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NUCLEAR REGULATORY COMMISSION

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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

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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

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

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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

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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,

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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.)

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