

NUCLEAR REGULATORY COMMISSION

ORIGINAL

In the Matter of:

DISCUSSION OF SECY-81-20/20A
POLICY ON PROCEEDING WITH PENDING CONSTRUCTION
PERMIT AND MANUFACTURING APPLICATIONS

DATE: March 5, 1981

PAGES: 1 thru 23

AT: Washington, D.C.



ALDERSON *AR* REPORTING

400 Virginia Ave., S.W. Washington, D. C. 20024

Telephone: (202) 554-2345

8108190255

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on 3-5-81 in the Commission's offices at 1717 H Street, N. W., Washington, D. C. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected, or edited, and it may contain inaccuracies.

The transcript is intended solely for general informational purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determinations or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of or addressed to any statement or argument contained herein, except as the Commission may authorize.

1 UNITED STATES OF AMERICA
 2 NUCLEAR REGULATORY COMMISSION

3 + + +

4 DISCUSSION OF SECY-81-20/20A
 5 POLICY ON PROCEEDING WITH PENDING CONSTRUCTION
 6 PERMIT AND MANUFACTURING APPLICATIONS

7 + + +

8 Nuclear Regulatory Commission
 9 Room 1130
 10 1717 H Street, Northwest
 11 Washington, D. C.

12 Thursday, March 5, 1981

13 The Commission met, pursuant to notice, at 10:05 a. m.,
 14 Joseph M. Hendrie, Chairman of the Commission, presiding.

15 BEFORE:

- 16 JOSEPH M. HENDRIE, Chairman of the Commission
 17 VICTOR GILINSKY, Commissioner
 18 PETER A. BRADFORD, Commissioner
 19 JOHN F. AHEARNE, Commissioner

20 ALSO PRESENT:

- 21 LEONARD BICKWIT, General Counsel
 22 SAMUEL J. CHILK, Secretary
 23 WILLIAM J. DIRCKS, Executive Director for Operations
 24 ROBERT A PURPLE
 25 AL KENNEKE
 HAROLD DENTON
 GUY CUNNINGHAM

+ + +

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 564-2345

P R O C E E D I N G S

CHAIRMAN HENDRIE: Come to order, please.

The meeting this morning is a continuation of a series of meetings we have had on Commission policy on the pending construction permit and manufacturing license applications, as well as a continuation of the discussions of the last several days on ways to deal with our licensing problems in general.

Why don't we start out by some discussion on the paper which is nominally the subject of the meeting, namely SECY-81-20, the construction permit and manufacturing license proposals.

Bill, do you want to start off?

MR. DIRCKS: Just to say that we have done what we were told to do as a result of the last meeting. We have gone back and taken 0718 and taken the critical requirements out of it and incorporated it into a proposed — into a rule. We have done away with the incorporating 0718 by reference.

I don't know how much more we can add to that. Bob, do you want to say something?

MR. PURPLE: Just a few remarks. I did pass out, just before the meeting, a single sheet of paper that says "Addenda" with three items on it.

I might also make reference to the March 4th memorandum from the General Counsel on this subject. And the last paragraph of the General Counsel's memorandum speaks to a reference to language about burden of proof on page 12. The first

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 item in this addenda is intended to remove that language and
2 replace it with language more accurately portraying what we meant
3 to say there, and I believe that that removes the confusion that
4 OGC had on that point.

5 MR. BICKWIT: It does.

6 MR. DIRCKS: Secondly, in discussion with Len Bickwit,
7 there is a suggestion in this last paragraph of the March 4th
8 memo that language from the revised statement of policy be used
9 along with a brief explanation that the rule itself does not
10 contain all of the NUREG-0718. We certainly have no problem with
11 that.

12 What we would intend to do, based on this comment, is,
13 in the preamble language of the rule use some of the language
14 that is in the revised policy statement that would provide a
15 more sound justification for why it is all right that these set
16 of requirements are the ones that are necessary for these CP's.

17 It is the kind of language, I believe, that is in the
18 policy statement that talks about the many months of study and the
19 many months of attention by the Commission to derive a set of
20 necessary things.

21 So, in response to that comment, although it is not yet
22 revised in the paper in front of you, we would propose to, if you
23 agree, modify the preamble language to include the kind of
24 language that is in the revised policy statement.

25 CHAIRMAN HENDRIE: John?

1 COMMISSIONER AHEARNE: I would like to see that before
2 signing off on it. The revised policy statement had some
3 language in ~~it~~ that I wouldn't want to agree to, some language.

4 CHAIRMAN HENDRIE: All right. I assume the rest of us
5 don't care what kind of language goes in.

6 COMMISSIONER BRADFORD: As long as it is true.

7 MR. PURPLE: The other two items in the addenda are
8 more ministerial than they are substantive.

9 The second item picks up two places where, in our
10 revision to the rule from its proposed state, where we had
11 references to staff, we were trying to catch all of those and
12 conform them to a consistent reference to Commission. We missed
13 two of them, and that picks this up.

14 The third item is, again, administrative. We inserted
15 in the II.B.8 requirements reference, specific reference to the
16 ASME code and paragraphs thereto, and we had overlooked the fact
17 that when you do that you have to have the Federal Register
18 approval. This adds a footnote that is needed in the regulation,
19 and we, of course, will have to go get that Federal Register
20 approval. But I don't anticipate a problem there, since we have
21 referenced the ASME code in many other places in the regs.

22 So, that is what the three addenda are. I believe that
23 the response that I have described to the March 4th memo from OGC
24 resolves at least portions, if not all of their concerns that were
25 the underlining of that memo.

1 MR. BICKWIT: Yes, I would say it resolves all our
2 concerns.

3 MR. PURPLE: As Mr. Dircks said, ---

4 CHAIRMAN HENDRIE: Before you get too far along, what
5 about the question raised about the way in which the draft rule
6 would be interpreted with regard, for instance, to contentions?

7 MR. BICKWIT: When we read the rule, we were unclear as
8 to how it was to be interpreted. The staff has clarified its
9 intent so as to eliminate concerns that were expressed in this
10 memo.

11 Its intent, as I understand it, is that this rule is to
12 establish the necessary and sufficient requirements for a license
13 when added to existing regulations.

14 I think, in view of the fact that the rule as drafted
15 could be read either way, I think that ought to be made absolutely
16 plain. But if it is made plain, then some of the concerns we
17 outlined in this memo are mooted.

18 CHAIRMAN HENDRIE: Good. Let's exercise this point a
19 little bit, because I am having a certain amount of trouble being
20 clear-minded about it.

21 It is the staff intent that -- what is this, 50.34(e) --
22 plus the existing regs equal okay including TMI.

23 MR. CUNNINGHAM: Right.

24 CHAIRMAN HENDRIE: Now, the point OGC was making was
25 that it wasn't so clear to you but what the draft rule could be

1 read to say anything connected with TMI is covered exclusively by
2 this rule.

3 MR. BICKWIT: That is right.

4 CHAIRMAN HENDRIE: Which would be a much narrower
5 interpretation than the one the staff proposes?

6 MR. BICKWIT: That is right.

7 CHAIRMAN HENDRIE: All right. I guess that improves my
8 understanding to the point where let me turn and ask if others
9 would like to -- yes, John?

10 COMMISSIONER AHEARNE: I don't argue with the conclu-
11 sion. I think that that is the description the way I had
12 understood it all along. But I had thought that there was at
13 least one place in here where it mentioned explicitly that these
14 are additional requirements, and I was kind of puzzled by how you
15 could read the conclusion that you reached.

16 MR. BICKWIT: How we could read the other conclusion?
17 Well, in the preamble, page 12, it says, "The Commission has
18 concluded that the requirements contained in this rule are
19 necessary and sufficient response to the accident at Three Mile
20 Island with respect to these applications."

21 COMMISSIONER AHEARNE: Read the next sentence.

22 MR. BICKWIT: Yes, I know. That sentence, when read
23 in conjunction with the next sentence, I think, creates an
24 ambiguity, "Satisfaction of the requirements of this rule,
25 together with all other applicable regulations, will entitle

1 applicants to receive a construction permit or manufacturing
2 license."

3 If you read those two sentences together, one reading --
4 in fact, the reading that half of our office gave it, was that
5 the first sentence talks about the Three Mile Island situation,
6 the second sentence says the other applicable regulations are
7 designed to deal with aspects not connected with Three Mile
8 Island. I find that -- I find either interpretation as
9 acceptable as the other, and my understanding was that the
10 matter was being debated at the staff level as late as yesterday.
11 And so, apparently there was --

12 COMMISSIONER AHEARNE: It wasn't debated in the
13 technical staff.

14 MR. CUNNINGHAM: I think it was. I think the debate
15 was what the technical staff wanted, not what these words meant.
16 We are now in agreement that the words mean the way you read them,
17 and that is what the staff wants.

18 MR. BICKWIT: I will stand on the proposition that it is
19 not absolutely clear.

20 COMMISSIONER AHEARNE: Okay. I didn't want to argue
21 this now.

22 CHAIRMAN HENDRIE: I understand better where we are.
23 John understands better. In the process of creating that
24 understanding, we have now upset Vic. Vic, please go ahead and
25 get yourself squared away, trying not to upset John and me. Peter

1 your chance will come thereafter.

2 COMMISSIONER GILINSKY: I have had trouble following
3 this. It seems to me we have a set of requirements, if we
4 approve these, or approve them in some other form. They, together
5 will all the other regulations, become the set of requirements
6 for a construction permit. Now, what needs to be added about TMI,
7 or which regulations apply to TMI, or don't apply to TMI? This
8 simply becomes the body of regulations that the Commission
9 applies at this point.

10 COMMISSIONER BRADFORD: Let me just ask how the
11 position on which all three of you have now agreed can be squared
12 with the first two full sentences at the top of page 12?

13 MR. BICKWIT: I think they can be squared.

14 COMMISSIONER BRADFORD: As necessary and sufficient
15 except for the other requirements?

16 MR. BICKWIT: As necessary and sufficient at this
17 point, but nothing is ever put to bed in this world, and there
18 will be additional thinking, and one of these days an additional
19 requirement may come to mind.

20 COMMISSIONER GILINSKY: I assume that someone has new
21 information that we have not taken into account and you can come
22 up and propose and ask for a new rule be promulgated, and he can
23 draw on TMI experience just like any other experience.

24 COMMISSIONER BRADFORD: Well, first of all, the
25 sentence says the Commission hasn't completed its review of the

1 TMI action plan, but it has now decided everything that you need
2 to do in response. I must say I am not sure what that sentence
3 means.

4 COMMISSIONER AHEARNE: A very good question.

5 COMMISSIONER BRADFORD: But having said it, I am not
6 sure how one can make a statement about sufficiency.

7 MR. PURPLE: Well, what it literally meant was the fact
8 that when you approved the action plan there were a subset of
9 items in there that we called decision group C's, for which you
10 did not approve the items. For instance, the nuclear data link
11 is an item that is in the action plan that you approved for
12 further staff development and further consideration on the part
13 of the Commission. And as the months and years go by and the
14 staff brings to you these items that were decision group C's,
15 they either become rejected or they become approved items.

16 At that point in time decisions could be made about
17 whether or not they apply to CP reviews, depending on when they
18 arrive. By then plants conceivably might have their CP's. But
19 that is what was intended here by saying the review is not
20 complete, because there are items proposed for further considera-
21 tion that have not yet been brought to you. It didn't mean that
22 there was another subset of things they hadn't even thought of
23 yet.

24 CHAIRMAN HENDRIE: Okay. It seems to me that the
25 language at the top of page 12 might be usefully amplified a little

1 bit to make that a little clearer, because I didn't catch that out
2 of it. I also didn't catch the point at all. I must have read
3 much too rapidly past this. But if I had stopped to read it, why,
4 I would have scratched my head over what it meant to say that the
5 action plan review was not complete by the Commission.

6 I think if you just point out that, rather than saying
7 just that, quitting there, that there are some elements in the
8 action plan of a long range nature which the Commission has
9 directed be subject to further study, and then will come back to
10 the Commission for future decision, and it is not inconceivable
11 that some of these might eventually affect the plants that this
12 rule intends to apply to. But I don't think ---

13 COMMISSIONER GILINSKY: But I thought we decided to
14 drop the necessary and sufficient language.

15 CHAIRMAN HENDRIE: I don't know. It sounds great to
16 me, but I would be glad to hear pro and con on it. We don't
17 normally say that in our rules, I guess, is the point. Why is
18 this one ---

19 MR. BICKWIT: I would be inclined to go with that
20 sentiment, because just as it confused our office, I think it
21 could confuse a reader of the rule, and I think it would be best
22 not to contain that.

23 COMMISSIONER AHEARNE: Well, where we were, as I read
24 the staff requirements memo, was that OGC was to analyze the
25 phrase "necessary and sufficient" and provide the implications and

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 options.

2 MR. BICKWIT: That is what our memo intended to do.

3 COMMISSIONER AHEARNE: But it didn't address the
4 necessity for the phrase "necessary and sufficient."

5 MR. BICKWIT: That is right. It does not. And one of
6 the problems was that since it was unclear to us where the staff
7 was going on this, we had some difficulty analyzing the problem
8 against that backdrop.

9 But I would say, now that I understand exactly what the
10 staff position is, I would be inclined to drop references to
11 "necessary and sufficient."

12 MR. CASE: Mr. Chairman, could I make sure I understand
13 the position expressed, that with or without that phrase, one
14 cannot argue that there are additional requirements required on
15 these plants because of Three Mile Island?

16 MR. BICKWIT: That is right.

17 MR. CASE: Irrespective of whether that phrase is in or
18 not?

19 MR. BICKWIT: Yes. And it is on that basis that we
20 would recommend dropping it.

21 CHAIRMAN HENDRIE: Which is another way of saying that
22 it is the intent in drafting this rule that this rule, plus the
23 existing regulations, constitute a body of regulations which,
24 conformed to, would bring a project to the Commission's definition
25 of adequate protection and so on, including TMI related matters.

1 MR. DENTON: Which seemed to be where we were three or
2 four years ago with regard to the Commission's regulations at
3 that time.

4 MR. CUNNINGHAM: That has always been the Commission's
5 case law, in Seabrook and Maine Yankee, if you comply with
6 existing regulations at any given time you are entitled to a
7 permit or license.

8 MR. BICKWIT: The departure from that has come in the
9 action plan policy statement with respect to OL licenses.

10 COMMISSIONER BRADFORD: If somebody seeks to litigate
11 the adequacy of a particular piece of equipment at the CP stage,
12 what is the board's normal reponse to that now? In the normal
13 course of events, would they allow a contention about pressurizer
14 design, or would they say that they should be resolved at the
15 OL stage?

16 MR. DENTON: I guess it depends on whether it goes to
17 the conceptual design or not. I think we would in general argue
18 that the details of it are more appropriately taken up at the OL
19 stage, but we do require at the CP stage sufficient showing of
20 feasibility of a concept.

21 COMMISSIONER BRADFORD: And if the board agrees with
22 you, what is the specific type of finding that they make? When
23 they say something, a contention is appropriately deferred to the
24 OL stage, what is the basis that they use for that?

25 MR. CUNNINGHAM: They wouldn't usually defer the

1 contention. The issue at the CP is whether you have given
2 assurance that by the time of the OL you will have resolved the
3 matter. In either case, OL or CP, the contention has to be
4 framed in terms of compliance with existing regulations. But at
5 the CP stage, you only require preliminary design information. If
6 the intervenor had a contention at the CP stage that you
7 completely overlooked that and there is no indication you ever
8 are going to look at it, that would be litigatable.

9 COMMISSIONER BRADFORD: Aren't there situations in
10 which the intervenor is, in effect, attempting to litigate the
11 final design type issues at the CP stage? Has that never arisen?

12 MR. CUNNINGHAM: Oh, I am sure it has arisen, but I
13 think the response is, final design is not a CP requirement, that
14 will be litigated at the OL stage.

15 COMMISSIONER BRADFORD: And that is the basis on which
16 the contention is dismissed.

17 CHAIRMAN HENDRIE: But I think not infrequently within
18 a contention that, for instance — I don't know — ECCS doesn't
19 meet all of the applicable regulations. It is not infrequently
20 they will get off into an argument on a particular element in
21 which, by the time you finish driving down, why you have darn
22 near set final design parameters, or at least requirements to be
23 met.

24 So, in some aspect, why, I think you can end up
25 arguing a pretty detailed area, not over the whole design, because

1 it isn't practical to present that, but on some element of the
2 thing.

3 Okay. Other comments? What is the feeling on
4 "necessary and sufficient"?

5 COMMISSIONER AHEARNE: Len, when you have this statement,
6 how would you -- would you just strike the terms "necessary and
7 sufficient" so it would say, it is concluded the requirements
8 contained in this rule are a response? This is on page 12, the
9 second paragraph from the bottom.

10 MR. BICKWIT: I have no problem with leaving that in
11 the supplementary information, although I would like to clarify
12 it so as to eliminate our misconception. As far as the rule is
13 concerned, I would not put it in there.

14 CHAIRMAN HENDRIE: Okay, page 13, (e), additional TMI
15 related requirements. One would modify by simply striking the
16 last sentence?

17 COMMISSIONER AHEARNE: You wouldn't leave it, it is
18 determined that these are the additional requirements, to account
19 for lessons learned? In other words, you would strike all
20 allusion to Three Mile Island?

21 CHAIRMAN HENDRIE: Well, that remains in the title.
22 That is what the title of (e) is, "Additional TMI Related
23 Requirements."

24 COMMISSIONER AHEARNE: And you conclude that -- I just
25 want to make sure I understand -- you conclude that striking all

1 of that still would remove the possibility for argument that there
2 are additional requirements?

3 MR. BICKWIT: That is right.

4 COMMISSIONER AHEARNE: Okay, I have no problem striking
5 that.

6 CHAIRMAN HENDRIE: I don't have any problem with
7 striking it. I guess my reason would be more that -- not that I
8 see it particularly obnoxious within the context of 50.34(e), but
9 since it is a notable difference from the way in which the rest
10 of the regulations of the Commission are framed, it always raises
11 the question of why does this one read in this different fashion,
12 what does that mean for this one, and what does it mean for all of
13 the others, does that mean all we have is "aren't necessary and
14 sufficient". We may as well just save all of that discussion.

15 Vic?

16 COMMISSIONER GILINSKY: That is fine.

17 CHAIRMAN HENDRIE: Peter?

18 COMMISSIONER BRADFORD: Well, I am all for striking it.

19 MR. BICKWIT: Then I guess I would change page 12 so
20 that it read, "The Commission has concluded" ---

21 CHAIRMAN HENDRIE: This, plus the others, yes.

22 MR. BICKWIT: "The Commission has concluded that the
23 requirements contained in this rule, together with all other
24 applicable regulations, are necessary and sufficient response to
25 the accident at Three Mile Island." And then, "Satisfaction of

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 654-2345

1 the requirements of this rule, together with all other such
2 regulations, will entitle applicants to receive a construction
3 permit."

4 COMMISSIONER GILINSKY: What are you reading from?

5 CHAIRMAN HENDRIE: Page 12, the second to the last
6 paragraph. He is trying to make clear this point about ---

7 MR. BICKWIT: The point that was never unclear to you.

8 COMMISSIONER GILINSKY: Why would we leave it in there?
9 Why would we leave that "necessary and sufficient" business on
10 page 12?

11 MR. BICKWIT: Well, it just seems to me that this is
12 a reasonable characterization of what the Commission is doing.
13 It tells the story of what is happening, as often is the purpose
14 of supplementary information.

15 COMMISSIONER GILINSKY: I would strike it there, too,
16 for the same reasons that Joe raised. We just have not tended
17 to use this sort of language. These are the requirements which
18 we are imposing.

19 CHAIRMAN HENDRIE: But in order to carry the thought
20 clearly, you have to say someplace out here in the supplementary
21 information that it is the Commission's view that this new rule,
22 plus the existing regulations, together form a set of regulations,
23 conformance with which meets the requirements of the Commission
24 for permits and so on.

25 COMMISSIONER AHEARNE: Why don't we just say it that

1 way and that solve all of our problems?

2 CHAIRMAN HENDRIE: Or edited suitably to get where you
3 want to go, and to make clear, and to avoid any of the kind of
4 ambiguity that you read into the thing before about our
5 contentions, TMI contentions limited just to this rule.

6 MR. BICKWIT: Although I must say, it may crop up when
7 we are picking up language from the policy statement applicable
8 to the NUREG document as it relates to this subject. You don't
9 want it in there at that point.

10 COMMISSIONER AHEARNE: I guess you will have to craft
11 around it.

12 CHAIRMAN HENDRIE: I am not sure that since it is
13 framed in the policy statement, that you have the same problem.

14 MR. BICKWIT: I think it adds something as it is
15 phrased in the policy statement. It is not implicit.

16 CHAIRMAN HENDRIE: All right. We will simply have to
17 see the language and see how we digest it.

18 MR. BICKWIT: In essence, you would be saying that
19 compliance with the NUREG document would be necessary and
20 sufficient to comply with the rules.

21 CHAIRMAN HENDRIE: Well, never mind. Let me see if I
22 can summarize what needs to be done to get to the next step.

23 You had a couple of errata, you will fix those. At
24 the top of page 12, the business about the Commission has not
25 completed its review of the TMI action plan, you will amplify to

1 make clear what the meaning is there.

2 The second to last paragraph on page 12 will be
3 adjusted, the legal office, you can collaborate to find some set
4 of language which makes clear the thrust of the discussion here
5 this morning at this point.

6 You will build in some suitably adopted policy
7 statement language. The aim there was to provide the Commission's
8 blessing on 0737 and now 0718, at least to the same extent that
9 was expressed in the policy statement.

10 Now, that would get us a not very extensive modifica-
11 tion of the 81-20B paper.

12 MR. PURPLE: Just for completeness, on page 13 we were
13 going to delete that one sentence from the rule itself.

14 CHAIRMAN HENDRIE: Yes. And on page 13. In fact, so
15 far, except for the errata items, that is the only change we have
16 made in the draft rule, as yet.

17 Now, can I ask the Commissioners to give me their best
18 guess at what other points of discussion they want to cover on
19 this rule before we finally bring ourselves to a vote on it to see
20 whether we have a proposition on which the Commissioners can
21 agree?

22 Obviously, the manufacturing license in or out question,
23 I regard that as given in that discussion. But now, what other
24 elements? Peter?

25 COMMISSIONER BRADFORD: I would like to understand how

1 the actions, or rather the studies proposed in here will play
2 themselves out as a practical matter, what the staff plans to do
3 about reviewing those studies, and to the extent necessary,
4 imposing requirements based on the studies on the plants, whether
5 this will be done in the context of the operating license review,
6 or whether it will be done as the work goes along.

7 CHAIRMAN HENDRIE: Okay. Anything else? I assume you
8 will participate in the manufacturing license discussion. Any
9 other items particularly?

10 COMMISSIONER BRADFORD: No, none that don't fall under
11 that general topic.

12 CHAIRMAN HENDRIE: All right. Vic, what strikes you?

13 COMMISSIONER GILINSKY: Well, I would not like to vote
14 on this today. I would like to explore some of the ---

15 CHAIRMAN HENDRIE: No, we are not going to vote on it.
16 You have already sent us a note saying you would prefer not to
17 come finally to a decision on it, and we have some language
18 adjustments which we would all like to see how the words come out
19 and perhaps discuss them and adjust them a little before we come
20 to final votes. All we are trying to do here is to anticipate
21 so far as I can the principal items that Commissioners would like
22 to thrash through before we do come to a vote.

23 COMMISSIONER GILINSKY: There are a number of items.
24 One is on purging. I think I will have some more questions about
25 the hydrogen control features of the rule, and also about the

1 business of leaving open an option for possibly venting the
2 containment. And I think I also want to be clear on what is going
3 to be done with the various studies, and the point Peter raised.

4 CHAIRMAN HENDRIE: Did you have some people looking at
5 containment pressure?

6 COMMISSIONER GILINSKY: Yea.

7 CHAIRMAN HENDRIE: Are these your high pressure
8 consultants or your low pressure consultants?

9 COMMISSIONER GILINSKY: High powered consultants.

10 MR. BRADFORD: They tend to come on when the pressure
11 goes up, so I think they are the high pressure.

12 CHAIRMAN HENDRIE: John?

13 COMMISSIONER AHEARNE: Oh, I think those are enough
14 subjects to occupy us. I am prepared to vote now.

15 COMMISSIONER GILINSKY: I also would like to be a
16 little clearer on precisely what is required of these plants over
17 and above what is required of the plants coming up for operating
18 license.

19 MR. PURPLE: The current OL's?

20 COMMISSIONER GILINSKY: Yes.

21 CHAIRMAN HENDRIE: All right. Could I ask the staff
22 to please stop by and see you for a quick rundown on these
23 subjects, just so that they can get perhaps a little better idea
24 of the sort of things you would like to probe, and we will be
25 scheduling this paper for further consideration as I can find a

1 good time on the agenda. I would like to keep pushing it along,
2 perhaps the latter part of next week. And what I will ask is for
3 the staff to please make the changes we have enumerated in the
4 paper and get us down something with the new language in it.

5 I think the discussion Commissioner Bradford would like
6 to hear about where the studies go and how they fit in and where
7 it all works out, I think that is clear enough. I think some of
8 Commissioner Gilinsky's points of interest are clear enough, but
9 I think it would be useful for you to stop and talk to him a
10 little bit about some of the others.

11 If you have any in particular you would like to get on
12 this list, John —

13 COMMISSIONER AHEARNE: Well, all I was going to ask is,
14 is there a possibility that we could use some of the time this
15 morning, since we are all here and they are all here, to perhaps
16 get some of that answered?

17 CHAIRMAN HENDRIE: Well, I will tell you what I wanted
18 to do with the time, John, the remaining time this morning. I
19 think we are going to lose tomorrow's meeting, and I would like
20 to shove from this subject over to continue the meetings we have
21 been having on how do we get ourselves out of the licensing pit;
22 in particular, we have to form some answers to some questions for
23 the Congress, which have to go a week from today, and we are going
24 to be hard put, I think, to have adequate Commission time together
25 on some of these. We may have to make individual answers,

1 otherwise, to that query, and I am against that kind of duplica-
2 tion, if we can avoid it. And since we can't -- I don't think we
3 can ask for a final vote. I am ready to vote -- I would be ready
4 to vote on it, pending a look at the language changes, but that
5 isn't worthwhile. Others may not want to do that.

6 COMMISSIONER BRADFORD: The only other suggestion I can
7 make, in the interest of continuing to roll the rock up the hill,
8 is to the extent items haven't been raised at this morning's
9 meeting or placed in controversy, if you will, there is no reason
10 for that part of the staff that is working on CP's not to begin
11 to move forward on whatever work is necessary for the proceedings
12 they are involved in based on what you all are proposing to do.

13 COMMISSIONER AHEARNE: I think the principal action that
14 is needed at the moment is a Commission final rule, so that the
15 license applicants who are waiting out there to respond ---

16 CHAIRMAN HENDRIE: The problem is going to be -- well,
17 it is not out of the question for the staff to go out to the CP
18 applicants and say, Look, it looks as though the provisions will
19 come down something like this, why don't you answer the questions.

20 COMMISSIONER BRADFORD: I wouldn't have suggested that
21 the applicants start doing work yet. I think that is a little
22 too uncertain. I thought that to the extent there was staff work
23 that would follow immediately from the adoption of the rule, to
24 the extent that there are areas that don't seem to be in
25 controversy, they might as well start doing them.

1 CHAIRMAN HENDRIE: I would certainly support that,
2 Harold, if there are things you can do along the lines, because
3 I think we are coming reasonably close here.

4 Okay, when we meet again we will hope to take up these
5 particular items that Commissioners have suggested, and possibly,
6 hopefully, come to a decision.

7 I would like to take us without a moment's hesitation
8 back to the discussions of either yesterday or the day before. We
9 were pacing our way and John was taking us down through a
10 March 3rd paper from OPE and OGC.

11 Okay, a two minute recess to grab necessary papers.

12 (Whereupon, at 10:50 a. m., the meeting was
13 concluded.)

14 + + +
15
16
17
18
19
20
21
22
23
24
25

NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

in the matter of: DISCUSSION OF SECY-81-20/20A - POLICY AND PROCEEDING
WITH PENDING CONSTRUCTION PERMIT AND MANUFACTURING APPLICATIONS

Date of Proceeding: March 5, 1981

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.

Marilyn Nations

Official Reporter (Typed)

Marilyn Nations

Official Reporter (Signature)