

ORIGINAL

NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

DISCUSSION OF TWO REQUESTS TO TRANSFER & STORE SPENT
FUEL AT REACTOR SITES OTHER THAN THE SITE WHERE THE FUEL
WAS IRRADIATED AND TO HAVE SUCH STORAGE INDEMNIFIED

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 PUBLIC MEETING

4 DISCUSSION OF TWO REQUESTS TO TRANSFER & STORE SPENT
5 FUEL AT REACTOR SITES OTHER THAN THE SITE WHERE THE FUEL
6 WAS IRRADIATED AND TO HAVE SUCH STORAGE INDEMNIFIED
7

8 Room 1130
9 1717 H Street, N.W.
10 Washington, D. C.

11 Tuesday, 12 December 1978

12 The Commission met, pursuant to notice, at 9:50 a.m.

13 BEFORE:

14 DR. JOSEPH M. HENDRIE, Chairman
15 VICTOR GILINSKY, Commissioner
16 RICHARD T. KENNEDY, Commissioner
17 PETER A. BRADFORD, Commissioner
18 JOHN F. AHEARNE, Commissioner

19 PRESENT:

20 Messrs. Denton, Gossick, Kelley, Malsch, Pederson,
21 Saltzman, and Shapar
22
23
24
25

P R O C E E D I N G S

2 CHAIRMAN HENDRIE: The first item this morning is
3 a discussion of a pair of requests to transfer and store
4 spent fuel at reactor sites other than the reactor
5 site that the fuel was irradiated at and also to have such
6 storage, I guess transportation and storage indemnified
7 under the Price-Anderson Act.

8 Lee?

9 MR. GOSSICK: Mr. Denton has some introductory
10 comments.

11 MR. DENTON: The Commission has considered this
12 question one previous time about a year ago; I believe it
13 considered the transfer between Brunswick and Robinson and
14 concurred in the indemnification of that fuel which was
15 stored at a site other than where it was irradiated.
16 The Commission noted that this was not to be considered as
17 a precedential setting action.

18 Today we propose to discuss two requests we have
19 before us. We are not actually proposing that we obtain
20 your approval of the action today, but rather that we notice
21 in the Federal Register an intent to proceed this way and see
22 what sorts of comments we get.

23 Jerry Saltzman will brief you on what the two
24 proposals are.

25 MR. SALTZMAN: Basically this paper focuses on

1 the indemnity questions involved in indemnifying the fuel
2 that would be stored from one reactor at the site of
3 another reactor.

4 Under the Price-Anderson Act, the licensed activities
5 that are indemnified at a reactor include the reactor operation
6 and the fuel awaiting storage in the reactor and the fuel that
7 is discharged from that reactor.

8 Deradioactive material as a defined term in every
9 indemnity agreement involves the fuel and material to be
10 used in the reactor. It's the view of the Staff that material
11 that is being stored at the reactor that comes from another
12 reactor is not deradioactive material.

13 For indemnity to apply at the reactor, the indemnity
14 agreement itself would have to be changed. The change itself
15 is a rather minor one. It's a question of saying, "and the
16 fuel from reactor number so-and-so."

17 But the policy question is a more profound one
18 and it has to do with whether the Commission feels that the
19 indemnification of fuel stored at a reactor should be
20 different than the present situation of the indemnity -- lack
21 of indemnification for fuel stored at a place that is not
22 a reactor.

23 For example, the GE Midwest Fuel Delivery Plant
24 or the GE Facility which it is now called at Morris.

25 COMMISSIONER GILINSKY: They are not under Price-

1 Anderson?

2 MR. SALTZMAN: They are not under Price-Anderson.

3 COMMISSIONER GILINSKY: They buy their own
4 insurance?

5 MR. SALTZMAN: Yes. They buy their own insurance,
6 for the full amount, but they are not indemnified. When they
7 were a reprocessing plant, they had a construction permit to
8 be a reprocessing plant. They were going toward getting an
9 operating license. We did enter into an indemnity agreement
10 with them. But at the time the Part 50 license was terminated,
11 so was the indemnity agreement. So now they are not indem-
12 nified.

13 MR. SHAPAR: Mandatory Price-Anderson is applicable
14 only to production facilities.

15 CHAIRMAN HENDRIE: However, it would be true of the
16 Morris facility upon appropriate application if the Commission
17 agreed?

18 COMMISSIONER AHEARNE: You mean the Commission
19 could extend?

20 CHAIRMAN HENDRIE: We could require they have
21 financial protection and then extend the indemnification to
22 them so that fuel stored in Morris or some other -- away from
23 the reactor -- depot could be covered.

24 MR. SHAPAR: The Staff is doing a study on that
25 very question.

1 MR. SHAPAR: That's right. Looking not only at
2 fuel stored away from reactors but also all materials
3 licensees. The Commission did exercise its discretionary
4 authority in 1976 in that it decided to indemnify plutonium
5 processing fuel fabrication plants, a small group of licensees,
6 maybe a half a dozen of them, that make -- manufacture
7 plutonium fuel.

8 These are indemnified under the Commission's
9 discretionary authority. The Commission then told the Staff
10 to go on and look at all materials licensees to see whether
11 enriched uranium, U_{233} , perhaps even some by-product
12 licensees should also be indemnified and whether the
13 Commission's decision with respect to plutonium processing
14 and fuel fabrication plants was a correct one.

15 This study is under way. The basic data collection
16 is being done at Oak Ridge National Laboratory. There have
17 been delays there because of disagreements as to the models
18 to be used and the computer programs and so forth. They are
19 attempting to resolve that. We hope to get the basic
20 data up from Oak Ridge First; and then NMSS will apply
21 their expertise to it and decide even if, say, a particular
22 isotope could cause an accident possibly that exceeds the
23 insurance that's obtainable, are these quantities that are
24 involved here actually licensed and are they possessed by
25 licensees.

1 They have to examine the particular licenses
2 and they have to examine the mechanisms for getting the material
3 out.

4 Finally, we would apply the Price-Anderson
5 questions which may go beyond, probably will go beyond, the
6 simple technical questions as this one does and say, "Well,
7 for other reasons, for other policy reasons, perhaps even for
8 reasons of symmetry, should you have Price-Anderson
9 extensions to certain materials licensees.

10 CHAIRMAN HENDRIE: Dick, you started a question
11 there, I thought.

12 COMMISSIONER GILINSKY: I think it got answered.

13 CHAIRMAN HENDRIE: John?

14 COMMISSION AHEARNE: Is that the same study referred
15 to in Brunswick?

16 MR. SALTZMAN: I am afraid so, yes.

17 COMMISSIONER AHEARNE: Brunswick 1977 said it would
18 be completed by the end of the year.

19 CHAIRMAN HENDRIE: Which year?

20 COMMISSIONER AHEARNE: Yes.

21 MR. SALTZMAN: The problem is that the data
22 collection, especially --

23 COMMISSIONER KENNEDY: Since it isn't going to
24 be completed by the end of this year, I don't believe they
25 could have meant last year. What do they mean?

1 MR. SALTZMAN: I don't think they realized how com-
2 plicated the question was. The problem arises from decontami-
3 nation especially for lesser contaminated areas. How far do
4 you have to go? How much money do you have to spend to
5 decontaminate? Can you just hose it down, turn over the
6 dirt?

7 They have to remove the dirt. Apparently the
8 problem that arises in Oak Ridge is that you have different
9 computer codes, one based on taking everything away and
10 the other based on doing whatever is necessary to bring it
11 down.

12 COMMISSIONER GILINSKY: What is the basic
13 question they are trying to answer?

14 MR. SALTZMAN: How much is it going to cost you
15 if you have minor decontamination caused by materials from,
16 say, materials licensees decontaminating an area? How
17 much would it cost you to clean this up? Are these costs
18 so large as to probably get you into a Price-Anderson area or
19 are they small enough to be included within the insurance
20 that can be purchased?

21 (Commissioner Bradford entered the meeting at 10:00
22 a.m.)

23 MR. SALTZMAN: If they are relatively minor costs, which
24 apparently the study thinks they are for any materials licensees,
25 the Commission probably would not -- would want to consider

1 seriously whether they should extend Price-Anderson.

2 COMMISSIONER GILINSKY: You are asking whether or
3 not indemnification is necessary?

4 MR. SALTZMAN: Yes.

5 MR. DENTON: Do you have an idea when that's
6 expected?

7 MR. SALTZMAN: Do we have a date on when it's
8 coming up from Oak Ridge?

9 VOICE: The latest date we have is 10 days from
10 yesterday for their report to resolve -- the two reports
11 to be resolved.

12 COMMISSIONER AHEARNE: By the end of this year?

13 MR. SALTZMAN: No. That gets it up from Oak
14 Ridge. I think it's going to be controversial. Apparently
15 there are two different studies being worked on in Oak
16 Ridge. What's going on right now is that in each study, they
17 are writing an addendum that links one study to the
18 other one.

19 The addenda will be the same for both studies. That
20 is to say, read our study, be aware that study comes up with
21 different numbers.

22 CHAIRMAN HENDRIE: These are technical studies
23 on decontamination?

24 MR. SALTZMAN: Yes. Technical studies on source
25 terms.

1 CHAIRMAN HENDRIE: Contamination and decontamination.

2 COMMISSIONER GILINSKY: Levels of decontamination
3 required.

4 CHAIRMAN HENDRIE: Take each of the materials we
5 license, look at the different forms in which it's licensed
6 and you say what could happen to spread this stuff around; and
7 if it did, what would we have to do to clean it up?

8 Of course, there's inevitable argument over how
9 far it could be spread and even more argument over what levels
10 of cleaning up would be appropriate.

11 The aim is to try to get a set of prices as I
12 understand it, estimated cost for each of these contingencies
13 and then to judge whether this is way above, way below,
14 available commercial insurance amounts.

15 I guess the aim is if you have a number of
16 situations where it's -- where it looks as though the
17 available commercial insurance simply would not cover, then
18 the question arises is that a candidate for Price-Anderson.

19 COMMISSIONER AHEARNE: Is the difference --

20 CHAIRMAN HENDRIE: I see where the study gets
21 complicated and where people disagree.

22 COMMISSIONER GILINSKY: Edward Teller said real experts
23 never disagree on technical questions.

24 COMMISSIONER AHEARNE: Edward usually means that
25 includes him.

1 CHAIRMAN HENDRIE: Did he tell you how many real
2 experts there were?

3 COMMISSIONER GILINSKY: Just one.

4 COMMISSIONER AHEARNE: On this issue of disagreement
5 at Oak Ridge, are the two disagreements between the cost or
6 is it -- are the two disagreements between the extent of
7 contamination and, therefore, the result of cost?

8 MR. SALTZMAN: I believe it is the cost of
9 decontamination; but -- Pete?

10 VOICE: That's part of it. There are some
11 differences in substance. Obviously there are different
12 numbers.

13 COMMISSIONER AHEARNE: Are there differences in the
14 contamination also?

15 VOICE: There are differences in contamination
16 and decontamination.

17 CHAIRMAN HENDRIE: Since there's a certain
18 amount of uncertainty, or to get the language of another
19 discussion we have here from time to time, the uncertainties
20 appear to be -- to have been underestimated, since there's
21 a substantial uncertainty in some ways, you are just
22 as well off to let individual groups go ahead and crack through
23 with their version and see how they compare on an overall
24 basis.

25 MR. SALTZMAN: I think that's what is planned.

1 They are not trying to reach an agreement any more.
2 They are trying to explain the differences so that a person
3 can pick up any one study and understand why the other
4 study is so different.

5 COMMISSIONER AHEARNE: Part of the problem is you
6 just explained there's a substantial uncertainty about
7 what are the possible effects of the action that you are
8 proposing to take.

9 CHAIRMAN HENDRIE: Not today.

10 MR. SALTZMAN: Not today.

11 CHAIRMAN HENDRIE: These don't apply to things like
12 spent fuel.

13 COMMISSIONER AHEARNE: I thought that was part of
14 the --

15 CHAIRMAN HENDRIE: I don't think -- is there any
16 great doubt?

17 COMMISSIONER AHEARNE: I thought that was what --

18 MR. DENTON: What we were proposing --

19 COMMISSIONER GILINSKY: This includes spent fuel
20 away from reactor sites.

21 MR. SALTZMAN: This is spent fuel at reactor
22 sites. We think this question can be settled for
23 different reasons that are not technically based.

24 MR. DENTON: On more narrow ground, our concern
25 is that if you do blend the fuels at a reactor, and there

1 is an accident, the public would be surprised to find fuel
2 from that reactor was indemnified.

3 MR. SHAPAR: Beyond that, you may not be able
4 to determine which fuel caused the accident.

5 COMMISSIONER GILINSKY: Would that make any diff-
6 erence as a practical matter? You have to assume some of the
7 indemnified fuel --

8 COMMISSIONER KENNEDY: If you couldn't determine
9 which it was, that would be the only reasonable assumption.

10 MR. SALTZMAN: I can see it being litigated.

11 CHAIRMAN HENDRIE: An even more reasonable
12 situation might be if the Commission kept all of the spent
13 fuel indemnified.

14 COMMISSIONER GILINSKY: That's possible one wouldn't
15 have to litigate that.

16 COMMISSIONER KENNEDY: That goes to a different
17 question. The indemnification takes effect only when the
18 level of loss reaches a point which is presumed to be beyond
19 the level which could be covered by regularly purchased
20 insurance; isn't that true?

21 MR. SALTZMAN: Yes. If by that you mean a
22 government indemnity. Generally we are talking the whole
23 Price-Anderson scheme with its mandatory insurance and the
24 government indemnity.

25 COMMISSIONER AHEARNE: And the waiver?

1 MR. SALTZMAN: That is another situation. The
2 problem with the waiver is that when the legislation was
3 written in 1966 that introduced the waivers, they applied
4 only to production utilization facilities.

5 I don't know if that was intentional or not. You
6 are going to need further amendment of the Price-Anderson
7 Act itself to extend it to any licensee where the Commission
8 exercises discretion or authority.

9 COMMISSIONER AHEARNE: So there is no waiver here?
10 It's just indemnification?

11 MR. SALTZMAN: That's right. It doesn't give
12 you exactly the same protection.

13 MR. SHAPAR: Except that the consensus is that
14 we have an accident involving radioactive materials, the
15 courts would apply -- the strong probability is the courts
16 would apply a doctrine of strict liability.

17 Of course, the waivers make that sure. The
18 probability is that even without the waivers, strict liability
19 would be imposed by the courts.

20 COMMISSIONER AHEARNE: It is better not to
21 experience it, though.

22 MR. SHAPAR: It's the informed judgment by a
23 great number of legal commentators.

24 MR. SALTZMAN: We are trying to chip away at
25 the areas of doubt. The more we can do that, for example,

1 fuel stored at a reactor that's not really that reactor's
2 fuel, under indemnity, anyway, you have taken away one area
3 of doubt if there were an accident at that reactor.

4 COMMISSIONER AHEARNE: This study we are talking
5 about, when is your best estimate of when it will be
6 completed, completed in the sense you previously described;
7 that is, having come up here and then gone through the staff
8 process?

9 MR. SALTZMAN: I would say that we would need two
10 to three months beyond what NMSS needs.

11 Does NMSS know when they could be treated?

12 VOICE: I am sorry?

13 MR. SALTZMAN: After it comes up from Oak
14 Ridge, how much time would you need to add on to it?

15 VOICE: Within a few months, one to two months.

16 COMMISSIONER AHEARNE: That's three to five. When
17 do you expect -- when do you expect to get it from Oak
18 Ridge?

19 MR. SALTZMAN: They say 10 days.

20 COMMISSIONER AHEARNE: Is that 10 days, the final
21 product from Oak Ridge?

22 VOICE: That's what they said.

23 COMMISSIONER AHEARNE: Maybe mid-year?

24 MR. SALTZMAN: There's another one which we
25 are exploring. That is get the studies up and have them

1 published, get them out on the street, and let people start
2 considering the studies separately before they even get to the
3 Price-Anderson question.

4 I think there is enough controversial about the
5 studies themselves and the technical results that they want
6 before you introduce the Price-Anderson questions which go
7 beyond the technical questions.

8 What we might want to do is just send up through
9 information papers the studies and let the Commission
10 consider them and let them be published and the public consider
11 them before we then address a staff paper to the Price-
12 Anderson question.

13 CHAIRMAN HENDRIE: But the proposition before the house
14 this morning rests on a rather different ground, the rather
15 different ground Harold has mentioned.

16 If you take fuel from reactor A because its pool
17 is getting crowded and put it in the pool of reactor B, where
18 it's joined by fuel from reactor B, there does seem to be some
19 reason or logic to having the -- to the extent possible --
20 the same protection provisions apply to fuel A and fuel
21 B in the same pool?

22 COMMISSIONER GILINSKY: What about the fuel in
23 transit?

24 MR. SALTZMAN: That would be indemnified anyway.
25 The fuel is covered under the -- let's take the Duke case --

1 under the Ocone indemnity agreement, as long as it is in
2 transportation to the place where the transportation will
3 end.

4 CHAIRMAN HENDRIE: It's originating reactor coverage
5 extends out to the place where, until you put it in the other
6 fellow's pool?

7 MR. SALTZMAN: Until the transportation itself
8 ends.

9 COMMISSIONER GILINSKY: Why do you stop there? Why
10 do you only cover it for one leg of the journey?

11 MR. SALTZMAN: Because when the whole Price-Anderson
12 thing was originally started, the assumption was there were going
13 to be reprocessing plants. They were production facilities.
14 They would be under mandatory indemnity. They would pick
15 it up at their facility, indemnify it there, and the
16 transportation from the reprocessing plant to where it
17 ultimately went would then be covered.

18 The question of where it ultimately went was
19 never addressed.

20 CHAIRMAN HENDRIE: That cutoff is in the statute
21 or is that in our regulation?

22 MR. SHAPAR: Our regulations.

23 COMMISSIONER GILINSKY: What is the cutoff?

24 MR. SALTZMAN: The end of transportation.

25 COMMISSIONER GILINSKY: It just allowed one leg?

1 MR. SALTZMAN: Yes. One ultimate leg.

2 If you take it to the freight terminal and it sits
3 there and goes to another means of transportation, that's
4 all covered.

5 COMMISSIONER AHEARNE: Why isn't an interim storage
6 covered?

7 MR. SALTZMAN: Well, it's really not in the course
8 of transportation. It has come to an end.

9 COMMISSIONER AHEARNE: No, it hasn't.

10 MR. SALTZMAN: You are going to leave it there
11 forever?

12 COMMISSIONER KENNEDY: What is forever?

13 COMMISSIONER GILINSKY: What does the regulation
14 say?

15 MR. SALTZMAN: "In the course of transportation
16 means in the course of transportation within the United
17 States including handling or temporary storage incidental thereto."

18 COMMISSIONER KENNEDY: Incidental to the transportation.

19 MR. SALTZMAN: Yes.

20 "Of the radioactive material to the location or
21 from the location," and then it has "provided that," and
22 says:

23 "The transportation of the radioactive material
24 from the location shall be deemed to end when the radioactive
25 material is removed from the transporting conveyance for any

1 purpose other than the continuation of transportation
2 or temporary storage incidental thereto."

3 COMMISSIONER GILINSKY: Would not be covered.

4 CHAIRMAN HENDRIE: So in order to make that
5 stretch, you would have to provide that the second -- the
6 residence in the second pool is temporary storage, what?
7 Incidental transportation thereto?

8 That is -- I don't know -- would guess if one wanted
9 to do that, one ought to speak more explicitly to it than just
10 try to use that phrase.

11 Actually, let's see, what does the statute -- tell
12 me what the statute says about this?

13 MR. SHAPAR: Just says, "licensed activity," and
14 leaves it up to the Commission to write regulations.

15 CHAIRMAN HENDRIE: In principle the Commission
16 then under the statute could provide that spent fuel coming
17 from reactor A would continue to carry with it a Price-
18 Anderson indemnification from reactor A until it finally
19 either went down a hole in the ground or into a reprocessing
20 plant that had its own Price-Anderson?

21 MR. SHAPAR: But the logic of indemnifying the
22 licensed activity is that the licensed activity itself is so
23 potentially hazardous that it mandates Price-Anderson
24 coverage; and here you are having something that really, as
25 a matter of logic, is not used in connection with the licensed

1 operation at all. It could just as well have been Dresden.

2 COMMISSIONER GILINSKY: If you were going to cover
3 the transportation, why wouldn't you cover storage for some
4 years?

5 MR. SALTZMAN: Look at the practicality of it.
6 Let's say again the Oconee-McGuire situation. You had
7 Oconee and McGuire in the McGuire pool. Again if you had an
8 accident, it would either be the McGuire indemnity agreement
9 that would cover or the Oconee agreement that would cover or
10 both, depending upon which fuel was involved if you could ever
11 determine it.

12 Whereas the situation we are trying to describe
13 would have McGuire pick it up and cover it alone once it got
14 to McGuire.

15 CHAIRMAN HENDRIE: You think it would be simply
16 a cleaner --

17 MR. SHAPAR: As long as you are going to indemnify
18 anyway, you have discretionary authority.

19 COMMISSIONER GILINSKY: It's hard to see how
20 you could have some fuel bundles under one regime and other
21 fuel bundles under another regime.

22 COMMISSIONER KENNEDY: You now have some that are
23 under no regime at all. The Brunswick matter we resolved by
24 saying that it ought to be indemnified, but that's not true
25 at Morris.

1 COMMISSIONER GILINSKY: What's at Morris?

2 MR. SHAPAR: It may be.

3 COMMISSIONER GILINSKY: They are all under the
4 same regime.

5 COMMISSIONER KENNEDY: There is no coverage at
6 Morris.

7 COMMISSIONER AHEARNE: That's the same regime.
8 No coverage.

9 CHAIRMAN HENDRIE: I am just saying is there
10 spent fuel anyplace?

11 MR. SALTZMAN: At Morris, yes.

12 CHAIRMAN HENDRIE: That's not indemnified?

13 COMMISSIONER KENNEDY: Not indemnified.

14 MR. SHAPAR: That's part of the study Jerry alluded
15 to earlier.

16 COMMISSIONER AHEARNE: Wouldn't it be true, though,
17 that during the transportation, is that an extension that no
18 longer has the waiver or is the waiver --

19 MR. SALTZMAN: No. That includes the waiver.
20 So would it if it is indemnified at McGuire under the --

21 MR. SHAPAR: The way it applies.

22 COMMISSIONER BRADFORD: Is the transportation
23 extension part of the statute?

24 MR. SHAPAR: Transportation is the NRC's definition
25 of licensed activity as part of its own regulations. It's not

1 spelled out in the statute.

2 COMMISSIONER BRADFORD: But how would we manage then
3 to extend the waiver through our definition? Again we are
4 unable to extend the waivers the next step?

5 MR. SALTZMAN: The waivers go with production and
6 utilization facilities. The reactor is a utilization facility.
7 Its transportation is part of the licensed activity.

8 COMMISSIONER BRADFORD: That's not -- as I under-
9 stand it, that's not in the statute -- that is somehow defined --
10 a truck is defined to be part of production and utilization?

11 MR. SALTZMAN: We defined the transportation of de-
12 radiated material as being part of licensed activity, yes.

13 MR. SHAPAR: This was done early on and brought to
14 the attention of Congress.

15 COMMISSIONER BRADFORD: Hasn't been litigated?

16 MR. SHAPAR: Has not been litigated.

17 COMMISSIONER AHEARNE: In both of these cases where
18 you would be storing the fuel at a reactor and you would be
19 claiming that it is part of the indemnification of that reactor,
20 why isn't that part of that facility and, therefore, eligible
21 for the waiver?

22 MR. SALTZMAN: Again within the indemnity agreement
23 the definition of deradioactive material -- let me give it to
24 you quickly -- deradioactive material means source special
25 nuclear and by-product material which, one, is used or to be

1 used in or is irradiated or to be irradiated by the nuclear
2 reactor or reactors subject to the license or licenses designated
3 in the attachment hereto or, two, which is produced as a result
4 of the operation of said reactor.

5 Now the attachment of the McGuire indemnity agreement
6 lists the McGuire licenses and no others. It does not list
7 the Oconee license. So that what we would do, if the
8 Commission approved this change, is we would say deradiated
9 material means all of this plus irradiated fuel discharged from
10 reactor numbers so-and-so which are the Oconee reactors; but
11 right now it doesn't seem from this definition as if it
12 covers the material discharged from Oconee.

13 CHAIRMAN HENDRIE: But that's a Commission regulation?

14 MR. SALTZMAN: But it is in the form of the indemnity
15 agreement. They all have the same form. The regulations say
16 if we change --

17 COMMISSIONER KENNEDY: You have to amend it?

18 MR. SALTZMAN: Yes. We have to amend it. To amend
19 we have to publish a notice under 140.9 which is the second
20 notice we would publish. It alerts the public that McGuire will
21 have an indemnity agreement that is different from any other.

22 CHAIRMAN HENDRIE: Peter was asking is there anything
23 fundamental in the statute which would prevent us setting things
24 up so that Oconee and McGuire fuel in the McGuire pool had
25 precisely the same provisions attached to them under Price-

1 Anderson; right?

2 COMMISSIONER BRADFORD: Well, I was actually asking
3 it a little differently, but that would be one implication that
4 you might have gotten from the answer. That is, if it's simply
5 a matter of continuing to extend the definition of production
6 and utilization on out into the chain, it's hard logically to
7 draw -- to see how the spent fuel is being any more produced
8 or utilized in the truck than it would be in the spent fuel pool
9 at McGuire, or the next truck, and so on.

10 The problem is that you may get cut off at the first
11 point. Somebody may challenge the question of whether production
12 or utilization is going on once it leaves the facility.

13 MR. SALTZMAN: You also meet another argument that
14 comes from the other side. That is, let's say you have approved
15 the storage of the fuel in a reactor that did not have an operating
16 license which is what Duke is actually asking for.

17 Let's say they never got their operating license
18 for some reason but still had their fuel stored there. You
19 would have an indemnity for this situation but not for GE-Morris.

20 You want to do that. We would say -- that is the
21 reason the Staff is saying wait until you have an operating
22 license for Duke, for McGuire before you do it; because other-
23 wise, we say wait and see what our answer is or our recommen-
24 dation with respect to plants like GE-Morris, because there you
25 have a -- McGuire right now, if they were licensed to store the

1 fuel from Oconee would be acting much more like GE-Morris
2 than they are acting like another reactor.

3 COMMISSIONER BRADFORD: Why has the staff not recommend
4 the extension to GE-Morris?

5 MR. SALTZMAN: It's awaiting this study. I think
6 the indications from the study are that at least with respect
7 to a plant like GE-Morris, you don't need indemnity.

8 COMMISSIONER GILINSKY: McGuire isn't giving up very
9 much. They probably regard that storage as incidental to
10 transportation.

11 MR. SALTZMAN: Probably, yes.

12 COMMISSIONER AHEARNE: If I can understand it
13 correctly, you said that the fuel -- if we were to go ahead
14 on the route that you are suggesting, would not have the
15 waiver carried with it?

16 MR. SALTZMAN: No. It would have the waiver. Under
17 the McGuire indemnity agreement which has the waiver in it.

18 COMMISSIONER AHEARNE: Both the -- both McGuire and
19 Oconee?

20 MR. SALTZMAN: If we were to recommend and the
21 Commission were to decide on the basis of the study that it
22 wished to extend Price-Anderson coverage to GE-Morris, it would
23 not have the waiver until the legislation.

24 MR. SHAPAR: Or until Morris became a production
25 facility again.

1 COMMISSIONER KENNEDY: At which point the mere
2 presence of the fuel there would indemnify it?

3 MR. SHAPAR: Would be a production facility and
4 mandatory Price-Anderson.

5 CHAIRMAN HENDRIE: I have just discovered that I
6 have become confused.

7 (Laughter.)

8 COMMISSIONER GILINSKY: Just when everybody else has
9 gotten clear.

10 CHAIRMAN HENDRIE: I feel bad about that.

11 COMMISSIONER BRADFORD: I am still with you.

12 CHAIRMAN HENDRIE: If we require protection and
13 extend Price-Anderson to, for instance, Oconee fuel in the
14 McGuire pool and we do this by extending the McGuire coverage,
15 then the waiver provisions in the Price-Anderson Act would
16 certainly extend to the McGuire fuel in the McGuire pool, you
17 just said also extend to the Duke fuel in the McGuire pool?

18 MR. SALTZMAN: That's right.

19 CHAIRMAN HENDRIE: Is that correct?

20 MR. SALTZMAN: Correct.

21 CHAIRMAN HENDRIE: All lawyers who are willing
22 to give an opinion are now nodding. That's not what I under-
23 stood. Okay.

24 COMMISSIONER AHEARNE: So that's --

25 CHAIRMAN HENDRIE: Yes. I feel good. I am glad

1 you caught it the other way, too. It seemed to me we
2 were looking at a little snag in here which wouldn't make
3 the coverage precisely the same, and we were poking at ways
4 of why couldn't that be done.

5 I hope they are not getting ready to change it
6 again.

7 MR. SALTZMAN: Let me say I am not a lawyer so I
8 am allowed to have my doubts.

9 (Laughter)

10 CHAIRMAN HENDRIE: Okay. The recommendation of
11 the Staff is that the Commission authorize Harold to approve
12 these two requests for storage, to approve --

13 COMMISSIONER AHEARNE: I want to ask a question on
14 that line. Isn't it correct that the storage at those two
15 sites is the subject of two Licensing Board actions?

16 MR. KELLEY: I mentioned to Marty I think this wording
17 is a little broad.

18 COMMISSIONER AHEARNE: Isn't it correct that both
19 the storage at McGuire and the storage in --

20 MR. SALTZMAN: The Commonwealth situation.

21 COMMISSIONER AHEARNE: -- the Commonwealth, are both
22 Licensing Board actions to which petitions to intervene have
23 been filed and there will be hearings on whether or not
24 they are going to be allowed?

25 MR. SALTZMAN: Duke at least is. I am not sure

1 whether the Commonwealth one is.

2 MR. MALSCH: Yes.

3 COMMISSIONER AHEARNE: I am puzzled by what kind of
4 action we are being asked to take. The paper says we are to
5 authorize the storage, subject to no significant comments being
6 received in opposition which sort of seemed to me to be saying
7 that we were going to go ahead as a Commission and approve an
8 action that the Licensing Boards were having hearings on.

9 MR. DENTON: No. It wasn't intended to supersede
10 those proceedings. Let me ask Marty to speak to it.

11 COMMISSIONER AHEARNE: I thought it was a version
12 of the Gilinsky speed-up process.

13 MR. DENTON: Marty, do you want to explain? .

14 CHAIRMAN HENDRIE: Maybe it's simply to provide
15 guidance to the Board.

16 MR. MALSCH: I think they are both in hearing
17 or about to be in hearing.

18 COMMISSIONER KENNEDY: On what grounds? Is this issue
19 being litigated?

20 MR. MALSCH: No.

21 COMMISSIONER AIHERNE: This issue, the Price-
22 Anderson is being litigated.

23 MR. MALSCH: No.

24 COMMISSIONER AIHERNE: How about the question
25 here in the paper which says explicitly to authorize the

1 director or to approve the request for fuel storage?

2 MR. DENTON: I think that language is too broad.

3 MR. MALSCH: What it means is a request to send
4 Price-Anderson to storage. It's broader than it should
5 be.

6 COMMISSIONER KENNEDY: If what is being asked then
7 is --

8 MR. SALTZMAN: I have a simple answer to the
9 question, if I may.

10 COMMISSIONER KENNEDY: As I understand the situation,
11 it is -- what's really being requested is if the Licensing
12 Boards choose to grant the authority to allow the
13 spent fuel storage, then the Commission is saying it shall --
14 Price-Anderson coverage should be extended to cover it; is
15 that right?

16 MR. SALTZMAN: Yes.

17 COMMISSIONER KENNEDY: We are not making any
18 judgment whatever as to spent fuel storage?

19 MR. SALTZMAN: No. I think all that happened here
20 was that that particular line or very close to it was carried
21 over from the last year's -- under Robinson where there was no
22 contention of this issue.

23 We were also at that time asking the Commission
24 to give us authority or give the director of NRR authority
25 to approve all of these indemnity requests in the future.

1 The Commission thought not to.

2 MR. SHAPAR: Approved standard forms don't work all
3 the time.

4 COMMISSIONER AHEARNE: The way Commissioner
5 Kennedy asked the question and the way you answered it was that
6 even the action of extending is dependent upon the
7 Licensing Board approving the storage --

8 MR. SALTZMAN: Yes. We would not extend it if it
9 was not approved. There would be nothing to extend. If the
10 movement of fuel and storage in the new reactor was not
11 approved, there is no need for an indemnity change.

12 COMMISSIONER AHEARNE: I was just wondering. That
13 way it is characterized as we are not making a judgment
14 as to any implications about the appropriateness of the
15 storage; but if we were to extend it automatically, then that
16 would be a judgment.

17 MR. DENTON: I think --

18 MR. SALTZMAN: We have a long lead time.

19 MR. DENTON: Procedurally it doesn't extend until
20 the time we are required to issue a piece of paper.

21 CHAIRMAN HENDRIE: But --

22 MR. DENTON: I understand.

23 MR. SHAPAR: This is a valid point. I suggest we
24 make this clear in the notice.

25 COMMISSIONER KENNEDY: That we are not making any

1 judgment?

2 MR. SHAPAR: Correct.

3 COMMISSIONER KENNEDY: It's a matter before the Licen-
4 sinc Board on which we await their conclusion.

5 CHAIRMAN HENDRIE: Let me ask Jim if, A., with
6 such a provision and a prospective Commission order, i.e.
7 the Commissioners offer no judgment, there is no guidance or any-
8 thing else with regard to the merits of the issue, should
9 this fuel be allowed to be stored, is the question of the
10 Price-Anderson extension, if the transfer of fuel is approved,
11 is it ripe?

12 Is it appropriate that we take action?

13 MR. KELLEY: I think you can look at the issue that's
14 up here this morning without getting involved in the
15 other from an ex parte standpoint. We haven't talked at all
16 about the merits of that license amendment.

17 Jerry, don't you --

18 MR. SALTZMAN: We better be careful.

19 MR. KELLEY: -- in advance if that's going to
20 happen. We think that's the reason you are here this
21 morning. You need to be forehanded.

22 MR. SHAPAR: We don't propose to discuss the merits
23 of the proposed licensing issue.

24 COMMISSIONER BRADFORD: What do you lose if we approve
25 items two and three in the recommendation and leave one along?

1 MR. SALTZMAN: I think really what one should have
2 said --

3 COMMISSIONER KENNEDY: But that's in two.

4 MR. SALTZMAN: But I think another thing it should
5 have said is that if adverse comments are received and even
6 if a Board makes a decision that the license could be issued
7 or an amendment could be issued so that fuel could be
8 stored at, say, McGuire, that the Commission should -- would
9 still be informed of this because -- well, would the
10 Commission want the impression of this extension to go even
11 if -- if the Board were to decide that you could move the
12 fuel, but there were comments that were received that said,
13 "Oh, this Price-Anderson question is much more serious than
14 you think," and the Commission, on the basis of these comments,
15 decided not to extend Price-Anderson to McGuire in the
16 situation, would they like a little breathing spell in there,
17 that was really what was behind the whole thought here.

18 CHAIRMAN HENDRIE: It seems to me with regard to
19 the action, the transfer of fuel, it's in the Commission's
20 adjudicatory structure at the Licensing Board level and will
21 work its way up that chain as all of these things do; and further-
22 more, that if there appears some good reason to do so at
23 any time, the Commission can dip down from the top and seize
24 the issue.

25 I don't see any need to sort of stir that pot up

1 with complications by running an order that says -- well,
2 that talks to point one here at all. I think the point
3 in the order ought to be the Commission offers no --
4 specifically makes no decision on the merits of the transfer
5 of fuel which is in the adjudicatory chain, but notes
6 that it would contemplate if the transfer were approved exten-
7 sion of Price-Anderson coverage of the transferred fuel and is
8 asking for public comment on that possible action, I guess
9 is the way to word it.

10 That seems reasonable?

11 MR. KELLEY: Yes, because if you do have an amend-
12 ment granted by the Board in a few months, then unless you are
13 willing to stay everything while the Commission looks at this
14 question, you add more time on to the other end.

15 I don't think that you need to do that. You are in
16 a position now to decide -- I think -- subject to public comment
17 that it looks like a good idea to extend protection if this
18 is done.

19 COMMISSIONER KENNEDY: On the other hand, if we had
20 the study and had it in three, four, or five months, we could
21 reach the question in a broader sense and decide the question
22 on the merits of the question and not on the merits of the
23 individual cases.

24 That seems to me it could make an eminently
25 sound sort of decision which is what we had in mind when we

1 decided the Brunswick matter.

2 CHAIRMAN HENDRIE: However, once those things are
3 in hand, the Staff will make some recommendations, I assume.
4 It's quite possible that those will be sufficiently profound
5 policy steps that it may take a year of discussion, rule-
6 making, et cetera to put in place a more uniform, generic
7 policy.

8 I am all for getting to it, but I would just comment
9 that if these issues are here before the house in specific
10 cases, I have a notion the general proposition won't move fast
11 enough to be much comfort here.

12 COMMISSIONER KENNEDY: I will be surprised if we are
13 not seized with that more general question as soon as we start
14 reading the comments on this order.

15 MR. SHAPAR: I think a lot depends upon how convincing
16 you think the two reasons given for affirmative action in this
17 case are.

18 COMMISSIONER AHEARNE: What are those again?

19 MR. SHAPAR: Number one that the public will be
20 unable to perceive, should there be an accident, the difference
21 in treatment of the two fuels stored at the same facility in the
22 same pool; number two, in the event of an accident, it should
23 be impossible to determine which fuel caused the accident.

24 CHAIRMAN HENDRIE: Or contributed to certain
25 consequences?

1 MR. SHAPAR: Right.

2 MR. SALTZMAN: These arguments would probably be
3 the same even with the broad study that comes out. The
4 difference the broad study will make is that it will allow you
5 to compare the treatment then of fuel stored at a reactor to
6 the treatment of fuel stored at another independent spent
7 fuel storage facility.

8 CHAIRMAN HENDRIE: As well as all the materials?

9 MR. SALTZMAN: As well as everything else. But
10 I mean in just this context. . .

11 COMMISSIONER AHEARNE: Your argument is that the --
12 the argument for extending it at this time is first that you
13 expect at the time the Licensing Board acts, you want to
14 have this in place?

15 MR. SALTZMAN: Yes.

16 COMMISSIONER AHEARNE: You feel this is the necessary
17 lead time?

18 MR. SALTZMAN: Yes.

19 COMMISSIONER AHEARNE: The second, the reason for
20 extending it is to solve a problem that you perceive might
21 occur, namely a confusion on the part of the public?

22 MR. SALTZMAN: From the point of view of a victim.
23 They should not have to be concerned as to whether they will
24 get Price-Anderson or not, as to whether the Commission
25 in drawing up its indemnity agreements or its regulations

1 calls some fuel deradiated material and others not.

2 COMMISSIONER AHEARNE: When you are saying that they
3 would not have to be concerned, you mean that they would
4 avoid legal problems or is this a perception problem?

5 MR. SALTZMAN: Legal problems, too. They should
6 be able to go up to the claims office that the insurance company
7 will set up, send in their claims, say, "Here is an accident
8 that happened at that reactor and where is my money?"

9 No one should have the opportunity to say, "Well,
10 wait a minute, we are not sure if that's Ocone fuel and not
11 indemnified or McGuire fuel and indemnified."

12 It should be clear cut.

13 COMMISSIONER KENNEDY: What difference would it
14 make?

15 MR. SALTZMAN: It would make a difference if you got
16 above the \$140 million. The insurance will cover in any case.

17 CHAIRMAN HENDRIE: Actually we have established that
18 each plant that comes on line, the operators thereof, the
19 licensee assumes a -- what is it -- \$5 million per unit obli-
20 gation?

21 MR. SALTZMAN: Yes.

22 CHAIRMAN HENDRIE: In the event there is an accident
23 which goes over the commercial pools, then you start
24 collecting \$5 million per operating unit and only after
25 you have extracted all of that do you begin to draw from the

1 U. S. Treasury?

2 MR. SALTZMAN: That's correct.

3 MR. SHAPAS: After the first two tiers have been
4 exhausted, the underlying insurance and the \$5 million
5 funds.

6 CHAIRMAN HENDRIE: The government goes up to 560--

7 MR. SHAPAS: Where liability is cut off.

8 CHAIRMAN HENDRIE: In due time the expectation is
9 that \$5 million increment for operating plant will in fact go
10 well above \$560 million and the government won't be liable
11 at least under the specific terms of Price-Anderson at
12 all.

13 However -- let me get on.

14 Don't you have to extend Price-Anderson
15 specifically in this case, for instance, to the Oconee or
16 Dresden fuel in order to have that \$5 million operating plant
17 levy apply above the liability pool; or do you?

18 That is, is there a benefit here in terms of non-
19 government protection which is only available if you extend the
20 Price-Anderson coverage?

21 MR. SALTZMAN: I think the answer to that is yes,
22 because the only licensees who are required to enter into that
23 \$5 million pool are the ones that are under the indemnity
24 agreement.

25 You would have here a McGuire indemnity agreement,

1 but the only licenses listed under the McGuire indemnity
2 agreement would be the McGuire licenses and not the fuel
3 that came from the Oconee license.

4 That would be nowhere once it was in McGuire.

5 COMMISSIONER AHEARNE: Same company, though?

6 MR. SALTZMAN: Yes. The \$140 million insurance
7 would be the same. That policy is a broad site policy and
8 covers anything that happens there. As far as a premium,
9 probably not, wouldn't you agree?

10 MR. SHAPAR: I am not sure.

11 CHAIRMAN HENDRIE: I seem to recall somewhere out
12 of the dim past that in order to exercise this levy per operating
13 unit, you in fact had to be within the Price-Anderson
14 framework and duly signed up and, you know, the particular
15 contamination elements covered by the thing.

16 MR. SALTZMAN: In fact, the insurance companies --

17 CHAIRMAN HENDRIE: From the standpoint of potential
18 accident victims, I guess it doesn't make all that much
19 difference whether the government is providing money above the
20 \$140 million pool limit or whether it's coming in \$5 million
21 for operating unit increments from the utilities; but it
22 conceivably could make a difference to the government.

23 MR. SHAPAR: If the government pays out, the
24 government has the right to recover, under the new system.

25 MR. SALTZMAN: When they are paying for defaults in

1 the system, yes.

2 CHAIRMAN HENDRIE: But if you don't extend Price-
3 Anderson, the government isn't --

4 MR. SALTZMAN: Right.

5 CHAIRMAN HENDRIE: The government isn't liable.

6 MR. SHAPAR: Right.

7 COMMISSIONER BRADFORD: Let me ask you: How
8 many requests of this are you going to get over the next
9 year?

10 MR. SALTZMAN: The only other one that I have
11 ever heard of -- there are two I have heard of. There was
12 another one from Duke that involved a switch between Oconee
13 and Crystal River because of some fuel that had a problem
14 at Crystal River that they sent to Duke.

15 Duke was going to send fuel back to Crystal River.
16 They decided not to do that. That was going to be included
17 in this paper, as a matter of fact.

18 The only other thing I heard is that Duke has said
19 if this is approved that at some time in the future when
20 they get a license for Catawba, they would like to have
21 the same kind of arrangement between Oconee, McGuire, and
22 Catawba. That is some time off in the future. I would
23 sincerely hope this broad study would be done by then.

24 I stand by the statement we make here. We think
25 this takes care of everything we can foresee for now until the

1 broad study is done.

2 MR. DENTON: But the long-term answer depends
3 upon spent fuel storage policy. I suspect in a few years
4 if nothing was moving on that, we might see an increase in
5 the number of requests in this area.

6 MR. KELLEY: I was thinking we don't have any
7 dealing with these issues on a case-by-case basis.

8 CHAIRMAN HENDRIE: If we are going to have a great
9 number, it would be nice to have a fairly uniform policy.
10 What's this about Crystal River?

11 MR. DENTON: That request I recall disappeared.

12 MR. SALTZMAN: That washed out. Crystal River
13 sent --

14 CHAIRMAN HENDRIE: If it's not going to come up --

15 MR. SALTZMAN: It's not going to come up. Nor will
16 the McGuire-Catawba one come up for some time.

17 COMMISSIONER KENNEDY: Jerry, study or no, let's
18 assume that we have a study that says that really the cost of
19 decontaminating and cleaning up under the worst set of
20 circumstances -- okay? -- and a reactor as contrasted with off-
21 site areas is less than \$140 million; if Price-Anderson were in
22 place, it wouldn't make any difference; right?

23 MR. SALTZMAN: That's right. Right.

24 COMMISSIONER KENNEDY: Let's say that we got the
25 study and that it said that it was going to be more than

1 \$500 million; and then that would be an argument for putting
2 Price-Anderson in place, wouldn't?

3 MR. SALTZMAN: Where?

4 COMMISSIONER KENNEDY: Either one; okay?

5 MR. SALTZMAN: Yes.

6 COMMISSIONER KENNEDY: Well, if that's true, then I
7 don't see why we wait for the study. Why can't we make the
8 decision? It wouldn't make any difference. If it's going
9 to be less than the \$140 million, it's going to be covered
10 by insurance anyway; they are going to have to.

11 MR. SALTZMAN: They don't have to buy insurance.

12 MR. SHAPAR: If they decide to insure. That's
13 one advantage by the way of Price-Anderson. You require
14 them to take that insurance.

15 COMMISSIONER KENNEDY: Otherwise, they are still at
16 risk?

17 MR. SALTZMAN: Yes.

18 MR. SHAPAR: It's a business risk which they can
19 accept or not.

20 COMMISSIONER KENNEDY: The second possibility
21 is it's going to be more than \$140 million, less than \$400
22 million, \$300 million. They are going to have to pay for it
23 anyway out of the pool if it's Price-Anderson. It isn't going
24 to make any difference which way it comes out. It's going
25 to be covered some way. The best situation, therefore, is

1 exactly as Howard said: A situation in which insurance
2 becomes a compulsory package?

3 COMMISSIONER GILINSKY: But not all are required
4 to insure to the maximum that the pool provides.

5 MR. SALTZMAN: Only those licensees who are
6 operating power reactors at greater than 100 megawatts
7 electric are required to buy all the insurance there is.
8 Only those licensees.

9 MR. SHAPAR: For example, we set the amount at
10 \$20 million for the chemical processing plant at NFS.

11 COMMISSIONER KENNEDY: But the same rules can apply.

12 COMMISSIONER GILINSKY: We have to decide what
13 that amount is. Right?

14 MR. SHAPAR: Yes. But, of course, that argument
15 can be pushed too hard. That's an argument for indemnifying
16 everything right now.

17 COMMISSIONER AHEARNE: Of course, there's another
18 aspect, depending upon how the study comes out. It might lead
19 the Licensing Board, for example, to seriously think about
20 whether they ought to approve it. That would make the indem-
21 nification question irrelevant.

22 MR. SALTZMAN: That's possible.

23 COMMISSIONER AHEARNE: I think your answer to Mr.
24 Bradford's question was that there was no real reason for
25 need -- there was no necessity to do step one.

1 MR. SALTZMAN: I believe that's right. Don't
2 you?

3 COMMISSIONER AHEARNE: So in reality you could be
4 publishing the Federal Register notice which is -- at least
5 my interpretation would then be asking for public comment on the
6 issue of extending the indemnification to these two sites?

7 MR. SALTZMAN: That's right. Making it clear that
8 the Commission takes no licensing position.

9 MR. SHAPAR: We take no position whatever.

10 COMMISSIONER GILINSKY: Let me ask -- are you
11 finished?

12 COMMISSIONER AHEARNE: Yes.

13 COMMISSIONER GILINSKY: Why are we not ready now to
14 deal with the question of whether all spent fuel at a reactor
15 should be treated on an equivalent basis?

16 What is it we need to know that we don't know?

17 MR. SALTZMAN: The only thing you need to know is
18 if it were decided in the broad study, that fuel stored not at
19 a reactor but an independent spent fuel storage facility
20 does not need to be indemnified, does that bear on your
21 decision at all about reactors. I would think not. I would
22 think you would want to indemnify it at reactors regardless of
23 what you decided to do with respect to independent spent fuel
24 storage facilities.

25 COMMISSIONER GILINSKY: It seems to me we ought to

1 address that question.

2 COMMISSIONER KENNEDY: I would think so, too.

3 COMMISSIONER AHEARNE: You mean broaden the request
4 for public comment to cover the total question?

5 COMMISSIONER GILINSKY: Yes.

6 MR. SALTZMAN: At reactors?

7 COMMISSIONER GILINSKY: At reactors.

8 MR. SHAPAR. Of course, I think maybe the Staff
9 treated that gingerly because of the specific point that the
10 Commission previously made in connection with the earlier
11 situation where they said it's not a precedent and there was
12 some discussion back and forth: "Well, you can say it's not a
13 precedent, but it's really going to be a precedent."

14 I think what Commissioner Gilinsky is saying is
15 to take another look, re-examine that question, say now we have
16 done it twice as a precedent, after considering a slight
17 variant factual situation, why not do it across the board for
18 all similar situations in the future?

19 I think that's an extremely good question.

20 CHAIRMAN HENDRIE: I would have no difficulty to --
21 let's see. If the particular cases before the house are the
22 Duke and Commonwealth situations, it might be useful to note
23 them specifically; but one could also ask for comment on the
24 utility of going ahead and making it a uniform policy of the
25 Commission that where fuel from more than one unit was stored

1 in a storage pool of that unit, that the coverage was to be
2 under that units -- Price-Anderson was to be uniform and
3 extend to the full types of fuels.

4 How would you feel about such a notice?

5 MR. DENTON: Agreed.

6 CHAIRMAN HENDRIE: Which would have the other
7 element that would note it? Namely, no -- express no view on
8 the merits of the fuel transfer at the points in question, but
9 deal with the Price -- the extension of Price-Anderson, A.,
10 in these cases if the decision ultimately was to allow the stor-
11 age; and, B., as a general proposition.

12 COMMISSIONER BRADFORD: You can't very well call it
13 a notice of intent and then say it expresses no views.

14 MR. SHAPAR: You can't really. You can say we
15 have this under consideration. You can disclaim it.

16 COMMISSIONER AHEARNE: We can probably disclaim it
17 by the title.

18 CHAIRMAN HENDRIE: Whatever the appropriate framing
19 is to make that thing.

20 Jim --

21 MR. KELLEY: Fine.

22 CHAIRMAN HENDRIE: Is that clear enough?

23 MR. KELLEY: Fine.

24 CHAIRMAN HENDRIE: Howard?

25 MR. SHAPAR: Yes.

1 CHAIRMAN HENDRIE: I am sure the Commissioners will
2 want to see a draft order. Let me see if in fact we produce
3 a vote in favor of that course of action? Could I
4 ask for those in favor of such a decision?

5 [Show of hands.]

6 CHAIRMAN HENDRIE: Unanimous. Let us go forward.
7 The Commissioners will want to see the paper. This will
8 constitute some basic program policy.

9 COMMISSIONER AHEARNE: Can I ask one other
10 information question? There is a draft generic environmental
11 impact statement on spent fuel that had been put out in March
12 of this year for comment. Comments were received. What's
13 the schedule for getting out that final?

14 MR. SALTZMAN: I ask the NMSS people.

15 VOICE: I believe it's scheduled for early '79.
16 The first quarter.

17 COMMISSIONER AHEARNE: I would at least guess in some
18 sense that's another piece that will have to be folded into
19 that other study.

20 MR. SALTZMAN: Yes. I think as a matter of fact
21 some of the axiomatic analyses in that generic environmental
22 impact statement are utilized by the NMSS in their
23 comments on what Oak Ridge is doing.

24 [Whereupon, at 10:50 a.m., the meeting was
25 adjourned.]