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NUCLEAR REGULATORY COMMISSION

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NUCLEAR REGULATORY COMMISSION

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COLLEGIAL DISCUSSION OF ITEMS OF
COMMISSIONER INTEREST

- - - -

PUBLIC MEETING

Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland

Tuesday, April 3, 1990

The Commission met in open session, pursuant to notice, at 8:30 a.m., Kenneth M. Carr, Chairman, presiding.

COMMISSIONERS PRESENT:

KENNETH M. CARR, Chairman of the Commission
THOMAS M. ROBERTS, Commissioner
KENNETH C. ROGERS, Commissioner
JAMES R. CURTISS, Commissioner
FORREST J. REMICK, Commissioner

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STAFF SEATED AT THE COMMISSION TABLE:

SAMUEL J. CHILK, Secretary

WILLIAM C. PARLER, General Counsel

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P-R-O-C-E-E-D-I-N-G-S

8:30 a.m.

1
2
3 CHAIRMAN CARR: Good morning, ladies and
4 gentlemen.

5 This morning's meeting has been scheduled as
6 a collegial discussion of items of Commission
7 interest. These collegial meetings are intended to be
8 an open forum for discussions of matters affecting the
9 Agency.

10 Before today's meeting, I noted to my fellow
11 Commissioners a few items I'd like to discuss. There
12 may be topics other Commissioners would like to talk
13 about.

14 Before we begin, are there any opening comments from my
15 fellow Commissioners?

16 COMMISSIONER ROBERTS: I forgot my
17 matchbooks.

18 CHAIRMAN CARR: Oh. I don't have any.

19 Commissioner Remick, do you want to kick
20 off? Have you got anything you want to bring up?

21 COMMISSIONER REMICK: Yes, I do.

22 CHAIRMAN CARR: I was going to bring up
23 elevators as the first item.

24 COMMISSIONER REMICK: Go ahead. Go ahead.

25 CHAIRMAN CARR: I recommend we get somebody

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1 in to check the programs to make sure that they're
2 programmed so when the door on your side opens up, you
3 don't see the door on the other side opening up at the
4 same time. We'll see if we can get a little better
5 service.

6 All right.

7 COMMISSIONER REMICK: I'm not sure what the
8 usual format is, but I have some notes here on a --

9 CHAIRMAN CARR: We don't have a format.

10 COMMISSIONER REMICK: Okay. Good.

11 One has to do with the subject that you
12 indicated was of general interest and that's the
13 design certification review priority and resources. I
14 feel that the recent announcements and developments
15 that we've read about and heard about indicate that I
16 think we should carefully reconsider our priorities on
17 review of some of the advanced designs.

18 Some of the things I had in mind was Mr.
19 Runyan's comments that in two or three years TVA will
20 need to decide on new capacity and that they've
21 considered nuclear as one of the options.

22 COMMISSIONER ROBERTS: You know, I thought
23 that was extremely interesting, but what is he going
24 to do with Bellefonte?

25 CHAIRMAN CARR: Going to finish it, he said.

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1 COMMISSIONER ROBERTS: What's that?

2 CHAIRMAN CARR: He said he was going to
3 finish it.

4 COMMISSIONER CURTISS: It's an addition to
5 Bellefonte.

6 COMMISSIONER REMICK: Yes, this is an
7 addition.

8 CHAIRMAN CARR: This is after he does that,
9 the way I read the article.

10 COMMISSIONER ROBERTS: Okay.

11 COMMISSIONER REMICK: Yes.

12 COMMISSIONER ROBERTS: Excuse me.

13 COMMISSIONER REMICK: Mr. Farley's statement
14 about their possible interest in adding capacity in
15 the mid '90s and Mr. Goldberg, Florida Power and
16 Light, statement that he thought in Florida they
17 should consider nuclear as an option. And several of
18 those people have indicated that they have an interest
19 in the 600 megawatt size.

20 Now, I understand that we're only putting
21 resources into the ABWR, System 80+, the EPRI
22 requirements document and what I'd call token into the
23 modular HTGR and modular liquid metal reactor and are
24 not devoting any resources to the AP 600 SBWR, PIUS
25 and CANDU III.

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1 What concerns me, we might be
2 unintentionally influencing people's decisions on
3 future orders for plants by the fact that
4 certification reviews might not be completed on plants
5 that they otherwise might select when they have the
6 need for capacity additions. That's due either to our
7 lack of review or getting started late on the reviews.

8 What worries me, I think we could
9 conceivably be the choke point on the critical path
10 for those decisions or orders and that concerns me
11 very much because I think we have a responsibility to
12 the public to provide timely reviews.

13 There are, I think, advantages to the NRC
14 being involved at the very early stages, which the
15 Commission has enunciated in the past. Certainly to
16 provide to licensee -- or to vendors and potential
17 licensees the answers to issues on the licenseability
18 of different systems or designs, different
19 alternatives to those safety systems design. A very
20 important one is to be involved and provide feedback
21 on early experimental work, testing and development
22 that vendors might be doing, that we have people who
23 are following that, providing input, providing the
24 responses, input on maybe whether it's the -- I
25 shouldn't say proper instrumentation, but adequate

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1 instrumentation to satisfy our potential needs when we
2 review those, answer questions on the extent of
3 documentation that should be provided when
4 applications are submitted and a very important
5 question on what's our preliminary feelings on whether
6 prototypes might be needed on some of these advanced
7 designs and let the industry know of that at a very
8 early stage.

9 Another very important aspect of our being
10 involved is to develop our own personnel. I'm
11 concerned, and I hope I'm wrong, on whether we've lost
12 our ability to do licensing reviews. We've lost a lot
13 of people to retirement. People are now doing things
14 that are not directly involved with the licensing and
15 so forth. So, I think we need to take advantage of an
16 early opportunity to get current staff involved early
17 in the reviews of these plants, build up their
18 capabilities and so forth. And I think their being
19 involved is a very important aspect of that.

20 Now, also in the case of Westinghouse and
21 GE, on their AP 600 and small boiling water reactors,
22 they've indicated about 18 months, I believe, they
23 anticipate between the SSAR and the issuance of an
24 FDA. That's a very short period of time. But if we
25 conceivably can make that, our people are going to

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1 have to be up to speed. At the time the SSAR is
2 submitted, they must know these plants and know the
3 experimental data and so forth has been developed.
4 And also, it's important to be involved so we can
5 determine what our research needs might be, if we have
6 codes to develop or things that we have to do to
7 enable us to adequately review those.

8 Now, on both the AP 600 and SBWR, and I'm
9 not picking them out preferentially, but we know that
10 DOE has provided \$50 million each to Westinghouse and
11 GE to undertake the design of these facilities. I
12 guess EPRI has put in \$30 million into each of these
13 and I presume the vendors are putting in the other \$20
14 million match. So, in each of these cases, there's
15 \$100 million that's been committed to design and I
16 think we have an obligation to become involved in
17 those reviews of those designs so that they're not
18 submitted and then we start to try to get up to speed.

19 One additional thought, if I may, along that
20 line. I understand the way we're currently organized
21 is that for the ABWR System 80 and AP 600, NRR has the
22 responsibility, and I stand to be corrected if I'm
23 wrong. On the modular HTGR, modular liquid metal
24 reactor, PIUS and CANDU III, Research has the
25 responsibility. I have some concerns there whether we

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1 might develop possibly different standards for review
2 of advanced designs by having the two different
3 offices completely involved. It also worries me that
4 presumably that these would become under NRR at the
5 time of licensing review, whether NRR would feel the
6 full ownership of the certification review done by
7 somebody else.

8 So, I'd just like to throw out for
9 Commission consideration as a stocking horse whether
10 any thought had been given to perhaps establishing a
11 join division made up of perhaps NRR and Research
12 personnel that throw out maybe a report to the EDO's
13 office with responsibility of coordinating advanced
14 reactor design certification reviews and presumably
15 headed by a senior staff member as a kind of the super
16 division director. Eventually, I assume this
17 organization would be forwarded to NRR for licensing
18 reviews or the staff or the Commission might propose
19 other alternatives.

20 So that's my introductory thoughts on the
21 question of design certification review. I think it
22 is important we be involved in these, at least with
23 some -- at least one or two FTE equivalent providing
24 feedback to the vendors at a very early stage.

25 I apologize for the lengthy introduction.

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1 CHAIRMAN CARR: All right. It's on the
2 table. Any comments? Commissioner --

3 COMMISSIONER ROGERS: Well, I'm concerned
4 about this long, stretched out schedule and some of
5 the same issues that you are. In looking at it, it
6 seemed to me in talking to staff there really is a
7 shortage of qualified people to do the job. I
8 suggested at one time that perhaps certain individuals
9 should just be dedicated to design reviews and do
10 nothing else and that apparently is a very difficult
11 thing for NRR to do because some of the key people and
12 a number of different questions have to be involved in
13 design reviews, so that dedication of individuals
14 looks like a very difficult thing for them to do when
15 it really comes down to a shortage of the kind of
16 experience that's necessary to do this job.

17 So, it does seem to me there is a resource
18 question here, although there's also this question of
19 process that's been raised with respect to the
20 immediate reviews of EPRI and GE and CE designs. I'd
21 like us to talk a little bit about that process while
22 we're on this general topic, but it does appear to be
23 a resource problem in the long run to take on all of
24 these at the same time even at the modest level that
25 you're suggesting.

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1 I think that that's something we ought to
2 talk about. Normally, we don't get involved with
3 allocation of personnel to particular projects and
4 things of this sort as individual commissioners.
5 That's more -- I'd say a more administrative function.
6 But I think there is a policy issue at stake here of
7 how the Commission deals with this whole question of
8 future designs. So, I think it is appropriate for us
9 to discuss it.

10 CHAIRMAN CARR: Commissioner Curtiss?

11 COMMISSIONER CURTISS: Well, I guess I don't
12 disagree with any of the general sentiments that have
13 been expressed, but it does seem to me that as we
14 enter a critical phase here now with the promulgation
15 of Part 52 and the procedural shop by and large in
16 order -- and I will come back to that. A couple of points,
17 Forrest, that you've raised about essentially complete
18 design and what constitutes a complete design and the
19 ITAC criteria, the inspection test analysis which I
20 know is a second subject that on the procedural side
21 of the shop we need to address.

22 But more generally, I don't have any
23 disagreement with the general sentiments that the
24 Commission needs to be clear in what it expects in
25 this area, that in terms of organizing the resources

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1 and the organization itself to get the most bang out
2 of the buck, we may want to consider something that
3 will bring together in a more focused way a group that
4 would have the capability and the task exclusively to
5 look at these issues.

6 I do think there's some difficult questions.
7 I know we've tossed around the process question now
8 for six or eight, ten months and hopefully are
9 beginning to sort out exactly what the process is in
10 terms of what the Commission's role will be in that
11 process, what the ACRS role is going to be and when
12 and under what conditions the staff needs to come to
13 the Commission for guidance.

14 The question, I guess, that I see that still
15 in my own mind, I guess, is unclear are really two
16 questions. One, we haven't defined clearly yet
17 exactly how we're going to approach the EPRI
18 requirements document and what the Commission view is
19 about the importance and priority of the EPRI
20 requirements document.

21 Personally, I guess I've expressed on
22 earlier occasions the view that the EPRI requirements
23 document is an important vehicle and has the benefit
24 of bringing some standardization to bear between and
25 among the vendor designs within a given class, the

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1 evolutionary requirements document and the passive
2 requirements document. But we haven't yet articulated
3 clearly really for either class, in my view, what it
4 is that we want to do with the EPRI requirements
5 document, not just from a legal standpoint but from
6 the standpoint of allocation of resources and
7 priority. Do we want to complete it first before we
8 do any work on conceptual design reviews for the
9 passive plants, for instance, or is there some work
10 that can be done or that needs to be done because of
11 the synergistic effect of the two as we proceed with
12 both those initiatives? I think we need to be clear
13 on that.

14 Secondly, it's not clear to me as you look
15 at the evolutionary and the passive plants and the
16 latest resources that even at the staff level, much
17 less the Commission level, the resources question is
18 sorted out.

19 I had a chance to take a quick look at the
20 package that came up last night and I haven't done the
21 arithmetic yet, but just comparing the numbers that
22 we're talking about here, for instance that we
23 submitted to the Bevil questions, as I ran the numbers
24 it looked like we had in 1991 35 FTEs and \$3.0 million
25 for both the LWR and the advanced reactor program.

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1 These latest numbers, and there may be a difference in
2 how you allocate the overhead, but the latest numbers
3 that I see from last night are 25.3 FTEs. So, there's
4 a difference of 10 FTEs there that I don't quite
5 understand yet. It looks like we need to pursue that
6 question in more detail.

7 CHAIRMAN CARR: You want to look at that.
8 As you said, that's quick and dirty and subject to
9 revision.

10 COMMISSIONER CURTISS: Right. It's gone
11 down though by almost a third just in two or three
12 weeks that we've been talking to Bevilacqua. I did note on
13 the last page here the comment that -- on the question
14 of essentially complete design, that the staff is
15 currently evaluating that question and if the level of
16 detail that has been proposed by GE for the ABWR is
17 not found to be sufficient to meet the standardization
18 of 10 CFR Part 52, scheduler delays could occur. So,
19 essentially complete design is an important question
20 we need to take a look at.

21 I do think we've gone a long ways on the
22 procedural side with Part 52 to address the procedural
23 questions. A couple of big ones, essentially complete
24 design and ITAC, that I know the staff is working on.
25 The ACRS has raised the essentially complete design

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1 information question. But those are matters that are
2 going to require Commission guidance and direction, in
3 my view.

4 On the technical side, of course, we've got
5 the list of 15 technical issues in the SECY paper that
6 we'll focus on on April 27th. In my view, the safety
7 goal implementation plan is a necessary prerequisite
8 to resolving those in a disciplined way and we need to
9 take a look at that. But on the technical side, I do
10 think both from the standpoint of the substantive
11 technical issues and the resources that we didn't
12 commit that there's some hard thinking that we need to
13 undertake and organize and discipline our views on
14 how we want to approach things from here on out.

15 CHAIRMAN CARR: I missed point 2. Point 1
16 was EPRI requirements document and I --

17 COMMISSIONER CURTISS: The second point was
18 the question of how we're going to approach the
19 allocation of resources and agency interest from the
20 standpoint of the evolutionary versus the passive
21 plants. The fact of the matter is that for two of
22 the -- in fact for the only two evolutionary plants
23 that will probably go to design certification, as
24 we've discussed at this table, there are only foreign
25 orders for those plants and that's --

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1 CHAIRMAN CARR: Okay.

2 COMMISSIONER CURTISS: -- not an
3 insignificant consideration. I do think there's some
4 benefit from the standpoint of the ABWR application in
5 an early demonstration of Part 52 and its workability.
6 So, I wouldn't discount the importance of that. But
7 the relative importance that we as an agency want to
8 place on the evolutionary class and the passive class,
9 both from the standpoint of the individual designs and
10 the requirements document is the second issue.

11 CHAIRMAN CARR: Commissioner --

12 COMMISSIONER REMICK: Could I respond to
13 part 1 to that?

14 CHAIRMAN CARR: Sure.

15 COMMISSIONER REMICK: Just a bit on the EPRI
16 requirements document. I think ideally, if we had our
17 druthers, it would be good if we had the EPRI
18 requirement document completed and our review and then
19 maybe go to their license review basis and then --

20 CHAIRMAN CARR: It's easy to have our
21 druthers.

22 COMMISSIONER REMICK: Yes, but I didn't
23 think we have the luxury of that series review as I
24 see it. I think if we do that, we're going to miss--
25 we're going to receive applications before we've even

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1 participated in some of those discussions and that's
2 my concern.

3 COMMISSIONER CURTISS: Yes. It does seem to
4 me that there needs to be a way to strike the balance
5 between what we've done on the evolutionary plants
6 where we have reached the point where the EPRI
7 requirements document, as a document per se, is by and
8 large going to be irrelevant. We've heard the GE
9 folks come in and although there's been considerable
10 coordination, the EPRI requirements document is not
11 going to be complete before we get into extensive
12 discussion of the EPRI and -- the GE and CE designs.

13 At the other end of the spectrum, I'm not
14 proposing that the passive EPRI requirements document
15 needs to be complete before any discussion of those
16 passive plants. In fact, the logical point, it seems
17 to me, to draw the line is to say before you discuss
18 LRBs, licensing review bases, which is the vehicle for
19 addressing significant policy questions, the EPRI
20 requirements document for passive plants ought to be
21 complete, it ought to be in place and it ought to be
22 the buyer's guide that would cover the utilities and
23 to the extent that it addresses technical issues,
24 covering our review of the passive plants.

25 CHAIRMAN CARR: We haven't given

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1 Commissioner Roberts a chance to get on the record.

2 COMMISSIONER ROBERTS: I'm listening.

3 CHAIRMAN CARR: All right.

4 COMMISSIONER ROGERS: I just think that one
5 might misinterpret your use of the term "irrelevant."
6 It's irrelevant to the immediate allocation of
7 resources to the GE and CE evolutionary plants, but I
8 think that EPRI requirements document is still very
9 important to have in place because that does represent
10 the views of the people who are most likely to buy
11 these plants in the future. I don't think -- and one
12 could easily argue that they may be looking at
13 evolutionary rather than passive designs for the
14 future just because they represent a conservative
15 advancement of engineering practice rather than a jump
16 into a totally new approach. One can make some
17 arguments along those lines, at any rate.

18 So, I think that it is relevant to the
19 future, although it's not necessarily on the critical
20 path to the evaluations of the GE and CE evolutionary
21 designs.

22 COMMISSIONER CURTISS: I guess I meant
23 relevant in a more narrow sense.

24 COMMISSIONER ROGERS: Yes.

25 COMMISSIONER CURTISS: If we -- take a

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1 specific issue like source term, hydrogen or a couple
2 of the big issues that are currently in discussion
3 between EPRI and the Commission.

4 COMMISSIONER ROGERS: Yes.

5 COMMISSIONER CURTISS: If on the source term
6 issue the debate continues in Chapter 5 on what we're
7 going to do with source term and severe accidents,
8 while GE and CE, which are the two plants that would
9 be subject to the EPRI requirements document, are
10 proceeding ahead with the more conservative source
11 term, then in my judgment it doesn't make a lot of
12 sense to allocate the resources to resolving the
13 source term issue for the evolutionary requirements
14 document because there's no other plant left that
15 would be governed by the outcome of that discussion.
16 It may be useful to discuss that issue because it's
17 applicable to the passive plants, but I question the
18 need to expend considerable resources resolving issues
19 when the two plants that are going to be perhaps the
20 only plants within that class are proceeding ahead
21 prior to the resolution of those issues and in a
22 different way on those particular issues.

23 I do think the EPRI process though in the
24 requirements document is one that has a lot to commend
25 it. I've been a big supporter of that. In fact, I

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1 think we ought to strive to get the horse before the
2 cart when it comes to the passive requirements
3 document just for those reasons. I do think it's
4 highly relevant for that purpose.

5 COMMISSIONER REMICK: A couple of points I'd
6 like to make in response. One, by the way, although I
7 emphasize our need to review the advanced reactors,
8 the so-called passive, I did not mean to infer by that
9 that we would reduce our review of the evolutionary
10 designs and requirements documents there. Not by any
11 means, because I'm not convinced that the next order
12 will be a passive plant. So I think we have to do all
13 of those.

14 Another point I'd like to make, although
15 ideally one would like to do this in series, you have
16 to remember in the case of the AP 600 and the SBWR,
17 EPRI putting in \$30 million and also in addition some
18 staff time, I believe, that they're going to be
19 participating with that. So, I think the requirements
20 document and perhaps the designs will be fairly
21 closely coupled because of their investment in those
22 designs.

23 What concerns me, if the nation needs
24 capacity, utilities are ready to order and they decide
25 to order a nuclear plant, I'd hate to have us be in

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1 the position that we're insisting that the most
2 important thing is the EPRI requirements document that
3 must be completed before we'll do anything else. I
4 don't think we're in a defensible position there.

5 CHAIRMAN CARR: Let me step in at this
6 point.

7 COMMISSIONER REMICK: Yes, please.

8 CHAIRMAN CARR: Unless you want some time?

9 COMMISSIONER ROBERTS: Go ahead.

10 CHAIRMAN CARR: The first thing that
11 concerns me is you can see why the staff's confused,
12 A. B, is our job is policy and not allocation of
13 staff resources to particular things unless we set the
14 priority. My impression was we set the priorities for
15 the two evolutionary plants and the EPRI requirements
16 document for evolutionary as the top priorities. But
17 we're not talking like that's what we thought. I
18 think that's the right priority. I've heard a lot of
19 complaints about time from the sellers of plants.
20 I've heard no complaints about, "You're not going to
21 have one ready when I want to buy one," from any
22 utility.

23 COMMISSIONER ROBERTS: I think that's very
24 valid.

25 CHAIRMAN CARR: Utilities are not coming in

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1 telling me, "You better get on with your work. I need
2 to build a plant and I want to build a certified
3 plant." I have heard zero comments to that effect.
4 That's point 1.

5 Point 2, I think our priorities of going
6 with the EPRI requirements document is in accordance
7 with what the utilities want. They want to specify
8 what they want to buy rather than have somebody come
9 sell them a product. I'm concerned about
10 standardization. If we don't do the EPRI requirements
11 document and if we don't do a very careful layout of
12 what we want in an essentially complete design,
13 standardization is nothing, in my opinion. If we
14 don't lay that design out to where it is essentially
15 complete, then we're going to be right where we are
16 today, we're going to have everybody out there
17 building what they want.

18 The second thing is we don't have enough
19 staff to do everything.

20 COMMISSIONER REMICK: That's right.

21 CHAIRMAN CARR: This priority on these
22 things, as far as I'm concerned, the highest priority
23 is keeping the 20 percent we've got out there working.
24 We've agreed to that, but that's the top priority. We
25 can't pull people off of those plant life extensions

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1 and put them on these things. We can't take --

2 COMMISSIONER ROBERTS: You say we cannot?

3 CHAIRMAN CARR: No.

4 COMMISSIONER ROBERTS: Yes. Yes.

5 CHAIRMAN CARR: We can't take day to day
6 safety that's being operated all over the 120 plants,
7 take those people and put them on these things and we
8 don't have enough people to do all the things that we
9 all agree it would be nice to do if we had enough
10 people. So you get right down to the hard part of
11 this problem, you've got to set the priorities, you've
12 got to let something go.

13 COMMISSIONER REMICK: I agree. I agree.

14 CHAIRMAN CARR: And when -- my feeling is--

15 COMMISSIONER REMICK: That's my point.

16 CHAIRMAN CARR: -- if you aren't going to
17 let it go -- if you've got to let it go you've got to
18 really let it go. There's no reason to keep the team
19 together and work on a little bit of everything and
20 never get anything done.

21 COMMISSIONER REMICK: Could I respond?

22 CHAIRMAN CARR: Sure. I'm just warming up.

23 COMMISSIONER REMICK: The Commission has a
24 good excuse. They have a new commissioner that didn't
25 participate in those discussions.

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1 CHAIRMAN CARR: No, no.

2 COMMISSIONER REMICK: He's unknowledgable.

3 COMMISSIONER ROBERTS: You can only enjoy
4 that for a short period of time.

5 CHAIRMAN CARR: And not only that, you've
6 only missed two.

7 COMMISSIONER REMICK: And it could be after
8 this day's discussion, maybe utilities will let us
9 know that we're in the critical path. I have no idea,
10 but --

11 CHAIRMAN CARR: I keep asking them to come
12 in.

13 COMMISSIONER REMICK: -- that's certainly a
14 possibility. But also on resources with what, we have
15 3200, 3300 people. What I'm proposing here is
16 something a little bit bigger than a single
17 commissioner's office, maybe two commissioners'
18 offices, and out of 3200 people, in the interest of
19 our long-term capability to do what has been our
20 historical strength and what we are respected for
21 internationally and that is do an adequate review of
22 licensing -- safety of licensing reviews. It's just
23 hard for me to imagine that we couldn't round up that
24 number of resources.

25 I won't do it here, but I could even suggest

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1 an area where I think there's some duplication of the
2 staff that we might consider. And I think we do still
3 have people who have experienced what it takes to do a
4 licensing review, although I think we've lost a lot of
5 capability. So, I think some of those people still
6 exist and could be brought in without necessarily
7 damaging other programs.

8 CHAIRMAN CARR: Well, that point is well
9 taken. But what I'm trying to say is we're here for
10 policy and the staff is there for day to day
11 operations and decide how to do the work. Far be it
12 from me to step in there and tell them, "I think you
13 ought to take five guys off of this and put it on that
14 and try to --" All I can tell them to do is -- and I
15 think all we should tell them to do is, "These are the
16 priority jobs and we want a schedule and we want to
17 make sure you hold to that schedule and you get it
18 done."

19 I'm concerned whether we can even hold a
20 schedule or not, A. B, I was kind of surprised with
21 the paper Jim referred to, but I took the front page
22 as saying it was quick and dirty because it looks to
23 me like that they aren't going with our current
24 priorities by that piece of paper. We're doing a lot
25 of things that I am a little surprised we were doing,

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1 but I realize you can't just, as you say, start on day
2 one with a complete clean sheet of paper and all of a
3 sudden say, "I've got to get there."

4 On the other hand, the urgency that people
5 are talking about and everybody thinks is there, the
6 urgency, from my standpoint, is to not lose the 20
7 percent we've already got out there operating,
8 generating electricity. We've got to make sure that
9 stays safe and runs. If somebody wants to build the
10 plant, you say somebody's going to come in here and
11 we're not going to be through with our work, we've
12 already agreed if somebody comes in and says, "I want
13 to build a plant," everything drops and we get that
14 thing certified.

15 COMMISSIONER REMICK: But Ken, the thing I'm
16 trying to make, they might not be able to make that
17 decision on which design until they have the results
18 of our certification review.

19 CHAIRMAN CARR: If they'll come and complain
20 to me and say which design they prefer, then I'm more
21 inclined to proceed with that design than I am
22 inclined to proceed with a vendor who's coming in and
23 pushing his design.

24 COMMISSIONER CURTISS: Presumably, that's
25 what the EPRI requirements document tells you, that

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1 the collection of utilities are interested first in
2 the evolutionary plants. For that reason, Ken's
3 description of priorities is one that I fully agree
4 with, that we ought to -- in fact, I'd maybe even
5 shade the emphasis more on the EPRI requirements
6 document Chapter 5 for the benefit of getting that
7 done for the evolutionary plants as well as the
8 advantage that it gives you in addressing those issues
9 for the passive requirements document.

10 It does seem to me that at this point for
11 the highest priority items that we've identified, the
12 EPRI requirements document and the CE and the GE
13 designs, in my view we haven't sorted out yet, and the
14 papers that we've got here before us now are an
15 indication of this, haven't sorted out what it's going
16 to take from the standpoint of staff resources for
17 those three to address the technical issues that have
18 arisen, A; B, to comply with the process that the
19 Commission has formulated over the past six or eight
20 months. Until we sort out that process and decide
21 what resource is going to be required, whether it's 25
22 or 35 or some other number, I guess I'd be
23 uncomfortable saying that we ought to devote
24 additional resources to that generation of plants that
25 are even beyond the passive category.

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1 Having said that, when we get through that
2 process, and I think we probably will with the April
3 27th meeting and subsequently, hopefully shortly after
4 that, then it does seem to me that it's fair to sit up
5 and take notice of what we've done here and ask
6 ourselves the question, are there additional resources
7 left over within the advanced reactor program or from
8 some other source that can be tapped for purposes of
9 now starting the review on, say, the conceptual design
10 of the Westinghouse passive plant or for the MHTGR or
11 say for PIUS or those that, in my judgment are clear
12 out on the horizon and shouldn't detract from the
13 resources that we need today for what are clearly, in
14 the view of the utilities, the three highest
15 priorities that we ought to address today.

16 CHAIRMAN CARR: In the interest of time --

17 COMMISSIONER ROGERS: Well, I'd just like to
18 jump in and say I think we got our priorities right.
19 I think that -- I don't think there's anything wrong
20 with the priorities. I think the Chairman's statement
21 of them was correct. We've got the priorities right,
22 I think, given resources, given the current resources
23 as they have been identified to us by staff.

24 Now, whether one could take another look at
25 everything we do at NRC and find a way to break loose

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1 resources from some activity that may have been -- may
2 be overstaffed in some way, even though that would
3 require a different mode of operation to do that or
4 not, seems to me something that I would say is more a
5 management issue that the Chairman will have to deal
6 with with the EDO. But I'm uncomfortable with our not
7 being able to do more than we're planning to do.

8 But I think our priorities are right. I
9 don't have any question about the priorities. I think
10 they were absolutely correctly set. I think that the
11 operating plants have got to be the highest priority
12 of what we attend to. Maybe the efficiency with which
13 we use our personnel resources to do that job might be
14 examined to see whether there's another way to do that
15 and do it just as well with less people that might be
16 qualified -- who might be qualified to work in this
17 other area. But as you know, it's a specialized area.
18 It requires a particular kind of expertise that you
19 may not just be able to reach in and take out a warm
20 body and say, "Now, go do design reviews."

21 COMMISSIONER REMICK: I agree. That's part
22 of my concern.

23 COMMISSIONER ROGERS: There's a lot of
24 coming up to speed. It may be that it would be
25 worthwhile trying to actually do an analysis of where

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1 the capabilities for design reviews in the past in
2 terms of individuals reside within the Commission.
3 They may be spread all over the place now, and whether
4 there's any possibility of somehow or other
5 recollecting those and replacing them with other
6 people to do those jobs to which they are currently
7 assigned. In other words, to preserve that
8 intellectual capability and engineering expertise and
9 experience that's in the Commission today and treat
10 that as a special resource that we somehow rather like
11 to bring together again and not have it continually
12 dissipated.

13 But I think our priorities are right. I
14 don't question them for a moment because I think
15 they're absolutely on target given the resources that
16 we have been told are currently available to do the
17 job.

18 COMMISSIONER REMICK: I don't differ with
19 what you're saying. In fact, I agree that you can't
20 take any engineer and make him a reviewer. They have
21 a different kind of expertise in many cases. I think
22 we still have some of those resources here. They are
23 distributed, I believe. They're valuable and they're
24 going to have to train the people for the future.

25 The point I'm trying to make, going back to

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1 what Chairman Carr indicated, I'm concerned that we
2 might be influencing the decision of utilities which
3 design they might --

4 COMMISSIONER ROGERS: I think that's a good
5 point.

6 COMMISSIONER REMICK: -- because there might
7 be X that is certified or near certification. They
8 might prefer, and maybe it's a better plant, to order
9 Y. But if Y is not near certification, they don't
10 know if it's ever going to, if it's going to be
11 licensable, and therefore they might opt for X because
12 they need capacity in a certain period of time.

13 COMMISSIONER ROGERS: Doesn't that really
14 bring you back to the EPRI design requirements because
15 that's --

16 CHAIRMAN CARR: If they want to help pick
17 the priorities, I'd welcome that. I just haven't
18 received any input.

19 COMMISSIONER ROGERS: And I think that
20 that --

21 CHAIRMAN CARR: The input that they give me
22 is through the EPRI requirements document.

23 COMMISSIONER ROGERS: Right. If that's done
24 and that's in place, then that represents what the--
25 at least the utilities say that they --

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1 COMMISSIONER REMICK: But that's what they
2 want to see in the designs, that's correct.

3 COMMISSIONER ROGERS: Yes.

4 COMMISSIONER CURTISS: Well, let me put a
5 positive word in for influencing the designs. I think
6 that's what Part 52 is all about from a procedural
7 standpoint. What we're trying to influence is a
8 minimum number of designs with a high degree of
9 commonality between -- standardization between and
10 among the designs. I don't think we ought to pick the
11 technology and decide or on the question that I raised
12 earlier, I don't think we're in a position to say, "We
13 think the next generation plants ought to be the
14 modular, small, passively safe plants that are
15 prefabricated." I'm not comfortable doing that.
16 That's purely a market decision depending on
17 individual utilities.

18 CHAIRMAN CARR: But if we think
19 standardization is the right way to go, we could
20 certainly require it.

21 COMMISSIONER CURTISS: I agree. I don't
22 think that selection is going to hinge upon the
23 standardization question. I don't think the choice of
24 a large versus a small plant is a standardization
25 question. As I say, I do think we ought to try to

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1 influence the designs to the extent that we're saying
2 they should be -- there should be fewer of them, they
3 should be standardized, they should be -- if they can
4 be constructed in a way that avoids some of the QA
5 problems that we've seen in the past and if that means
6 focusing resources on the EPRI requirements document
7 as a vehicle for bringing about some degree of that
8 standardization.

9 The Chairman's proposed another concept
10 which is to have the Department of Energy put out a
11 bid for a single reactor. Those are concepts that are
12 designed to influence the process in a way that I
13 think is entirely appropriate for us to do.

14 COMMISSIONER ROGERS: Just before we leave
15 the subject, because I suspect we ought to leave the
16 subject --

17 CHAIRMAN CARR: We're not going to solve it,
18 I don't think, right here today.

19 COMMISSIONER ROGERS: I hope we could come
20 together on the point of priorities because it does
21 seem to me that the priorities that have been set are
22 not something I'd like to see reopened. I don't want
23 the staff confused about what those priorities are. I
24 think that they were right and I think what we're
25 talking about is extending the activities, but not a

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1 change in priorities.

2 COMMISSIONER REMICK: Again, it's very
3 difficult for me to be against safety of operating
4 reactors, possibly because that's important. I am
5 wondering if we're tilted just a little bit too far
6 from the standpoint of resources and are not concerned
7 about the long-term viability of this Agency to do
8 thorough safety reviews for the future, which is one
9 of our, I think, historical strengths and one of our
10 responsibilities that I -- my concerns at the moment
11 are we tilted just a little bit too far.

12 CHAIRMAN CARR: Well, that's a valid
13 concern. I think we can look at it certainly.

14 COMMISSIONER ROGERS: Ken, do you think that
15 you would feel it would make any sense to try to at
16 least do an analysis of staff capabilities wherever
17 the expertise may be for doing these reviews that --

18 CHAIRMAN CARR: Chairman Zech is --

19 COMMISSIONER ROGERS: -- is not currently
20 in --

21 CHAIRMAN CARR: We just got through doing
22 that last year under Chairman Zech's, I think issued a
23 little request to the staff that says, "Let me know if
24 we get a license right away, what you can do to take
25 care of it." We got that back, I think.

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1 COMMISSIONER ROGERS: Well --

2 CHAIRMAN CARR: But we can pull it out
3 again.

4 COMMISSIONER ROGERS: Okay.

5 COMMISSIONER CURTISS: Ken, I have three
6 suggestions, concrete, that I'd like to pursue and
7 just toss out for the staff at this point.

8 One, the paper that came up last night said
9 the staff is coming up with a response on the question
10 of what essentially complete design is. It's a
11 question that the ACRS has raised. I know it's come
12 up in the context of the GE review. They're going to
13 come up in the near future with that. I guess I would
14 encourage the staff to get up here as early as
15 possible with guidance on whether Part 52 is clear
16 enough on what constitutes an essentially complete
17 design.

18 Secondly, when the staff has sorted through
19 the question of how to approach inspections, tests and
20 analyses, that's another important one that it seems
21 to me is going to require Commission guidance.

22 CHAIRMAN CARR: The success of Part 52.

23 COMMISSIONER CURTISS: Absolutely. And as
24 soon as the staff is in a position to come forward
25 with some thoughts whether Part 52 is clear or not and

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1 if not what direction we ought to take, I think that
2 would be helpful.

3 Finally, one point of clarification. Maybe
4 I can pursue this informally with the staff. I have
5 in my own mind tied the EPRI requirements document for
6 the passive generation to the licensing review basis
7 because I have viewed that, particularly the GE
8 context, as the vehicle that is used to make
9 significant policy decisions. I'm a little bit
10 confused about that now because on the one hand I
11 think the GE folks view that as almost a contract
12 between the Commission and GE. There's been some
13 recent communication. In fact, I think your office
14 shared it with me, Forrest, that Westinghouse views it
15 as a less formal guidance document for how they're
16 going to approach design certification.

17 If the staff has any thoughts on how they
18 view the licensing review basis document, I know it's
19 an important document that we've used in the case of
20 GE. We intend to rely upon it in the future under the
21 staff's recommendation. I'd like to have a better
22 feel for how the staff views that document.

23 MR. PARLER: Mr. Chairman, if the staff
24 would view such a document as a contract between us
25 and anybody for regulatory purposes, I would hope they

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1 would consult with us.

2 COMMISSIONER CURTISS: Yes. I think that's
3 the GE view.

4 CHAIRMAN CARR: Yes, I didn't review it as a
5 contract.

6 COMMISSIONER CURTISS: Neither do I.

7 MR. PARLER: In view of the occasions, I
8 thought I'd --

9 CHAIRMAN CARR: Okay. In the interest of
10 moving on, shall we leave this one for awhile?
11 Anything else you want to bring up?

12 COMMISSIONER REMICK: I don't know, but why
13 don't you --

14 CHAIRMAN CARR: Okay. Commissioner Roberts,
15 you got anything you want to bring up?

16 Ken?

17 COMMISSIONER ROGERS: Yes. A principle is a
18 good regulation. Some time ago in meeting with people
19 and some of my visits to regional offices, I had some
20 very interesting conversations with some of our staff.
21 One of the points that came out in one of those
22 conversations was that how does one create a good
23 regulator? How do you take a young engineer out of
24 school who's pretty well grounded in engineering
25 fundamentals and give that person some sense of what

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1 it means to regulate in a technical agency?

2 One of the guiding principles that that kind
3 of an individual should begin to think about that
4 wouldn't come out of their engineering training,
5 necessarily, academic training.

6 In other words, what are the principles of
7 good regulation that one would like to convey to an
8 incoming, up and coming regulator? And that started
9 me thinking about, well, what do we see as the
10 principles of good regulation? What do we think about
11 in carrying out our affairs? We're always, of course,
12 in the middle of the thicket of day by day problems,
13 but what are the kind of guiding principles that, as
14 regulators, we should be thinking about?

15 I'm not talking about regulations. I'm
16 talking about the process of exercising one's
17 responsibilities as a regulator. And so, this is not
18 a question of what constitutes good regulations. This
19 is a question of what are the principles that ought to
20 guide a person in thinking about how to create
21 regulations and how to exercise regulatory authority.

22 And so, I started trying to write some of
23 these things down and looked at what other people had
24 spoken about in the past, other Commissioners, in
25 speeches or addresses or whatever, and began to try to

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1 bring some of these things together along with some of
2 my own thoughts and talk to my fellow Commissioners a
3 little bit about some of these things, and came up
4 with a couple of points that seemed to make some
5 sense, shared them with you, shared them with the
6 Chairman, and tried to modify them as suggested from
7 your responses.

8 And then the question is, well, what would
9 we do with something like this? If we did have
10 something that we called "principles of good
11 regulation," what would we do with it? And one
12 possible use of it might be to incorporate it in our
13 mission statement and our mission of regulatory
14 philosophy section of our five year plan.

15 The Chairman suggested that my office take
16 on the task of trying to write that into that section
17 and then see how it might sit with the rest of you.
18 That has been done and I've gotten feedback from all
19 of your offices and we've tried to incorporate those
20 suggestions and comments to the largest extent
21 possible, but in some cases, not many, but in some
22 cases it was really a totally different point of view
23 coming from one area, one group of people, and I felt
24 that since the Commissioners already had more or less
25 taken the position they didn't have too much trouble

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1 with the statement, I didn't really make some of those
2 fundamental changes, although there weren't many,
3 really, very small in this.

4 And I guess the question now is -- you have
5 all of the result -- whether you think that it's
6 worthwhile going ahead and doing something with it.
7 I'd like to suggest that we incorporate it in the
8 mission and regulatory philosophy section in the five
9 year plan, and I'd be happy to hear your comments on
10 that.

11 CHAIRMAN CARR: Commissioner Curtiss?

12 COMMISSIONER CURTISS: Well, I've taken a
13 look, Ken, at the redraft that you sent around this
14 morning and I sent you my comments earlier. I do want
15 to commend you for the effort that you put in to pull
16 together some of these concepts that I think we all
17 talk about and that we all realize are touchstones of
18 good important principles of regulation.

19 The document that you propose putting this
20 in, the five year plan, seems to me to be the most
21 logical one, because it's a message in large part to
22 the Agency and its organization, but to the outside
23 world as well. And I do think you've done a good job
24 of communicating the kinds of principles that ought to
25 underpin our regulation generally and our day to day

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1 activities throughout the Agency.

2 CHAIRMAN CARR: Commissioner Remick?

3 COMMISSIONER REMICK: Well, Ken, I think you
4 know that right from the start I was an enthusiastic
5 supporter of your idea, and I think it's an excellent
6 job. I looked at the most recent version as well as
7 the other versions and you've incorporated essentially
8 all of my suggestions, so I'm very pleased. And I
9 agree with what Commissioner Curtiss has said. I
10 think we ought to use it in the five year plan as
11 information to our staff and to the outside world of
12 what we think is important.

13 CHAIRMAN CARR: Tom?

14 COMMISSIONER ROBERTS: I agree.

15 CHAIRMAN CARR: Ken, in order to not be so
16 unanimous, let me make a few comments.

17 First thing, when the Commission puts out a
18 piece of paper, my experience, having been a staff
19 person, is when you get a piece of paper from the top,
20 what you really try to figure out is what has changed
21 in the direction I just got.

22 So the question, I think, as you said, we
23 should focus on whether we really need to do this or
24 not, the need for it. Your forwarding memo said that
25 the changes you're proposing are significant. I

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1 looked and I really couldn't discern major
2 significance in the thing, but I think it's a valuable
3 effort. So I don't have any problem with the paper as
4 written.

5 There are just a couple of things I would
6 like to emphasize if we do put it out. The first one
7 is at the bottom of the mission area where you say,
8 "Essential functions must be maintained through
9 appropriate combinations of high component and system
10 reliability, redundancy, and diversity to provide
11 multiple barriers to the release of radiation, defense
12 in depth."

13 Looking way out, when we get to the part
14 where we're going to be working with the passive safe
15 designs of liquid metal and high temperature gas-
16 cooled reactors, there may be some change in
17 philosophy on defense in depth that we will be asked
18 not to go with. And the question is, do we really
19 want to lock that in now as policy and say you can't
20 build a reactor if you don't have defense in depth, or
21 do we want to leave that a little bit open for
22 possible --

23 COMMISSIONER ROGERS: Well, I --

24 CHAIRMAN CARR: Let me finish.

25 COMMISSIONER ROGERS: Oh, okay. I just

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1 wanted to address it, but --

2 CHAIRMAN CARR: I've just got two --

3 COMMISSIONER ROGERS: Because, I've got a
4 solution for that one right off, and it's right in
5 there, and that's the word "appropriate."

6 CHAIRMAN CARR: Okay.

7 The other one is in the area under
8 efficiency, in the bottom of the paragraph on
9 efficiency where it says, "where several effective
10 alternatives are available, the option which minimizes
11 the use of resources should be adopted." That's
12 sufficiently vague that I'm not sure the staff will
13 know what to do with that.

14 COMMISSIONER ROGERS: Well, I think that it
15 really should be read that all resources, not just
16 public resources, but any person's resources that are
17 involved. I think that where we -- I think we should
18 not be blind to the impact of what we do on other
19 people's resources, not just our own, and therefore
20 that we should pay some attention, when there are
21 several alternatives available, that that alternative
22 which is acceptable to us, but minimizes resources,
23 both our own and someone else's, should be adopted.

24 CHAIRMAN CARR: Okay. Let me --

25 COMMISSIONER ROBERTS: That might be a

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1 revolution in government practice.

2 CHAIRMAN CARR: Let me ask you a question.

3 Do you look at this piece of paper as a
4 reiteration of the things we think we're doing now,
5 and so there shouldn't be anybody that reads this as a
6 change in direction?

7 COMMISSIONER ROGERS: Yes. I really see
8 that as sharpening up, in a sense, just reviewing,
9 going back and looking at what we've done and what
10 really, if we had to put a statement of practice on
11 it, would be this. Now there may be some specific
12 areas that somehow, you know, don't quite fit it, but
13 certainly not by design.

14 CHAIRMAN CARR: Okay. You want to address
15 the other question I have.

16 COMMISSIONER ROGERS: The first one, yes.

17 I think that the saving word in that whole
18 sentence is "appropriate," because if you're facing a
19 situation where you really -- it isn't appropriate
20 anymore to combine a collection of different diverse
21 systems because there is a totally new approach, then
22 I think that's still covered here, because it's no
23 longer appropriate.

24 COMMISSIONER REMICK: Could I respond to
25 both those, Ken?

1 CHAIRMAN CARR: Sure.

2 COMMISSIONER REMICK: I think the bit of
3 minimizing the use of resources would be consistent
4 with NEPA. I think we have an obligation under that
5 to make sure if we have alternatives that we reduce
6 the use of resources.

7 On the bit of provide multiple barriers, I
8 very strongly support that as a basic principle. And
9 that does not mean that those barriers have to be of
10 one specific type or another. They might vary with
11 time, but it doesn't say that this is --

12 CHAIRMAN CARR: You're not ready to bail out
13 on the defense in depth?

14 COMMISSIONER REMICK: Absolutely not.

15 CHAIRMAN CARR: Okay.

16 COMMISSIONER REMICK: I think it's proven to
17 be very worthwhile.

18 COMMISSIONER CURTISS: I didn't read that
19 sentence, I guess, as implying a change in view on
20 defense in depth, although --

21 CHAIRMAN CARR: Well, what it does is it
22 prevents a change in view on defense in depth. And
23 I'm not sure -- I have a pretty open mind on that. I
24 think with current light water reactors, that's a
25 tremendous idea.

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1 COMMISSIONER CURTISS: I didn't read that,
2 for instance, as foreclosing our debate on the
3 containment question on MHTGR, for instance, or
4 addressing the question of whether two or three trains
5 were appropriate.

6 Just a suggestion in that regard, it may --

7 CHAIRMAN CARR: It's not how we read it that
8 worries me. It's how the staff reads it that worries
9 me.

10 COMMISSIONER CURTISS: That's why I'd like
11 to maybe suggest a change, if there is a concern
12 there. The "appropriate combination," "appropriate"
13 modifies the "combination," but it's the defense in
14 depth principle there at the end. Maybe the
15 "appropriate" needs to modify -- be placed someplace
16 further down in the sentence to address the Chairman's
17 concern, because I do share it and it's one that --

18 CHAIRMAN CARR: And if we could -- I mean,
19 if you can provide the same protection without using
20 the defense in depth concept, I have no problem with
21 that. I'm not sure it's possible, but --

22 COMMISSIONER ROGERS: Actually, this was not
23 part of the principles of good regulation that I was
24 weaving in. This is something that was, I think, in
25 the original mission statement that we've been dealing

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1 with, as was in the five year plan. I'm not sure, but
2 I think this came right out of the five year plan.

3 CHAIRMAN CARR: You've focused me on it
4 anyway.

5 COMMISSIONER ROGERS: Which is always a good
6 reason for looking at things again.

7 So this was not part of the principles of
8 good regulation, but that's, I believe, wording right
9 out of the five year plan as it currently exists. So
10 if we want to review that, fine.

11 CHAIRMAN CARR: Okay. Any more on this
12 subject?

13 COMMISSIONER REMICK: I just repeat, I'm
14 very much in favor of multiple barriers, not tying it
15 down to I mean this or that --

16 CHAIRMAN CARR: Okay.

17 COMMISSIONER REMICK: -- but the concept.

18 CHAIRMAN CARR: Tom, you got a subject?

19 COMMISSIONER ROBERTS: No.

20 CHAIRMAN CARR: Jim, give you a chance.

21 COMMISSIONER CURTISS: All right. I only
22 have one quick one, and actually it's one that's been
23 on my mind for some time.

24 The question of the Commission's role and
25 involvement in management-related issues is one that,

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1 since I've come to the Commission, is not clear to me
2 that I fully understand what it is that we do and how
3 we approach the murky or the soft area of management-
4 related questions.

5 CHAIRMAN CARR: Our management or --

6 COMMISSIONER ROBERTS: Excuse me, whose --

7 COMMISSIONER CURTISS: Utility management.

8 CHAIRMAN CARR: Utility management. I'm not
9 focusing on regulating ourselves. I'm not sure how we
10 address that either, but I'll defer that to some
11 future meeting.

12 The question that I guess I have was
13 prompted by the recent Calvert Cliffs special team
14 inspection that, among other things, focused on the
15 management question. I've, as I say, been here now a
16 couple of years and it's not clear to me that I fully
17 understand how it is that we approach management
18 questions within the utility. We've talked about that
19 subject in various contexts. It's addressed in a
20 related way in the recent work that Burt Davis
21 completed with the utility survey. I know the Office
22 of Research has some activities underway in the
23 management area.

24 I wonder if it might not be helpful -- one
25 other comment. I asked my staff, two of whom are

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1 resident inspectors, where is it that a resident
2 inspector would go, a new one coming to the Agency, if
3 the person wanted to know what is it that's
4 appropriate for the inspector to do or to say in the
5 management area if the utility puts a resume on his
6 desk and says -- his or her desk -- "What do you think
7 of this individual?" Is it appropriate to comment on
8 questions like that?

9 COMMISSIONER ROBERTS: Wait. If a utility
10 gives a resume of a prospective employee to our
11 resident?

12 COMMISSIONER CURTISS: Right, says "What do
13 you think? Do you have any comments on it?"

14 COMMISSIONER ROBERTS: Takes about a
15 microsecond to answer that.

16 COMMISSIONER CURTISS: Well, I think that's
17 right, at least in my own view. But it's not clear to
18 me that, in going around to the plants and watching
19 the practice, that a new resident inspector would
20 clearly understand that that's the Agency practice or
21 policy.

22 Similarly, I guess, a good rule of thumb
23 that somebody passed on to me --

24 CHAIRMAN CARR: I'm not sure there is a
25 policy.

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1 COMMISSIONER CURTISS: I'm not sure there is
2 either, and that's really --

3 COMMISSIONER ROGERS: I think it's worth
4 discussing, though.

5 COMMISSIONER CURTISS: That's really what
6 I'm raising. I do think that we, as an Agency -- this
7 is my own rule of thumb, but it may not be the
8 Commission view -- we have an obligation to
9 communicate to the licensees what's wrong, but it
10 concerns me if we get too deeply involved in becoming
11 part of the solution or in, more specifically,
12 communicating who's wrong with the particular plant or
13 the management-related questions that I've alluded to.

14 I don't have a specific suggestion at this
15 point in terms of how to proceed or any comments that
16 we've either gone too far or not far enough, but I
17 would like to toss that subject out, maybe for
18 discussion at the next meeting, perhaps with an --

19 CHAIRMAN CARR: I can make one comment now.

20 I've been concerned that most of the
21 inspections we -- certainly the team inspections we do
22 all look at management. I guess in my personal visits
23 of plants, my only comment on management that I can
24 remember has been in places where I thought they had
25 too many layers. And that's just -- they hand you the

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1 sheet and you see from the CEO down to the guy running
2 the plant there's four or five intermediaries there.
3 And my comment generally has been, "You've got a lot
4 more layers of management than the ones I normally
5 see. Does it work?" And I'm just planting a seed to
6 have the guy think is it really what I want. But
7 that's as close as I've ever come to getting into the
8 management issue.

9 I'm not sure it's -- I think you're right in
10 saying if the plant's not running right we rate
11 telling them about it. But I'm not sure we rate
12 telling them how to fix it.

13 COMMISSIONER CURTISS: Or who's necessary to
14 fix it.

15 CHAIRMAN CARR: I'm not sure we can tell
16 them who's necessary to fix it.

17 COMMISSIONER CURTISS: It does seem to me
18 it's almost a regular event when we, for example,
19 identify a problem plant, that there's a whole change
20 out of management. And it may be perceived that
21 that's what's necessary to be done to accommodate the
22 Commission's concern or the staff's concern about a
23 particular plant. I don't mean to focus on the
24 problem plants in particular, but I've groped around
25 for what it is that we as an Agency do and where we've

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1 established it in the area of management, and it's an
2 area that seems to me is lacking in terms of a
3 collection of the approach that we're taking.

4 What is the philosophy? How have we
5 articulated our approach to management? Where is it
6 appropriate to say who the problem is, rather than
7 what the problem -- if at all? Just where do you draw
8 that line between the proper role of the Agency to
9 identify the problem, but at the same time to
10 recognize that it's the licensee's obligation to solve
11 that problem? They have to have ownership of the
12 solution, and for the licensee to make the decision
13 about not only what to do to solve the problem, but
14 who is necessary to solve that problem.

15 I know we've --

16 CHAIRMAN CARR: Okay. Why don't we leave
17 that one on the table to think about and we'll see
18 what --

19 COMMISSIONER ROGERS: I think it is a very
20 important issue. I'm glad you brought it up, Jim,
21 because certainly I've been hearing anecdotal
22 suggestions that some of our people, whether resident
23 inspectors or others, have commented upon individuals
24 as being appropriate or inappropriate for a job. And
25 it seems to me that that's something we definitely

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1 should refrain from doing.

2 On the other hand, I also have heard
3 anecdotal information about our being asked, "What do
4 you think? We'd like to hire somebody. What do you
5 think of this person? We don't want to hire them
6 unless you like them." And that seems to me totally
7 improper as well.

8 So I think that perhaps this is something we
9 really ought to think about and have a clear position
10 on for our staff's guidance. I think it's important.

11 COMMISSIONER ROBERTS: I think I've heard
12 the same anecdotal stories. I think you'll find these
13 circumstances occur in the region. And I think to
14 explore this it's appropriate to do it when we meet
15 with our regional administrators. I think you'll find it
16 varies region to region.

17 CHAIRMAN CARR: Yes. The regional
18 administrators deal with senior management when they
19 see problems, but I'm not sure they -- and they deal
20 necessarily with -- I mean, I'm not sure they're on a
21 good basis when they talk about recommended solutions
22 or management changes.

23 COMMISSIONER REMICK: I want to just make a
24 comment. If you remember, sometime in the last year,
25 ACRS made a recommendation that that's an area where

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1 the Commission might consider doing some research on
2 what makes a good resident inspector. These are some
3 of the things in the back of their mind, I know, at
4 the time they made that recommendation. What type of
5 training? What kind of background? What type of
6 interpersonal skills? What type of guidance and so
7 forth should a resident inspector have to do a good
8 job?

9 I know it was received as people proposing
10 that there -- this be a screening technique and so
11 forth, but it was basically to see where are the holes
12 in their backgrounds or experience or knowledge or
13 skills, and how you might fill that to make them
14 better employees, do a better job.

15 CHAIRMAN CARR: Okay. New subject?

16 COMMISSIONER ROGERS: Just before we leave
17 it, I don't want anybody to read our criticism of
18 resident inspectors into that.

19 COMMISSIONER REMICK: No.

20 COMMISSIONER ROGERS: Because --

21 COMMISSIONER REMICK: Absolutely no.

22 COMMISSIONER ROGERS: -- I've been meeting
23 with a lot of them, and I'm sure all of us have. I'm
24 very impressed with the quality and dedication and
25 competence. It is a very demanding and tough job.

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1 It's a multi-faceted job, and I think they need help.

2 CHAIRMAN CARR: Looks to me like it's the
3 best job in the Agency.

4 COMMISSIONER ROBERTS: It is the best job in
5 the Agency.

6 CHAIRMAN CARR: Counselor, did you have
7 some-- did you want to make a comment?

8 MR. PARLER: Not really.

9 CHAIRMAN CARR: Okay. I'm not forcing you.

10 MR. PARLER: There is one, though, in the
11 context of removing people, et cetera. Of course, in
12 the past the Agency has directed that certain
13 individuals be removed, but that was based on
14 established grounds for integrity purposes. That you
15 all are not talking about.

16 COMMISSIONER ROGERS: No.

17 CHAIRMAN CARR: No.

18 COMMISSIONER ROGERS: Competence.

19 COMMISSIONER CURTISS: Ken, I had one other
20 suggestion, now that I raised that topic. We've all
21 been around to the plants, and I think it's -- in
22 fact, I think former Chairman Zech established what's
23 a very valuable opportunity to get around and visit
24 the plants and tried to get around and see all of
25 them. I know we've probably all been to plants

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1 individually where we ask when was the last
2 Commissioner visit and how often do Commissioners get
3 out here. I've been to a couple of problem plants
4 where the last Commissioner visit may have been, you
5 know, a couple of years ago.

6 It occurred to me that it might be helpful,
7 as we go around to the plants individually, and I know
8 we all make an effort to do that, that there is some
9 benefit to coordinating our visits so as to perhaps
10 ensure that plants get a visit, say, once a year. I
11 know they feel overwhelmed when Commissioners come,
12 and sometimes Commissioners come to a given plant two
13 or three times a year. And there are other plants
14 that, either because of the location or because of
15 perhaps the good performance, don't get visited quite
16 as often.

17 But it does seem to me that it's valuable, I
18 know for my own personal purposes, to get out and see
19 the plants. They, I think, appreciate the
20 Commissioner visits, as hard as they are to prepare
21 for. It might be worthwhile, as we look forward to
22 scheduling the visits off into the future, to see if
23 there's not a way to coordinate so as to cover the
24 plants with some regularity.

25 COMMISSIONER ROGERS: I think that's a very

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1 good idea.

2 CHAIRMAN CARR: I've kind of left that as
3 the first guy on the schedule. The other guys get to
4 coordinate, you know.

5 COMMISSIONER CURTISS: Okay.

6 CHAIRMAN CARR: And if you want to plan your
7 trip first, I'll look and make sure we don't conflict.

8 COMMISSIONER CURTISS: That's one way to do
9 it.

10 COMMISSIONER ROGERS: Well, it might be,
11 though, that just this question of hitting some places
12 that just haven't seen anybody for a long time, make
13 sure that they do have an opportunity.

14 I have worried sometimes about how much of
15 their time I was taking when I'm there, but I'm
16 assured that they're pleased to see Commissioners. So
17 I think that it would be worthwhile trying to make
18 sure we give --

19 CHAIRMAN CARR: Much of the value in our
20 visits is from getting ready to receive us, so --

21 COMMISSIONER ROGERS: Yes. Place gets a new
22 paint job.

23 CHAIRMAN CARR: Any other topics?

24 Yes?

25 COMMISSIONER REMICK: If we have time, Mr.

1 Chairman.

2 There's one, recognition of good performers.
3 You received from me a few weeks ago a COM FR
4 suggesting that we ask the staff to explore -- and I
5 would propose on a pilot basis -- if there's some way
6 that we can incorporate, where we see good performance
7 from the standpoint of safety, of somehow recognizing
8 either an individual -- and I suggested one
9 possibility. If you have somebody who takes an
10 initial licensing exam, let's say, and does an
11 outstanding job, that perhaps there's some way of
12 recognizing the fact that that person did an
13 outstanding job.

14 I get the feeling there's some, perhaps,
15 misunderstanding of what I have in mind. I realize
16 there's some --

17 COMMISSIONER ROBERTS: It's a lack of
18 unanimity too.

19 COMMISSIONER REMICK: I realize that there
20 are some dangers there of picking out something, and
21 who knows next week what's going to happen and so
22 forth. Yet, I think that some positive recognition
23 can go a long way.

24 And I'd like to add to that a thought that
25 I've had for some time, reinforced by some recent

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1 experiences. And that's in the area of the operator
2 requalification examinations. I attended the NUMARC
3 sponsored meeting in Dallas with heavy participation
4 of NRC staff members, an interaction between licensees
5 and NRC staff on the strengths and the challenges in
6 that operator requalification area, in such things as
7 stress on the individuals and so forth. Outstanding
8 meeting and I really want to compliment our staff. I
9 thought they did a magnificent job of being receptive
10 to ideas and comments and there were many constructive
11 and so forth. Very worthwhile meeting.

12 In the back of my mind on this recognition,
13 something I have in mind because I've been concerned
14 and this is an area in which I've been involved
15 throughout my professional life, that's operator
16 training and requalification training. I applaud the
17 new method of requalification exams. I think it's a
18 tremendous improvement.

19 I am concerned, and maybe this goes back to
20 the first topic I brought up, whether we will be able
21 to provide the resources in years ahead to do that
22 thorough job that's necessary from our standpoint in
23 developing those individual requalification exams.
24 Tremendously intensive and we have difficulty
25 acquiring people with that type of expertise and so

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1 forth.

2 I'd like to couple an idea to the
3 recognition. Suppose that a plant, a licensee has
4 accredited programs. Our staff has audited that and
5 they have a feeling too that those programs, training
6 programs are good, their requalification programs are
7 good. They're a good performer, from the best of our
8 knowledge. The concept of allowing those individuals,
9 that licensee to perform its own requalification
10 examinations with the NRC auditing that process would
11 reduce our involvement and I think it would recognize
12 their performance in safety, the fact that they have
13 good training programs and so forth.

14 Remember that the NRC did not always
15 administer requal exams. That's something that goes
16 back to '81, '82. I think there was a need to get
17 involved, but I do have concerns about the long-term
18 resources, the stress on the individuals of NRC coming
19 in and so forth --

20 CHAIRMAN CARR: I think the movement is in
21 that direction. I think ultimately we'll qualify the
22 program instead of the operator, but I'm not sure
23 we're ready in that area.

24 COMMISSIONER REMICK: I'm not suggesting a
25 blanket. I'm suggesting --

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1 CHAIRMAN CARR: But I think it's going to be
2 an evolutionary process. I certainly agree that--
3 basically a lot of that we do now. I mean they
4 administer the exam and we watch.

5 COMMISSIONER REMICK: Well, but we
6 participate, and rightfully so, on helping develop
7 those.

8 CHAIRMAN CARR: And help participate. I've
9 had one concern about the level of expertise in
10 operations that our people have. We just don't have
11 the same kind of training as the guy we're examining.

12 COMMISSIONER REMICK: That's right.

13 CHAIRMAN CARR: So, everywhere I go, I tell
14 them when their senior operators retire, tell them to
15 come to us and we'll use them. If they're that good a
16 guy, we'll use them as an examiner for the NRC because
17 that's where the expertise lies. So far, I don't know
18 if we've recruited any of them, but it's certainly the
19 kind of guy that you want to be on the team.

20 COMMISSIONER REMICK: Well, I'm just
21 suggesting that this idea of recognition might be one
22 way of implementing that on a plant by plant basis,
23 give it a trial under that. I think it could be done
24 under regulations and exemption from what, Part 55
25 requirements. I just throw it out as a possibility.

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1 By the way, I'll remind you that some years
2 ago, some of you will remember, the ACRS suggested
3 that the concept of a check operator, which would be
4 this type of thing, was something worthy of
5 consideration. What I have in mind is somebody like
6 that where there would be people at the licensee with
7 recognized expertise that would be permitted to
8 administer those requal exams in recognition of good
9 performance of that licensee.

10 I just throw that out as a concept and
11 that's what I had in the back of my mind with my COM
12 FR.

13 COMMISSIONER ROGERS: Could I just toss in
14 something here that may be a little bit of a
15 diversion, but I'd rather like to get your opinion on
16 it. It seems to me that -- or has seemed to me that
17 the -- I'd like to see the operators get a little bit
18 more recognition in various ways. I think that they
19 carry an enormous burden. They're where you first
20 look when there's a problem and it seems to me that it
21 would be worth considering this whole question of who
22 owns the license.

23 My impression of the system today is that an
24 operator's license is really something that the
25 operator doesn't really have. If the utility decides

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1 they don't want to employ that person as an operator
2 anymore, the license becomes invalid. So, it's by the
3 leave, by management's leave in a certain sense that
4 one retains an NRC operators license. There's a
5 little problem there, in my view. I'd like to see the
6 concept explored and I know there are difficulties
7 with it, of the operator having a license himself or
8 herself as a transportable credential.

9 Now, I know you can't just take an operating
10 license and go and operate in any plant. There's so
11 much that's plant specific about that training. So,
12 that raises problems here. But of course if we do
13 gradually move towards more standardized plants, that
14 would make something -- that might make that concept a
15 little more valid.

16 It flies somewhat in the face of what you
17 characterized, Ken, as the way things are going,
18 namely that perhaps the licensees might take care of
19 the training programs themselves and the
20 qualifications themselves. I'd like to see the
21 operator have a credential that is his or hers, that
22 is an NRC credential.

23 CHAIRMAN CARR: Of course their licenses are
24 by name and they're issued by the NRC.

25 COMMISSIONER ROGERS: Well, they are, but if

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1 management decides, we don't want to employ this
2 person any longer as an operator for some reason, then
3 that's the end of the license.

4 CHAIRMAN CARR: Well, let me tell you as a
5 former CO, when I got a qualified reactor operator
6 from another submarine, he wasn't qualified to run my
7 reactor until I thought he was.

8 COMMISSIONER ROBERTS: But think about that
9 problem. At least you were operating under a -- to
10 use cliches, a cookie cutter concept for those power
11 plants. My God, you're talking about how many
12 different designs out there? You can talk about the
13 future in glowing terms of standardization and what
14 might happen, but I don't see how today you could do
15 anything but link a specific license to a specific
16 plant.

17 CHAIRMAN CARR: You're right.

18 COMMISSIONER ROBERTS: Nothing other than
19 that is even practical. It's just not possible.

20 COMMISSIONER ROGERS: Well, I started out by
21 saying that you couldn't just go and operate another
22 plant with that license.

23 CHAIRMAN CARR: Well, let me finish what I
24 was going to say. Even if it was --

25 COMMISSIONER ROBERTS: So, you wanted your

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1 own discipline, your own training for your particular
2 plant, but it was the same plant essentially.

3 CHAIRMAN CARR: The same plant. The guy
4 came to me from another plant and I looked at him and
5 I said, "All right, you're going to take my final exam
6 today." We'd give him the exam. If he passed the
7 exam, then we qualified him. If he didn't pass the
8 exam, at least he knew our standards versus where he
9 came from and he knew what he had to work on to get
10 qualified. But I haven't seen any plant out there
11 that would -- except maybe some of those that are on
12 the same site, dual control rooms, and they can carry
13 a dual license, but from plant to plant it would be a
14 tough --

15 COMMISSIONER ROGERS: Well, I started out
16 with that --

17 CHAIRMAN CARR: The guy's license doesn't
18 cancel just because he moves from plant to plant.
19 He's still a licensed operator on that plant and he
20 carries that and when they give his resume out, he
21 carries a licensed operator a Sequoyah or wherever he
22 was and takes it onto the next plant. Then he has to
23 requalify.

24 COMMISSIONER ROGERS: Well, I asked you to
25 think about a situation that came up not so recently

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1 in which that characterization of the situation is not
2 quite correct, but let's not get into it.

3 CHAIRMAN CARR: Okay. Let me throw a few
4 things on the table quickly.

5 COMMISSIONER CURTISS: About Forrest's
6 suggestion, actually I've endorsed your proposal to
7 provide some sort of recognition. I think it stands
8 on its own merits and it's a good idea to proceed
9 with.

10 I guess on the question of tying it to the
11 requal program, I'd like to think a little bit more
12 carefully about that. Personally, I guess my reaction
13 at this point is that I'd at least like to see us get
14 through the first six year cycle with the requal
15 tests. We've had some programs that haven't been up
16 to muster. It does seem to me it's important to get
17 through that from the standpoint of ensuring the
18 objectivity and independence, even given the resources
19 that we have. Then, at the end of that period,
20 evaluate what the data shows in terms of good and bad
21 programs and decide where to go.

22 COMMISSIONER REMICK: I agree. I think we
23 have to ensure that the requal programs are what we
24 hope them to be first.

25 CHAIRMAN CARR: I have some problems with

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1 the recognition by us of their people. I think
2 recognition by us of our people is fine. The cops
3 very seldom pull you over and give you a ticket for
4 driving well.

5 COMMISSIONER CURTISS: Never have in my
6 case.

7 CHAIRMAN CARR: They've got a different role
8 in mind. I think a regulator has got a different role
9 in mind. We expect all those people to do well. I
10 realize some do better than others, but I think it's
11 that plant that should recognize them. What I've
12 promoted for the operators everywhere I go is I tell
13 them the operator ought to be the highest paid guy in
14 the plant, just like the pilot is the highest paid guy
15 in the airplane.

16 COMMISSIONER REMICK: But there are little
17 things we can do. When we had the review of the
18 senior management meeting and there were some plants
19 there identified as good performers, I intentionally
20 brought that out that I was glad to see that and so
21 forth and mentioned those plants. Those little things
22 go a long way. If I know that a plant from my
23 perspective is doing a good job, even if I'm in that
24 local area and mention that to a few people, that goes
25 a long way with people, the recognition of somebody

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1 trying to do a good job.

2 By the way, I am not urging that we get out
3 and recognize excellence. That's not our job. But
4 I'm talking about people -- safety performance to our
5 regulations and our expectations and their policy
6 statements, things like that, tying it to our
7 knowledge.

8 CHAIRMAN CARR: Two quick questions before
9 we leave. One, on the SES conference, there was some
10 suggestion that subjects for the SES conference -- we
11 ought to get a range of ideas on what ought to be the
12 subjects. Do you guys want to put in a subject? If
13 you think the SES -- we ought to put it in the SES
14 conference, feel free.

15 COMMISSIONER REMICK: Now or later?

16 CHAIRMAN CARR: Well, later. The second one
17 is the Commission meeting schedule. We've -- our SECY
18 has given me -- and I suppose you all got the same
19 rundown of scores and so forth. It seems we're
20 running 80 to 90 per year vice 110 to 120 over the
21 past three years.

22 COMMISSIONER ROBERTS: A great improvement.

23 CHAIRMAN CARR: We've avoided Mondays and
24 Fridays. Is that still a good -- I'm just carrying
25 on, but I'm open to suggestions. Do you want to have

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1 more and --

2 COMMISSIONER ROBERTS: No.

3 CHAIRMAN CARR: Are we covering the -- do
4 you feel uncomfortable?

5 COMMISSIONER ROGERS: I feel we're covering
6 pretty well.

7 CHAIRMAN CARR: Okay.

8 COMMISSIONER ROGERS: I haven't felt
9 uncomfortable.

10 COMMISSIONER REMICK: Just a reaction. I'm
11 surprised we don't have more, but I can't say that I'm
12 lacking in any specific area because what I do is
13 arrange for individual briefings on subjects and so
14 forth and fill in that way. But I am surprised we
15 have not met more frequently.

16 CHAIRMAN CARR: Well, we are getting more
17 paper and less meetings. I'm for meetings if they
18 accomplish something, but I'm not for meetings just to
19 have meetings.

20 COMMISSIONER REMICK: Maybe for a new
21 commissioner, I get the opportunity to interact with
22 you folks.

23 COMMISSIONER ROBERTS: Without wasting a lot
24 of your time, you might be interested in knowing what
25 other regulatory bodies do and how often they meet.

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1 COMMISSIONER ROGERS: I found this morning
2 helpful.

3 COMMISSIONER CURTISS: The process works
4 pretty well if we've got specific topics identified.

5 CHAIRMAN CARR: Well, I'm open to
6 suggestions if you want to make them.

7 COMMISSIONER ROGERS: I would like to say
8 though that we did raise the question of whether we
9 were satisfied with the quality of presentations to
10 the Commission at one of our collegiality meetings. I
11 think in general the presentations are very good, but
12 I'm not --

13 CHAIRMAN CARR: They have certainly
14 improved.

15 COMMISSIONER ROGERS: I'm not thrilled with
16 the slides. So often I don't get anything out of
17 looking at those slides before the meeting. They
18 don't contain enough of the right kind of --

19 COMMISSIONER ROBERTS: Then when you go to
20 the meeting and all you get are verbatim reading of
21 the slides.

22 COMMISSIONER ROGERS: Well, asking a
23 question though will get you what you want. But I
24 think it would be more efficient if some of the
25 slides -- and some of them are quite good, but some

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1 really don't tell you anything.

2 CHAIRMAN CARR: I must say that the briefing
3 since we had that little tickler have improved
4 significantly

5 COMMISSIONER ROGERS: Yes, yes.

6 COMMISSIONER REMICK: Could I make one other
7 comment? Just an observation in contrasting ACRS and
8 the Commission, an observation I had also when I was
9 in OPE. And this is no criticism to senior staff at
10 all, but the Commission sees more or less senior
11 staff, things pretty well scrubbed and I can
12 understand that when it comes to the Commission, not
13 so much just interchange, much like we've had this
14 morning.

15 ACRS, you're more inclined to get the people
16 who are actually doing the work many times come. So
17 you have an opportunity to interact, get a better
18 understanding of just the reasoning and thinking. I
19 think a little bit more of a mix of that at some of
20 our meetings would be very helpful. Also, it has the
21 positive aspect that there are many staff members who
22 would be honored to make the presentation, I think,
23 before the Commission. I better put "honored" in
24 quotes.

25 COMMISSIONER ROGERS: I think it's a little

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1 bit like the honor that we have when we're called to
2 the Hill to testify.

3 CHAIRMAN CARR: On that subject, if there's
4 nothing else to bring up, we adjourn.

5 (Whereupon, at 9:48 a.m., the above-entitled
6 matter was concluded.)

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PLACE OF MEETING: ROCKVILLE, MARYLAND

DATE OF MEETING: APRIL 3, 1990

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