

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

Matter of:

PROPOSED RULE ON OL APPLICATIONS AND
INTERIM AMENDMENTS ON HYDROGEN CONTROL



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PROPOSED RULE ON OL APPLICATIONS AND
INTERIM AMENDMENTS ON HYDROGEN CONTROL

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

Thursday, April 30, 1981

The Commission met, pursuant to notice, at 10:05 a.m.,

JOSEPH M. HENDRIE, Chairman, presiding.

PRESENT:

JOSEPH M. HENDRIE, Chairman
VICTOR GILINSKY, Commissioner
PETER A. BRADFORD, Commissioner
JOHN F. AHEARNE, Commissioner

ALSO PRESENT:

SAMUEL CHILK	HOWARD SHAPAR
WILLIAM J. DIRCKS	ED CASE
LEONARD BICKWIT	GUY CUNNINGHAM
DARRELL EISENHUT	ROGER MATTSON
ROBERT PURPLE	MORTON FLEISHMAN

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P R O C E E D I N G S

1
2 CHAIRMAN HENDRIE: Good morning. The Commission meets
3 this morning to consider a proposed rule on operating license
4 applications. The paper is SECY-81-246.

5 This is a rewrite of the operating license requirements
6 of NUREG-0737 into rule form, done on direction of the
7 Commission some weeks ago so that the Commission could consider
8 whether it wants to see those requirements upgraded from staff
9 guidance to regulations. Some of us thought that was a good
10 idea and some did not the last time around.

11 The schedule also suggests that we will discuss the
12 proposed interim rule on hydrogen control. The paper is
13 81-245. It is my intention not to talk about hydrogen control
14 other than in the sense that the proposed hydrogen control rule
15 as it came up a week ago had in it eight or ten or some such
16 number of items which also appear in today's rule, 246, and
17 which in my mind were only peripheral to hydrogen control and
18 which I would propose to treat in context of the OL list and
19 not the hydrogen rule.

20 I do not propose that we talk about hydrogen control
21 per se today.

22 COMMISSIONER GILINSKY: Could you remind me how we
23 left the hydrogen rule?

24 COMMISSIONER AHEARNE: With puzzlement.

25 CHAIRMAN HENDRIE: There were considerable questions

1 and discussions. Where it stands at the moment is staff is
2 reflecting on it and we had a chat in Bethesda about it a week
3 ago. There are things which are ongoing in the hydrogen control
4 area. One of the things which we cannot discuss with the staff
5 but which is going on and which from their side provides a
6 continuing process of elucidation of problems, promises and
7 so on is the McGuire litigation.

8 I suggested to the staff that we ought to take another
9 look at it in a few weeks and see what they thought of the
10 draft language and see if it should come up again or whether
11 in fact the conclusion is hydrogen control, that the solutions
12 are not that well anchored so as to be ready to go into
13 regulation form.

14 I thought they were after Sequoyah and the
15 discussions we had on the CP, construction permit manufacturing
16 license rule. I think you felt the same way because we both
17 wanted to see a draft rule.

18 After last week's discussions, it is not so clear to
19 me that it is ready to be written down in regulation form, at
20 least in a regulation that can simplify things. My impression
21 was the present draft is not a great help in that regard.

22 COMMISSIONER GILINSKY: Where does this leave
23 application of hydrogen control requirements to say DC cook
24 which is not the subject of a proceeding?

25 CHAIRMAN HENDRIE: At the moment, in abeyance. There

1 is no direction to Cook to do one thing or another.

2 COMMISSIONER AHEARNE: The staff is discussing it.

3 MR. CASL: Yes, we have asked Cook and are
4 considering the matter that was taken care of in the Sequoyah
5 case and to propose what they think is appropriate in light of
6 the Commission's action in Sequoyah.

7 MR. EISENHUT: They have committed to do that. They
8 are coming back to us with a program that I believe is going
9 to be put in the distributing emission system, very similar
10 to that in Sequoyah.

11 COMMISSIONER GILINSKY: You are awaiting their plan?

12 MR. EISENHUT: I think we may actually have the
13 plan in. The proposal may be under review.

14 CHAIRMAN HENDRIE: It is not an ordered proposition.
15 If I was D.C. Cook, I would hustle in with a set of Sequoyah
16 ignitors so fast you couldn't see the hand in motion before
17 staff and the Commission decided on something else.

18 COMMISSIONER AHEARNE: I think you would also want
19 to somehow get the Commission to say once you do that, that
20 is enough.

21 CHAIRMAN HENDRIE: I think I would be willing to take
22 my chances and say grandfather me, I did the good thing.

23 Back to the NUREG-0737 conversion to rule form.
24 We have some briefing material before us. There are also some
25 items to discuss as we go along. Do we want to limit it to

1 new operating licenses? There is a basic question and that is
2 whether we want to pursue making this material into a rule.
3 There was a majority last time I checked.

4 MR. DIRCKS: Starting off with the last note, the
5 proposed rule is related only to new operating licenses. It
6 is modeled after the effort we took in the near term
7 construction permit rule. Darrell will go through it. I
8 would just like to add my recommendation that we do look at
9 this rule only from the point of view of new operating license
10 applications and then if you want, we can discuss operating
11 reactors as another rule.

12 I would like to recommend that we keep the two issues
13 separate on this occasion and take it one step at a time.

14 COMMISSIONER BRADFORD: Why is that?

15 MR. DIRCKS: I think as soon as you get into the
16 question of operating reactors, there are a number of
17 complications. You look at schedules, shutdowns, backfits,
18 what is done in the past, grandfathering.

19 If you take it from a fresh standpoint, looking only
20 at new applications, new OLs, we can at least have the hope of
21 getting a rule out quickly.

22 COMMISSIONER BRADFORD: The new OLs are already built.

23 MR. DIRCKS: Yes, but you are not looking at
24 shutdowns, when they shut down for power, for refueling and
25 so on.

1 COMMISSIONER BRADFORD: We probably are looking at
2 shutdowns. If the plants are licensed, they will be done,
3 unless one is saying the entire rule be in place before the
4 plant is licensed.

5 MR. DIRCKS: It is a question of proportion, a question
6 of how complicated do you want it. We always face this problem
7 in trying to get a rule out and trying to go back too much
8 in time, whereas we at least have the hope of coping with
9 the problem of OLs, whereas in the other one you get bogged
10 down in too much and we will not see a rule come out quickly.

11 COMMISSIONER BRADFORD: We have imposed these
12 requirements on the operating reactors. There may be a certain
13 amount of struggle going on but if there is, perhaps that is
14 all the more reason for there to be urgency in applying the
15 rule to the operating plants.

16 CHAIRMAN HENDRIE: It is not only timing that makes
17 the application to operating reactors complicated. There are
18 also some matters of style. When you work a set of orders
19 or less formal directions to licensees to implement their
20 proposition, you end up with some individual cut and fit
21 to particular plant situations.

22 It would surprise me if that is not going on with
23 regard to the action plan, the application of action plan
24 items to operating plants, nor do I think it inappropriate
25 when you frame the same things in a rule, you reduce the

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1 flexibility for that and then you have to look at where
2 arrangements are already underway and what is fair and
3 reasonable and what has been committed. It makes a fairly
4 elaborate backfitting area.

5 In addition to the schedules which have to be hand
6 tailored to individual cases, I think it is a whole area that
7 Bill said he would prefer to avoid, at least the first time
8 around on this rule.

9 MR. DIRCKS: The first time around.

10 CHAIRMAN HENDRIE: We do have to settle the question.
11 If you are going to say for new licensees, it is 0737 in order
12 to get a license and here is the rule, so do that, we
13 inevitably have to turn and say, what now for the operating
14 reactors. We have to decide.

15 If we are going to alleviate certain requirements
16 for operating reactors but not others, we are going to have
17 to identify those things. Sooner or later we are going to
18 have to treat the operating reactors side.

19 MR. DIRCKS: We do tend to get tied down in the
20 complexities as we did in the fire protection rule. I think
21 if we take it one step at a time, look at this as an OL
22 phase and then come back and take a look at another one
23 as an OR phase, we would hopefully get a rule out.

24 COMMISSIONER BRADFORD: I must say call a spade a
25 spade. It seems to me a completed plant is a completed plant

1 and the real difference is one set of these plants faces
2 hearings and the rule would help boost them through the
3 hearing process and the other does not face hearings and the
4 rule doesn't seem as urgent.

5 MR. DIRCKS: I guess you always face that in any
6 decision you make. All I am trying to do is see if we can
7 accomplish something to get a rule out in a fairly reasonable
8 length of time. If we go out for comment, you are going to
9 find extremely complex issues coming up when you deal with
10 older plants and older conditions.

11 From the point of view of just showing a record of
12 accomplishment, I would like to take a look at this only
13 in the OL stage and then phase in another one on OR when we
14 come up to bat on that.

15 I think the precedent would be set in this rule and
16 then we can proceed with a discussion of the OR phase.

17 COMMISSIONER AHEARNE: Is anybody prepared to
18 address to what extent these provisions have been covered by
19 orders to the operating plants?

20 MR. EISENHUT: I think a lot of this will unfold
21 as we go through the presentation.

22 CHAIRMAN HENDRIE: Let's launch the staff on the
23 presentation. We have several major areas. One is the content
24 of the rule itself. Another one is the question about the ORs,
25 the backfitting and how that all works out and then the

1 question of who will continue to handle it as a staff guidance
2 proposition.

3 MR. DIRCKS: Darrell?

4 MR. EISENHUT: In the way of background -- may I have
5 the first slide?

6 (SLIDE.)

7 MR. EISENHUT: We were going to go through some of
8 the pieces and make some of these observations.

9 Going to the 737 background item, addressing some of
10 the questions mentioned, 737 was developed about a year ago.
11 It went out for draft last Summer. It was issued in October
12 of 1980. The 737 document was meant at the time to be a
13 compilation of all items that had been approved to be
14 implemented for both ORs and OLs.

15 (SLIDE.)

16 MR. EISENHUT: This is simply a comparison or
17 really a breaking down.

18 MR. CASE: Is the applicability to both ORs and OLs?

19 MR. EISENHUT: Yes, in fact, 737 was conceived
20 originally as an OR document. A large number of utilities
21 were constantly asking me daily, I am getting this letter
22 and that letter, it is hard to keep track of what the
23 requirements are. I had to be very honest, it was very hard
24 for me to keep track of what the requirements were because
25 we were going out with a different generic letter piecemeal.

1 We conceived to generate and put together in one
2 document, in tabular form and with a clarification behind it,
3 of each item the staff had decided to approve, to be implemented
4 on operating reactors.

5 Pretty closely the same set of requirements were
6 in effect for OLs. We made it one document to go out to all
7 plants. There was an Enclosure 1 and 2 which were tables.
8 Enclosure 1 is a table for all operating reactors and
9 Enclosure 2 is the table for OLs. It sets forth in the table
10 what the item is, its subparts, the schedule it had to be
11 implemented on, the plants it was related to. It also cross
12 referenced the generic letter that was previously issued
13 but the document also identified whether or not there was a
14 clarification to the requirement.

15 The classic that keeps coming to mind is way back a
16 year or so ago, we had told utilities to put the pressurizer
17 heaters on a safety related power supply. There are a lot of
18 things you have to back up behind that to say how you want
19 them to go about doing that.

20 For operating reactors, and I guess equally well for
21 OLs, it identified whether or not we would require a technical
22 specification to be written on that item. It also identified
23 when some rules were due.

24 This is sort of a cookbook. It identified every item
25 that was approved at the time.

1 CHAIRMAN HENDRIE: I must say it is useful to have
2 the clarification because I remembered 0737 in the context that
3 it was the son of 0694 which was the Commission's approved list
4 of requirements for the near term operating licenses and it
5 was that which we had heavy interest at the time.

6 MR. EISENHUT: It is fair to say that the other
7 piece is because of the emphasis on OLs, there is the revised
8 policy statement and I think it was last December, 1980. It
9 is important to remember that 737 not only set forth all the
10 items at the time but it set forth all the items and it
11 recognized 660, the action plan, would be generating changes
12 to 737 because 737 was one small piece of the action plan.
13 It was just those that were approved for implementation.

14 It recognized from the very beginning that there would
15 be additions and changes as time went on for a various number of
16 reasons. It was the staff's best judgment at the time and
17 over that last year, there has been a considerable number of
18 reports that have been submitted from utilities reflecting
19 on the requirements and the technical substance in 737. There
20 has been considerable feedback on some of the items. The
21 staff has been reconsidering some of those requirements.

22 You will recall that we had a discussion April 1st
23 on the first wave of orders to be issued to operating reactors,
24 covering the items on this chart which just shows the
25 relationship between those items in here that affect ORs and

1 OLS.

2 You will recall a large number of those items as
3 one set in the first six month period of this year, that is,
4 those items that had implementation dates of requirements
5 between January 1, 1981 and June 30, 1981, most of those were
6 in the form of a report that had to be supplied to the staff.

7 We required a technical evaluation from the industry.
8 We required it of every operating reactor. We were requiring
9 it of OLS also.

10 I believe it was around 30 technical reports that
11 are due from all plants in this first six month period. You
12 would expect the staff is going to do something with those
13 reports. The staff is reviewing those reports and it leads
14 the staff to conclude in some cases that the reports are
15 no longer necessary and it is going to lead the staff to
16 conclude in some cases that additional action may be necessary.
17 It is really a subset of where there is a follow up to 737
18 requirements.

19 (SLIDE.)

20 MR. EISENHUT: The staff has put together a document
21 which took the 737 items, it was meant to take the 737 items
22 and transform those that relate to OLS into rule form. That
23 document that the Chairman mentioned is in SECY-81-246. It
24 is a document we sent down a week or so ago.

25 There were actually some corrections to the document

1 we set down, to make it more closely follow 737. It is our
2 intent that the document before you with these erata are in
3 fact essentially identical to 737. It was meant to be identical
4 to 737 with these corrections.

5 There were some items that were inadvertently left
6 out. We refined five items to make them more closely reflect
7 the words in 737.

8 The rule before you for OLs includes the nine items
9 that we discussed last week in connection with the interim
10 hydrogen rule. You will recall there were nine items that
11 had an 0737 indication next to them. Those were included when
12 we sent the rule down.

13 The rule follows the short form, as I call it, similar
14 to what we did in the CP rule, that is, we tried to take the
15 essence of the real requirement of the items from 737 and
16 transform them into this rule.

17 Concerning the schedules in this proposed rule,
18 they are identical to what is in 737 for OLs.

19 MR. CASE: Which the Commission previously approved,
20 those approved schedules.

21 MR. EISENHUT: Yes. There is no change in that.

22 There are some of those items that we have had
23 considerable discussion off and on about how close are they
24 going to be. We came to two conclusions. First, by and large,
25 the OL schedules are being met. Most of the items are being

1 met for OLs, with some exceptions. You will recall that every
2 time we have a briefing on an OL, we identify those four or five
3 items that are deviations from 737. You will recall the license
4 itself has a lot more 737 items in it than four or five. That
5 is because some of the dates are off in the future and we put
6 those in as license conditions.

7 We really do not have a good basis today to change the
8 schedules in the proposed OL rule from those in 737. We can
9 all speculate about new schedules as we did a week ago. There
10 is just not a good basis before us to change those schedules
11 today.

12 COMMISSIONER BRADFORD: Once the thing becomes a rule,
13 if so, what then becomes the mechanism for changing schedules?
14 Are the schedules not part of the rule?

15 MR. EISENHUT: If it is a rule, they would have to
16 come back in with an exemption request and then I look at
17 it that when we are having a discussion on an OL where we
18 put up a slide and say these are the deviations from 737,
19 they would then have to be the deviations from the rule and
20 we would be given granting relief on those small handfuls of
21 items.

22 (SLIDE.)

23 MR. EISENHUT: We went back and looked at the
24 licenses that have actually been issued post-TMI, The Salems,
25 Sequoyah, McGuire. These are the only deviations that we had

1 to put in as license conditions that deviated from the 737
2 document.

3 MR. CASE: And which would deviate from this proposed
4 rule.

5 MR. EISENHUT: Yes. These plants have license
6 conditions. Farley 2 has a II.F.2 that says they are going to
7 do it before they reach five percent, rather than doing it
8 prior to the OL. They had provided specific plant by plant
9 justification.

10 I would anticipate that justification we went through
11 to give them this deviation would be the same basis of granting
12 them the formal relief under the rule.

13 The only point here is there are not that many. The
14 absence of Mcquire, North Anna and Sequoyah says those utilities
15 committed by license condition to meet schedules in 737. You
16 recall a number of the schedules are in 1982 so the license
17 condition is a commitment to meet that date.

18 We did one more thing.

19 COMMISSIONER BRADFORD: Do you have a rough sense
20 of how much longer that list will get?

21 MR. EISENHUT: The next slide will answer that.

22 (SLIDE.)

23 MR. EISENHUT: The obvious question is what is the
24 real sense in the industry in terms of when a plant wants
25 to get an OL, they seem to have this great tendency to be

1 ready to commit to those schedules. We all know they have
2 a tendency also to change as time goes on.

3 These are the ones we are aware of today. It says
4 requests are expected. We have been talking to these plants
5 just in the normal follow up to the license and say, remember
6 you have a license condition and if you want to stay in
7 conformance with the license, you had better be telling us.

8 It looks now like all these plants, and when I say
9 "all" it is really tied to these five plants, they all state
10 they are going to be coming back in requesting relief on
11 II.D.1, the relief on safety valve test requirements.

12 The 737 had two parts to it. Those are approximate
13 dates that they are telling us they are likely to come back in
14 with, but they all stated they will be coming back in with the
15 request.

16 North Anna 2 has a problem with II.F.2, the
17 implementation under inadequate core cooling. The specific
18 subtask, I think it was the reactor water level.

19 They stated they would like to have the first
20 refueling outage after 1/1/82 rather than living to the 1/1/82
21 requirement. Otherwise it would necessitate a shutdown
22 which is really the point Commissioner Bradford mentioned
23 earlier.

24 Some of these requirements can result in an extra
25 shutdown. After the OL, they are pretty much on some of these

1 items like an OR. There are a few other differences.

2 Sequoyah 1 has come back on four items where they
3 have stated they are asking for the same thing, that is, the
4 first refueling outage after 1/1/82.

5 This is sort of typical of what we expect on these
6 items. As time goes on, out into the future, the items
7 rolled together for ORs and OLs. As you go past the dates,
8 obviously they are the same kinds of dates.

9 One other aspect in the rule that I will mention is
10 we had to split the items into two parts, those items that are
11 required before a license that have dates down the road, like
12 1/1/82. We had to decide what to put in group one, those that
13 are necessary prior to an OL and second, those that are
14 what we call dated requirements.

15 The cutoff date we put in the proposed rule when we
16 drafted it some months ago was July 15th. That is just defining
17 one bin or the other. One could argue the date is obviously
18 going to have to be reconsidered in connection with the final
19 rule.

20 It is strictly an administrative categorization. From
21 a practical standpoint, there is only one item that has a due
22 date that falls between July and December of this year for
23 OLs anyway so it really does not make much difference.

24 The proposed rule is meant to be identical to the
25 document we reviewed last Fall. We are proposing it go out

1 for 90 day comment. The reason for 90 days is the large volume
2 of issues. We want people to really have the opportunity to
3 take a hard look at all the issues in here, to try to get
4 the best information back we can. It is a very complicated
5 task to look at all these schedules.

6 Being very candid, I am personally sort of torn between
7 a 60 day and a 90 day. Sixty is about the shortest comment
8 period you can really ever turn anything around on. The one
9 criticism we had before from an OIA Report was we did not
10 give the industry enough time to digest such a very large
11 document with such a large number of requirements.

12 Hence, we opted for the 90 day comment period.

13 There are a couple of other comments I will make
14 about the proposed rule that is addressed in the statement
15 of considerations. I have really addressed these somewhat
16 before.

17 The statement of consideration points out that
18 while this rule is out for comment, I believe it is on page
19 six and seven of the rule, it states that the staff is going
20 to be conducting a relook at 737. We are conducting a relook
21 at 737 to see whether we really need some of these
22 requirements.

23 The example I mentioned before was a large number of
24 these items were previously required to submit reports on
25 these items from the operating reactors and we are digesting

1 those reports and we may well conclude that you have seen the
2 same generic analysis now 75 or 80 times, you do not need to
3 see it another 50 or 60 times. We will be reaching conclusions
4 during this period of time on the removal of some of these items.

5 COMMISSIONER AHEARNE: That would only be that
6 it was truly a generic analysis.

7 MR. EISENHUT: That is correct.

8 If it was a generic analysis that has gone away, the
9 need for it has gone away.

10 There are a couple of other sets of items mentioned
11 in the statement of considerations. These were comments during
12 the comment period.

13 You will remember on April 1st when we had a
14 discussion about the first wave of operating reactor orders.
15 You will remember Steve Hanauer made the presentation that
16 he has changed his thinking on overtime limitations, that
17 perhaps we were overly prescriptive.

18 This rule as we propose it would be to go out with the
19 737 words, just as it was before, but during this period of
20 time we would be reconsidering it. That is part of the reason
21 why we think the 90 day comment period would be a very useful
22 period of time.

23 There is a set of items where one could argue that
24 the item could be swept under an existing regulation already.

25 Late last year, early this year, actually OELD

1 completed a study which looked at all these items, which ones
2 could be said to be an extension of a present regulation or
3 really fall under the umbrella of a present regulation. Their
4 conclusion was most of these items could by the appropriate
5 interpretation really be said to already fall under an existing
6 regulation.

7 This was meant just to identify there are some which
8 could be argued to already fall under an existing regulation.
9 You would probably have to have something like a reg guide to
10 back it up, to make it clear we are interpreting that regulation
11 now to require a little more.

12 To put the thing in proper perspective, we are still
13 proposing to go out with this package as it is in 737 in the
14 proposed rule. We wanted to highlight that in this statement
15 of considerations.

16 There are a number of other items that are technically
17 under review. They have been under review for some time.
18 For example, automatic cool pump trips, where we may during this
19 period of time refine our requirement.

20 CHAIRMAN HENDRIE: Does that mean turn them on?

21 MR. EISENHUT: That I will defer to someone else.

22 It depends on if it a three loop or four loop.

23 COMMISSIONER AHEARNE: It depends on whether it is
24 a month with an "R."

25 CHAIRMAN HENDRIE: In the month with an "R" I am

1 Chairman. It is something else for pump^e

2 MR. EISENHUT: It appears you clearly understand what
3 that category means.

4 COMMISSIONER ^{BRADFORD}~~HENDRIE~~: Is there ever a time when
5 you are chairman for only three loop plants?

6 CHAIRMAN HENDRIE: That is a thought! We could have
7 chairmen for research and other reactors.

8 MR. EISENHUT: The last category is a group where they
9 may be very limited in scope, for example, an item that
10 addresses PCRVs manufactured by a particular vendor, or there
11 may be some that are just too detailed that they should not
12 be in this rule, for example, failure modes and effect
13 analysis on the selected B&W plants.

14 We felt the thing to do at this time is go out with
15 the proposed 737 which had a lot of deliberation, a lot of
16 comments from industry. It was considered at this table and
17 we went out for comments before. We had regional meetings.

18 For the proposed rule on OLS, we would go out with
19 it as is.

20 MR. CASE: This method will provide traceability
21 of changes in requirements and the final rule will indicate
22 what changes were made and why. I think it provides a good
23 record basis for changing things.

24 COMMISSIONER AHEARNE: If you put out something for
25 comment and in the interim period of comment you decide something

1 is in there that should not be in there and you pull it out,
2 I guess that is acceptable unless you were to have some
3 all sweeping statement that would say this covers all aspects
4 of that area. Is that correct?

5 MR. BICKWIT: That would be acceptable. You would
6 examine the comments together with your own thought processes
7 during the course of the comment period and decide that it
8 ought to be eliminated.

9 MR. EISENHUT: The only thing I believe you cannot do
10 is you cannot add new items in.

11 MR. BICKWIT: You cannot add ones that were not
12 reasonably foreseeable.

13 COMMISSIONER GILINSKY: Presumably it depends
14 on how significant the changes are, if people have reasonable
15 notice. The point of getting comments is to make changes.

16 MR. EISENHUT: That is why we felt it was
17 appropriate to go with the package as it is presently, that
18 each utility is working with and develop the rule to be
19 identical to what is in 737.

20 COMMISSIONER GILINSKY: I should add to make changes
21 if necessary or sensible.

22 CHAIRMAN HENDRIE: And voted for.

23 MR. EISENHUT: I would like to discuss the next
24 item briefly, the OR rule item, to answer some questions.

25 We are presently going down the approach of taking

1 six month sets of requirements on ORs and issuing orders covering
2 those six months of items. The first six months of items, the
3 orders are presently under development. We are hoping to get
4 those out in the next couple of weeks. We had hoped to get
5 them out before now.

6 Those have been delayed somewhat while we have
7 been developing this rule and 737.

8 The present rule before you is strictly an OL rule.
9 We had proposed sending it out strictly as an OL rule.

10 As Bill Dircks mentioned, we could come back with
11 an OR rule, depending upon which way we would go with it.
12 The thinking would be any such rule should be identical to
13 737, the 737 package for ORs.

14 There is one other aspect that is related to the
15 need for some of these items requiring shutdowns. Over the
16 last two or three years, the number of things that utilities
17 are now shutting down for has accumulated, not just TMI
18 requirements but a very large multitude of other items.

19 The utilities are coming in now laying out schedules,
20 two refuelings in advance, requesting, can I do these five
21 NRC items during that outage and these five during that outage.
22 It is getting very complicated.

23 The other thing that is getting very complicated is
24 on utilities with a number of nuclear plants. For example,
25 in Illinois, Commonwealth has got a number of nuclear plants.

1 If you establish a date to have something in on all
2 their plants, obviously there is a long staggering program
3 if it is a shutdown item. They stagger their plants to be
4 shutdown minimum numbers at the same time. It even affects
5 the multi-units such as the Browns Ferry 1,2,3's or the
6 Oconee 1,2,3's. To a lesser extent, it is the same thing in
7 any dual unit plant.

8 It is the multitude of items that should somehow
9 orchestrated to be sure it is reasonable. It is looking at
10 the different utilities that have the multi units with the
11 common plea we get from the utilities.

12 Another thing Bill mentioned was it is really a power
13 liability question. When we went to the short term lessons
14 learned items that were put in place over a year ago, it
15 turns out if you look at some of these dates, they fall at
16 what some people might argue to be the least logical time.

17 Our operating reactor dates have hardware items that
18 need to be put in place by July 1st and January 1st of the
19 various years, which happen to be right in the periods of peak
20 demand for electricity. Refueling outages tend to go in the
21 Spring and Fall.

22 One could always argue that the utility could certainly
23 put the items in three or four months earlier. Remember also
24 the discussions that on a number of these items it is
25 developmental, the reactor water level, for example, where the

1 schedules are already very tight.

2 It is not as simple a task as it is to work it on OLs
3 because a large number of the items for most OLs are being put
4 in place prior to an OL issuance.

5 We would anticipate we could turn around and have
6 an OR rule out if desired in about 30 days. We would propose
7 if we decide to go with an OR rule, that it be done during
8 the same period of time so they would have overlapping comment
9 periods, because typically you get better comments on these
10 items from the operating reactors than you do from the OLs.

11 I think a lot of the OLs are very ready and willing
12 to meet commitments but they really have not focused on it to
13 the same dept the operating plants have.

14 In summary, our recommendation today is we approve
15 the OL 737 rule for comment. We believe we would be ready to
16 go by tomorrow. We have already taken the errata. They have
17 been factored into the rule. The rule for OLs is identical
18 or is meant to be identical to 737.

19 CHAIRMAN HENDRIE: With regard to the ORs, what would
20 be different about an OR rule would be the implementation
21 schedules?

22 MR. EISENHUT: That is right. There are a few
23 differences in items in the actual scope but those are really
24 trivial. The second thing is the vast majority is the
25 implementation schedule.

1 CHAIRMAN HENDRIE: It is kind of a peculiar
2 configuration of the rule to have two rules where the primary
3 difference is some different implementation dates.

4 COMMISSIONER GILINSKY: Would you reference this rule
5 in the other rule, just to indicate the changes?

6 MR. EISENHUT: The way we would propose to do it
7 from an administrative standpoint is go out with a separate
8 package but they would certainly reference one another and
9 say this is essentially the same items that are out. There
10 is that difference you have to look at. Even 737 has different
11 implementation dates for the same item.

12 COMMISSIONER GILINSKY: What would go into the code
13 of Federal regulations?

14 MR. EISENHUT: It would be another complete package.

15 COMMISSIONER AHEARNE: Two separate rules?

16 MR. EISENHUT: It could be either way.

17 COMMISSIONER AHEARNE: I would start out believing
18 it ought to be restricted to the OL, however, your summary
19 point that the only real difference is the scheduling, and
20 then you say you would want the public comment period to
21 overlap and the better comments will come from the operating
22 reactors.

23 CHAIRMAN HENDRIE: Giving you pause, is it?

24 COMMISSIONER AHEARNE: It seems to imply that you
25 are not really going to address the OL comments until you have

1 the OR comments, if they are the better comments.

2 MR. EISENHUT: We are prepared to go just with an OL
3 rule.

4 COMMISSIONER AHEARNE: Your summary point.

5 MR. EISENHUT: It is just an observation that
6 historically we have gotten better comments and more thought
7 through comments from the ORs than the OLs.

8 COMMISSIONER AHEARNE: I am just pointing out that
9 the logic of those comments makes it seem reasonable if it
10 takes 30 days to revise it to include ORs, to wait 30 days.

11 MR. CASE: What we had in mind was a 90 day comment
12 on this rule and a 60 day comment on the other rule so the
13 end point would be the same.

14 COMMISSIONER AHEARNE: Then you would say the people
15 who provide the most thoughtful comments would get a shorter
16 period.

17 MR. DIRCKS: The bulk of the comments on the OR
18 rule will be the shutdown, how soon can I shut down, problems
19 with the system, power reliability.

20 COMMISSIONER GILINSKY: Why can't you put into a
21 statement of considerations the fact that you plan to come
22 out with a rule on operating reactors and owners of operating
23 reactors should pay attention to this rule?

24 COMMISSIONER AHEARNE: Yes.
25

1 CHAIRMAN HENDRIE: It does not look to me as though
2 it would be all that much of a struggle. You say most of the
3 items have identical scope and identical schedules.

4 MR. EISENHUT: That is right.

5 CHAIRMAN HENDRIE: There are seven items that would
6 apply only to ORs, and five that apply only to OLs and twelve
7 that have the same scope but different implementation schedules.

8 MR. CASE: Their current schedules are the same in
9 0737, it would not be clear to me that in a rule, they would
10 wind up the same.

11 COMMISSIONER GILINSKY: That is why you are going out
12 for comments. Are they good enough for the proposed rule.

13 MR. EISENHUT: That is the question. On operating
14 reactors, we have already gotten a considerable number of
15 comments that the schedules in 737 --

16 COMMISSIONER GILINSKY: Obviously we will get more
17 comments.

18 COMMISSIONER AHEARNE: Are you saying the 30 days
19 would primarily be spent trying to modify the proposed
20 schedules to pick up those comments you have already received?

21 MR. EISENHUT: I think some of that period of time
22 would be to look at it. It takes a couple of weeks just to
23 administratively turn it around. It is the same people
24 doing an OL rule, an OR rule and orders to 70 plants, and a CP
25 rule.

1 It is really the same sets of requirements. My fear
2 is one rule saying one thing and another rule saying something
3 different on the same item. It is becoming logistically a
4 very big job.

5 COMMISSIONER GILINSKY: Why wouldn't an operating
6 reactor rule simply be a list of twelve dates and seven items?

7 MR. EISENHUT: You can say it is a rule that says
8 pick up the 64 from this document, et cetera, down the list,
9 it would add seven, delete five and modify twelve.

10 COMMISSIONER GILINSKY: Are the twelve modified?

11 MR. EISENHUT: Same scope, modified schedules.

12 COMMISSIONER GILINSKY: It is twelve dates.

13 MR. EISENHUT: Yes. That would be one variation
14 of doing it.

15 COMMISSIONER GILINSKY: It seems to me we could do
16 one of two things, indicate this will come out very soon or
17 incorporate it.

18 COMMISSIONER AHEARNE: Has anyone from Minogue's
19 office been involved?

20 MR. DIRCKS: At the Commission meeting where we
21 were told to develop this rule, we were told to develop it
22 on an expedited basis. The assignment was made at the table
23 that we do it with the person who did the CP rule.

24 COMMISSIONER AHEARNE: Did anyone from Minogue's
25 office do a qualify control check on rule format or anything?

1 MR. PURPLE: We did have a representative from the
2 Standards Office to work with the team that put this together.

3 COMMISSIONER GILINSKY: A "body," as they say.

4 MR. EISENHUT: Yes.

5 COMMISSIONER GILINSKY: Are the items we dropped
6 from the hydrogen rule all incorporated here?

7 MR. EISENHUT: Yes. All the items that were tied to
8 737 are in this document, that is, those nine of the fourteen
9 items.

10 COMMISSIONER AHEARNE: Those items at least some
11 of the Commissioners wanted to drop from the hydrogen rule
12 are incorporated?

13 MR. CASE: Yes, when we drafted them, we did not
14 know which way it was going to go.

15 MR. EISENHUT: We took exactly what was in the 737.

16 COMMISSIONER GILINSKY: I hope all the parties in
17 all the proceedings will be notified.

18 MR. EISENHUT: Yes.

19 COMMISSIONER GILINSKY: What is the effect of the
20 rule if approved in final form on ongoing proceedings?

21 MR. SHAPAR: It applies.

22 COMMISSIONER GILINSKY: If you are in the midst
23 of litigating something which would not be litigable under
24 this rule, it just stops as of the effective date?

25 MR. SHAPAR: People would make appropriate motions to

1 implement the new rule to a proceeding.

2 COMMISSIONER GILINSKY: To what fraction of these
3 items do you think that applies? I suppose it applies to those
4 items which went beyond Class 2 or whatever they were.

5 MR. BICKWIT: Most of 0737 was within existing
6 rules.

7 COMMISSIONER GILINSKY: What remains to be argued
8 is whether or not the applicant meets the rule?

9 MR. CASE: Whether litigation on dates, and there is
10 some, this rule would become word of the Commission and that
11 litigation would be settled appropriately.

12 MR. SHAPAR: There could also be litigation on
13 whether or not the plant meets the new rule.

14 COMMISSIONER AHEARNE: It does not foreclose arguing
15 whether or not it is met.

16 MR. SHAPAR: There is one other possible attack on
17 litigation and that is 2.758 of the regulations that says
18 if there are particular circumstances which indicate the
19 rule is not subsurbed in these particular circumstances, then
20 you can attack the rule.

21 COMMISSIONER GILINSKY: Does that mean if an applicant
22 comes in and requests an exemption, that can then be the subject
23 of a hearing?

24 MR. SHAPAR: If the exemption came up in the hearing
25 process, I would assume the hearing board would determine the

1 matter.

2 MR. BICKWIT: Right, but once the hearing is over,
3 the applicant could come in and request an exemption, even if
4 the Board had decided -- what would normally happen is the
5 intervenor would say the date should be moved up somehow and
6 the board would have said that was an attack on the rule.

7 MR. SHAPAR: That is possible. After the board
8 has determined a lot of matters, the license can be amended
9 at a later date and exceptions can be granted at a later date.

10 COMMISSIONER AHEARNE: You have a statement that
11 some of the items are subjects of other ongoing rulemaking.
12 Is it possible to take the comments that come in under one
13 rule and automatically transfer those to another rule?

14 MR. BICKWIT: You have to give some sort of notice
15 that you might contend to do that. You can always take into
16 account comments from anywhere. You might be a little hard
17 pressed to tell somebody their opportunity to comment on rule B
18 was foreclosed because they failed to comment on Rule A, unless
19 you make it very explicit that you had something like that in
20 mind.

21 MR. EISENHUT: Maybe you are saying the paragraph
22 on page six is not explicit enough, where we state we do not
23 intend to issue them and it goes on to say that consolidation
24 or other appropriate action would be taken before final
25 rulemaking.

1 MR. CASE: I do not know if that was written
2 primarily at the time when we had the hydrogen people in both
3 rules.

4 MR. EISENHUT: There are emergency preparedness
5 aspects. There are two or three where we have a number of
6 things going on.

7 CHAIRMAN HENDRIE: Since we contemplate treating some
8 of those areas in other rules, I had in mind in particular
9 the operator qualifications, do we really want to exercise
10 the comments on these points?

11 MR. EISENHUT: We would say yes but during that
12 period of time we would be deciding which rule it goes into.
13 We assume we are going down the road of continuing to implement
14 737 even if and as if there were no other rules.

15 COMMISSIONER AHEARNE: There is a real advantage
16 to having this be a map of 737.

17 MR. EISENHUT: It is very difficult for the industry
18 to keep track of all these different pieces of requirements.

19 CHAIRMAN HENDRIE: Other questions?

20 COMMISSIONER BRADFORD: If you put this rule out
21 and adopt it, what is going to happen in a pending proceeding
22 100 and how many days it is from now? Is the presiding
23 officer suddenly going to have to recess the process and
24 provide everyone with an opportunity to comment on whether or
25 not their contentions have now been eliminated or reformulate

1 their contentions in light of the new rule?

2 MR. SHAPAR: I presume it would be governed by
3 appropriate motions from the parties to the extent the people
4 are litigating an issue that is moot. I assume one of the
5 parties would move to dismiss the contention. I would not
6 expect much of a disruptive effect in an ongoing proceeding,
7 particularly taking into account the nature of a number of
8 the proceedings that are going on now.

9 COMMISSIONER AHEARNE: Has this not happened in the
10 past?

11 MR. SHAPAR: I cannot call any examples where there
12 has been a disruptive effect.

13 COMMISSIONER AHEARNE: Have there been cases where a
14 rule has come out in a hearing?

15 COMMISSIONER BRADFORD: I doubt a rule quite like this
16 one, which is intended to sweep up most of the contentions
17 that are still pending, at least the TMI related contentions.

18 COMMISSIONER AHEARNE: I think hydrogen is the big
19 issue in many hearings related to TMI.

20 COMMISSIONER BRADFORD: At least it will not
21 ultimately. Somebody calls a motion, parties get to respond
22 to the motion. I suppose in the course of responding, will
23 inevitably in the alternative recast it and say it is an issue
24 of compliance and an issue of -- you have argument or
25 discussion over that. It looks to me as if it has a disruptive

1 impact on ongoing proceedings. I am not for it anyway but
2 that is your problem.

3 MR. BICKWIT: This has occurred in our office.
4 I think what the Commission ought to do before it goes to
5 final rule on any of this is look at the proceedings and see
6 whether there is any potential for disruption and cast its
7 effective dates so as to avoid any possible disruption. There
8 could be some.

9 COMMISSIONER AHEARNE: It is an interpretation of
10 what is "disruption." The process we have is we had a
11 set of actions in an attempt to decide what was appropriate
12 for new operating licenses. There is no need to go back over
13 all the heated controversy but one of the things that came out
14 of that was strong opinions by many people that we ought not
15 to do that type of putting in place without going through a
16 rulemaking. That is what we are doing.

17 There are two separate issues, should we have
18 rulemaking or if we do, should it not apply?

19 COMMISSIONER BRADFORD: My view was that we ought
20 not do it but if we did, at the very least, we had to go
21 through a rulemaking. The posture now is as of the December
22 policy statement, people are being told these matters are
23 litigatable and have gone ahead and litigated contentions.
24 In the extreme case, it is possible you have the rule coming
25 out in a proceeding in which the record is already closed and

1 the board is preparing its decision. I would think you would
2 want to think hard about an effective date so that you did not
3 require that board to reopen.

4 MR. BICKWIT: For instance, the board has decided
5 a requirement in 0737 is not necessary. The Commission if
6 it goes to final rule after the record is closed is obviously
7 going to necessitate the reopening of that record because
8 it will be obvious --

9 COMMISSIONER AHEARNE: Why?

10 MR. BICKWIT: If the Board has decided the 0737
11 requirement is not necessary --

12 COMMISSIONER AHEARNE: Doesn't that overrule the
13 board?

14 MR. BICKWIT: It will then require the question of
15 compliance with the new rule to be litigated again.

16 COMMISSIONER AHEARNE: If the Board says this is
17 not necessary and we say it is.

18 MR. BICKWIT: The question is whether there has been
19 compliance with that requirement. The board in my hypothetical
20 has not had to reach that question because it is determined
21 the requirement itself is not necessary.

22 The Commission may want it litigated. It may feel
23 so strongly about the requirement that it wants to see the
24 matter reopened. That is the kind of question that I think
25 ought to be looked at before the Commission goes to final

1 rule and making it effective upon publication or 30 days
2 thereafter.

3 MR. SHAPAR: I would agree we should take a quick
4 look. I think it is going to turn out to be largely
5 hypothetical in terms of a significant disruptive effect. To
6 the extent there is any disruptive effect of any significance,
7 you have to match the savings there in terms of days as
8 contrasted with actively litigating the issue in the absence
9 of the rule.

10 COMMISSIONER BRADFORD: Let me urge those of you
11 who might be considering it to at least seek comment on the
12 question of effective dates and possible impacts on pending
13 proceedings.

14 CHAIRMAN HENDRIE: Other comments?

15 (No response.)

16 CHAIRMAN HENDRIE: It still does not seem so clear
17 to me that one could not include the ORs in this, having to
18 go around again to have the comment on the OR rule in hand
19 in the same timeframe.

20 MR. CASE: The difference is as a minimum about
21 30 days.

22 CHAIRMAN HENDRIE: Why couldn't you take this rule
23 and on seven items you will say, these items do not apply to
24 reactors licensed after and on five, these do not apply to
25 reactors licensed before. That settles out the ones that

1 apply one way or the other. On all the others, reactors to
2 be initially licensed after so and so applies on the
3 following schedule, reactors licensed before said date,
4 the implementation schedule will be determined by the staff.

5 MR. CASE: That is a possible way of doing it.
6 It avoids a lot of time trying to figure out what dates to
7 put in. I am not sure it is legal.

8 MR. BICKWIT: It is legal.

9 You say this is an item up for comment.

10 MR. SHAPAR: It could be delegated to the staff
11 to set up the implementation date if that is what the
12 Commission wants to do and it is legal.

13 COMMISSIONER GILINSKY: Why can't you take the dates
14 in the document?

15 MR. DIRCKS: Then the comments will all be restricted
16 to those dates.

17 COMMISSIONER AHEARNE: Are you saying you know a
18 number of the OR dates to be wrong?

19 MR. DIRCKS: Yes.

20 COMMISSIONER AHEARNE: You do not know yet what
21 you would feel would be the right dates to put in for comment?

22 MR. DIRCKS: Right.

23 COMMISSIONER AHEARNE: You feel if you put in the
24 existing dates, it could be not very useful. Without
25 opposition, Darrell has made the point that you are going to

1 wait until you receive the OR comments until you put the OL
2 rule.

3 CHAIRMAN HENDRIE: If you can decide what to put in
4 the OR rule with regard to dates or not put in, in a couple
5 of weeks, and it is not so clear to me why not include it in
6 this, in one package. If it will not be a couple of weeks,
7 then you cannot do the OL rule and the OR rule in the same
8 general timeframe.

9 MR. DIRCKS: When Darrell said that, I think that
10 is from the practicality point of view, that is a way to go,
11 I don't know whether that is the way to go.

12 CHAIRMAN HENDRIE: You may have to thrash around
13 longer than a month in order to decide what you thought
14 proposed dates for ORs ought to be even to go out for comment.

15 MR. CASE: It seems to me like the first six month
16 period where you are about to issue orders on, you might not
17 even put dates for that in the rule because by the time you
18 get the rule out for comment and back, it will be over.

19 You have to do some thinking like that, too.

20 COMMISSIONER AHEARNE: The problem I see is neither
21 you or Bill disagree with Darrell and the logic of what he
22 said was you would not want to put out the final OL rule
23 until you had absorbed the comments from the OR people.

24 MR. EISENHUT: If you decide to go with an OR rule,
25 you do not want to go through the process of an OL rule, issue

1 an effective OL rule and say, now I am going to develop an OR
2 rule effective with the same items. You are going to get
3 better feedback from the people that have been trying to
4 implement them and actually facing a lot of the practicalities
5 later than you will in the OL.

6 COMMISSIONER GILINSKY: That sounds right. I think
7 there is something to be said for acting on a package that
8 everybody has put together. It seems to me we could give
9 notice that an OR rule is marching not very far behind this
10 one. I do not see why it cannot be done in two weeks.

11 MR. EISENHUT: In a couple of weeks, we should
12 adopt it from 737.

13 COMMISSIONER GILINSKY: Come in with the extra seven
14 items and twelve dates.

15 MR. EISENHUT: We could do that.

16 CHAIRMAN HENDRIE: Note you are especially interested
17 in the implementation schedule requirements.

18 MR. EISENHUT: In the OR.

19 CHAIRMAN HENDRIE: This would be a rule that would
20 apply to plants initially licensed for operation after some
21 date, after the effective date of the rule.

22 MR. EISENHUT: Anything that becomes an operating
23 reactor before then will -- that receives any formal license
24 before then will be classed an operating reactor. Sequoyan 1
25 is an operating reactor. Sequoyan 2 is an OL.

1 CHAIRMAN HENDRIE: That is a problem, too.

2 You have been writing this up with the errata.

3 MR. EISENHUT: Yes. We have a package with those
4 changes already incorporated.

5 CHAIRMAN HENDRIE: What is the inclination around
6 the table? Peter is not going to vote for this as a rule.

7 COMMISSIONER AHEARNE: I will go along with Vic.

8 CHAIRMAN HENDRIE: Would you be ready to vote on
9 that now, to tell staff to fix it as agreed upon and issue it,
10 put it in the Federal Register?

11 COMMISSIONER AHEARNE: Yes.

12 CHAIRMAN HENDRIE: Rather than waiting to see the
13 redraft.

14 COMMISSIONER GILINSKY: Yes.

15 CHAIRMAN HENDRIE: I will vote with that. I guess
16 you will vote against that.

17 COMMISSIONER BRADFORD: I have already turned in a
18 negative vote.

19 MR. BICKWIT: I would advise those voting for the
20 rule to pick up Peter's suggestion that comment be solicited
21 on the effective date and its application to pending
22 proceedings.

23 MR. DIRCKS: I see no reason why that should not be
24 done.

25 CHAIRMAN HENDRIE: Fine, please do it.

1 COMMISSIONER BRADFORD: I oppose the rule. If I have
2 a separate vote on that, I would urge you put it in.

3 CHAIRMAN HENDRIE: The Commission directs the
4 staff to correct and modify 81-246 proposed rule as the
5 discussion has indicated and get it published in the Federal
6 Register with a 90 day comment period and send it around to
7 all of the people who are likely to be interested in it and
8 do such other activities of publicizing it.

9 COMMISSIONER AHEARNE: On the request of people
10 who would want to comment on the effect on ongoing proceedings,
11 I am sure we will get comments from licensees and intervenors,
12 how do we go about getting comments from staff parties and
13 from the licensing board?

14 MR. BICKWIT: Staff does comment.

15 CHAIRMAN HENDRIE: There is nothing that prevents
16 the ASLB panel from being asked to comment.

17 COMMISSIONER AHEARNE: I would ask that question
18 be given to the panel.

19 MR. SHAPAR: The staff can comment either publicly
20 or give its summary at the time of the final rule.

21 COMMISSIONER BRADFORD: There is no shortage of
22 staff comments.

23 CHAIRMAN HENDRIE: Very good. Other comments?

24 (No response.)

25 CHAIRMAN HENDRIE: Thank you very much.

(Whereupon, the Commission meeting was adjourned
at 11:30 a.m.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
NUCLEAR REGULATORY COMMISSION

in the matter of: ^{proposed} Rule on OL Applications and Interim Amendments on
Hydrogen Control

Date of Proceeding: Thursday, April 30, 1981

Docket Number: _____

Place of Proceeding: Room 1130, 1717 H St., N.W., Washington, D.C.

were held as herein appears, and that this is the original transcript
thereof for the file of the Commission.

Marilynn M. Nations

Official Reporter (Typed)

Official Reporter (Signature)

COMMISSION BRIEFING

APRIL 30, 1981

PROPOSED RULE FOR

NUREG - 0737

OUTLINE

- I. INTRODUCTION
- II. NUREG-0737 BACKGROUND
- III. OL RULE
- IV. OR RULE
- V. RECOMMENDATION

COMPARISON OF OR AND
OL REQUIREMENTS IN
NUREG 0737

● ITEMS WITH IDENTICAL SCOPE AND SCHEDULE	64
● ITEMS APPLICABLE ONLY TO OR'S	7
● ITEMS APPLICABLE ONLY TO OL'S	5
● ITEMS WITH SAME SCOPE BUT DIFFERENT IMPLEMENTATION SCHEDULE	12
	—
TOTAL	88

ERRATA

- I. The following whole items were inadvertently omitted:
 - (1)(Lii) - ECCS outages
 - (1)(Liii) - study on eliminating manual actuation of ADS
 - (2)(xvii) - design submittal for ADS modifications
 - (2)(xviii) - restart of LPCI, CS on low water level

- II. The following corrections should be made to bring the rule language in closer conformance to the NUREG-0737 requirement:
 - item (1)(ii) - added requirement for an SRO applicant to be experienced
 - item (1)(xiv) - revised language to reflect need for safety-grade features
 - item (1)(xxv) - added requirement of independence from ICS
 - item (1)(xL) - revised to require procedures pending equipment changes. Design requirement moved to (2) (xvi)
 - miscellaneous editorial changes.

IMPLEMENTATION DATE
EXCEPTIONS TO NUREG-0737
(REQUESTED OR EXPECTED)

<u>PLANT</u>	<u>ITEM</u>	<u>-0737 REQ.</u>	<u>REQUESTED</u>
ALL	II.D.1 RELIEF & SAFETY VALVE TEST REQUIREMENTS	1. 7/1/81 2. 10/1/81	APP. 2/82 APP. 7/82
NORTH ANNA 2	II.F.2 INADEQUATE CORE COOLING	1/1/82	1ST REFUEL >1/1/82
SEQUOYAH 1	II.B.1 RC SYSTEM VENTS	7/1/82	1ST REFUEL >1/1/82
	II.B.3 POST ACC. SAMP.	1/1/82	
	II.F.1 CONTAINMENT RAD. MONITORS	1/1/82	
	II.F.2 INADEQUATE CORE COOLING	1/1/82	

IMPLEMENTATION DATE
EXCEPTIONS TO NUREG-0737

<u>PLANT</u>	<u>ITEM</u>	<u>-0737 REQ.</u>	<u>LIC. COND.</u>
FARLEY 2	II.F.2 SUBCOOLING MONITORING SYS.	OL	<5%
	II.B.2 PLANT SHIELDING	1/1/82	4/1/82
SALEM	I.A.1.3 SHIFT MANNING	FL	6/1/81
	II.E.1.2 AUX. FEEDWATER	4 MD. OL	7/1/81
	III.D.1.1 MEASURE LEAK RATES	FP	60% FP
	II.B.1 RCS VENTS DESIGN	FP	7/1/81

COMMISSION BRIEFING

APRIL 30, 1981

PROPOSED RULE FOR

NUREG - 0737

OUTLINE

- I. INTRODUCTION
- II. NUREG-0737 BACKGROUND
- III. OL RULE
- IV. OR RULE
- V. RECOMMENDATION

COMPARISON OF OR AND
OL REQUIREMENTS IN
NUREG 0737

● ITEMS WITH IDENTICAL SCOPE AND SCHEDULE	64
● ITEMS APPLICABLE ONLY TO OR'S	7
● ITEMS APPLICABLE ONLY TO OL'S	5
● ITEMS WITH SAME SCOPE BUT DIFFERENT IMPLEMENTATION SCHEDULE	12
	—
TOTAL	88

ERRATA

- I. The following whole items were inadvertently omitted:
- (1)(Lii) - ECCS outages
 - (1)(Liii) - study on eliminating manual actuation of ADS
 - (2)(xvii) - design submittal for ADS modifications
 - (2)(xviii) - restart of LPCI, CS on low water level
- II. The following corrections should be made to bring the rule language in closer conformance to the NUREG-0737 requirement:
- item (1)(ii) - added requirement for an SRO applicant to be experienced
 - item (1)(xiv) - revised language to reflect need for safety-grade features
 - item (1)(xxv) - added requirement of independence from ICS
 - item (1)(xL) - revised to require procedures pending equipment changes. Design requirement moved to (2) (xvi)
 - miscellaneous editorial changes.

IMPLEMENTATION DATE
EXCEPTIONS TO NUREG-0737
(REQUESTED OR EXPECTED)

<u>PLANT</u>	<u>ITEM</u>	<u>-0737 REQ.</u>	<u>REQUESTED</u>
ALL	II.D.1 RELIEF & SAFETY VALVE TEST REQUIREMENTS	1. 7/1/81 2. 10/1/81	APP. 2/82 APP. 7/82
NORTH ANNA 2	II.F.2 INADEQUATE CORE COOLING	1/1/82	1ST REFUEL >1/1/82
SEQUOYAH 1	II.B.1 RC SYSTEM VENTS	7/1/82	1st REFUEL >1/1/82
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	II.F.1 CONTAINMENT RAD. MONITORS	1/1/82	
	II.F.2 INADEQUATE CORE COOLING	1/1/82	

IMPLEMENTATION DATE
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	III.D.1.1 MEASURE LEAK RATES	FP	60% FP
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COMMISSION BRIEFING

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April 20, 1981

RULEMAKING ISSUE

SECY-81-246

(Affirmation)

FOR: The Commissioners

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: PROPOSED RULE RELATED TO TMI-2 REQUIREMENTS
FOR OPERATING LICENSE APPLICATIONS

Purpose: To obtain Commission approval for publication
of proposed amendments in the Federal Register
for comment.

Discussion:

A proposed Rule has been developed that incorporates into 10 CFR Part 50 a set of TMI-2 related requirements for operating license applications. These requirements are the same set contained in NUREG-0737. The approach taken in the proposed rule is similar to that taken for TMI-2 requirements for near-term construction permit applications.

There are two aspects of this proposed Rule that warrant highlighting.

- I. Several of the items applicable to operating license application reviews, as contained in NUREG-0737 and listed below, are being addressed in other decisional processes. All NUREG-0737 items are nevertheless itemized in this proposed Rule for completeness and clarity.
 1. Certain NUREG-0737 items related to Emergency Preparedness are listed only for completeness, since they have already been issued as effective regulations.
 2. Several items from NUREG-0737 are being included in the Interim Degraded Core Cooling final Rule and in proposed rule changes regarding operator qualification, shift manning, and overtime that are under preparation. Since these rules have not yet been finalized, the enclosed rule includes those same items and, we

DUPLICATE

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