

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

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In the Matter of: PUBLIC MEETING

DISCUSSION OF COMMISSION PROGRAM TO REVIEW OPERATING  
LICENSE APPLICATIONS

- - -

DISCUSSION AND VOTE ON SEQUOYAH

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

DISCUSSION OF COMMISSION PROGRAM TO  
REVIEW OPERATING LICENSE APPLICATIONS

- - -

DISCUSSION AND VOTE ON SEQUOYAH

- - -

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

Tuesday, September 16, 1980

The Commission met, pursuant to notice, at 10:08 a.m.

BEFORE:

- JOHN A. AHEARNE, Chairman of the Commission
- VICTOR GILINSKY, Commissioner
- PETER A. BRADFORD, Commissioner
- JOSEPH M. HENDRIE, Commissioner

NRC STAFF PRESENT:

- SAMUEL J. CHILK, Secretary
- LEONARD BICKWIT, General Counsel
- H. DENTON
- E. CASE
- H. SHAPAR
- K. CORNELL
- E. HANRAHAN
- L. RUBENSTEIN

POOR ORIGINAL

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1 That also, then, is an additional element that we have to  
2 end up resolving on how we are going to go about doing that.

3 In order, I believe, for us to eventually move to  
4 readdress the Sequoyah operating license issue, we have to  
5 have that issue resolved also.

6 So those are the items we have before us, and I  
7 guess I would -- only because the issue came up first --  
8 suggest that perhaps Commissioner Gilinsky describe for us  
9 his position with respect to the Sequoyah modification of  
10 its license.

11 COMMISSIONER GILINSKY: I would be happy to do  
12 that. I thought on the program the items were listed in  
13 reverse order.

14 CHAIRMAN AHEARNE: They may well have been, but  
15 would you mind addressing that?

16 COMMISSIONER GILINSKY: I would be happy to do  
17 that.

18 A week ago I circulated a memorandum suggesting a  
19 way of dealing with the hydrogen control issue as an  
20 alternative to what I had proposed before, which was that  
21 the presence of an effective and operational system be a  
22 requirement for the full power license. What I propose in  
23 this memorandum is a modification of -- let's see -- I guess  
24 it is Section 2.C 22D of the license, which is titled  
25 "Hydrogen Control Measures."

1           What I would do, in effect, is restore language  
 2 that was there in the first place, which would require that  
 3 -- let me just read it. "By January 31, 1981, TVA shall by  
 4 testing and analysis show to the satisfaction of the NRC  
 5 staff that an interim hydrogen control system will provide  
 6 with reasonable assurance protection of breach of  
 7 containment in the event that a substantial quantity of  
 8 hydrogen is generated."

9           This, it seems to me, would allow time for the  
 10 reviews that are now under way in the staff experimental  
 11 programs which were described as requiring until the end of  
 12 November or December to be completed, and would, in effect,  
 13 defer the requirement on an interim hydrogen control  
 14 system. In the meantime the reactor could operate at full  
 15 power.

16           In addition, I would for the longer term add a  
 17 paragraph, and let me read that. "For operation of the  
 18 facility beyond January 31, 1982 -- this is a year later --  
 19 the Commission must confirm that an adequate hydrogen  
 20 control system for the plant is installed and will perform  
 21 its intended function in a manner which maintains  
 22 containment pressure below design limits.

23           I feel that for the longer term, the system ought  
 24 to be required to perform in such a way that there is a  
 25 substantial safety margin greater than one would accept for

1 an interim system. I use the term "design limits." That  
2 happens in this case to be approximately 12 psi. I am not  
3 sure that that is, in fact, the right number to use, but by  
4 that I mean, in effect, a number that does provide for the  
5 substantial safety margin, and particularly in view of the  
6 fact that the material that the containment is made out of  
7 turns out to be stronger than was thought previously. That  
8 might be a reason for upping the design number.

9           And finally, during the interim period of  
10 operation, TVA shall continue a research program on hydrogen  
11 control measures and the effect of hydrogen burns on safety  
12 functions. It shall submit to the NRC quarterly reports on  
13 that research.

14           It seems to me the time scale of the longer-term  
15 requirements is consistent with the times that were  
16 suggested by the ACRS when we talked of several reactor  
17 years, three reactors. The estimate is between one and two  
18 years. They all said yes, that was roughly what they  
19 meant. At any rate, this is approximately a year and a half  
20 if the optimism that has been expressed by TVA, NRR and the  
21 ACRS is warranted.

22           I don't think these conditions will constrain  
23 plant operation. I don't want to hide the fact that if it  
24 turns out that the optimism is not warranted, it would  
25 constrain operation, or at least the matter would come down

1 for Commission consideration. Of course, the Commission  
2 could do whatever it wanted, but I think if it turns out  
3 that we were too optimistic, it ought to come back here to  
4 the table.

5           Anyway, that is a proposal which I recommend to  
6 you. I feel it is reasonable and accommodating, and I feel --

7           CHAIRMAN AHEARNE: Your second item, the adequate  
8 hydrogen control system, you have something different or  
9 extended, or could it be just more analysis of the system?

10           COMMISSIONER GILINSKY: It might be. I will tell  
11 you what I have in the back of my mind. Basically, the way  
12 we approach the MARK I plans, we accepted a certain reduced  
13 margin of safety for an interim period, but for the longer  
14 term, we required a more substantial margin of safety, and  
15 it strikes me as a regional approach.

16           CHAIRMAN AHEARNE: So that --

17           COMMISSIONER GILINSKY: It might be confirming  
18 that what was an interim system is in fact an adequate  
19 system. It might mean that an interim system has to be  
20 beefed up or modified in some way, or it conceivably might  
21 mean an altered system.

22           CHAIRMAN AHEARNE: The finding you are asking for  
23 in the first one, in A, is the igniter system provides  
24 reasonable assurance of protection against breach of  
25 containment in the event a substantial quantity of hydrogen



1 is generated. I am not sure what beyond that you had in  
2 mind beyond the reasonable assurance that protection be  
3 provided.

4           COMMISSIONER GILINSKY: Well, I think we ought to  
5 be aiming for a higher standard for the longer term for a  
6 system that will operate for many, many years than we would  
7 aim for necessarily in the short run. Now, if one can  
8 achieve that standard in the short run, then fine. That may  
9 in the end turn out to be what we accept for the long run.  
10 But what I am saying is I, for one, would accept a lesser  
11 standard of performance for the short-run interim operation.

12           CHAIRMAN AHEARNE: But at least in your view, you  
13 would require that the igniter system be shown to be an  
14 improvement, or else by January 31 you would like to review  
15 the license.

16           COMMISSIONER GILINSKY: By reasonable assurance, I  
17 try to use words -- and if you can find better words, I  
18 would be happy to consider them, but my point is simply that  
19 clearly the system is not going to deal with every  
20 contingency. There are going to be situations that one can  
21 dream up that this system cannot deal with. What I am  
22 saying is that after analyzing the system, I do feel that it  
23 deals with a large part of the problem.

24           CHAIRMAN AHEARNE: I guess the thrust of my  
25 question, though, was the ACRS recommendation had not, as

1 you correctly pointed out -- they had tied several reactor  
2 years to addressing a solution to this. I did not get the  
3 flavor from them that they felt the igniter system had to  
4 prove out in the next couple of months.

5 COMMISSIONER GILINSKY: The near-term aspect of  
6 this goes beyond what the ACRS is talking about. The longer  
7 term, I think, is consistent with what the ACRS was talking  
8 about.

9 CHAIRMAN AHEARNE: Anyone else have any questions  
10 about Victor's proposal?

11 COMMISSIONER HENDRIE: I don't have any question.  
12 I have a comment.

13 CHAIRMAN AHEARNE: All right.

14 COMMISSIONER GILINSKY: I had better steady myself  
15 here.

16 (Laughter.)

17 COMMISSIONER HENDRIE: Vic, if you contend that  
18 the thrust of Part A of your proposal be that the igniter  
19 system be shown to be a worthwhile addition to the  
20 protective array of the plant rather than in itself a cure  
21 for hydrogen in toto, I am not sure that the language quite  
22 gets you there. After all, we talk about reasonable  
23 assurance and then go through Appendix K and all the models  
24 in an extremely conservative way for ECCS performance just  
25 to achieve that, and I do not think we are at the same sort

1 of level here.

2           So that the words "reasonable assurance" put you  
3 into the standard, highly conservative practice of the  
4 safety review because it is a term of -- rather than  
5 allowing the flexibility which your remarks seem to imply  
6 you had in mind.

7           The staff language, which was slightly different,  
8 was not that great either, but at least it did seem to me to  
9 be a little bit more flexible. Their language was "will  
10 function in a manner that will mitigate the risk that could  
11 stem from the generation of hydrogen."

12           I suppose that one could then argue whether they  
13 met all of the risk or most of the risk or some of the risk.

14           COMMISSIONER GILINSKY: What bothered me about was  
15 "mitigate" in effect means make better. Of course,, the  
16 question is is that 1 percent or 75 percent. I thought by  
17 using the words "interim system," that in effect keys it to  
18 past practice in dealing with interm approaches and  
19 introduces the flexibility that I think the near-term  
20 finding ought to allow for.

21           COMMISSIONER HENDRIE: Part of the comment on your  
22 proposal here is that we are in the process of dealing with  
23 the hydrogen question and the broader core damage question  
24 for all plants. I must see I don't see any particular  
25 reason to tie this license up so that it has to be brought

1 back to the table on the 31st of January, 1982 in the event  
2 all of that is not in place.

3 All I can see that leading to -- if the general  
4 solution is in place before that date, that is fine. In  
5 that case there was no need to have put this provision in  
6 the license. If the general solution is not in place by  
7 January '82, why, this license and several others in which  
8 the provision might appear will have to come back to the  
9 table.

10 We will by that time, I trust, be making  
11 reasonable progress on the general solution and we will have  
12 to go through the exercise of pulling this provision out of  
13 the license. So I would just start out by not putting it in.

14 COMMISSIONER GILINSKY: These plants do have --

15 COMMISSIONER HENDRIE: And I would say that John's  
16 counter-language to yours is much more reasonable and to the  
17 point.

18 COMMISSIONER GILINSKY: Well, the general solution  
19 deals -- I gather you are talking about how we are going to  
20 deal with the possibility of substantial core damage in all  
21 plants. That is something that is a pretty knotty issue and  
22 it is going to take us many years to deal with. These  
23 plants happen to have a very special problem which I feel  
24 needs to be dealt with before we get on to this general  
25 solution, as you say.

1           COMMISSIONER HENDRIE: I think we will know a good  
2 deal more about this particular class of plant in the next  
3 year, and if we feel a need for some further interim  
4 measures, we can always take them with the plants as a  
5 class.

6           I must say I have some reluctance to pick hydrogen  
7 out and run ahead -- you know, getting too far ahead of an  
8 understanding of the overall safety approach that one wants  
9 to take for this more severe range of accident, by just  
10 picking out a particular facet of that accident array and  
11 saying we will cure that facet.

12           Now, that may or may not turn out to lead to  
13 measures which are effective and coordinated and, indeed,  
14 compatible with measures that one might want for mitigation  
15 of severe core damage. I would like to know where -- you  
16 know, one would like to see the overall pattern of safety  
17 attacked before one gets too far out on this limb.

18           COMMISSIONER GILINSKY: The way I look at it, this  
19 would bring these plants up to where the others are, and  
20 then we can study the grant question of degraded core.

21           CHAIRMAN AHEARNE: When you say these plants,  
22 would you put this as a condition into both of them?

23           COMMISSIONER GILINSKY: I would, yes.

24           CHAIRMAN AHEARNE: Any other comments? Peter?

25           COMMISSIONER BRADFORD: No. I think I would ask

1 the question you just did. I think I do see a pattern of  
2 sorts here. That is, we try to adjust for things that have  
3 already happened. There are aspects, obviously, the  
4 degraded core rulemaking, that have not occurred yet, but we  
5 have now decided to take them into account.

6           To me, hydrogen is more like a number of other  
7 changes we have made in plant licensing as a result of the  
8 Three Mile Island accident. Improved operator training. We  
9 have new requirements as to instrumentation. We are on the  
10 way to other changes and have sort of partial changes and  
11 interim changes.

12           I would not license a plant that I did not feel --  
13 we had some reasonable assurance that it could cope with it.

14           CHAIRMAN AHEARNE: I am not sure I understand,  
15 though, where that ends up leaving you.

16           COMMISSIONER BRADFORD: It leaves me supporting  
17 Victor's proposal.

18           CHAIRMAN AHEARNE: All right. Well, let us see,  
19 then. We could spend, I think, some parliamentary time  
20 jockeying around on what is in front of us and who votes on  
21 what so that makes the record and so forth. But that arcane  
22 artistry is not one I prefer to practice, so let's just see  
23 whether or not -- I think I understand what the vote is on  
24 it, but Victor has a proposal. I gather Peter and Victor are  
25 in favor of his. I am in favor of mine.

1 Joe?

2 COMMISSIONER HENDRIE: I would go with yours. I  
3 would just as soon have -- I don't see a need for such  
4 proficiency in this license, but I will go with yours.

5 CHAIRMAN AHEARNE: That would leave us 2 to 2  
6 split on being able to put in either. There was an  
7 alternative, which was Harold's original. Are there any  
8 votes for Harold's original?

9 COMMISSIONER BRADFORD: What is Harold's original?

10 CHAIRMAN AHEARNE: You don't happen to have a copy  
11 with you?

12 COMMISSIONER GILINSKY: As I said, there was a  
13 specific reason why I did not simply want to use the word  
14 "mitigate" because it was not clear whether that mean help  
15 by 1 percent or help by 10 percent or help by 50 percent. I  
16 think the sense of it was that it would do some substantial  
17 good, but that is not what the words as drafted make clear,  
18 and that is the reason why I changed them to the ones I have  
19 in Paragraph A.

20 I also believe the other parts are important, that  
21 we do need to revisit the issue, we do need to have a better  
22 system or at least confirm that a good system is in place  
23 for the younger run. So I would stick with what I have here.

24 COMMISSIONER BRADFORD: Do we know whether the  
25 applicant objects to the condition as Victor proposed it?

1           CHAIRMAN AHEARNE: I, at least for myself -- that  
2 really was not relevant.

3           COMMISSIONER BRADFORD: Nonetheless --

4           CHAIRMAN AHEARNE: What I was trying to do was  
5 decide what I thought was the logical step to be taken. I  
6 was trying to understand where we were as far as our  
7 technical understanding and knowledge of the issues, and  
8 that is where I came out on that basis. Whether or not they  
9 enthusiastically endorse the other approach or disagree with  
10 it, that just was not relevant.

11           What Harold had proposed is, pending further  
12 action which may be required as a result of rulemaking, no  
13 later than January 31, 1981, TVA shall by testing and  
14 analysis show to the NRC's satisfaction the interim  
15 distributed ignition system will function in a manner that  
16 will mitigate the risk which could stem from generation of  
17 hydrogen.

18           I would suggest that since that is what neither  
19 Victor has proposed nor I proposed, it could be used for a  
20 compromise.

21           COMMISSIONER GILINSKY: This is a compromise from  
22 where we were beforehand. It is like if you go halfway,  
23 three quarters of the way -- well, I would stick with this.

24           COMMISSIONER BRADFORD: I would still ask whether  
25 there have been discussions with TVA about Commissioner



1 Gilinsky's proposal, and do they find it something that they  
2 cannot comply with?

3 MR. DENTON: I am not sure we have TVA's formal  
4 opinion on these. Let me ask if any members of the staff  
5 here know the answer to that question.

6 MR. RUBENSTEIN: I have had informal --

7 CHAIRMAN AHEARNE: Could you use a microphone and  
8 identify yourself for the transcript?

9 MR. RUBENSTEIN: Lester Rubenstein. I have had  
10 informal conversation with TVA regarding the A, D and C  
11 conditions, and, of course, TVA is here and can speak for  
12 themselves. They are most concerned about our condition B,  
13 and an interpretation of the design pressure as language  
14 which was fairly restrictive in terms of getting the  
15 appropriate safety margins.

16 I believe the staff has looked at it and that Jim  
17 Knight is prepared to talk to that point.

18 COMMISSIONER GILINSKY: As I said earlier, I would  
19 be happy to change that to a pressure which still allows for  
20 a substantial safety margin, words like that.

21 MR. RUBENSTEIN: Along those terms, then I think  
22 the language is reasonable and acceptable to TVA, as they  
23 informally indicated to me.

24 CHAIRMAN AHEARNE: Peter, did you want to ask a  
25 further question on that?

1           COMMISSIONER BRADFORD: No. No. The language as  
2 modified makes sense to me, and I guess I am reinforced in  
3 that by my sense that the applicant itself does not feel  
4 that they cannot comply with it. So I would be inclined to  
5 adhere to it.

6           MR. DENTON: I would inject a note of caution on  
7 what the applicant's views are. I am not sure we have  
8 formally asked them, as Les said.

9           COMMISSIONER BRADFORD: I was not asking for their  
10 endorsement or non-endorsement. I would have been  
11 interested if their position was that they could not  
12 possibly comply with it, and I gather that is not the case.

13          MR. DENTON: I think, you know, they have been  
14 exhibiting a desire to comply with most of any of our  
15 requirements in general, but they perhaps have not focused  
16 on the specifics.

17          CHAIRMAN AHEARNE: Let me ask each of you a  
18 different question. Victor, if we accept your version with  
19 that modification to the last, do you have any other  
20 outstanding objections to the Sequoyah license?

21          COMMISSIONER GILINSKY: We have agreed to deal  
22 with Peter's concerns. I think we ought to turn it over to  
23 him. I am not asking you to vote on the license. I am just  
24 trying to clarify. With the Sequoyah license per se, do you  
25 have any other objections?

1           COMMISSIONER GILINSKY: Do you mean safety issues  
2 or questions of that sort?

3           CHAIRMAN AHEARNE: That is right. If we accept  
4 your modified version, and assuming we resolve Peter's  
5 issue, would you be favorably inclined?

6           COMMISSIONER GILINSKY: I would vote for the  
7 license on those terms.

8           CHAIRMAN AHEARNE: And Peter?

9           COMMISSIONER BRADFORD: Same answer.

10          CHAIRMAN AHEARNE: I think we have a situation, at  
11 least what I find myself in is that the scientific knowledge  
12 we have in front of us, at least recommended both by our  
13 staff and by the Advisory Committee we have, does not lead  
14 us to imposing these license conditions. That was the  
15 primary rationale, I think, that the Commission ought to use  
16 in imposing license conditions.

17          Unfortunately, I think we are ending up finding  
18 that a large group of people in a service area of TVA will  
19 thereby be denied the use of this facility, and I don't  
20 think it is really relevant whether TVA objects to the  
21 conditions or not. The Commission, I assume, tries to apply  
22 conditions based upon what it thinks is right.

23          I feel at least an obligation to meet some other  
24 responsibilities, one of which is to try to have the  
25 Commission address issues when they come before us. So I

1 will reluctantly accept the modified amendment with the  
2 modification of design pressure that Victor proposed.

3           COMMISSIONER HENDRIE: I recommend against B. I  
4 think all the analyses which you have show that if you try  
5 to keep that below design pressure and so on, you simply are  
6 not going to make it. You can take it up through design  
7 pressure. What you are going to do is to say in January of  
8 1982, good, tear out the igniter system and inert the  
9 containment.

10           There does not seem to be a responsible way to  
11 deal with the license. We are at war with the issues.

12           COMMISSIONER GILINSKY: I did not suggest a  
13 change, and I would be happy to ask you, to obtain the  
14 alternate language from you. I just scribbled this hastily:  
15 "In a manner which maintains containment pressures at levels  
16 that allow for substantial safety margins." What I have in  
17 mind is the kind of margin we normally expect in a  
18 containment, something on the order of a factor of 2.

19           COMMISSIONER HENDRIE: For how much hydrogen?

20           COMMISSIONER GILINSKY: For amounts roughly  
21 comparable to what was generated at TMI.

22           COMMISSIONER HENDRIE: I don't think you are going  
23 to get it. If you are going to shut the plant down in  
24 January of '82, you may as well not license it.

25           COMMISSIONER GILINSKY: That does not seem to be

1 -- at least as I understand it -- the view of the people who  
2 have been doing the analyses, at least the tentative  
3 analyses.

4 MR. DENTON: I think it depends on the wording.

5 COMMISSIONER HENDRIE: If you talk about  
6 substantial safety margins, the staff is going to come back  
7 with a safety factor of 3 on the yield pressure. Now you  
8 are back down from a 45 pound gauge to 15.

9 COMMISSIONER GILINSKY: Shall we write in a factor  
10 of 2?

11 COMMISSIONER HENDRIE: I recommend if you have to  
12 have this language, I would recommend you say "as installed  
13 will perform its intended function in a manner that provides  
14 appropriate or reasonable safety margins" or something like  
15 that. I can't tell what all the conditions are going to be  
16 up the line, and I think it is already pretty clear that for  
17 ice condenser plants that are already constructed, unless  
18 the Commission contemplates rebuilding them in toto or not  
19 allowing them to operate, that there is going to have to be  
20 an element of grandfathering.

21 COMMISSIONER GILINSKY: There is an element of  
22 grandfathering in all of this. We would not be doing all of  
23 this or approving this arrangement if we were starting all  
24 over again. So there is a substantial amount of  
25 grandfathering here already.

1           Now, if what you interpret a reasonable safety  
2 margin to be is roughly a factor of 2, then that sounds  
3 perfectly fine to me. I mean that is basically what we  
4 require elsewhere.

5           CHAIRMAN AHEARNE: I think the best --

6           COMMISSIONER HENDRIE: It is what turns out to be  
7 the case.

8           CHAIRMAN AHEARNE: I think the best we will get is  
9 to say a reasonable safety margin. There is going to have  
10 to be a lot of analysis done between now and a year from  
11 now. That is about all I think we can get. There has been  
12 a lot of understanding in the last three or six months with  
13 regard to this type of containment. A lot more will come in  
14 the future.

15          COMMISSIONER GILINSKY: We can put down  
16 "reasonable safety margin."

17          COMMISSIONER BRADFORD: Let's put down "adequate  
18 safety margins."

19          COMMISSIONER GILINSKY: That is even better.

20          COMMISSIONER BRADFORD: We have gotten out of  
21 whatever it was before that.

22          CHAIRMAN AHEARNE: Adequate safety margin.

23          COMMISSIONER HENDRIE: That allows you to look at  
24 something besides system pressure, the amount of hydrogen  
25 you are requiring to be calculated. If you are going to say

1 75 percent --

2 COMMISSIONER GILINSKY: I put down design limits  
3 because it was the one pressure that had a name to it.  
4 Let's put down adequate safety margins.

5 CHAIRMAN AHEARNE: All right.

6 COMMISSIONER HENDRIE: And from your discussion  
7 previously, we understand the way you interpret "will  
8 provide with reasonable assurance protection against breach  
9 of containment," you do not expect us to cover every -- 75  
10 percent hydrogen in all circumstances. That is not what  
11 your intent is.

12 COMMISSIONER GILINSKY: No.

13 COMMISSIONER HENDRIE: All right. I advise  
14 against it. But --

15 CHAIRMAN AHEARNE: Well, it passes.

16 COMMISSIONER HENDRIE: The Secretary will note  
17 that I vote for the license but against A, B and C of this  
18 proposal.

19 CHAIRMAN AHEARNE: Okay. All right. Assuming we  
20 can now satisfactorily address Peter's concerns -- neither  
21 of you have any remaining issues with regard to the approval  
22 of the Sequoyah license, is that correct?

23 COMMISSIONER GILINSKY: That is right, but I do  
24 want to add that I have a remaining concern, which I will  
25 not tie to the license itself, about TVA testimony before

1 the ACRS concerning the tests that they are going to  
2 concern. But I will not raise that in connection with this  
3 license.

4 CHAIRMAN AHEARNE: Peter, is that correct?

5 COMMISSIONER BRADFORD: Same answer. Yes.

6 CHAIRMAN AHEARNE: Let us move on to a variety of  
7 issues which relate to the Bingham amendment and so forth. I  
8 was having great difficulty following through all these  
9 great varieties of plans, et cetera. Commissioner Gilinsky  
10 was, also. He has attempted to have a summary made, but I  
11 think I heard Peter say that that was an incorrect summary.

12 COMMISSIONER BRADFORD: I am not sure that the  
13 summary as a whole is wrong. I have not had a chance,  
14 really, to go through it. There was a particular sentence  
15 in it that I do not think is accurate, although the staff  
16 would know better, and that is the first sentence of the  
17 second paragraph. I don't know if the staff even has the --

18 CHAIRMAN AHEARNE: Perhaps, Harold, could you walk  
19 us through -- I suppose you might as well use this if you  
20 find this convenient - walk us through your proposed plan,  
21 and I guess the way you entitled it, Program to Revise --  
22 Commissioner Gilinsky's -- NRR Plan to Require Licensees and  
23 Applicants Document Deviations from Current Safeguards  
24 Requirements.

25 MR. DENTON: I took a look at this. It very much



1 represents what I originally proposed, and I am concerned --

2           COMMISSIONER GILINSKY: This is not any sort of  
3 proposal on my part. It is my effort to --

4           MR. DENTON: I understand that, yes.

5           COMMISSIONER GILINSKY: If you are doing it and it  
6 is wrong, it is something that can be corrected.

7           MR. DENTON: Let me back off from this a little  
8 bit.

9           CHAIRMAN AHEARNE: I just received a request for  
10 clarification. The question is have we voted on the  
11 Sequoyah license? The answer is no, we have not. We  
12 clarified one set of concerns and we are now moving to the  
13 second set of concerns that relate to a requirement of  
14 Commissioner Bradford's prior to his willingness to address  
15 the Sequoyah license. So we have not yet addressed the  
16 Sequoyah license.

17           Excuse me.

18           MR. DENTON: Let me give a little background. We  
19 have committed to revising the Standard Review Plan to  
20 assure a much better congruence with the regulations, and we  
21 have set that in motion inside the staff, and we are having  
22 each branch identify in tabular form whether or not all  
23 areas within their responsibility are covered. We are going  
24 to make sure that every regulation is covered appropriately  
25 by some Standard Review Plan.

1           So we have some 240 Standard Review Plans. I  
2 expect this exercise to result in the modifications to the  
3 existing Standard Review Plans and the acceptance criteria  
4 and the evaluation of findings, and possibly the addition of  
5 new Standard Review Plans if it turns out necessary to cover  
6 gaps or areas that were not covered before. So that is in  
7 progress.

8           Secondly, we were looking at Office Letter Number  
9 9, which said we will document deviations from the Standard  
10 Review Plan. But that office letter put the burden on the  
11 staff to document the deviations. That is a burden I think  
12 is misplaced. I think it should be, in the first instance,  
13 required that the licensees document deviations from a  
14 standard review plan.

15           So we asked ourselves when could we have the  
16 standard review plans revised so that someone would have a  
17 document to look at to know how to document deviations. And  
18 we have estimated that it would take us about six months to  
19 prepare these documents. So around April 1st, wasn't it,  
20 Ed, before we could have revised standard review plans that  
21 had the --

22           COMMISSIONER GILINSKY: When you say plans, is  
23 that one for each reactor?

24           MR. DENTON: The plans are what we -- procedures  
25 that we provide to the technical reviewers of the staff, and

1 they use these in reviewing any application.

2 CHAIRMAN AHEARNE: Each little section is called a  
3 standard review plan.

4 MR. DENTON: Hydrologists use their procedures,  
5 and it is called a plan, but it is a review plan for each  
6 technical specialty.

7 MR. CASE: There are some 240 individual plans  
8 that make this up.

9 COMMISSIONER GILINSKY: You couldn't call them  
10 subplans.

11 MR. DENTON: It is the basis for the review and  
12 tells the individual reviewers how to approach the subject,  
13 what codes to use and what standards to apply, and what  
14 findings to make. So we could have that by April 1st.

15 CHAIRMAN AHEARNE: Harold, is it correct that that  
16 does not overly stretch your current resources?

17 MR. DENTON: That is right.

18 CHAIRMAN AHEARNE: That aspect you see yourself  
19 being able to do with the current resources that you expect.

20 MR. DENTON: That is correct. This could be done  
21 within the branch by the branch chief. It is part of their  
22 normal effort and would not require in the sense of a lot of  
23 review by the staff, so I would ask for no additional  
24 resources.

25 CHAIRMAN AHEARNE: To do that, we don't at the

1 same time, then, have to go to OMB or the Congress and say  
2 we need --

3 MR. DENTON: Not at all. We would absorb that in  
4 revising our plans. Then the manpower-intensive part is  
5 reviewing applications using that plan and documenting and  
6 writing justifications for deviations from that plan. At the  
7 moment we do not provide in our safety evaluation reports  
8 bases for deviations from those plans. We describe the  
9 licensee's design, find it acceptable, but we do not have a  
10 listing for each one of these 240 plans, whether they are  
11 met, and of course the present set does not have the exact  
12 congruence with the regulations.

13 So then I asked when could we begin to review  
14 applications using -- when could we begin to produce safety  
15 evaluation reports using this new stack of procedures for  
16 review. Well, you would have to allow a little time in the  
17 system for reviewers to start doing it this way, questions  
18 to applicants, answers back and reviews. So I don't think  
19 we could produce until the end of the year new safety  
20 evaluation reports that had a chapter that described  
21 deviations from the revised standard review plan.

22 So we thought it would be the end of next year  
23 before we could begin to produce safety evaluation reports  
24 that would have a specific description of how these  
25 applications comply with the revised standard review plans

1 and document all the deviations and reasons for it if there  
2 are any such deviations.

3           So that was really my bounding case, that by the  
4 end of next year, in any new applications we were reviewing  
5 we could begin to document. Likewise we could send that  
6 plan out to all plants that had operating licenses, and we  
7 could get them to describe for us how well they complied  
8 with the plan. And the plan when it is revised will be the  
9 current interpretation of the Commission's regulations.

10           So we would send that out to all operating plants  
11 and they would eventually in some staggered manner, I hope,  
12 reply, and we would review their answers for all operating  
13 plants to see if there are any hot coals, areas where we are  
14 really concerned about the deviation. We would act on those  
15 right away. Otherwise, we would have to plan a resource  
16 effort to go through all of these operating plants and see  
17 if the differences are reasonably justified.

18           That left in the middle the plants which are  
19 coming through right now. So we have plants that are about  
20 to go to hearing or come to you which are SERs or the review  
21 is complete. So if you wanted to review those against the  
22 revised SER, our standard review plans, we won't have those  
23 until after April. And I really could not get it in that  
24 mold until the end of next year.

25           So in trying to get as far into this system as I

1 could, I proposed that all SERs that we issued after April  
2 1, that we start documenting deviations and differences from  
3 the existing standard review plans. That picks up some  
4 plants between April and the end of the year.

5           Actually, it would be much cleaner if we do not  
6 put in that interim step of documenting deviations from  
7 existing standard review plans and just wait so that all  
8 safety evaluations produced after the end of next year have  
9 it in there.

10           I think when we threw in this April 1 deadline,  
11 that caused some concern about where the plants were. But  
12 the concern is plants in the middle. All the plants are in  
13 operation that we are going to document deviations from the  
14 standard review plans. All future plants after some date  
15 will document deviations from the revised standard review  
\*16 plan.

17           Then it depends on how fine we want to cut it. If  
18 you cut it too fine, we will not be able to produce them on  
19 the previous schedules.

20           CHAIRMAN AHEARNE: All right.

21           Now, I gather from your comment that you are not  
22 sure of the utility of requiring that interim comparison  
23 against the existing --

24           MR. DENTON: That is correct, because it will have  
25 to be redone even on those plants, even when we apply the

1 existing standard review plans for plants between, say,  
2 April and the end of next year. We will still have to go  
3 back to them with the revised standard review plan to see  
4 what additional areas -- that is recycling twice, this  
5 area. And I do not think that for these plants which are  
6 currently under review, we will pick up that much in safety  
7 for the cost.

8           COMMISSIONER GILINSKY: You are talking about  
9 Group 3s.

10           CHAIRMAN AHEARNE: That is right.

11           MR. DENTON: Yes. Yes. So I would tend to go ahead  
12 and treat Group 3 like Group 2, so that, in essence, Groups  
13 1, 2 and 3 become operating plants and they would all  
14 eventually, in a staggered review, demonstrate their  
15 deviations from the revised standard review plan. Group 3,  
16 if you wanted to begin it a little bit earlier, we could on  
17 those safety evaluations use today's standard review plan.

18           But when you look at our process and the review is  
19 in motion, some of these reviews have been done in the  
20 laboratories. They do not document deviations.

21           COMMISSIONER HENDRICK: I know where at least one  
22 of those reviews is, and it seems to me it is pretty far  
23 along.

24           MR. DENTON: That is right. So I am really not  
25 advocating doing that. I was trying to respond to the need

1 to move as quickly as possible, and that is an alternative.

2           CHAIRMAN AHEARNE: At least from my understanding,  
3 would you work through this set in addressing plants that  
4 already have operating licenses? The Bingham amendment  
5 explicitly applies to that. Are you proposing to go to them  
6 twice with a requirement based on the Bingham amendment and  
7 then an additional requirement, or are you proposing to go  
8 to them once and the Bingham amendment will then be subsumed  
9 in that?

10           MR. DENTON: The latter, only once.

11           CHAIRMAN AHEARNE: The request will be once the  
12 revised SRP is developed, to then go to them with that  
13 request.

14           MR. DENTON: Yes.

15           CHAIRMAN AHEARNE: And as I recall from the  
16 Bingham amendment, if we agree with that approach we will be  
17 required -- we first have to notify the Congress of the  
18 status of our implementation, but we also have to go out for  
19 public comment on that approach, is that correct?

20           MR. DENTON: Yes. Now, one reason I have subsumed  
21 Bingham into that approach is that Bingham only requires  
22 that we do this for regulations of particular safety  
23 significance. But that is very hard to cut those out without  
24 knowing about the plant in detail. So I would have the  
25 utility do the first cut to document all the differences,



1 and then in our review of that, we would pay attention to  
2 those of particular safety significance.

3 CHAIRMAN AHEARNE: Where it says Group 1 operating  
4 plants 1 and 2, it would be one step, is that correct?

5 MR. DENTON: That is just one step, and it would  
6 consist of sending them the revised standard review plan and  
7 asking them to document deviations from that. And probably  
8 --

9 CHAIRMAN AHEARNE: And you say justify --

10 MR. DENTON: Justify the differences, if any,  
11 between their design and operation practices.

12 CHAIRMAN AHEARNE: And we would review that, the  
13 significance of the deviation, and our justification.

14 MR. DENTON: I would propose a two-step review  
15 process: a quick review upon the arrival to find out if  
16 there are areas that really concern us that we should act  
17 upon immediately, and then a longer-term review with the  
18 proper amount of resources over some longer time frame.

19 Now, I would like to stagger these reviews coming  
20 in. I envision that our plan to get answers back is that we  
21 would not require all licensees to respond by the same  
22 date. I think we create problems for ourselves and  
23 industry. We are unable to review everything, and we get 70  
24 or 80 documents in on the same day and we would base it on  
25 the older plants or the high population plants.

1           CHAIRMAN AHEARNE: We give everybody this deadline  
2 and then our review process stretches out longer.

3           MR. DENTON: I would try to make a more rational  
4 staggering to mesh our resources as we could use them.

5           CHAIRMAN AHEARNE: Now, your recommendation is  
6 Group 2 and 3 plants are differentiated from Group 4 how?

7           MR. CASE: By the date of the SER.

8           COMMISSIONER HENDRIE: By time.

9           MR. DENTON: Time. Group 2 are ones which I would  
10 propose to issue without documenting deviations because the  
11 reviews of these have been ongoing for years and it is  
12 essentially complete. We may have issued at least one or  
13 more supplements of SERs in that.

14          CHAIRMAN AHEARNE: Your recommendation would be to  
15 treat those as current operating plants.

16          MR. DENTON: Current operating plants.

17          CHAIRMAN AHEARNE: There a comparison with the  
18 respect to the revised SRP would be on the same basis as the  
19 operating license.

20          MR. DENTON: That's right.

21          MR. CASE: Even though not required by the Bingham  
22 amendment.

23          MR. DENTON: We have incorporated them, in  
24 essence, into Group 1. They would all compare to the  
25 revised.

1           COMMISSIONER BRADFORD: Let's see, Harold. That  
2 is your proposal as of today. It modifies somewhat the  
3 proposal advanced --

4           MR. DENTON: It is the same for Group 2. Group 2  
5 were ones where the review is so far along it has already  
6 been issued. You recall that we have cases for SERS in  
7 adjudication way in advance of the operation of the plant.

8           COMMISSIONER BRADFORD: Group 2 and 3 are  
9 essentially a split of your old category of intermediate  
10 operating license.

11          MR. DENTON: Yes. And then I had discussed the  
12 possibility of this Group 3 being ones that are later in  
13 time, where we would have an opportunity to perhaps document  
14 deviations from existing standard review plans. But I will  
15 not have the revised standard review plan in hand until  
16 April, so I could not produce the safety evaluations on  
17 schedule using the revised standard review plan.

18          CHAIRMAN AHEARNE: Your recommendation would be to  
19 collapse 3 into 2.

20          MR. DENTON: Avoid that intermediate step of  
21 documenting deviations from existing standard review plans  
22 because that is only a partial step. It taxes my resources  
23 to do that and still meet the schedules that are required  
24 for this.

25          MR. CASE: That is different.

1 MR. DENTON: I would say all SERs issued after the  
2 end of next year would have this documentation of deviations  
3 from the revised standard review plan. I do not get the  
4 standard --

5 CHAIRMAN AHEARNE: That is Group 4?

6 MR. CASE: No, he is still --

7 MR. DENTON: Yes, that is Group 4.

8 CHAIRMAN AHEARNE: And that SER issuance date is --

9 MR. CASE: 1/1/82.

10 MR. DENTON: I could put in the hands of my  
11 reviewer, then, on April 1 the new revised standard review  
12 plan, and they could begin then to apply that to plants such  
13 as in Group 4 because their production dates would be at  
14 last eight months away.

15 COMMISSIONER BRADFORD: Some of the plants in  
16 Group 2 are, in fact, plants which were to have been  
17 reviewed against the existing standard review plan.

18 MR. CASE: By the staff.

19 MR. DENTON: By the staff, yes. And I think it was  
20 that "by the staff" that really prevented us from knowing  
21 quite how to proceed, and then we had to find the deviations.

22 COMMISSIONER BRADFORD: That is the problem we  
23 talked about last time.

24 MR. DENTON: So what I would do come April is send  
25 all these Group 4 plants the revised standard review plan

1 and ask them to document promptly the differences, and that  
2 would become a part of our normal review for all of those.  
3 And they would -- our SERs for all the Group 4 plants. They  
4 are all not due in December of 1982. They are due at  
5 staggered intervals.

6 I would also send that same standard review plan  
7 to all the plants then in operation, which would include  
8 Groups 1, 2 and 3, and treat them all as operating plants  
9 and have some staggered response from them.

10 I really think the Groups 2 and 3 and the use of  
11 the interim move is not manpower-efficient using the  
12 existing standard review plan. It will leave open the  
13 question -- I can see we would issue a document in June  
14 using the existing standard review plan, but we would  
15 already have produced the revised standard review plan, and  
16 you are just opening yourself up. Why don't you redo it  
17 using the revised standard review plan, and you have to  
18 recycle it all the way through the review process.

19 CHAIRMAN AHEARNE: If I could first focus the  
20 attention, then, on this section before moving to CPs, so  
21 you would then see this would now treat all plants at the CP  
22 stage.

23 MR. DENTON: Yes.

24 CHAIRMAN AHEARNE: You have swept up all the  
25 plants in this block, those under construction and currently

1 operating. The Bingham amendment requires -- there is no  
2 date by which this has to be completed, so that it would --  
3 you are starting the revised SRP independent of any time.  
4 So we would have an opportunity to go out for public comment  
5 and get revision, if necessary, completed before you would  
6 have the revised SRP.

7 MR. DENTON: That is right.

8 MR. CASE: Yes.

9 CHAIRMAN AHEARNE: Vic, do you have any questions  
10 on operating plants regarding Harold's suggestion? Joe?

11 COMMISSIONER HENDRIE: If you are going to go in  
12 this direction, I certainly recommend that those plants in  
13 Group 3 be moved up into Group 2. Otherwise, what you will  
14 do is end up throwing in six months to a year delay on those  
15 operating licenses in order to do this exercise, and I  
16 really do not think that is warranted.

17 I dare say the Commission would find some  
18 difficult at that time in justifying the holdup.

19 I have some other questions, but on this point it  
20 seems a reasonable way to cut it.

21 COMMISSIONER GILINSKY: When one is getting public  
22 comment on this --

23 COMMISSIONER BRADFORD: I have no difficulty with  
24 merging the two groups. It does, though, I think carry with  
25 it an underlining of the importance of getting the revised

1 standard review plan completed in six months. Otherwise,  
2 the categories start breaking apart again.

3 MR. DENTON: That is right.

4 CHAIRMAN AHEARNE: Also, since they are tying the  
5 Bingham amendment to that --

6 COMMISSIONER BRADFORD: Yes.

7 CHAIRMAN AHEARNE: And, as Vic suggests, we could  
8 ask that the public comment on the approach.

9 COMMISSIONER BRADFORD: That is right, although I  
10 think that Harold's point about the efficiency of the  
11 approach makes enough sense to me that I would not insist on  
12 including the other way of proceeding.

13 CHAIRMAN AHEARNE: It does make more sense to me.  
14 Do you have any estimate or better estimate of the staff  
15 resources that will be required to do this examination after  
16 they come back?

17 MR. DENTON: Let me ask Ed to comment. But there  
18 are two distinct classes. There are the resources required  
19 to review the new applications for OLS, and then there are  
20 the resources required to review those plants which we  
21 licensed many years ago.

22 I think the impact on the new OLS will be small  
23 and will be absorbable in our current budgeting, and the  
24 uncertainty that has existed over this proposal is what will  
25 it require for a plant, say, like Yankee which was licensed

1 20 years or so ago.

2 MR. CASE: I don't know that I have much to add to  
3 that except to say that the fitting in with normal review  
4 process manpower is predicated on staff review and  
5 justification of the significant deviations, not all  
6 deviations. And should the Commission or the licensing  
7 process -- and by that I mean licensing boards -- asking  
8 questions or individual commissioners asking questions about  
9 a particular deviation, or the ACRS asking questions about  
10 all deviations -- could raise that estimation of manpower up  
11 to perhaps two additional man-years per application

12 You see, we are a prisoner of question askers by a  
13 lot of group and we have no control over that. The part we  
14 have control over we do not think it would add to the  
15 present manpower requirements for an OL review.

16 Now, for the Bingham plants applying the same  
17 approach, we estimate between one and two man-years for each  
18 plant for reviewing and justifying the significant  
19 deviations.

20 CHAIRMAN AHEARNE: Not all. Not all.

21 MR. CASE: Not all. Now, our plans for the safety  
22 evaluation of these operating plants go beyond just  
23 reviewing the deviations. They involve selected use of  
24 safety topics, safety issues, as in the present SEP plus  
25 what we learned out of the IREP program. So we would expect



1 that the total review per plant for operating plants would  
2 be perhaps three to four man-years per plant.

3 MR. DENTON: And the older the plant, the larger  
4 its share of these resources.

5 CHAIRMAN AHEARNE: That three to four estimate is  
6 for current operating plants.

7 MR. CASE: Yes.

8 CHAIRMAN AHEARNE: Do you have an estimate of what  
9 kind of licensee effort will be required?

10 MR. CASE: Not that I have any confidence in.

11 CHAIRMAN AHEARNE: I guess we could expect to get  
12 some comments in the public comment.

13 MR. CASE: Yes. I think at least the pending  
14 license applicants, that is, or OLs and CPs, are more  
15 concerned over the added time to the licensing process that  
16 will result from this step rather than from the manpower  
17 they might use to justify deviations. They see a ready-made  
18 list of contentions, a source of questions by the boards, by  
19 the Commission, by everybody.

20 And it is the extending of the entire process that  
21 is of most concern to them.

22 COMMISSIONER BRADFORD: My problem there is that  
23 somehow the darker this picture gets in terms of possible  
24 contentions and questions from the boards, questions from  
25 the ACRS and what have you, the more urgent the task seems,

1 as well.

2 MR. CASE: Or more worthwhile, at least.

3 CHAIRMAN AHEARNE: Except we have a statement from  
4 Harold embedded in this that these kinds of reviews may not  
5 be necessary or useful in evaluating the overall safety of  
6 the plant.

7 COMMISSIONER BRADFORD: If that turns out to be  
8 the case, that is, that everything winds up checking out and  
9 being in order, then it does not provide endless ammunition  
10 for contentions.

11 CHAIRMAN AHEARNE: At least I thought the point  
12 that was embedded in here is not that the details -- the  
13 deviations may not be significant. That was Ed's point,  
14 also. The fact that the deviation is not significant can  
15 still make it a point of contention to take time to  
16 resolve. That, I thought, was more their point that they  
17 were trying to make.

18 COMMISSIONER BRADFORD: Let's see, though. As to  
19 the plants where there is the greatest potential for that  
20 kind of answer, the most you are going to see is a 2.206  
21 petition in any case.

22 MR. CASE: They are not in the licensing process  
23 there. They have gone beyond. Then you would expect 2.206.

24 MR. DENTON: I think Ed's comment was in the  
25 context of pending applications before the Commission.

1 CHAIRMAN AHEARNE: The newer ones --

2 COMMISSIONER BRADFORD: Yes.

3 MR. DENTON: We have required information of a  
4 sort in several specific instances, so we do have some  
5 information back from licensees. And I queried those, and  
6 the best answer I can get is that someone would expect that  
7 given that task, they would turn to their nuclear steam  
8 supplier and AE to supply this report listing whether they  
9 comply with the standard review plan and justifying  
10 deviation within three or four or five months.

11 For today's pending plants, their concern, as Ed  
12 mentioned, anyplace where they have a deviation or maybe  
13 where they don't have deviations, they would expect  
14 questions and answers from the staff, and this is a several  
15 month process of turnaround. They it would open up the  
16 administrative delays in putting that issue to bed.

17 So I think it is time for those people. They don't  
18 expect it to be particularly difficult to justify, but just  
19 by having it, doing it this way will open it up.

20 MR. BICKWIT: In a previous memo you estimated  
21 that the licensee man-year requirement for plants under  
22 review would be two man-years. Have you lost confidence in  
23 that?

24 MR. CASE: I think for them that is a fair estimate.

25 MR. BICKWIT: But with respect to the others?

1 MR. CASE: I think there is a wide error band  
2 possible in that.

3 MR. DENTON: That is the actual effort to prepare  
4 this first package. What is required from there on? You  
5 know, I have not tried to account for, but just to get a  
6 response from them that we could start with. Now, for the  
7 older plants, the Bingham plants, the ones in operation, it  
8 is much harder to estimate what will be required. These  
9 guides and approaches just were not current.

10 MR. CASE: I did not expect that concern of the  
11 licensees to be particularly satisfying to you, but I  
12 thought I should mention it.

13 COMMISSIONER BRADFORD: Obviously, the criteria  
14 for mentioning things at this table should not be simply  
15 whether or not it is what a commissioner wants to hear.

16 CHAIRMAN AHEARNE: Hopefully not.

17 COMMISSIONER BRADFORD: Certainly it has not been  
18 in the past.

19 (Laughter.)

20 CHAIRMAN AHEARNE: I think each of us --  
21 construction permits. Now, you had proposed, Harold, to  
22 separate CPs into two groups: again, one set on existing  
23 SRPs and the other on --

24 MR. DENTON: Here I thought the bifurcation using  
25 existing standard review plans at the CP stage and the

1 revised standard review plans at the OL stage had more  
2 appeal to me and made more sense. These plants are already  
3 going to be pacing in the review, depending on their  
4 response to these other issues that we have asked them to  
5 address or that we are about to ask them to address.

6 In the course of their addressing these issues  
7 that we know we are going to raise with them, they could  
8 address the existing standard review plan.

9 CHAIRMAN AHEARNE: What is 0718?

10 MR. CASE: That is the TMI requirements translated  
11 to CPs that you all approved our working on.

12 MR. DENTON: Citing degraded core aspects.

13 CHAIRMAN AHEARNE: How would you see this working  
14 with respect to these plants that are in these hearings for  
15 construction permits? To stop the construction permit  
16 hearing and have this review?

17 MR. CASE: It is already stopped because they are  
18 waiting for our TMI additions.

19 CHAIRMAN AHEARNE: Would they --

20 MR. DENTON: They would be taking the next several  
21 months to address these near-term CP requirements that flow  
22 from TMI. So if we were to take the existing standard  
23 review plan and have them concurrently along a parallel path  
24 documenting deviations from existing standard review plans,  
25 indications are for plants as current as these are, they

1 could complete that chore within the same time frame that  
2 they document all the other near-term CP requirements.  
3 So then our review could proceed down on that basis.

4           CHAIRMAN AHEARNE: And what would you propose?  
5 You would review their submission, and after the completion  
6 of that review you would then be prepared to go back to the  
7 licensing board? Is that --

8           MR. DENTON: Yes. Not only these items, but the  
9 near-term CP items. And then we would have a table, a table  
10 showing deviations, if any. By the time they come in at the  
11 OL stage, we would require that they address whatever  
12 modifications, so they would have to --

13           CHAIRMAN AHEARNE: I would guess if we had to be  
14 consistent and put that requirement out for public comment,  
15 then that would also be an additional time before it would  
16 be possible for it to go back to the board. Is that correct?

17           MR. CASE: We have to yet put out the TMI  
18 requirements for those CPs.

19           CHAIRMAN AHEARNE: Right.

20           MR. CASE: For public comment. They would go out  
21 concurrently.

22           MR. DENTON: We would put it out at the same time.

23           CHAIRMAN AHEARNE: I guess that answers my  
24 question.

25           COMMISSIONER GILINSKY: Let me ask you. Are there

1 CP applicants whose applications are inactive?

2 MR. CASE: No.

3 COMMISSIONER GILINSKY: There are not?

4 MR. CASE: There are some where they had an  
5 application in and they decided to hold on it for a while  
6 and not prosecute the application.

7 COMMISSIONER GILINSKY: You would regard those as  
8 applicants who come after these six applicants listed?

9 CHAIRMAN AHEARNE: They are agreeing with your  
10 last --

11 MR. DENTON: These are the only active CP  
12 applicants.

13 CHAIRMAN AHEARNE: At the moment active.

14 MR. DENTON: Yes.

15 CHAIRMAN AHEARNE: Any other questions on the CP?  
16 Were we to approve this approach, then -- I think this is an  
17 accurate summary, then, of what you have been sending in,  
18 all these various papers -- you would then prepare a  
19 notice. I guess you would prepare two things: a status  
20 report that we forward to the Congress in order to meet that  
21 deadline by the end of September.

22 MR. BICKWIT: Ninety days.

23 CHAIRMAN AHEARNE: And then second, the notice for  
24 public comment of the approach. Is that correct?

25 MR. DENTON: Yes.

1 MR. CASE: Remaining to be decided is how one  
2 might implement this approach. Would you do it by tech spec  
3 changes, policy statement, a rule change? We have a number  
4 of options to consider, and it is germane to --

5 CHAIRMAN AHEARNE: We have a law which requires us  
6 to --

7 MR. DENTON: Get public comment on the Bingham.

8 MR. CASE: It requires us to do something on  
9 operating plants. It does not specify how much should be  
10 done by licensees and how much by us.

11 CHAIRMAN AHEARNE: And also how we would impose  
12 that request. I guess for myself I have not been able to  
13 see clearly that distribution, so I would prefer to have  
14 that as something to get comment upon, what approach to take.

15 MR. DENTON: We would also be issuing the  
16 near-term CP document.

17 CHAIRMAN AHEARNE: Yes. It seems to me --

18 MR. DENTON: At the same time.

19 CHAIRMAN AHEARNE: It is essentially a program of  
20 how we are going to review across the board.

21 COMMISSIONER BRADFORD: Yes. I suggested in my  
22 memo that it be done by tech spec. I don't have strong  
23 objection to waiting until the end of the comment period if  
24 you have that preference. That will mean, though, that some  
25 licenses will be issued during the comment period, and the



1 opportunity to do it by tech spec in those licenses, we  
2 would have to revisit those licenses. We would go back to  
3 those and put them on the same footing.

4 CHAIRMAN AHEARNE: Yes, that would be my  
5 understanding.

6 COMMISSIONER HENDRIE: That contemplates hearings  
7 in each case?

8 COMMISSIONER BRADFORD: I would hope not.

9 COMMISSIONER HENDRIE: There are hearings, right,  
10 in each case.

11 MR. BICKWIT: That is true.

12 MR. CASE: Rulemaking is another option.

13 COMMISSIONER BRADFORD: We could put the tech  
14 specs in now.

15 COMMISSIONER HENDRIE: It is a little difficult  
16 for 70 operating plants.

17 COMMISSIONER BRADFORD: I am not talking about the  
18 operating plants.

19 CHAIRMAN AHEARNE: He is talking about the ones  
20 that would be coming up. I would really prefer to receive  
21 comments on it, and I guess in general if we lay this kind  
22 of requirement across the board, naively I would approach it  
23 on a rule. There seems to be a general rule that we would  
24 then be applying, but I am not sure.

25 COMMISSIONER BRADFORD: Is there any difficulty

1 in doing it as a rule at the end of the comment period on  
2 the proposed program? I suppose as long as it is clearly  
3 noticed that the Commission is considering doing it, among  
4 other ways, in the form of a rule --

5 CHAIRMAN AHEARNE: We certainly have a substantial  
6 --

7 MR. CASE: Are you raising --

8 COMMISSIONER BRADFORD: Do it right.

9 MR. CASE: Do it right, meaning it is not  
10 necessary to have further public comment on the proposed  
11 rule.

12 COMMISSIONER BRADFORD: Yes.

13 CHAIRMAN AHEARNE: Victor.

14 COMMISSIONER GILINSKY: No further questions.

15 CHAIRMAN AHEARNE: Joe?

16 COMMISSIONER HENDRIE: Several. I am afraid if we  
17 convert this affair into a rule ultimately, in what way does  
18 that then imbue all of the assorted staff positions and  
19 regulatory guides cited in the standard review plan with the  
20 properties of regulations?

21 MR. BICKWIT: I do not think it would. I think it  
22 would be contemplated that the rule would describe your  
23 procedures for applicants and reviewers, but it would not  
24 change the nature of requirements which did not have the  
25 force of rule into requirements which did have the force of

1 rule.

2 MR. CASE: I think not legally, but I think it  
3 would put even more pressure on applicants to follow the  
4 staff's recipe.

5 CHAIRMAN AHEARNE: I would guess that after we lay  
6 out this kind of program in which everything is going to be  
7 compared against, deviations measured against, that that is  
8 going to be a substantial pressure.

9 COMMISSIONER HENDRIE: The second question is, the  
10 summary paper which Commissioner Gilinsky's office prepared  
11 and which is very good, I think, I commend your staff. You  
12 seem to have patched it all together in a couple of pages.  
13 We talk about licensees will be required to identify and  
14 justify all deviations from the revised SRP.

15 Harold's -- the advance paper I got talks more  
16 about regulations, about licensees conforming to  
17 regulations. Each licensee would be required to evaluate  
18 its operating plant against these regulations and determine  
19 the extent of the plant's compliance, including an  
20 indication of where such compliance was achieved by the use  
21 of Division I reg guides and staff positions where  
22 compliance is achieved by other equivalent means, et cetera.

23 There is a thrust in the staff paper that the  
24 emphasis is on regulations. In the short table we keep  
25 talking about the revised standard review plan, or

1 occasionally the existing standard review plan, and much the  
2 greater weight of just sheer documents that you have to deal  
3 with.

4           When you look at the standard review plan, these  
5 are the guidance documents, the guides, the staff positions  
6 and so on. Now, since no plant was constructed and put in  
7 operation yesterday but the regulations, the guides and the  
8 staff positions sort of change with time, every plant far  
9 and near will have deviations from the standard review plan.

10           You cannot very well have conformed to a staff  
11 position which was not enunciated at the time you got your  
12 license, and the staff has not found it necessary or  
13 appropriate since licensing to go back and ask the licensee  
14 about that new requirement. Then obviously he will have to  
15 speak to that in this document.

16           So I am curious as to what sense I ought to carry,  
17 like licensee will be required to identify and justify all  
18 deviations from revised standard review plans. What sense  
19 do I carry from that? Are we asking these people to address  
20 every line of every regulatory guide and staff position that  
21 is on the books as of next April when the revised SRP comes  
22 out?

23           If that is the case, where did the thrust of  
24 significant safety relations, which is certainly the  
25 standard of the Bingham amendment go, and are you really

1 contemplating that extensive a piece of paperwork?

2           CHAIRMAN AHEARNE: To be fair to Commissioner  
3 Gilinsky's staff summary, the revised SRP really comes from  
4 the NRR plan that they had originally submitted.

5           COMMISSIONER HENDRIE: I recognize that, but let  
6 us have some discussion about our intent with regard to the  
7 degree of reading of fine print. If you stack up all of the  
8 reg guides and staff positions and then ask one of the  
9 operating plants with an OL that is five years old or more  
10 to discuss deviations, what you have asked them to do is, in  
11 effect, to discuss literally every sentence of every guide  
12 and staff position.

13           It is a monumental push to what I will call  
14 regulatory extremes, the kinds of places that the system  
15 tends to go in order to show great diligence on the part of  
16 their reviewer and so on. You are asking for a staggering  
17 amount of paperwork, and I am less than convinced that it is  
18 contributing enough to safety to be worthwhile at that  
19 extreme.

20           I think we are going over the next couple of years  
21 to get the maximum effect from a safety standpoint out of  
22 the IREP and NREP examinations if these plants where you try  
23 to identify, in fact, what features of the particular design  
24 leave you vulnerable above the general level to significant  
25 accident sequences.

1 I think the exercise we are engaged in here, while  
2 useful in a regulatory documentation sense, is less apt to  
3 come to grips with and deal with significant safety problems  
4 than initiatives that come in from that other route, sort of  
5 engineering examination of the plant route.

6 What I am getting around to saying is I hope I  
7 could hear some lan'guage that this thrust does not intend to  
8 become the greatest piece of paperwork going on next year in  
9 regulation, but tries to keep its direction pointed to  
10 safety significance and not to the dotting of every "i" and  
11 the crossing of every "t."

12 COMMISSIONER BRADFORD: The staff will have to  
13 address a part of that concern, but I would think the IREP  
14 and NREP efforts would have been much easier to undertake if  
15 we had, in fact, proceeded on this basis.

16 COMMISSIONER HENDRIE: If we had this in place  
17 now, it would have made very little difference, I think, for  
18 IREP and NREP unless said effort had resulted in system  
19 design changes or operating procedure changes.

20 COMMISSIONER BRADFORD: It would have provided, I  
21 think, a rather greater detailed knowledge about what was  
22 actually there.

23 COMMISSIONER HENDRIE: I am sorry, I do not agree,  
24 not to the extent that you really need it for the IREP.

25 COMMISSIONER BRADFORD: The second point, the

1 staff proposal talks about identifying and justifying  
2 deviations from the revised SRP in accordance with the  
3 Bingham amendment plant as approved by the Commission. I  
4 had taken that to imply that there would be a carryover in  
5 terms of the safety significance language.

6           However, we wound up applying that in the Bingham  
7 context, we would also be applying -- I think that was one  
8 of the points Ed stressed pretty strongly at the last  
9 meeting in terms of the staff assessment of manpower,  
10 depending on that.

11           CHAIRMAN AHEARNE: I think that latter point more  
12 addresses your concern. That is acceptable to me, and I  
13 gather it is acceptable to you.

14           COMMISSIONER BRADFORD: Yes.

15           COMMISSIONER HENDRIE: One last comment. I don't  
16 know quite who is best to deal with it. What sort of  
17 commitments, directions or whatever do we have from the  
18 Appropriation Committees about Bingham amendment resources?  
19 I seem to recall that we carved that apart and said when we  
20 know what it is, we will be back to you.

21           CHAIRMAN AHEARNE: We have never addressed --  
22 clearly in the current appropriation there were no funds  
23 identified because the Bingham amendment came in the current  
24 authorization which passed after the appropriation. As far  
25 as the one we have gone into OMB with, as you recall, after

1 extensive debate here at the table, we did not ask for any  
2 specific resources for the Bingham amendment.

3 I think if we do go out for public comment on  
4 this, we will probably continue to be a little premature  
5 since the SRP aspect of it Harold has said he could  
6 accommodate withing his resources.

7 COMMISSIONER HENDRIE: I am thinking about the  
8 further steps past the SRP.

9 MR. CASE: As far as I know, there are no signs,  
10 signals or words from any of the congressional committees as  
11 to how much should be expended on this effort.

12 CHAIRMAN AHEARNE: I would guess in the testimony  
13 next spring we would have the opportunity to address both  
14 what we are doing and how much in the way of resources we  
15 think would be appropriate, and there is no way we would be  
16 getting any additional action from the Congress or  
17 additional resources before then anyway.

18 MR. CASE: That is true.

19 CHAIRMAN AHEARNE: Anything else, Joe?

20 COMMISSIONER HENDRIE: No.

21 CHAIRMAN AHEARNE: Anything else?

22 COMMISSIONER BRADFORD: Just a couple of what I  
23 hope are clarifications. There is a sentence in the summary  
24 that the revised SRP would be substantively similar to the  
25 existing SRP, with the exception of documenting the



1 relationship between the SRP provisions and the NRC  
2 regulations.

3 I had understood that the revised SRP went  
4 somewhat beyond that and picked up other documents currently  
5 used by the staff.

6 MR. CASE: Yes.

7 COMMISSIONER BRADFORD: It does.

8 MR. CASE: We define revised SRP, as our footnote  
9 2 on the piece of paper that --

10 COMMISSIONER BRADFORD: Right.

11 MR. CASE: Whether that is substantive similar or  
12 not, I will leave that up to you. But I would describe it  
13 as I did in the footnote.

14 CHAIRMAN AHEARNE: I believe that was the wish of  
15 Commissioner Gilinsky.

16 COMMISSIONER BRADFORD: As long as we are still  
17 working with the definition of revised SRP provided in the  
18 staff document as of last time, that is fine.

19 COMMISSIONER HENDRIE: That is the way I have  
20 understood it.

21 COMMISSIONER BRADFORD: Yes. No, nothing else  
22 with regard to either this or the staff presentation. I  
23 think in one way or another, we have picked up three of the  
24 four covering points in my September 11 memo.

25 Could you talk a minute about the treatment of

1 second units on a site where the first unit is already in  
2 operation? I understood those would be treated as if the  
3 license had been issued at the time.

4 MR. CASE: If you collapse Groups 2 and 3 to one  
5 group, it is no longer applicable.

6 COMMISSIONER BRADFORD: Okay.

7 MR. CASE: Anything that comes after 1/1/82 gets  
8 the full treatment, and anything before that time gets no  
9 treatment until after licensing.

10 CHAIRMAN AHEARNE: I would think we would treat it  
11 independently.

12 COMMISSIONER BRADFORD: Okay. One of the more  
13 difficult issues, and I would think it is best probably to  
14 treat it at the end of the comment period, is what to do  
15 with a situation in which the licensee in effect is coming  
16 back and saying the deviation is justified by the fact --  
17 whether we are talking about a regulation or reg guide -- by  
18 the fact that the plant is grandfathered.

19 I think there may be some situations in which we  
20 would still want to require further analysis, and there will  
21 be other situations in which the burden falls back on us.

22 CHAIRMAN AHEARNE: If I understood the  
23 justification language, to really require much more than  
24 saying grandfathered --

25 MR. CASE: For informal staff guidance documents,

1 but not for Commission regulations.

2           COMMISSIONER HENDRIE: Unless there has been a  
3 specific exemption, as there has been occasionally for one  
4 of the features of one of the appendices, like Part 50.  
5 They have to meet the regulations, and I think they can  
6 legitimately say, you know, we meet Regulation 42 because we  
7 do the following things.

8           COMMISSIONER BRADFORD: Supposing they do, in  
9 fact, say we meet 50.55(A) because we are exempted from it.

10          CHAIRMAN AHEARNE: I would guess consistency will  
11 end up requiring --

12          COMMISSIONER HENDRIE: If there is a formal  
13 exemption, there will be a safety evaluation that goes with  
14 it.

15          CHAIRMAN AHEARNE: That is it. We can require to  
16 have each of those justifications --

17          COMMISSIONER BRADFORD: One way or the other.

18          COMMISSIONER HENDRIE: I think that is the case  
19 where there is a formal exemption to the regulations, isn't  
20 it?

21          MR. SHAPAR: There is usually an analysis. But  
22 what if the regulation itself grandfathers in itself  
23 existing plants? How do you plan to treat that?

24          CHAIRMAN AHEARNE: I would guess eventually there  
25 will be an analysis.

1 MR. SHAPAR: On a continuing basis.

2 MR. DENTON: There are not many like that.

3 COMMISSIONER BRADFORD: I am inclined to agree  
4 with John at this point; but I think that is one of the  
5 reasons we will not settle it until the end of the comment  
6 period. If we have agreed it is a safety-significant  
7 regulation and if all we have is a statement that it does  
8 not apply to this plant because the plant is grandfathered,  
9 I think I would like some kind of an evaluation beyond that.

10 MR. CASE: Perhaps it could be done generically.  
11 I think it is possible that I could show you reasonably that  
12 all the grandfathers in the regulations are not significant  
13 from a safety standpoint.

14 COMMISSIONER BRADFORD: Those will get screened  
15 out through the process.

16 MR. CASE: Not necessarily. But the  
17 grandfathering might not be important.

18 MR. SHAPAR: The grandfathering was done as a  
19 generic matter. I would think the cure for it would also be  
20 generic.

21 COMMISSIONER BRADFORD: Possibly.

22 CHAIRMAN AHEARNE: Any other questions?

23 COMMISSIONER BRADFORD: No.

24 CHAIRMAN AHEARNE: I guess I still have that open  
25 question in the back of my mind. It is not obvious yet to

1 the overall safety significance of this approach, but I  
2 would vote for saying this is the approach that we are  
3 proposing to take and putting it out for public comment.

4 COMMISSIONER GILINSKY: Aye.

5 COMMISSIONER BRADFORD: The revised SRP should be  
6 completed within six months, entirely apart from what is  
7 going out for public comment. Those two propositions were  
8 the ones I urged in my last memo.

9 CHAIRMAN AHEARNE: Vic?

10 COMMISSIONER GILINSKY: I said aye. I was  
11 agreeing with your proposition and your comments. I am in  
12 favor of the proposition.

13 CHAIRMAN AHEARNE: Joe?

14 COMMISSIONER HENDRIE: Have we collapsed Group 3  
15 into Group 2 for purposes of this notice?

16 COMMISSIONER BRADFORD: Yes.

17 CHAIRMAN AHEARNE: Yes.

18 COMMISSIONER HENDRIE: Okay, I will certainly  
19 agree to it going out for public comment. We are required  
20 to carry out a portion of what is proposed here by the  
21 Bingham amendment, in any case.

22 For the extension beyond the Bingham amendment  
23 which is contemplated here, I share with John some questions  
24 about the safety benefits versus the obvious staff and  
25 industry resource costs. The degree to which that sort of

1 safety benefit/resource cost ratio is reasonably high, that  
2 is, fair benefit for the cost and so on, has a lot to do  
3 with how rigorously and implacably the individual staff  
4 reviewers pursue each licensee over each line of each guide,  
5 of each staff position and each line of the SRP, which, I  
6 will remind you, runs to three volumes of fine print. I  
7 know. I edited the whole damn thing myself.

8           CHAIRMAN AHEARNE: I think we have identified one  
9 of the principal reviewers.

10           (Laughter.)

11           COMMISSIONER HENDRIE: What is proposed here  
12 beyond the Bingham amendment requirements can range all the  
13 way from a reasonable and orderly putting in order of the  
14 regulatory house with some associated safety benefits which,  
15 in my own view, are not large compared to the sort of risk  
16 assessment attacks on these things but nonetheless are  
17 there, all the way over to, you know, a really regrettable  
18 devouring of everybody's resources in return for masses of  
19 documentation which will not be that valuable.

20           So it seems to me that what we have has the  
21 capacity to be useful at reasonable cost. It also has the  
22 capacity to be not nearly as useful as its cost can run.  
23 But let us go for comment.

24           CHAIRMAN AHEARNE: Peter?

25           COMMISSIONER BRADFORD: Obviously, I am inclined --

1           CHAIRMAN AHEARNE: The formal vote.

2           COMMISSIONER BRADFORD: I just want to defend the  
3 proposition to say it is not my intention to drive them to  
4 paperwork; but it does seem to me that the business of  
5 getting the regulatory house in order at a reasonable cost may  
6 well have safety significance within the confines of what is  
7 being done, but certainly has safety significance on the way  
8 in which future applications are reviewed and documented.

9           CHAIRMAN AHEARNE: I think the Commission has  
10 approved going out with this proposal.

11           I think, Harold, then you are on the hook to draft  
12 the notice for the Federal Register.

13           MR. DENTON: Yes.

14           CHAIRMAN AHEARNE: Having now, I think, resolved  
15 your issues, Peter, I would like to then move to the  
16 Sequoyah operating license, and I would move that we approve  
17 it as modified earlier this morning by the revised --  
18 whatever the appropriate issue was -- by Commissioner  
19 Gilinsky's modified version.

20           COMMISSIONER BRADFORD: Aye.

21           COMMISSIONER GILINSKY: Aye.

22           CHAIRMAN AHEARNE: Aye.

23           COMMISSIONER HENDRIE: I approve it without the  
24 modification.

25           (Laughter.)

1                   CHAIRMAN AHEARNE: For those who are waiting, yes,  
2 we have now approved the Sequoyah license.

3                   (Whereupon, at 11:46 a.m., the meeting was  
4 concluded.)

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POOR ORIGINAL

NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the  
Commission Meeting

in the matter of: Public Meeting - Discussion of Commission Program to  
Review Operating License Applications - Discussion & Vote  
Date of Proceeding: on Sequoyah - September 16, 1980

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.

David S. Parker

Official Reporter (Typed)



(SIGNATURE OF REPORTER)