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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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JOINT MEETING OF COMMISSION AND  
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

- - -

Nuclear Regulatory Commission  
Room 1046  
1717 H Street, N.W.  
Washington, D. C.

Friday, June 5, 1981

The Committee and the Commission met, pursuant to  
notice, at 3:04 p.m.

PRESENT:

- JOSEPH M. HENDRIE, Chairman of the Commission
- J. C. MARK, Chairman of the Committee
- P. SHEWMON
- M. PLESSET
- C. P. SEISS
- D. MOELLER
- M. BENDER
- W. KERR
- M. CARBON
- W. M. MATHIS
- D. WARD
- J. C. EBERSOLE
- D. OKRENT
- H. LEWIS
- J. J. RAY

DESIGNATED FEDERAL EMPLOYEE:

- E. G. IGNE

8106090361

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1 question of how do you get at possible things like basic  
2 requirements for future LWRs and how do you get enough  
3 resources for rulemaking and still accomplishing licensing  
4 without impacting things.

5 I guess, in fact, I for one would be interested in  
6 hearing, Joe, what you think are the possibilities with  
7 regard to resources, whether there is any opportunity for  
8 what some of the people on the West Coast talk about when  
9 they are talking about buying homes.

10 (Laughter.)

11 CHAIRMAN HEKDRIE: Maybe we could introduce  
12 something to appropriations about that.

13 (Laughter.)

14 Resources are a problem now, as they have always  
15 been, perhaps as acutely now as at any time in the past.  
16 The mandate that Harold has in NRR, which is not all of the  
17 area of interest to the committee but is a central chunk of  
18 it, certainly, is to mind the operating reactors, to move  
19 the case work, and try to avoid downstream licensing delays  
20 on completed plants, to maintain the pace on the unresolved  
21 safety issues and on the priority-one items identified in  
22 the TMI action plan, and as necessary then to slack back on  
23 lower priority in generic matters and lower priority action  
24 plan items.

25 We have a mandate in the '81 supplemental

1 appropriations and recision bill which is now, for all  
 2 intents and purposes, final. The bill as it ends up will  
 3 clip us something, I guess, on the order of \$8 million in  
 4 funding level, proposing a direct recision of \$5 million in  
 5 the agency budget, together with not appropriating any  
 6 additional funds for the federal pay raise, which have been  
 7 variously estimated as being as much as \$4.5 million in  
 8 '81. I think it will probably turn out to be more like 3.

9           So that cuts us back about 8 for the rest of the  
 10 fiscal year. The funding level, or the personnel ceiling,  
 11 is set at 3300, which is down 36 slots from the previous  
 12 expectation. And we are further mandated to move an  
 13 additional 25 positions into the licensing branch.

14           I think that the dollar side will cramp us a  
 15 little bit, but not fatally. The loss of positions from the  
 16 agency total means that we will have to do yet one more  
 17 shuffling of the slot allotments between the sections and in  
 18 the licensing piece of NRR. They will require 25 more than  
 19 they perhaps might have otherwise. That remains to be  
 20 worked out in detail.

21           There has always been a lot of things that the  
 22 staff might want to do or that the Commissioners might want  
 23 the staff to do for which resources have been hard to come  
 24 by, and that just is going to continue to be true.

25           I think, by and large, we have been relatively



1 well treated by both the administration and the Congress in  
2 the sense that I see some other agencies whose positions in  
3 this regard is pretty important, have been really hacked up  
4 pretty badly. So though we have some cuts here, it is not  
5 really -- they are relatively small on the scale of these  
6 things.

7 I do not think there are any -- I do not have any  
8 very profound thoughts to offer on resources. What gets  
9 done and what gets set aside is a matter of, and always will  
10 be, I guess, a matter of considerable argument, differences  
11 in point of view among the offices of the staff, the  
12 Commissioners, within the committee itself, I suspect, in  
13 regard to a committee view versus staff and Commissioner  
14 views.

15 Out of that thrashing around, we eventually have  
16 to come to an apportionment of resources that in some  
17 overall way tries to select the higher priority things and  
18 try to get them done. Inevitably, the lower priority ones  
19 are just going to slip down the line. So that means with  
20 regard to any particular proposition -- for instance, trying  
21 to sketch out some clearer bases for new reactor designs in  
22 the future -- whether that gets to be an immediately worked  
23 on proposition or not depends on the outcome of the assorted  
24 arguments and discussions.

25 Ultimately, the major policy sorts of decision

1 efforts in terms of budget review, we get down to haggling  
2 whether one more person should go to the office of general  
3 counsel or to Denton or whatever. So I guess the Commission  
4 gets down at least once a year to the first-line detail and  
5 three Commissioners who see eye to eye on the point can make  
6 it work.

7 (Laughter.)

8 And that is the ultimate decision point in the  
9 agency, unless, of course, we get a congressional mandate,  
10 you know, legislation that says, "Shut up and do this: don't  
11 do that." If that is the case, why, more or less we do it.

12 MR. MARK: When you mentioned the 25 additional  
13 warm bodies in licensing mandated I guess by the FY '81  
14 supplemental --

15 CHAIRMAN HENDRIE: Yes, this would be controlling  
16 now for the period in which the '81 -- during fiscal year  
17 '81.

18 MR. MARK: I was wondering how permanent a shift  
19 that is. There will be another pass at this. There is  
20 another number written down, I suppose, for '82 which I did  
21 not pay attention to.

22 CHAIRMAN HENDRIE: I was trying to decide whether  
23 I remembered the position in the '82 appropriations acts as  
24 they are working their way forward, and I guess offhand I do  
25 not remember enough to be able to say positively.

1 MR. MARK: I obviously had in mind --

2 CHAIRMAN HENDRIE: I do not think the '82  
3 appropriation act contains the same kind of language.

4 MR. MARK: The need for advancing licensing, which  
5 is very obvious in many people's minds now, is going to  
6 persist for some rather finite time, possibly a year, since  
7 there are not things approaching the operating license very  
8 far back in very large numbers. I say, a year.

9 CHAIRMAN HENDRIE: Go ahead and make the point  
10 that follows from that. I do not agree with the premise,  
11 but I might agree with the balance of the proposition.

12 MR. MARK: X months where X might be 12 or more.  
13 25 assigned to licensing, however, will not necessarily be  
14 appropriate after some time. I was wondering whether one  
15 gets in the spot where it becomes legally required or can we  
16 retract from it when things change?

17 CHAIRMAN HENDRIE: Well, for the period of  
18 applicability of the bill, which is just until October 1,  
19 why, it operates with a fairly strong mandate. One swims  
20 uphill against the laws of the United States at a certain  
21 personal risk, having sworn to uphold it and so on.

22 (Laughter.)

23 On the other hand, a cat may be skinned from an  
24 almost infinite number of directions, and the committee,  
25 after all, did not describe in detail the base from which



1 the allotment of 25 positions is to be made. So we still  
2 have to see.

3 I tell you this is an initiative from the House  
4 appropriations side, and they have been among the most vocal  
5 of all our congressional commenters on the face of  
6 licensing. And it has been their intent in this bill to  
7 speak rather harshly in the manner of a muleskinner who  
8 wants to get the attention of the animal. And so before he  
9 gives it any directions, he kicks it in the ribs as hard as  
10 he can. And while the mule is looking to see what that was,  
11 he gets instructed, you know.

12 And it seems to me we are beginning to come into  
13 pretty good shape on licensing. Whether we keep it up is a  
14 matter worth thinking about. There may be some heavy  
15 problems, but we are beginning to move, and I think the  
16 committee perceives that as the case. So that if what at  
17 the moment is their concern is satisfied, then they are not  
18 going to give us this kind of detailed process and punishing  
19 sorts of language for the agency.

20 So I think maybe the '82 bill will not have either  
21 any, or at least not this kind of language, and we will  
22 see. If we keep things moving, why, I think it will go  
23 away. If it does not move, why, they will be back in with  
24 more of the same, I am quite sure.

25 If I have any luck the rest of this month with a

1 couple of plants and manage to authorize the issuance of  
2 those licenses, that will be four since the first of March,  
3 and I will be able to exit from office known as  
4 "one-a-month-Hendrie."

5 (Laughter.)

6 "The great licenser." That is not bad.

7 (Laughter.)

8 That ought to take some pressure off. But I think  
9 with regard to the 12-month problem, I think it is a  
10 longer-range problem than that, because it is going to be a  
11 fight for a couple of years to keep the staff reviews moving  
12 at a pace that will allow reasonable times for hearings on  
13 these OL plants, so that licensing decisions can be reached  
14 by the time that plants are ready.

15 I think we are still going to have a problem a  
16 couple of years from now, and I think we have not yet begun  
17 to feel any impact of the emergency planning rules. I do  
18 not know whether it will be a major issue in every case, but  
19 I think there may still be lots of problems for an extended  
20 time.

21 MR. MARK: In the paper today it looked like you  
22 were relieved of such problems, passing full-power licenses  
23 while the hearings proceeded, it says.

24 CHAIRMAN HENDRIE: That is a provision which I  
25 personally have advocated, advocating 5 percent operating

1 power before the license is granted. That authority runs  
2 out depending upon the version which you look at. It runs  
3 out either October 1, '83, or the end of '83. It was meant,  
4 oh, at least to cover the short-term projects.

5           It is possible it could be extended, but I would  
6 not be surprised -- I kind of think it will not be. I think  
7 the agency will be expected to arrange its affairs so as not  
8 to need to exercise that.

9           Furthermore, that does not relieve the problems of  
10 the emergency planning rule. The proposed legislation says  
11 only that a unit which is completed and meets all of the  
12 requirements of the law and the Commission's regulations and  
13 is prevented from going into operation only by the fact that  
14 a hearing continues to be in process or is scheduled, that  
15 we can issue an interim license at full power.

16           Now, if there are emergency planning issues that  
17 are still not resolved, state plans that have not been  
18 completed satisfactorily or what have you, why, then it does  
19 not meet the conditions of the law for granting of a license.

20           MR. BENDER: Joe, this is a slight regression from  
21 the exact subject. But because you seem to be advocating  
22 the one-stop licensing concept, I would like to hear your  
23 view of what the timing is likely to be for granting a  
24 license in view of the kind of things you just said, where  
25 you have to deal with matters like having the emergency plan

1 in place knowing that the operating contingent is ready to  
2 operats.

3           What is it that you envision would be licensed at  
4 the time on a one-stop licensing act?

5           CHAIRMAN HENDRIE: What do you mean by the  
6 "one-stop licensing"?

7           MR. BENDER: The concept of having one -- a  
8 license dealt with in one action to construct and operate,  
9 which I think has been proposed. Maybe I do not understand  
10 the concept. Is that not the concept?

11           CHAIRMAN HENDRIE: No.

12           MR. BENDER: What is the concept?

13           CHAIRMAN HENDRIE: Are you referring to the piece  
14 of legislation that is working its way, hopefully, toward  
15 adoption by the Congress?

16           MR. BENDER: Yes.

17           CHAIRMAN HENDRIE: That is solely a measure to  
18 give the Commission authority for the next two years,  
19 approximately, to issue an interim operating license.

20           MR. BENDER: No, I think I did not ask the  
21 question right. They are separate. For a long time there  
22 has been a campaign, as I understand it, from the DOE and  
23 the Congress to just have one licensing action rather than  
24 having an operating license and a construction license.

25           And I guess the question I am asking is this: If

1 there are advocates of that idea -- that is, granting --  
2 having one licensing action -- when would such a license be  
3 granted, and what would people envision might be covered?  
4 Is that an unfair question to ask you?

5           CHAIRMAN HENDRIE: It is a proposition which has  
6 been proposed by an assortment of people in an assortment of  
7 forums for an assortment of years, as a matter of fact. We  
8 had a provision like that in the Commission-generated  
9 licensing reform legislation, legislative proposal, in '77,  
10 in early '78. There was a similar proposal in the  
11 administration's bill of the same time. There were a number  
12 of hearings before the Congress.

13           Those initiatives had been around quite a while  
14 before then. It comes up from time to time. A bill  
15 proposed by a member of Congress or proposals made by  
16 somebody, and it can certainly take a variety of forms.

17           But the basic proposition would be to ask that  
18 when a new project first comes into the house, that there be  
19 a sufficient level of completion in the design so that what  
20 could be reviewed by the staff and dealt with in a hearing  
21 would be a safety analysis which was a pretty good  
22 approximation to being a final safety analysis.

23           Now, at that kind of stage you are not going to  
24 know a number of things that you normally know when the  
25 plant is at the OL stage. So you are going to have to deal



1 with things like the capacity of the safety-related pumps in  
2 terms of acceptable operating ranges rather than at a  
3 guaranteed performance curve from a pump vendor. And that  
4 will complicate the review and analysis process.

5           And there may be some areas which you have to deal  
6 with the analysis from a licensing -- from a permission  
7 standpoint and a licensibility standpoint by setting some  
8 requirements which the applicant commits to meet. And if  
9 that can be done, then what the applicant receives at that  
10 initial stage and time corresponding roughly to the  
11 construction permit time now, except he would have to have  
12 it substantially more complete, would be a combined  
13 construction permit and operating license. And what it  
14 would say is that when you get it built we are going to look  
15 at it and see if you have built it the way we agreed here  
16 and examine any deviations or any new propositions in hand  
17 and, barring very substantive matters on those, we find  
18 everything is all right, then you get an operating license.  
19 Then you get the plant built.

20           Inevitably, there will be some things that work  
21 out differently for one reason or another, and there very  
22 well could be a further hearing at that stage. But there  
23 would be a rather high threshold for formal hearing  
24 someplace where the guideline, for instance, is that he  
25 simply had to go and approach a safety problem quite

1 differently than he had at the initial stage.

2           And what you would hope is that in the majority of  
3 cases there would not be contentions about the plant which  
4 would reach that threshold for formal hearing.

5           Then the operating license stage consists of an  
6 examination of the staff of is it built according to the  
7 safety analysis we went through back then, and check off all  
8 the other requirements, the regs, everything else, and in  
9 the case a finding of the staff that it meets the  
10 requirements of the initial document, then you could start  
11 operation.

12           The Commission will discuss that decision or not  
13 with the staff, depending upon the information it has at  
14 that time.

15           MR. EBERSOLE: Because the regulatory guides are  
16 sometimes so ambiguous, there comes a point in time when you  
17 have to make interpretations as to what they mean. That  
18 process suggests to me a greatly improved degree of  
19 communication between the regulator and the designer. And I  
20 have no problem with that, although I know a lot of people  
21 think that if you get that close to the design, you become  
22 embroiled and that it becomes part of your own process.

23           I do not see any real problem there, and I see a  
24 great deal to be had. In following the design evolution a  
25 great deal more tightly than we do now. What do you think

1 about that? The English do it.

2           CHAIRMAN HENDRIE: It is more of a problem for us  
3 than it is for the English, because the regulatory systems  
4 are substantially different in terms of the postures that  
5 the various parties have with regard to one another.

6           It probably would be a desirable proposition for  
7 us to be able to keep track of the evolution of the designs  
8 better than we do in that period between the CP and the OL,  
9 when he is pretty well free to go ahead and get it built,  
10 then we will see what he has got.

11           By the time any such proposition as those we talk  
12 about now could become operative, I suspect it would be  
13 pretty well over the current crunch on getting the operating  
14 license process moving reasonably well, and we could very  
15 well have sufficient staff to do that.

16           In the past pre-TMI, why, that was not normally  
17 the case. There simply were not staff available to keep an  
18 eye on it. When you finally got the CP, you know, that was  
19 the end. The people file the final safety analysis and then  
20 we go to work on the OL stage.

21           But I suspect in a few years the problem would not  
22 be so great, and there will be staff, and we probably would  
23 want to follow closely the progress. So I think it is  
24 feasible from a resource standpoint, feasible from a timing  
25 standpoint as these other elements fall into place.

1           We need legislation to authorize that kind of  
2 procedure. On the one hand, probably more significantly, we  
3 need a financial sort of overall climate on the utility side  
4 that makes a new plant possible, a new nuclear plant  
5 possible.

6           MR. MARK: Dave, I am not sure that you managed to  
7 get the answers that you thought should have been available,  
8 but you probably got the answer that is available.

9           MR. OKBENT: Well, I did not want to ask a  
10 question any more difficult than I did since -- well, Bill  
11 Kerr has his hand up.

12           MR. KERR: I have begun to gradually realize only  
13 recently that the NEC staff does not have a QA program. In  
14 the light of the importance attached to QA and reactor  
15 safety, I guess I am puzzled a little, if I interpret the  
16 answers to questions I have raised correctly, that one does  
17 not exist. It seems to me it might have a salutary  
18 influence.

19           CHAIRMAN HENDRIE: It is very hard to say negative  
20 things about quality assurance. I guess the only comment I  
21 would make, looking at quality assurance as a general  
22 proposition in the nuclear field, is that I would be much  
23 happier if I were assured that the improvement in the  
24 quality of the work that is finally done and the operations  
25 that are finally carried out was compatible with the volume



1 of paper in assuring what we call quality assurance.

2           MR. KERR: It just occurs to me that firsthand  
3 experience with a program might be a significant learning  
4 process.

5           CHAIRMAN HENDRIE: Well, I think probably that is  
6 the case. And indeed, from the standpoint of staff  
7 activities, why, every once in a while we find out that what  
8 we regard as the built-in quality assurance mechanisms --  
9 internal review and higher-level oversight and so on -- if  
10 they do not work, then questions about whether you might  
11 want to make a more formal organization might come up. I  
12 suspect that is something we will want to think about a long  
13 time.

14           The fact that there are signed papers that say --  
15 we have a great predilection in quality assurance activities  
16 to regard production of pieces of paper as a thing that has  
17 to be done. It is not always clear to me that the results  
18 are fully compatible with that.

19           MR. MARK: If there are no points generally  
20 related to the topics -- I guess it was a topic -- obviously  
21 people are interested, I am sure not merely here, on whether  
22 the FY '81 supplemental appropriation, or misappropriation,  
23 the \$8 million you mentioned, where it is likely to impact.  
24 You said you thought you could find the \$8 million easily  
25 one way or the other. Well, those were not your exact



1 words. But are there ways in which it is likely to impact  
2 activities of the people here in the FY '81?

3 CHAIRMAN HENDRIE: I see Bill Dircks has slipped  
4 away. I thought we would take a piece out of it out of your  
5 travel budget.

6 (Laughter.)

7 MR. MARK: We are looking at it.

8 MR. KERR: We could all get to Washington.

9 CHAIRMAN HENDRIE: Could you all do this by  
10 conference telephone?

11 MR. SIESS: Continuously.

12 CHAIRMAN HENDRIE: I would not think it would  
13 impact the committee in a direct way until we sort out  
14 exactly where we will squeeze it out and how. Well, it is  
15 pretty hard to say. We do have some problems with travel  
16 fund limitations that occasionally bind in terms of being  
17 able to send as many people to as many places as we would  
18 like. I do not think that will affect the committee. It  
19 does affect the staff. The controller will search around  
20 and find some research contract and put it off past the  
21 first of October and --

22 MR. MARK: We had thought perhaps you would just  
23 take it out of your entertainment funds.

24 (Laughter.)

25 CHAIRMAN HENDRIE: Well, let's see, the

1 entertainment fund, that is about --

2           MR. MARK: I remember the first form of the House  
3 appropriation bill.

4           CHAIRMAN HENDRIE: Yes. I cannot remember. In  
5 '81, it was \$12,000 and '82 was going to be \$3000 or whether  
6 '81 was \$3000 and '82 was going to be, you know, bigger. It  
7 does not make much difference in a budgetary sense. It is a  
8 minor inconvenience.

9           MR. MARK: Well, that will have to be worked over,  
10 and I presume we will hear as soon as anyone else if things  
11 are going to affect us in a way that we need to adjust to.

12           CHAIRMAN HENDRIE: Yes.

13           MR. MARK: Our travel is already giving us not  
14 unease, but let us say we are going with a yellow light, I  
15 think.

16           CHAIRMAN HENDRIE: Well, the agency's travel funds  
17 have tightened up. So I think the committee ought to, you  
18 know, sort of travel with a yellow light, in the sense of  
19 just recognizing that travel funds that you use that could  
20 reasonably have -- you could have reasonably avoided having  
21 expended are not going to be available for staff people and  
22 consultants to go to plants, make inspections, and so on.

23           But I think the committee's operation, in a dollar  
24 sense, is not a large enough one so you are a very fruitful  
25 source for retrieval of funds.

1 MR. LEWIS: Have you done a cost-benefit analysis?

2 (Laughter.)

3 CHAIRMAN HENDRIE: Well, committee members  
4 traveling write fewer memoranda than committee members who  
5 are stationary either here or other places. So there is a  
6 balance there. In some ways we might be better off to give  
7 you more travel funds and encourage you to stay in motion a  
8 greater fraction of the time.

9 (Laughter.)

10 MR. OKRENT: You know, that is not necessarily a  
11 good assumption. 4-1/2 hours from Los Angeles to Washington  
12 is just the right time to write a memo, a draft letter.

13 CHAIRMAN HENDRIE: Well, maybe we could arrange a  
14 new class: standing, standing at the back of the plane or  
15 something like that.

16 (Laughter.)

17 Spence used to say he could not write memoranda on  
18 the plane unless he traveled first class. Well, we will  
19 figure out something.

20 MR. MARK: Well, the people involved will meet the  
21 needs. You probably knew John Archibald Wheeler. He could  
22 write a memorandum sitting in the old Los Angeles Airport.

23 MR. LEWIS: He was a phenomenon. He could also  
24 say, "I now have seven minutes. I believe I will sleep."  
25 And then he would sleep for seven minutes and then get up

1 and write a memorandum.

2 (Laughter.)

3 MR. MARK: I think this third item is perhaps not  
4 really a question, because unfortunately we probably know  
5 the answer. But we ought to bring it to your attention.

6 We, as you will recall, requested the staff be  
7 strengthened for the coming year by about ten more bodies.  
8 And that was not really just a round number picked out of  
9 the air. It was the result of an attempt on our part, I  
10 think, as much as anyone, to correlate the number of things  
11 they saw coming and the number of people who would be needed  
12 to handle them.

13 They have gone through that exercise again, and  
14 they have modified it. They figured out that about 8-1/2  
15 might possibly handle the revised spectrum of stuff for '82,  
16 as they see it coming.

17 I think the OMB went forward with three under the  
18 previous administration. And the present administration is  
19 one, unless the '82 budget, which has not quite settled  
20 down, changes. It is not that certain.

21 I do not ask that you give it to us here and now,  
22 but there is probably going to be a need to say to the  
23 committee, "We wish you would" -- well, a little phrase like  
24 in the PPPG, what do you need for future attention and what  
25 do you intend to do between now and then?

1           As I say, you probably cannot answer that. We do  
2 not even know to what extent the problem -- what measure the  
3 problem is factored in. But there is a problem, and it is  
4 not just a slight one where you could work Saturday  
5 afternoon and brings things back.

6           CHAIRMAN HENDRIE: There is and will continue to  
7 be a people crunch, a people pinch, as we shuffle and see  
8 where these 3300 are to be apportioned. I think that is  
9 also the '82 number.

10          MR. MARK: Yes.

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1           COMMISSIONER HENDRIE: No growth is contemplated.  
2 In fact, it cuts back 36. So I -- when you get to talk to a  
3 new set of Commissioners about it directly, I think they  
4 will find it very difficult to make much of an addition to  
5 staff, and I think we will have to look at the things you do  
6 much in the way the staff has had to look and decide that  
7 these are things they really have to do, and here are some  
8 things that we ought to do but they are going to have to be  
9 set back.

10           I think that is a reasonable subject for  
11 discussion between the Committee and the Commission, and I  
12 would think the Commission would not want to mandate to you  
13 sort of a progression of priorities without substantial  
14 recommendations -- input from the Committee. I certainly am  
15 not going to suggest to you what you ought not do. Other  
16 people will have to deal with that problem. It certainly  
17 deserves more discussion.

18           MR. MARK: This is something that will probably  
19 have to be given a little attention.

20           MR. SIESS: I would like to mention that the  
21 no-growth point really does not apply to our duties, because  
22 our duties have been growing by leaps and bounds, things the  
23 Commission has requested us to do or the Congress has  
24 requested us to do. We are not doing too many things that  
25 somebody does not ask us to do.

1           We are doing a lot more things than we did when  
2 all we did was reviewing cases. And now we are getting five  
3 cases coming in in one month, maybe. So the growth is there  
4 and the Committee is not any bigger.

5           COMMISSIONER HENDRIE: That is a characteristic of  
6 the staff's problem. And I think the Committee on balance  
7 is as well suited as anybody hereabouts to look at the  
8 things it does, it can do, and make some recommendations.  
9 If it gets cut back, you have to do things which are of  
10 higher priority.

11           The Commission will be apt, I will gratuitously  
12 point out to you, be apt to act towards you in precisely the  
13 way the Committee on occasion acts toward the staff. That  
14 is, the Committee says, gee, we have more than we can do and  
15 we've got to cut back, and guess what, the Commission chucks  
16 a couple of more things your way they not only had not heard  
17 but they did not believe you.

18           (Laughter.)

19           The point of view is, over on those chairs, with  
20 regard to --

21           MR. SIESS: I do not know how well it would be  
22 received if we asked the Commissioners not to write us so  
23 many letters asking questions and asked the Congressmen to  
24 do the same.

25           COMMISSIONER HENDRIE: Well, it seems to me that

1 to the extent that you are taking up chores at the request  
2 of Commissioners or Congressmen which in the collective view  
3 of the Committee detract from its ability to perform its  
4 fundamental and statutory purpose, you not only have a clear  
5 right in my opinion, but a responsibility to write back and  
6 say: Look, chum, we are here under the provisions of the  
7 Atomic Energy Act to do the following, and if we keep  
8 answering your damn fool letters we're not going to be able  
9 to do it.

10 (Laughter.)

11 Now, you know in subsequent drafts you might  
12 modify the language --

13 (Laughter.)

14 But you know, it seems to me that that is not an  
15 unreasonable proposition at all.

16 MR. EBERSOLE: It suggests a great standard  
17 letter.

18 (Laughter.)

19 COMMISSIONER HENDRIE: Because I notice an  
20 increasing inclination for the Committee to be addressed  
21 directly by all manner of folk from far and near. And you  
22 know, I think you have a perfectly reasonable basis to say  
23 you are not constituted to be correspondent with anybody  
24 with an 18 cent stamp and an envelope.

25 MR. MARK: These come franked.

1 (Laughter.)

2 COMMISSIONER HENDRIE: Congressmen always expect  
3 to get soft and mushy answers to questions when they are  
4 responded to by full-time government employees, and there  
5 are good reasons for that. Your status as an independent  
6 body as experts who are not in fact full-time government  
7 employees gives you a certain latitude, which if you do not  
8 exercise it, A, you lose it, B, I do not think you are  
9 getting all the benefits that are due you.

10 MR. MARK: David?

11 MR. OKRENT: Can I ask a question that gets back  
12 to resources? Joe has had a fairly broad range of  
13 experience and maybe he would volunteer an answer.  
14 Frequently issues arise like, you know, what kind of a level  
15 meter should be had on a pressure vessel or what should be  
16 the qualification of -- with regard to seismic events or so  
17 forth, or at least in some cases we might say it is  
18 reasonable to ask the licensee to develop an argument for  
19 why what he has got is okay or why what he plans to do is  
20 okay.

21 And one might at least conceive an approach where  
22 the staff does not develop an equivalent regulatory guide,  
23 you know, or a position as to what he needs to do. Now, I  
24 say in theory one could envisage that that might be an  
25 approach. Now in practice it might turn out, in order for



1 the staff either to review what they submit or in fact to  
2 get them to do anything close to what they think is  
3 reasonable, they have to have something fairly specific in  
4 mind.

5           If the latter is always going to be the case,  
6 then, you know, we sort of have to get what some people call  
7 a prescriptive mode, and you cannot really shift  
8 responsibility to the licensee that many people say is  
9 really theirs.

10           Can you offer any comments on this kind of  
11 question? Do you see any trend that might change or so  
12 forth?

13           COMMISSIONER HENDRIE: Yes. The trend I see is we  
14 are going more in the prescriptive direction, having been  
15 questioned multiply about its pitfalls two years ago. We  
16 have been going vigorously, more vigorously in that  
17 direction than before, for reasons which I find hard to  
18 fault and participate in myself.

19           We need to get some resolution to this thing and  
20 you can see, it seems at least clear enough to a group of  
21 us, that if you will put in a three-quarter inch widget,  
22 why, that would do it. There might be other ways to do it,  
23 but a three-quarter inch widget would be okay. Now, why  
24 don't we just order everybody to put in three-quarter inch  
25 widgets and stop arguing about it? Otherwise a year from



1 now we will still be looking at complicated analyses of why  
2 some other kind of proposition is better and nothing will  
3 have been done.

4           So you know, you can see why you get driven in  
5 that direction. And I have not seen, over this time of  
6 enormous thrashing post-Three Mile Island, I have not seen  
7 any way to avoid it.

8           I have some small hope that we may be approaching  
9 a time when we have as little opportunity to try to think  
10 again about those three-quarter widgets and perhaps  
11 reorganize some of that. The orders and bulletins and  
12 agreements and regulations, reg guides, that in fact are  
13 required, reg guides that are mostly required, some staff  
14 member's paper at a conference in Chicago that is required  
15 -- good God, if you really had to compile all the absolute  
16 -- you know, all of the regulatory material which is in fact  
17 compelling in terms of what the fact -- in terms of what the  
18 staff requires, we cannot do it because we cannot identify  
19 it.

20           It is not just the regulations, it is an awful lot  
21 more. In the course of trying to reorganize some of that to  
22 include more rational, more understandable, more  
23 identifiable formats, I would hope there would be some  
24 opportunities to latch onto some of the more prescriptive  
25 stuff. But every time you try to do that in an area, why,

1 you will run into all kinds of difficulties.

2 I am going to launch one in the next week or ten  
3 days and then, having dealt the container into the fan, I am  
4 going to go off and you can do with it what you will. It is  
5 on ATWS. The staff has had various propositions before us,  
6 some modified little brief ones that have gone on and on  
7 beyond the memories of man.

8 And I have struggled with the latest one for a  
9 long time and I just cannot get around it and feel  
10 comfortable with it in any way. It is too much a Chinese  
11 menu in which you pick one from column A and two from column  
12 B and any three from column C and somehow that takes care of  
13 ATWS. And it has to my mind all kinds of prescriptive  
14 gimmickry in it which I am convinced will lead in the long  
15 run to degradation of the ATWS systems and plants.

16 So I have enlisted support from some folks out in  
17 the risk assessment groups and I am going to produce a  
18 proposition which says, let's deal with ATWS. You know,  
19 there are a certain number of hardware fixes. You have to  
20 do something about the dominant BWR sequences.

21 But once you get past that, the approach is going  
22 to be to require a reliability assurance program on the part  
23 of licensees in which the staff will only audit the program  
24 from time to time, and then amend tech specs as changes in  
25 operation or hardware flow from that program. Get it

1 started at plants with regard to ATWS vulnerabilities and  
2 ATWS measures that could improve the ATWS resistance of  
3 plants, the requirement that the utilities go ahead and  
4 formulate the steps they are taking and take them, the  
5 requirement for a continuing program that maintains  
6 configuration control on things that have significance for  
7 ATWW.

8           And whether anybody will like that or not, I do  
9 not know. But it is an approach in which you in effect say  
10 to the plant people: You go and analyze, look at your plant  
11 and decide where you are most vulnerable and what you can do  
12 about it, and do it, and you know, file the outline of your  
13 plan with us in due time and let us know what changes you  
14 want to make so we can adjust the tech specs. So it  
15 prescribes very little except to put this kind of a program  
16 in place.

17           You know it is this kind of direction you  
18 mentioned, and it will be interesting to see whether people,  
19 you know, including myself I guess, but people both on the  
20 regulatory side and on the industry side who have said we  
21 ought to do that instead of this prescriptive stuff, it will  
22 be interesting to see how many of them find it to their  
23 liking. And if they decide, no, no, they would rather be  
24 told to put in three-quarter inch widgets and --

25           MR. OKBENT: Do you think it has a chance with

1 something as complex at ATWS? You would think it would go  
2 better on the level meter, wouldn't it? Just say, we want  
3 you to have a level meter that works with the right kind of  
4 --

5 COMMISSIONER HENDRIE: I good reliable level meter  
6 that we could depend on in accident conditions.

7 MR. OKRENT: Right.

8 COMMISSIONER HENDRIE: Tell us when you put it in.

9 MR. OKRENT: Right. And then you could save two  
10 man-years of staff and, you know, well --

11 COMMISSIONER HENDRIE: We have battalions of NRC  
12 people out there who want to know whether they are going to  
13 use 632 or 832 screws with this level machine. And you  
14 know, our system is just to look at it in detail and give it  
15 everything we can get our hands on.

16 MR. SIESS: How do you know when you are  
17 satisfied?

18 COMMISSIONER HENDRIE: You are generally satisfied  
19 when you run out of -- when one of two things happens: When  
20 you have exhausted the willingness of all staff members to  
21 work further on it on the one hand, or exhausted the  
22 patience of a sufficient management level so that the order  
23 comes down, you know: Close of business this Friday,  
24 anything you can get me by then I will take and it will  
25 apply to this subject, and anything that comes after that is



1 not relevant.

2 MR. BENDER: Do you define that as a safety goal,  
3 Joe?

4 (Laughter.)

5 MR. MARK: Well, Joe, I do not think we have  
6 further questions. Do you have a question you want to aim  
7 at us? That would make it fair.

8 COMMISSIONER HENDRIE: I will leave you with a  
9 parting thought. It seems to me, aside from your work on  
10 saying what the individual plants need and ought to do and  
11 so on, which is of vital importance to my success as the  
12 great licenser, I think one of the most useful enterprises  
13 you have undertaken in recent years is the safety goal  
14 report and moving toward a rational, quantitative expression  
15 in some form of how safe is safe enough continues to be a  
16 desperate need of the whole regulatory enterprise here.

17 And I know without having to say it, I urge your  
18 continued interest and encouragement of the proposition and  
19 participation in that.

20 MR. MARK: Well, an interesting thought, Joe.  
21 Some of us are afraid that there is a possibility this might  
22 be the last time we see you here as Chairman. We are not  
23 sure.

24 COMMISSIONER HENDRIE: Your fears are my hopes.

25 (Laughter.)



1                   It goes to show how different one's viewpoint may  
2 be.

3                   MR. MARK: In that case, our viewpoint is very  
4 different.

5                   COMMISSIONER HENDRIE: In fact, I can guarantee  
6 it.

7                   (Laughter.)

8                   MR. MARK: Well, we are not going to be as happy  
9 with just that aspect of things anyway. And if you are not  
10 Chairman, then we of course are anxious that you still not  
11 forget the scene in this room and you come back and look at  
12 it once in a while and we will hear from you.

13                  MR. SIESS: We are short a member, Joe.

14                  (Laughter.)

15                  COMMISSIONER HENDRIE: I think I have developed a  
16 defect in my hearing, Chet.

17                  (Laughter.)

18                  COMMISSIONER HENDRIE: Good luck and have fun.

19                  (Applause.)

20                  (Whereupon, at 4:08 p.m. the meeting was  
21 ajourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

\_\_\_\_\_

in the matter of: Joint Meeting of Commission and ACRS

Date of Proceeding: June 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.

David S. Parker

Official Reporter (Typed)



(SIGNATURE OF REPORTER)