

ORIGINAL

RETURN TO SECRETARIAT RECORDS

NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

AFFIRMATION SESSION 78-4

Place - Washington, D. C.

Date - Wednesday, 19 April 1978

Pages 1-8

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 April 19, 1978 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.

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

AFFIRMATION SESSION 78-4

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

Wednesday, 19 April 1978

The Commission met, pursuant to notice, at 2:25 p.m.

BEFORE:

DR. JOSEPH M. HENDRIE, Chairman
PETER A. BRADFORD, Commissioner
RICHARD T. KENNEDY, Commissioner

PRESENT:

S. CHILK, Secretary
J. HOYLE, Assistant Secretary

7167.11.1

P R O C E E D I N G S

jwb

1 CHAIRMAN HENDRIE: Do you have a list of things
2 on which we agree we can affirm?

3 MR. CHILK: Yes, sir.

4 CHAIRMAN HENDRIE: You may proceed.

5 MR. CHILK: We have some items on the affirmation
6 list to be affirmed. And as I go through them, in one or
7 two instances, we are going to need a vote to hold on
8 short notice. One of them will be 78-28, which was put
9 on the schedule late.

10 CHAIRMAN HENDRIE: Warn us when you get to it.

11 MR. CHILK: I will.

12 The first item is 78-142. It deals with the
13 physical protection of Class II and Class III material. The
14 purpose of the paper was to obtain the Commission's approval
15 on 10 C.F.R., Part 73, an amendment on which NRC was
16 considering an amendment to its regulations for physical
17 protection of plants, materials, including manpower,
18 reactors.

19 The amendments would require physical protection
20 measures against theft of special nuclear material of moderate
21 and low strategic significance, and would have proposed, in
22 the interest of common defense and security.

23 All of you have approved it.

24 Commissioner Kennedy has suggested that, since
25 some of the licensees are universities, that a letter of

jwb

1 notification would be desirable. Mr. Bradford has concurred
2 in that.

3 COMMISSIONER KENNEDY: Unless someone can
4 reasonably assure me that universities, as a rule, read
5 the Federal Register avidly each morning at the beginning
6 of their day.

7 MR. CHILK: We are prepared to write letters to
8 the universities, unless there is -- I would ask you to
9 affirm your votes.

10 CHAIRMAN HENDRIE: Those in favor?

11 Aye.

12 COMMISSIONER KENNEDY: Aye.

13 COMMISSIONER BRADFORD: Aye.

14 COMMISSIONER GILINSKY: Aye.

15 CHAIRMAN HENDRIE: So ordered.

16 MR. CHILK: The second item is SECY-78-159, an
17 amendment to 10 C.F.R. 50/70 to provide for resident inspectors and
18 prompt facility access to NRC inspection personnel.

19 This is a paper which requests your approval of
20 public comment, changes to part 50/70, for which we require
21 a power-reactor licensee, and construction permit holders,
22 and selected fuel-cycle facility licensees, to provide
23 on-site office space and prompt facility access to inspection
24 personnel.

25 All of you have concurred.

jwb

1 Commissioner Kennedy has questioned the need for
2 a press release. Chairman Hendrie has indicated he likes
3 a press release, but subject to our working that out, I
4 would ask you to affirm your vote on that.

5 CHAIRMAN HENDRIE: Those in favor?

6 Aye.

7 COMMISSIONER KENNEDY: Aye.

8 COMMISSIONER BRADFORD: Aye.

9 COMMISSIONER GILINSKY: Aye.

10 COMMISSIONER KENNEDY: Useless press releases, I
11 would note for the record, serve no purpose.

12 CHAIRMAN HENDRIE: I would withdraw the comment
13 on the press release.

14 COMMISSIONER KENNEDY: I don't give a darn. I
15 think it is useless paper conveying, I might add, sometimes
16 an erroneous impression and not the one intended by the
17 press release.

18 MR. CHILK: The first item deals with
19 SECY-A-78-28, which is a review of two ALABs: Wolf Creek
20 Generating Station and Hartsville. And before I go through
21 that, I will need a short-notice vote from the Commission to
22 add that.

23 CHAIRMAN HENDRIE: May I have your vote on the
24 short notice so we can consider it?

25 Aye.

jwb

1

COMMISSIONER KENNEDY: Aye.

2

COMMISSIONER BRADFORD: Aye.

3

COMMISSIONER GILINSKY: Aye.

4

CHAIRMAN HENDRIE: So ordered.

5

MR. CHILK: The purpose is to obtain Commission

6

approval of an order to extend the time for a review of both matters

7

until 90 days after final Appeal Board action, although in neither case has

8

a party filed a petition for Commission review, the Appeals Board

9

has received motions and has requested other parties to

10

reply to the merits.

11

The attached order would extend the time for

12

Commission review of both ALABs until 30 days after the

13

final board actions.

14

COMMISSIONER KENNEDY: 462 and 463?

15

MR. CHILK: 462 and 463. I have signed votes

16

from Chairman Hendrie and Commissioner Kennedy. I understand

17

that Commissioner Bradford and Gilinsky also.

18

Can I ask you to affirm?

19

CHAIRMAN HENDRIE: Those in favor?

20

Aye.

21

COMMISSIONER KENNEDY: Aye.

22

COMMISSIONER BRADFORD: Aye.

23

COMMISSIONER GILINSKY: Aye.

24

MR. CHILK: I have one other item -- I thought I

25

had -- which I would like to bring up. That is, SECY-78-48B

7167.11.5

jwb

1 which is an assessment of the environmental impacts of
2 uranium mills in agreement states.

3 COMMISSIONER KENNEDY: I was just informed by
4 my office that there were some changes being proposed in
5 this paper, by OGC. I have not seen them. I have no
6 intention whatever of voting on the matter this afternoon.

7 MR. CHILK: Might I just ask one thing? There
8 were some changes. There were some changes made by
9 Commissioner Gilinsky's office, and some later changes made
10 by Commissioner Bradford's office.

11 COMMISSIONER KENNEDY: I have not seen them and
12 do not intend to vote on the matter this afternoon.

13 CHAIRMAN HENDRIE: Okay, it will carry over.

14 MR. CHILK: I have nothing further.

15 MR. KELLEY: Can I just mention, for the record,
16 one that was on the list and got dropped?

17 MR. CHILK: There were two that got dropped.

18 MR. KELLEY: I wanted to make a comment about one.
19 We have made a recommendation in the matter of a 206 denial
20 by a case with reference to Detroit Edison's FERMI facility
21 where we had recommended review. I am informed that there
22 were three negative votes on our recommendation. Is that
23 right?

24 Is that correct?

25 MR. CHILK: I can't answer your question.

167.11.6

jwb

1 MR. KELLEY: In any event, of these two I believe
2 the Chairman and Commissioner Kennedy did not agree with
3 our recommendation.

4 MR. CHILK: There were two that I know of.

5 MR. KELLEY: Two is enough, because it takes
6 three to carry the day.

7 I wanted to mention, in this connection, that
8 Mr. Bradford indicated his interest in the subject. We have
9 this upcoming financial qualification rule making for which
10 we issued a call under the Seabrook opinion, and it seemed
11 to me that this really is a financial qualifications issue.

12 So it would give us a generic forum from which
13 to look at the same question. I think your not reviewing
14 it here does not foreclose a fairly timely look at the
15 same issue.

16 CHAIRMAN HENDRIE: I think that is fair enough.

17 COMMISSIONER BRADFORD: I wouldn't agree with that,
18 but I guess we are not in a position to discuss it at this
19 point.

20 CHAIRMAN HENDRIE: Let's see. I would like to
21 move forward and get the other two items before the house.
22 We have a discussion of the Prarie Island, Vermont Yankee
23 recommendation from the general counsel in the matter,
24 recommending a -- let's see. We have petitions for review
25 of ALAB, in particular. We have a petition for review of

167.11.7

jwb

1 ALAB 455. We have another one, a similar sort of a thing,
2 I believe, for ALAB 459. The substantive matters are
3 quite different.

4 Let's talk about 455. Does somebody want to do
5 this, very briefly?

6 MR. VASSALLO: In ALAB 455, it deals with the
7 expansion of the spent-fuel capacities at Prarie Island
8 and Vermont Yankee.

9 (Whereupon, at 2:30 p.m., the meeting was
10 adjourned.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

