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# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Title: AFFIRMATION/DISCUSSION AND VO.

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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Affirmation/Discussion and Vote (PUBLIC MEETING)

- a. Staff Evaluation and Recommendation on Maintenance Rulemaking
- b. Nuclear Power Plant License Renewal
- c. Proposed Amendments to 10 CFR Part 21, "Reporting of Defects and Noncompliance" and 10 CFR 50.55(e), "Conditions of Construction Permits"
- d. Emergency Response Data System

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PUBLIC MEETING

\* \* \*

Nuclear Regulatory Commission  
One White Flint North  
Rockville, Maryland  
Friday, June 28, 1991

The Commission met in open session, pursuant to notice, at 8:15 a.m., the Honorable KENNETH M. CARR, Chairman of the Commission, presiding.

COMMISSIONERS PRESENT:

KENNETH M. CARR, Chairman of the Commission  
KENNETH C. ROGERS, Member of the Commission  
JAMES R. CURTISS, Member of the Commission  
FORREST J. REMICK, Member of the Commission

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STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

SAMUEL J. CHILK, Secretary

WILLIAM C. PARLER, General Counsel

PROCEEDINGS

(11:31 a.m.)

CHAIRMAN CARR: Good morning, ladies and gentlemen. This is an affirmation session. We have four items to come before us this morning.

Before I ask the Secretary to lead us through the items for affirmation, do any of my fellow Commissioners have any opening comments they would like to make?

(No response.)

If not, Mr. Secretary, you may proceed.

MR. CHILK: Thank you.

The first item on the agenda, Mr. Chairman, is SECY 91-165, Emergency Response Data System.

The Commission is being asked to approve a final rule to require licensees of all operating nuclear power facilities, except Big Rock Point, to participate in the Emergency Response Data System program.

Chairman Carr and Commissioners Rogers and Curtiss have approved the final rule. Commissioner Remick has disapproved the rule; he does not believe that the cost to implement the ERDS is justified when balanced against the potential increase in the overall protection of the public health and safety, and would prefer to gain additional experience with ERDS through voluntary participation.

Would you please affirm your vote?

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1 (Chorus of ayes.)

2 MR. CHILK: The second item is SECY 91-150,  
3 Proposed Amendments to 10 CFR Part 21, "Reporting of Defects  
4 and Non-compliance" and 10 CFR 50.55(e), "Conditions of  
5 Construction Permits".

6 The Commission is being asked to approve final  
7 amendments to 10 CFR Parts 21 and 50.55(e) that clarify the  
8 criteria and procedures for the reporting of safety defects  
9 by licensees and non-licensees and to reduce duplicate  
10 reporting.

11 Commissioners Rogers, Curtiss, and Remick have  
12 approved the final rule with changes as recommended by  
13 Commissioner Remick. chairman Carr did not participate in  
14 this action.

15 Would you please affirm your vote?

16 (Chorus of ayes.)

17 MR. CHILK: The third item is a Final Rule on  
18 Nuclear Power License Renewal.

19 The Commission is being asked to act on a final  
20 rule for nuclear power plant license renewal.

21 Chairman Carr and Commissioners Rogers, Remick,  
22 and Curtiss have approved a delegation of authority under  
23 the Reorganization Plan No. 1 of 1980 and 10 CFR Section  
24 1.31(c) which authorizes the EDO to prepare and issue a  
25 final license renewal rule, attached to our memorandum of

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1 June 27. The delegation specifies that the final rule shall  
2 contain:

- 3 (1) the staff's proposed alternative 1 to  
4 compiling the documents that establish the  
5 current licensing basis; and  
6 (2) the structures, systems, and components  
7 important to license renewal, as defined in  
8 10 CFR 54.3, should include (i) as proposed  
9 in SECY 91-138; (ii) as proposed by  
10 Commissioner Remick; and parts (iii) and (iv)  
11 as proposed by Chairman Carr. Part (iii)  
12 includes all SSCs relied on in safety  
13 analyses or plant evaluations to demonstrate  
14 compliance with the Commission's regulations  
15 for fire protection, environmental  
16 qualification, pressurized thermal shock,  
17 anticipated transients without scram, and  
18 station blackout; part (iv) includes all SSCs  
19 subject to operability requirements contained  
20 in the facility technical specification  
21 Limiting Conditions for Operation.

22 Commissioner Remick approved the rule but would  
23 not have broadened the definition to include all SSCs  
24 subject to operability requirements contained in the  
25 facility technical specifications limiting conditions for

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1 operation.

2 The delegation directs the EDO to carefully review  
3 the entire renewal rule package and make revisions as  
4 appropriate, to ensure consistency of the entire rule  
5 package.

6 following completion of the revisions, the  
7 Commission will be provided a copy of the Federal Register  
8 notice for information and the EDO is authorized to issue  
9 the rule.

10 Would you please affirm your vote?

11 (Chorus of ayes.)

12 MR. CHILK: The fourth item is SECY 91-110, the  
13 Staff Evaluation and Recommendation on Maintenance  
14 Rulemaking.

15 The Commission is being asked to address a staff  
16 recommendation to issue a final maintenance policy statement  
17 and revise the Commission enforcement policy to delete the  
18 maintenance escalation factor.

19 All Commissioners have agreed to delete the  
20 maintenance escalation factor in 10 CFR Part 2.

21 Chairman Carr and Commissioners Rogers and Curtiss  
22 have disapproved the staff's recommendation to adopt a final  
23 policy statement and have agreed to issue a final rule. The  
24 rule, attached to our memorandum, provides a framework for  
25 evaluating the effectiveness of licensees maintenance

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1 programs by requiring licensees to monitor the performance  
2 or conditions of key structures systems, and components  
3 against licensee-established goals, in a manner sufficient  
4 to provide reasonable assurance that those SSCs will be  
5 capable of performing their intended functions. Where  
6 monitoring proves to be unnecessary, licensees would be  
7 permitted the option of relying upon an appropriate  
8 preventive maintenance program, such as reliability-centered  
9 maintenance. Once a program is established, a licensee will  
10 be required to evaluate the program on an annual basis,  
11 taking into account industry-wide operating experience and,  
12 second, to adjust the program where necessary to ensure that  
13 the objective of preventing failures is appropriately  
14 balanced against the objective of minimizing the  
15 unavailability of SSCs.

16 Commissioner Remick approved the staff's  
17 recommendation to issue a policy statement. He does not  
18 believe that there is a need for a rule in light of the  
19 significant improvements that have been made in licensee  
20 maintenance programs. He believes that this rule may  
21 interfere with licensee's efforts toward further improvement  
22 in maintenance. Further, he believes that the rule contains  
23 fundamental changes in direction likely to lead to  
24 implementation problems that the Commission may not be aware  
25 of now. He therefore strongly believes that the rule should

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1 be issued for public comment before it becomes final. His  
2 dissenting views, as attached, will be published with the  
3 Federal Register Notice.

4 Commissioner Curtiss' additional comments will  
5 also be published with the Federal Register Notice.  
6 Commissioner Remick may have additional comments for the  
7 Federal Register Notice as well.

8 Please affirm your votes.

9 (Chorus of ayes.)

10 CHAIRMAN CARR: Is there anything else to come  
11 before us today?

12 MR. CHILK: I have nothing, sir.

13 CHAIRMAN CARR: If not, we stand adjourned.

14 COMMISSIONER ROGERS: Before we close, Mr.  
15 Chairman, I think I'd just like to say that this is your  
16 last meeting in which we will have the pleasure of working  
17 with you, and I want to say for myself, and I'm sure my  
18 fellow Commissioners, it has been a great pleasure to work  
19 with you as Chairman and a great honor. And I think that  
20 we've made great progress with your leadership, and we wish  
21 you the very best of everything in the years ahead.

22 CHAIRMAN CARR: Well, I appreciate those nice  
23 words, and I have enjoyed working with all of you, and I  
24 look forward to following the work of the Commission as it  
25 proceeds in the next ten years. It's going to be an

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1 interesting effort.

2 If there is nothing else, we stand adjourned.

3 (Whereupon, at 8:30 a.m., the meeting was  
4 adjourned.)

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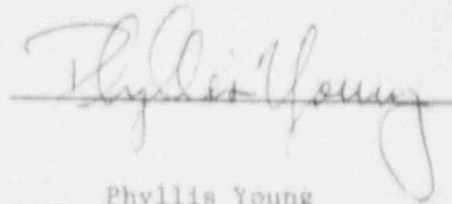
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PLACE OF MEETING: ROCKVILLE, MARYLAND

DATE OF MEETING: JUNE 28, 1991

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Reporter's name: Phyllis Young