



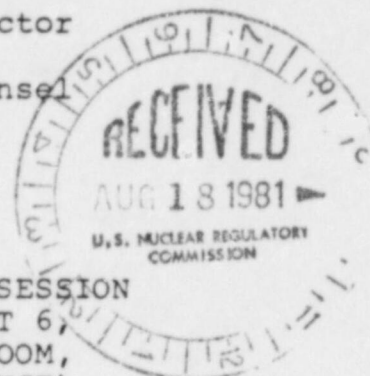
UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

August 12, 1981

PDR Copy

OFFICE OF THE  
SECRETARY

MEMORANDUM FOR: William J. Dircks, Executive Director  
for Operations  
Leonard Bickwit, Jr., General Counsel  
Carlton Kammerer, Director, OCA  
Joseph J. Fouchard, Director, OPA  
FROM: John L. Hoyle, Acting Secretary  
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION  
81-29, 3:05 P.M., THURSDAY, AUGUST 6,  
1981, COMMISSIONERS' CONFERENCE ROOM,  
DC OFFICE (OPEN TO PUBLIC ATTENDANCE)



I. SECY-81-376 - Physical Security Requirements for Nonpower  
Reactor Licensees Possessing a Formula Quantity of SSNM  
(Rulemaking Issue)

The Commission, by a vote of 3-2\* (Chairman Palladino and Commissioners Ahearne and Roberts approving), approved for publication in the Federal Register for comment amendments to Parts 50, 70 and 73 as set forth in Alternative 3. The attached separate views of Commissioner Bradford will be included with the proposed rule. Commissioner Gilinsky agrees with these views. The Commission also approved Commissioner Gilinsky's request to publish on his own initiative Alternative 2 for comment, with a cautionary note to the public indicating that Alternative 2 and comments thereon will not form the basis for a final rule.

(EDC/OGC) (SECY Suspense: 9/1/81)

The Commission requested that:

- (1) The appropriate Congressional Committees be notified of the Commission action. (OCA/NMSS) (SECY Suspense 9/1/81)
- (2) A formal request for ONB review and clearance of the proposed information collection requirements (Enclosure E of the subject paper) be initiated. (NMSS) (SECY Suspense: 9/1/81)

\* Section 201 of the Energy Reorganization Act, 42 U.S.C. 85841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Gilinsky was not present when this item was affirmed, but had previously indicated his approval of Alternative 2. Had Commissioner Gilinsky been present, he would have affirmed his prior vote. Accordingly, the formal vote of the Commission was 3-1 in favor of Alternative 3.

- (3) A public announcement be prepared and issued when the amendments are filed with the Office of the Federal Register.  
(OPA/NMSS) (SECY Suspense 9/1/81)

II. SECY-81-422 - TMI Related Requirements for Operating Reactors (Adjudicatory Issue)

The Commission, by a vote of 3-1 (Commissioner Bradford approving; Commissioner Gilinsky not present and not participating) disapproved publication of a proposed rule to codify NUREG-0737 operating reactor requirements and schedules. (NRR)

III. SECY-81-435 - Director's Denial of 2.206 Relief  
(In the Matter of Long Island Lighting Company)  
(Adjudicatory Issue)

The Commission, by a vote of 3-2\*\* (Commissioners Gilinsky and Bradford disapproving), decided not to take review of the Director's Denial. (OGC)

cc: Chairman Palladino  
Commissioner Gilinsky  
Commissioner Bradford  
Commissioner Ahearne  
Commissioner Roberts  
Commission Staff Offices  
Public Document Room

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\*\*Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841 provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Gilinsky was not present when this item was affirmed but had previously indicated his disapproval. Had Commissioner Gilinsky been present, he would have affirmed his prior vote. Accordingly, the formal vote of the Commission was 3-1 not to take review.

SEPARATE VIEWS OF COMMISSIONER BRADFORD FOR INCLUSION IN THE  
PROPOSED RULE ON PHYSICAL SECURITY REQUIREMENTS  
FOR NON-POWER REACTOR LICENSEES

I am concerned with both the substance and the procedure of this Commission action. Substantively, it is a serious error to contemplate a long-term arrangement under which highly enriched uranium at university reactors might be afforded less protection than the same material elsewhere. There is nothing about a university environment that is inherently any safer than the rest of the nation as a location for material than can be directly used in the making of nuclear bombs. This material has that extraordinary potential, and the Commission should be seeking comment on a rule that protects it uniformly, wherever it might be stolen.

As a procedural matter, this is the first case that I can recall in which the Commission has declined to seek comment on positions encompassing the full range of views among the Commissioners. Despite staff studies suggesting levels up to 3,000 rem per hour, the only number being proposed for comment is 100 rem per hour. While the public is, of course, still free to urge a significantly higher level of protection than that proposed here, the non-power reactor operators are not given notice that this rule-making might end in such a result. It would have been far better to invite comment on a range of possible exposure standards and protection formats, indicating if necessary a Commission preference as of now for the lower end of the range. This would have avoided the suggestion that a particular type of reactor owner is being unduly favored and would have preserved the Commission's valuable past practice of obtaining comment on the full range of views that exists among the Commissioners in order to get comment from the affected groups on the courses of action that we might follow.