

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

COMMISSION MEETING
AFFIRMATION DISCUSSION AND VOTE

Docket No.

PUBLIC MEETING

Location: Washington, D.C.

Pages: 1 - 12

Date: Thursday, April 21, 1983

TAYLOE ASSOCIATES

Court Reporters
1625 I Street, N.W. Suite 1004
Washington, D.C. 20006
(202) 293-3950

8304270223 830421
PDR 10CFR
PT9.7 PDR

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on April 21, 1983 in the Commission's offices at 1717 H Street, N. W., Washington, D. C. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected, or edited, and it may contain inaccuracies.

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

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3
4 AFFIRMATION/DISCUSSION AND VOTE
5
6 PUBLIC MEETING

7 Nuclear Regulatory Commission
8 Room 1130
9 1717 H Street, N. W.
10 Washington, D. C.

11 Thursday, April 21, 1983

12 The commission convened, pursuant to notice,
13 at 4:03 p.m.

14 COMMISSIONERS PRESENT:

15 NUNZIO PALLADINO, Chairman of the Commission
16 VICTOR GILINSKY, Commissioner
17 JOHN AHEARNE, Commissioner
18 THOMAS ROBERTS, Commissioner

19 STAFF AND PRESENTERS SEATED AT COMMISSIONER TABLE:

20 S. CHILK
21 H. PLAINE
22 J. HOYLE
23 J. ZERBE

24 - - -
25

P R O C E E D I N G S

1
2 CHAIRMAN PALLADINO: The meeting will please come
3 to order.

4 This is an affirmation/discussion session and I
5 will ask the Secretary to walk us through the items on the
6 agenda.

7 MR. HOYLE: Mr. Chairman, of the items initially
8 scheduled on the agenda, we have Item E ready, SECY-83-52A.
9 So I will take that one first.

10 Then we have one that we could add on on short
11 notice.

12 CHAIRMAN PALLADINO: Do you need a vote now?

13 MR. HOYLE: Yes, sir, we would need a vote for
14 that.

15 CHAIRMAN PALLADINO: May I have a short notice
16 vote to add on to the agenda affirmation of SECY-83-80,
17 responses to Appendices G and H.

18 COMMISSIONER AHEARNE: Aye.

19 COMMISSIONER ROBERTS: Aye.

20 COMMISSIONER GILINSKY: Aye.

21 CHAIRMAN PALLADINO: Aye.

22 MR. HOYLE: So the first one will be SECY-83-52A.
23 This is a final rulemaking concerning licensed operator
24 training at nuclear power units and a draft policy
25 statement on shift crew qualifications.

1 All of you have approved the final rule as
2 modified by Commissioners Ahearne and Asselstine and the
3 EDO with a couple of modifications to the EDO item.

4 Commissioner Roberts, while approving, has
5 disagreed with the changes to the first paragraph on page
6 8.

7 COMMISSIONER GILINSKY: Can I have a full
8 version. I am afraid I am not clear on the modifications.

9 (A copy of the document was shown to
10 Commissioner Gilinsky by Mr. Hoyle.)

11 CHAIRMAN PALLADINO: We might hear what the point
12 was that Commissioner Roberts disagreed on.

13 COMMISSIONER ROBERTS: Are you asking
14 Commissioner Roberts or the Secretary?

15 CHAIRMAN PALLADINO: I was asking the Secretary.

16 MR. HOYLE: We discussed this paper briefly at a
17 prior meeting, in a prior affirmation session. As a result
18 of that discussion, the EDO sent down a revised page 8,
19 first paragraph based on some modifications that
20 Commissioner Gilinsky had suggested having to do with a
21 more complete description of whether or not the person
22 needs to be in the control room at all times.

23 It is the new language that Commissioner Roberts
24 has disagreed with on that point, the fact that the senior
25 operator should remain at all times in a position to

1 provide prompt assistance to the reactor operators when
2 requested.

3 This means that the senior operator must either,
4 one, be in sight of or in the audible range of the reactor
5 operators at the controls or, two, be in the audible range
6 of the control room enunciators.

7 I think that is the point.

8 CHAIRMAN PALLADINO: That is the point of
9 disagreement.

10 MR. HOYLE: It was too stringent.

11 CHAIRMAN PALLADINO: What is the outcome of the
12 vote?

13 MR. HOYLE: With the rest of the rule
14 Commissioner Roberts agrees and the rest of you have agreed
15 to the rule.

16 As to the policy statement, however, four of you
17 have agreed to that with modifications by yourself, Mr.
18 Chairman. Commission Ahearne disapproves the policy
19 statement and has dissenting views.

20 We will include in a staff requirements memo
21 that we write the fact that Commissioner Asselstine would
22 like to see the policy statement when it comes back. When
23 the staff completes preparation of the policy statements
24 with the modifications in it which you have approved,
25 Commissioner Asselstine would like to have a look at that

1 again.

2 CHAIRMAN PALLADINO: What does th mean with
3 regard to the vote, that he would reopen it if ---

4 MR. HOYLE: No, sir. He has not asked that his
5 vote go to that point.

6 We will also have in the staff requirements memo
7 a number of reservations expressed by Commissioner Roberts
8 in his vote sheet, though he has approved, with the
9 exception of the revision to page 8, the rule.

10 COMMISSIONER GILINSKY: Let's see, the
11 reservations are on what?

12 COMMISSIONER ROBERTS: How to define equivalency,
13 the college degree issue, college degree or equivalency.
14 What is the standard? How do you make that determination?
15 What is the equivalent of a college degree? I don't know.

16 CHAIRMAN PALLADINO: I was trying to ascertain
17 the nature of these. There are clarifications ---

18 COMMISSIONER ROBERTS: I would think you would
19 share my concern.

20 COMMISSIONER GILINSKY: I was about to say I will
21 bite. What is it.

22 CHAIRMAN PALLADINO: I am trying to understand
23 what does the staff requirements do so far as the vote is
24 concerned?

25 MR. HOYLE: It does not. The vote stands. It is

1 an expression of Commissioner Roberts' reservations for the
2 staff's benefit.

3 CHAIRMAN PALLADINO: You are asking that certain
4 things be clarified.

5 MR. HOYLE: Be considered as they apply the rule.

6 COMMISSIONER GILINSKY: I wonder if John could
7 just summarize your objections to the policy statement.

8 COMMISSIONER AHEARNE: I have two objections
9 really.

10 First, I think the policy statement is
11 misleading. I think the main purpose of the policy
12 statement is to say it is all right to combine the STA with
13 the senior reactor operator.

14 COMMISSIONER GILINSKY: Right.

15 COMMISSIONER AHEARNE: But I don't think it says
16 it that way. So that was my first problem.

17 COMMISSIONER GILINSKY: What does it seem to be
18 saying to you?

19 COMMISSIONER AHEARNE: If you read it, you will
20 see that that is not the message that is being given but
21 the actual effect is that.

22 I think the second is that I don't think we
23 ought to be falling off of our separate STA at the present
24 time. I see this trend being towards dropping away from
25 requiring that additional level of technical competence.

1 I detect in discussions we have had here with
2 some of the staff when they come up, and certainly the
3 utility industry has been pressing that direction ever
4 since we started to increase the technical competence in
5 the control room. They have been trying to back away from
6 that. I just see this as another step in that backing away
7 and I am afraid that rather than just a final step, I am
8 afraid it could well become a continuation and eventually
9 we will be back to where we don't have the technical
10 competence that we had hoped to get.

11 COMMISSIONER GILINSKY: Well, it is true that
12 there has been this pressure to modify those requirements,
13 but it seems to me combining the STA into the operating
14 staff has the effect that we talked about for some time of
15 getting the sort of book learning into the operating crew.

16 COMMISSIONER AHEARNE: Except what I see really
17 happening is taking the people that would be normally there
18 in the operating crew and giving them another badge and
19 saying you are also the STA.

20 COMMISSIONER GILINSKY: Well, assuming that they
21 qualify or meet those other qualifications.

22 COMMISSIONER AHEARNE: But the qualification are
23 I think sufficiently loosely defined so that I would expect
24 to see more and more plants coming in and saying oh, well,
25 if this is what you mean, we are not going to have a

1 separate STA. We will have the senior be the STA.

2 COMMISSIONER GILINSKY: Well, that certainly
3 isn't my intention.

4 COMMISSIONER AHEARNE: I understand that. I am
5 just expressing my view.

6 COMMISSIONER GILINSKY: I want to have your view.
7 This is not in the nature of debate. I am just trying to
8 understand your objection.

9 I do think it is a good idea to combine the
10 requirements that were formerly placed on a person who is
11 outside the operating crew and incorporate those into
12 requirements on someone in the operating crew. I think that
13 is a beneficial step.

14 COMMISSIONER AHEARNE: I have no problem with
15 it and it probably is useful to increase the qualifications
16 of the operating crew. My concern is that rather than
17 increasing the overall competence that is going to be
18 available, this is a step to decrease the overall
19 competence that is going to be available.

20 COMMISSIONER GILINSKY: Well, I must say, that is
21 not the direction I understood us to be going in. I hope
22 that is not the direction the Chairman is going.

23 COMMISSIONER AHEARNE: I don't think any of you
24 intend to go in that direction.

25 COMMISSIONER GILINSKY: No, I understand.

1 CHAIRMAN PALLADINO: But now you do bring
2 something to mind. If we restrict the SRO to the control
3 room and he is also the STA, the STA may be a person who
4 will want to go roam around the plant a little more.

5 COMMISSIONER GILINSKY: But I would think at a
6 minimum that we would want to make clear that this is not
7 meant to water down the requirements of the STA.

8 COMMISSIONER AHEARNE: Well, you see, that is the
9 way it sounds, but that is why my first comment. The
10 practical implication I believe of this, this is to endorse
11 what the staff has been allowing and many of the utilities
12 want, namely, to go away from the STA. The way they are
13 going to do that is by calling one of their own people the
14 STA.

15 COMMISSIONER GILINSKY: The reason I bring it up,
16 and I want to get the Chairman's views ---

17 COMMISSIONER AHEARNE: My point is I believe that
18 the utilities will see this as a way.

19 COMMISSIONER GILINSKY: Yes, but it is up to us
20 to decide what standards will be applied and I think we
21 ought to make clear that we do not intend to water down the
22 standards for that increment of technical competence.

23 CHAIRMAN PALLADINO: Well, are these words that
24 ought to get into the policy statement? In other words, we
25 could improve the one and not the other.

1 COMMISSIONER GILINSKY: Why don't we do that and
2 take a look at the wording. I mean improve it in
3 principle but ---

4 COMMISSIONER AHEARNE: I will coment I don't
5 think you are going to get there by just tooking with the
6 words. The industry has essentially asked for approval of
7 this concept of relabeling somebody in the room.

8 COMMISSIONER GILINSKY: Well, at least I don't
9 intend that someone be relabeled unless he would otherwise
10 qualify or be eligible to qualify as an STA and I would
11 hope that we would make that clear in whatever we do. I
12 assume that is the intent of others here.

13 CHAIRMAN PALLADINO: Yes.

14 COMMISSIONER GILINSKY: I think perhaps we ought
15 to take a look at that statement and approve the other part
16 of the rule.

17 CHAIRMAN PALLADINO: Well, I gather there are two
18 people that are requesting that we take the policy
19 statement off of affirmation today.

20 (Laughter.)

21 CHAIRMAN PALLADINO: But proceed, if the
22 Commission is willing, to affirm our vote on our rulemaking
23 concerning licensed operator staffing.

24 Are you willing to proceed this way?

25 COMMISSIONER AHEARNE: Aye.

1 COMMISSIONER ROBERTS: Aye.

2 COMMISSIONER GILINSKY: Aye.

3 CHAIRMAN PALLADINO: Aye.

4 Now have we approved the final rulemaking?

5 MR. HOYLE: Yes, you have by a four to nothing
6 vote at the table and Commissioner Asselstine would also
7 approve that.

8 CHAIRMAN PALLADINO: All right.

9 MR. HOYLE: The second paper is SECY-83-80. In
10 this paper the Commission is being asked to approve a
11 notice of final rulemaking which modifies 10 CFR Part 50,
12 Appendices G and H having to do with fracture toughness and
13 reactor vessel material surveillance requirements to be
14 more consistent with current technology and national
15 standards to clarify the applicabilty to older plants and
16 to modify requirements which have proven to be unduly
17 conservative.

18 All the Commissioners have approved the final
19 rule, together with a proposal by Commissioner Ahearne that
20 the supplementary information section of the final rule
21 note that the Commission is examining thermal annealing and
22 that further revisions to Appendix G may result from that
23 examination.

24 Our staff requirements memo will ask the EDO to
25 address thermal annealing in a separate paper.

1 May I ask you to affirm your votes.

2 CHAIRMAN PALLADINO: Aye.

3 COMMISSIONER GILINSKY: Aye.

4 COMMISSIONER AHEARNE: Aye.

5 COMMISSIONER ROBERTS: Aye.

6 CHAIRMAN PALLADINO: Anything further?

7 MR. HOYLE: I have nothing further, Mr. Chairman.

8 CHAIRMAN PALLADINO: Well, that will conclude our
9 affirmation/discussion session.

10 We will stand adjourned.

11 (Whereupon, at 4:18 p.m., the
12 affirmation/discussion session adjourned.)

13 - - -

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: Affirmation/Discussion And Vote

Date of Proceeding: April 21, 1983

Place of Proceeding: Washington, D.C.

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

Official Reporter - Typed

Mary S. [Signature]
Official Reporter - Signature