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COMMISSIONER INTEREST

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PUBLIC MEETING

Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland

Thursday, August 16, 1990

The Commission met in open session,
pursuant to notice, at 8:30 a.m., Kenneth M. Carr,
Chairman, presiding.

COMMISSIONERS PRESENT:

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

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STAFF SEATED AT THE COMMISSION TABLE:

SAMUEL J. CHILK, Secretary

WILLIAM C. PARLER, General Counsel

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P-R-O-C-E-E-D-I-N-G-S

8:30 a.m.

CHAIRMAN CARR: Good morning, ladies and gentlemen. We're here to collegee.

Commissioner Rogers?

COMMISSIONER ROGERS: I never knew what that word meant until I came to Washington. It doesn't seem to fit the lexicon of academia, but people around here seem to think it's a real word. I don't know.

CHAIRMAN CARR: It may not be.

COMMISSIONER ROGERS: I've been thinking about a couple of things over the months that maybe we might think a little bit about. One of them is whether we might be able to use what we've learned so far in -- and it's true of some of the high-level waste repository studies -- looking at the content of our rules and the use of electronic systems such as the LSS to really review our whole rulemaking process and see whether there isn't some way that perhaps we can employ some new technology and improve the way we go about it from a more modern point of view.

I don't really have any specifics beyond the general notion, although one of my people has been looking at this a little bit. It seems to me that

1 just in general terms if we could start to think along
2 those lines, not to review everything we've done and
3 try to renew everything, but start to look at perhaps
4 some way we might introduce some new approaches into
5 the rulemaking process that eventually would improve
6 it down the road someplace.

7 So, that's one thought that I think we
8 might discuss a little bit. I'll just leave it at
9 that and give people an opportunity to respond to it.
10 I've got other things I can suggest too, but I think
11 we might get started on that.

12 COMMISSIONER REMICK: Yes. I might
13 respond because I remember when I first, I guess, read
14 about the LSS after becoming a Commissioner and one of
15 my immediate reactions was that, gee, that, if
16 developed, could be very helpful in the reactor
17 licensing area, keeping track of documents and helping
18 parties to hearings and so forth have access. So, I
19 must admit that I thought that once that was
20 developed, it turns out to be what we anticipated
21 could be very helpful long-term in other licensing
22 areas.

23 Also, when I went down for the Center
24 Nuclear Waste Regulatory Analysis and saw the work
25 they were doing, and I forget the name that they

1 called it where they were taking Part 60 and breaking
2 it down into its fundamental parts and so forth, I
3 thought that could be very valuable in Part 50,
4 although Part 50 would be extremely difficult. But I
5 can see that something like that could be done in
6 other parts. Part 72 might be more easy if we
7 actually have applications in the enrichment area and
8 so forth. That type of analysis sure could break down
9 the regulations into what are the requirements and how
10 do you meet them and so forth.

11 So, I think that's the type of thing you
12 are talking about in general.

13 COMMISSIONER ROGERS: Yes.

14 COMMISSIONER REMICK: And I think
15 conceptually it's a very good idea and could bring
16 some order and some sense and be very, very helpful to
17 future licensees planning to make applications and
18 breaking down and saying, "What do these regulations
19 really require and how do you meet them and so forth
20 and what our expectations are." So, I think it's a
21 good idea, Ken.

22 CHAIRMAN CARR: I certainly have no
23 opposition to making the process smoother and easier.
24 As you say, one of the advantages of some process
25 might be to clean up what we've got behind us before

1 we --

2 COMMISSIONER ROGERS: Yes.

3 CHAIRMAN CARR: -- issue too much more.

4 Jim, you got anything you --

5 COMMISSIONER CURTISS: Well, those two
6 issues, the question of the LSS as a document
7 retrieval system and used in conjunction with the
8 licensing process and then the program architecture
9 that the center is working on, a disciplined analysis
10 of the regulations in the high-level waste arena to
11 identify inconsistencies, infirmities or just plain
12 lack of regulatory requirements I think are two of the
13 more novel things that we've done around this Agency.
14 As with anything new like that, there's a potential
15 that the system may be more complicated and perhaps
16 more expensive than we originally envisioned.

17 So, although I think those initiatives
18 both have real potential if they live up to their
19 billing, both the program architecture and the LSS, I
20 would proceed cautiously, get the evidence from that
21 system, apply it in the high-level waste arena and see
22 how it works and see if at some point, once we get it
23 up and running in both of those arenas, if it's useful
24 for application in other arenas. I'd certainly think
25 it'd make sense.

1 CHAIRMAN CARR: Yes. I'd join the words
2 of caution. When we talk about the LSS, that's like
3 talking about apple blossoms instead of apples because
4 it's --

5 COMMISSIONER ROGERS: Yes, it's still
6 conceptual.

7 CHAIRMAN CARR: We've got to put a lot of
8 effort into getting that system up and running and
9 make sure it works. But there's no doubt that a data
10 retrieval system helps.

11 COMMISSIONER ROGERS: I was just trying to
12 use some of the basic concepts there. I'm sure that
13 the LSS was developed or has been developed so far
14 under some pretty severe constraints for its use and
15 ambitious expectations. What I'm really suggesting is
16 that the kind of fundamental ideas of that technology
17 but not necessarily with exactly the same way might be
18 thought of in some -- I'm just not sure if we wait
19 until we find out anything about the high-level waste
20 repository whether anybody's going to be around to
21 remember it. I'd like to think about a low-level
22 approach.

23 CHAIRMAN CARR: We've got a negotiator
24 now. He may find a quick answer to the problem.

25 While you're on that subject, I mentioned

1 to the EDO last time we had a meeting, I was up at
2 General Dynamics Electric Boat over the weekend and I
3 saw an interesting computer program. I think it's a
4 French software program called CATIA. It's computer-
5 aided three dimensional interactive something or
6 other. But what they had there was the new design for
7 the SSN-21 in a computer program. They can match
8 wires and pipes and dimensions and so forth.

9 I thought it was kind of interesting, but
10 I queried the IBM guy who was demonstrating it. It
11 would be interesting if you could get your application
12 on disk that showed you all the systems, the
13 components and ultimately then when you approve the
14 design, the design basis is recorded there. I don't
15 know. He's going to take a look at it.

16 COMMISSIONER CURTISS: Is it a CAD-CAM
17 type system?

18 CHAIRMAN CARR: It's a follow-on to CAD-
19 CAM. Yes, that's what it is. But it's a -- I guess
20 it's the next step in CAD-CAM. I thought it was kind
21 of interesting anyway from the --

22 COMMISSIONER CURTISS: Would they know
23 ahead of time if they've got any pipes or cable trays
24 running into one another?

25 CHAIRMAN CARR: Yes, that's what it's

1 designed to do.

2 COMMISSIONER ROGERS: Pop it right out.

3 COMMISSIONER CURTISS: Very interesting.

4 CHAIRMAN CARR: And it lends itself then
5 to coming out in design drawings and specifications
6 and whatever. But it was kind of interesting.

7 COMMISSIONER ROGERS: Well, most of the
8 major vendors have very sophisticated 3-D systems
9 right now. So, putting that on a disk and submitting
10 it might not be a difficult thing at all. I think, as
11 a matter of fact, the Canadians are doing that right
12 now with CANDU in a very heavy way.

13 CHAIRMAN CARR: It's better than having a
14 six foot shelf of documents.

15 COMMISSIONER ROGERS: Oh, absolutely.

16 CHAIRMAN CARR: What else?

17 COMMISSIONER ROGERS: Why don't we give
18 somebody else a shot?

19 CHAIRMAN CARR: Commissioner Curtiss?

20 COMMISSIONER CURTISS: All right. I'll
21 take a couple of them. Actually, one of the topics
22 that I thought we'd talk about was the question of
23 what we're going to do on the CANDU and the PIUS
24 design reviews. We have -- I went back to review the
25 history and I guess I'm one that hasn't voted on a

1 couple of papers here and so as a result I've given
2 this some thought over the past month or so. We have
3 two papers before us, SECY-90-55 on PIUS and SECY-90-
4 67 on CANDU. We also have a joint COM from
5 Commissioners Remick and Rogers touching on both of
6 those.

7 Ken, the question that you asked the EDO,
8 what impact would review of those two reactor designs
9 have on our existing resources, led to his response in
10 late July which detailed the resource impact if we
11 took the resources for review of those two designs out
12 of existing resources in NRR and Research. I think
13 we've all had a chance to take a look at that.

14 I guess we've reached the point in my view
15 where we need to make a decision on what we're going
16 to do with the CANDU and the PIUS designs.

17 CHAIRMAN CARR: We need to review our
18 decision.

19 COMMISSIONER CURTISS: Right. As I say,
20 we've voted on a couple of those papers and we've got
21 the COM around. It's not clear to me that we've set
22 out exactly what it is that we want to do with those
23 two designs.

24 On the question of whether we ought to
25 review the designs at all, I guess I've given that

1 some thought over the last couple of months and
2 focusing on this question of, Ken, the one that I
3 think you raised at an earlier meeting, do we have so
4 many designs out there that we're going to, just
5 because of the proliferation of vendor designs that we
6 have under review, A, strap the staff resources to the
7 point where we can't keep anything on schedule and, B,
8 effectively flood the market with designs that are so
9 numerous that we diminish the objective that we're
10 trying to achieve with a small number of standardized
11 reactors that would, for the next generation, provide
12 the basis for ordering new plants.

13 As I say, I've given that question a good
14 deal of thought over the past couple of months and I
15 guess I've slowly come around to the view that as I
16 look at Part 52 and the process set out in that part,
17 I've reached the conclusion -- I guess I'd like to
18 discuss it at this meeting, to get your other
19 thoughts -- reached the conclusion that Part 52 sets
20 up a process that is sufficiently rigorous in terms of
21 what it requires on essentially complete design and a
22 design that includes the entire scope, that is to say
23 primary and secondary side.

24 I guess I'm prepared to say that if a
25 vendor comes in the door and meets the requirements of

1 Part 52, as rigorous as they are, and is prepared to
2 provide the technical and the financial wherewithal to
3 support the vendor's end of the design process, I
4 think we've got an obligation to review that design.
5 I'm uncomfortable, I guess, to put it differently,
6 saying that we should pick and choose between the
7 designs.

8 I'll get to the resources question in a
9 minute because I think that's a significant question
10 on how we proceed, if we proceed, with additional
11 design reviews. But I guess I'd like to toss that out
12 for discussion, first off in terms of soliciting the
13 thoughts of you all as to whether Part 52 is
14 envisioned that way and what we ought to do with CANDU
15 and PIUS.

16 COMMISSIONER ROGERS: Well, I tend to
17 agree with that point of view. I think that -- I
18 don't see -- I think the rigors of Part 52 are such
19 that you're not going to have a very large stampede to
20 meet that. I think that the idea is to really provide
21 a great deal of information and it's a very rigorous
22 and expensive process presumably to meet that. I
23 don't think we're going to have any casual approaches
24 to that. So, with the real serious intent of a
25 submission that meets those requirements, I really

1 don't see a basis that we have for saying, "Well, we
2 will not do it."

3 Now, we have a resource question, of
4 course, that has to be dealt with and there are
5 realities in that. But as a matter of principle
6 rather than a practical matter, I don't see that we
7 have a basis for saying we won't review something if
8 somebody comes in that is perfectly willing to supply
9 us with everything we've ever said we wanted in the
10 way of a submission.

11 I think the resource question is an
12 important one. I'm trying to draw a distinction
13 between an in principle position and a practical
14 reality that we will have to face in the near term as
15 to where we're going to get the resources, human
16 resources or financial resources to use contractors to
17 do everything that might possibly happen. However,
18 there are a large number of uncertainties with respect
19 to our budget that are unsettled and this is just one
20 of them, I think, that we don't know about.

21 So, I think we ought to try to at least
22 get together if we can on what we really think should
23 happen. Now, what will happen may be dictated by
24 events beyond our control. But I'd say at least we
25 ought to decide what we think should happen and try to

1 get some agreement on that.

2 I tend to support your view on this, Jim,
3 that if somebody comes forward with -- is willing to
4 come forward with everything we've said we want to
5 see, for whatever kind of a reactor it is, it seems to
6 me we ought to review it.

7 CHAIRMAN CARR: Forrest?

8 COMMISSIONER REMICK: No question in my
9 mind that I feel and I think I've gone on record that
10 we have an obligation to review. That hasn't been the
11 problem, in my mind, that we've had. The problem I've
12 had is to do a thorough and timely review of those
13 applications when they're fully submitted, we have to
14 have staff who are up to speed on the new designs.
15 Like CANDU and PIUS are two good examples, but we have
16 others. So my concern is about getting staff involved
17 very early on so that they are up to speed. Also,
18 that some of the younger reviewers gain some of the
19 experience of some of the people that have been around
20 here for some time and might be retiring.

21 So, I've been concerned about are we
22 putting people in up front anticipating that we might
23 get an application in a couple years? That raises a
24 question, before we even get a formal question, we get
25 in PSIDs. My concern is are we putting staff in so it

1 is a training ground and that through the review of
2 the PSIDs, hopefully, that we'll raise any policy
3 issues that might come up to the Commission and get
4 those up early so that we don't hold up the process
5 once an application is in hand.

6 I don't know, Jim, if you plan to go on in
7 that discussion, but it leads into something I was
8 going to raise. The staff did provide us with a
9 document for PIUS and CANDU resources and what the
10 impact might be. I don't question at all that what
11 the staff outlined there is probably what it takes to
12 do a thorough job of getting staff on board and
13 learning about those designs. The question is, at
14 least in 1991, whether we can afford those type of
15 resources. I would hope that we could, but I'm not
16 sure that we can.

17 This leads into a suggestion, Jim, that
18 you've made in your recent COMJC of bouncing those
19 figures perhaps off of the vendors and getting some
20 kind of reaction and see what that type of review
21 might fit in with their anticipated needs and
22 schedules. I plan to support your COMJC in that area.

23 That will lead me in later on, Mr.
24 Chairman, when I get an opportunity to introduce a
25 topic that I'd like to throw out on the table. But

1 certainly as far as an obligation to review, I agree
2 completely. As I say, my concerns aren't about that,
3 it's about getting our staff up to speed so when an
4 application is on board, they know what it's all about
5 and perhaps they raise some of the policy issues like
6 they did on the advanced liquid metal reactor and the
7 modular HTGR, by getting into an early review of the
8 conceptual design.

9 COMMISSIONER CURTISS: I do have some
10 comments on the resources question, but it seems to be
11 the threshold question.

12 CHAIRMAN CARR: I don't think there's any
13 doubt that legally we're required to do what we say
14 we'll do in Part 52. In the rule, whatever they
15 submit, we're required to do that.

16 MR. PARLER: I never thought there was any
17 question about that, Mr. Chairman. The question as I
18 understood it was about the priorities --

19 CHAIRMAN CARR: That's right.

20 MR. PARLER: -- where the person obviously
21 does have some discretion.

22 CHAIRMAN CARR: The real question comes
23 down to how much can you do with the people you have
24 on board? My understanding is that these submittals
25 aren't written on the back of their check. We're

1 doing these for nothing up until the time that they
2 start selling them to somebody. Is that not accurate,
3 except what they have to spend to do it themselves, of
4 course?

5 COMMISSIONER CURTISS: We have the
6 authority to defer and I understand we intend to defer
7 that billing for the license fees for at least some
8 period of time, although that will ultimately be
9 recompensed to the Treasury.

10 CHAIRMAN CARR: Yes, but that's a --

11 COMMISSIONER CURTISS: I do think the
12 resources --

13 CHAIRMAN CARR: That's a "check is in the
14 mail" type problem there.

15 COMMISSIONER CURTISS: I do think the
16 resources question may be the linchpin of what we do
17 here.

18 CHAIRMAN CARR: Let me ask you one more
19 question before we get into the resources. Do you
20 think either of these have to be prototyped?

21 COMMISSIONER CURTISS: PIUS, I'm not sure
22 about. I guess I'd be inclined to say, on balance,
23 probably so. CANDU, of course we have the --

24 CHAIRMAN CARR: CANDU III, which the
25 Canadians have put the hard sell on me on numerous

1 occasions, saying, "We're going to build this in
2 Canada." It still doesn't have a contract, to my
3 knowledge, nor do I see one on the horizon.

4 COMMISSIONER CURTISS: It would be a moot
5 question if they built the plant up at Point Lepreau.
6 If that falls through, the question still remains, do
7 we need a prototype for CANDU III? We had the staff
8 paper up on that subject a couple of months ago and,
9 as I recall, the staff, I think, and correct me if I'm
10 wrong, was leaning in the direction of saying that
11 since this is an evolutionary design from the larger
12 Canadian design and since many of the technical
13 features are similar, that in their judgment a
14 prototype was probably not required. But I may be
15 recalling that SECY paper incorrectly.

16 I think it's a fair question and one that
17 in large part ought to lean on the staff's technical
18 judgment.

19 CHAIRMAN CARR: Certainly it's not a
20 design which we in this country know a lot about.

21 COMMISSIONER ROGERS: No, but I think one
22 of the issues is how far away is it from other CANDUs
23 that have been built and operated around the world
24 with very good performance. I think that's a matter
25 of detail that I think the staff is going to have to

1 analyze and see do they think it's as close to other
2 reactors which have been built and which have
3 operating experience, as CANDU reactors, as the
4 advanced reactors that we are willing to review
5 without a prototype differ from past construction of
6 U.S. designs, for example. I think there should be
7 comparable basis there. If the gap is too big between
8 the new CANDU III design and whatever else has been
9 built, then maybe we do need a prototype and I'd apply
10 the same kind of a test to a U.S. design.

11 CHAIRMAN CARR: I'd say it's certainly
12 higher on the list of not needing a prototype than
13 some other designs.

14 COMMISSIONER ROGERS: Yes.

15 CHAIRMAN CARR: But I would personally
16 think it would be a lot easier to review if Canada
17 decided to build it.

18 COMMISSIONER CURTISS: On the resources
19 question, I do think that's the linchpin decision that
20 we have to make. Obviously at this time and with
21 considerable budget uncertainty and the potential for
22 sequestration, immediate impact of that could
23 significantly reduce our resources.

24 CHAIRMAN CARR: Bring all these to a halt.

25 COMMISSIONER CURTISS: Right. It could

1 stop a lot of activities around here.

2 I have taken a look at the staff's
3 analysis of what's required for CANDU and PIUS that
4 Forrest referred to and have gone back and compared
5 that to the assumptions that we've got included in the
6 upcoming budget request for the evolutionary and
7 passive reactors and the numbers are somewhat
8 daunting, I guess, in terms of -- they either suggest
9 that the CANDU design is so significantly different that
10 it's going to require a huge commitment of resources
11 or, as Forrest has suggested in the past, we are under
12 budgeting the review of the evolutionary passive
13 plants.

14 Let me offer some thoughts on the
15 resources question, beginning with reviewing where I
16 think we stand today. If I understand where we are
17 today, we don't have any resources in the FY '91
18 budget for CANDU and PIUS.

19 CHAIRMAN CARR: That's right.

20 COMMISSIONER CURTISS: We've zeroed that
21 out. I guess my thoughts on how to approach the
22 resource question are as follows. If we agree as a
23 threshold matter that CANDU and PIUS, one or the both
24 of them, meet the threshold criteria of Part 52, then
25 it seems to me we've got an obligation either by

1 finding the resources in-house or if, as I think Jim
2 Taylor's memo points out, that will lead to a
3 significant crunch for other activities that we're not
4 prepared to divert resources from, making that
5 resource question known to the Congress or to others
6 and see the necessary resources to support the review.

7 CHAIRMAN CARR: In a supplemental for '91?

8 COMMISSIONER CURTISS: I wouldn't do it in
9 a supplemental, but let me talk about how I'd get over
10 FY '91 first.

11 The first question, it seems to me, we
12 need to address is are the resource estimates that
13 we've got from the staff consistent with the vendors
14 views about ABB, Combustion and AECL about what kind
15 of review they're prepared on their end to advance and
16 support. It's not clear to me and I suggested in the
17 recent COM that we have the staff go out and compare
18 numbers with the vendors so at least we're all singing
19 from the same hymnbook.

20 Once that's done and we've got a firm fix
21 on what the resource requirements will be, I guess I'd
22 propose something along the following lines. As the
23 General Counsel has pointed out in the past, we do
24 have some flexibility in the case of CANDU and since
25 AECL is a crown corporation, to avail ourselves of the

1 government to government funding option that we have
2 under the Appropriations Bill. That's an approach
3 that we took with the Japanese in review of the
4 plutonium transport issue and it seems to me that it's
5 an approach here that at least deserves to be pursued.

6 Bill has indicated that there's some
7 question as to whether we can accept funds on a
8 government to government basis where those activities
9 would otherwise be covered under the license fee
10 provisions of 10 CFR Part 170. I think we need to
11 clear up that issue and I'd suggest that we just get a
12 final determination from the Comptroller General on
13 that issue. Can we accept funds on a government to
14 government basis from AECL to provide funding for the
15 FY '91 time frame? If we can legally, then I think
16 there's a question as to whether, in terms of our
17 arm's length relationship with the vendor, we want to
18 do that as a practical matter.

19 I don't mean to diminish that question at
20 this point, but it seems to me we need the answer to
21 the legal question first.

22 CHAIRMAN CARR: But our General Counsel
23 tells us we can't do that legally.

24 MR. PARLER: It may help for me to tell
25 you all what I understood I told you last August.

1 CHAIRMAN CARR: Okay.

2 MR. PARLER: I told you that there were
3 two approaches, as Commissioner Curtiss has suggested,
4 the government to government for research projects,
5 which is one approach. You can work out a government
6 to government research agreement and it is clear to me
7 that there is existing authority for that to be done.

8 On the other hand, if something is really
9 for the purpose of paying a licensing fee for the
10 services and is described as that, I think it would be
11 difficult then to handle fees that are received for
12 that purpose in other than the traditional ways that
13 fees are handled. That is, they are received and are
14 put into miscellaneous receipt. But there is still a
15 clear, separate, autonomous approach for a government
16 to government arrangement to be worked out for
17 research purposes. That's what I tried to say in my
18 August memorandum to you all.

19 COMMISSIONER CURTISS: That's the way I
20 understood it. Do you have a feel from the details of
21 the AECL review as to whether the activities that they
22 are interested in pursuing now fall into the research
23 side or what you've described as the licensing side?

24 MR. PARLER: I'm not kept up to speed on
25 that. As a matter of fact, some of the internal stuff

1 that you all have been talking about, I haven't been
2 copied on. I found out about it, however. That's
3 something that would have to be staffed out and would
4 be looked at. But that certainly is an available
5 option and an available approach. What they're doing,
6 I don't know. I have some reason to believe recently
7 that at least either they or some of their advisors
8 might be thinking in those terms.

9 COMMISSIONER CURTISS: If that's an option
10 that's available to us today, it's certainly one to
11 pursue and I think we ought to take a look at it. In
12 the long-term though, and recognizing that at some
13 point on CANDU we will get into the licensing posture
14 if things proceed in a satisfactory way, it seems to
15 me that's only an interim approach that will obviously
16 last only so long as the project falls in the research
17 category.

18 I guess I'd still be interested in a final
19 clarification from the Comptroller General on whether
20 we have the authority to accept government to
21 government funds even when we get past that research
22 phase. The Appropriations Bill, I think, is a little
23 bit murky on that issue, in my judgment, and that
24 would give us the final word.

25 Beyond that though, I guess for both CANDU

1 and PIUS, what I would propose we do, and with the FY
2 '92 budget request working its way through the process
3 now, it seems to me that now is the opportunity to
4 identify whatever resources we'd like to request of
5 Congress in addition to whatever resources are
6 requested for our existing activities. I wouldn't
7 take the money out of the existing activities for the
8 reasons that the EDO has identified, the concerns that
9 he's identified. But it seems to me now's the time to
10 identify what resources, what FTEs are necessary once
11 the staff and the vendors sort that question out, and
12 to put that money in the FY '92 request which will be
13 finding its way up to Congress early next year.

14 Then, at that point, it seems to me if
15 Congress should say that this is more money than we
16 want to spend or Congress is less interested in having
17 us review CANDU and PIUS and they zero that out, they
18 zero one or both of them out, then it seems to me that
19 decision has been made by the policy makers. We'll
20 proceed accordingly. If they take the money out, I
21 don't think we have any other option. But it seems to
22 me at least we have an obligation to tell them that
23 funding of the following amount and FTEs in the
24 following amount are necessary in our judgment to
25 support these reviews if you want us to do these

1 reviews.

2 CHAIRMAN CARR: I don't have any problem
3 with it, as long as it's specifically identified.

4 COMMISSIONER ROGERS: I just -- in
5 reviewing the EDO's analysis of what the impact would
6 be if we took those resources out of present programs
7 to do PIUS and CANDU, I'm not prepared to support
8 that. I think those are all things that must be done.
9 They're all very, very high priority and I wouldn't--
10 while I'm in favor of trying to proceed along with
11 reviews of PIUS and CANDU, I would not be in favor of
12 doing it at the expense of those activities that would
13 have to be diminished.

14 COMMISSIONER CURTISS: I agree with that.

15 COMMISSIONER ROGERS: I think they're all
16 very critical and, in my view, at least equal or
17 higher priority than PIUS and CANDU.

18 I think also this question of the
19 research, pursuing the research approach, because of
20 our lack of experience with heavy water reactors, it
21 does seem to me that there are a lot of questions that
22 could very appropriately be dealt with under a
23 research rubric because it, in fact, would be what we
24 call research, what we might fund externally. So, I
25 think if that part could be sorted out by staff to see

1 what really would be necessary for us to feel
2 comfortable with fundamental issues, technical,
3 scientific issues related to heavy water technology
4 that we have not addressed in the past, I think that
5 would be entirely appropriate --

6 COMMISSIONER CURTISS: First step, yes. I
7 think that's a good point.

8 COMMISSIONER ROGERS: -- to put --

9 CHAIRMAN CARR: Is ACLS now a quasi-
10 governmental agency?

11 COMMISSIONER CURTISS: It's my
12 understanding that they have established a U.S.
13 subsidiary. Correct me if I'm wrong here. I think
14 this is the situation, a U.S. subsidiary of a Canadian
15 crown corporation.

16 CHAIRMAN CARR: Yes. The problem is if we
17 take it from a U.S. subsidiary, I would imagine that's
18 not the same as taking it from a crown corporation in
19 Canada.

20 COMMISSIONER CURTISS: Right. I agree we
21 need to address that question as well.

22 CHAIRMAN CARR: So, I don't know what the
23 legal ramifications would be.

24 MR. PARLER: Well, I tried to address
25 these things last year. As Commissioner Rogers has

1 pointed out, if the interested persons or parties can
2 work out a research approach which is to serve
3 research objectives and needs, I don't see any great
4 questions, at least initially -- I'll put aside the
5 long-term thing -- about the lack of legal authority.
6 If, however, somebody was to say, "We're really paying
7 you for licensing services rendered," really a
8 licensing fee, but it would be treated as something
9 else, then that I have problems with.

10 CHAIRMAN CARR: Yes.

11 MR. PARLER: I think whoever we ask that
12 question to would have problems with that. At least
13 if whoever we ask that question to would ask me for my
14 opinion, I certainly would tell he or she what my
15 opinion is. That leaves the door wide open for the
16 kind of approach that Commissioner Rogers was just
17 talking about.

18 CHAIRMAN CARR: Well, let me see if I can
19 summarize this and we can move on.

20 I think there are two things we want to
21 do. One is we want to check out the research item and
22 see how and whether the Canadian government is willing
23 to put money into research that we need to do in order
24 to be able to handle that license. I think we need
25 the staff to give us an opinion on whether we need to

1 prototype that CANDU III and the PIUS, and I think we
2 would like to go ahead and put an input into the '92
3 budget specifically for doing those two jobs and not
4 mess with the '91 budget. I'm for not opening the '91
5 at all. I think that would be a mistake.

6 COMMISSIONER CURTISS: I agree. And work
7 out the question of resources.

8 CHAIRMAN CARR: Is that an accurate
9 summary?

10 COMMISSIONER ROGERS: Yes.

11 COMMISSIONER CURTISS: And we need to work
12 out the question, Ken, of the resources, the staff and
13 the AECL and whether the two are agreed.

14 CHAIRMAN CARR: Well, I'm not of the
15 opinion that the vendors know as much about what
16 resources we need to get our work done as the staff
17 does.

18 COMMISSIONER REMICK: No, but I'm not sure
19 if the staff is completely in tune with what the
20 vendors anticipate for submittals, the information
21 they'll have available and when. Maybe they do, but
22 as far as you --

23 COMMISSIONER CURTISS: I'm not questioning
24 the numbers that have come up. They are significant
25 though and they led me to raise the question do the

1 vendors know what the staff review entails? It may
2 well be that they do not and those numbers are
3 accurate.

4 CHAIRMAN CARR: I have zero problem with
5 the staff talking to the vendors.

6 COMMISSIONER ROGERS: My feeling on that
7 is that the --

8 CHAIRMAN CARR: The vendors have been
9 talking to me. I've got both ears ringing.

10 COMMISSIONER ROGERS: If the vendors can
11 give the staff some range of expectations with respect
12 to submittals and detail of submittals and so on and
13 so forth, then it seems to me it really is the staff's
14 job to translate that into what they think is required
15 in the way of human resources on our end to do it.
16 But it is a kind of reality test that I think could be
17 useful if it has not already been done. Maybe it's
18 been done, but if it hasn't, then I think it's
19 worthwhile activity.

20 CHAIRMAN CARR: Okay.

21 COMMISSIONER REMICK: Mr. Chairman, as far
22 as you went, I agree, but I would like to see us put
23 some resources in fiscal year '91, not touching the
24 budget request, but I would like to see some resources
25 allocated.

1 CHAIRMAN CARR: From where?

2 COMMISSIONER REMICK: From other places
3 within the agency.

4 CHAIRMAN CARR: Well, you saw that list.

5 COMMISSIONER REMICK: I saw the list.
6 There's some things that are not on that list that I
7 might have proposed and I do think that certainly
8 within this size agency we can afford a few FTEs for
9 the review of -- to get the staff up to speed and
10 begin to review some of those documents. I'd be very,
11 very surprised that in a 3300 person agency that we
12 couldn't afford a couple FTE.

13 Now, I would not want to see the impact
14 that the staff suggested, but something I've raised
15 with the EDO and Doctor Murley several times is the--
16 and it's borne out by our regulatory impact survey,
17 that we're putting a lot of resources into team
18 inspections, in going to the regions. I get the
19 direct impression that the regions don't necessarily
20 feel that all those are necessary.

21 So, I have a feeling we are expending NRR
22 resources on things that perhaps we could slow down a
23 little bit or provide a little bit more balance. I
24 think we could come up with a couple of FTEs to begin
25 the staff review of those two designs. I'd hate to

1 see it put off another year.

2 So, I feel very strongly that it would be
3 a mistake to wait until '92 to allow the staff to
4 start getting involved. Otherwise, I'm not sure how
5 they're going to raise the issues with us. I'm not
6 sure how they're going to completely address the
7 question of a prototype based on what they've done in
8 the past. Maybe the staff does have enough knowledge,
9 but I'm not sure.

10 COMMISSIONER CURTISS: You're of the view
11 that, say, one or two FTEs is something that would
12 provide a regulatory interface?

13 COMMISSIONER REMICK: That's better than
14 zero FTE, in my mind. I'd be very interested to know
15 what the staff feels about that and what interaction
16 they might have with the vendors. I say I think we
17 have an obligation to carry --

18 CHAIRMAN CARR: We keep making this
19 decision and we keep trying to unmake it.

20 COMMISSIONER REMICK: Which decision?

21 CHAIRMAN CARR: That CANDU and PIUS are
22 deferred for lack of resources.

23 COMMISSIONER REMICK: The Commission made
24 that decision, that's right. But I personally think
25 it's something that the Commission should reconsider.

1 They're new designs and --

2 CHAIRMAN CARR: I mean, it's just a couple
3 of FTE here or a couple of FTE there.

4 COMMISSIONER CURTISS: It will free up
5 couple on the appeal panel.

6 CHAIRMAN CARR: Maybe from the
7 Commissioners' staffs.

8 COMMISSIONER REMICK: I think I suggested
9 that back at the first collegiality meeting. I was
10 only asking for something that was equivalent to about
11 a Commission office staff. I wasn't suggesting you
12 take our staff.

13 CHAIRMAN CARR: Oh.

14 COMMISSIONER ROGERS: I guess my position
15 is that I'm not willing to take it from those programs
16 that were suggested to us by the EDO as where they'd
17 have to come from, but if they could come up with
18 something else that --

19 CHAIRMAN CARR: But I'm not willing to
20 take it from our bread and butter of inspection and
21 following what goes on out there daily. We do a lot
22 of things that we, the Commissioners, aren't
23 "interested in." It isn't as if the people out there
24 aren't coming to work.

25 COMMISSIONER CURTISS: I have a suggestion

1 here. Tom Murley indicated at our last briefing, I
2 think on essentially complete design, that he was
3 putting together a staffing plan focusing on advance
4 reactors. Perhaps it would be appropriate here, in
5 view of the discussion, to -- Forrest, if you have
6 some thoughts on where those FTEs could come from, and
7 perhaps if we're discussing a limited number, just to
8 provide a regulatory interface until we resolve the
9 government to government funding question and until we
10 kick into FY '92. Perhaps that's something that ought
11 to be considered in the context of the resource
12 plan. so that we get a feel for what Tom is talking
13 about when he comes up here I think later this month
14 with that plan.

15 COMMISSIONER REMICK: I have no objection
16 to that. I've thrown out one idea. It's very
17 difficult for me to say that I know that this person
18 is not busy out in the staff. So far, I think that's
19 EDO's responsibility to identify where, if he knows
20 that the Commission thinks it's important that the
21 staff put a couple FTE on these designs. I'm sure the
22 EDO can come up --

23 CHAIRMAN CARR: Everything we do is
24 important.

25 COMMISSIONER REMICK: Yes. This question,

1 by the way, of priority, to me when you establish a
2 priority, that doesn't say that the things that aren't
3 in the top priority don't get addressed. It means
4 that you can perhaps put fewer resources on them. I
5 do think that the thorough review of these designs is
6 a major activity for this agency in the next couple of
7 years. We've got to get geared up and begin.

8 CHAIRMAN CARR: Well, and I think Jim
9 Curtiss is right, that we should budget for it, lay it
10 out and get the people to do it right. That doesn't
11 mean we should take it out --

12 COMMISSIONER REMICK: I'm highly in favor
13 of that for '92.

14 CHAIRMAN CARR: We certainly shouldn't
15 take it out of hide.

16 COMMISSIONER REMICK: I'm not sure we're
17 taking it out of our hide.

18 CHAIRMAN CARR: I acknowledge you're not
19 sure of that, but that's not a policy question, I
20 don't think.

21 COMMISSIONER CURTISS: As we've debated
22 this issue in the past, I guess I've looked at the
23 deferral question in the following terms. One, we
24 haven't decided yet whether we're going to review
25 CANDU and PIUS and the threshold question of how we're

1 going to approach those reviews has been kicked around
2 but not resolved, I think, until the discussion that
3 we've had here.

4 Secondly, we haven't really had a good fix
5 until Jim Taylor's memo of July 31st on what the
6 resource impact would be. I think that's still
7 evolving and will as we discuss that question with the
8 vendors. Now that --

9 CHAIRMAN CARR: Well, I think it's very
10 important to figure out whether they fit our
11 requirements for a prototype in that rule or not.

12 COMMISSIONER CURTISS: I agree. Now that
13 we've got --

14 CHAIRMAN CARR: That's critical.

15 COMMISSIONER CURTISS: Now that we've got
16 a consensus --

17 CHAIRMAN CARR: If they need a prototype,
18 then we're talking about nothing.

19 COMMISSIONER CURTISS: I was going to say
20 now that we've got a consensus to provide the funding
21 or at least request the funding in FY '92, I'd be
22 inclined to support a minimal level of FTEs to provide
23 the regulatory interface on the order of one to two,
24 consistent with what I think we did in FY '90. I've
25 seen the list of resources analyzed by Jim Taylor and

1 I've got the same concerns that I think Commissioner
2 Rogers and Ken, you've alluded to about moving around.
3 At the same time, we are an agency of 3400 people.
4 There are some functions --

5 CHAIRMAN CARR: It keeps getting bigger
6 every time I hear those numbers.

7 COMMISSIONER CURTISS: There are some
8 functions and tasks that we've decided just recently
9 are less important and that we ought to look at in
10 terms of whether that frees up resources. But what I
11 would suggest since Tom Murley is working on this,
12 maybe we all ought to discuss that individually with
13 him and see how his planning is coming, beginning with
14 the evolutionary, passive and then on into these two.

15 COMMISSIONER REMICK: My only point is I'm
16 sure his analysis, if he feels that the Commission is
17 saying, "Don't do anything in '91," it's going to come
18 out that he'll not suggest any in '91. I think we
19 have to let him know that we want his best advice on
20 what he feels is needed. That's what I'm asking for.

21 COMMISSIONER CURTISS: I think we ought to
22 put it to him. If we do a review, if we intend to
23 request resources in FY '92 for this, what impact will
24 it have on the vendor design reviews if there's
25 absolutely no regulatory review during FY '91? Will

1 that mean that the AECL folks simply can't sustain
2 during that period of time and assuming no resources
3 from the government to government funding, which may
4 be another alternative here that we can pursue, and
5 perhaps with some dispatch.

6 CHAIRMAN CARR: Well, but I'm not worried
7 about sustaining the AECL folks. I'm worried about
8 sustaining ours.

9 COMMISSIONER CURTISS: I understand that.
10 I wouldn't do it if there are higher priority
11 activities that we have committed our FTEs to that we
12 don't want to move to these lower priority activities.

13 CHAIRMAN CARR: Well, certainly plant life
14 extension is higher priority.

15 COMMISSIONER CURTISS: No question.

16 COMMISSIONER ROGERS: I agree with that.

17 CHAIRMAN CARR: Shall we move on? Have
18 you got another item, Commissioner?

19 COMMISSIONER ROGERS: Me?

20 CHAIRMAN CARR: Yes.

21 COMMISSIONER ROGERS: Oh, I've got a
22 million of them.

23 CHAIRMAN CARR: We started with your item,
24 I think, and meandered along.

25 COMMISSIONER ROGERS: That's what we hoped

1 is going to happen, that everybody will have a little
2 different view on things.

3 Yes. I'd like to come back to this how
4 we're going to be able to put the kinds of talent and
5 what have you forward to review these things down the
6 road.

7 I'd like to come back to that, but there's
8 something that Mr. Parler brought up that touched on
9 another issue that I wanted to bring up. So I might
10 as well do it right now. That is keeping the staff
11 informed about Commission positions or Commissioners'
12 positions on things.

13 I think that one of the problems that I've
14 seen from time to time is that staff that have to
15 respond to a general Commission position that has
16 evolved from the inputs of the different Commissioners
17 and the thoughts that the individual Commissioners
18 have expressed in their vote sheets, which are
19 important guides to the staff, very often do not get
20 to the staff who have to then go back and redo
21 something or improve it or something. It's my
22 impression that sometimes they know what the general
23 Commission position is but just some of the thinking
24 that's led to that has not always been available. It
25 seems to me that the Commission votes on staff papers

1 should really go back to the staff that are
2 responsible for responding to the staff requirements
3 memoranda.

4 I think this need has been demonstrated by
5 staff confusion in a number of cases. One recent one
6 was SECY-91-54 on not to close the uranium resources
7 facility. I think that the thinking of the individual
8 Commissioners, I have a feeling, did not get back to
9 the staff in a way that was useful for them to try to
10 deal with this.

11 So, we can argue about that particular
12 one. It was just an example. I think that the
13 general problem of communicating the thoughts of
14 individual Commissioners, which I think are helpful to
15 the staff in coming to something, are not always
16 communicated and I think that the General Counsel's
17 statement that there's some things he doesn't hear
18 about I think is something we've got to correct. I
19 think that we all ought to know about what we're
20 thinking about just so there isn't an unnecessary
21 degree of confusion.

22 CHAIRMAN CARR: Let me comment on that a
23 second. First thing, it's seldom you see a clean
24 vote. A lot of the comment sheets come in. Say it's
25 three to two one way and there's a lot of comments.

1 SECY has got a problem then trying to get the SRM out.
2 Getting a clean SRM out is a very difficult task with
3 additional views on both sides and I can understand
4 why the staff is a little confused, but they're
5 supposed to go with the majority. The majority makes
6 a vote, that's the decision, and all those minority
7 opinions, while they're of great interest, if the vote
8 is three to two, the staff is supposed to go with the
9 Commission.

10 COMMISSIONER ROGERS: Yes, but that's the
11 kind of view that there's somehow or other this
12 prophylactic result that comes out that they can take
13 and run with.

14 CHAIRMAN CARR: It's kind of like the
15 Supreme Court decisions. When they're split, they
16 still stand.

17 COMMISSIONER ROGERS: I don't think that's
18 really the issue. I think the point is that in
19 groping to come to a position, the individual
20 Commissioners have to deal with a number of different
21 issues. They may come down at a particular point, but
22 just the process of having come to that can be very
23 valuable to the staff in understanding some of the
24 thinking that's gone on.

25 They obviously are obligated to follow the

1 final result, but when you desiccate everything down
2 to one little final answer and then you give that to
3 somebody and they have to go back and reconstruct all
4 of the thinking that leads to this sort of thing, is a
5 lot of wasted time and effort and I think sometimes
6 confusion. I think knowing how a Commissioner came to
7 a position, even if it's a minority position, may be
8 very useful in avoiding certain things as they try to
9 meet the request or the position of the final majority
10 of the Commission.

11 It's just giving the kind of background
12 that I think is always very helpful in trying to
13 understand the total situation.

14 CHAIRMAN CARR: Well, I guess, SECY, the
15 votes are available to the EDO, aren't they?

16 SECRETARY CHILK: We give the votes to EDO
17 and ask them to just hold those votes until the SRM
18 comes out, so that we see what the final position is.
19 But under the new policy that you've adopted, the
20 Commissioners can mark their votes and say, "Release
21 them to the public," if they so desire.

22 COMMISSIONER ROGERS: I've seen enough of
23 this happen over the last couple of years since I've
24 been here that the staff finds that they really are
25 not quite clear on what the thinking was that led to a

1 final result. However much assistance we can give to
2 avoid unnecessary thrashing around, I think we ought
3 to --

4 CHAIRMAN CARR: Well, I don't disagree
5 with that, but there's always -- in my opinion,
6 there's not total agreement in the staff. Staff likes
7 to see Commissioners who agree with them, as well as
8 the guys who disagree like to see Commissioners who
9 disagree.

10 COMMISSIONER ROGERS: Well, we like to see
11 staff who agree with us too.

12 CHAIRMAN CARR: So there's no doubt in my
13 mind that there's a lot of teamwork going on.

14 COMMISSIONER ROGERS: Yes.

15 CHAIRMAN CARR: But, you know, I've been
16 on the other side of this. I've been staff and I know
17 when -- you never lose the argument. When the new
18 Administration comes in, you can surface it again and
19 you might win it this time. It's hard to get a
20 decision that really stands the period of time over a
21 lot of change in management, and we change management
22 enough that there's always an effort to try to make it
23 go the way you want it to go. I think that's normal
24 and healthy, frankly.

25 COMMISSIONER ROGERS: Oh, absolutely. But

1 I guess what I --

2 CHAIRMAN CARR: Some of that confusion is
3 generated, I mean.

4 COMMISSIONER ROGERS: Yes. Yes.

5 CHAIRMAN CARR: You generate it and if
6 there is an opportunity for confusion and you've lost
7 the argument, you'll use that, I think, and I don't
8 blame you. That's human nature.

9 COMMISSIONER ROGERS: Right. It's the
10 misunderstanding, the calculated misunderstanding.
11 But I'm talking about the genuine misunderstanding
12 that perhaps we might be able to alleviate.

13 CHAIRMAN CARR: My door is open. If
14 anybody misunderstands, I'll be happy to give them
15 what I thought I meant when I wrote it.

16 COMMISSIONER ROGERS: Well --

17 COMMISSIONER CURTISS: I have two comments
18 on that. I'm not sure where I come down on that
19 question, although as Sam points out we have the
20 option of putting our votes in the PDR right now and
21 that's established Commission policy.

22 Ken, if your point is that -- Ken Rogers,
23 if your point is that it would be helpful for the
24 staff to understand the thinking behind the consensus
25 reached by the Commission, whether it's 5 to 0, 4 to

1 0, or 2 to 2, what have you, I have seen instances
2 where -- in fact, I've got one recent one that's stuck
3 in my craw where the Commission was unanimous on an
4 issue. The one that I have in mind is Part 21, which
5 of course was the subject of a story just recently in
6 the trade press that seemed to suggest that the staff
7 thought the Commission was pulling the linchpin on the
8 reporting scheme that the staff had established for
9 vendor reports under Part 21. I went back and looked
10 at the votes and asked for the memo that had appeared
11 in this particular trade publication.

12 CHAIRMAN CARR: I didn't remember voting
13 it that way.

14 COMMISSIONER CURTISS: I didn't remember
15 it either, but in reviewing the history of this, it
16 turned out that the Commission was unanimous on that
17 point. So, I talked with the staff yesterday and as
18 it turns out the staff didn't quite understand what
19 the Commission had said. After I'd gotten the memo
20 that appeared in the trade press and read that, it was
21 clear that the staff didn't fully understand what the
22 Commission's thinking was.

23 That's the kind of thing that, frankly,
24 causes me a good deal of consternation, if there's not
25 communication between the staff and the Commission on

1 what the Commission obviously is thinking.

2 I do believe that it's important that the
3 Commission, once we have our opportunity to consider
4 and debate issues and sometimes very vigorous and
5 sometimes with the result that we have a divided
6 Commission, although not frequently, it's important
7 for the Commission to speak with one voice and it's
8 the voice of the majority, whatever it might be, for
9 the staff to understand that the Commission has
10 reached a decision.

11 There may be those of us who want to put
12 our votes in the PDR just for the purpose, as I've
13 argued in the past, of sharing with the public
14 thoughts on how the decision making process evolves
15 here and not for the purpose of trying to undermine
16 the consensus.

17 It does seem to me that Ken Carr's point
18 about speaking with one voice clearly and amplifying
19 upon that in the SRM, if there is the kind of
20 confusion that obviously arose in Part 21, is probably
21 where I would come down on this question.

22 I think you raise a good point though
23 about communicating to the staff and perhaps we need
24 to focus our attention in being more precise, more
25 thorough, amplify in the SRMs which are, of course,

1 the official agency document that is sent to the staff
2 and released now to the public that reflects the
3 Agency decision.

4 CHAIRMAN CARR: And if there is confusion,
5 I certainly would think that it would pay to surface
6 it as soon as possible so we could straighten it out.

7 COMMISSIONER ROGERS: Well, but there's a
8 reluctance to carry on this dialogue. The staff
9 doesn't like to come up and say, "We're confused."
10 Nobody likes to come up and say, "We're confused." So
11 they try to do the best they can. Then the result
12 comes up and you take a look at it and you know that
13 it's somewhat off the mark.

14 Now, there are various possible reasons
15 for that. Ken Carr has pointed out that maybe they
16 didn't want it to hit the mark. But I think there are
17 enough cases where it is genuine lack of understanding
18 that we might be able to do something about and I'm
19 not trying to make a --

20 COMMISSIONER CURTISS: Well, as I
21 emphasized to the staff yesterday, for example, on
22 this Part 21 issue, that I was disturbed that they
23 felt as if they had to communicate with us through a
24 trade publication. If they've got a concern about
25 what the Commission has decided, I certainly think

1 we've all got a policy that the doors are open and
2 we're anxious to hear if we've gone off the cliff on
3 an issue. I don't think, frankly, we did on Part 21.

4 CHAIRMAN CARR: Plus our personal staffs
5 are always available, I'm sure, to carry the messages.

6 COMMISSIONER CURTISS: Maybe we ought to
7 emphasize that point and for those of them out there
8 now, we ought to emphasize that there ought to be that
9 open communication.

10 COMMISSIONER ROGERS: Yes. Well, all
11 these things are true, but the fact of the matter is
12 there's a big gap between the staff and the
13 Commissioners' offices. The communication gap is not
14 effectively closed. It probably has a lot of roots in
15 the arm's length relationship that the staff has to
16 have for the Commission on certain issues and it's
17 built into the system. There is a problem of
18 communication from the Commissioner's offices to the
19 staff.

20 CHAIRMAN CARR: In any organization.

21 COMMISSIONER ROGERS: Well, communication
22 is the biggest issue in any organization. That's
23 always the toughest thing to solve and nobody ever
24 really solves it. But I think we have some special
25 impediments here that have a historical basis that we

1 might just think a little bit about reducing.

2 CHAIRMAN CARR: Okay.

3 COMMISSIONER ROGERS: The other thing I'd
4 like to come back to is this question of reviews of
5 advanced reactors and just how we're going to go about
6 that. It does seem to me there are some opportunities
7 in looking at that for a really new approach and a
8 creative approach towards gearing up to do it. While
9 I'm not saying that we should do this, but I'd give it
10 as an example. Well, we must do it.

11 I'd give an example of one way to start
12 thinking about this is to try to think about setting
13 up some kind of a really identified team of dedicated
14 experts who have really been finely honed on
15 fundamental principles, both theoretical and
16 experiential, knowledge for doing these reviews at a
17 very high level. I'm talking about now some kind of
18 perhaps a training program to knit together a team of
19 people which would -- the program would be, say, at an
20 advanced degree level, post master's degree,
21 professional engineer level or something of that sort
22 in a university, concentrated to bring together an
23 understanding of important fundamentals that should be
24 considered as we look at the really advanced reactors
25 that depart from our past experience.

1 It's an approach that will cost some
2 money, both in people and dollars -- it will cost
3 resources in people and dollars. But it's something
4 we might seriously consider because I think we're
5 going to be at this for some time. And to put
6 together a somewhat new approach here in organization
7 and identification of individuals who are the super
8 experts on technical issues with respect to advanced
9 reactors, might be a possible way to go.

10 CHAIRMAN CARR: Okay.

11 Commissioner Curtiss?

12 COMMISSIONER CURTISS: You mean other
13 issues?

14 COMMISSIONER ROGERS: Yes. That's okay
15 for now.

16 CHAIRMAN CARR: Your turn.

17 COMMISSIONER CURTISS: I have a couple of
18 quick ones that won't take a lot of time.

19 COMMISSIONER REMICK: Excuse me just a
20 minute.

21 COMMISSIONER CURTISS: Go ahead, Forrest.
22 I'm sorry.

23 COMMISSIONER REMICK: I just want to say
24 that I support that concept. I'm very much in favor
25 of having an elite group of people who look very

1 carefully at this certification review and eventually
2 license review.

3 CHAIRMAN CARR: I think the EDO is looking
4 at the problem right now.

5 COMMISSIONER CURTISS: Two or three quick
6 ones. The issue of agreement state compatibility is
7 one that I wanted to raise for a discussion here.
8 We've had over the course of the past year a number of
9 significant what I'll call the compatibility
10 questions, to what extent does an agreement state
11 program need to be compatible with the NRC's
12 regulatory program?

13 The two that I guess I have in mind are
14 the so-called Illinois one millirem issue, which has
15 come up in the low-level waste context. We've debated
16 the issue in the context of BRC and it looks to me
17 like over the course of the next few years with the
18 increasing activity on the low-level waste front, that
19 these compatibility questions will continue to arise
20 and perhaps pose issues of first impression for us as
21 we get to them.

22 One that I have in mind just as a example
23 is the Pennsylvania agreement state program that's
24 coming up here for review at some point.

25 I've gone back and taken sort of a cursory

1 look at what we've done in the compatibility area in
2 the past in terms of a comprehensive review of the
3 compatibility program, how we've gotten to where we
4 are, what the logic is behind it and what we do in
5 that area. I guess it's my impression that
6 compatibility is a doctrine that's grown by accretion
7 over the years. It's a series of decisions that are
8 made on individual reviews and we've got a body of
9 compatibility law, if you will, that reflects an
10 approach that staff is carrying out.

11 But I guess in my cursory view I haven't
12 found a thorough analysis with Commission's focused
13 attention brought to bear on it on the compatibility
14 question and, in particular, focusing on two subjects.
15 Number one, review of what we've done in the past on
16 compatibility, what's the practice been, what's the
17 case law, what is our approach on compatibility?
18 Then, two, more of a prospective analysis of what is
19 it that we're attempting to accomplish in the
20 compatibility area and in particular what's the
21 relationship between compatibility as we see it or
22 have seen it in the past and public health and safety?
23 What is it that we're seeking to accomplish?

24 What I'd like to suggest for thought or
25 for discussion, as appropriate, is that it may be--

1 with these issues coming up increasingly on a frequent
2 basis, it may be time for us to ask the staff to put
3 together an interoffice group with representation from
4 the key offices such as OGC, the GPA, and the EDO shop
5 to begin to look at the compatibility question. I
6 know Harold Denton's shop has gone out and done a
7 preliminary survey of the views of people on
8 compatibility. I've taken a quick look at that and I
9 think that's a move in the right direction, but that's
10 an area that I guess -- maybe it's because I haven't
11 looked at it before and we haven't looked at it
12 comprehensively recently, that seems to me to warrant
13 some increased attention.

14 COMMISSIONER ROGERS: Well, I think it's a
15 very big and important issue. I wonder if it's not
16 going to get overtaken by events, in a sense, from the
17 Hill. But I think probably we ought to get our own
18 thoughts together as best we can to sort out any
19 questions that are there, consistencies,
20 inconsistencies or whether just unanswered questions
21 with respect to where we stand on compatibility
22 matters and whether we stand in the same position on
23 all issues or whether there's a difference in how we
24 approach compatibility when it relates to --

25 CHAIRMAN CARR: Well, it's been a case by

1 case basis.

2 COMMISSIONER ROGERS: Well, yes. Then
3 that's just everything is different. I wonder if
4 there's any possible grouping of issues that we might
5 be able to put a little order into it rather than just
6 ad hocing it as we go.

7 MR. PARLER: As I understand the
8 situation, Mr. Chairman, from time to time over the
9 years, and the staff can perhaps respond at the
10 appropriate time more accurate, but there have been
11 attempts to group compatibility issues into
12 categories, the most important, the less important and
13 those where there's considerable flexibility.

14 What?

15 CHAIRMAN CARR: There are four categories
16 of compatibility.

17 MR. PARLER: Well, however. So, at least
18 some disciplined effort has been taken there. As far
19 as legal requirements, legal guidance, it is a fair
20 reading of the 1959 legislation which added Section
21 274 to the Act, as I kind of like suggested to
22 Congressman Miller, on July the 26th, that the
23 Congress, at least at that time, did contemplate
24 uniform radiation protection standards.

25 Since that time, of course, we've had

1 other legislation enacted which moves perhaps in other
2 directions as far as the state overall role is
3 concerned, such as in the Low-Level Waste Act and in
4 certain pieces of environmental legislation that are
5 administered by other agencies.

6 My point is simply this, there has been a
7 categorization. Perhaps it would be timely, however,
8 to take another look-see at the situation in light of
9 the problems that are coming up. Some of these
10 problems will come up, in my judgment, no matter what
11 the Congress will do or does with the BRC proposed
12 legislation.

13 CHAIRMAN CARR: Well, it's going to be an
14 important issue, the states right thing. Every time
15 they tie that to something on the Hill, why of course
16 you stand a great chance of losing it just on that
17 issue, whether it's a valid issue or not. Certainly
18 the trans-state boundary problems in our issues are
19 major.

20 Perhaps the General Counsel could take a
21 look and at least give us a piece of paper on what the
22 current thinking is so we all start from the same
23 starting point.

24 MR. PARLER: We'll be glad to do it in
25 cooperation with Mr. Denton and the other interested

1 staff.

2 CHAIRMAN CARR: Okay.

3 COMMISSIONER REMICK: As a new
4 Commissioner, I would find that very useful because
5 it's a scenario in which -- through experience I'm not
6 well informed. So, it would be very helpful to me if
7 somebody could tell us what the history has been and
8 what precedents.

9 CHAIRMAN CARR: Yes. I'm more involved
10 than I really wanted to be.

11 Okay. Anything else, Jim?

12 COMMISSIONER CURTISS: Two quick
13 questions. Two quick comments actually. We've got a
14 legislative package coming up, as we do at the
15 beginning of every Congress, and there's one, I think,
16 that the staff will start working on maybe later this
17 year --

18 MR. PARLER: We've already started working
19 on it. We have input from the staff.

20 COMMISSIONER CURTISS: There are two areas
21 that have come up, one recently, although I'm not
22 proposing legislation in either of these areas, it
23 seems to me it would be helpful to have the staff take
24 a look at in terms of whether we need additional
25 legislative authority.

1 The issue of NARM, which of course has
2 come up just recently, naturally occurring and
3 accelerator-produced radioactive material, is one that
4 I'm of an open mind on. I know that's been an issue
5 that was considered before I got here and there were
6 some thoughts that legislation might be required. I'd
7 be perfectly willing to consider the arguments for
8 such a legislative initiative if it, in fact, is one
9 that's necessary. I toss that out for consideration
10 in the legislative package.

11 The second one is the issue of mixed
12 waste. Again, here, I'm not proposing legislation,
13 although Congress will next year, I think, turn to
14 reauthorization of RCRA, which is the vehicle for this
15 issue. If we have any thoughts that legislative
16 attention is required in this area, based upon perhaps
17 a staff assessment of where things stand today on
18 mixed waste, it seems to me that's an oar that we
19 ought to get in the water as well this go-round.

20 MR. PARLER: Both of those issues were
21 considered in the two prior legislative packages and
22 I'm sure that with the input from the staff they will
23 be looked at again and discussed one way or the other
24 in the paper on the legislative program that we submit
25 to the Commission.

1 CHAIRMAN CARR: Well, my views on that,
2 NARM, as everybody knows, I tried to -- I think it's
3 dumb to leave it out there hanging and I think we
4 ought to take it, frankly, just because nobody else
5 has taken it. We might as well bite the bullet and do
6 it. The last time I tried to do that, we shelved it
7 off to CIRRPC to get a study done in a year which took
8 two years and when it came back we couldn't tell what
9 we got.

10 MR. PARLER: Of course, if you exercise
11 authority over NARM, we have to have legislation.

12 CHAIRMAN CARR: That's right. The second
13 one, mixed waste, I've decided from just wandering
14 around the country and trying to find some, that
15 they're doing away with it. Everybody says, "We're
16 not going to have any mixed waste. We're going to
17 treat it. We're going to get rid of it. You don't
18 have to have mixed waste." So, I hesitate to get a
19 legal responsibility for something that's not going to
20 be there.

21 COMMISSIONER CURTISS: I do think--
22 that's certainly what I'm hearing as I go around from
23 site to site. I ask the utilities, "Do you have any
24 mixed waste?" and they say, "No."

25 CHAIRMAN CARR: "And we're not going to

1 have any."

2 COMMISSIONER CURTISS: It's not clear to
3 me that that's because they don't have any or
4 because --

5 CHAIRMAN CARR: They defined it away.

6 COMMISSIONER CURTISS: -- they don't know
7 they don't have any.

8 CHAIRMAN CARR: Well, I told them now when
9 EPA decides to make lubricating oil one of their
10 hazardous wastes, I can't imagine not having mixed
11 waste.

12 COMMISSIONER CURTISS: Exactly. But
13 again, I'm not suggesting that we pursue legislation
14 in that area. I would like to see the staff do an
15 analysis of where things stand. Do we have a mixed
16 waste problem today? Is the joint permitting question
17 a question we ought to be worried about? Are the
18 requirements for the development of mixed waste
19 disposal facilities and the guidance that we've
20 promulgated on that issue leading to progress in the
21 states?

22 CHAIRMAN CARR: It won't hurt to take a
23 look at the problem.

24 Anything else?

25 COMMISSIONER CURTISS: I was going to run

1 one flag up the pole and I don't have anything new
2 other than that.

3 On the Part 35 medical rule question,
4 that's out for public comment now and I, probably like
5 all of you, get a searing letter in my in box every
6 now and then about how we're way off the mark with
7 that initiative.

8 CHAIRMAN CARR: From the West Coast?

9 COMMISSIONER CURTISS: Well, usually from
10 the left coast. And I assume you've gotten those
11 communications as well. That rule, if I recall
12 correctly, is out for public comment now and is to
13 come back to the Commission, I think, early next year.

14 CHAIRMAN CARR: Well, as a matter of fact,
15 there's a workshop on it today in Region I.

16 COMMISSIONER CURTISS: Is there? I guess
17 I, just in reading the letters and without having the
18 staff package back before us now obviously, am
19 troubled that there appears to be such a sharp
20 polarization over basic factual questions and basic
21 questions about significance of misadministrations.
22 Not even on the policy issues that I think we need to
23 get to, but on the basic factual questions. I'll look
24 forward to what the staff sends up to us when they
25 evaluate the public comments.

1 But one thought I guess I'd like to run up
2 the flagpole here for consideration as we work our way
3 through this issue is the possibility if those two
4 sides don't come together on basic factual questions
5 any closer than they are now, the notion of a
6 negotiated rulemaking on Part 35.

7 Now, coming from me, where I've been as
8 critical in the case of the LSS rulemaking, which was
9 a negotiated rulemaking, I have had reservations in
10 the past about that concept. But it seems to me here
11 in a case where there is such a sharp polarization on
12 basic factual questions, that perhaps that's an
13 approach that might have some merit. I don't propose
14 that we discuss it any further here, unless you have
15 comments on it, but it's something that I've thought
16 about in the past.

17 CHAIRMAN CARR: Well, let me make a
18 comment. I've visited two hospitals. One, San
19 Francisco Children's Hospital and yesterday Takoma
20 Park here locally. The two people running their QA
21 programs, you get a different view talking to them
22 than you do generally from our West Coast friends.
23 Yesterday at the Takoma Park, they've got a good
24 program in place. There's a new piece of paper out
25 from JCAH, I think, or from the American College of

1 Radiation Physicians or something.

2 But both of those have got a pretty good
3 program out. It's a question of whether the hospitals
4 have implemented it and how they've implemented it.
5 But the RSO at Takoma Park was logical, had some
6 complaints about the trial -- he's one of the pilot
7 projects. He was rational, but at least he was trying
8 the program out and he knew what he didn't like about
9 it and what he did like about it. So, he was going to
10 go to the workshop today and make those comments.

11 So, it's not as violently objected to as
12 most people think. Some things in there are obviously
13 troubling to him, but mostly it's the things, I would
14 say, that don't make a whole lot of difference. So, I
15 think we'll get something out of it. I'm not sure in
16 the long run we're going to end up having to put a
17 rule out. It's like everything else, when you start
18 looking at it, they start doing something about it.
19 In the last two years, they've come out with their own
20 QA program.

21 So, it's something we can take a look at,
22 I think. But it's interesting to go look at some of
23 those hospitals' programs because some are good and
24 some are awful.

25 COMMISSIONER ROGERS: Well, I spent a day

1 at the Mayo Clinic last year and talked to people
2 about some of these issues. While they do have
3 concerns about costs and increasing costs, there's not
4 the kind of really very strong opposition, at least in
5 quarters where there are very good programs to begin
6 with, and some concern about whether what we're doing
7 might increase costs and therefore reduce their
8 ability to provide medical care, but not that the
9 whole idea was an abomination the way one would -- the
10 way we get from some quarters.

11 CHAIRMAN CARR: For instance, yesterday at
12 Takoma Park, the guy said that it would add another
13 200 hours a year to his paperwork requirements. He'd
14 have to spend 200 hours a year more on meeting that
15 requirement and that's out of 2,000 he spends already
16 on that requirement. So, we've added ten percent to
17 his --

18 COMMISSIONER ROGERS: That's exactly the
19 kind of number I got out at the Mayo.

20 CHAIRMAN CARR: That's another four hours
21 a week.

22 COMMISSIONER CURTISS: As I say, I don't
23 mean to prejudge what the staff will send back to us
24 and it may well be that this process, as is usually
25 the case, once more thoroughly understood will lead to

1 some meeting of the minds, and I hope that comes to
2 pass, and leaving open the possibility that it may not
3 even require a rule if we see significant progress.

4 CHAIRMAN CARR: But the same people who
5 worry about one more life in the PRC Program don't
6 worry about one more life in the Radiation Medicine
7 Program. So, it's a different kind of approach.

8 COMMISSIONER CURTISS: That's all I have.

9 CHAIRMAN CARR: Commissioner Remick?

10 COMMISSIONER REMICK: Do we still have
11 room on the flagpole for one other item?

12 CHAIRMAN CARR: I've got a free morning.

13 COMMISSIONER REMICK: Okay.

14 CHAIRMAN CARR: It's only the staff that's
15 wasting time.

16 COMMISSIONER REMICK: I'd like to just
17 throw out one item and actually in a way it builds
18 upon an item that Jim had in his COMJC recently. I'll
19 soon have completed visiting all the vendors and
20 having some in-depth discussions with them of some of
21 their designs and so forth to get a better
22 understanding.

23 One of the things that comes across in a
24 number of those cases, not in all but in a number, is
25 just like within this Agency we have fewer and fewer

1 people that know what our process is about on review
2 of new designs and so forth and what it takes.

3 I find out there in the vendors that there
4 have been a lot of changes in management in recent
5 years and fewer and fewer people out there really know
6 what the NRC does in these reviews and what it takes
7 and so forth. Sometimes I detect what's a sense of,
8 "Well, we kind of ship it in and so many months later
9 the NRC kind of gives us back their results." A lot
10 of expectation that the rulemaking process for
11 certification is going to be 18 months. Nobody knows
12 how long it's going to take us. It could be six
13 months or 18 months or longer.

14 The other question that comes up, and it's
15 something that came up at a Commission meeting a month
16 or so ago, is do we need a licensing review basis now
17 that we have Part 52? Before that came up, just in my
18 discussions with some of the staff reviewers within
19 the Commission, I asked that question and found that
20 the staff reviewers felt that even though we do have a
21 Part 52 that they found the licensing review basis
22 document extremely valuable and think it would be
23 valuable in the future. It would be different than it
24 was for the ABWR.

25 I bounced this off the vendors that I've

1 talked to so far and found so far unanimously they
2 feel that that is a valuable document. It helps them
3 know what to expect and so forth.

4 What I'm leading up to is I sense that
5 there's some lack of communication -- although each of
6 us get visited in the office, some lack of
7 communication between the vendors and us on what their
8 expectations are, what their anticipated schedules
9 are, what they see for the needs of the industry and
10 so forth.

11 The suggestion, two alternates. Either we
12 invite the vendors in sometime in the near future,
13 when we could, to come in and talk to us about what
14 they see as their scheduler needs, when they expect to
15 have things, and also address this question of
16 licensing review basis document where there is a need,
17 where we could all hear the same people at the same
18 time rather than different times in our individual
19 offices.

20 An alternate to that would be if the
21 Commission did not want to spend the time doing that
22 is to ask the staff to interact with all those vendors
23 and come back and report to us with a consistent
24 document that covers the anticipated scheduler needs
25 of the vendors and so forth and their views on the

1 need for licensing review basis and report back to us,
2 either one.

3 But I think it's an important item, the
4 communication with the vendors and their communication
5 with us, because I think, as I say, that some things
6 they take for granted and aren't aware we have
7 limitations and we might have priorities and so forth
8 and so on. I throw that out. It might be more agenda
9 planning follow-on, but I throw it out for thought.

10 COMMISSIONER ROGERS: Well, just to
11 understand that a little bit, Forrest.

12 COMMISSIONER REMICK: Yes.

13 COMMISSIONER ROGERS: They have met with
14 us over the last year.

15 COMMISSIONER REMICK: Yes.

16 COMMISSIONER ROGERS: I mean we have seen
17 the major players.

18 COMMISSIONER REMICK: Yes.

19 COMMISSIONER ROGERS: What in addition to
20 the kinds of things that they've been sharing with us
21 at those meetings would you see?

22 COMMISSIONER REMICK: Well, I'd like to
23 have all of us hear at one time or get the same story.
24 We hear it at different times from different people
25 and so forth.

1 COMMISSIONER ROGERS: Sort of have a round
2 robin of these folks, one after the other?

3 COMMISSIONER REMICK: That's what I would
4 anticipate, yes.

5 COMMISSIONER ROGERS: That's helpful to
6 hear them all at the same time.

7 COMMISSIONER REMICK: The other thing is
8 the licensing review basis question is something I
9 don't know if you've explored with them or not. I
10 have in my visits to them, not necessarily in the
11 office, and get the reaction from the technical
12 people, not the CEOs and the vice presidents. The
13 technical people feel it would be a very valuable
14 document so they know what the ground rules are, what
15 they can anticipate and so forth.

16 So, I throw it out for what it's worth.
17 It's for improved communication.

18 CHAIRMAN CARR: Anything else?

19 COMMISSIONER REMICK: No thank you.

20 CHAIRMAN CARR: Commissioner Rogers?

21 COMMISSIONER ROGERS: No.

22 CHAIRMAN CARR: Jim?

23 COMMISSIONER CURTISS: I think we ought
24 to, on Forrest's suggestion -- as I recall, we do
25 meet, I think, annually with the vendors or we try to

1 do that. Perhaps that's something that we ought to
2 continue to do.

3 Let me just say a word on the LRB. I
4 would expect the vendors to be strong proponents of
5 the LRB, particularly given the experience of GE with
6 that document. I think it would be a useful
7 opportunity for us to share with them as well our
8 thoughts about the role of the EPRI requirements
9 document because that is a significant development
10 since the GE LRB and, at least in my mind, perhaps one
11 of the reasons that an LRB might be less important
12 given the activities and decisions that we've directed
13 the staff to make in the EPRI requirements document.

14 CHAIRMAN CARR: Well, if we can come out
15 with the essentially complete design, that may do away
16 with what the LRB had in it.

17 COMMISSIONER CURTISS: In fact, that could
18 lead to significant schedule savings, depending upon
19 how the LRB is treated. I know Combustion has spent a
20 lot of time on their LRB and if we're saying now that
21 there's going to be some increased time in the
22 schedule because of the EPRI requirements document,
23 but that's going to net out by the savings that we
24 achieve on the LRB. I think Ken first suggested this
25 thought about whether we need an LRB in view of the

1 EPRI requirements document approach that we're taking.

2 Those are issues that I think just
3 generally are helpful to discuss in a meeting like
4 that. I concur in that.

5 CHAIRMAN CARR: Anything else anybody
6 wants to bring up? I've got one or two minor ones.

7 I got your comments on the priority issues
8 and will address those. I've asked the NUMARC guys to
9 give me the capacity factors year to date from all our
10 people. It's interesting that the mean capacity
11 factor right now for U.S., France and Japan, Japan is
12 ahead. It looks like it's about 73 percent. The U.S.
13 in second place is about, I guess, 70, and France is
14 in somewhere that looks like 68.

15 COMMISSIONER CURTISS: What are these
16 figures again?

17 CHAIRMAN CARR: Capacity factors, year to
18 date.

19 COMMISSIONER CURTISS: Okay.

20 CHAIRMAN CARR: It appeared to me that
21 just from looking at the data that comes by that the
22 U.S. was doing better relative to the two major other
23 guys. So, it's kind of interesting where we stand.
24 I'll circulate this around to you and let you look at
25 it.

1 COMMISSIONER ROGERS: Just on that kind of
2 issue, I wonder if you folks, you other Commissioners
3 have been looking at the data that's up on access on
4 the percentage of plants in regions --

5 CHAIRMAN CARR: In Region IV?

6 COMMISSIONER ROGERS: -- that are up --

7 CHAIRMAN CARR: Everybody's up. All of
8 them but --

9 COMMISSIONER ROGERS: They've been running
10 100 percent month after month. There's 100 percent of
11 the plants in Region IV up and --

12 CHAIRMAN CARR: There's been 73 percent,
13 but it's -- good maintenance will keep you on the
14 line.

15 COMMISSIONER ROGERS: Well, I was
16 wondering if you folks find that information
17 interesting and are following it.

18 CHAIRMAN CARR: I follow it.

19 COMMISSIONER ROGERS: I look at it every
20 day myself.

21 CHAIRMAN CARR: Speaking opportunities, I
22 know Commissioner Rogers has got a list of guys we can
23 go talk to here. I encourage that. We've got to, if
24 we can, get out and not speak to the choir. So while
25 we do a lot of speaking to the choir, it's interesting

1 to get to the other people, so I encourage that.

2 And you probably have all seen the
3 graduate fellowship program for health physicists and
4 engineers and I think that's a great initiative.

5 COMMISSIONER ROGERS: Yes, very good.

6 CHAIRMAN CARR: ACRS, I told them I'd
7 bring up one issue here, and that was their report on
8 research to the Congress. We have legislation up
9 there, I guess, still trying to get that requirement
10 abolished. It doesn't look like anything's going to
11 happen to that. So I told them that if they didn't
12 get it abolished, that Doctor Kattan wants -- he likes
13 the report. He wants to make a report and change the
14 format of it a little, because they've just been
15 sending up basically letters that they have written
16 regarding research.

17 I told them if that -- I hesitated to do
18 anything with that until after the legislation either
19 didn't get in or did. After it did, I told them as
20 far as I was concerned they could write anything they
21 wanted to the Congress because they had a legislative
22 requirement to do that and if he thought there was a
23 better format, feel free.

24 I informed them that I thought, frankly,
25 that the Nuclear Safety Research Review Committee that

1 we formed in Research was doing a more thorough in-
2 depth analysis of the research than probably the ACRS
3 did in general case.

4 And so, I just keep you informed of what I
5 said to them.

6 COMMISSIONER REMICK: I just might comment
7 there's quite a history to that. The Committee spent
8 a lot of time putting out that formal report which it
9 felt nobody was reading and decided a couple years ago
10 they'll do what they are doing now, and that is when
11 they have -- when they submit a report and it involves
12 research, send that to Congress once a year.

13 My understanding is that the Committee
14 hasn't decided one way or the other, but they did
15 authorize Doctor Kattan to come and at least discuss
16 it because he has different views from the past.

17 CHAIRMAN CARR: Yes. We discussed it.
18 His concern was that the things that have been going
19 up there, where they were critical in the areas of
20 research the Congress used that as a great -- the
21 staff used that as a great option for cutting the
22 research program and the things that were good they
23 just ignored. And so he was worried about that
24 particular cast to it.

25 And I said, you know, it's a call. My

1 personal opinion is that there's no format for that
2 thing. If you want to change the format it's
3 perfectly all right with me. Maybe you can put
4 something up there that would be useful to them.

5 And he wanted to go out and talk to them
6 and see what it was they really wanted.

7 And my concern was they don't know what
8 they really want, so I didn't want him to go up there
9 and talk to them about that until after the
10 legislation had either died on the vine. I don't know
11 whether it's going to be submitted in the next set of
12 legislation or not, but take a look at it.

13 MR. PARLER: That will be looked at in the
14 paper that is sent up to you. But certainly as far as
15 the format is concerned, there are no legislative
16 requirements for that as you pointed out. So he
17 doesn't have to talk to anybody.

18 CHAIRMAN CARR: All right.

19 At the expanded staff meeting the EDO held
20 the other day, I did compliment the staff on the good
21 work they had done in license renewal and the BRC
22 policy. We've got BRC workshops going on on a
23 continuing basis, so I hope that we can continue to
24 see if we can make that. It's interesting how that
25 policy is being looked at around the world as a kind

1 of a landmark something or other. Everybody is taking
2 great opportunity to shoot at it, so it's kind of
3 interesting. You would think it was going to have a
4 major effect in what we did yesterday from the way
5 everybody's attaching it, but --

6 COMMISSIONER REMICK: Mr. Chairman, if I
7 can just interrupt, a thought comes to mind. In
8 recent discussions I've had with several licensees
9 that are in the process of decommissioning, when they
10 came in my office I thought for sure they were going
11 to complain about lack of attention by the staff and
12 effort. And in both cases, they were very laudatory
13 of the staff on the reviewing decommissioning plans
14 and so forth, giving consideration and so forth. So I
15 just want to make sure the staff is aware of getting
16 some kudos from licensees in areas where I thought
17 perhaps the people were coming in to complain.

18 CHAIRMAN CARR: I spoke to the
19 Professional Reactor Operators' Society not too long
20 ago and one of the questions they asked me was, "When
21 you told the CEOs out there to bring their complaints
22 in and start identifying things that you could fix,
23 did you get anything?"

24 I said, "Not really."

25 Frankly, I think the staff has been doing

1 a good job and I've been hearing that they've been
2 doing a good job.

3 We've talked about education and bringing
4 on the young guys, and you know that there's a big
5 intern program going on now and I think Doctor Murley
6 is to be congratulated as the rest of the people are.

7 DOE is initiating and supporting some good
8 programs throughout the country on science education,
9 so I think we could take a look if we have extra funds
10 around to do that kind of thing. We might jump on
11 their bandwagon and --

12 COMMISSIONER ROGERS: Linking into that?

13 CHAIRMAN CARR: -- get a cooperative
14 education effort. Well, we can talk to them about
15 that. I think that's a valuable thing to take a look
16 at and maybe we can.

17 I don't know if you've been using the
18 cafeteria, but I finally congratulate the staff on
19 getting that open. I know you were down there opening
20 day.

21 I don't think I have anything else. I
22 would like to, I guess, make one statement which I
23 call "fatherly caution," and I hope you'll take it in
24 the right thing. And that's one caution about day to
25 day details versus policy. Temptation is great, you

1 know, for those of us who like to run things to get in
2 there and run everything. My concern is that we bring
3 all the work to a halt that the staff is down there
4 doing that we know they do every day if we join with
5 those great congressional friends of ours and keep
6 firing memos off to the staff on multitudinous
7 questions that they have to answer and get back.

8 I guess my real concern is the flurry of
9 questions about alternative ways to get our business
10 done. You know, there are a lot of ways to run a
11 railroad and all the railroads seem to run all right.

12 COMMISSIONER ROGERS: Or all equally bad.

13 CHAIRMAN CARR: Well, I've been riding the
14 trains and they're pretty good. They're better -- on
15 better on-time schedule than the airplanes.

16 But I just throw that caution out, because
17 we've got the ability especially with the aid of our
18 staffs to bring everything to a halt by asking those
19 questions which we're vitally interested in and which
20 are good questions. But I really wonder if they fall
21 into the policy area or if they fall into the area of
22 running day to day business.

23 Having said that --

24 COMMISSIONER ROGERS: Well, I think it's a
25 good admonition that we all have to think about.

1 There's never ever going to be a clear-cut line. It's
2 always going to be a little gray area.

3 CHAIRMAN CARR: Just a fatherly caution.

4 COMMISSIONER ROGERS: You have to keep
5 thinking about it all the time.

6 CHAIRMAN CARR: Any other items?

7 COMMISSIONER REMICK: Just a question, Mr.
8 Chairman. You mentioned the cafeteria. Are we still
9 on schedule on the second building?

10 CHAIRMAN CARR: Second building. Well,
11 I'll give you what I know, and I'm not up to date
12 except when I can catch Mike in the elevator or
13 whatever. But the last information I had on the
14 second building was we're that close to being ready.

15 I called our newly-confirmed head of GSA
16 to congratulate him on his confirmation, asked him if
17 he intended to hold the schedule on the second
18 building. He says we're in good shape. He's going to
19 hold the schedule. And the current schedule is for
20 ground-breaking sometime in November.

21 We've got a couple of hurdles to get over
22 still, but it's strictly I think between GSA and the
23 contractor. The County is on-board. Everybody's
24 happy. We've maneuvered away a few parking places.
25 We've gotten rid of a floor. We've gotten rid of the

1 section in the middle and put offices in it. I think
2 most of the major hurdles are behind us. I have one
3 concern and it is that the contractor really doesn't
4 want to do this so he's going to keep finding things
5 to throw into the wheels to keep them from grinding.

6 But optimism is what I hear. I'm looking
7 for somebody out there so that we can take the shovel
8 and turn the first spade of dirt, and that's
9 presumably some time in the November time frame.

10 No other items?

11 We stand adjourned.

12 (Whereupon, at 10:03 a.m., the above-
13 entitled matter was adjourned.)
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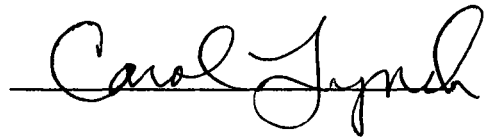
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TITLE OF MEETING: COLLEGIAL DISCUSSION OF ITEMS OF COMMISSIONER
INTEREST

PLACE OF MEETING: ROCKVILLE, MARYLAND

DATE OF MEETING: AUGUST 16, 1990

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