

NUCLEAR REGULATORY COMMISSION

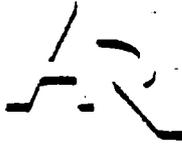
APR 21 1981

COMMISSION MEETING

In the Matter of: DISCUSSION OF POLICY PLANNING AND
PROGRAM GUIDANCE FOR FY-83-87

DATE: April 21, 1981 PAGES: 1 - 43

AT: Washington, D. C.

ALDERSON  REPORTING

400 Virginia Ave., S.W. Washington, D. C. 20024

Telephone: (202) 554-2345

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on April 21, 1981 in the Commission's offices at 1717 H Street, N. W., Washington, D. C. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected, or edited, and it may contain inaccuracies.

The transcript is intended solely for general informational purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determinations or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of or addressed to any statement or argument contained herein, except as the Commission may authorize.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DISCUSSION OF POLICY PLANNING & PROGRAM
GUIDANCE FOR FY-83-87

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

Tuesday, April 21, 1981

The Commission met at 2:30 p.m., pursuant to
notice, Joseph Hendrie, Chairman of the Commission,
presiding.

Commissioners present: Chairman Joseph Hendrie,
Commissioner John Ahearne, and Commissioner Peter Bradford.

Present for the NRC Staff/OPE:

D. Rathburn
G. Eysymondt

Present for the NRC Secretary's Office:

S. Chilk

Present for the NRC Office of General Counsel:

L. BICKWIT, Esq.

Present for the NRC Office of Nuclear Reactor Regulation:

H. THOMPSON

1 Present for the NRC Office of Nuclear Materials Standards
2 and Safety:

3 D. MAUSSHARDT
4 E. K. CORNELL

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

1 CHAIRMAN HENDRIE: If we can come to order.

2 The Commission meets this afternoon to continue
3 its relentless advance upon Policy Planning and Program
4 Guides. We have an April 17th paper from Commissioner
5 Ahearne, which we will work from. We were about to go to
6 the second page of that, I believe.

7 Let me ask, on the first page of John's
8 workingpaper, have you got this current one, Peter?

9 On the first page of John's workingpaper, did we
10 ever decide up at the top in 1.2.5 to implement solutions,
11 rather than unresolved problems?

12 COMMISSIONER AHEARNE: Yes.

13 COMMISSIONER BRADFORD: Yes.

14 CHAIRMAN HENDRIE: Let's advance on the second
15 page, 2.0 Implementing New Reactor Safety Requirements.

16 COMMISSIONER AHEARNE: Now, as I said the last
17 time, the underlined sentences were just an attempt, in
18 response to OPE's comment that they were raising that we did
19 not have a backfitting statement, and what would a possible
20 one be. So I propose this one, not because I thought it was
21 the best possible statement, but it was the only one that I
22 could come up with.

23 CHAIRMAN HENDRIE: I will say that I am not too
24 keen on it. I am not too sure what my problems are.
25

1 COMMISSIONER BRADFORD: Probably the word
2 "closed."

3 CHAIRMAN HENDRIE: Yes, among other things.
4 (General laughter.)

5 CHAIRMAN HENDRIE: We have got a regulation about
6 backfitting that says that an item will be backfit where it
7 is necessary to provide substantial additional protection to
8 the public health and safety, and so on.

9 I don't know there are some elements here that go
10 beyond the sort of language that lies in the regulations
11 now, and I guess I would prefer not to try to elucidate a
12 backfitting policy in the context of the consideration we
13 give this document, not that it is an inappropriate activity
14 at some point, but I would think I would prefer a more
15 considered approach than simply further punctuation on this
16 statement.

17 At various times, we have talked a little bit
18 along these outlines in testimony, or other places. But I
19 am not sure that we have ever spelled out a concept that
20 says, here is a minimum level, but there are other
21 requirements, and there is some sort of a tapering scale
22 above that upon cost difficulty and benefit.

23 I can remember waving hands over remarks of that
24 kind, as I say, in various hearings and discussions, but I
25 guess I am reluctant to lay down here in a guidance document

1 of this kind without considerable further thinking about it,
2 and what it means, and it how affects --

3 COMMISSIONER BRADFORD: I can see saying that we
4 probably will not be able to arrive at a comprehensive
5 backfit policy within the timeframe that we are talking
6 about for this year's guidance. I think if we start saying
7 that the individual policy items are somehow too important
8 for the PPPG process, then we really ought not to be doing a
9 PPPG at all.

10 I see your point, which is that the three of us
11 sitting here right now are probably not going to improve on
12 the backfit policy at today's meeting. If this is to be a
13 guidance document for this budget cycle, we probably can't
14 hold on to it until we do, in fact, work out a backfit
15 policy.

16 At the same time, I would not want, by deferring
17 it, if that is what we wind up doing, to be establishing a
18 standard of items too important for consideration in the
19 context of the PPPG. What it probably means is that we
20 should start earlier, at least have some particular sessions
21 on the problem areas.

22 COMMISSIONER AHEARNE: Before we move on, just let
23 me ask a question on this specific thing. It would seem to
24 me that at least underlying the approach that the staff
25 takes, must be something like this.

1 COMMISSIONER BRADFORD: That is right.
2 Is there, in fact, now a Backfit Committee that
3 still meets periodically?

4 COMMISSIONER AHEARNE: You mean the regulatory
5 requirement for the committee?

6 COMMISSIONER BRADFORD: Yes.

7 MR. THOMPSON: No. We do have an organization,
8 the Division of Safety Technology, which has kind of
9 overtaken that function. So we do have a group, but they
10 are not the division directors, as it had been previously.

11 COMMISSIONER AHEARNE: My point was, whoever looks
12 at these things must have in their mind some approach like
13 that.

14 COMMISSIONER BRADFORD: They must apply the
15 regulation for this.

16 MR. BICKWITT: I don't think that this is
17 inconsistent with the regulation, but I think they are
18 additive. I think the regulation goes beyond this, and this
19 goes beyond the regulation. I guess I would agree with the
20 proposition that every regulator must have something like
21 this in his mind.

22 COMMISSIONER AHEARNE: I will concede.

23 COMMISSIONER BRADFORD: Don't quite yet. I was
24 going to say that this doesn't trouble me. I was just
25 trying to work out a way around it.

1 CHAIRMAN HENDRIE: I must say, as the subject
2 starts out, the thrust was to say that you put your heavy
3 effort where the safety benefit appears to be greatest in
4 terms of an attack on things. It doesn't seem to me that
5 the first sentences up there are necessary for that
6 purpose.

7 I have a problem with them in that they seem to
8 constitute a formalization or semi-formalization part of a
9 backfit policy that we, in effect, would be adopting ad hoc
10 here. I would really much prefer to think about it some
11 more before we do that.

12 I would prefer to start with the third sentence,
13 "In applying future regulatory requirements to operating
14 plants," etc.

15 COMMISSIONER AHEARNE: I will concede that.

16 CHAIRMAN HENDRIE: I take it that when we finally
17 publish the PQG that the comment from NRR --

18 COMMISSIONER BRADFORD: Will they give us some
19 guidance?

20 CHAIRMAN HENDRIE: Will they please give us some
21 guidance.

22 COMMISSIONER AHEARNE: It just says that they
23 sought Commission guidance once more to the well empty.

24 CHAIRMAN HENDRIE: We could turn it around, the
25 Commission seeks NRR guidance on this, and throw the ball

1 right back in their court.

2 MR. EYSYMONT: You might ask for a proposal of
3 some sort.

4 COMMISSIONER BRADFORD: I don't mind doing that,
5 but one reason that I would not push more for dealing with
6 this now is that it seems to me that, perhaps misguidedly,
7 that something in this area has to come out of the safety
8 goal effort. Anything we say between now and the point at
9 which that effort begins to bear fruit is not going to be
10 much more than a patch on the existing process anyway.

11 CHAIRMAN HENDRIE: I would think that is right.
12 We will return the comment to NRR and they may
13 want to use it next year.

14 Now, let's see, 2.1 has brackets around it.

15 COMMISSIONER AHEARNE: Yes. The brackets
16 indicated that OPE had originally suggested that it was a
17 candidate for removal. You had voted, or said that you
18 would like to delete it. I had said that it was necessary
19 to keep it if we were going to speak to the backfit policy.
20 It was in there last year.

21 COMMISSIONER BRADFORD: That one was in?

22 COMMISSIONER AHEARNE: Yes.

23 CHAIRMAN HENDRIE: Where was it last year?

24 COMMISSIONER BRADFORD: I don't know. It doesn't
25 show up in the PPPG for last year, does it, the one where

1 you have the side-by-side comparison?

2 MR. EYSYMONT: I think that that is an error. I
3 believe it was in last year's.

4 COMMISSIONER AHEARNE: I said that because I
5 thought my understanding was that items bracketed were
6 things that had been in before, and were being suggested.

7 COMMISSIONER BRADFORD: That is right. I was just
8 thrown off because it did not appear on the left-hand page.

9 MR. EYSYMONT: If it doesn't appear on the
10 left-hand page, it is an error.

11 CHAIRMAN HENDRIE: The OPE one of February 27,
12 which I continue to occasionally refer to as the background
13 document, I don't find it on any page. Am I in the wrong
14 page?

15 COMMISSIONER AHEARNE: Here is where it is.
16 Unfortunately, there are no page numbers.

17 CHAIRMAN HENDRIE: You seem to be well toward the
18 back of the document, let me look over here and see if it
19 there. Yes, there it is.

20 Since we are now a year later than the time when
21 the language "immediate action will be taken," it would seem
22 more appropriate and I would be more inclined to either
23 delete it or to say, "action will continue to be taken," if
24 you would prefer to keep it.

25 COMMISSIONER BRADFORD: I have no problem with

1 action will continue to be taken."

2 COMMISSIONER AHEARNE: Fine.

3 COMMISSIONER BRADFORD: I would prefer to keep
4 it.

5 CHAIRMAN HENDRIE: Okay, it stays in with the
6 language "actions will continue to be taken," etc., etc.

7 2.2, there is no objection.

8 2.2.1, OPE says to scratch it. I say, scratch
9 it.

10 COMMISSIONER AHEARNE: John is willing to delete
11 it, primarily because I am afraid many of our value impact
12 analyses are not worth very much.

13 COMMISSIONER BRADFORD: No value, no impact.
14 (Laughter.)

15 CHAIRMAN HENDRIE: We will take it out.
16 2.3.

17 COMMISSIONER AHEARNE: Peter, I tried to --

18 COMMISSIONER BRADFORD: -- make something of that
19 somewhat incoherent comment of mine, and I think you did.

20 CHAIRMAN HENDRIE: Good. Without objection.

21 COMMISSIONER AHEARNE: Peter is still reading
22 through it.

23 COMMISSIONER BRADFORD: It is fine.

24 CHAIRMAN HENDRIE: At this stage, it may not be
25 helpful to read too carefully.

1 (General laughter.)

2 COMMISSIONER BRADFORD: Wait until you see what I
3 have done to the Licensing Policy Statement.

4 (Laughter.)

5 CHAIRMAN HENDRIE: 2.3.1, 2.3.2.

6 COMMISSIONER AHEARNE: On 2.3.3, you still had
7 preferred to take it out. I urged to keep it in. Peter had
8 --

9 CHAIRMAN HENDRIE: Peter edited it.

10 COMMISSIONER AHEARNE: He said he would agree with
11 it, but not once a year.

12 CHAIRMAN HENDRIE: Will you accept his edit?

13 COMMISSIONER AHEARNE: Yes. I proposed striking
14 once a year.

15 CHAIRMAN HENDRIE: I see.

16 COMMISSIONER AHEARNE: I will accept anything that
17 is in this version I sent out, if that is helpful to you.

18 CHAIRMAN HENDRIE: No need to be inflexible,
19 John. It will tand with the edit, "once a year" taken out.

20 In 2.4, should we preface that by saying, "It is
21 devoutly to be hoped that"?

22 COMMISSIONER AHEARNE: This is planning guidance.

23 CHAIRMAN HENDRIE: Those are words understood for
24 the whole section, then?

25 COMMISSIONER AHEARNE: That is right.

1 CHAIRMAN HENDRIE: That is good.

2 2.4?

3 2.5, we have to make that before 1984, it seems to
4 me, otherwise we are not going to get to 1984.

5 COMMISSIONER AHEARNE: At least, you won't have
6 appropriated funds to get to 1984.

7 CHAIRMAN HENDRIE: That is right. We will be the
8 voluntary regulatory commission.

9 COMMISSIONER BRADFORD: You have a project manager
10 responsible for no more than one operating reactor. What am
11 I missing in the second half of that, "or for no more than
12 one reactor design at a site with reactors of different
13 designs." Does it mean that if he is at a site with
14 reactors of the same design, he can be responsible for more
15 than one?

16 MR. BICKWIT: I don't think so.

17 COMMISSIONER BRADFORD: You don't think so?

18 MR. BICKWITT: No, not given the first clause.

19 COMMISSIONER AHEARNE: Except that it says, or.

20 MR. BICKWITT: Still, "or" in that sense --

21 CHAIRMAN HENDRIE: "Or" doesn't do it.

22 MR. BICKWITT: "Or" in that context means "and."

23 COMMISSIONER AHEARNE: Why not?

24 MR. BICKWITT: If you want to say, "either/or,"
25 you can do that. But the way it now reads, "or" means the

1 same thing as "and."

2 COMMISSIONER AHEARNE: In other words, you are
3 saying that to have the mathematical use of "or," you would
4 need either.

5 MR. BICKWITT: I think you would, if you want to
6 be understood.

7 COMMISSIONER AHEARNE: What does NRR have in mind?

8 MR. THOMPSON: Either. We would like for a site
9 where there are three essentially identical plants not to
10 require three operating project managers.

11 CHAIRMAN HENDRIE: What you want, then, is a
12 project manager responsible for no more than one operating
13 site, and then go on to say, however, where there are
14 reactors of different design on the site, he doesn't get
15 more than one reactor design.

16 MR. THOMPSON: That is correct.

17 CHAIRMAN HENDRIE: If you have three designs on a
18 site, you get three project managers. If you have got two
19 of one, and one of another, two project managers, etc.

20 MR. THOMPSON: Yes.

21 COMMISSIONER BRADFORD: If you have three all of
22 the same design?

23 CHAIRMAN HENDRIE: You have one project manager.
24 For operating plants, that is not bad. In fact, since you
25 deal with a single operating organization at a site, in many

1 ways it is handy. In fact, they may even decide that people
2 are skilled enough to handle different designs on the same
3 site down the line, but for the moment that is good enough.

4 Rather than by 1984 --

5 COMMISSIONER AHEARNE: When does NRR expect to
6 have that?

7 MR. THOMPSON: In certain areas, we are almost
8 there now. The difficulty is that we are placing emphasis
9 on licensing project managers. To the extent that there is
10 give and take, we probably put the emphasis on the licensing
11 project manager now.

12 We probably do have the resources under this new
13 allocation to come very close to this. I would say that we
14 will be there next year.

15 CHAIRMAN HENDRIE: Rather than put a date in it,
16 why don't --

17 COMMISSIONER AHEARNE: There is a real advantage
18 to putting dates there, then you have some idea that those
19 are the dates. The purpose of having time guidance is to
20 say, "Here is what you should plan on doing."

21 CHAIRMAN HENDRIE: 1982?

22 COMMISSIONER AHEARNE: No.

23 CHAIRMAN HENDRIE: You don't like 1982?

24 COMMISSIONER AHEARNE: How about 1983

25 CHAIRMAN HENDRIE: 1983?

1 MR. THOMPSON: I think we would prefer 1983 for
2 planning purposes. If we get there sooner --

3 CHAIRMAN HENDRIE: I was going to take out the
4 date altogether, and just put it in terms that it should be
5 an objective, a staffing objective that a project manager be
6 responsible for no more than one operating site, and then no
7 more than one design.

8 COMMISSIONER BRADFORD: What is the worse
9 situation now? Do you have people with more than two sites,
10 or more than two designs?

11 MR. THOMPSON: Yes. We have some that have at
12 least two different sites, and two different reactors.

13 COMMISSIONER BRADFORD: Two different types.

14 MR. THOMPSON: We try to get them with similar
15 type reactor design, but we do have them responsible for
16 several sites.

17 CHAIRMAN HENDRIE: You probably have also got a
18 branch dealing with research reactors, and stuff like that,
19 where people have all kinds of assignments. Here we are
20 talking about power plants.

21 MR. THOMPSON: Yes, commercial power plants.

22 COMMISSIONER AHEARNE: We ought to probably make
23 this clear.

24 CHAIRMAN HENDRIE: Put "operating power reactor"
25 some place in there, or "operating power reactor site," or

1 something like that.

2 COMMISSIONER AHEARNE: Another clarification. The
3 way it is worded now, it might seem to apply to plants that
4 are already operating. What you are doing, you are doing
5 for plants, is that correct? In fact much of what you are
6 doing now is for plants that are not operating.

7 MR. THOMPSON: That is correct.

8 CHAIRMAN HENDRIE: Except this objective was, I
9 thought, primarily for operating reactors. I suppose we
10 could show diligence in pursuit of licenses.

11 COMMISSIONER AHEARNE: That is another spot.

12 CHAIRMAN HENDRIE: We don't want a separate
13 section on licensing projects?

14 COMMISSIONER AHEARNE: I guess not.

15 CHAIRMAN HENDRIE: You prefer 1983 to manning
16 objectives, or something like that?

17 COMMISSIONER AHEARNE: Yes, I would.

18 CHAIRMAN HENDRIE: All right, 1983, and OPE to fix
19 the rest of it.

20 COMMISSIONER AHEARNE: Yes.

21 MR. EYSYMONT: Would you like some background on
22 this item?

23 CHAIRMAN HENDRIE: No, I was trying to see why I
24 had objected to the whole thing.

25 (General laughter.)n

1 MR. EYSYMONT: You proposed deletion from
2 criteria.

3 CHAIRMAN HENDRIE: Yes. It is a little bit too
4 husky here. If the Congress, or FERC, or somebody wants to
5 rearrange the utility industry, why good enough.

6 Now, let me ask a question. The act of owning,
7 once you have gotten the Public Service Commission to let
8 you sell bonds, and you have got an underwriter who has
9 managed to peddle the bonds, the act of owning is not a
10 particularly difficult one, nor is it that closely related
11 to safety. What counts are the people who are out there
12 operating the plant, and the safety staff, and engineering
13 and technical support that back them up.

14 COMMISSIONER AHEARNE: How about dropping "own"
15 and put "build"?

16 CHAIRMAN HENDRIE: "To build and operate" would be
17 good, because you have the same kind of problems in the
18 building that you have got in the operation with a small
19 shop.

20 You will have to figure out something to do with
21 ownership in the next sentence.

22 MR. EYSYMONT: Okay.

23 CHAIRMAN HENDRIE: If they have got the financial
24 resources, the utility in principle could be one person and
25 three office assistants. If they hire an absolutely first

1 class contractor to build and operate, and it is done well,
2 it could be the best operation in the world. There is
3 nothing in the ownership that is intrinsically one way or
4 another. It is how you do it that counts.

5 Somebody help me with 2.7, it doesn't scan.

6 COMMISSIONER AHEARNE: It should be "NRC will
7 examine taking."

8 CHAIRMAN HENDRIE: That is the way it was supposed
9 to go?

10 COMMISSIONER AHEARNE: Yes, and then it would be
11 restored to the same way it was last year.

12 COMMISSIONER BRADFORD: Was the shift to simply
13 take a direct role? Was that deliberate? Was there a
14 feeling that we ought to take a direct role?

15 MR. EYSYMONT: That is what you had last year.

16 COMMISSIONER BRADFORD: No. What we had last year
17 was "examine taking."

18 MR. EYSYMONT: I think the reason for the change
19 is because it might be a fair resource requirement if they,
20 in fact, begin to do it.

21 CHAIRMAN HENDRIE: That works against saying,
22 "will take."

23 COMMISSIONER BRADFORD: That is right. John had
24 put it back to last year's form, which I am perfectly
25 comfortable with.

1 COMMISSIONER AHEARNE: The other point you made, I
2 also would agree with, to strike the training.

3 COMMISSIONER BRADFORD: What I was asking is
4 whether the shift from "examine taking" to simply "take" in
5 the earlier draft had been made as a deliberate change, or
6 whether it was something that just crept in.

7 COMMISSIONER AHEARNE: As I recall, in talking to
8 Ed, at least, on an earlier version, there were a number of
9 things where last year we were examining, and he just felt
10 that he would like to say, take action.

11 COMMISSIONER BRADFORD: Right.

12 COMMISSIONER AHEARNE: But I think your point, I
13 don't think the Commission is moving in any direction
14 towards actually training.

15 COMMISSIONER BRADFORD: That is right. I don't
16 mind saying that we will examine doing it, but I could not
17 see how we could say that we were going to do it.

18 COMMISSIONER AHEARNE: I would prefer to drop the
19 training.

20 COMMISSIONER BRADFORD: And just say, testing?

21 COMMISSIONER AHEARNE: Yes.

22 CHAIRMAN HENDRIE: 3.0. In the fourth line, I
23 suggest we demonstrate our grasp of the subject by spelling
24 the word correct.

25 COMMISSIONER AHEARNE: Yes.

1 COMMISSIONER BRADFORD: Did you mean "nuclear" or
2 "materials"?

3 CHAIRMAN HENDRIE: My emphasis has always been on
4 the plant side, but I can see where your responsibilities
5 extend the other way, too, and maybe we had better fix that
6 one as well. Materials with an "s," please.

7 The next sentence starting with "NRC will have the
8 capability" was written by the proponents of the full-scale
9 data link. What does "multiple sources" mean here, does
10 anybody have a thought?

11 It seems to me on Vic's behalf, and my own behalf,
12 I ought to strike something out of this sentence.

13 COMMISSIONER AHEARNE: Why don't you strike
14 "multiple sources" since no one spoke up for it.

15 CHAIRMAN HENDRIE: Strike "multiple souces."

16 COMMISSIONER BRADFORD: In the second sentence,
17 aren't we really committed to a much more specific program
18 than that now? As of April 1, we have the emergency plans
19 in-house, where all the operating plants are actually
20 committed to reviewing them and making some findings as to
21 their adequacy within a reasonable period of time.

22 It seems to me that we have moved somewhat beyond
23 the process of determining the appropriate basis.

24 COMMISSIONER AHEARNE: With respect to nuclear
25 plants.

1 COMMISSIONER BRADFORD: With respect to nuclear
2 plants, and are really into deciding whether or not the
3 bases have been met.

4 COMMISSIONER AHEARNE: What would you propose?

5 COMMISSIONER BRADFORD: Just something along those
6 lines. Actually, I wonder, what would a reasonable period
7 of time be; the next 18 months?

8 CHAIRMAN HENDRIE: As I remember, it was expected
9 that April 1 would come, and evaluation teams started
10 going. It would take some time before those shook down, and
11 it would be about a year before the last of those were
12 done. I guess the aim was for the four-month periods to
13 start rolling someplace along the line.

14 COMMISSIONER BRADFORD: One hopes that not too
15 many of them will roll. In fact, a couple may be all we can
16 stand.

17 COMMISSIONER AHEARNE: In any event, 18 months
18 seems to be reasonable.

19 COMMISSIONER BRADFORD: By FY-83, then.

20 CHAIRMAN HENDRIE: Yes, 1983 or something like
21 that.

22 We don't have comparable set of -- Materials
23 licensees have greater or lesser emergency plan requirements
24 on them. There are some sorts of plans for the larger
25 facilities, and probably little or nothing at small

1 operators.

2 COMMISSIONER AHEARNE: We have a proposed -- I
3 can't recall whether it is an advance notice, or a proposed
4 rule --

5 CHAIRMAN HENDRIE: It is an advance notice.

6 COMMISSIONER AHEARNE: That is up in front of us.

7 CHAIRMAN HENDRIE: Yes, but certainly is not
8 something that you include in with the power plant emergency
9 plan, with the same kind of language. So you need either a
10 period, or a period and a new sentence.

11 COMMISSIONER AHEARNE: I think you need a period
12 in that sentence.

13 At this time a year ago, we were saying that we
14 were going to make progress in both.

15 CHAIRMAN HENDRIE: Yes. Since what we are
16 contemplating at the present time is an advance notice, I
17 think the language ought to be for material licensees, NRC
18 will examine the need for improved emergency plans, or
19 something along that line.

20 COMMISSIONER AHEARNE: You could even a commitment
21 to have reached a conclusion by September.

22 CHAIRMAN HENDRIE: Why don't we just examine for
23 this version?

24 Did we have all of this stuff in here about
25 emergency planning last year?

1 MR. EYSYMONT: There was an extensive section on
2 emergency planning.

3 CHAIRMAN HENDRIE: Which I guess you tried to
4 reshape --

5 MR. EYSYMONT: The changes that have been made
6 since last year, yes.

7 MR. RATHBURN: Since we did get the rule.

8 CHAIRMAN HENDRIE: Are we, in fact, determining
9 what plant parameters are to be available to State and local
10 authorities?

11 Any emergency planning at hand?

12 COMMISSIONER AHEARNE: We have not specified
13 that.

14 CHAIRMAN HENDRIE: It doesn't sound to me like we
15 did. I don't recall anything along that line. I am
16 suspicious of the sentence, and I would either strike it or
17 reframe it.

18 MR. EYSYMONT: We have tech specs that do that.
19 In our tech specs, we require that States be notified.

20 COMMISSIONER AHEARNE: Yes.

21 CHAIRMAN HENDRIE: We surely notify, and the
22 communication nets have to be established, and this stuff is
23 all detailed. But I am not sure that any place we say, "Now
24 here are the plant parameters that you can be informed
25 about, and here is the way that we are going to inform

1 you."

2 COMMISSIONER AHEARNE: Yes.

3 COMMISSIONER BRADFORD: I am reading, "determine
4 what licensee data concerning plant conditions during an
5 accident should be available to State and local authorities."

6 CHAIRMAN HENDRIE: Yes, just so.

7 COMMISSIONER AHEARNE: We require the licensee at
8 various trigger levels to notify, but we don't end up
9 requiring, here is, for example, that you must notify them
10 with the pressures in the vessel, what the radiation
11 readings are. This implies that we are determining some set
12 of specific parameters.

13 MR. BICKWITT: I see. I did not read it that
14 way.

15 COMMISSIONER AHEARNE: Neither did I, until it was
16 pointed out, but I can now see it. What we are determining
17 is how the licensee should interact and trying to set up
18 those procedures.

19 Why doesn't OPE get back that sentence corrected.

20 MR. EYSYMONT: Maybe submission is a better word
21 to use than "data." We will have to check and see.

22 CHAIRMAN HENDRIE: I don't know that I
23 particularly care to be declaring that we will decide what
24 information the governor of whatever state is going to
25 have. The plant operators will tell him what they think are

1 the essential points, and we will tell him what we think are
2 the essential points that he ought to know. Anything that
3 his advisors and emergency people ask for will be produced
4 by the licensee and us as we are able.

5 It somehow sounds as though there is an official
6 NRC list, governors can and must be told the following, and
7 wait. I don't think that is the way we want to phrase it.

8 COMMISSIONER BRADFORD: How about if you just drop
9 the phrase "the State and local authorities." I see your
10 point and it is a good one.

11 CHAIRMAN HENDRIE: That takes care of it, because
12 that, indeed, is part of our --

13 COMMISSIONER AHEARNE: Yes.

14 CHAIRMAN HENDRIE: Why don't we just put a period
15 after "public protection purposes," because the licensee
16 dissemination is covered in assorted ways, including our
17 ability to collect, verify and evaluate, and so on.

18 The next sentence, this again flows from the great
19 data link operation, "will design, construct and operate."
20 Why don't we just say, "NRC will establish data collection
21 and communication facilities"?

22 The last half of the sentence doesn't seem to go
23 with the first half anyway. Would somebody help me there?
24 "and will determine and communicate generic lessons
25 learned."

1 COMMISSIONER BRADFORD: Much later.

2 CHAIRMAN HENDRIE: Much learning from what; from
3 the establishment of the data collection and communications
4 facilities, I don't know; from information that comes over
5 the facilities, I don't know.

6 I recommend a period after response, and a line
7 drawn vigorously to the previous period.

8 Am I responsible for this prototype data links?

9 COMMISSIONER AHEARNE: No. Peter had suggested we
10 just say what we had said in response to Senator Hatfield.

11 CHAIRMAN HENDRIE: Is that a response I did not
12 get my hands on in time, because I have been rewriting
13 that.

14 COMMISSIONER AHEARNE: Actually, it was the
15 testimony.

16 COMMISSIONER BRADFORD: You actually uttered it?

17 CHAIRMAN HENDRIE: I will tell you what I would
18 prefer, and language that I have been trying to put in
19 wherever I find it in questions like this or testimony, and
20 that is, "staff will install several prototype data links,
21 one to a boiler, one to a PWR, and if possible one to a
22 reactor simulator."

23 That was the nature of the discussion that we had
24 here on the NDL prototype, and that we agreed to move on.
25 My own view is that we are going to get as much information

1 about the NDL and what it ought to look like if we can hook
2 up to a simulator.

3 You need at least one operating plant to have that
4 sent, to see what it is like to have the information come in
5 from an operating plant, but the reactor simulation hook-up
6 allows you to run drills on accidents and transients where
7 the thing actually is pumping out or changing data as the
8 time goes along.

9 Did you catch the language there?

10 MR. EYSYMONT: Yes, I did.

11 CHAIRMAN HENDRIE: One P, one B, and if possible
12 one reactor simulator. I think we have got barely enough
13 money for that.

14 Now, let's see, we have an OPE recommend delete.

15 COMMISSIONER AHEARNE: Peter said he would keep
16 it, and I said I would keep it, and you said, well, leave it
17 in.

18 CHAIRMAN HENDRIE: So I did. Maybe we had better
19 read it.

20 Is this last year's, or is this a new one?

21 COMMISSIONER BRADFORD: How can it be a new one,
22 and at the same time be recommended for deletion?

23 CHAIRMAN HENDRIE: There was that February 27th
24 OPE draft of this year's POG, and my comments about deletion
25 were against that draft rather than the previous year's.

1 COMMISSIONER BRADFORD: Right, but this is the
2 same provision that was in the February 27th submission.

3 CHAIRMAN HENDRIE: My deletion or non-deletion
4 comment was on the February 27th draft. I thought I had
5 written something about it, maybe it was in a different
6 place.

7 MR. EYSYMONT: I think that it was in a different
8 place, and it just has not been caught in the left-hand
9 page.

10 CHAIRMAN HENDRIE: Let me narrow down what my
11 complaint is.

12 We seldom find it important to protect the
13 environment from the effects of ionizing radiation. I would
14 just make it to ensure that workers and the general public
15 are adequately protected.

16 COMMISSIONER BRADFORD: Is there a practical
17 difference? I don't think I object to what you are saying,
18 unless you are talking about a situation in which you are
19 talking irradiating a lot of fish. What you are saying, I
20 gather, is that you would not do that, but you would be
21 concerned that it would not move up the food chain in any
22 way.

23 CHAIRMAN HENDRIE: That is right. My concerns
24 about radiation exposures are to human populations by
25 whatever route, If there were some way of exposing a field

1 of alfalfa with accompanying flora and fauna, without it
2 rubbing off on people, I would not regard that as much of a
3 concern, because, in fact, the environmental effects, you
4 really have to cook the vegetation before you do much beyond
5 losing this year's foliage.

6 If you radiation protection was environment in the
7 non-people sense, why your limits would be enormously
8 higher, I would think.

9 COMMISSIONER BRADFORD: If there are no radiation
10 effect limits in the agency now that are based on
11 environment protection, or people protection. I can't think
12 of any.

13 CHAIRMAN HENDRIE: I don't think of any off-hand.
14 The concern is always working its way back up the food
15 chain, or otherwise getting to people, as far as I can
16 remember.

17 Now, "In this regard, the NRC will revise its
18 regulations, as appropriate, to reflect the applicable
19 Federal radiation research findings."

20 Does anybody know, do we still have a Radiation
21 Policy Council and an Interagency Radiation Research Review
22 Committee?

23 COMMISSIONER AHEARNE: I believe they are no
24 longer.

25 CHAIRMAN HENDRIE: That was my impression.

1 COMMISSIONER AHEARNE: They have been disbanded.

2 CHAIRMAN HENDRIE: Why don't we put a period after
3 "research"? "Coordinated with the overall Federal program
4 for radiation protection and radiological health research."

5 COMMISSIONER AHEARNE: I think your maintenance is
6 being stuck in the wrong place.

7 COMMISSIONER BRADFORD: Yes.

8 COMMISSIONER AHEARNE: It goes down one
9 parenthetical. It goes in the plant procedures.

10 COMMISSIONER BRADFORD: Yes.

11 CHAIRMAN HENDRIE: You want to move the
12 "maintenance" down under plant procedures at any convenient
13 location, I guess.

14 Do you really want that last sentence?

15 COMMISSIONER AHEARNE: Yes, very much.

16 CHAIRMAN HENDRIE: I tell you, I would be for it
17 if I thought we could do it. I would love to have some way
18 by which I could judge the competency of sections of the
19 agency itself.

20 COMMISSIONER AHEARNE: I would have no problem if
21 you want to modify it to "will examine how to develop," or
22 whether we can develop. My point is that I think it is
23 something that we ought to try to do.

24 CHAIRMAN HENDRIE: "Will attempt to develop"?

25 COMMISSIONER AHEARNE: Fine.

1 CHAIRMAN HENDRIE: We have already done the
2 examination, and "attempt to develop" is a little better.

3 Peter, I take it, you were not agreeing to my
4 deletions.

5 COMMISSIONER BRADFORD: I did not know you had a
6 deletion in 5.

7 CHAIRMAN HENDRIE: The last sentence, you would
8 prefer to keep it in?

9 COMMISSIONER BRADFORD: Right.

10 CHAIRMAN HENDRIE: Okay, because I wanted to make
11 sure I was not passing up a two-to-one situation there.

12 (Laughter.)

13 CHAIRMAN HENDRIE: C. Other Planning Guidance.

14 COMMISSIONER AHEARNE: Some of the changes here
15 are NMSS's changes. My change is that I would want us to
16 commit to doing a programmatic EIS on a long-term
17 life-of-the-plant storage, rather than just saying that
18 "request for approval will be held in abeyance."

19 COMMISSIONER BRADFORD: I suggest that.

20 CHAIRMAN HENDRIE: In other sections of the
21 planning guidance, did we use this kind of language, "five
22 Site Characterization Report," etc., "will be submitted for
23 review"?

24 COMMISSIONER AHEARNE: The similar one is when we
25 are talking about how many plant applications we will be

1 getting.

2 CHAIRMAN HENDRIE: There we say, "No new reactor
3 applications are like to be received before FY-82 at the
4 earliest." I will go for that.

5 COMMISSIONER AHEARNE: This is a planning guidance
6 section, and in this particular case NMSS, in developing
7 your estimates for your workload, here is what we agree you
8 ought to be basing that on.

9 CHAIRMAN HENDRIE: I guess I would be helped with
10 the tone if there were an initial sentence that said, "The
11 planning basis will be as follows:"

12 COMMISSIONER AHEARNE: Fine.

13 CHAIRMAN HENDRIE: How many people think we are
14 going to get five site characterization reports in the years
15 FY-82 to 85?

16 COMMISSIONER AHEARNE: I gather, apparently, NMSS
17 does.

18 MR. EYSYMONT: Actually it is exactly the same
19 language they used for the last planning period for the last
20 year.

21 CHAIRMAN HENDRIE: Except that they changed 83 to
22 87, to 82 to 85.

23 MR. EYSYMONT: This may go on for quite some
24 time.

25 CHAIRMAN HENDRIE: When you establish a planning

1 basis like this, then they come back and say, "We need 72
2 people and a large brown pony." You say, "You can only have
3 50." They fold their arms and they say, "We can't do any
4 site characterization reports." I used to be very good at
5 that.

6 (Laughter.)

7 COMMISSIONER AHEARNE: How many ponies did you
8 collect?

9 CHAIRMAN HENDRIE: Lots, like a factor of seven in
10 the size of my staff in 28 months or 27 months, how about
11 that?

12 COMMISSIONER AHEARNE: How about three?

13 CHAIRMAN HENDRIE: Our regulation said three,
14 right. We said that for our purposes, we would find it
15 pretty difficult to take less than three, or no more than
16 one, or something like that.

17 There was great complaint from the other side of
18 the government about that regulation along the lines that we
19 were compelling, or trying to compel the government to spend
20 more money in characterizing sites than was needed.

21 It would just surprise the Dickens out of me if we
22 got five site characterization reports in FY-82 to 85. I
23 would be pretty tickled if we got three, as a matter of
24 fact.

25 The question is, do you want to shape the planning

1 basis to be more nearly what you think is likely to occur,
2 or do you want to provide some elbow room. I guess my
3 feeling is that providing elbow room, that the likelihood of
4 the additional site characterization reports is low enough
5 against the need for staff resources elsewhere, so I would
6 cut it to three.

7 COMMISSIONER BRADFORD: If they have any reason to
8 think in terms of five at the moment, I don't mind carrying
9 five for this year because I suspect the actual impact on
10 agency resources in the rest of 1981 will be nil, and there
11 will be time enough to adjust it.

12 CHAIRMAN HENDRIE: We have already submitted the
13 '82 budget, and it is being cut-up. So this would have
14 effect in terms of the review for '83.

15 COMMISSIONER AHEARNE: It would affect, though,
16 the budget proposal that NMSS will come in with this
17 summer.

18 COMMISSIONER BRADFORD: For 1983?

19 COMMISSIONER AHEARNE: Yes.

20 CHAIRMAN HENDRIE: So you would have to deal with
21 that. You would be sitting down with them this summer, and
22 they would be saying, we need 72 people and that large brown
23 pony, and we would be saying, no, what you really had in
24 mind was that you did not really meaning for this planning
25 basis.

1 COMMISSIONER AHEARNE: I will buy the three.

2 CHAIRMAN HENDRIE: Kevin, I am willing to have
3 rebuttal from NMSS, if you all want to. But I can't see
4 Shelly producing three genuine projects that will produce
5 site characterization any more than that. I think you are
6 going to have a hell of a time doing that.

7 MR. MAUSSHARDT: We just met with Shelly about a
8 week-and-a-half ago, and he did commit to delivering five.

9 CHAIRMAN HENDRIE: Really. In what time period?

10 MR. MAUSSHARDT: By mid-1985. They want to
11 "accelerate its schedule," according to Sheldon Myers.

12 CHAIRMAN HENDRIE: I forbid any member of the NRC
13 staff to accept any smoking material.

14 (General laughter.)

15 CHAIRMAN HENDRIE: I am willing to leave it at
16 five, but I must say that I doubt it. When Commissioners
17 sit down to review the budget in July, if they have in the
18 back of their minds that it is going to be three, I doubt
19 that permanent harm will be done to the resources.

20 COMMISSIONER BRADFORD: I make the same point when
21 it comes to the debate on whether to accept the applicant's
22 or the NRC's schedules on reactor completion dates.

23 CHAIRMAN HENDRIE: I had assumed you were, whether
24 I had passed over --

25 MR. MAUSSHARDT: You can always mandate overtime.

1 (General laughter.)

2 CHAIRMAN HENDRIE: That is a thought. How about
3 three site characterization reports to be reviewed in normal
4 working ours, and two to be reviewed on nights and weekends,
5 how about that?

6 (General laughter.)

7 MR. MAUSSHARDT: That will work fine.

8 CHAIRMAN HENDRIE: To what extent does this
9 preliminary commitment to a programmatic EIS life of plant,
10 low-level waste storage, leave some people a couple of years
11 out of phase, do you know?

12 COMMISSIONER AHEARNE: In what sense?

13 CHAIRMAN HENDRIE: It is going to take a couple of
14 years to do the EIS.

15 COMMISSIONER AHEARNE: Remember, what we did, when
16 TVA originally came in, they wanted life-of-plant, and we
17 said, no, we cannot do that. We can't do it because it
18 requires an environmental impact statement. However, we are
19 willing to work out an arrangement so you can have a couple
20 of years, that is where we have ended up.

21 As I understand it now, NMSS still implies for a
22 couple of years purpose, we are willing to issue these Part
23 30 licenses. But we can't do anything longer until we do a
24 programmatic environmental impact statement.

25 My point is, if we are telling people that, we had

1 better get on the stick and start doing the programmatic
2 impact statement.

3 CHAIRMAN HENDRIE: All right.

4 What about the technical rule?

5 MR. MAUSSHARDT: You mean the part 61, it should
6 be down to the Commission in about a month, the first
7 draft.

8 COMMISSIONER BRADFORD: What is causing that
9 slippage there? It seems to me that technical rule has been
10 two weeks away since about mid-February?

11 MR. MAUSSHARDT: I believe there are some comments
12 from OPE and I am not sure who else.

13 COMMISSIONER BRADFORD: When will OPE gets its
14 hands on it?

15 MR. MAUSSHARDT: I am not exactly sure of the
16 comments, but there were some technical questions raised,
17 and we went back to our contractors.

18 COMMISSIONER AHEARNE: It was under a different
19 regime.

20 MR. MAUSSHARDT: We had a discussion with Jack
21 Martin about three or four weeks ago, just before he left.

22 MR. RATHBURN: He had comments on the
23 administrative role?

24 MR. MAUSSHARDT: No. Are you talking about Part
25 60, procedural?

1 MR. RATHBURN: I guess I am not aware of any
2 comments on the technical role that originated within our
3 office.

4 COMMISSIONER BRADFORD: Can I get a copy of them?

5 MR. RATHBURN: I would like to get a copy myself.

6 COMMISSIONER BRADFORD: After you get a copy of
7 them, can I have a copy of them?

8 MR. MAUSSHARDT: There was a meeting with Martin
9 about three or four weeks ago. I was not present, so I
10 could not comment. But he brought them back and did some
11 rewriting on that. I am not exactly sure what the problem
12 is.

13 COMMISSIONER BRADFORD: Find out and let me know,
14 if you would.

15 MR. MAUSSHARDT: I shall.

16 CHAIRMAN HENDRIE: It is a normal procedure.
17 There is a staff paper working, and we will often get a
18 crack at a draft version. What you will get in the final
19 paper will be a staff paper which reflects the OPE comments,
20 and then back in the back somewhere you will have an
21 attachment that shows whatever OPE written comments there
22 were, and so on.

23 It is preferable that way, then about the time you
24 get your mind about half made up about what you are going to
25 say about it, here comes another round of memorandum back

1 and forth between OPE and staff, and so on.

2 COMMISSIONER BRADFORD: That is probably right,
3 although it seems to me that we often get staff papers and
4 OPE comments on them.

5 CHAIRMAN HENDRIE: True.

6 MR. MAUSSHARDT: Like I said, it was just an
7 informal meeting where they were discussing it. I am not
8 sure exactly what it was.

9 CHAIRMAN HENDRIE: I used to encourage them to
10 make at least initial contact before it came down, and the
11 Commissioners got chewing on it, because you kept coming to
12 a place where you thought you were going to have a meeting
13 tomorrow, and then came a big, fat set of memoranda running
14 all over the map on it.

15 What I am looking at is, "NRC will publish a
16 proposed technical rule in mid-1981." Do we need technical,
17 since we go on to say, "covering the technical criteria"? I
18 think "technical" is better used in the second place than in
19 the first. "Will publish a proposed regulation in mid-82
20 covering the technical criteria, and will publish the final
21 rule by early FY-82."

22 Isn't the technical rule going to raise a lot more
23 comments with DOE than the procedural one did? They weren't
24 too pleased about one or two aspects of the procedural one,
25 but by and large, it was just the putting in place of a

1 regulatory framework, and they said: "That's your business,
2 do it." But here there will be all kinds of issues raised
3 about whether your technical criteria are a reasonable
4 framework around their current direction.

5 The problem I foresee is that I am not sure what
6 their current direction is. I don't know whether you want
7 to leave this ambitious language, or shade it a little bit.

8 COMMISSIONER AHEARNE: Why don't you say, "In
9 FY-82"? Realistically, if we get the rule out this summer,
10 clearly FY-82 is not possible.

11 CHAIRMAN HENDRIE: I would also put the
12 publication in FY-81 rather than mid, but I don't care.

13 COMMISSIONER AHEARNE: I would rather leave the
14 mid in at the moment just to keep a little more pressure on
15 NMSS to get it out.

16 CHAIRMAN HENDRIE: Okay.

17 Would some scholar of the language please do
18 something with the phrase "between now and when"? I don't
19 think it needs to be a particularly advanced scholar,
20 actually. George, I will leave it up to you to fix that.

21 COMMISSIONER BRADFORD: You might also want to do
22 something with "test technique."

23 CHAIRMAN HENDRIE: Yes.

24 COMMISSIONER BRADFORD: And drop the et cetera.

25 CHAIRMAN HENDRIE: Yes. I am not too fond of the

1 next sentence either.

2 COMMISSIONER BRADFORD: "will not be" would square
3 the tense of the matter.

4 CHAIRMAN HENDRIE: Yes, that would be a help.

5 COMMISSIONER AHEARNE: Okay.

6 COMMISSIONER BRADFORD: There is a nice fraudian
7 slip in 1.2 in the third line on the second page.

8 CHAIRMAN HENDRIE: Yes, I think "at last" ought to
9 go at the end of the sentence, "in 1983, at last!"

10 COMMISSIONER AHEARNE: The last sentence there is
11 very awkward.

12 CHAIRMAN HENDRIE: You mean "The development
13 studies using dry storage casks"?

14 COMMISSIONER AHEARNE: Yes, "Development studies
15 will require license review."

16 CHAIRMAN HENDRIE: I thought the researchers, I
17 can see them now, each in his own dry storage tank, peering
18 sleepily over the rim at one another.

19 (General laughter.)

20 CHAIRMAN HENDRIE: Please, this is serious
21 business.

22 Can you fix that okay, George?

23 I would like to have a whole sort story prepared
24 by the author of this section, or maybe some of my testimony
25 for next week. That might make them less eager to see us if

1 we came up with more of this kind of material.

2 (General laughter.)

3 CHAIRMAN HENDRIE: 2.3. So you want to do GESMO,
4 do you.

5 COMMISSIONER AHEARNE: Since this is planning
6 guidance, I suspect we ought to be telling the staff --

7 CHAIRMAN HENDRIE: Of the plan?

8 COMMISSIONER AHEARNE: Every time we raise the
9 question, the staff tells us that it is going to take an
10 enormous amount of money and people.

11 COMMISSIONER BRADFORD: Yes. I would just change
12 the "and should be" to "if." I agree with the basic point,
13 assuming the Administration does go forward.

14 CHAIRMAN HENDRIE: Yes, that is good.

15 Is oversight and review in 1.4 consistent with our
16 interpretation of the West Valley Act?

17 MR. BICKWITT: It is consistent with our
18 interpretation.

19 CHAIRMAN HENDRIE: Other comments on this
20 section?

21 COMMISSIONER BRADFORD: Comments on Section 1 in
22 general?

23 CHAIRMAN HENDRIE: Yes, I guess this waste
24 management.

25 COMMISSIONER BRADFORD: You may be about to, but I

1 was going to say --

2 CHAIRMAN HENDRIE: I am going to solve your
3 problem.

4 I thank you all for a great job well done.

5 COMMISSIONER BRADFORD: I was prepared to come
6 back.

7 COMMISSIONER AHEARNE: I was prepared to stay.

8 CHAIRMAN HENDRIE: That is what I was afraid of, I
9 did not want any debate.

10 The Commission stands adjourned.

11 (Whereupon, at 4:05 p.m., the Commission
12 adjourned.)

13

14

15

16

17

18

19

20

21

22

23

24

25

NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

in the matter of: Commission Meeting

Date of Proceeding: April 21, 1981

Docket Number: _____

Place of Proceeding: Washington, D. C.

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Patricia A. Minson

Official Reporter (Typed)



Official Reporter (Signature)