

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

In the Matter of: PUBLIC MEETING

AFFIRMATION SESSION 81-42

DATE: November 12, 1981 PAGES: 1 - 16

AT: Washington, D. C.

ALDERSON  REPORTING

400 Virginia Ave., S.W. Washington, D. C. 20024

Telephone: (202) 554-2345

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3
4
5 AFFIRMATION SESSION 81-42

6
7
8 PUBLIC MEETING

9
10
11 Nuclear Regulatory Commission
12 Room 1130
13 1717 H Street, N. W.
14 Washington, D. C.

15 Thursday, November 12, 1981

16 The Commission met, pursuant to notice, at

17 3:05 p.m.

18 BEFORE:

19 NUNZIO PALLADINO, Chairman of the Commission
20 VICTOR GILINSKY, Commissioner
21 PETER BRADFORD, Commissioner
22 JOHN AHEARNE, Commissioner
23 THOMAS ROBERTS, Commissioner

24 ALSO PRESENT:

25 S. CHILK
L. BICKWIT
F. REMICK
W. DIRCKS

* * *

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on November 12, 1981 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.

P R O C E E D I N G S

CHAIRMAN PALLADINO: The meeting will please come to order.

This is an affirmation discussion session and I will ask the Secretary to walk us through the items on the agenda.

MR. CHILK: The first paper is SECY-81-595, PG&E motion for reconsideration of the Diablo Canyon order in which the Commission is being asked to respond to a PG&E motion seeking reconsideration of its September 1981 decision insofar as it directed the Licensing Board to include low-power contentions 10 and 12 in the full-power proceeding.

The Commission has unanimously approved the order which denies a motion for reconsideration.

Would you please affirm your vote.

(Unanimous Chorus of Ayes.)

MR. CHILK: The second paper is SECY-81-594. This has been advanced one week and to discuss it and bring it up we will need a vote to hold on less than one-week's notice.

CHAIRMAN PALLADINO: May I have a vote to hold on less than one-week's notice the discussion on the SECY-81-594?

COMMISSIONER GILINSKY: What is the subject there?

CHAIRMAN PALLADINO: Publication of guidelines for

1 the management of agreement state radiation control programs.

2 (Unanimous Chorus of Ayes.)

3 MR. CHILK: Here the Commission is being asked to
4 approve a Federal Register notice statement of policy being
5 issued to inform the States and the public of the criteria
6 and guidelines which the Commission recommends for
7 management of the agreement state radiation control programs.

8 Chairman Palladino and Commissioners Gilinsky,
9 Ahearne and Roberts have approved the paper with
10 modifications that were circulated to you under my
11 memorandum of November the 12th.

12 Commissioner Bradford has approved also with
13 modifications which are being staffed at present. I wonder
14 if I could ask the Commission to indicate whether or not
15 there is an agreement with Mr. Bradford's modifications?

16 COMMISSIONER BRADFORD: Let's see. I don't think
17 I had modifications other than a suggestion that there
18 should be a firm date for the proposing of the criteria.

19 MR. CHILK: That is correct.

20 COMMISSIONER AHEARNE: That is not a modification
21 of the paper.

22 MR. CHILK: That is not a modification of the
23 paper. That is really an addition.

24 COMMISSIONER BRADFORD: Yes.

25 CHAIRMAN PALLADINO: This is to develop

1 performance objectives?

2 COMMISSIONER BRADFORD: Yes. John's I thought
3 properly noted that that was an area that the Commission had
4 been interested in before. In fact, I thought it had
5 conveyed the instruction on in June and I was just
6 suggesting that we firm the guidance up by putting a date by
7 which we expected the criteria back, but I don't believe I
8 modified the paper in any way.

9 MR. CHILK: I am sorry. I addressed that comment
10 as a modification.

11 CHAIRMAN PALLADINO: What date did you propose?

12 COMMISSIONER BRADFORD: I said the 1st of the year
13 that the criteria should be available for comment.
14 Obviously it would be sometime after that before they became
15 final.

16 CHAIRMAN PALLADINO: As I understand, there are a
17 number of complicating factors such as the uniqueness of the
18 many characteristics of the way each State runs. So it
19 could take some time.

20 COMMISSIONER BRADFORD: But in terms of getting
21 something available to go for comment, Joe, there has got to
22 be some ---

23 CHAIRMAN PALLADINO: Bill, in considering
24 SECY-594, the guidelines for the management of agreement
25 state radiation control programs, it has been suggested that

1 the Commission ask the staff to develop a set of requirement
2 objectives for these guidelines for use with the agreement
3 states. The suggestion is being made that we instruct the
4 staff to do this by a certain date. The date that
5 Commissioner Bradford had proposed was this coming January
6 1st.

7 My question is is that something that could be
8 done in that time frame or does it take additional time
9 beyond that and what might be a realistic date?

10 MR. DIRCKS: Well, it depends on what you want.
11 Overnight we could develop a couple of ---

12 COMMISSIONER BRADFORD: That shouldn't be
13 overnight, though, Bill, because ---

14 MR. DIRCKS: If you want to make it right now, I
15 could write it out for you. It depends on what you want.

16 CHAIRMAN PALLADINO: The degree of specificity.

17 MR. DIRCKS: The degree of specificity and the
18 quality of work because you have got to have something there
19 that the states can respond back to. These programs are of
20 great diversity and they scatter over something like five or
21 six thousand licensees now.

22 COMMISSIONER GILINSKY: Eleven.

23 MR. DIRCKS: Yes, 11,000 licensees, right. But
24 about 5,000 are medical and you don't have to worry too much
25 about those.

1 In order to have any sort of meaningful number you
2 have got to have some specificity in the request for
3 criteria.

4 COMMISSIONER BRADFORD: The Commission did say in
5 June that it wanted these criteria. It is not as though we
6 were starting from today. Somebody presumably has been
7 working on these for four months already.

8 (Laughter.)

9 COMMISSIONER BRADFORD: I think the word
10 "presumably" was designed to smoke out just that point.

11 (Laughter.)

12 MR. DIRCKS: You get what you pay for. If you
13 want to get some people together and spend some money I
14 suppose we could come up with something that would be
15 meaningful right away. By right way, we probably could,
16 depending on what you expect to get out of this thing ---

17 (Laughter.)

18 COMMISSIONER ROBERTS: Before the close of
19 business today.

20 (Laughter.)

21 COMMISSIONER GILINSKY: Well, we are talking about
22 a draft that they are going to react to. So it is a matter
23 of getting the process started and get something out that
24 they will react to.

25 CHAIRMAN PALLADINO: The problem as I see it,

1 among other things, is that everything we rush we have to
2 push something else aside and I am not clear at the moment
3 what tradeoffs we are making. I am not sure that these are
4 as essential as other things that may be needed.

5 COMMISSIONER AHEARNE: Is there a midway point
6 though between rush and never?

7 CHAIRMAN PALLADINO: Oh, yes.

8 (Laughter.)

9 CHAIRMAN PALLADINO: I am frankly not convinced
10 that we need them because there is such diversity among the
11 states and the staff is working with the states and
12 accomplishing good control programs.

13 COMMISSIONER AHEARNE: This, as I recall, is one
14 of the things that the states have said that it would really
15 help them if we had a set of things. Right at the moment it
16 is a very subjective discussion between our staff and the
17 states.

18 CHAIRMAN PALLADINO: Well, I don't have all your
19 familiarity.

20 MR. DIRCKS: Did the states really say that?

21 COMMISSIONER AHEARNE: Yes, they did, in the
22 radiation control material. That is right. Usually it is
23 when we disagree with the state's program that they say
24 well, look we really would have been helped if you guys had
25 been able to say that ---

1 MR. DIRCKS: Whatever you come up with will
2 require the states to accumulate data and report data back
3 to us. I have never heard too many people liking to be put
4 in that position.

5 COMMISSIONER AHEARNE: Wait now. That is not
6 necessarily true that any objective criteria we develop
7 means the state has got to accumulate data and report it
8 back to us.

9 The point that several of the states have made, at
10 least a year or so ago, when we had said we had a lot of
11 troubles with their programs, the point that they had raised
12 was that this is all your judgment. You don't have any list
13 of things that we are supposed to meet, very specific
14 criteria that we are supposed to be measured against.

15 Now I will grant that some states have also
16 pointed out that you shouldn't compare us with that other
17 state because we are different, one is larger, one is
18 smaller ---

19 MR. DIRCKS: That is difficult.

20 COMMISSIONER AHEARNE: It is difficult.

21 COMMISSIONER GILINSKY: It really sounds like we
22 are really talking about not doing it at all. You are
23 saying what Bill is saying.

24 COMMISSIONER AHEARNE: Well, I know the staff
25 doesn't want to do it. That is true.

1 CHAIRMAN PALLADINO: I was coming in probably with
2 too little background.

3 COMMISSIONER GILINSKY: I mean if we are not going
4 to do it, we ought to just tell everybody we are not going
5 to do it. The reason I have been concerned about this area
6 is that in the past we really haven't done a very good job
7 of overseeing the state programs and we have tended to be,
8 you know, very shy about criticizing them and stepping in.

9 Now since Bill has been head of NMSS we got
10 tougher.

11 (Laughter.)

12 COMMISSIONER AHEARNE: "Since" is a word that
13 could be interpreted two ways.

14 (Laughter.)

15 COMMISSIONER GILINSKY: Well, from the time when
16 we started this reform and this is the fruit of it ---

17 CHAIRMAN PALLADINO: I wasn't aware that the
18 states were complaining they didn't have guidelines.

19 MR. DIRCKS: We could put something together that
20 would sort of give you I suppose a conceptual look at some
21 measurement devices without coming up with any great detail,
22 or more importantly, without too much of a firm handle on
23 the costs that we may be imposing either on our system or
24 the state system. We couldn't give you that information.

25 COMMISSIONER GILINSKY: Well, certainly the states

1 could tell us.

2 MR. DIRCKS: The states will tell us, but we don't
3 want to say it in such a way that the states will
4 immediately see such an impact that they won't come back and
5 rationally tell us.

6 I think what we can do is give you some, and it
7 won't be in great depth or in great detail, but at least we
8 can outline something in a conceptual framework. Just give
9 me the time and we will come back with some proposal to
10 you. Again, it would be the final product, but it will be
11 something that you can take a look at. It might not be
12 satisfactory to send to the states, but we can start the
13 ball rolling.

14 COMMISSIONER AHEARNE: When would you expect to be
15 able to develop something that would be satisfactory to send
16 to the states?

17 CHAIRMAN PALLADINO: To send to the states for
18 their comments.

19 MR. DIRCKS: We can tell you when it would be
20 satisfactory to send to you ---

21 COMMISSIONER GILINSKY: Well, why don't we see
22 what we get.

23 MR. DIRCKS: Let me say that at least we will get
24 something done without diverting a lot of manpower and
25 without spending much money. We will get you a piece of

1 paper down that would outline that here is a program that
2 could serve as a basis for exploring something with the
3 states in about a month from now.

4 CHAIRMAN PALLADINO: I am a little worried in
5 pushing you too hard.

6 MR. DIRCKS: I feel I am being pushed.

7 (Laughter.)

8 CHAIRMAN PALLADINO: I see there may be some need
9 for it. I hate to have something real superficial and yet I
10 would have to have you divert a lot of attention, but
11 perhaps something like March 1st would be a realistic time.

12 COMMISSIONER GILINSKY: I think we are going to
13 get exactly the same ---

14 CHAIRMAN PALLADINO: Except that you will get it
15 by March 1st.

16 COMMISSIONER GILINSKY: Except that we will get it
17 by March 1st. I mean the guy instead of starting to work
18 today he will start working on February 1

19 CHAIRMAN PALLADINO: That is part of what I was
20 looking for.

21 (Laughter.)

22 COMMISSIONER GILINSKY: If you don't want this
23 thing to come out, it is a different story. I guess I was
24 -- (Inaudible) -- to think what we were putting out with
25 these criteria.

1 MR. DIRCKS: Well, you are getting something
2 here. It is not obviously what you wanted. We don't always
3 have great success in convincing everyone.

4 COMMISSIONER AHEARNE: You explicitly dropped out
5 the mention of those performance characteristics.

6 MR. DIRCKS: We dropped out some of them.

7 COMMISSIONER AHEARNE: You dropped out even the
8 mention of it.

9 MR. DIRCKS: No.

10 COMMISSIONER AHEARNE: Yes. It is going back in,
11 but it was dropped out.

12 MR. DIRCKS: I think the staff paper does cover
13 that. We have some objective measurement of the effluent
14 releases contained -- (Simultaneous Conversations -
15 Inaudible).

16 COMMISSIONER GILINSKY: It will be the same guy
17 who will sit down and who will do it. It is not a guy who
18 is licensing reactors -- (Simultaneous Conversations -
19 Inaudible).

20 MR. DIRCKS: If you want to take it as a step-wise
21 function, we will give you something and then you may react
22 to it and we will ---

23 COMMISSIONER GILINSKY: This is going to
24 presumably get done in state programs, isn't it?

25 MR. DIRCKS: Yes.

1 COMMISSIONER GILINSKY: So I mean what is it
2 competing with that concerns you?

3 CHAIRMAN PALLADINO: That is my problem. I don't
4 know what it is competing with and as soon as you impose a
5 quick date, then that automatically takes away your
6 opportunity to find out what it is competing with. I was
7 willing to go to March 1st and say, well, all right, but
8 apparently you see a need for it rather quickly, and I don't
9 have all your background, and I was trying to give a
10 reasonable time period in which to do it. Maybe I should
11 keep quiet because I don't have all the background.

12 COMMISSIONER GILINSKY: (Inaudible.)

13 (Laughter.)

14 COMMISSIONER BRADFORD: You are doing fine.

15 COMMISSIONER GILINSKY: It is a matter of span of
16 attention. It isn't that it is the end of the world if it
17 comes March 1st. It is just that by March 1st I will have
18 forgotten it.

19 (Laughter.)

20 COMMISSIONER GILINSKY: (Inaudible.)

21 (Laughter.)

22 CHAIRMAN PALLADINO: I have another problem.
23 December is complicated with a lot of other activities. I
24 would suspect that if we get a memo we could get it out
25 through the Secretary and the Secretary would sure remind

1 us, or we would direct him to remind us -- (Inaudible)

2 COMMISSIONER AHEARNE: How about February 1st?

3 COMMISSIONER ROBERTS: Yes, February.

4 CHAIRMAN PALLADINO: I have no problem with
5 February 1st as the date.

6 Well, the proposal is we try February 1st. That
7 is a compromise.

8 MR. DIRCKS: What do you want on February 1st.

9 (Laughter.)

10 MR. DIRCKS: A statement of what could be used to
11 measure the performance of the state against some criteria
12 that we -- (Inaudible). You want at least a statement in
13 broad terms. I am not going to say it is going to be the
14 end-all -- (Inaudible.)

15 COMMISSIONER BRADFORD: Well, let's see. I don't
16 have in front of me what the Commission said on the subject
17 of performance based criteria back in June, but whatever it
18 was maybe that could be what we get in February.

19 COMMISSIONER AHEARNE: And an outline of how you
20 could get there.

21 MR. DIRCKS: An outline of how we could get there,
22 fine.

23 COMMISSIONER BRADFORD: I was hoping for a little
24 more. I was hoping for an actual draft.

25 CHAIRMAN PALLADINO: For Commission

1 consideration. That is what I thought they were asking for.

2 COMMISSIONER BRADFORD: Yes.

3 CHAIRMAN PALLADINO: Why don't we say this is what
4 we are going to ask you to do. You can do it by February
5 1st. Get us a draft for Commission consideration and it
6 should be as close as you can make it to something we would
7 be willing to discuss with the states.

8 MR. DIRCKS: We will get as close as we can get to
9 that.

10 CHAIRMAN PALLADINO: Is that reasonable?

11 COMMISSIONER BRADFORD: Yes.

12 COMMISSIONER AHEARNE: Fine.

13 COMMISSIONER GILINSKY: (Nodding affirmatively.)

14 COMMISSIONER ROBERTS: (Nodding affirmatively.)

15 CHAIRMAN PALLADINO: Now what do we do with
16 SECY-594.

17 MR. CHILK: Can we separate the two?

18 COMMISSIONER AHEARNE: Yes. That is a separate one.

19 COMMISSIONER BRADFORD: Yes.

20 MR. CHILK: Then would you please affirm your
21 votes on the SECY-594?

22 (Unanimous Chorus of Ayes.)

23 MR. CHILK: That concludes the affirmation.

24 CHAIRMAN PALLADINO: Anything more to come on the
25 affirmation session?

1 (No response.)

2 CHAIRMAN PALLADINO: We will stand adjourned.

3 (Whereupon, 3:20 p.m., the affirmation session
4 adjourned.)

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
COMMISSION MEETING

in the matter of: Affirmation Session 81-42 - PUBLIC MEETING

Date of Proceeding: November 12, 1981

Docket Number: _____

Place of Proceeding: Washington, D. C.

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Mary C. Simons

Official Reporter (Typed)

Mary C Simons

Official Reporter (Signature)