

March 23, 2000

COMMISSION VOTING RECORD

DECISION ITEM: SECY-00-0010  
TITLE: CALVERT CLIFFS NUCLEAR POWER PLANT, UNITS 1 AND 2 - RENEWAL OF FULL-POWER OPERATING LICENSE

The Commission (with all Commissioners agreeing) approved authorizing the Director of the Office of Nuclear Reactor Regulation (NRR) to renew the operating licenses for the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, upon making the appropriate findings on safety and environmental issues, as recorded in the Staff Requirements Memorandum (SRM) of March 23, 2000. The Commission (with Chairman Meserve and Commissioners Diaz and McGaffigan agreeing) disapproved as premature authorizing the Director of NRR to issue renewed licenses in uncontested proceedings without seeking the Commission's specific approval, as recorded in the Staff Requirements Memorandum (SRM) of March 23, 2000.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of March 23, 2000.

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Annette Vietti-Cook  
Secretary of the Commission

Attachments: 1. Voting Summary  
2. Commissioner Vote Sheets  
3. Final SRM

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

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VOTING SUMMARY - SECY-00-0010

RECORDED VOTES

	<b>APRVD</b>	<b>DISAPRVD</b>	<b>ABSTAIN</b>	<b>NOT PARTICIP</b>	<b>COMMENTS</b>	<b>DATE</b>
CHRM. MESERVE	X	X			X	3/15/00
COMR. DICUS	X				X	3/10/00
COMR. DIAZ	X	X			X	3/14/00
COMR. McGAFFIGAN	X	X			X	3/13/00
COMR. MERRIFIELD	X				X	3/7/00

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation to authorize the Director of the Office of Nuclear Reactor Regulation (NRR) to renew the operating licenses for Calvert Cliffs Nuclear Power Plant, Units 1 and 2, upon making the appropriate findings on safety and environmental matters and provided some additional comments. Chairman Meserve and Commissioners Diaz and McGaffigan disapproved as premature the staff's recommendation to authorize the Director of NRR to issue renewed licenses in uncontested proceedings without the need to seek the Commission's specific approval. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on March 23, 2000.

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## Commissioner Comments on SECY-00-0010

### Chairman Meserve

1. I approve the staff's recommendation to authorize the Director of the Office of Nuclear Reactor Regulation to renew the licenses for Calvert Cliffs Nuclear Power Plant, Units 1 and 2, upon making the appropriate findings on safety and environmental matters. I commend the staff for the quality of this initial license renewal review, and for meeting the aggressive schedule established for its completion.

The staff should report to the Commission on the resolution of the consideration of severe accident mitigation alternatives.

2. I disapprove the staff's recommendation to authorize the Director of NRR to issue renewed licenses in uncontested proceedings. I concur with Commissioner McGaffigan's comments on this issue, and would also support reconsidering delegation authority to the Director of NRR after several more plants have gone through the license renewal process.

### Commissioner Diaz

I approve the staff's recommendation that the Commission authorize the renewal of the operating licenses for the Calvert Cliffs Nuclear Power Plant, Unit 1 and 2. The staff is to be commended for its exacting review of these first renewal applications and for its dedication in meeting the milestones for timely completion of its safety and environmental analyses. The results of the review also reflect well on the licensee's ability, and its confidence in the ability of its workforce, to meet the requirements for safe extension of the life of these units.

I disapprove, however, the staff's recommendation that the Commission authorize the Director of NRR to issue future renewal licenses in uncontested proceedings without the need to seek the Commission's specific approval. I appreciate that the effect of renewal is to continue to permit full-power operation. I also recognize that the staff's disciplined review in the instant case provides evidence that Commission authorization is probably unnecessary for assurance that safety will be maintained. On the other hand, obtaining the Commission's approval does not appear to be a burden. Moreover, the NRC, licensees and the public appropriately recognize the decision to renew a power plant license as one of great significance. Indeed, the Commission's handling of the early applications for power plant license renewal must rank among the most important of the Commission's activities for the foreseeable future. In addition, the mere fact that a proceeding is not formally contested does not necessarily equate to the absence of serious issues for resolution. Thus, I believe it is most consistent with the Commission's exercise of its responsibilities, and as a by-product most likely to maintain or increase public confidence, if the staff seeks the Commission's approval for issuance of a renewal license, even in uncontested proceedings, for at least several more years.

### Commissioner McGaffigan

I join Commissioner Dicus and Commissioner Merrifield in commending the staff for its superb effort in processing the Calvert Cliffs license renewal application in a timely and professional manner while offering numerous opportunities (over 30 announced public meetings) for substantial public involvement in the process. As I said at the March 3<sup>rd</sup> Commission briefing, the ACRS also did an extraordinary job carrying out their statutory function of reviewing the safety evaluation report and expeditiously providing their views to the Commission. I appreciate the long hours and dedication necessary for conducting this first-of-a-kind licensing review, which the 106<sup>th</sup> Congress has characterized as "one of the most important challenges facing the Commission."<sup>(1)</sup>

I approve, in part, and disapprove, in part, the staff's recommendations in SECY-00-0010, as follows:

I approve authorizing the Director of NRR to renew the operating licenses for the Calvert Cliffs Nuclear Power Plants Units 1 and 2 upon making the appropriate findings on safety and environmental matters.

I disapprove at this time requiring the staff to revise the 1981 Policy Statement, "Statement of Policy on Issuance of Uncontested Fuel-Load and Low Power Testing Operating Licenses," to make it clear that the Director of NRR is authorized to issue renewed licenses in uncontested proceedings.

I acknowledge that the staff will make any necessary conforming changes to the renewed licenses as a result of any pending licensing actions while the Commission is considering the staff's recommendations.

I reached my decision to approve the renewal of the Calvert Cliffs license after a detailed review of the staff's safety evaluation report and environmental impact statement. As I said at the March 3<sup>rd</sup> Commission briefing, I believe that inclusion of averted onsite costs in the severe accident mitigation alternative (SAMA) chapter of the EIS is an appropriate consideration in the staff's analysis, as the Commission has previously decided. The SAMA analysis revealed some interesting results in terms of potential CDF reductions. Separate from license renewal activities, I encourage the staff to continue to engage BG&E on the merits of implementing the four SAMA design improvements that appear to be cost beneficial and offer a significant level of risk reduction.

I regard the second staff recommendation as premature when we have completed only one review of one reactor design and

when we know a host of generic issues have yet to be resolved. My disapproval of allowing the Director of NRR to issue renewed licenses in uncontested proceedings comes down to ensuring public confidence in license renewal reviews. In my view, direct Commission involvement in license renewal decisions enhances public confidence. Delegating the authority to issue renewed licenses to NRR with only one application completed sends the wrong signal to the public.

Last year in SECY-99-148, the Commission considered options for crediting existing programs to improve the efficiency of the license renewal process. The Commission agreed with the staff's reasoning that more experience in both the number and variety of reactor designs was needed before changing the current practice. That line of reasoning applies here as well, in my view. The license renewal application for the Edwin I. Hatch plant -- the first application for a boiling water reactor design -- has just recently been received. The Turkey Point application -- the first application for a Westinghouse pressurized water reactor design -- is not expected to be submitted until December 2000.

I would support reconsidering delegating this authority to NRR once the Commission has processed the Hatch and Turkey Point applications and once the Commission has resolved the generic issues to be addressed in the final generic aging lessons learned (GALL) report. By then we will have a stable process with a solid guidance document for conducting staff reviews. We are not in that position today.

## **Commissioner Merrifield**

I want to take this opportunity to commend the staff for the outstanding job they have done on the Calvert Cliffs license renewal application. The staff should be proud of the way in which they managed the process, involved stakeholders, and conducted a thorough, timely, and disciplined review. While I typically do not mention staff members by name in my votes, I believe it is important to formally recognize the outstanding leadership that Chris Grimes has provided to this process.

I **approve** the staff's recommendations outlined in SECY-00-0010. More specifically:

- I approve authorizing the Director of NRR to renew the operating licenses for the Calvert Cliffs Nuclear Power Plant Units 1 and 2 upon making the appropriate findings on safety and environmental matters.
- I approve authorizing the Director of NRR to issue subsequent uncontested operating license renewals without prior Commission authorization. The staff should revise the 1981 Policy Statement, "Statement of Policy on Issuance of Uncontested Fuel-Load and Low Power Testing Operating Licenses," to make it clear that the Director of NRR is authorized to issue renewed licenses in uncontested proceedings after a briefing to the Commission, if requested.
- I understand that the staff will make any necessary conforming changes to the renewed licenses as a result of any pending licensing actions while the Commission is considering the staff's recommendations.

As the staff develops more experience related to implementation of Part 54, I encourage them to remain vigilant in their efforts to involve stakeholders in the renewal process and to pursue further process efficiencies.

As I stated in my comments associated with [SECY-99-148](#), I believe our license renewal efforts consist of two distinct and integral components: one consisting of the actual staff review of submitted renewal applications and one associated with building a regulatory infrastructure (SRP, GALL, inspection procedures...) to support consistent, effective, and efficient reviews in the future. Given that we are in the early stages of license renewal, it is imperative that the staff have the resources necessary to not only review the applications that are in-house, but to also promptly construct the infrastructure necessary for the effective review of future applications. Sacrificing the infrastructure component for the sake of completing our ongoing reviews in a more prompt manner would be shortsighted. The staff should promptly notify the Commission should it find that resources are insufficient to effectively carry out its license renewal responsibilities.

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1. See the conference report accompanying the FY 2000 Energy and Water Development Appropriations Act (Conference Report H. R. 106-336)