MEMO TO FILE: Implications

July 6, 1979

This morning I had a couple of discussions with Joe Scinto. In connection with a discussion I had yesterday with Fred Hebdon and Hal Ornstein, I would like to note the following for consideration in wirting the implications section:

1. The regulatory process does not reward inovation. Indeed, the current system is designed to discourage it. The GDC represent a codification of past practices which won regulatory approval. The SRP, which implements the GDC, specifically states that any modifications from the SRP must be accompanied by a value/impact statement. (Note also: I have concerns as to the consideration of economics by the NRC). Thus a technical reviewer is discouraged from considering a new design or new compoentns and surely passes this on tc the applicant. Further, a new component would have to meet the double redundancy, single failure proof crtieria.

   This all came up with regard to using computers to simplify the control room, as has been suggested by Pres.Comm. Chairman Kemeny. Thing of what an applicant would have to go through to do that: it does not comport with the SRP and would need a value/impact statement. Also, there would have to be several computers to provide redundancy--each with its own power supply (single failure proof). What is the incentive for the applicant. It is cheaper and easier to follow the previously-approved (as codified in the GDC, SRP, etc.) designs. Perhaps this all ties in with Denton's statement that he wishes the industry would be more innovative and not simply react to NRC concerns. How?

2. The adjudicatory process is a charade. That is: it is a lightning rod to attract the attention of the public and the Courts while the true licensing function (process) is donw by the NRR Staff under a system which would have difficulty passing muster under the APA.

   Both before the OL hearing and after the OL is granted the Staff has nun-erous opportunities to shortcut or negate the effects of the licensing process. Especially through amendments, reliefs, etc. the Staff can modify what it took the licesning process months to accomplish. What value is the adjudicatory process then? It allows us to tell the public they had notice and an opportunity to be heard and allows us to show the courts how we comport with the APA , NEPA, etc.

3. The Appeal Board, having fashioned itself as a Circuit Court of Appeals has excluded itself from consideration of policy matters for concentration on legal nicities and procedural issues. Unfortunately the Commission rarely accepts cert from the ASLAP and most policy issues fall through the cracks. This leaves the majority of policy in the hands of the staff and forces the

Commission to go to the Staff when it faces policy matters, rather than have the issues clearly presented and framed through the adjudicatory process. This perpetuates the duplication of effort and the appendix nature of the adjudicatory process.

4. Joe's point: there is nothing wrong with the regulations (I might not agree with that entirely; I think they are terribly drafted and organized) but there is something wrong with the regulatory system which is implemented by the Staff. The two aren't the same.

5. I find the regulations vague and obfuscating. Because substance and procedure is well mixed, we have been forced to revert to tricks to accomplish the desired result. E.G., 50.34 requires an emergency plan in the FSAR. But nowehere do the regs require that the emergency plan cannot be changed after granting of the OL. What 50.59 does require is approval before changing a tech spec or unresolved safety issue. The latter is open to argument, so what has been done (or Joe proposes) is to make the emergency plan a tech spec? Why not redraft the regs to provide that the emergency plan becomes a condition of the license? Joe is correct, however, in noting that 50.59 embodies the regulatory philosophy of the Atomic Energy Act: the utility will make the proper change and may do so unless a safety matter is at issue. (What belongs in a tech spec is open to argument.)

6. This wasn't raised during discussions today but my previous thought still bothers me: the vagueness of the regulations on such matters as what is safety grade and what is not. In essence, the GDCs are useless.

Recommendations Cont'd:

6. The following item should be in progress now. A complete technical review of this incident must be performed to include items such as Core Instrumentation, Hotlegs being higher than the Pressurizer, Environmental Qualification of instruments, Upgrading of Valves like the electromatic and block valve, Sampling Systems, Ventilation & Filter Systems, Reactor Building Communication with other buildings and Radiation Monitor Systems.

7. Accountability inside the Station is not timely. In this incident, the accountability was performed successfully but there must be a system which could be more effective & timely.

8. A tape record system should be installed in Control Rooms.

Black box (airplane) idea?

file implications

from: Met Ed proposal