

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

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DATE: September 19, 1980 PAGES: 1 - 28

AT: Washington, D. C.

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING  
DISCUSSION OF COMMISSION PROGRAM TO REVIEW  
OPERATING LICENSE APPLICATIONS

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Nuclear Regulatory Commission  
Commissioners' Conference Room  
1717 H Street, N. W.  
Washington, D. C.

Friday, September 19, 1980

The Commission met, pursuant to notice, at 2:32

p.m.

BEFORE:

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

1 NRC STAFF PRESENT:

2 LEONARD BICKWIT, General Counsel

3 SAMUEL J. CHILK, Secretary

4 H. DENTON

5 E. CASE

6 M. MALSCH

7 W. DIRCKS

8 R. BAER

9 E. HANRAHAN

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POOR ORIGINAL

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

2                    CHAIRMAN AHEARNE: The next item we would turn to  
3 is a continuation of a series of meetings we have been  
4 holding on reviewing operating license applications,  
5 construction permits, et cetera. This really relates to a  
6 staff requirements memo, and what action should be taken.

7                    Perhaps, as Harold Denton and staff move to the  
8 table, those who are leaving will leave quietly.

9                    (Pause.)

10                  CHAIRMAN AHEARNE: Let me see if I can't recall  
11 for us -- we had a previous meeting or series of meetings on  
12 this. At the last meeting, we had before us an outline  
13 prepared by a member of Commissioner Gilinsky's staff, and  
14 it was my understanding that we had approved that outline  
15 with the change -- he had had two groups, a Group 2 and a  
16 Group 3 plan, and we had agreed to these same groupings.

17                  Is that not what we had done?

18                  COMMISSIONER BRADFORD: I thought what we had done  
19 was approve the NRR proposal that had been presented to us  
20 the week before. That is just as far as which piece of  
21 paper was involved. It is possible that a little trimming  
22 and hauling are needed to bring the two into harmony with  
23 each other, but one does have to do that.

24                  CHAIRMAN AHEARNE: I guess I am -- my  
25 understanding at the time we were discussing it was that it

1 was a summary of what NRR had proposed. I did not recall --  
2           COMMISSIONER BRADFORD: Let me point out two areas  
3 which I think became clear in the course of the meeting  
4 where the two are not in complete harmony. In the second  
5 paragraph, at the top, it says, "The revised standard review  
6 plan will be substantively similar to the existing SRP." We  
7 then had something of a dialogue on that, and I think it was  
8 generally agreed that the definition of the revised SRP  
9 should be the one in the footnote of the staff plan. That  
10 contains a number of changes that go beyond simply  
11 documenting the relationship of the SRP to the NEC  
12 regulations.

13           CHAIRMAN AHEARNE: Right, right.

14           COMMISSIONER BRADFORD: And so I would just be  
15 more comfortable using the definition of revised SRP.

16           CHAIRMAN AHEARNE: Yes. I had earlier today  
17 distributed a proposed staff requirements memorandum which  
18 was my attempt to summarize what we had agreed to, and if  
19 you will note, Item B, which references the sheet that I  
20 just talked about, it does say a footnote should be added  
21 defining "revised SRP," and that is the definition that I  
22 used, the one out of --

23           COMMISSIONER BRADFORD: Okay, that is fine, as  
24 long as it is not also limited by the phrase, "will be  
25 substantively similar to the existing SRP."

1           CHAIRMAN AHEARNE: Fine, fine.

2           COMMISSIONER BRADFORD: If we could drop that,  
3 then there is no difficulty.

4           The next one goes the other way, and it is, what  
5 would incline me just to work from the staff plan, but it is  
6 down in Item 2 under operating licenses. The point that I  
7 think Joe made originally in the last session. "Licensee  
8 will be required to identify and justify all deviation from  
9 the revised SPR. The staff proposal says, "justify  
10 deviations in accordance with the Bingham amendment." That  
11 is safety significant, as we eventually agree on it, and not  
12 all deviations, period.

13           COMMISSIONER HENDRIE: I think that is a helpful  
14 clarification.

15           COMMISSIONER BRADFORD: I thought you would like  
16 that.

17           COMMISSIONER HENDRIE: That is the direction in  
18 which I was trying to boost the enterprise last time.

19           CHAIRMAN AHEARNE: All right.

20           MR. CHILK: It --

21           MR. BICKWIT: I am not sure that is what the staff  
22 intended.

23           COMMISSIONER BRADFORD: Oh.

24           MR. BICKWIT: Not that that is controlling, but my  
25 understanding is that that is not what the staff --

1           CHAIRMAN AHEARNE: But that certainly is  
2 consistent with the points Ed was making at the end of the  
3 last meeting.

4           MR. BICKWIT: An applicant for a new operating  
5 license would not simply be addressing the significant  
6 safety regulations, but would be addressing all applicable  
7 regulations.

8           MR. CASE: Yes, that was the staff proposal. All  
9 regulations for the new applicant.

10          MR. BICKWIT: For the new applicant.

11          CHAIRMAN AHEARNE: What other differences did you  
12 find, Peter? The reason I worked from Bill Manning's sheet  
13 was, it just seemed to summarize in one place -- there had  
14 been several sheets with respect to NRR.

15          COMMISSIONER BRADFORD: Okay. Ed, you have now  
16 circulated a revised form of yours which I must say appeals  
17 to me slightly more, but let me point out the one other area  
18 of difference.

19                 The staff proposal works in terms of definitions.  
20 That is, SER's after a certain date are treated one way.  
21 The summary here works in terms of particular plants, but it  
22 is not -- it does not seem to me to be right to have a  
23 situation in which a plant which might suddenly slip three  
24 or four years, and therefore ought to be treated under the  
25 provision of -- for plants after a certain date --



1           CHAIRMAN AHEARNE: I see.

2           COMMISSIONER BRADFORD: -- should be grandfathered  
3 simply because it had been. There is a problem the other  
4 way. You would not want a plant which had slipped over the  
5 deadline by a week to suddenly be delayed for six months in  
6 order to have to go back and suddenly -- and behave in a way  
7 it had not realized it would have to.

8           MR. CASE: The staff thought about that problem.  
9 There are possible inequities each way. We felt it was  
10 better to specify a date and where the weak slip occurred  
11 one has the exemption possibility.

12          COMMISSIONER BRADFORD: That is what I had in  
13 mind, the advantage of using your dates and then exempting  
14 anyone who --

15          CHAIRMAN AHEARNE: That is an argument in favor.  
16 I think certainly history would say that it is very likely.

17          COMMISSIONER BRADFORD: At least some of them will  
18 slip for very long periods.

19          CHAIRMAN AHEARNE: Yes, yes.

20          MR. CASE: Well, what I did was, as Commissioner  
21 Bradford indicated, I rewrote the staff proposal and  
22 circulated copies early this afternoon to try to take into  
23 account the changes that were agreed on last Tuesday, and  
24 put them all -- put it so I have just --

25          CHAIRMAN AHEARNE: I have in front of me a revised

1 9/19 NRR plan.

2 MR. CASE: That is the one. Yes, sir.

3 CHAIRMAN AHEARNE: Let's see.

4 MR. DENTON: I think this one is consistent with  
5 the three points Commissioner Bradford made.

6 MR. CASE: Yes.

7 COMMISSIONER BRADFORD: Yes, it is.

8 MR. DENTON: It goes to the -- It has the  
9 footnote, the standard review plan. It distinguishes  
10 Bingham --

11 MR. CASE: There is a little change in the  
12 footnote. It says, Division 1, regulatory guides. I picked  
13 up the language from Bingham. That is the exact language in  
14 Bingham.

15 CHAIRMAN AHEARNE: Let's be careful. You were  
16 defining a revised standard review plan the last several  
17 days.

18 MR. CASE: Yes.

19 CHAIRMAN AHEARNE: You were not saying this is the  
20 Bingham amendment action. You were revising the standard  
21 review plan.

22 MR. CASE: They are exactly the same thing,  
23 because the Bingham amendment says Division 1 regulatory  
24 guides and the staff position is all of the other things.

25 CHAIRMAN AHEARNE: We just asked whether there is

1 any substantive difference between the previous footnote  
2 that you had and this footnote.

3 MR. CASE: No.

4 CHAIRMAN AHEARNE: No difference?

5 MR. CASE: No difference at all.

6 CHAIRMAN AHEARNE: And the words that you picked  
7 up to reference, that also does not --

8 MR. CASE: Does not make any difference.

9 CHAIRMAN AHEARNE: You will have to pardon me  
10 while I read it, because I did not get it until just a  
11 little while ago.

12 (Pause.)

13 MR. BICKWIT: The third footnote makes clear the  
14 distinction we just discussed.

15 MR. CASE: Yes.

16 CHAIRMAN AHEARNE: Yes, that seems -- Joe?

17 COMMISSIONER HENDRIE: Now that you come to dates,  
18 here comes the Fort Mud Unit 1, and on some schedule posted  
19 in NRR's offices the SER will issue on 12/10/81.

20 MR. CASE: 1981.

21 COMMISSIONER HENDRIE: It in fact issues on  
22 February 1. We now have -- We now have a different  
23 category --

24 MR. CASE: Yes.

25 COMMISSIONER HENDRIE: I presume this guy now gets

1 shoved back six months and told to go file a list of his  
2 deviations according to a different rule.

3 MR. CASE: If it were in the rule, I would tell  
4 Mr. Fort Mud that I would support his request for an  
5 exemption should he file it.

6 COMMISSIONER GILINSKY: The other side of it is,  
7 if you name the plants and if they slip some --

8 CHAIRMAN AHEARNE: Yes. Unfortunately, there is  
9 no --

10 COMMISSIONER GILINSKY: Some very long period, you  
11 can shift categories.

12 COMMISSIONER HENDRIE: That is right.

13 COMMISSIONER GILINSKY: I think what Joe is --

14 COMMISSIONER HENDRIE: I am just looking for it --

15 COMMISSIONER GILINSKY: I don't disagree with what  
16 you are saying.

17 COMMISSIONER HENDRIE: I am just looking for an  
18 agreement, because this puts applicant at risk of the staff's  
19 ability to carry out a schedule. That is, if today the  
20 applicant knows that it is scheduled after 1/1/82, and he is  
21 going to fall into Category 2, then he can start preparing,  
22 but if he thinks he is in Category 1, and it is the staff's  
23 failure to get there that sinks him, you know, there has to  
24 be an accommodation.

25 COMMISSIONER GILINSKY: Let me say once again that

1 this little sheet Bill Manning prepared was not meant as a  
2 proposal. It was just a summary, and I think we left the  
3 dates off inadvertently.

4 (General laughter.)

5 COMMISSIONER GILINSKY: We were trying to  
6 emphasize the names of the plants. Now that I think about  
7 it, in some ways it does make sense to do it by plants,  
8 because a review gears up for a particular plant. I mean,  
9 you don't gear up for 1982.

10 COMMISSIONER HENDRIE: It tells the people at Fort  
11 Mud what group they fall in.

12 COMMISSIONER GILINSKY: That is right, and a  
13 certain number of people are working on that application,  
14 and they have a certain procedure, and so it seems to me it  
15 probably makes more sense to do it by plant with an  
16 understanding that if the plant does slip by years, then it  
17 really ought to go into a different group.

18 COMMISSIONER HENDRIE: Well, that is sort of the  
19 other way. You put the date, say, but if we breach dates,  
20 there will be an accommodation, and say, if you slip the  
21 plant out, well, there will be a readjustment for that.

22 MR. CASE: Most regulations are by dates rather  
23 than by plants.

24 CHAIRMAN AHEARNE: I think I share the agreement  
25 that the basic idea is that if we, for some reason, defer

1 our action and really miss our date by some amount, that  
2 suddenly would flip from one side to the other --

3           COMMISSIONER GILINSKY: That does not mean that  
4 NRC necessarily --

5           CHAIRMAN AHEARNE: We have to examine the reason,  
6 but I would certainly be inclined if it really was our  
7 misestimate that led to it --

8           COMMISSIONER GILINSKY: Even if it is the  
9 applicant's.

10          MR. DENTON: I have no difficulty in granting some  
11 flexibility to look at the causes for the differences right  
12 there at the threshold date, and to exercise some judgment.  
13 If we are in doubt, we can come back to you, but I guess in  
14 general if it is slipping a long time, we ought to move to  
15 the next category, but if it is just our inability to do our  
16 job, and it is not many weeks involved, we should not  
17 penalize them.

18          MR. CASE: Yes.

19          COMMISSIONER HENDRIE: There is a related date  
20 sequence that has the same character. Somebody who has a  
21 project and the staff SER for the project is projected out  
22 beyond the 1982 date, you know, the applicant will  
23 presumably come around to NRR, find out what the scheduling  
24 looks like so he knows that his -- the SER from his project  
25 is out beyond that, and he says, okay, now I am going to

1 have to identify and justify the deviations from the revised  
2 SRP.

3           It turns out -- this is old Fort Mud again, by the  
4 way. It turns out Fort Mud, the SER is due to issue in  
5 about the middle of February, 1982. That is soon after the  
6 conversion late. In order for it to issue and cover these  
7 things, the Fort Mud folk have got to see the revised SRP so  
8 that they can write to the staff and say, now, here are all  
9 our deviations and our justifications, so the staff can  
10 review it and get that in the SER.

11           Now, there is also then a contingency which says,  
12 if we breach on that April 1, 1981 projection, then we  
13 encumber the ability of Fort Mud to get their stuff together  
14 and in turn get it to us so we can produce the SER and the  
15 whole sequence can go.

16           So, once again, Fort Mud is vulnerable to a  
17 stretch out on our part which they cannot do anything about,  
18 and which they would just as soon not be penalized for.

19           Now, I don't know what you do about that, but I  
20 would say -- what I would suggest is that we just understand  
21 that if along about the first of March Harold comes back and  
22 says, well, we thought we were going to make it by the end  
23 of this month on this SER thing, but it really turned out to  
24 be a hell of a problem, and here are the reasons, we are  
25 going to need another three months or something like that,

1 then I think we ought to agree to re-examine this  
2 date.

3 CHAIRMAN AHEARNE: Joe, at that stage,  
4 would lock Ed Case in the building.

5 (General laughter.)

6 CHAIRMAN AHEARNE: So then he can assure  
7 months, six months.

8 COMMISSIONER HENDRIE: Well, you can get  
9 April 1st, and that is not a problem.

10 MR. DENTON: It only takes a few good  
11 working around the clock.

12 (General laughter.)

13 COMMISSIONER HENDRIE: If there is a p

14 MR. CASE: I would much rather have a  
15 and do the best job we can to meet it, than revise  
16 standard. It won't be perfect. We are going to  
17 after.

18 CHAIRMAN AHEARNE: You can waffle a li  
19 think.

20 MR. CASE: We should not let the best  
21 good. We should meet the date.

22 CHAIRMAN AHEARNE: All right.

23 MR. CASE: But I agree --

24 (General laughter.)

25 MR. CASE: He ought to be locked up.



1 CHAIRMAN AHEARNE: Any other comments?

2 COMMISSIONER HENDRIE: Those were the main ones,  
3 just so that we understood while we construct a system which  
4 operates on certain dates and various people have to do  
5 various things, and understand, if we are smarter in six or  
6 eight months, why we ought not to feel compelled to those  
7 dates.

8 CHAIRMAN AHEARNE: Vic?

9 COMMISSIONER GILINSKY: On this particular --

10 CHAIRMAN AHEARNE: Yes. Peter?

11 COMMISSIONER BRADFORD: No.

12 CHAIRMAN AHEARNE: Okay. Let me then ask, we have  
13 an actual copy, so I assume the staff -- we have approved  
14 this.

15 MR. CHILK: Yes.

16 CHAIRMAN AHEARNE: How long would it take you -- I  
17 think last time we also agreed we would put this out for  
18 public comment. Is that correct?

19 COMMISSIONER BRADFORD: Yes.

20 CHAIRMAN AHEARNE: How long would it take you to  
21 put this out for public comment?

22 MR. DENTON: Could I move to the next stage?  
23 Because it is tied up.

24 CHAIRMAN AHEARNE: I think you are saying -- Why  
25 is there a next stage? Why can't you put that out?

1 MR. DENTON: We could put these two pages out for  
2 public comment.

3 MR. CASE: But that will not serve the purpose  
4 that you want. You want it out for public comment in such a  
5 form that should the Commission decide to make it a rule  
6 after those public comments, it could do so without further  
7 public comment.

8 CHAIRMAN AHEARNE: Yes.

9 MR. CASE: That requires putting this in good  
10 enough English so people can understand it, putting some  
11 substance to it, putting some specifics to it so they know --

12 CHAIRMAN AHEARNE: The question you are answering,  
13 Ed, is, you can't do it tonight.

14 MR. CASE: That is true.

15 CHAIRMAN AHEARNE: I said, when could you get it  
16 out for public comment?

17 COMMISSIONER HENDRIE: He is just preparing you  
18 for the answer to the question.

19 (General laughter.)

20 MR. CASE: I have a prepared answer to that  
21 question.

22 (General laughter.)

23 CHAIRMAN AHEARNE: Bill, how long do you think --

24 MR. CASE: A couple of weeks.

25 CHAIRMAN AHEARNE: Bill?

1           MR. DIRCKS: I have heard estimates of a couple of  
2 weeks, if we use the normal process. I think we can make  
3 some adjustments to get around the normal process by putting  
4 some people together and getting it out a bit faster. The  
5 way we do it, Harold, is, I think, to put together a team  
6 with your people and the legal staff so it would not be a  
7 sequential type thing, but it would be --

8           CHAIRMAN AHEARNE: This is a very fundamental  
9 review that we are asking for, and I would think we ought to  
10 be able to turn to --

11           MR. DENTON: If we dropped everything, we could do  
12 it, but it is the fact that we have it --

13           CHAIRMAN AHEARNE: I am asking the man who --

14           MR. DIRCKS: This is a continuation of a call we  
15 had yesterday.

16           (General laughter.)

17           CHAIRMAN AHEARNE: Your estimate is?

18           MR. DIRCKS: I would say -- this is Friday -- next  
19 week, and if we have to pull people off other things in the  
20 agency, we will do it.

21           MR. CASE: Could I make it contingent on something  
22 you are going to get to next?

23           CHAIRMAN AHEARNE: I am not sure why it has to be.

24           MR. CASE: Because the same people who are going  
25 to do that, at least some are going to have to work on the

1 status report to the Congress, which has a statutory  
2 deadline of --

3 CHAIRMAN AHEARNE: Yes, but remember, the status  
4 report to the Congress is a status report. Where are you?

5 MR. CASE: We have been. That is where we are  
6 returning to next.

7 CHAIRMAN AHEARNE: It is where are you? It is  
8 where are you? It does not say we must be anywhere.

9 (General laughter.)

10 MR. DENTON: We have a status report.

11 CHAIRMAN AHEARNE: If it is all done --

12 MR. DENTON: It is not current. If you want it  
13 rewritten, it is the same people who would be doing the  
14 other.

15 CHAIRMAN AHEARNE: Is this a status report, or is  
16 this a program --

17 MR. DENTON: This is a status report to the  
18 Congress on where we are today, and we would be prepared to  
19 send this.

20 CHAIRMAN AHEARNE: If this is where you are, then  
21 you are not reflecting any decisions we have not made.

22 MR. CASE: It reflects the decision you just made.

23 CHAIRMAN AHEARNE: This will go out in the next  
24 week or two.

25 MR. DENTON: We are hoping that is the result.

1 CHAIRMAN AHEARNE: I don't know.

2 COMMISSIONER GILINSKY: This is the standard  
3 problem that no map can be perfect because --

4 (General laughter.)

5 MR. DENTON: There are several sort of loose ends  
6 that we need to --

7 CHAIRMAN AHEARNE: It is not just a status report.

8 MR. DENTON: We have a status report that I think  
9 represents where we are today and can go to Congress if you  
10 concur, and that is where we are, so these pages I would  
11 propose to send to Congress tomorrow, Saturday, if you  
12 concur in this.

13 Okay, then there is a related CP policy paper  
14 which we need to say what we just adopted.

15 CHAIRMAN AHEARNE: The CP policy paper. I thought  
16 all we really had to do was to add -- I thought we basically  
17 agreed to the CP policy paper. We had to add -- revise it  
18 that the CP applicants -- provide -- the document, et  
19 cetera, et cetera.

20 COMMISSIONER GILINSKY: Yes.

21 CHAIRMAN AHEARNE: I thought that was --

22 MR. CASE: You are saying we would add the CP  
23 requirement to the --

24 CHAIRMAN AHEARNE: The proposed --

25 MR. DENTON: That would be a self-contained sort

1 of document. It is all ready to go.

2 MR. CASE: That is part of the same people --

3 MR. DENTON: It is ready to go if we add that, so  
4 what we have then --

5 CHAIRMAN AHEARNE: What I am really confused by,  
6 frankly, is why it takes so many people to write a status  
7 report.

8 MR. DENTON: It does not. It is done. I hope  
9 that is done.

10 CHAIRMAN AHEARNE: I am not sure, the way you  
11 raise it.

12 MR. DIRCKS: It could be done with adjustments. I  
13 mean, we can --

14 CHAIRMAN AHEARNE: I still don't understand why it  
15 is going to take us more than a week or so to get this out.  
16 Let us move to your status report then. I guess you would  
17 prefer us to just sit here and read it.

18 MR. DENTON: No. Let's come back to the --

19 (General laughter.)

20 MR. DENTON: I am still not entirely clear on one  
21 aspect of this. We have informed Congress, then, with this  
22 draft or some similar draft of the status of where we are on  
23 Bingham. We have issued a policy statement for comment on  
24 CP papers that pick up the additional requirement here, so  
25 the remaining issue is pursuant to Bingham, you get public

1 comments on our plan to implement Bingham, and that is the  
2 one we are talking about.

3           Why does it take so long? I assume in that same  
4 paper we will talk about our approach for OL's as well as  
5 Bingham.

6           CHAIRMAN AHEARNE: Yes. This document we just  
7 approved is a comprehensive plan which covers all operating  
8 licenses, all plants that have not yet finished construction  
9 and construction permits.

10          MR. DENTON: How many Federal Register notices?

11          CHAIRMAN AHEARNE: That is a Federal Register  
12 notice. We just approved it.

13          MR. DENTON: All right, all plants --

14          CHAIRMAN AHEARNE: Yes, we just approved the NRR  
15 plan.

16          MR. DENTON: What would you put in the notice on  
17 CP's then?

18          CHAIRMAN AHEARNE: Remember, the CP section, there  
19 are some action plan items going out, and I would put in  
20 reference to the fact that it should be revised to propose  
21 for comments that CP applicants document and justify  
22 deviations from the SRP and Reg. Guides as approved by the  
23 Commission.

24          COMMISSIONER BRADFORD: Harold, is the problem  
25 here --

1 MR. DENTON: I want to understand the number of  
2 notices, and I think I do.

3 CHAIRMAN AHEARNE: I see two notices only. One  
4 notice, the one we approved on Friday, August 1, updated to  
5 incorporate the fact that we have this, and another piece,  
6 but I assume since it was Friday, August 1st, it is  
7 relatively well along.

8 MR. CASE: It is all done except for this point.

9 COMMISSIONER HENDRIE: That is the NTCP.

10 CHAIRMAN AHEARNE: Yes, and then there is another  
11 Federal Register notice. This is the comprehensive --

12 MR. CASE: Fine, but that would also include CP's,  
13 even though you had --

14 CHAIRMAN AHEARNE: That is what it says.

15 MR. CASE: Can I make one more point, to make sure  
16 you understand? We will have to go out again for comment on  
17 the Bingham plan when the details are developed.

18 CHAIRMAN AHEARNE: I understand. I understand.  
19 This is a very major --

20 MR. CASE: All right, understood.

21 CHAIRMAN AHEARNE: Peter?

22 COMMISSIONER BRADFORD: I think we are doing fine.

23 (General laughter.)

24 MR. CASE: If I could only get this other piece of  
25 paper.



1           COMMISSIONER BRADFORD: Everything, I am sure, we  
2 have decided seems right.

3           CHAIRMAN AHEARNE: This is the status report that  
4 you need to be able to send by the 28th.

5           MR. CASE: Yes.

6           MR. DENTON: And I would propose --

7           COMMISSIONER GILINSKY: Is the same as what is  
8 in --

9           MR. CASE: No, it is modified.

10          COMMISSIONER GILINSKY: This is the thing you said  
11 you would turn out today.

12          MR. CASE: Yes.

13          MR. DENTON: I would not propose to go into this  
14 today then in view of this schedule, just leave it with you  
15 for comment.

16          COMMISSIONER HENDRIE: I give you my proxy.

17          COMMISSIONER GILINSKY: For the status report.

18          COMMISSIONER HENDRIE: For the status report. Why  
19 don't we tell -- I am willing to just let Harold do it, but  
20 it is probably better if John reviews what Harold has done.  
21 I give you my proxy, and I say, get it out.

22          COMMISSIONER GILINSKY: Chiefly status.

23          MR. DENTON: We will await your comments on the  
24 status report.

25          COMMISSIONER GILINSKY: I have a question on a

1 related matter.

2 CHAIRMAN AHEARNE: Yes.

3 COMMISSIONER GILINSKY: What is the standing of  
4 this Enclosure 2?

5 CHAIRMAN AHEARNE: This is to which?

6 MR. CASE: No standing except to explain the  
7 difficulty of the problem we are working on.

8 COMMISSIONER GILINSKY: In reading it, I was a  
9 little concerned -- let me say more than a little concerned  
10 that in deciding what is of safety significance, or I guess  
11 the words are "particular significance," you found that  
12 containment systems were in the gray area, and there were  
13 arguments one way and arguments the other way.

14 I would have thought that it is pretty clear that  
15 containment systems are of particular significance. Am I  
16 misinterpreting this?

17 MR. CASE: I kind of have the view that every  
18 regulation you say is not particularly safety significant  
19 will have a --

20 COMMISSIONER GILINSKY: It is one thing to say --

21 COMMISSIONER HENDRIE: There are only five  
22 Commissioners. Give each one a safety system.

23 (General laughter.)

24 COMMISSIONER GILINSKY: It is one thing to say  
25 there are regulations about any safety system. They may be

1 minor, but --

2 MR. DENTON: You are looking at a rather  
3 mechanical process. We define some systems whereby you  
4 would eliminate regulations as test runs to see what would  
5 fall out and now did that, and I guess containment fell out  
6 with certain assumptions which were -- Bob, do you want to  
7 talk to that?

8 COMMISSIONER GILINSKY: If this is in the gray  
9 area --

10 MR. DENTON: We will deal with that issue in the  
11 longer-term comment about how we are going to implement  
12 Bingham. That is why it is so difficult to define what is  
13 or is not. I would like to whittle the list down, but it is  
14 very difficult to find one that you cannot determine --

15 COMMISSIONER GILINSKY: It seems to me that there  
16 may be regulations that deal with containments that are of  
17 minor significance, just as there may be regulations that  
18 deal with emergency cooling systems.

19 MR. CASE: There are really not that many.

20 COMMISSIONER GILINSKY: But when you talk about  
21 those systems, I have troubles.

22 MR. DENTON: We could -- that paper --

23 COMMISSIONER GILINSKY: Our recent discussions.

24 MR. DENTON: We are not advocating any of the  
25 three ways in the paper. They say, if you cut it using

1 these criteria, here is what stays on the list.

2 MR. BAER: I would like to make two comments.

3 First, whichever -- the two or three criteria that we have  
4 tested in each case, containment ended up being particularly  
5 significant. In terms of an example, I picked containment  
6 because I could talk about it. It was a convenient one to  
7 talk about at two levels, first of all, whehter or not  
8 containment was particularly significant, and then the point  
9 you just made in the paper that there is something like five  
10 of six GDC on containment, and at least in my mind in two  
11 different categories of significance, there were two GDC  
12 that dealt with the need for containment and the design  
13 basis, fundamentals of its design basis, and then four or  
14 five others that dealt with the details of the design, and  
15 to my mind they were two different categories, and I use  
16 that as an example.

17 But all the criteria that we have thus far tested,  
18 containment did pass the mark of being particularly  
19 significant.

20 COMMISSIONER GILINSKY: That is the right answer.

21 (General laughter.)

22 CHAIRMAN AHEARNE: Let me ask a couple of -- I  
23 guess just to make sure I understand my view, is, what we  
24 are doing is approving for comment this approach as opposed  
25 to approving the approach.

1 COMMISSIONER BRADFORD: Right, right.

2 CHAIRMAN AHEARNE: Okay. Second question.

3 COMMISSIONER BRADFORD: Except for the six-month  
4 separation --

5 CHAIRMAN AHEARNE: Yes. The second is, I think  
6 last time -- I had raised an issue, and I thought we  
7 agreed. That is the question on how the Federal Register  
8 notice would raise the issue of how should the plan be  
9 implemented, whether it should be technical specifications  
10 or some other meehod.

11 COMMISSIONER BRADFORD: That is right.

12 CHAIRMAN AHEARNE: And then the final is, and I go  
13 back to the Reg. Guide 1 issue, I have been informed that  
14 under Division 2, research and test reactors, and Division  
15 5, materials and plant protection, Division 8 is  
16 occupational health, and I was not clear then what we end up  
17 sticking Division 1 regulatory guides. What do we exclude?

18 MR. CASE: If you excluded some Reg. Guide that  
19 was used as a staff position in the licensing of reactors,  
20 you would pick it up under the term "staff position."

21 CHAIRMAN AHEARNE: I see. Okay. All right.

22 COMMISSIONER BRADFORD: As early as possible next  
23 week we should read through this and give you our comments.

24 CHAIRMAN AHEARNE: All right. Any other?

25 COMMISSIONER HENDRIE: What?

1 COMMISSIONER BRADFORD: Just a status report.

2 (General laughter.)

3 COMMISSIONER HENDRIE: He did not give up his  
4 proxy, just you and me.

5 (General laughter.)

6 COMMISSIONER HENDRIE: Let's see a two-two vote.  
7 Can we ask the question in such a way that you and I win?

8 (General laughter.)

9 CHAIRMAN AHEARNE: A status report is to tell you  
10 what the status us.

11 (General laughter.)

12 COMMISSIONER BRADFORD: It sounds to me that I  
13 would have an uphill fight unless I could show you --

14 (General laughter.)

15 CHAIRMAN AHEARNE: All right.

16 (Whereupon, at 3:08 p.m., the meeting was  
17 concluded.)

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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

Date of Proceeding: Septemebr 19, 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)



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