIONS

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

Thursday, 22 December 1977

The meeting was convened at 11:40 a.m., pursuant to notice, Dr. Joseph M. Hendrie, Chairman of the Commission, presiding.

BEFORE:

- JOSEPH M. HENDRIE, Chairman
- PETER A. BRADFORD, Commissioner
- VICTOR GILINSKY, Commissioner
- RICHARD T. KENNEDY, Commissioner

CP5889

R:mp

mask

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

2 CHAIRMAN HENDRIE: Gentlemen, could we come to
3 order, and we will deal promptly with the matters at hand.

4 Let me first deal with, because I would be
5 delighted to do so, deal with that low enriched one, and
6 the back-end to it.

7 We have an LEU opinion which deals with what
8 at -- what is it, 10 or 9 -- 9 remaining low enriched ones,
9 and we all agree on it. I simply ask for your affirmative
10 vote on that order.

11 So ordered.

12 There is at least in my group of papers attached
13 to the back of that thing an LEU license application,
14 XSNM-1119, export to the Netherlands, which the paper from
15 Mr. Shea assures us is an urgent one. And I have a note
16 on mine that says that it could be considered immediately
17 following because it follows in the opinion on the other
18 9.

19 Is that correct? Is that the way you understand
20 it?

21 MR. CHILK: We can consider that at this time.

22 CHAIRMAN HENDRIE: Is it appropriate to do so?

23 MR. CHILK: It is appropriate if the Commission
24 so wishes.

25 COMMISSIONER KENNEDY: Do we have the staff's

889. 2
1 views on it?

2 MR. CHILK: Yes.

3 COMMISSIONER KENNEDY: Do we have the license
4 itself?

5 MR. SHEA: Yes, that is correct. All of the
6 low enriched now before the Commission, that except for
7 with the one case still at stake, 8 of the 9 are here
8 now. 4 more were just received this morning.

9 COMMISSIONER KENNEDY: 1119 is one of these.

10 CHAIRMAN HENDRIE: This is a separate paper.
11 I'm sorry.

12 MR. FITZGERALD: I should point out that the
13 opinion here deals only with procedural issues. It doesn't
14 issue any licenses.

15 CHAIRMAN HENDRIE: The opinion deals with the
16 procedural issues.

17 I have in addition, then, the specific question
18 of would the Commission like to concur with the staff
19 recommendation to issue 1119. If you're willing to
20 consider that, because of the urgency, I would recommend
21 it to us.

22 Agreed?

23 All right, so ordered.

24 I understand from counsel on the subject of some
25 high enriched uranium export licenses, that it would be,

889.3
1 he believes, a helpful matter to further provide firm
2 foundation for the Commission action if we would agree
3 to reaffirm the high enriched uranium memorandum, an
4 order which all the commissioners have agreed to as of
5 last evening.

6 Now it is my recollection, pretty clear
7 recollection, I think, that the Commission, in fact, voted
8 the sense of this order some time ago, but we did not
9 have draft language in hand at the time and I said, we
10 have now agreed on it. What we now need is to have
11 counsel prepare language and circulate it for our
12 agreement. It has taken some time to come to agreement.

13 In spite of the fact that we have, in my opinion,
14 at least, previously voted on the matter, if counsel thinks
15 it would be helpful, why, I would be glad to ask you to
16 please affirm your agreement with the memorandum and order
17 on the high enriched uranium paper.

18 COMMISSIONER KENNEDY: I affirm.

19 CHAIRMAN HENDRIE: Well, let me say so ordered.

20 COMMISSIONER KENNEDY: I would like to make an
21 explanatory comment on my affirmation.

22 As to the very last sentence on page 7, which
23 reads, "This decision does not constitute a finding that
24 no environmental impact statement is required."

25 I concur in that statement. It is a factual

1 statement.

2 I would like, however, to state my own
3 understanding of the statement, that it does not imply
4 that such an environmental statement is required.

5 CHAIRMAN HENDRIE: I think that is a fair
6 interpretation.

7 COMMISSIONER BRADFORD: I think, in effect, we
8 have been holding that question open for later.

9 COMMISSIONER GILINSKY: We were going to strike
10 four words, weren't we?

11 CHAIRMAN HENDRIE: Yes. In the concurring statement
12 of Commissioners Gilinsky and Bradford, the words
13 "specifically and in detail for the second class line" are
14 to be struck.

15 COMMISSIONER BRADFORD: That's right.

16 CHAIRMAN HENDRIE: It seems to me if you and
17 Commissioner Bradford agree that it would be presumptuous
18 of me to ask for a vote on the matter —

19 COMMISSIONER KENNEDY: Could I as a matter of
20 clarification ask whether it is going to be an opinion or
21 a policy statement, or did you decide?

22 It is entirely up to you. I don't care.

23 COMMISSIONER BRADFORD: I think that would have
24 to await the substantive comments.

25 COMMISSIONER KENNEDY: You're going to leave it

1 open?

2 COMMISSIONER BRADFORD: I would like to leave
3 it open. I would also like the feelings of both of you at
4 the time that it becomes pertinent.

5 COMMISSIONER KENNEDY: Okay.i

6 COMMISSIONER BRADFORD: I'm also knocking
7 "wise," "were."

8 CHAIRMAN HENDRIE: All right, that is duly noted.
9 These languages changes are fully within the control of the
10 commissioners whose names appear at the heading of the
11 paragraphs.

12 Very good. I think we may have created a Merry
13 Christmas at least at some branches of the State Department.

14 (Whereupon, at 11:50, the meeting was adjourned.)

15

16

17

18

19

20

21

22

23

24

25

