

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-00-0010 - CALVERT CLIFFS NUCLEAR POWER  
PLANT, UNITS 1 AND 2 - RENEWAL OF FULL-POWER  
OPERATING LICENSE**

Approved   X   Disapproved   X   Abstain       

Not Participating       

COMMENTS:

See attached comments.

*Edward M. Gaffigan Jr.*

\_\_\_\_\_  
SIGNATURE

*March 13, 2000*

\_\_\_\_\_  
DATE

Entered on "AS" Yes   X   No

## **Commissioner McGaffigan's Vote on SECY-00-0010**

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.

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

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.

A handwritten signature in black ink, appearing to be 'E. M. J.', located in the lower right quadrant of the page.