

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

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In the Matter of: PUBLIC MEETING

DISCUSSION OF POLICY AND PLANNING GUIDANCE

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
3 DISCUSSION OF POLICY AND PLANNING GUIDANCE  
4 PUBLIC MEETING

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

9 Wednesday, November 18, 1981

10 The Commission met, pursuant to notice, at 3:10

11 o'clock p.m.

12 BEFORE:

13 NUNZIO PALLADINO, Chairman  
14 PETER BRADFORD, Commissioner  
15 JOHN AHEARNE, Commissioner  
16 THOMAS ROBERTS, Commissioner

17 STAFF PRESENT:

18 SAM CHILK, Secretary  
19 LEONARD BICKWIT, General Counsel  
20 GEORGE EYSYMONT  
21 FORREST REMICK  
22 WILLIAM DIRCKS  
23 KEVIN CORNELL  
24  
25

# DISCLAIMER

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

CHAIRMAN PALLADINO: The meeting will please come to order.

The Commission meets this afternoon to discuss the Policy and Planning Guidance document which we asked the Office of Policy Evaluation to prepare. I understand that in past years the Commission has evolved such a document to provide guidance to the staff for budget preparation purposes.

In addition, the document has also served as management guidance on issues of major importance to the Commission.

I strongly support the need for such a document. The draft before us reflects my initial views concerning policy matters which are of particular importance. It also reflects my concern that the document be reasonably concise and recognizes that not every aspect of NRC's mission will be covered.

I would like to determine during the course of this meeting whether the current draft covers the policies and plans which the Commission feels are appropriate for the document. I would also like to determine if the time that it will take to review the document by individual Commissioners will permit us to publish the final version by the early part of January.

1 I thought we might proceed as follows: I would  
2 turn the meeting over to the Director of OPE to highlight  
3 the major features of the document, since the document was  
4 prepared by OPE; then ask the Commissioners to highlight  
5 their comments. We have received comments from Commissioner  
6 Ahearne and from Commissioner Bradford. Except for about  
7 three questions I find them very constructive and I would  
8 have little difficulty in accomodating to them.

9 Then, I might ask the EDO for comments on the  
10 document as he sees it. So, unless there are other points  
11 that ought to be covered I suggest we turn it over to OPE.

12 I would like to set a target of adjourning by 4  
13 o'clock.

14 MR. REMICK: Thank you, Mr. Chairman.

15 The OPE approached the preparation of the initial  
16 draft of the Policy and Planning Guidance document in a  
17 slightly different fashion than I believe was done  
18 previously. I am told that last year the initial draft was  
19 prepared directly in conjunction with the staff and after  
20 individual meetings with each of the Commissioners.

21 This year, as you indicated, the Chairman  
22 requested that we prepare a draft based on topics which were  
23 deemed of specific interest and importance.

24 If one looks at the document we sent up, of course  
25 the PPG itself is contained in Tab A, and one of the first

1 things I would highlight is the fact that it is being  
2 entitled, "Policy and Planning Guidance" instead of "Policy  
3 Planning and Program Guidance." Specifically, the draft  
4 points out that the Executive Director of Operations would  
5 provide program guidance as necessary, consistent with the  
6 Policy and Planning Guidance.

7           There are five major topics that are outlined in  
8 the draft, near-term licensing problems and responses;  
9 getting control requirements; streamlining the licensing  
10 process; supporting new initiatives, and other important  
11 steps. Of course, some of these have sub-topics that are  
12 associated with them.

13           The PPG is more brief than last year, and this is  
14 in keeping with the Chairman's request, and it is consistent  
15 with the thought of perhaps issuing this to all NRC  
16 employees, keeping it as short as possible.

17           Under Tab B is a proposed draft memo which would  
18 distribute the PPG to the NRC employees, and it includes  
19 encouragement for the staff to implement the PPG in a timely  
20 fashion. It encourages supervisors to pay specific  
21 attention to personnel management issues, and encourages  
22 people to use administrative support services in an  
23 efficient manner to assist the staff in carrying out their  
24 duties.

25           Under Tab C is a proposed schedule for possible

1 Commission action that would enable the documents to be  
2 distributed in final form in January of 1982, and then,  
3 under Tab D are the proposed major elements of a tracking  
4 system which would enable the staff to keep the Commission  
5 briefed on the status of some of the major elements in the  
6 PPG.

7           Actually, under Tab D there are two components,  
8 Attachment 2 under Tab D is a draft from the EDO  
9 recommending various items that should be tracked, and  
10 Attachment 1 is an OPE recommendation of major elements to  
11 be tracked which include some of the recommendations of the  
12 EDO but also incorporates some of the items that are  
13 specifically in the PPG.

14           The only other comment I would make, joining me  
15 today is George Eysymontt who was instrumental in assisting  
16 in drafting the document that you have.

17           COMMISSIONER AHEARNE: I would like to make a  
18 comment. I have to complement you, Joe. This is a subject  
19 which has always been very dear to my heart, but I was never  
20 able to get television cameras in for the Policy and  
21 Training Guide.

22           (Laughter.)

23           CHAIRMAN PALLADINO: Maybe PPG sounds like PG&E.

24           (Laughter.)

25           CHAIRMAN PALLADINO: Do you have more?

1           COMMISSIONER AHEARNE: I have a couple more  
2 substantive comments.

3           CHAIRMAN PALLADINO: Well, we have received  
4 comments from Commissioner Ahearne and from Commissioner  
5 Bradford. They were fairly extensive and I think on the  
6 whole very good. I hope we can get the detailed comments  
7 incorporated in the draft.

8           There are a few places where the comments may be  
9 deflecting, but I think that can be worked out. But I  
10 thought you might highlight what the major features of your  
11 comments are.

12           COMMISSIONER AHEARNE: All right.

13           CHAIRMAN PALLADINO: Then I will ask Commissioner  
14 Bradford and Commissioner Roberts to do the same.

15           COMMISSIONER AHEARNE: Two general comments. One  
16 which was not mentioned, which is that I really am very glad  
17 that the Chairman is very interested in this. I think that  
18 getting this kind of a document out to the staff serves an  
19 extremely useful purpose not just in budget preparation but  
20 more specifically in telling the overall agency what it is  
21 the Commission believes are important items.

22           Under the reorganization plan this is even more  
23 important because one of the areas that the Commission is  
24 supposed to focus on is Policy Guidance. So, this is an  
25 extremely important document for the Commission to draw



1 attention to.

2           Now, the two criticisms I had - sort of general  
3 ones - in which I tried to make adjustments on some of the  
4 comments were, first, while recognizing the value of  
5 focusing on a selected set of topics and not disagreeing  
6 with most of those topics as being the ones on which primary  
7 emphasis should be placed, I still believe that we ought to  
8 somehow get a message to the employees of the agency that in  
9 spite of their area not being mentioned here does not mean  
10 that it is not important.

11           I am afraid that this could be read as saying that  
12 as far as the Commission is concerned only those areas  
13 mentioned here are really important. Particularly since the  
14 emphasis here will be to make sure every employee gets it -  
15 and I think that is a good idea - I think it would be very  
16 difficult for our employees in the other areas to read this  
17 and not come away with the conclusion that what they are  
18 working in is just unimportant.

19           It would be hard to maintain high morale, it would  
20 be hard to maintain the pressure of work and keeping up with  
21 that work in the absence of some kinds of words - and I have  
22 tried to draft some. The ones I have put in are not well  
23 drafted, I recognize that, and I would encourage the OPE to  
24 try to adjust that if the Commission agrees with trying to  
25 put in something like that.

1           CHAIRMAN PALLADINO: I think that is a very  
2 valuable comment. I think Commissioner Bradford had maybe  
3 in a different sense the same comment on the inclusion of  
4 your items. I think we certainly should do that.

5           COMMISSIONER AHEARNE: The other concern I had was  
6 in the emphasis on improving the way we handle regulations  
7 and the licensing process. There is a danger of getting the  
8 wrong message - as at least certainly Peter recognizes,  
9 there are many times that he and I have had strong  
10 disagreements on steps we might take in the licensing  
11 process. So, I have certainly been very interested in  
12 making it more effective and improving it in many ways.

13           But I think that one could get a flavor which I am  
14 sure was not intended that what we are interested in is  
15 streamlining it to make it a pro forma review in order to  
16 maximize the number of licenses that we can issue -  
17 streamlining it to the extent that the review of safety  
18 could be somehow put aside and made secondary.

19           So, I have tried to modify to some extent, just to  
20 make sure that message does not come across because there  
21 are many people in the staff who really will try very hard  
22 to follow what they see is the intent that the Commission  
23 has placed on this. If it can be read in a direction that  
24 is not the direction we would like it to go, then I think we  
25 ought to make sure that we write it so it cannot be read

1 that way.

2 That was the second point.

3 CHAIRMAN PALLADINO: I think those are both very  
4 valid comments. I think your suggestions on how they might  
5 be corrected will help OPE to make sure that we do not  
6 overlook any of these.

7 MR. REMICK: Absolutely. I think it is extremely  
8 helpful to have the written suggestions.

9 CHAIRMAN PALLADINO: Peter, would you like to  
10 highlight the essence of your comments?

11 COMMISSIONER BRADFORD: I think my concerns are  
12 the same as John's. There is not a great deal in the draft  
13 PPG that I disagree with, although I would reformulate some  
14 of it. But there are a number of things that are not  
15 included in it that I think are very important to get in.

16 I do think that the two documents side by side,  
17 last year's and this year's, do leave an unfortunate sense  
18 of tilt away from the aspects of last year's document that  
19 tried to keep a balance between concern about  
20 over-regulation on the one hand and safety on the other.

21 As I indicated in my memo, there are a couple that  
22 I feel pretty strongly about. But I certainly do not have a  
23 problem with strengthening the concerns regarding  
24 over-regulation as long as we keep the right balance.

25 CHAIRMAN PALLADINO: I certainly agree that we

1 have to keep a reasonable balance. As a matter of fact,  
2 when I read it I sort of felt it may have leaned over  
3 backwards more than we should have in stressing the easing  
4 in the regulatory process and not enough emphasis on the  
5 safety aspect.

6           So, I think these corrections are quite in keeping  
7 with both the past practice and what we ought to do.

8           COMMISSIONER AHEARNE: I would like to make two  
9 other comments if I could. One, I certainly agree with  
10 dropping the programming side. We have always had  
11 difficulty trying to get there, and I think under the  
12 reorganization plan the programming side is much more  
13 appropriately left out of a document that is a Commission  
14 document.

15           The second, I do not, for myself see - I do not  
16 have great concern if it does not track too exactly the  
17 previous year's version, even though I have liked the  
18 previous year's version. But there is basically a change in  
19 leadership of the agency and it does not therefore make me  
20 too upset that a new document coming out with a new set of  
21 leaders is going to be different from last year's.

22           COMMISSIONER BRADFORD: I agree with that, both  
23 because of changes in personnel and also because  
24 circumstances themselves change, particular policies become  
25 programs. One hopes, even, that from time to time things

1 get resolved.

2 COMMISSIONER AHEARNE: Not on the time scale of an  
3 individual Commissioner.

4 COMMISSIONER BRADFORD: That is probably right.

5 (Laughter.)

6 COMMISSIONER BRADFORD: But at the same time there  
7 are some more general themes that have been in the  
8 proceeding, a couple of iterations that I would not drop  
9 without making sure that we knew what was meant by dropping  
10 them, and also just exactly what was taking their place.

11 CHAIRMAN PALLADINO: I presume OPE has copies of  
12 your detailed recommendations.

13 MR. REMICK: Yes.

14 CHAIRMAN PALLADINO: And on the insertions. If  
15 they have any questions, I think, they can work that out.

16 MR. REMICK: I would assume that the Commission  
17 supports the concept of 2A-2C, which it seems to me the most  
18 appropriate thing to have in.

19 COMMISSIONER AHEARNE: Yes.

20 CHAIRMAN PALLADINO: I do have three questions  
21 that were raised in reading the comments, but I thought I  
22 would defer them and give Commissioner Roberts a chance and  
23 the EDO a chance to comment.

24 COMMISSIONER ROBERTS: I have no specific  
25 comments. But the lack of any specific comments does not

1 indicate in any way my lack of interest or the importance  
2 that I attach to this. But I have no specific comments.

3 CHAIRMAN PALLADINO: Bill, have you had a chance  
4 to look at the document?

5 MR. DIRCKS: We have gone over it and in general  
6 we do not have any major problems. We have some questions  
7 of interpretation of, say, the rule of, for example, the  
8 Generic Requirements Review Committee. But I think we can  
9 straighten that out in providing detailed language.

10 COMMISSIONER BRADFORD: Bill, does "we" in this  
11 one include the EDO, the staff in general?

12 MR. DIRCKS: Yes.

13 COMMISSIONER BRADFORD: How broad is that?

14 MR. DIRCKS: The office directors have seen it,  
15 but we have not gone over it in detail with the office  
16 directors. We have gotten some preliminary comments back  
17 from them.

18 We have, for example, in the waste management area  
19 Jack Martin's view, and I think we have some comments on  
20 dates leaving us some flexibility on dates.

21 COMMISSIONER AHEARNE: Do you intend to get  
22 detailed comments from the office directors?

23 MR. DIRCKS: I do not know how much more detail we  
24 need. I think we have gotten Harold's view, and I think he  
25 has conferred with his people. John Davis has done the

1 same. So, I think we have a good basis for getting comments  
2 back. The detailed programming we can work out as we go  
3 into that system.

4 I think our questions are on interpretation of  
5 some of the broader headings. The role of project managers,  
6 I think is, we have project managers and we would like to  
7 make sure that we have something similar to what the  
8 Commission may be intending in its write-up.

9 We do want to do something about dates to make  
10 sure that we do not have too much of a discontinuity with  
11 the on-going programs and we can adjust them to the main  
12 areas.

13 We do have some questions on the new  
14 organizational element, the Generic Committee versus the  
15 role of the new deputy, versus responsibility of myself. We  
16 can give that to OPE and we will work closely with them.

17 We will try to at the same time gear up to think  
18 how we can convert this into programming.

19 COMMISSIONER BRADFORD: Do I understand correctly  
20 that your comments are not in this draft?

21 MR. DIRCKS: The comments that they have in our  
22 draft, I think, basically are mine and Kevin's. We did not  
23 go down very much farther at this iteration.

24 COMMISSIONER BRADFORD: Your comments are  
25 reflected, though, in the draft we have seen.

1 MR. DIRCKS: Yes.

2 COMMISSIONER BRADFORD: Yours and Kevin's, but not  
3 the office directors'.

4 MR. DIRCKS: Not the office directors'.

5 MR. CORNELL: There is also a fair amount of  
6 language in here that was not in the earlier draft that we  
7 did comment on.

8 MR. DIRCKS: There have been changes, yes.

9 MR. CORNELL: We saw an earlier draft comment and  
10 this is a new one and we have not commented on this one.

11 COMMISSIONER AHEARNE: Do you expect the schedule  
12 that OPE proposed would have an OPE redraft by November 25  
13 that would require the basis of comments?

14 MR. DIRCKS: Oh, sure. We would be able to do  
15 that.

16 CHAIRMAN PALLADINO: Yes, I was hoping we all  
17 could try to adhere to the schedule.

18 MR. DIRCKS: I think the best way we can handle it  
19 is if we just sit down with George and Forrest and work it  
20 out directly. We have our comments. A lot of it may be  
21 interpretation of what did you mean here and how can we  
22 adjust the language to make sure that we know what is meant,  
23 clarity.

24 CHAIRMAN PALLADINO: With respect to the comments  
25 that I received there were three topics I would like to



1 discuss for just a few minutes.

2           One had to do with - I guess it is page 3 - where  
3 a suggestion was made that we cross out reference to Clinch  
4 River Breeder licensing. Since that is an item that has  
5 been talked about a great deal, both by the Executive  
6 Branch, by DOE and by the Congress, it seems to me that some  
7 mention of it would be appropriate.

8           Now, whether or not the thrust given on page 3 is  
9 the right one, but crossing it out entirely would give me a  
10 little bit of a problem.

11           COMMISSIONER AHEARNE: I would not object to  
12 keeping it in in some modification. I would first make it a  
13 separate item. It links here directly to the operating  
14 plants, to the rest of them; it is essentially an equal  
15 level. I did not have a chance to think of any better way,  
16 but I would not object to including it with some  
17 modification.

18           COMMISSIONER BRADFORD: Let's see, at least a  
19 couple of Commissioners have now requested a separate  
20 briefing on Clinch River. I guess we have not scheduled it  
21 yet.

22           I do not mind having some mention of it in the  
23 document somewhere, but my inclination would be to keep it  
24 pretty neutral. Until we have had that briefing, I guess I  
25 do not have a good feel for just what the resource

1 implications of a commitment to have the NRC in no way delay  
2 the Clinch River licensing are. Whether, for example, that  
3 entails a commitment to delay the licensing of plants that  
4 are ready to operate; or if it entails a commitment to delay  
5 some other programs; or whether that is a commitment we can  
6 fulfill with our existing resources is important to know.

7           CHAIRMAN PALLADINO: Well, the word  
8 "unnecessarily" delay, but there may be more.

9           COMMISSIONER BRADFORD: I think that will be read  
10 to mean unnecessarily within the confines of that  
11 proceeding. Unless we say more it would not be read to mean  
12 unnecessarily relative to other activities.

13           CHAIRMAN PALLADINO: We will try to work something  
14 up with regard to this.

15           My second question, I think, relates to siting  
16 policy on page 15. I think both Commissioner Bradford and  
17 Commissioner Ahearne raised questions about the statement  
18 that says, "Further, siting regulations should take account  
19 of engineered safety features."

20           COMMISSIONER AHEARNE: Mine was more a question.  
21 The question was with respect to whether that was an  
22 explicit policy that was in disagreement with the  
23 authorizing language which told us to develop it. This was  
24 the bill that was passed.

25           CHAIRMAN PALLADINO: Is it 1980?

1 COMMISSIONER AHEARNE: FY '80 Authorization Act.

2 COMMISSIONER BRADFORD: Yours is a pretty firmly  
3 stated question, John.

4 (Laughter.)

5 COMMISSIONER AHEARNE: Yes. It says the  
6 regulations promulgated pursuant to this section. That is  
7 the one that tells us to develop siting criteria. It says,  
8 "It shall specify demographic criteria for facility siting"  
9 and goes on, "without regard to any design engineering or  
10 other differences."

11 CHAIRMAN PALLADINO: Peter, I think you have a  
12 comment that says that you do not think we should take this  
13 into account.

14 COMMISSIONER BRADFORD: Well, John's question is a  
15 good one. Part of my concern was that I had a recollection  
16 which I did not bother to look up, that there was a  
17 statutory problem.

18 Beyond that, though, I think we will ultimately  
19 want a siting policy that for new reactors really is that, a  
20 siting policy, irrespective of improved features within the  
21 plant, at least ones that I know anything about, unless  
22 somebody is talking about something like undergrounding  
23 which really simply says that there won't be any release.

24 So, with regard to some of the older plants I am  
25 sure judgments about engineering features will have to be

1 made. But I would be inclined to shy away from having a  
2 siting policy that varied a great deal with the kind of  
3 equipment that was in the plant.

4 CHAIRMAN PALLADINO: I have a little problem with  
5 both of these comments because even in the siting rule that  
6 was under development now there were assumptions, specific  
7 assumptions, made about the engineered safety features that  
8 were going to be in the plant.

9 COMMISSIONER BRADFORD: Can you give me an  
10 example, Joe?

11 CHAIRMAN PALLADINO: Oh, yes, they presumed  
12 containment; they presumed CCS.

13 COMMISSIONER BRADFORD: Well, of course.

14 CHAIRMAN PALLADINO: Well, if you postulate you  
15 are not going to have then, then you can hardly site any of  
16 these plants anyway.

17 As a matter of fact, they postulate the current  
18 best data.

19 COMMISSIONER BRADFORD: Yes. I did not mean to  
20 take issue with that. What I had in mind, what was worrying  
21 me was the notion that perhaps vented containments or core  
22 catchers would become a basis for siting closer to large  
23 population centers, and that plants that had those features  
24 would be allowed to be sited in more densely populated areas.

25 There might come a time when - and of course when

1 we are talking about new plants we are obviously talking  
2 about sometime in the future -- but there may come a time  
3 when we are comfortable in the sense that we know enough  
4 about how those features would work to permit some  
5 relaxation of siting criteria. But I do not think we are  
6 there yet.

7           CHAIRMAN PALLADINO: The siting rule would have  
8 some statement about exotic safeguards. My inclination is  
9 that if we are unwilling to talk about safeguards, then the  
10 siting rule that is under development now is not a proper  
11 one either. We are going backwards, we are going to the  
12 place where reactors did not have cooling systems, emergency  
13 cooling systems; did not have back-up residual heat renewal  
14 systems; did not have containment.

15           If we are going that far back, and that is what I  
16 get when I hear the statement "no engineered safety  
17 features."

18           COMMISSIONER BRADFORD: That is not what I had in  
19 mind.

20           CHAIRMAN PALLADINO: That is what I am afraid some  
21 people are actually thinking of. The other thing they do  
22 not want to do is so discourage improvements in the systems  
23 we have that we stagnate.

24           COMMISSIONER BRADFORD: I see what you are saying.

25           CHAIRMAN PALLADINO: So, I am not pushing for

1 gradiose schemes to improve safeguards yet, I would hate to  
2 see us discourage innovation or fail to take advantage of  
3 the fact that the siting rules that we are now working on do  
4 better on engineered safety features.

5 COMMISSIONER BRADFORD: Yes.

6 CHAIRMAN PALLADINO: Now, if you are willing for  
7 us to try to construct something in that framework --

8 COMMISSIONER BRADFORD: Sure. Within the confines  
9 of the statute.

10 CHAIRMAN PALLADINO: I had trouble with the  
11 statute, too because I do not think they intended what they  
12 finally came out with.

13 COMMISSIONER AHEARNE: I am not sure, and the  
14 reason I am not sure is that a lot of the arguments you just  
15 made were ones that I know I and some others made at the  
16 time the statute was being put together.

17 CHAIRMAN PALLADINO: Well, then maybe you know  
18 what they meant.

19 COMMISSIONER AHEARNE: Now, whether they went  
20 ahead without listening to what we were saying; or went  
21 ahead, listened, understood and then decided we were wrong,  
22 that I do not know.

23 I agree with the points you just made. I was  
24 merely raising the question that before we issue, "Here is  
25 NRC policy," we ought to at least address, are we saying

1 that our policy is to go against something that is in the  
2 statute.

3 CHAIRMAN PALLADINO: That is a good point. I  
4 think we have to watch how we say that.

5 (Laughte.)

6 CHAIRMAN PALLADINO: We might also want some  
7 advice from legal counsel as to the continuing effect of  
8 that authorization bill.

9 COMMISSIONER AHEARNE: That's right.

10 MR. BICKWIT: Our advice on these matters has been  
11 that you are not bound to the authorization bill of the  
12 previous year as a strictly legal matter.

13 CHAIRMAN PALLADINO: This does ont mean we want to  
14 ignore it.

15 MR. BICKWIT: That is right.

16 CHAIRMAN PALLADINO: Because it does have a  
17 concept in there where they are trying to emphasize  
18 demographics as a primary feature, and that I could  
19 understand. What I had difficulty with, both in the  
20 implimentation of that and what I believe is behind it is  
21 that one should not consider engineered safeguards at all.  
22 That was my impression.

23 COMMISSIONER AHEARNE: I believe that the part of  
24 the debate in the past which now has been compressed into a  
25 few sentences. Part of that debate is whether you can take

1 a site which you would reject on the grounds of any of the  
2 other criteria - Ravenswood, for example - and say, "No, we  
3 are going to accept it because we will come up with some  
4 unique plant-specific provisions." It was that concern, I  
5 know, that originated the drive to eliminate it.

6 CHAIRMAN PALLADINO: Yes, that I can understand.

7 COMMISSIONER AHEARNE: The other strong effort to  
8 eliminate it came from within the NRC. Bill, you recall,  
9 the NRC staff that was working on siting criteria eventually  
10 came up with a proposal to eliminate all connection between  
11 the engineering design and the site. The reason they did  
12 that was not because they disagreed with the philosophy you  
13 just said, Joe. The reason they did that is, they concluded  
14 that it was just too hard a problem to resolve in a  
15 rulemaking, how you would do the connection.

16 So, after five years of effort they decided to  
17 chuck it and proposed a separation.

18 CHAIRMAN PALLADINO: Yes, but the separation is  
19 sort of artificial.

20 COMMISSIONER AHEARNE: Of course.

21 CHAIRMAN PALLADINO: It just says, "We are going  
22 to accept the status quo of engineered safety features and  
23 are now going to look at demographics."

24 I say that already admits to engineered safety  
25 features.



1           COMMISSIONER AHEARNE: Oh, yes.

2           CHAIRMAN PALLADINO: Once you have admitted it, it  
3 is a little bit like prostitution, how far do you want to  
4 go, I mean, what is your price?

5           (Laughter.)

6           CHAIRMAN PALLADINO: But I agree, it has to be  
7 handled delicately. But I do not want to leave it out  
8 because I think it is one of the points that could lead us  
9 to an erroneous conclusion.

10          COMMISSIONER AHEARNE: Yes, I would endorse  
11 including it, but I think expanding it a bit.

12          CHAIRMAN PALLADINO: All right.

13          COMMISSIONER AHEARNE: I would also want to make  
14 sure Forrest talks to Len and see if he can perhaps word  
15 that in some way that does not make it look so obvious that  
16 we have decided to use the legal rationale that one year's  
17 authorization language does not connect any of the others.

18          Many authorizing committee members, while they may  
19 agree with that legally, will take some offense to that.

20          COMMISSIONER BRADFORD: Well, also, they will  
21 simply re-enact it again.

22          COMMISSIONER AHEARNE: They may not be able to.

23          COMMISSIONER BRADFORD: The other point, of  
24 course, is a rule that is developed in response to a  
25 particular year's authorization, even if the bill itself has

1 lapsed, is going to be read as having been set in motion  
2 with an intent to comply with it, so that there is going to  
3 be some vague carry-over, even if it is not specific.

4 CHAIRMAN PALLADINO: That is why I said, I just do  
5 not think we ought to be entirely indifferent to that.

6 COMMISSIONER AHEARNE: Yes.

7 CHAIRMAN PALLADINO: But I would like to clarify  
8 it a little bit.

9 COMMISSIONER AHEARNE: Right.

10 CHAIRMAN PALLADINO: Now, there are a number of  
11 questions tht I think are addressed either to Remick or the  
12 EDO. For example, it raised the question on NRC reviewing  
13 the Three Mile Island plant within three months. I think  
14 that came from Bernie Schneider. Your question here was --

15 COMMISSIONER AHEARNE: My question was, is that  
16 realistic that we will be review and decide on the merits of  
17 the plant within three months. That is not a question to  
18 you, it is on page 13, down near the bottom.

19 CHAIRMAN PALLADINO: About the sixth line.

20 MR. DIRCKS: I guess the reaction was, the  
21 technical review can be done, but, say, any public comment  
22 review and any reviews by the Commission, I guess, would  
23 have to be factored in our comments.

24 COMMISSIONER AHEARNE: But this says the NRC.

25 MR. DIRCKS: Yes. The technical review, I think

1 can be done.

2 COMMISSIONER AHEARNE: As we know on this issue,  
3 that has not necessarily been the limiting factor.

4 MR. DIRCKS: That is why we are going to feed  
5 these date problems back in.

6 COMMISSIONER AHEARNE: Right.

7 CHAIRMAN PALLADINO: I picked that up as typical  
8 of some of the date problems.

9 COMMISSIONER AHEARNE: Yes.

10 CHAIRMAN PALLADINO: But there is one that I think  
11 has some policy implications and I think we ought to talk  
12 about that for a few minutes. That is on page 11 on the  
13 storage and disposal of nuclear waste.

14 Now, there we talk both about the waste confidence  
15 --

16 COMMISSIONER AHEARNE: Item 1, the waste  
17 confidence for planning guidance, I was merely saying that  
18 we will complete in the proposed rulemaking.

19 CHAIRMAN PALLADINO: But down in this paragraph  
20 your suggestion would be with No. 1.

21 COMMISSIONER AHEARNE: Correct.

22 CHAIRMAN PALLADINO: At the bottom we say, "A  
23 permanent repository site will be selected andf a license  
24 application to obtain construction authorization will be  
25 submitted to the NRC as early as mid-FY 85."

1 COMMISSIONER AHEARNE: I did not touch that.

2 CHAIRMAN PALLADINO: Now we come to the sentence  
3 that follows. "Duration of the NRC review and hearing  
4 process should permit a decision on the issuing a  
5 construction authorization by January" - I think it was 1988.

6 Now the question is, should we have it that way or  
7 within four years receiving the license application from  
8 DOE, and what the implications are.

9 COMMISSIONER AHEARNE: What I did was try to go  
10 back through information that I received, that the  
11 Commission has received from NMSS and also some of the  
12 testimony NMSS has given on what are the stages that they  
13 have to go through once they received a license  
14 application. That includes developing their review, putting  
15 out the SER and then going to the hearing. That time frame  
16 is about four years.

17 Now, I did not want to pin a date. So, there are  
18 really two issues here, one is wehat date and the other is  
19 the length of the time. I did not want to put a date in  
20 because the date that we complete is going to be driven  
21 inexorably by the date that DOE comes in.

22 I believe that although there are some bills that  
23 have been going around saying '85, DOE, I believe, is  
24 telling some people in the Congress that they cannot meet  
25 that.

1           So, I do not want to get us in a situation that we  
2 are in all too often, for example, with EPA. We get a fixed  
3 calendar date independent of the date that is really driving  
4 us. We are readier in situations where we are up front of  
5 EPA on things that we really logically should have waited  
6 for EPA. But they just did not move.

7           In this particular case we clearly have to wait for  
8 the application to come in in order for our process to go.  
9 So, the first thing is, I think we ought to say whatever the  
10 time is there, it ought to be so much time of receiving other  
11 license.

12           CHAIRMAN PALLADINO: I would have no problem with  
13 that. The reason I recall there are several policy  
14 questions is, I think one of the bills - and I hesitate to  
15 try to remember which number it was - had two years and nine  
16 months in there, and we did comment that that was rather  
17 tight. I was really raising it to ask the question of  
18 whether or not we should be trying to meet a target that  
19 Congress says in a law which has not passed yet, or whether  
20 we should be putting in there what we really mean.

21           COMMISSIONER AHEARNE: My understanding of the  
22 message we gave to the Congress was, it would be very  
23 tight. Certainly, we would do our best to meet it. If  
24 there is a law we will always do our best to meet it.

25           But I think for planning guidance what we are

1 telling the staff, what do we realistically expect them to  
2 do. We ought to be telling them what we really,  
3 realistically, expect them to be able to do.

4 My best estimate, at least from what I have seen  
5 is, unless we want in the Planning Guidance to assume the  
6 interim licensing for the repository, and if that is the  
7 assumption, it should be explicit.

8 But without that assumption I do not think they  
9 can make the two and-a-half years.

10 CHAIRMAN PALLADINO: I was going to ask two  
11 questions. One, see if the EDO thinks this is about the  
12 right time; and two, whether the Commission would  
13 countenance putting in there a statement that if  
14 congressional action takes place that we would have to  
15 re-examine our capabilities versus the schedules shown in  
16 whatever legislation is passed.

17 This is another way of keeping the options open.

18 COMMISSIONER AHEARNE: I guess I would have no  
19 problem with a statement - whether it is here or a general  
20 statement - that as Vic has often said, we of course are  
21 going to try our best to obey the law.

22 CHAIRMAN PALLADINO: That is the sentence I wanted.

23 COMMISSIONER ROBERTS: Right. My concern is that  
24 we ought to recognize and the staff ought to recognize that  
25 we recognize what is a realistic schedule.

1           CHAIRMAN PALLADINO: We have told them they time  
2 they had and it was not long enough.

3           COMMISSIONER AHEARNE: That is right. This is now  
4 speaking to the staff, "How do you plan?" I think it harms  
5 us and it harms the effectiveness of the staff's work if we  
6 in speaking to staff tell them to do something which is  
7 really unrealistic - they know it is unrealistic and we know  
8 it is unrealistic.

9           So, I would put in the kind of first point I made,  
10 of course we will do our best to try to obey the law,  
11 whatever the law ends up saying.

12          MR. REMICK: Jack Martin has expressed concern  
13 with this very thing that you are talking about. He is very  
14 much concerned about the two years and nine months as not  
15 being adequate.

16          COMMISSIONER AHEARNE: I am positive the only way  
17 we can make a two-year nine-month schedule is if we have  
18 interim licensing legislation which says that we will issue  
19 the permit before the hearing is over.

20          MR. DIRCKS: And the other point we keep  
21 stressing, I think we mentioned it to Congress too, it  
22 really depends on the quality and acceptability of the DOE  
23 submission. If it is a poor submission, hastily put  
24 together to meet a date, that really will then extend our  
25 process out considerably.

1           CHAIRMAN PALLADINO: Well, does the four years  
2 seem reasonable to you?

3           COMMISSIONER AHEARNE: I put that together from  
4 the information I had. You have to go back and check

5           MR. DIRCKS: I think we also try to condition it  
6 on a satisfactory or acceptable DOE submission.

7           COMMISSIONER AHEARNE: Yes, that is a good point.

8           COMMISSIONER AHEARNE: What about the change from  
9 five to three sites for purposes of characterization? Last  
10 year's PPG said five.

11          CHAIRMAN PALLADINO: Incidentally, it was  
12 suggested we take all this history out. This, I think, is a  
13 history based on the recent --

14          COMMISSIONER AHEARNE: I think Peter's point  
15 probably, if I could rephrase it differently, is that the  
16 rule that we put out requires --

17          COMMISSIONER BRADFORD: I do not recall whether  
18 the rule requires a particular number of sites to be  
19 characterized.

20          COMMISSIONER AHEARNE: Did the rule say three, or  
21 five?

22          MR. DIRCKS: Three to five, I think. It had a  
23 range in there, more than three.

24          COMMISSIONER AHEARNE: More than three?

25          MR. DIRCKS: No, between three and five. I think



1 it was a range.

2 COMMISSIONER AHEARNE: I am not sure. I know I  
3 pushed hard for three, Peter pushed hard for five, and he  
4 won.

5 MR. DIRCKS: You mean in the guidance.

6 COMMISSIONER AHEARNE: I thought in the rule,  
7 also. It ought to certainly follow the rule.

8 COMMISSIONER BRADFORD: The part of the rule I  
9 remember is the three sites business -- what I said about  
10 sites to be characterized I don't recall. But I wondered  
11 why, since last years PPG said five, I wondered why were  
12 were going to from five to three this time.

13 MR. CORNELL: The last budget we put together, the  
14 FY 83 budget, the assumption was there in terms of budgeting  
15 resources processing three sites. When we put the '83  
16 budget together there was a three site assumption in that,  
17 and I suspect that is what that number means.

18 CHAIRMAN PALLADINO: Why don't we ask OP to look  
19 at the rule if there is something that changed.

20 COMMISSIONER BRADFORD: Yes.

21 COMMISSIONER AHEARNE: It may be that '85 is the  
22 time.

23 COMMISSIONER BRADFORD: Maybe that is what it is.  
24 I assume that the five appeared in the first place because  
25 that was what DOE was at that time proposing to do. If we

1 get just the three now, does that mean that DOE has slipped  
2 two, eliminated two?

3 COMMISSIONER AHEARNE: Well, certainly as time  
4 goes on --

5 COMMISSIONER AHEARNE: As it gets closer to '85.

6 COMMISSIONER AHEARNE: As it gets closer to '85 it  
7 is less likely that there will be more than three sites  
8 characterized..

9 CHAIRMAN PALLADINO: I think that is what DOE is  
10 planning.

11 MR. DIRCKS: I think this is in the legislation,  
12 too, the two or three bills that are kicking around up there.

13 CHAIRMAN PALLADINO: I do think even though it was  
14 suggested we cross all that out since it is not policy, I  
15 think the basis on which we are proceeding should be  
16 included.

17 COMMISSIONER AHEARNE: This has nothing to do with  
18 the waste management. What I crossed out was on waste  
19 confidence procedure. This whole section is on the waste  
20 confidence.

21 MR. REMICK: And you did re-introduce waste  
22 confidence as Item 1 in the Planning Guidance.

23 COMMISSIONER AHEARNE: Right because it did not  
24 seem to me that the history of the waste confidence  
25 proceeding was a valid part of policy, whereas the Planning

1 Guidance would be that we are going to finish it. That was  
2 my intent.

3 CHAIRMAN PALLADINO: Any other points on the PPG?

4 All right, thank you very much. We look forward  
5 to the redraft.

6 COMMISSIONER BRADFORD: I am sure you have been  
7 just through the first and last televised PPG meeting.

8 (Laughter.)

9 CHAIRMAN PALLADINO: I have a feeling that it is  
10 going to appear in connection with a different subject.

11 Thank you, we will stand adjourned.

12 (Whereupon, at 3:55 p.m. the meeting of the  
13 Commission adjourned.)

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NUCLEAR REGULATORY COMMISSION

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

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in the matter of: PUBLIC MEETING - DISCUSSION OF POLICY AND PLANNING  
GUIDANCE

Date of Proceeding: November 18, 1981

Docket Number: \_\_\_\_\_

Place of Proceeding: Washington, D. C.

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

M. E. Hansen

Official Reporter (Typed)

M. E. Hansen

Official Reporter (Signature)