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NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

POLICY SESSION 77-58

and

ADJUDICATORY SESSION 77-49

Place - Washington, D. C.

Date - Thursday, 8 December 1977

Pages 1 - 7

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

POLICY SESSION 77-58

and

ADJUDICATORY SESSION 77-49

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

Thursday, 8 December 1977

The meeting was convened at 5:00 p.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: The Commission now turns to
3 an affirmation statement.

4 MR. HOYLE: There are several affirmations on.
5 First is SECY-77-375, Petition for Rulemaking regarding
6 stationing a full-time federal employee in a reactors' control
7 room. The petition, as it came in, had three parts to it. This
8 is one of the three parts. The other two are going to be handled
9 separately.

10 The Staff has recommended to you denial of this
11 portion of the petition, dealing with stationing a full-time
12 federal employee in the control room. The recommendation is
13 founded on the ground that the current inspection program which
14 will be improved by increasing on-site presence and increasing
15 capabilities to perform independent verification adequately
16 provides for fulfillment of NRC responsibilities in this area.
17 I have been notified that each of you concur in this recommenda-
18 tion, that this portion of the petition be denied.

19 May I have your affirmation?

20 CHAIRMAN HENDRIE: All those in favor, vote "aye."

21 (Chorus of ayes.)

22 So ordered.

23 MR. HOYLE: Next item, Mr. Chairman, is SECY-77-573,
24 a petition regarding the exemption of Spark Gap Irradiators.
25 The Commission has been asked by the Staff to make a finding

1 that the use of Spark Gap Irradiators, containing not more
2 than one microcurie of cobalt-60, for use in electrically-
3 ignited fuel oil burners having a firing rate of at least
4 three gallons per hour will not constitute an unreasonable
5 risk to the common health and security and to the health
6 of the public. This is a rulemaking filed on behalf of the
7 Ray Burner Company.

8 CHAIRMAN HENDRIE: An invironmental impact statement
9 and a caustic note from OPE saying, no wonder these things
10 take so long. Here you did a \$3 on a \$.25 item. I believe
11 we have all voted.

12 MR. HOYLE: You have all voted to concur in the
13 recommendation. Beyond that, we have had a suggestion in the
14 OTC memo to have periodic briefings on petitions for rulemaking,
15 suggested perhaps quarterly.

16 CHAIRMAN HENDRIE: But that falls outside 573. Let's
17 call for a vote on 573. Those in favor, say "aye."

18 (Chorus of ayes.)

19 We will deal with the OPC thing separately.

20 MR. HOYLE: The third item is a motion by Florida
21 Cities to lodge certain papers with you relating to alleged
22 antitrust violations. You have before you an order prepared
23 by the Office of the General Council, which would deny this
24 motion and order the Staff to refer the papers, to the Justice
25 Department, which is consistent with an earlier order you made.

1 I have been notified each of you concur in this
2 order.

3 CHAIRMAN HENDRIE: Those in favor?

4 (Chorus of ayes.)

5 MR. HOYLE: We did have appended to that, editorial
6 comments to that order, which you all looked at.

7 The next item, Mr. Chairman, as you recall, was
8 approved by the Commission in Commissioner Kennedy's absence
9 at the end of the meeting this morning, regarding the UCS
10 petition. I mention it now because it was noticed for this
11 meeting this afternoon.

12 CHAIRMAN HENDRIE: Very good.

13 MR. HOYLE: You have approved an extension of time
14 until December 15 for the Staff to respond.

15 COMMISSIONER KENNEDY: Aye, and register me as
16 approving it.

17 COMMISSIONER BRADFORD: Either we should do it
18 now, or we shouldn't have done what we did this morning.

19 COMMISSIONER KENNEDY: You can just indicate that
20 I subsequently indicated my approval or agreement.

21 MR. HOYLE: I have two other items, Mr. Chairman.
22 We have informed each of your officers that we have one other
23 paper that is ready for affirmation that was not listed.
24 It regards the approval of a 145-B clearance for an individual
25 that the Staff would like to bring on as quickly as possible.

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1 You will have to vote to add this item on short
2 notice to the affirmation schedule today.

3 CHAIRMAN HENDRIE: Dean J. Waldman (?) is a
4 consultant, Standard Development. Can I ask the Commission
5 whether they are willing to vote the short notice addition to
6 the agenda to consider the item?

7 All in favor?

8 (Chorus of ayes.)

9 MR. HOYLE: I do have concurrences from each of you
10 to authorize the employment of this individual while his
11 investigation for clearance is continuing?

12 COMMISSIONER GILINSKY: But he does not have access
13 to classified information during this period?

14 MR. HOYLE: It is very clear you are determining
15 he be precluded from access to information.

16 CHAIRMAN HENDRIE: And Standard Development
17 advises us he does not require access to national security
18 information. So we have all agreed, and I would now ask the
19 Commission to affirm these decisions.

20 (Chorus of ayes.)

21 CHAIRMAN HENDRIE: So ordered.

22 MR. HOYLE: The final item, we have been asked
23 by the General Counsel's Office to add a discussion, a short
24 discussion of ALAB-435 in the St. Lucie case. This is an order
25 which would extend time in which the Commission could review

1 and act. I would ask the General Counsel to explain the
2 matter and the need to have it on short notice.

3 CHAIRMAN HENDRIE: I think we dropped one, didn't
4 we? Isn't this the one --

5 MR. TRUBATCH: The Chairman has sent out a letter
6 stating his prior involvement in St. Lucie Unit 2 Alternative
7 Site Review, giving the Intervenors time to object.
8 Unfortunately, the letter was sent out without the supporting
9 papers. The supporting papers were served three days later, so
10 they came to the Intervenors Friday or Saturday and the Monday
11 was the time for deadline.

12 CHAIRMAN HENDRIE: How do you like that strategy?

13 MR. TRUBATCH: The Intervenor told me by phone
14 he has today sent in his objection. He will object.
15 So we think there should be more time to receive his objections
16 and consider them.

17 COMMISSIONER GILINSKY: We have three more days?

18 MR. TRUBATCH: No. The Chairman, I understand, will
19 be away next week, so to give everyone time, until the 23rd.

20 CHAIRMAN HENDRIE: We have to vote to put it on
21 the agenda. May I have your agreement to put it on the
22 agenda?

23 (Chorus of ayes.)

24 So we have an affirmative vote on putting it on
agenda on short notice. Will you please vote with me to extend

1 the time to the 23rd?

2 (Chorus of ayes.)

3 CHAIRMAN HENDRIE: So ordered.

4 MR. HOYLE: That concludes the meeting, as far as
5 I know.

6 We have an agenda planning session.

7 End (Whereupon, at 5:17 p.m., the meeting was adjourned.)

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