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before the  
Workshop on Design Certification Rulemaking Procedures  
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It is a great pleasure to welcome all of you to this workshop on procedures for a design certification rulemaking for standardized nuclear power plants. I hope -- and believe -- that this meeting will be extremely valuable, and not only in terms of the substantive contribution it makes toward resolving the complex issues that will be addressed. We want to ensure that the Commission makes its decisions with the benefit of the views of all those with knowledge and expertise to contribute.

This workshop can play a major role in helping answer a crucial question: how a final design approval for a nuclear plant can best be translated into a rule that is applicable, potentially, to many facilities. It comes at a time when the NRC staff is making substantial progress toward completing the reviews of the General Electric Advanced Boiling Water Reactor and ABB-Combustion Engineering System 80+ standardized designs.

As you know, the NRC has never certified a design. While the industry and the NRC have had some experience with standardization concepts, the principal practice of licensing a plant in this country has proceeded on a case-by-case basis, with one-of-a-kind designs and laborious individualized regulatory reviews. That has meant an enormous commitment of resources on all sides: for industry, for government, and also for the intervenors in nuclear power plant licensing proceedings, who have made their case over and over again in different adjudications. Rulemaking on standardized designs is the opportunity for all concerned to apply their intellectual and economic resources efficiently, by resolving design issues at what might be termed the wholesale rather than the retail level.

There is a parallel, I think, between the principle of early identification and resolution of reactor design issues and the rationale of this workshop. Here, to be sure, we are designing

legal procedures, not hardware; but we are likewise breaking new ground and facing questions that are novel and intricate. As with hardware design, it is simply common sense to identify troublesome issues and solicit expert advice before, not after, crucial decisions are made.

I would stress that our purpose is not solely to draw on the expertise of those within the nuclear industry or NRC staff, but also -- equally important -- to have the benefit of other, possibly conflicting, points of view. The workshop reflects our conviction that for sound decisions that will pass the test of time, we need the contribution of many diverse groups. That includes the NRC's own staff; it includes the nuclear industry; and equally, it includes the public interest groups, the states, and other Federal agencies.

Parenthetically, I know that there has been some skepticism on the part of the public interest community as to how much the NRC takes its views into account. I can only say that there have been a number of examples that should dispell any doubt on that score. A recent one is the Yankee Rowe case, where a public interest group brought forward its concerns and the Commission stopped to listen.

It may be asked, why a workshop? If the NRC is committed to paying attention to what the interested public has to say, why not just solicit written comments? Why should individuals and groups, companies, and states be asked to come here, at their own expense, to discuss these issues in person?

The answer, quite simply, is that we are interested not just in the views that you bring to the table initially, but also in your thoughts on each other's positions. What I am suggesting is not a debate, nor a negotiation in the usual sense of the word, but an interactive process in which the give and take among the participants can illuminate positions and priorities, and, ideally, suggest where common ground and compromise are feasible.

You should all have received the memo prepared by the NRC's Office of the General Counsel analyzing some of the issues involved, making some preliminary recommendations, and attaching submissions from the Nuclear Management and Resources Council, the Ohio Citizens for Responsible Energy, and others. I think it is very useful as a point of departure for the discussions of this workshop. Don't be put off by the fact we are organizing our discussions today around a document containing preliminary recommendations. None of the recommendations made in the paper are fixed in concrete. We need something to work from and I trust that participants, in addition to commenting on what is in the memorandum, will not hesitate to put forward their own proposals.

The paper identifies several significant issues which need to be settled and are before you for discussion today. I don't propose to catalog them all here, but I would like to mention two in which I have particular interest.

The first issue is the use of proprietary information in the design certification rulemaking. The staff, in making their final safety determination, will review and evaluate proprietary information. The design certification rule is required to be published in the Federal Register. There are two related questions. First, how can the staff, which reviews and evaluates proprietary information, incorporate the results of the evaluation of proprietary information into the design certification rule without compromising the proprietary nature of the information? The second is whether and how commenters and other participants in the rulemaking can obtain proprietary information in order to participate effectively in the proceeding. This is a difficult question and there are no easy answers. We look forward to hearing what the workshop participants have to say.

A second issue of special concern is the scope of the authority to be given to the Atomic Safety and Licensing Board -- or to put it another way, the appropriate role of the Licensing Board in the design certification process. Should the Licensing Board compile a hearing record to present to the Commission; or on the other side, should the Board provide a recommendation to the Commission? There is a spectrum of possibilities and again I don't think the answer is clearly self-evident. I will be most interested in the outcome of your discussions.

In conclusion, I would like to thank all of you for taking part in this workshop. Interchanges such as these serve everyone's interests. For all our differences, past and present, each of us here today has at least one goal in common: that any and all nuclear power plants, now or in the future, should be well designed, well built, well run, and well regulated, for the protection of the health and safety of all Americans. Your participation in this workshop contributes to accomplishing that paramount objective.