

MEETING DATE: Nov. 5, 1980
DATE ISSUED: Dec. 5, 1980

ACRS - 1793

MINUTES OF ACRS PROCEDURES SUBCOMMITTEE MEETING
November 5, 1980
Washington, DC

CONFIDENTIAL

Purpose:

This meeting was called to discuss proposed changes in the ACRS role in the regulatory process to strengthen its contribution consistent with the recommendations of the President's Commission on the TMI-2 Accident (Rogovin Commission) and additional suggestions by the Committee in its letter to the Commission dated January 15, 1980.

Background material prepared for use during this meeting is attached as Appendixes A, B, and C.

Participants:

M. S. Plesset, Chairman
D. W. Moeller, Member
S. Lawroski, Member
J. C. Mark, Member
M. Bender, Member
W. Kerr, Member
M. W. Carbon, Member

R. F. Fraley, ACRS Staff
M. W. Libarkin, ACRS Staff
M. C. Gaske, ACRS Staff
T. G. McCreless, ACRS Staff



Discussion:

Strengthening of ACRS Staff

In connection with proposed strengthening of the ACRS Staff it was suggested by Dr. Moeller that the Committee reconsider the policy that precludes use of NRC technical personnel as ACRS Fellows. Use of NRC Staff personnel would provide a ready supply of engineers and scientists who are familiar with reactor safety problems and methodology.

It was noted that this policy was established at the suggestion of the then NRC Chairman (Dr. Hendrie) in order to bring outside engineers and scientists into the nuclear regulatory field as well as to preclude loss of trained personnel from a heavily loaded regulatory staff.

It was agreed that the ACRS Chairman should discuss a change in this policy with the NRC Chairman. Dr. Moeller indicated that he would check with an NRC Staff engineer who had previously expressed an interest in an ACRS Fellowship to determine if he still has an interest.

ACRS Interaction with Speakers Who Appear at ACRS Meetings:

Recent criticism of the Committee's interaction with Mr. Thomas Cochran, National Resources Defense Council, Inc. (see letter from Mr. Cochran to Dr. M. Plesset, ACRS Chairman, dated October 27, 1980, attached) was noted. It was noted that criticism of information being presented by Mr. Cochran had to do with the technical merit of his statements and was handled in a professional manner. Certainly, no more critically than NRC Staff representatives and those of applicants/vendors when they appear before the Committee.

It was agreed that consideration of the technical portion of Mr. Cochran's rebuttal should be taken into account by the ACRS Waste Management Subcommittee in its consideration of related technical issues. It was agreed that a specific reply to his criticism regarding ACRS bias and detachment does not warrant a reply at this time.

A letter from Mr. Robert D. Pollard, UCS, dated October 31, 1980 which criticizes the Committee position regarding the proposed NRC rule on fire protection was also noted.

(Copies of these letters are Attachments A and B.)

Strengthening of ACRS Role in the Regulatory Process

M. Bender noted that safety related rule making is implemented at the pleasure of the Commission and is controlled by the NRC Staff or a rule making board appointed by the Commission. He suggested that the ACRS should, at least, have an opportunity to comment on the disposition of its comments and recommendations regarding the need for and nature of proposed rules. He objected to having an NRC project engineer dispose of ACRS comments/recommendations.

R. Fraley noted that a proposed rule change and Memo of Understanding (Appendix B) being prepared in response to recommendations of the President's Panel on TMI-2 requires a response by the Commission to ACRS recommendations regarding the need for proposed rules. In addition, the procedures being

proposed will provide an opportunity for more direct ACRS participation during the development of the rule depending on its nature and substance. H. Plaine suggested that the Committee should comment/appeal directly to the Commission if it is not satisfied regarding the development of a rule and/or resolution of its recommendations. In addition, he suggested the Committee may need to make more definitive statements regarding the need for NRC rules since Committee concerns/comments are frequently not specific enough in this area (e.g., are included as generic type comments in ACRS reports on specific projects).

M. Bender proposed that more ACRS participation is needed when the need for a rule is being evaluated. It was agreed that paragraph 3 of the proposed Memo of Understanding (Appendix B) should be revised to provide an opportunity for Committee participation when the need for a rule is being considered.

Support of Independent Work Under Contract to the ACRS

It was noted that adequate funds (approximately \$400,000 for FY 1981) are available for support of consultant type work in direct support of Committee activities. These funds could also be used to pay for computer time, some limited analytical work, etc. at the National labs or other contractors.

The management of a program by the ACRS of a program expending larger sums of money (e.g., a multi-million dollar research effort) would require supervision, management and justification that is not available. M. Bender suggested that the ACRS might get a contractor to provide this type of management function as the NRC does in some cases.

Dr. Plesset proposed, however, that it would be more responsive to the needs of the Committee to have a few additional full-time ACRS Staff engineer who could provide various kinds of direct support of ACRS activities (e.g, keep ACRS members informed regarding the RSR program).

H. Plaine suggested that a better day-to-day working relationship with DOE would be appropriate on some sort of "regularized basis" (e.g., direct contact with an Assistant Secretary). M. Bender proposed that the ACRS should recommend to Gov. Babbitt that DOE should have a sum of money set aside that could be used to respond to ACRS requests rather than the requirement in the Energy Reorganization Act that NRC must transfer funds to DOE for work done in response to NRC (including ACRS) requests for support.

NRC Safety Research Program

There was general agreement to a suggestion from Dr. Plesset that the ACRS should get involved in the planning of research at an earlier stage in the

process. Frequently the scope of work has been defined, agreements have been made (e.g., the 3-D Cooperative Program with Japan and Germany), and contracts have already been let before the ACRS gets involved.

It was noted that the planned ACRS review of NRC proposed Long-Range Research Program Plan should help to some extent.

NRC Budget Process

M. Bender proposed that the ACRS should have more control over its own budget and its staffing/manpower needs. This is now handled as part of the NRC budgeting process and there is no formalized procedure for direct Committee participation.

H. Plaine suggested, however, that identification of the ACRS budget as a separate item could subject it to criticism/cuts by members of Congress who are not sympathetic to advisory Committee nor aware/appreciative of the contributions of the Committee. He proposed that, unless real problems exist, the process be left as is. M. Bender suggested, however, that the ACRS budget/funds do need to be protected from undue control by the NRC staff (e.g., NRC Controller) once it has been designated for ACRS use.

Liaison with NRC Staff

Dr. Plesset reported on a request regarding more active participation by senior NRC Staff members during ACRS letter-writing sessions. H. Thompson, recently appointed as Acting Director, Planning and Program Analysis Staff, NRR, has expressed an interest in improving the liaison/working relationship of NRR with the ACRS. He has proposed that having key NRC Staff personnel attend ACRS meetings during letter-writing sessions would improve their understanding of and ability to follow through on ACRS recommendations. To be practicable and effective, however, it would require more definitive scheduling of ACRS letter-writing sessions and a willingness to accept an occasional comment about the content of the letter. It was suggested that the cognizant NRC Staff liaison might also be provided a copy of the draft letter being discussed to improve his ability to comprehend the related discussion and make suggestions.

Several members expressed concern/opposition to such a scheme since it would compromise the independence of ACRS deliberations and could make it difficult to withhold draft ACRS reports from other people interested in seeing them while they are being discussed.

It was agreed, however, that monthly sessions with the EDO and/or NRC Office Directors would be useful to keep the Committee informed and to exchange preliminary views regarding regulatory matters.

Conclusion

As a result of this discussion Appendix D was prepared as the basis for discussion with Gov. Basbbit, Chairman of the Nuclear Safety Oversight Committee on November 6, 1980 (247th ACRS meeting).