



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 30, 1981

The Honorable John Hiler
United States House of
Representatives
Washington, DC 20515

Dear Congressman Hiler:

In answer to your letter of June 26th, I am providing these personal answers to the questions you pose. I assume there will be Commission answers to your questions in due time.

My answers are somewhat briefer and less specific than would be the case if I were not finishing my term of office today. With that caveat, I am glad to respond to your request for my personal views. The questions and answers follow.

Question 1: How many significant changes have been made for the protection of public health and safety as a result of the public hearing process preceding the granting of an operating license?

Question 2: What were these changes? Please be specific.

Answer

I do not think there have been any really significant changes in plant equipment or procedures to protect the public health and safety as a result of hearings on operating licenses in the last four or five years. I recall looking at this matter in response to a similar question from one of our Congressional Committees. It seems to me that there have been ten or a dozen instances over the past four or five years in which additional license conditions resulted from operating license hearings. None of the additional conditions were of a class that I would call significant for safety, as I remember them. Specifics as to these additional conditions will have to await the Commission's answer. My files are either removed or packed for shipment at this writing and time does not permit further investigation on my part.

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Question 3: Would any aspect of the public safety be overlooked due to the issuance of an interim license prior to the completion of the hearing process and issuance of the operating license? If so, please describe.

Answer

No, I do not think any aspect of public safety would be overlooked due to the issuance of an interim operating license.

Question 4: How much risk to the public safety would there be in the granting of an interim license?

Answer

None, in my view. We all recognize that the operation of nuclear power plants is not absolutely risk-free. The aim of the Commission's review and licensing process is to assure that the risk is acceptably small and that adequate protection of the public health and safety is thereby provided. The granting of an interim operating license in a case where a hearing has been requested is exactly the same as granting a full-term operating license in a case where no hearing has been requested, and there is no difference in risk.

Question 5: What kinds of risk factors will be considered in the decision to grant one?

Answer

All of the normal staff, Advisory Committee on Reactor Safeguards, and Commission review procedures will apply in granting an interim operating license and all of the risk factors that are considered in every case will be taken into account.

Question 6: If interim licenses are granted, is it possible that the hearing process can be more beneficial after a period of low-power operation?

Answer

I doubt it, although it is possible that there might be some aspects of the low power operation that would be of interest in the hearing.

Question 7: It has been implied that the public hearing process would not be as thorough if the utility had already received an interim license. Is that the position of the NRC?

Answer

It is certainly not my position. I would expect the hearing to go on without regard to the fact that an interim operating license had been issued.

Question 8: What steps will you take to ensure that the hearing process is not compromised by the issuance of an interim license?

Answer

I would expect that any indication of foot-dragging or delaying tactics in the hearing by the utility, or any party, would be dealt with vigorously by the presiding Board and, if necessary, by the Commission. If the utility was the offending party, and the Commission considered the offense serious enough, I would expect the interim license to be revoked.

Question 9: How do you envision the interim licensing process working?

Answer

The process would work as described in Section 192 of the Atomic Energy Act, as amended, and with the changes to Section 192 described in the House bill. I think the Commission might want to consider interim operating licenses in steps--fuel loading and operation to some moderate power level as a first step, and then full power operation as a second step if that was necessary to avoid delays. If that course were adopted, I would suggest 15 or 20 percent of full power as the limit for the first step, rather than the 5 percent we have used to date.

Question 10: What should interim licensing legislation include?

Answer

The present version of the House Commerce Committee bill includes the needed elements. I would suggest one change in the present version, if that is possible, to eliminate the possibility of having to hold two hearings after the interim license is issued instead of one hearing. As it stands, the present version would seem to allow a hearing on the interim license itself, as well as the regular operating license hearing. Since the extra hearing, which would come under Section 192, makes no sense at all, the bill language should be changed to remove the Section 192 hearing on the interim license. That would leave the regular operating license hearing, under Section 189a, to be held as intended.

Question 11: What safety and environmental reviews must be completed before the NRC could issue an interim license under the House Commerce Committee bill?

Answer

All of them.

Question 12: Has there been any diversion of resources from the NRC's Inspection and Enforcement effort to the licensing process?

Answer

No, although there have been a few licensing tasks transferred to the Inspection and Enforcement Office. These are tasks where the IE regional people are most knowledgeable anyway, and do not, in my view, constitute any significant diversion of resources.

Question 13: Is it a proper interpretation of the Sholly case that any and all amendments to the license would be subject to a hearing upon the demand of an interested person?

Answer

That is my understanding of the ruling by the DC Circuit Court.

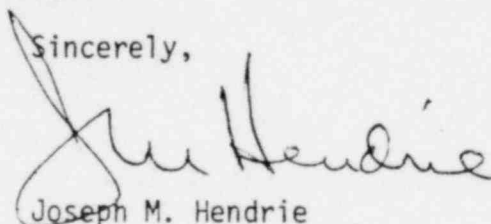
Question 14: Who is defined as an interested person?

Answer

Under our rules, an interested party is anyone living within 50 miles or so of the plant, or anyone with a definable interest in the area around a plant. I seem to recall one case where a person was admitted as an interested party, even though he did not live in the 50-mile region, because he occasionally made canoe trips along a river in the vicinity of a plant.

I hope that these brief answers are of use to you in your consideration of the legislation pending before the Congress.

Sincerely,



Joseph M. Hendrie