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NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

PUBLIC MEETING

DISCUSSION/AFFIRMATION SESSION 79-29

POOR ORIGINAL

Place - Washington, D. C.

Date - Thursday, 4 October 1979

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 PUBLIC MEETING

5 DISCUSSION/AFFIRMATION SESSION 79-29
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8 Room 1130
9 1717 H Street, N. W.
10 Washington, D. C.

11 Thursday, 4 October 1979

12 The Commission met, pursuant to notice, at 2:05 p.m.

13 BEFORE:

14 DR. JOSEPH M. HENFRIE, Chairman

15 VICTOR GILINSKY, Commissioner

16 RICHARD T. KENNEDY, Commissioner

17 PETER A. BRADFORD, Commissioner

18 JOHN F. AHEARNE, Commissioner

19 PRESENT:

20 Messrs. Bickwit, Gossick, and Thompson.

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AFTERNOON SESSION

(2:05 p.m.)

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CHAIRMAN HENDRIE: Let's turn to the discussion.

I hope this can be brief and bring us to a vote on the Paper
79-479.

COMMISSIONER KENNEDY: My vote agrees.

CHAIRMAN HENDRIE: Would someone please outline
79-479? Would they outline it for us?

This is a discussion item which I would hope would
lead to a vote.

MR. HOYLE: SECY-79-479 recommends that the
Commission issue changes to its rules, Part 71, as an
effective rule to be effective 30 days after publication,
requiring shipment of radioactive materials by NRC licensees
to be in accordance with DOT regulation.

The reason for the immediate effectiveness is that
the staff believes that there is an immediate need to
increase the level of its inspection and enforcement
activities in this area.

The paper explains that the paper would NRC
inspection now on shipments in addition to the Department of
Transportation inspections. I understand that Commissioner
Kennedy would like to discuss aspects of this matter,
particularly related to resources.

COMMISSIONER KENNEDY: I think everybody is in

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mgvSWH 1 receipt of a copy of my memorandum of August 22, referring
2 to the approximately 10 man-years of effort that would be
3 required to undertake what was referred to as a modest level
4 of the program and would not include those activities within
5 the agreement states.

6 I also noted that I saw no evidence that the staff
7 had those 10 man-years available to it without reprogramming
8 from other activities, and I asked some questions about
9 that.

10 I want to simply for the record note that in our
11 September 11 -- and I believe everybody has a copy of this
12 memorandum. I received a response from the Director of the
13 Office of Inspection and Enforcement in which he said, "We
14 do not presently have the resources to devote to this
15 specific effort, nor was the research requirement adequately
16 addressed in the I&E budget request for '81-'83."

17 I want it very clear that those resources are
18 therefore going to have to come from somewhere else. I
19 believe it is incumbent upon the Commission in such matters
20 to make the decision as to whether the resources be diverted
21 from other purposes to these purposes.

22 I would appreciate it if I&E could describe to us
23 what those other -- the source of those resources would be.

24 CHAIRMAN HENDRIE: Do you want to come up, Dudley?
25 Let me ask by the way, as you start on that discussion,

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mgvBWH 1 I dealt in the last day with a paper on the subject of some
2 of these inspections that details the staff resource
3 requirements at various levels of inspection activities in
4 this area. There was a recommendation in that paper, as I
5 recall it, for Alternative 2(C), and the proposal was to add
6 whatever the Commission approved, an increment to go back in
7 and add those things to the budget which has gone forward.

8 Now am I talking about the right things?

9 COMMISSIONER AHEARNE: Talking about 515?

10 MR. THOMPSON: Yes, you are speaking on the right
11 things on the basis of our manpower requirement to meet the
12 needs of the Part 71 amendment and the attention devoted to
13 transportation has resulted in correspondence from the three
14 governors involved. That is set forth in 515. That
15 outlines for your consideration the basis on which we
16 reached the 11 man resource requirement and notes that in
17 the absence of those resources being supplied, we do intend
18 to divert radiation inspection coverage at reactor materials
19 licensees sufficient for an interim coverage of the
20 transportation problem until such time as resources could be
21 made available.

22 The recommendation is the least demanding in terms
23 of resources of the six alternatives proposed.

24 COMMISSIONER KENNEDY: Again, for the record, what
25 is precisely the effect of the radiation protection program

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mgvBWH 1 of the diversion of this number of individuals from the
2 reactor side and from the materials side.

3 MR. THOMPSON: The effect on the reactor side will
4 be a reduction of about 55 on-site days per year or the
5 equivalent of 10 to 15 inspections per year across the
6 reactor program and about 50 on-site days in fuel facilities
7 for the on-site time for about 10 to 12 inspections across
8 that program and about 400 --

9 COMMISSIONER KENNEDY: As a percentage of what?

10 MR. THOMPSON: Roughly, a 10 percent reduction
11 across both programs, and roughly about 450 to 600
12 inspections of materials licensees throughout a year, which
13 sounds very large on the surface, but most of these
14 inspections are on lower priority licensees.

15 COMMISSIONER KENNEDY: Lower priority, meaning
16 what?

17 MR. THOMPSON: In terms of the frequency of
18 inspections that are scheduled in the pre-program
19 inspections.

20 COMMISSIONER KENNEDY: Yesterday, we had some
21 discussion of the health and physics problems at a
22 particular reactor and the need to enhance our efforts in
23 this regard. At whatever number of reactors involved here,
24 we are going to decrease our effort.

25 Is the staff's wisdom here that that is a proper

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mgvBWH 1 distribution of resources?

2 MR. THOMPSON: Given the circumstances --

3 COMMISSIONER KENNEDY: Wait. What circumstances?

4 MR. THOMPSON: The increased need for inspection
5 activities on transportation efforts. It is a question of
6 the assignment of priorities within the given resources that
7 we have available. I am very hesitant to endorse a position
8 that says, "We are happy to reduce health physics
9 inspections at reactors or fuel facilities."

10 COMMISSIONER KENNEDY: We can accomplish the new
11 additional program only at that expense?

12 MR. THOMPSON: Correct.

13 CHAIRMAN HENDRIE: Or at least with sort of two
14 caveats. The first is, I look forward to an affirmative
15 vote from the Commissioners on increasing the budget request
16 to cover this fact, so that there is a time during which
17 this pinch would be the case.

18 COMMISSIONER KENNEDY: What is the duration of
19 that time?

20 MR. GOSSICK: Let me speak to that. We would
21 attempt to get this in our '80 supplement. It is currently
22 with OMB. They have been alerted that there is this
23 problem, that we will be to them with the Commission's
24 decision with regard to the level of resources to be sought,
25 so it is whenever those resources would become available --

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mgvBWH 1 certainly not until calendar '80 at best.

2 COMMISSIONER AHEARNE: Do we have any sense of
3 when CMB is (inaudible)?

4 MR. GOSSICK: It is our understanding they are
5 trying to expedite the processing of our supplemental to
6 break it loose to get over with the first supplemental
7 before the end of the year?

8 CHAIRMAN HENDRIE: The second one, and it is not
9 quite a caveat -- to what extent is that possible, to get
10 some resource assistance from contractors in this area?

11 MR. THOMPSON: It is possible, Mr. Chairman, to
12 get some contract help in this area. And as a matter of
13 fact, the Director of the office has instructed the staff to
14 look into this area.

15 CHAIRMAN HENDRIE: I recognize the nature of the
16 circumstances such that you can't all fully cover the area
17 with contractor assistance. It, for certain aspects, is not
18 appropriate and so on. To the extent that you get -- when I
19 talk about contractor assistance, it can cover several areas
20 here, not just the transportation area.

21 COMMISSIONER AHEARNE: My question really is, can
22 we take enforcement action based upon recent results of the
23 contractor's review?

24 CHAIRMAN HENDRIE: I don't see why not.
25 Presumably, if a contract -- you know, if a contractor came

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mgvBWH 1 back and said, "Gee, we think this licensee is not
2 conforming" or something, why then it would follow with an
3 NRC check on it.

4 At any rate, all I suggest is there may be some,
5 although clearly not total, alleviation of the resource
6 squeeze.

7 MR. THOMPSON: We are examining the extent to
8 which we can get some relief for this.

9 CHAIRMAN HENDRIE: I am sorry I kept holding you
10 up. Vic?

11 COMMISSIONER GILINSKY: When you spoke of a
12 reduction of 10 percent in our inspection efforts on
13 reactors and fuel cycle, did you mean that the entire
14 reactor inspection effort is reduced?

15 MR. THOMPSON: No, I did not. That is 10 percent
16 of the manpower devoted to the radiation protection aspect
17 of those programs. It is the radiation protection
18 specialist who would be doing both types of inspections --
19 the operation type of inspections. The construction type is
20 not affected by this.

21 COMMISSIONER GILINSKY: And 10 individuals
22 represents what fraction of your actual inspection force?

23 MR. THOMPSON: About two percent. A little less
24 than two percent.

25 COMMISSIONER KENNEDY: What does the entire

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mgvBWH 1 radiation protection inspection force represent as a
2 percentage of the total inspection force?

3 MR. THOMPSON: A little less than a fifth. It has
4 to be right around 18 or 19 percent.

5 (Commissioner Bradford left the room at 2:15 p.m.)

6 CHAIRMAN HENDRIE: It is something like 90-odd
7 folk in the area.

8 MR. THOMPSON: Including the supervisory
9 overhead. In terms of inspectors, I believe it is on the
10 order of 60 to 65. I could get that figure more accurately.

11 CHAIRMAN HENDRIE: Since we work the supervisors,
12 it is 10 percent or so of that force.

13 COMMISSIONER KENNEDY: Do I understand that you
14 have already implemented this proposition?

15 MR. THOMPSON: We are performing inspection of
16 transportation efforts on an interim basis with diverted
17 manpower from other programs.

18 COMMISSIONER KENNEDY: In other words, we may be
19 here discussing an academic proposition. Is that the way I
20 understand that?

21 MR. THOMPSON: I would hate to characterize it
22 that way, Commissioner. It is clear on the basis of the
23 perceived need over the last six weeks or so that increased
24 effort was necessary in this area, and we have been doing
25 it. The impact in that short time period has not been

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mgvBWH 1 substantial. However, if it goes on for much longer, the
2 diverted manpower will have a much more significant effect.

3 COMMISSIONER AHEARNE: There is a different
4 issue. One of the things we are discussing -- eventually
5 will get to the point -- the amendment of -- that will
6 enable us to inspect against DOT.

7 MR. THOMPSON: We are not doing that. I am sorry
8 if I provided misleading information. I am speaking in
9 terms of the augmented inspection efforts for
10 transportation in general, not the DOT extension SECY paper
11 you discussed.

12 COMMISSIONER KENNEDY: So we have already diverted
13 manpower?

14 MR. THOMPSON: Yes.

15 COMMISSIONER KENNEDY: What is the extent of that
16 diversion? That is in addition, is that correct? That is
17 in addition to the 10 percent we are talking about?

18 MR. THOMPSON: That would be part of the 10
19 percent in SECY 79-515, and that 10 percent, of course -- 10
20 percent is six weeks' total effort -- is still 10 percent,
21 but it is not the 50 to 55 man-days set forth in the SECY
22 paper which is an annual figure.

23 We are talking about five, six man-days of effort
24 diverted so far in this six week period.

25 COMMISSIONER GILINSKY: So in carrying out this

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mgvBWH 1 program, we are fulfilling the promise that we made to the
2 three governors?

3 MR. THOMPSON: That is correct.

4 CHAIRMAN HENDRIE: Judged by the morning news, we
5 will need a little more.

6 COMMISSIONER KENNEDY: The staff did conclude when
7 it made this proposal for handling the problem without
8 resources that it should not be allowed to continue for more
9 than a few months. Isn't that correct?

10 MR. THOMPSON: That is correct.

11 COMMISSIONER KENNEDY: In the event that we do not
12 have the relatively quick success in terms of a
13 supplemental, that would suggest what then?

14 MR. GOSSICK: The Commission has to decide if it
15 can continue the commitment or to reallocate resources from
16 some other source. It can't be done by magic. It has to
17 have an allocation of resources somehow.

18 COMMISSIONER KENNEDY: Let me say, as I have
19 already indicated on September 26, I indicated my agreement
20 to this proposition, however reluctantly, not on the grounds
21 that the job didn't need to be done but on the grounds that
22 it is hard to do jobs if you don't have resources to do
23 them. And maybe this is one of the most dramatic examples
24 of what has become increasingly, I think, an attitude on the
25 part of the Commission, which is the willy-nilly commitment

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mgvBWH 1 to accomplish things with no idea of where the resources are
2 going to come from before the commitment is made.

3 I think that is bad management, and it ought to
4 stop.

5 COMMISSIONER GILINSKY: I thought there was
6 unanimous agreement on the order we sent to the governors.

7 COMMISSIONER KENNEDY: With a note about
8 resources.

9 CHAIRMAN HENDRIE: Lee, when -- we have alerted
10 the budget change. Then we are going to have to come a long
11 with a small addition. You are going to try to get that on
12 the '80 supplement?

13 MR. GOSSICK: I don't think we have your decision
14 yet as to the level. We gave several options in the paper,
15 515, I think, and we are awaiting Commission decision --
16 whether they agree with the minimum level that we
17 recommended is the number, and I don't believe we have
18 that. Do we, Dudley?

19 MR. THOMPSON: We do not have that. No, sir.

20 MR. HOYLE: We are still waiting.

21 CHAIRMAN HENDRIE: I voted with John, so there are
22 three. It would also be possible for us to go ahead and act
23 on that matter here as part of this run, if you would like.
24 I do feel a strong need for us to get on with the amendment
25 to Part 71. The difficulties with waste shipments to

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1 Hanford that occurred last night and the result of this
2 morning and the closing of the site there are, in fact,
3 related to shipments being made under DOT regulations,
4 rather than NRC.

5 (Commissioner Bradford returned to the room at
6 2:22 p.m.)

7 Our ability to take some actions then is contingent
8 on the Part 71 change. What I would recommend to you, if
9 you would consider it, is our approval of the amendments to
10 Part 71 as laid out in the SECY paper. And in order simply
11 to put the resource matter in high gear, I would also
12 recommend to you that we approve the resource addition
13 request to the '80 supplement budget that has already gone
14 forward.

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pv BWH 1 John, you said the recommendation from I&E was 11
2 positions. You said eight ought to do it, trimming some of
3 the lower priority transportation matters. I was willing to
4 go with that. I am also willing to back to 10 or 11 if that
5 would aid the agreement here.

6 COMMISSIONER KENNEDY: I am prepared to agree with
7 11.

8 CHAIRMAN HENDRIE: Go with the I&E recommendation
9 as made.

10 COMMISSIONER GILINSKY: I think we will need them.

11 CHAIRMAN HENDRIE: Peter?

12 COMMISSIONER BRADFORD: That's all right.

13 CHAIRMAN HENDRIE: Are you ready to be outvoted?

14 COMMISSIONER AHEARNE: Always.

15 CHAIRMAN HENDRIE: The proposition that I make to
16 you is that we approve the amendments as set out in the SECY
17 paper Part VI and that we approve the staff's recommendation
18 for 11 positions and the appropriate funds to pay them to be
19 forwarded promptly to OMB for the fiscal '80 supplementary
20 request of the commission. Those in favor?

21 (Chorus of ayes.)

22 COMMISSIONER AHEARNE: I vote "Yes" on the first
23 and "No" on the second.

24 CHAIRMAN HENDRIE: We record Ahearne as voting
25 that eight would have done the job, on the people.

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pv BWH 1 COMMISSIONER KENNEDY: Can we clarify now, be
2 absolutely certain we are not talking about a supplemental
3 to attach the '81 request; we are talking about a
4 supplement to '80.

5 MR. GOSSICK: Yes.

6 COMMISSIONER KENNEDY: Let's be sure what we are
7 talking about. The staff said, and they just reiterated,
8 this should not obtain for more -- the situation should not
9 obtain for more than a few months. I want to be certain we
10 are talking about an addition to the supplement for '80 as
11 well as '81.

12 MR. GOSSICK: There will be a request for '80 and
13 '81.

14 CHAIRMAN HENDRIE: It will be supplemental '80,
15 and that delta will be added to the '81. Otherwise, you
16 come right back down, which doesn't achieve the objective.

17 COMMISSIONER KENNEDY: That is correct.

18 MR. GOSSICK: There is \$100,000 of program
19 support.

20 CHAIRMAN HENDRIE: Yes.

21 Dudley, I think you and Bill got out with a full
22 set of chips this time. Normally, we don't let you away
23 from the table with all of them.

24 MR. THOMPSON: I have full confidence that that
25 will not prevail in subsequent sessions.

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pv BWH 1 CHAIRMAN HENDRIE: I just want you to be aware
2 that it may come back one way or the other.

3 Thank you very much.

4 (Whereupon, at 2:26 p.m., the meeting was
5 adjourned.)

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