

CERTIFIED

Date of Meeting: 8/6/80

Date Issued: 9/25/80

MINUTES OF ACRS PROCEDURES SUBCOMMITTEE MEETING

August 6, 1980
Washington, D.C.



Purpose:

This meeting was held to discuss:

1. Improved ACRS effectiveness
2. Proposed procedures for ACRS participation in the NRC rule making process
3. Combining of ACRS List of Unresolved Generic Items with NRC List of Task Action Plans
4. Eliminating review of ACRS meeting minutes by designated ACRS members
5. Joint use of consultants by the NRC Staff and the ACRS
6. Procedures for members to get action on items of interest/concern
7. More definitive planning of Subcommittee activities to examine and resolve assigned items

(See attached schedule and Outline for Discussion for additional detail regarding these items.)

Attendees

ACRS

M. Plesset, Chairman
D. Okrent, Member
S. Lawroski, Member
D. W. Moeller, Member
M. W. Carbon, Member
R. F. Fraley, Staff
M. C. Gaske, Staff
M. W. Libarkin, Staff

NRC Staff

R. E. Minogue, SD
A. L. Eiss, SD
R. L. Fonner, ELD

OGC

S. Trubatch

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Discussion and Conclusions

1. Improved ACRS Effectiveness

1.1) Improved Use of Subcommittees

Members noted a need for improved identification of issues by members, far enough in advance of Subcommittee meetings so they can be explored effectively at the Subcommittee level without the need for lengthy discussion during full Committee meetings.

R. Fraley noted that the discussion of anticipated subcommittee activity during full Committee meetings was proposed to provide for identification/discussion of such issues. In addition, the recent practice of the ACRS Staff project engineers to identify the specific purpose/topics for ACRS Subcommittee meetings was background for these discussions was an attempt to better prepare members in this area.

It was agreed that the more definitive description of anticipated Subcommittee activity now being prepared by ACRS Staff engineers is useful and should be put to further use as follows:

- The description of anticipated Subcommittee activities and the agenda for such meetings (to the degree practicable) should be sent to ACRS members as soon as they are available with a specific request for suggested changes, additional topics for discussion, etc. to be discussed with the designated Subcommittee Chairman or Project Engineer in advance of the meeting by telecon if necessary. In addition, it was proposed that ACRS Staff Project Engineers should contact individual members with a particular interest in a subject to ask specifically for suggestions regarding items needing discussion. Interested members will also be provided excerpts from subcommittee meeting transcripts to keep them fully informed regarding discussion of items in which they have a particular interest.

The ACRS Executive Director agreed to explore the use of telephone credit cards to assist members in handling the expenses resulting from increased use of long distance calls to accomplish the above.

1.2) More Definitive Planning of Subcommittee Activities to Bring Problems to a Conclusion Within a Reasonable Period of Time

M. Bender has suggested the need for more definitive planning of subcommittee activity with an opportunity for all members to participate in the definition of scope, procedures, schedule proposed for subcommittee evaluation of assigned topics.

It was agreed that periodic round table discussions by the Committee as well as periodic Subcommittee reports would be useful in providing this type of exchange among all members of the Committee.

1.3) The Need for Better, More Precise Presentations by NRC Staff Representatives

It was noted that the need for improved NRC Staff presentations has been brought to the attention of the EDO by the ACRS Chairman and Executive Director.

1.4) The Need For Better Identification of Items Which Warrant Formal Follow-up

The members endorsed the existing scheme, in which, members who make such requests during ACRS meetings should confirm them in writing to the ACRS Vice-Chairman or the Chairman of the ACRS Subcommittee on Requests and Recommendations (D. W. Moeller).

1.5) Eliminate the Need for Formal Review by Two Designated ACRS Members of Proposed ACRS Meeting Minutes

Members agreed that review by designated members is no longer required but proposed that all members should be given an opportunity to comment on proposed minutes before they are certified as final by the Chairman.

2. Proposed Procedures for ACRS Participation in the NRC Rule Making Process

It was noted that the procedures outlined in Attachment 2 include provisions for handling ACRS recommendations regarding the need for rule changes as well as ACRS participation in the rule making process once it has begun. Alternate procedures are proposed for ACRS participation in rule making proceedings depending on the nature/safety significance/etc. of the rule.

The members endorsed, in principal, the procedures proposed in Attachment 2 with specific comments as follows:

- . The NRC Commissioners should be given an increased period of time to respond to ACRS recommendations regarding the need for a new rule (e.g., 90 rather than 30 days).
- . The procedures should require that, when the ACRS is involved in a rule making, it should be provided copies of all documents submitted for the record promptly.
- . The scope of ACRS recommendations regarding new regulations should be consistent with the Committee's purview regarding safety-related matters.

3. Incorporation of the ACRS Generic Items List With the NRC Staff Action Plan Items

The members of the Procedures Subcommittee endorsed an attempt to combine the ACRS list of Unresolved Generic Items with the NRC Staff Action Plan Items. It was suggested that any "outliers" could be handled on a case-by-case basis by designated Subcommittees.

It was agreed, however, that before such an attempt is made to combine the lists, the ACRS list should be brought up to date in accordance with the review assignments made during the 233rd and 235th ACRS meetings (see Attachment 3 for background regarding these assignments).

4. Joint Use of ACRS Consultants by the NRC Staff

Dr. Okrent questioned the "self-imposed" limitation by the Committee regarding joint use of expert consultants by the NRC Staff and the ACRS. He noted that this could deprive the ACRS of expert personnel who are doing Technical Assistance or research work for the NRC Staff.

It was noted that joint use of ACRS consultants by the NRC Staff frequently deprives the ACRS of their services due to conflict-of-interest restrictions or the much greater demands of the staff for their services.

It was agreed that joint use of ACRS consultants by the NRC staff should continue to be discouraged in those cases where such joint use would deprive the ACRS of their services.

5. Procedures for ACRS Members to Get Action on Items of Interest/Concern

It was agreed that a member who cannot get satisfactory attention - action regarding items of concern by the usual procedures (e.g., identification

of items for consideration by designated subcommittees) should write a letter to the ACRS Chairman describing the concern, the basis for it (to the degree practicable), and a proposed course of action (to the degree he is able). The Chairman will then assign the matter to an appropriate subcommittee for action, schedule the matter for discussion before the full Committee or take such other action as he deems appropriate to evaluate and resolve the issue.

Attachments:

1. Schedule and Outline for Discussion -
ACRS Procedures Subcte Mtg 8/6/80
2. Memo to R. B. Minogue from R. F. Fraley
ACRS re ACRS Participation in the Rule-
making Process
3. Memo for ACRS Members from R. Major re
Status of Generic Items dtd. 7/9/80

SCHEDULE AND OUTLINE FOR DISCUSSION
ACRS PROCEDURES SUBCOMMITTEE MEETING

August 6, 1980

Room ~~1070~~-H - 3:00 P.M. - 6:00 P.M.
1167-H

- 1) 3:00 P.M. - 4:15 P.M. Procedures for more effective use of ACRS members' time

This subject was discussed briefly during the April meeting of the Procedures Subcommittee where several schemes were proposed:

- 1.1) More active participation by members in identifying topics of interest/concern to be explored during Subcommittee meetings rather than during full Committee meetings.

(Note: The session during full Committee meetings in which Anticipated Subcommittee activity is discussed was set up in part to provide an opportunity for members to identify areas of concern/interest for ACRS Subcommittees to explore.

- 1.2) • More definitive planning regarding Subcommittee activities to bring problems to a conclusion within a reasonable period of time

(Note: The use of periodic status reports by the Subcommittee Chairman was suggested as one mechanism.)

- The need for better, more precise presentations by the NRC Staff representatives

(Note: The need for improvement in this area has been discussed with the EDO and other members of the regulatory staff.)

- The need for better identification of items which warrant formal follow-up.

(Note: During the April ACRS meeting the Committee endorsed a scheme proposed by the Chairman that members who desire formal follow-up of their questions and requests should document them in a memo to the Vice-Chairman or Dade Moeller, Chairman, ACRS Subcommittee on Requests and Recommendations. Members of the Committee have questioned this procedure, however.

Mike Bender agreed to prepare an additional list of items/procedures for consideration (see handout). Additional items which have been suggested include the following:

- Reassignment of ACRS permanent staff members along generic lines. This was endorsed during the April Procedures Subcommittee meeting and the ACRS April (240th) full Committee meeting (see handout) based on the "assumption" that 10 additional technical positions would be made available to the ACRS Staff. Since only 3 additional positions have been endorsed by the Commission for FY 1982, and these may be further reduced by the Congressional budgeting process, this type of reorganization must be reconsidered (see handout by M. W. Libarkin).
- Eliminate the need for review of ACRS full Committee meeting minutes by two designated members before review/certification by the ACRS Chairman (see Tab 1)

- A more well-defined system for selecting and conducting a preliminary evaluation of areas of concern to members before they are endorsed or rejected as matters which warrant Committee action.

2) 4:15 P.M. - 5:00 P.M.

Procedures for ACRS Participation in the NRC Rulemaking Process

The Committee, in its letter to Commissioner Bradford dated December 13, 1979, suggested the need for "a well-defined procedure for ACRS participation in rulemaking." Members subsequently suggested that the procedures should be flexible enough, however, so they could be adjusted on a case-by-case basis, depending on the nature of the rule, ACRS input by other methods, etc.

The proposed procedure (see Tab 2) has been developed with these suggestions in mind. Committee comments are needed so the rules can be further developed and promulgated.

3) 5:00 P.M. - 5:30 P.M.

Incorporation of the ACRS Generic Items List with the NRC Staff Action Plan Items

Dr. Siess has proposed that the ACRS list of Generic Items be combined with the NRC Staff list of Action Plan items (or possibly the NRC list of Unresolved Safety Issues).

See Tab 3 for related background information.

4) 5:30 P.M. - 6:00 P.M.

Miscellaneous Items

Dr. Okrent has questioned the ACRS policy/practice which discourages use of consultants who are doing work for the NRC Staff in areas where the ACRS would like to make use of their services.

See Tab 4 for related background information