

NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

CONTINUATION OF BRIEFING ON ACTION PLAN

Place - Washington, D. C.

Date - Wednesday, January 9, 1980

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CR9087

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3 PUBLIC MEETING
4 CONTINUATION OF BRIEFING ON ACTION PLAN

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

9 Wednesday, January 9, 1980

10 The Commission met, pursuant to notice, at 9:35 a.m.

11 BEFORE:

12 JOHN F. AHEARNE, Chairman of the Commission

13 VICTOR GILINSKY, Commissioner

14 RICHARD T. KENNEDY, Commissioner

15 JOSEPH M. HENDRIE, Commissioner

16 ALSO PRESENT:

17 Messrs. Chilk, Shapar, Benton, Gossick, Mattson, Minogue,
18 Case, Stello, O'Reilly, Hanrahan, & Bickwit.
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P R O C E E D I N G S

1
2 CHAIRMAN AHEARNE: The meeting is called to
3 order.

4 Roger, Lee, Harold, Howard, et cetera, once again
5 we return to the Action Plan and its ongoing efforts.

6 Lee, what facet of it are we discussing this
7 morning?

8 MR. GOSSICK: All right. Following our meeting on
9 the 21st, the Action Plan group has been busy continuing
10 with the further development of the Plan. On last Saturday
11 we sent down to you a paper that was asked for at our last
12 meeting that gets into a little bit more details and
13 specifically addresses those items attached to the early-on
14 licensing activity. And I will ask Roger to go ahead and
15 describe the overall paper and just where we are now.

16 DR. MATTSON: Well, the paper poses a broad
17 answer to the question of what constitutes the end of the
18 licensing policy, and then goes into some detail on one
19 element of what we propose constitutes the end of the
20 licensing policy; namely, the near-term operating license
21 requirements.

22 I think there are three things we could talk about
23 productively today, looking for some kind of agreement on
24 those three things that would help the steering group press
25 forward. And we propose them:

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1 First, discover whether there is agreement for
2 what generally constitutes the end of the pause; and second,
3 talk about how we implement the requirements, licensing
4 requirements, at the end of the pause -- by rulemaking, by
5 policy statements, by relations to the Standard Review Plan,
6 whatever.

7 And then, having talked about those two general
8 subjects, I think it would be worth our time to go through
9 this enclosure attachment one to the memorandum and talk
10 about each of the individual items in the list. Some of
11 them, I think, we can pass over rather quickly. You've seen
12 them before. We've talked about them in some detail. But
13 through that cover to cover, if you will, of attachment one
14 to understand in totality the things that the steering group
15 and the office directors have concurred constitute a
16 necessary and sufficient list of requirements for near-term
17 OLs, albeit not a necessary and sufficient list of things to
18 accomplish before lifting the pause.

19 CHAIRMAN AHEARNE: Roger, I am not sure I really
20 fully understood -- in fact, I am sure I did not fully
21 understand -- the points made in your paper. So let me ask
22 a couple of questions, if I could.

23 The sense I got is that what you are saying is
24 that it is your view that the Commission should, A, endorse
25 the Action Plan in general, the total effort, before

pv HEE 1 licensing should reissue; and B, should, for licenses to
2 issue in the near term, endorse a specific set of actions.
3 Is that correct?

4 DR. MATTSON: Yes.

5 CHAIRMAN AHEARNE: So that you would see, before
6 licenses issuing, the various steps in the phasing that you
7 talked about in the previous meetings being completed; that
8 is, the basic endorsement of this large volume, which is
9 another way of saying that you would see sometime in
10 February or so before at least from the Action Plan group's
11 point of view, the licenses could begin to issue.

12 DR. MATTSON: Yes.

13 COMMISSIONER KENNEDY: Let me express that I share
14 your concern. I read the letter. I wasn't quite sure that
15 I fully comprehended what you are going to tell me goes one
16 step farther than Chairman Ahearne. Do you mean that by
17 endorsing the Action Plan in its totality that we are
18 getting any implication of an endorsement of specific
19 elements of it?

20 For example -- let me take the extreme example --
21 what conceivable difference does it make to specific
22 licensing actions over, say, the next year whether we
23 endorse concepts which have to do with the location of the
24 headquarters building? I mean, I use that one as an
25 extreme. It seems to me there is a long spectrum in

pv HEE 1 between, and somewhere it would seem to me one breaks off
2 and says, "Yes, these are all very nice and very important
3 things we must pursue and we've got to come to grips with,
4 but we don't have to come to grips with them other than to
5 say that we ought to come to grips with them someday before
6 we resume licensing." Is that what you mean?

7 DR. MATTSON: That is exactly what we mean.

8 COMMISSIONER KENNEDY: Okay.

9 DR. MATTSON: All that many of these peripheral
10 issues require, in our judgment, is for you to say, "Yes,
11 that is an issue; someday we are going to come to grips with
12 that issue," and simply saying we are going to continue to
13 consider that issue is all we recommend you have to do on
14 many of these things before you resume licensing. The
15 vehicle for doing that en mass is the Action Plan.

16 COMMISSIONER KENNEDY: It really is fair to say
17 that; isn't it -- or is it -- that in many of those cases,
18 even if we didn't say, "Yes, that is an issue; we are going
19 to come to grips with it," it really wouldn't have any
20 effect on licensing?

21 DR. MATTSON: That's true.

22 COMMISSIONER KENNEDY: Okay.

23 DR. MATTSON: The action you might take on that
24 specific issue is the matter of fact that you remove it from
25 the Plan, if you choose to do so.

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1 MR. GOSSICK: I think that was the intent of the
2 paragraph on page 3.

3 COMMISSIONER KENNEDY: I just wanted to make sure
4 I understood it.

5 DR. MATISON: Unfortunately, the extreme examples
6 are the easy ones. The list of near-term OLs is at the
7 other extreme. Most of those are easy to grasp, yes, those
8 are things we ought to do. The Short-Term Lessons Learned
9 and so forth. Again, the example you raise is extreme, yes,
10 that is clearly one all we need to do is say we're going to
11 do something about it.

12 In between, there are 200 and some items, neither
13 in this list nor in your example, and it is through the
14 consideration of the Action Plan that you say, "Yes, that
15 ought to be on the short-term or near-term operating license
16 list," or, "No, that is one we want to treat separately or
17 we want to conduct rulemaking or we want to do some research
18 first," or, "That is just peripheral; that has to do with
19 the efficiency of how we do our work or whatever, and we
20 will acknowledge in the plan that we are going to treat that
21 subject, and it needn't be done before licensing."

22 CHAIRMAN AHEARNE: Now I guess then that clarifies
23 one other question, or perhaps the same question I had. In
24 your paper you had said: "We do not believe that the
25 isolated approval of any particular subset of action items

pv HEE 1 is a sufficient condition to justify the resumption of
2 licensing." By that, did you mean then that the approval of
3 a subset -- in particular, the subset here -- in the absence
4 of that more general approval of the Action Plan would not be
5 sufficient?

6 DR. MATISON: Yes, that's what we're trying to
7 say. And the reason is that you need, in our judgment, to
8 demonstrate that you have considered the full range of
9 reform recommendations from the people who studied the
10 accident. Most importantly, the Kemeny Commission.

11 You have done that by simply generating this
12 document. Now, from this document our understanding is we
13 will extract the near-term OL requirements. You need to be
14 able to say how you did that and why the other things aren't
15 in the list of near-term OL requirements.

16 We think the way you do that is to approve, in
17 general, a revision of this Plan, which incorporates your
18 guidance and policy direction on those things not
19 specifically required for near-term OLs, just what are you
20 going to do about degraded core-coolant accidents in
21 general, what are you going to do about risk assessment,
22 what are you going to do about reactor safety policy, broad,
23 important, but longer-term issues which, if I sense where we
24 are headed, will not be completely accomplished before we
25 resume licensing.

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1 CHAIRMAN AHEARNE: Now, OPE had made a point in
2 the paper, which you are on the list for but it only came
3 out yesterday so I don't know whether you've had a chance to
4 look at it.

5 DR. MATTSON: I have not seen it.

6 CHAIRMAN AHEARNE: The point they made refers to
7 licensing as meaning the review process as opposed to
8 license issuance. And so one of the issues that I think --
9 and correct me if I am wrong -- that they are making is that
10 the actions were being viewed as a trigger to switch back on
11 the licensing review process separate from the question of
12 licensing issuance. Is that what you had seen it as?

13 DR. MATTSON: No, I don't think that is a proper
14 view. And the reason is simple: On this list -- and there
15 are approximately 50; I guess I didn't count it after the
16 office director meeting on Friday -- but of the 50, 24 -- or
17 Short-Term Lessons Learned -- the 24 Short-Term Lessons
18 Learned Lessons learned were transmitted to pending OL
19 applicants some months ago.

20 Submissions have been received from those people,
21 and there are in fact reviewers assigned to plants like
22 Sequoyah and North Anna and Salem, who are reviewing
23 licensees' responses to those requirements. So, it is clear
24 to me that the review process per se, although suffering
25 somewhat from manpower shortfalls -- and we could do it

pv HEE 1 faster if we had more people applied -- but it nevertheless
2 is going forward on at least a portion of these 50 near-term
3 OL requirements.

4 CHAIRMAN AHEARNE: Let me ask a somewhat similar
5 question to Harold. I had thought that at least some areas,
6 that one of the arguments being made for the need for us to
7 have a licensing pause in addition to making sure of the
8 Short-Term Lessons Learned, et cetera, was the manpower
9 shortfall and the inability therefore to spread people both
10 looking at operating reactors and to the review process. To
11 the extent that that is a factor in so-called "licensing
12 pause," which then relates much more to Hanrahan's pause in
13 the review process, what are the kinds of threshold-level
14 actions that you see as being required to drop that policy?

15 MR. DENTON: I think they are the same two that we
16 talked about. One is I wanted to be sure that an action
17 plan could be used as an umbrella, that these were the
18 considerations that we weren't moving, say, toward requiring
19 filtering and venting on every plant in the action plan,
20 because it might not fall out in the near-term review. So,
21 I would like to have a Commission endorsement, have an
22 action plan umbrella that this is an entity of things which
23 we are going to consider actions in. Some of them, like the
24 data link, I know, whichever way it turns out, it might not
25 affect near-term licensing actions very much when the

pv HEE 1 inclusion of other items might affect what we do in the near
2 term. So I need to understand the umbrella of actions that
3 are under consideration in order to propose the near-term
4 action levels -- I mean, near-term licensing reviews.

5 Then the other part of it is manpower
6 requirements, that if the Commission endorses a program of
7 requirements to be immediately done on operating plants that
8 is so big that I don't have any resources left, then I am
9 not able to do much near-term at all. So, there is an
10 action, and in fact the draft requirement in terms of
11 manpower requirements that you have been able to go through
12 and see the impact is astonishingly large, especially if you
13 try to do it on the time schedule that it has, and that
14 would prevent very much attention being given to the plants
15 without some balancing and changing of the program.

16 I don't know if I have answered your question.
17 But we had evolved -- this set of requirements is assuming
18 that this is a reasonable representation of the totality of
19 ones without prejudging how some of these will come out in
20 the long run as the Commission debates it, whether it
21 assumes that we haven't missed big-ticket items in this
22 Action Plan, that they are going to require more staff
23 work.

24 So, I think this plan we are proposing today has
25 -- the requirements for resuming are consistent with this

pv HEE 1 Action Plan. And then my own judgment is that the manpower
2 requirements to do these things are doable without total
3 disruption of the program, whereas these things would be
4 done on the near-term plants and on the operating plants.

5 Now, there is a lot of things in here that are
6 also very big manpower consumers, and they are the ones that
7 we are going to have to decide on the priorities.

8 CHAIRMAN AHEARNE: So, I guess what you are saying
9 is that if the Commission were to agree that these are the
10 subset of actions that you would have the manpower to be
11 able to then say, "Yes," you have taken the set of actions
12 that are required for operating reactors, and you still have
13 the manpower left to do the necessary review for those in
14 the queue for operating licenses. Is that correct?

15 MR. DENTON: We might not do it as rapid as some
16 people like, but we have manpower to assign to those in the
17 queue as well as to the operating plant, and we would do
18 about the same kind of reviews on all of the plants.

19 DR. MATTSON: One thing we need to understand:
20 the number of things in this interim list have not been
21 applied to operating reactors. There need to be and there
22 are some things that may need to be applied to operating
23 reactors very soon, within weeks or short months, that are
24 not on the interim OL list. That is, there are things in
25 the Action Plan for which criteria already exist or will

pv HEE 1 exist within a matter of a few weeks because of ongoing
2 work that should be required of operating plants, but we
3 have not recommended them as conditions of licensing for
4 near-term OLs. That is, we would treat a near-term OL
5 exactly as if it were an operating plant.

6 CHAIRMAN AHEARNE: Could you give me an example?

7 DR. MATTSON: Yes. If you would turn to page 2 of
8 attachment one, I will give you an example of one where
9 criteria have already been issued. It is item I.C.1.1,
10 "Analysis and Procedure Modifications." You notice it says
11 "Phase I and Phase II." That is a NUREG-0578 requirement.

12 They have three phases in it. Phases I, II, and
13 III have all been required of both operating plants and
14 plants under construction. Yet this near-term OL list only
15 proposes that Phases I and II be conditions of licensing for
16 near-term OLs; although they will have to finish Phase III,
17 we will have them do it on the same time scale as operating
18 reactors, and that is after when we expect the four or five
19 near-term OLs to have reached full power.

20 Now, there are other examples, and I am afraid I
21 don't have them off the top of my head.

22 In Table 1, for which criteria haven't been
23 developed like this, for this particular example, they will
24 be developed within the next few weeks, or are ready to pop
25 out of the staff already, for which operating reactor

pv HEE 1 deadline might, I guess, be sometime early in 1981 and it is
2 not on the near-term OL list. What we mean by not including
3 it is that for the near-term OLs we would require them to
4 meet the same deadline as if they were a presently
5 operating reactor, which could be after they go to full
6 power.

7 MR. DENTON: You mean recall in the Short-Term
8 Lessons Learned there were certain things that had to be met
9 by the operating plant in Category A, and then we came up
10 with an A-prime list, where you will see -- you notice these
11 are all in this plan, showing a "Yes" as already approved.
12 So, we have been reviewing the near-term OLs against those
13 A-prime list, and in fact we have been reviewing them
14 against some of the issues in here because there has been
15 feedback between the operating review and the steering group
16 to develop these requirements. So, I have a small group of
17 people who have continued to review the near-term OLs,
18 tracking the developments of the Action Plan, and sort of
19 forecasting what was going to be in this list.

20 DR. MATTSON: The reason I made my aside is the
21 point he's making plus one other point. It is not as simple
22 a question as, "Do you have the resources to do for the
23 near-term OLs what is proposed in this list," because you
24 have to simultaneously ask yourself do you have the
25 resources to do what is required of operating reactors, a

pv HEE 1 portion of which is in this list, a portion of which isn't.

2 MR. DENTON: And then it is what else do you have
3 to do in the near term for the Action Plan that would also
4 be in competition with the resources.

5 CHAIRMAN AHEARNE: I think the position the
6 Commission has taken is that you first have to allocate the
7 resources to the operating plants and then to have enough to
8 do the others.

9 DR. MATTSON: That is a confusion in today's
10 presentation that we realized last week and tried to convey
11 in the letter and didn't do a very good job of. We are a
12 little bit inverted here. We are near the NTOL list and not
13 the OR list, and the OR list is pullable. And in fact, we
14 were going to try to do it in simultaneity with the
15 near-term OL list. It became too complicated to get it done
16 in this time scale to be back here this week. We could pull
17 it relatively easily and come back and discuss it in
18 isolation.

19 Basically, we are saying three things ought to be
20 approved, some general endorsement of the Action Plan as a
21 planning document; a number of the things changed from
22 specific decisions to planning programs; specific criteria
23 for operating reactors, which is a list like this list you
24 have in front of you, which hasn't been specifically written
25 yet or pulled out of the Action Plan; and then the specific

pv HEE 1 list. Approve those three things, we're trying to say in
2 this letter, and the pause is over. I left out one: CPs.
3 I read the list, but that one is fairly easy. There it is
4 agreement that commitments on a number of these things are
5 all that are required, and for a smaller list where we think
6 commitments are not sufficient, agreement as to what the
7 criteria ought to be, and then endorsement of that CP list
8 much like the NTOL or OR list.

9 DR. MATTHEWSON:

10 MR. DENTON: One other point I want to be sure is
11 clear. This list, if approved for the near-term operating
12 license application, we would also take anything on this
13 list that has not been applied to operating plants and apply
14 them to those plants. So, in effect, we would transfer over
15 to operating plants all those things that are presently
16 pending. In other words, they would be applied not only to
17 near-term OLs that we reviewed, but we would also go back
18 and apply them to all of the operating plants.

19 Then there might be this other list that Roger is
20 talking about, which is what else would you need to do then
21 for operating plants, assuming they had all met this list,
22 and they might be longer term.

23

24

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1 MR. HANRAHAN: The concern that we had was the
2 difficulty or what was really implied by commission approval
3 or acceptance of the action plan.

4 And I think the concern was that that be viewed so
5 specifically that it took too long to allow the other things
6 to happen. The list, the near-term operating list, in a
7 sense, is the incremental or piecemeal approach that I was
8 talking about, and take that and approve that and then move
9 on it without having to do all of the rest of it.

10 DR. MATTSON: Maybe we need to understand what we
11 mean by "end of the pause." By "end of the pause" we mean
12 the end of the period in which you will not issue a license.

13 CHAIRMAN AHEARNE: Yes, I understand that. Okay,
14 before you return to your list, though, let me ask the other
15 gentlemen if they have any questions. *

16 COMMISSIONER HENDRIE: I guess I have some
17 comments to make.

18 I must say when the paper came in from staff, the
19 January 5th paper, by the time I got down to the short-term
20 or near-term operating license requirements list, that is
21 fine. But I found it hard to understand some of the
22 language in the front part. And I think I had a number of
23 the problems that OPE did and was reflected in their
24 memorandum.

25 There seems to be an uncouth fascination with

gshHEE 1 definition of a pause and when it is and when it isn't and
2 what precisely it will take to undo it.

3 And I have had a feeling for some time that I wish
4 we would stop trying to define the pause and what
5 distinguishes when it is in existence and when it isn't, and
6 sort of concentrate on what we need to do for plants that
7 are in the chain from operating plants near-term and so on.
8 And at some point we could look around and say, hey, we are
9 getting this pretty well in hand and we said move some
10 licenses.

11 So I guess the pause is over.

12 But I felt it not altogether useful to exercise
13 great precision and effort in defining what the pause is.
14 Nevertheless, I now understand a good deal better what the
15 staff thrust is in the January 5th paper.

16 As I read you, you are saying with regard to the
17 massive book, this object which I raise for public view at
18 considerable risk to my abdominal muscles -- what you are
19 saying is that you want some sense from the commission that
20 this is about the right list.

21 Otherwise, your concern is that when you try to
22 hack out the short list for near-terms, or whatever, that
23 you don't feel you've got an agreed upon base from which to
24 work.

25 On that basis, why -- okay, I can see why you want

gshHEE 1 to deal with the large volume.

2 Now I've talked to Roger individually and noted
3 some personal comments, complaints, and whatnot about
4 various individual elements of the overall Action Plan.

5 I am not sure that we can sit here at the table
6 collegially assembled and fight out the details of every one
7 of those items.

8 I am certainly willing to go ahead and say that as
9 a general package, it is fine, with the understanding that
10 there are particular items in it that I think we still have
11 to think about.

12 But I haven't found any of those items where I
13 have questions about them of a substantive nature that fall
14 into the sorts of things that you're going to want to
15 require of licensees in an immediate direct sense on
16 licenses.

17 They have to do with things like if we approve the
18 action plan, have we or have we not committed this agency to
19 \$20 billion worth of development on a so-called engineering
20 simulator down the line 6 years, or whatever.

21 By giving general approval to the action plan, I
22 by no means make that commitment. Okay? Similarly, in
23 spite of the best efforts of the steering committee, there
24 are a few hobby horses in here and I probably haven't got
25 check marks beside all of them, but I have been around long

gsnrEE 1 enough to have check marks beside a number of them. And
2 they ain't going to get written ultimately down the line, I
3 assure you, gentlemen.

4 So with caveats of that kind about some of the
5 items in here, and with the remark that IV, we ought to
6 understand that it is not part of what we're talking about
7 when we say we are approving the action plan because it
8 deals with grand things like straightening out what
9 Ahearne's authorities are at this side of the table and
10 never mind, we've got enough problems talking about that up
11 here.

12 Thank you very much. Don't worry about that. We
13 can either do it or not on this side of the table.

14 So let's take IV out of it and the rest of it I
15 would be glad to move an endorsement of the general kind
16 that I have outlined.

17 And it is my sense that the rest of us, and even
18 our absent colleagues, would agree with that.

19 So it seems to me that you could take that as a
20 base for further action and reduction of the thing.

21 COMMISSIONER KENNEDY: With the understanding that
22 that is the purpose of reaching that conclusion at this
23 point. Then we could move on to what becomes then a
24 meaningful exercise, which is getting that subset of the
25 specific things which need to be addressed now and on which

gshHEE 1 actual conclusive statements need to be made.

2 DR. MATTSON: I guess I don't understand, take out
3 IV. I would like to quarrel with you for a moment.

4 We started out on a premise that this was going to
5 be the plan which demonstrated the agency's response to the
6 President's commission. And a number of the things in IV
7 come straight from the press letter.

8 COMMISSIONER HENDRIE: But they are not part, in
9 my view, of a set of actions and requirements that deal with
10 the operating plants, upgrading the operating plants with
11 licensing near-term OLs, further-term OLs, or CPs.

12 DR. MATTSON: That's true.

13 COMMISSIONER HENDRIE: Since they don't, it seems
14 to me that we do not need to argue about them in the context
15 of a basis for setting forth the requirements for those
16 licensing actions and upgrade actions on the operating
17 plants.

18 And, indeed, the elimination of non-safety
19 functions like anti-trust, export, NEPA, and so on is part
20 of the commission's responsibilities.

21 As an example, we are not just going to sit here
22 and debate about whether we're going to eliminate anti-trust
23 and tell ourselves that we have to make that decision and
24 get it implemented and on the way or something before we
25 license.

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1 It is a statutory part of our responsibilities at
2 the present time and, by God, the President and the Congress
3 are going to have to take certain actions before we are
4 relieved of it.

5 And while we can put it on our list for
6 consideration, because it was on other people's lists --
7 notably, Dr. Kemeny and his group, and so on -- why, it just
8 is not, in my view, part of an overall document from which
9 you draw licensing requirements for specific cases.

10 COMMISSIONER KENNEDY: It goes to the discussion
11 we had earlier. I have no objection to endorsing the
12 principle that those are questions, the answers to which we
13 must one day find.

14 But as Mr. Hendrie suggests, whether we find them
15 before we issue the next license or not is probably
16 irrelevant. Indeed, I would say it clearly is irrelevant.

17 DR. MATTSON: Commissioner, I'm not quarrelling
18 with your guidance at all. From the tone of your voice,
19 you think I am. My difficulty is I was asked to do one thing
20 and now you're asking me to do something a little bit
21 different.

22 I don't have any difficulty with that, either,
23 just so it's clear what you're asking for.

24 CHAIRMAN AHEARNE: Roger, no. I probably -- I may
25 disagree with Joe, but I don't think so.

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1 COMMISSIONER KENNEDY: I agree with you. I don't
2 think that it is different.

3 CHAIRMAN AHEARNE: It is not different. You were
4 asked to, and what you have done is lay out all of the
5 actions the commission should take in response. And
6 clearly, some of them are those of changing our procedures,
7 our policies, and certainly, addressing some of those
8 questions, consolidation, et cetera.

9 That is some of the things we must do. And part
10 of the program, our action plan, we must address. As
11 Commissioner Kennedy said, those are questions to which we
12 must find answers.

13 But this morning what we're doing is looking at a
14 subset of those actions. We are trying to break out at
15 least the first subset, which has to do with the queue for
16 the operating license, the near-term operating license.

17 And then at some other stage, we do have to break
18 out, or you have to break out, and look at the subset for
19 construction permits.

20 And I think that the point that my colleagues were
21 making is that, for example, the queue for the near-term
22 operating license, we don't believe it is necessary to
23 answer those questions.

24 DR. MATTSON: You're saying insofar as approving
25 the plan before resumption of licensing. Yes, that is not a

gshHEE 1 bad thing to do as long as we understand that that doesn't
2 include approval of Chapter 4. That is not necessary for
3 licensing. It doesn't have anything to do with it.

4 CHAIRMAN AHEARNE: It's not that it doesn't have
5 anything to do with it. It is that the details of Chapter 4
6 are a variety of actions that don't have the same, in
7 general, immediate effect upon, for example, near-term
8 operating license.

9 MR. CASE: Mr. Chairman, aren't you also saying
10 that in your opinion, none of those Chapter 4 things have to
11 be done before a near-term OL is issued, for example? Some
12 people may disagree with that, but that is your conclusion.

13 COMMISSIONER HENDRIE: Except the people that made
14 up revised table 1 didn't because all of the items in
15 Chapter 4 are marked either not applicable --

16 MR. CASE: I agree. But there are more people in
17 the world than just those people who prepared that.

18 DR. MATTSON: But they do say that you should
19 approve the plan, including Chapter 4, as a planning
20 document before granting the license, having found out that
21 the license applicant met all 50 of these requirements.

22 Now there is only one in Chapter 4 that I think is
23 important in that sense. And that's the one on the reactor
24 safety goals.

25 There is at least an indirect question for the

gsh:HEE 1 sufficiency of this list for near-term OLs residing in that
2 particular element of Chapter 4; that is, how do you know it
3 is sufficient, lacking an articulation of the reactor safety
4 policy goal in Chapter 4.

5 That's the only one I know in Chapter 4 which I
6 would raise for your consideration in doing what you are
7 about to do, which I basically agree with.

8 CHAIRMAN AHEARNE: But Roger, on your list of
9 near-term operating requirements, you don't have anything.

10 DR. MATTSON: I will say it again: It is not on
11 the list. That's true.

12 CHAIRMAN AHEARNE: I'm assuming that that is your
13 judgment.

14 DR. MATTSON: That is my judgment. I just said
15 that. I did say in the memorandum, I think it is the sense
16 of the staff, approve the action plan as a planning
17 document.

18 And when we said that, we included in our thinking
19 that was prior to today, Chapter 4. Chapter 4 has a lot of
20 stuff in it that doesn't have anything to do with licensing.
21 You're right. It has one thing in it that has something to
22 do with licensing -- what safety goal you're trying to
23 achieve.

24 And so if you are saying when you agree that the
25 resumption of licensing depends upon some general

gshHEE 1 endorsement of the plan as a planning document, including
2 things not required of near-term OLs, excluding in its
3 entirety Chapter 4, I am saying I think you are right that
4 there is one element of Chapter 4.

5 Don't forget, when you make that removal of
6 Chapter 4.

7 CHAIRMAN AHEARNE: Well, we really are arguing at
8 length on how to accomplish that particular piece in another
9 set arena because that's a major issue in our attempting to
10 define the policy planning guidance.

11 So that, yes, we recognize that.

12 And so to the extent that we've already accepted
13 that as one of the issues of how to address that, we have
14 already accepted that particular piece of the explanation.

15 DR. MATSON: To the extent the plan ought to be
16 revised to reflect that, it is what you're doing on that.
17 And if it is the commission's judgment that is all that is
18 required before resuming licensing, then you've satisfied
19 the question I have raised by saying that you want to keep
20 it in.

21 COMMISSIONER KENNEDY: From my own perspective, as
22 I understood our earlier discussion, Chapter 4 is part of
23 the plan as far as I'm concerned.

24 I am not suggesting, I personally am not
25 suggesting that it be removed.

gshHEE 1 CHAIRMAN AHEARNE: Nor I.

2 DR. MATTSON: I understand that now.

3 COMMISSIONER KENNEDY: I am saying only that it
4 includes a number of items and there are others in other
5 chapters whose resolution need not be a condition for
6 licensing.

7 The fact that we agree that resolution is
8 necessary is what should be the condition. And I think we
9 have all agreed, yeah, these are all real problems and some
10 day they're going to have to be dealt with.

11 DR. MATTSON: We are communicating, that's what we
12 tried to say.

13 COMMISSIONER KENNEDY: Well, I'm not suggesting
14 removing. I'm only suggesting we don't have to deal with
15 it.

16 DR. MATTSON: And all I was saying in a further
17 point is that in Chapter 4, in its entirety, is don't have
18 to deal with nature now. But the one that you might want to
19 consider because I think you could write off Chapter 4 and
20 say, I don't even intend to tell what my plan is in Chapter
21 4 until after I've resumed licensing.

22 CHAIRMAN AHEARNE: And I think Dr. Hendrie's point
23 is that those items in Chapter 4 are really to a large
24 extent items that we on this side, much more than you on
25 this side, have to wrestle with, the development of the

gshHEE 1 answers.

2 MR. SHAPAR: Well, these will necessarily be
3 studied further by the steering group, depending upon your
4 wishes.

5 DR. MATTSON: By and large, we didn't write
6 Chapter 4. That came from your offices.

7 CHAIRMAN AHEARNE: I would like to propose that
8 Roger go into this list of requirements.

9 COMMISSIONER HENDRIE: Before we get off, let's
10 see if we can finish off the action plan approval phase of
11 our discussion.

12 We are agreed, aren't we, that the action plan as
13 a general proposition provided a basis for them to go ahead.

14 CHAIRMAN AHEARNE: Yes. I think the three of us
15 here are agreed upon that. I'm not sure about our two
16 colleagues. And there is always in these discussions as
17 they have been going on since last April and May, there have
18 been a series of asterisks and they gradually have dropped
19 off.

20 One asterisk was until the Kemeny Commission
21 report came out. We still are carrying an asterisk. That
22 is until the Rogovin report comes out because, as Roger
23 points out, or Lee points out in the memo, that it is
24 incomplete, recognizing that the special inquiry report may
25 contain additional requirements not presently identified.

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1 But with that asterisk and proviso, I am
2 satisfied.

3 COMMISSIONER HENDRIE: And let me say I think the
4 comments on Chapter 4 have been helpful and I agree with the
5 thrust of the last part of that discussion as to how one
6 regards it. Since your need here today is for some sort of
7 general approval of the Action Plan as a basis for sorting
8 out particular requirements for particular plants, and since
9 only the single item in Chapter 4 affects that, why it
10 didn't seem to me necessary to deal with some of the broad
11 ranging things.

12 Let me just comment with regard to rephrasing the
13 safety requirements and so on.

14 I think we are going to have to regard that as a
15 longer term sort of activity. It is in my view simply not,
16 it is neither necessary nor, in fact, possible to reform
17 what adequate protection means in a new statement and get it
18 all signed, sealed, and delivered and then implemented
19 unless we are prepared to face a couple of years' pause.

20 And I don't believe it is necessary and I am
21 unwilling to do that.

22 So I am compelled to regard that single item in IV
23 as one which we will have to go ahead on the present basis
24 and as we are able to make progress on that item, why, it
25 will phase in as new statements, requirements, or framings

gshnEE 1 of things always do in our process.

2 COMMISSIONER KENNEDY: As a footnote to that, it
3 would seem to me that the question is as much philosophical
4 as anything else. And as such, it is a question which will
5 never be resolved in a conclusive sense.

6 It will have to be revisited as societal views,
7 goals, objectives change, as they inevitably will.

8 So it is not the kind of thing which one sits down
9 rigorously examines, writes down and says, there, there,
10 we've done that. Yes, you have for this year.

11 But next year or at some point in the future, it
12 will have to be revisited.

13 CHAIRMAN AHEARNE: Roger, perhaps you could talk
14 through the operating license requirements list. I don't
15 think there's any need to go through every specific one. I
16 think it would be more helpful.

17 I'm sure that Commissioners Kennedy and Hendrie
18 may have some questions on specific items. But if you can
19 describe how you constructed the list and in general, what
20 the points that you were trying to get included in them --
21 in other words, how did you choose this as the subset.

22 DR. MATISON: Well, first, the already approved
23 column has either a yes or no in it. If it has a yes, that
24 means that the commission has approved this requirement as
25 being applicable to plants under construction, including the

gsnHEE 1 operating licenses.

2 What you haven't approved before for those yeses
3 is when you want them implemented.

4 (Commissioner Gilinsky enters the room.)

5 DR. MATTSON: So for yeses, the choice we made was
6 before fuel load or before full power, or to keep the
7 deadline consistent with the deadline already imposed for
8 the same requirements for operating reactors.

9 If it was the same deadline as the one imposed for
10 operating reactors, it is not on this list. That is, it is
11 an operating reactor requirement in any near-term OL whence
12 it went into operation would have to meet it by the time an
13 operating reactor had to meet it, even if it went into
14 operation the day before the last one of those was required
15 to be done. It would still have to meet it if it is not on
16 this list. Then that is a communication problem between us
17 and the licensees, but it was a way to keep this list easier
18 to understand.

19 If, on the other hand, we said it was a condition
20 of initial licensing -- that is, you could not get a fuel
21 load license or you could not get a full power license --
22 then it ought to be on this list.

23 For fuel load, we picked more on the basis of when
24 it was reasonable to accomplish the requirement and whether,
25 having accomplished the requirement at fuel load, there were

gsnHEE 1 special things that could accrue, special benefits from
2 having the people, the procedure, or the equipment in place
3 during the special prolonged period of all power training and
4 testing which we're talking about for these near-term OLs.

5 COMMISSIONER HENDRIE: That is why you have got
6 shift manning in at fuel load where the operating plants are
7 July. And there may be some problems. So they will get
8 slippage past that.

9 DR. MATTSON: Yes. Now those, our judgment on
10 those could be wrong. In other words, some of those have
11 the character of icing on the cake. And there needs to be
12 some discussion of it because you could make it a safety
13 argument that you don't have a safety problem until you have
14 got a lot of fission products.

15 At low power, you're not going to generate a lot
16 of fission products.

17 COMMISSIONER HENDRIE: Does the six-month -- do
18 you know of any case where the six months' earlier
19 implementation on near-term OLs than on operating plants or
20 actually less than six months now is sort of the difference
21 between being able to meet fuel load prerequisites and not?

22 DR. MATTSON: I don't know of any specifics,
23 Dr. Hendrie. But I have some suspicions the one on shift
24 manning may be difficult if they haven't manned to have the
25 number of people that are indicated in I.A.1.3, for example

gshHEE 1 and they have to go find some SROs and ROs before they load
2 fuel.

3 COMMISSIONER HENDRIE: That could be.

4 DR. MATTSON: That could be a problem because
5 those people have to be trained and tested and licensed.
6 What I'm saying is it is not completely clear to me that it
7 is necessary. It may be desirable to have those people
8 there during the extended training period, but it may not be
9 necessary.

10 COMMISSIONER HENDRIE: I was going to say it is
11 clearly desirable, but from a safety standpoint, why, you
12 aren't going to have fission products until down in the
13 summer, anyway.

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pv HEE

1 If the operating organizations had known six
2 months or a year ago that this was coming, why, it would be
3 the most reasonable thing in the world to get the
4 organization in shape. When you start up one of these
5 plants, one of the things that you just as soon not have to
6 do is to start up and do fuel loading with a certain
7 operating organization knowing that you're going to change
8 it, add people, in six or eight months or as soon as you can
9 get them. You would like to start it the way you think it's
10 going to be manned or run at the beginning.

11 On the other hand, if you come down to the point
12 where that's the only thing that's keeping one of these
13 plants from going ahead and doing and loading fuel and doing
14 low-power testing, then it is otherwise in all respects
15 perfectly reasonable for them to load and do that low-power
16 testing. Then I must say that I would find the early
17 implementation of the shift manning requirements to be a
18 poor basis for preventing them from moving forward.

19 DR. MATTSON: I think you've captured what I was
20 trying to say.

21 MR. DENTON: But when we first started discussing
22 with the near-term OLS the idea of low-power testing, the
23 additional SRO in the control room, sort of integral part of
24 the discussion, at least until we have it anyway, I agree
25 with what you're saying. It is really there to beef up

pv HEE 1 operation during the time that they have fission products
2 there, and it is certainly desirable to go into this. I
3 don't know of any specific problems.

4 I would kind of like to start out, though, fuel
5 licenses with this kind of list.

6 COMMISSIONER HENDRIE: I would be all for it. I
7 don't want to see us bronze this statute too soon and then
8 find that it should have been sitting instead of standing or
9 whatever.

10 DR. MATISON: That is the point I was going to
11 make. You asked us to propose a method for taking this list
12 and talking to operations people and learning whether we
13 were infringing on other safety matters that we shouldn't be
14 infringing upon and talking about the other aspects of
15 implementing these kinds of things. And we have a proposal
16 to make in that regard. We can either do it now or wait
17 until after we get into the details.

18 CHAIRMAN AHEARNE: Are you finished discussing how
19 you arrived at the list?

20 DR. MATISON: No. I shouldn't forget that we
21 asked the task managers in these areas to go to the Action
22 Plan and -- in Table 1 -- and given their understanding of
23 the dialogue we've had with the Commission in the past three
24 meetings and their understanding generally of what we were
25 trying to achieve as a policy matter for near-term OLS, to

pv HEE 1 propose for their area those things that ought to be
2 accomplished before fuel load and full power.

3 Using that input, the steering group constructed a
4 list -- we added some and we cut out some -- provided by the
5 task managers. We took that list to the office directors
6 last week. The office directors added one and cut three or
7 four. And that is the list that you have in front of you.

8 COMMISSIONER HENDRIE: Which one did they add?

9 DR. MATTSON: That's page 5. II.B.9. In fact, if
10 you try to find II.B.9 in your Action Plan, you won't find
11 it. It is a new addition presently being written for
12 incorporation into the plan.

13 Harold, you might want to summarize at this
14 point, since we came to that subject.

15 MR. DENTON: Do you want to talk about II.B.9 for a
16 moment?

17 COMMISSIONER HENDRIE: Yes, I would, either now or
18 later.

19 John, would you prefer to go ahead and continue to
20 try to grab the whole picture, and then I will keep in mind
21 this and then go back?

22 CHAIRMAN AHEARNE: Yes.

23 DR. MATTSON: Well, the judgment as to what made
24 the list and what didn't make the list was a safety
25 judgment, primarily. That is, what are we requiring of

pv HEE 1 operating reactors in order to assure their safety and what
2 do we expect the next wave of requirements will look like;
3 and of those things that are necessary for safety, which is
4 reasonable and most productive to require before fuel load
5 or full power -- take advantage of the training or to make
6 sure they've got it in before they take any operating
7 actions with the plan.

8 Using as a base the full set of 245 requirements
9 in the Action Plan; that is, everyone who has looked at this
10 list has had available and made, depending upon the
11 individual, varying degrees of recourse to the entire plan
12 from which this set was extracted.

13 The kinds of safety judgments I saw being made in
14 the process were very much the kind that were made by the
15 Lessons Learned Task Force in its short-term report, where we
16 describe for you the process of identifying hot coals.
17 You've seen in Table 1 some annotation of high, medium, and
18 low potential safety improvement or potential risk-reduction
19 capability of these individual items. That is a degree more
20 sophistication than we had with the Short-Term Lessons
21 Learned, but it is basically the same process, a process of
22 judgment. That's how we got the list of roughly 50.

23 COMMISSIONER GILINSKY: Was there any written-out
24 criteria that expresses that safety judgment? I don't mean
25 in any quantitative way.

pv HEE

1 DR. MATTSON: High, medium, and low
2 characterization of each of the elements of the plan, or the
3 safety judgment for the set of 50?

4 COMMISSIONER GILINSKY: Well, the safety judgment
5 that goes into compiling this set; in other words, were each
6 of these project leaders or branch chiefs asked to apply
7 some sort of check-it-against-a-paragraph-or-a-sentence?

8 DR. MATTSON: No. Remember, we talked to you in
9 our last meeting on the 21st about a numerical prioritizing
10 scheme, and one of the inputs to that list of things was an
11 assessment of risk reduction -- so many points for high, so
12 many for medium, so many for low. We have worked with that
13 scheme over the holidays -- in fact, have a draft ranking of
14 all 245 items. It is not a steering-group ranking; it is a
15 working group within the steering group which is pushing it
16 along.

17 In doing that exercise, we have developed a
18 definition of what constitutes 100 points, 50 points, and
19 zero points for safety significance. There has been some
20 talk. Dr. Hanauer and I had a discussion several weeks ago
21 about eventually wanting to be able to demonstrate
22 consistency in safety significance characterizations between
23 elements in the Action Plan, generic issues, and unresolved
24 safety issues.

25 Now, there are some things in the Action Plan that

pv HEE 1 just aren't amenable to that, but there are some that are.
2 I think over the longer term it would be useful for us to
3 think in our program planning responsibilities of those
4 techniques. I don't think, in the time scale of interest
5 for dealing with this Action Plan, that it is either
6 necessary or possible to get that sophisticated.

7 We intend to stick with the HML designation to
8 become more sophisticated in that HML designation through
9 the application of some standard paragraphs as we go about
10 prioritizing, which we will be doing over the next couple of
11 weeks, but not to do the event-tree risk assessment,
12 relative risk-reduction potential. The sort of thing that
13 could eventually be done to this entire list.

14 CHAIRMAN AHEARNE: Roger, which three did the
15 office directors not have?

16 DR. MATTSON: Safety goal -- I don't have the
17 draft in front of me.

18 MR. MINOGUE: Item II.1.D.3, automatic closing
19 block valve, was struck. There was one other comment, to
20 make clear in terms of some of the functions of some of the
21 on-site groups that might be done by the same organization.
22 That wasn't a matter of deleting.

23 MR. DENTON: Let me mention one that we did
24 strike. Automatic closing of the block valve is being
25 covered.

pv HEE

1 DR. MATTSON: I have the ones that the task group
2 struck. It seems to me there was one other thing.

3 CHAIRMAN AHEARNE: I would not propose this
4 morning that we try to sit here and go through all of these
5 items and say "Yes" or "No" on them. Are there any -- I
6 would say are there some specific questions that you wish to
7 address to us on them, or my colleagues have some specific
8 questions on any of these that they wish to address?

9 MR. DENTON: I guess I would like to have Roger
10 describe the "Nos," because the essence of all of those we
11 are familiar with. So maybe it would help just to have a
12 brief summary of the ones in the "No" column.

13 CHAIRMAN AHEARNE: What I would propose to do is
14 to see whether or not my colleagues and I could, at some
15 later stage this week in some other forum, agree with this
16 list or add others or perhaps modify the approach. But I
17 would rather go into this whole "Yes-No" on each of these.

18 Roger, why don't you briefly describe, if you
19 think there are some key points we might not understand
20 about the "Nos."

21 DR. MATTSON: I think the first three on page 1,
22 under shift manning, are self-explanatory.

23 CHAIRMAN AHEARNE: Yes.

24 DR. MATTSON: I won't go into those.

25 COMMISSIONER HENDRIE: We've already discussed

pv HEE 1 those. My only comment is: Fine, if it's workable; but I
2 would not hang somebody solely on these requirements.

3 DR. MATTSON: I take it you mean the difference
4 between fuel load and full power as opposed to whether they
5 are requirements at all?

6 COMMISSIONER HENDRIE: Yes. Clearly, by the time
7 you get into power range operation -- in fact, I would be
8 willing to say, "Get it implemented before you get out of,
9 say, five, six percent power category." But just from the
10 standpoint that it may be a recently enough discussed
11 requirement so it hasn't been clear that long and I am sure
12 there are people out there scratching around desperately to
13 find good licensed people, and I have a notion that the
14 market may be a little thin on those people.

15 COMMISSIONER GILINSKY: That might be right, but
16 it can't be any surprise to anyone that we are beefing the
17 control room manning requirements. This has been discussed
18 for quite some time.

19 COMMISSIONER HENDRIE: Well, some of these things
20 under the shift manning category have gotten more specific,
21 considerably more specific, recently.

22 DR. MATTSON: Neither No. 1 nor No. 2 under shift
23 manning implement any of our Short-Term Lessons Learned.

24 COMMISSIONER HENDRIE: The shift technical adviser
25 has been discussed for some time, but that is a different

pv HEE 1 item; that is a separate item.

2 DR. MATTSON: I am sorry. No. I had been. It was
3 in the final report. When it said, "Implement the standard
4 Review Plan on shift manning."

5 MR. DENTON: One minor consideration on I has
6 always been controversial whether they had to be available
7 all the time or whether they had to be available. We would
8 interpret this one as meaning the latter.

9 DR. MATTSON: The thing that we're trying to
10 avoid.

11 MR. DENTON: That makes a difference in how you
12 count the people.

13 CHAIRMAN AHEARNE: Okay, Roger, go on.

14 DR. MATTSON: The next, I.B.I.I.

15 COMMISSIONER KENNEDY: Would you tell me when the
16 criteria that it says are being developed will be developed?

17 MR. DENTON: We are striving for March. What we
18 plan to do in the meantime is have NRR and I&E individuals
19 review the organization and include their regional people
20 and project managers and so forth and do it on an ad hoc
21 look at previous history of the operation of that company,
22 how it's organized, and come to an agreement in each case.

23 DR. MATTSON: That is the proposal in this list.

24 COMMISSIONER HENDRIE: I think it's perfectly
25 acceptable. I am not even sure, as a matter of fact, with

pv HEE 1 regard to this category, if we wouldn't be better off doing
2 it on a case-by-case basis right on down the line.

3 DR. MATTSON: That may be the conclusion you come
4 to as a result of doing that. That is part of the
5 implication here: that these are part of the input to the
6 development of criteria.

7 COMMISSIONER HENDRIE: Whatever benefits you might
8 eventually get from imposing specific criteria and then
9 conforming everybody to one managerial model, you have a
10 good chance with some licensees of losing whatever advantage
11 there is in that by forcing upon them a mode of operation
12 that management operation that is not natural and in accord
13 with their practice and that just gets crosswise in their
14 corporate system.

15 MR. DENTON: One other thought on this is the
16 monitoring much more closely of that actual performance
17 group during this period.

18 COMMISSIONER HENDRIE: It makes a lot less
19 difference what their titles are than whether they perform
20 well.

21 CHAIRMAN AHEARNE: On 1.B.3.4, could I ask
22 Mr. Stello what his comments are on that, the placing of
23 resident inspectors at each site for a new operating
24 license? Obviously, we have the principle endorsed of
25 putting resident inspectors at each operating reactor, but

pv HEE 1 is your schedule such that we will have the ability to put a
2 resident inspector at each site for new operating licenses
3 if the operating licenses started issuing this spring?

4 MR. STELLO: Yes. We classified operating plant
5 as a plant either actually in operation or one that is in
6 the preoperational phase, which would be about a year to two
7 years before fuel load anyway.

8 CHAIRMAN AHEARNE: But I thought your schedule was
9 by the end of '80.

10 MR. STELLO: Our schedule is to have the senior
11 residents by June.

12 CHAIRMAN AHEARNE: Okay.

13 COMMISSIONER HENDRIE: Is there going to be a
14 problem with that safety engineering group?

15 MR. DENTON: I don't think so. What we see this
16 as being a natural complement and a home for the fuel
17 technical advisers. We see the safety engineering group as
18 being an interdisciplinary team from the engineering
19 department, probably engineers, chemists. It would be
20 through the technical adviser's report, and it would be out
21 of the engineering department. I don't see a problem with
22 it. It is one of these things that, in the long term, has a
23 high potential to provide cross-reference.

24 COMMISSIONER HENDRIE: I guess a good way to look
25 at that is anybody who has trouble getting something like

pv HEE 1 that organized before fuel loading either isn't ready to
2 load fuel or likely is making more of it, more of a big
3 hoorah out of it in a detailed sense than is intended or
4 appropriate.

5 DR. MATTSOON: A number of plants are going to have
6 this and have it under different names. And in those cases,
7 what you are looking for is: Are they doing the right
8 things; are they properly organized; do they have the right
9 reporting authority, that sort of thing?

10 CHAIRMAN AHEARNE: The next item is vendor review
11 of procedures.

12 DR. MATTSOON: Yes. This just says: Given the
13 kinds of things we saw that could have been discerned by
14 checking on an operation did with procedure guidelines but
15 weren't done in the case of Three Mile Island. Let's have
16 the vendors pick up those difficulties, not on an audit
17 basis, but 100 percent.

18 CHAIRMAN AHEARNE: So this would be a requirement
19 laid on the vendors?

20 DR. MATTSOON: It's on the licensee. But the
21 vendor does the review. There's a complication here that we
22 talked about with the office directors, and we need to think
23 about, and it is one of the things we will do when we go
24 talk to the operating personnel, which I will describe
25 later. We said, "N3SS vendor," but portions of these

pv HEE 1 procedures are dominated by architect-engineering concerns
2 for which the vendor may not have special knowledge or
3 financial interests.

4 COMMISSIONER HENDRIE: I think you done just
5 right. The fellow designed the reactor; it got built.
6 Somebody else engineered some auxiliary systems to go with
7 it. The fellow that designed the reactor is probably in as
8 good a shape as anybody is to see whether some of those
9 engineers' procedures are unfavorably reaching back into his
10 reactor designs.

11 I think you are right. You will get some
12 complaint out there, people saying, "This isn't in our scope
13 of work, and we aren't going to do it," and so on.

14 COMMISSIONER KENNEDY: It seems to me it might be
15 a usefully cooperative effort between them.

16 DR. MATISON: Well, the next item is going to give
17 us a feel ffor how well that works, because when we do our
18 in-depth review, the development of selected emergency
19 procedures, we're going to have the architect engineer and
20 the NSSS vendor and the license applicant sit down with us
21 on the selected procedures, talk about how they were
22 developed, talk about how they've been cross-checked among
23 all of the elements that contributed, and take them through
24 the simulator, take them through the control room, talk to
25 the operating crew.

pv HEE 1 You will remember that description of the pilot
2 program. That will give us a feel for how much the
3 architect engineers' lack of involvement or minor
4 involvement in the item was good or bad.

5 COMMISSIONER KENNEDY: Wouldn't you want to do
6 that for at least the low-power test procedures?

7 MR. DENTON: We are doing that in the low-power
8 test procedures.

9 DR. MATTSON: You have caught a mistake. He say:
10 "Before full power, the low-power test procedures must be
11 done before fuel load." That was an addition at the office
12 director meeting. On Saturday we didn't see it until after
13 it was signed and on its way to you. We're sorry about
14 that.

15 CHAIRMAN AHEARNE: All right. What about I.E.1?

16 DR. MATTSON: Well, on-site evaluation of
17 operating experience, you've seen before. It is the
18 Short-Term Lessons Learned. One of the functions for the
19 shift technical advisers, which, in terms of today's
20 requirements, needn't be performed by the shift technical
21 adviser, but nevertheless is a functional requirement at
22 each site. So, that is approved, in our judgment.

23 The part that is not approved is the off-site
24 capability. The reason we've thrown it in here is because
25 there is an unclear situation today, and exactly how this

pv HEE 1 national or international network of operating experience
2 evaluation is going to function, who is going to tell whom
3 to do what on the basis of recently observed operating
4 experience.

5 And it seemed to us that there was a need not to
6 cut out corporate engineering headquarters people who have
7 analytical capabilities and probably more in-depth
8 engineering expertise than what you would provide at the
9 site in the on-site engineering, safety engineering.

10 CHAIRMAN AHEARNE: In this particular requirement,
11 are you saying that you believe the licensee should have
12 off-site capability?

13 DR. MATTSON: Yes.

14 CHAIRMAN AHEARNE: Or are you saying that you want
15 to have that international network established? They are
16 two different things.

17 COMMISSIONER GILINSKY: What is the significance
18 of "on-site" and "off-site" here?

19 DR. MATTSON: The on-site significance is the
20 familiarity with the hardware and the people who operate the
21 plant and therefore understanding each piece of operating
22 experience at its -- close to the source where it needs to
23 be best understood -- that is, having site familiarity.

24 The purpose for off-site is so that there is not a
25 loss of continuity of the corporate engineering group.

pv HEE 1 especially if they have their own analytical capability like
2 some of the larger corporate engineering groups will have --
3 the TVAs, the Dukes, the Commonwealths -- and a need, for
4 example, for NSAC, who may be evaluating operating
5 experience, to know whether they are to talk to the
6 corporate people or the site-specific people in issuing --
7 say, they come up with an invention of prompt notification
8 on the basis of some generic industry review of operating
9 experience that needs to go to all operating plants.

10 This on-site and off-site capability is intended
11 to coordinate the various sources of operating experience
12 evaluation. And I am afraid I can't be more specific than
13 that now. The off-site addition is recent.

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mgcHEE

1 COMMISSIONER GILINSKY: Suppose you have a little
2 utility with one plant, and they've got their team at the
3 reactor?

4 DR. MATTSON: There it may be possible, but the
5 requirement says you've got your best and only team on
6 site. That is, they have only one reactor. Their corporate
7 headquarters is within ten minutes of the reactor and so on,
8 and that their direct liaison with both NRC or with NSAC or
9 NPO is from the site. Then the need for an offsite
10 capability goes away. There isn't any offsite. They have
11 merged.

12 CHAIRMAN AHEARNE: I wonder if you could, perhaps,
13 give us a sheet of paper like you have in the book before
14 that, before that offsite issue.

15 DR. MATTSON: Yes. When we bring to you the next
16 draft which is going to include a number of modifications,
17 that one will be there unless you want it sooner. And a
18 number of these are changed from what is in the Action
19 Plan. This I.B.3.1 and I.B.1.1 are not reflected in the
20 Action Plan either. "Resident inspector before new OLs" is
21 not in the Action Plan. We were thinking of bringing them
22 to you all at once.

23 CHAIRMAN AHEARNE: And that is scheduled for --

4 DR. MATTSON: We were thinking near the end of the
25 month or the first of next month. My schedule shows

mgcHEE 1 something like the 4th of February.

2 COMMISSIONER GILINSKY: Is there implicit here a
3 requirement for an analytical requirement of some sort that
4 one would not normally have at an operating reactor. Is
5 that the idea -- that you would expect to have at utility
6 headquarters --

7 DR. MATISON: A requirement is not implicit there.
8 but that is essentially what is happening. Remember that
9 EPRI took the code and made a transient code out of it.
10 Retran, I think, is its name. And I was told just this week
11 that there are something like 15 utilities that are now
12 running Retran on their own as a growing capability at
13 analysis in each individual utility, responding to the
14 charge to do a better job of evaluating operating
15 experience.

16 COMMISSIONER GILINSKY: Wouldn't it be better to
17 express it in terms of technical capabilities rather than
18 referring to onsite or offsite.

19 MR. DENTON: I think you are correct. What we
20 wanted was a sign-off on each LER that comes up. We wanted
21 to sign-off the full capability of a plant, and we saw the
22 plant as being still mainly operational and headquarters
23 mainly analytical.

24 DR. MATISON: I agree with you. It is confusing
25 to say "onsite" and "offsite", but I don't want to leave the

ngcHEE 1 impression that we made the decision to require analytical
2 capability of each utility. We haven't crossed that bridge
3 yet. We do know that they are generating that capability
4 somewhat, and that is good, but it may not be necessary. We
5 may be able to get sufficient analytical capability through
6 arrangements with a central organization.

7 CHAIRMAN AHEARNE: What you are saying is, you may
8 not have reached the requirement for each utility to have
9 analytical capability, but you have reached the conclusion
10 that each utility ought to have available the capability.

11 DR. MATTSON: Yes.

12 COMMISSIONER GILINSKY: Access to it.

13 DR. MATTSON: That is really what the shorthand
14 about a national network means -- who's going to supply what
15 to whom both in terms of analytical capability and in terms
16 of notification and decision capability.

17 CHAIRMAN AHEARNE: Could I urge you to move on,
18 because I would at least like you to have hit briefly each
19 of these "no's."

20 DR. MATTSON: Let's see, "Licensee Dissemination
21 of Operating Experience", that is simply on of the short
22 term lessons learned. We would say "provide a mechanism for
23 getting the operating experience down to the licensed
24 operators", based on complaints from licensed operators that
25 they were the last to know.

mgcHEE 1 COMMISSIONER KENNEDY: Why is that before fuel
2 load?

3 DR. MATTSOON: It seemed that the mesh of
4 engineering and management support of operations personnel
5 and their procedures for functioning ought to be in place
6 before the plant went into an operational phase. I think
7 this is a procedure that you are writing here, and it is a
8 matter of a few days to think it through and have it in
9 place before fuel load.

10 We might as well be working according to the final
11 procedures wherever you can. That was the logic there.

12 Training during low power testing is simply the
13 element in the Action Plan to write the requirements for the
14 kind of training, the kind of testing to be performed during
15 this prolonged full power testing period for near-term OLs.

16 COMMISSIONER KENNEDY: Now I go back to my last
17 question. Why not do it before fuel loading?

18 MR. DENTON: This one means to conduct those --

19 DR. MATTSOON: You would have to have a plan before
20 fuel load, but the training is to be conducted before you go
21 to full power.

22 COMMISSIONER KENNEDY: All right.

23 DR. MATTSOON: The next, "Degraded Core Training",
24 at the bottom of four, you will recall in the final Lessons
25 Learned Report, we said "undertake rulemaking for degraded

mgcHEE 1 core or core melt conditions", but in the meantime train the
2 operating crews as to how to maximize the capability of
3 equipment already in place to cope with a core melt or a
4 degraded core cooling.

5 Those are things that could be a part of the
6 augmented start-up testing program.

7 The next one, II.B.8, is one that applies to NRC,
8 not to licensees, as a condition of people going to power.

9 COMMISSIONER HENDRIE: I don't understand why that
10 is.

11 DR. MATTSON: Well, we think you need to make a
12 decision before you issue another operating license, which
13 is really what a full power license is, that you do not
14 intend to deal with the degraded core cooling aspects of
15 Three Mile Island on a plant by plant basis. Rather you
16 intend to undertake that subject matter through generic
17 rulemaking.

18 That has been our presumption and the way we have
19 been approaching it case by case, pending OL applications
20 and pending CP applications.

21 Now that was the genesis of this.

22 COMMISSIONER HENDRIE: I can see where you very
23 well might need that decision on OL cases where hearings
24 have been requested and where Three Mile related contentions
25 are being raised because you need some decision on whether

mgcHEE 1 you're going to litigate all those things case by case, or
2 whether a number of them are going to be gathered up into a
3 general proceeding, the results of which will then apply to
4 each of the cases.

5 (Chairman Ahearne left the room.)

6 COMMISSIONER HENDRIE: But setting it down in this
7 fashion in this list means it also becomes a controlled
8 element on near-term OLs for which no hearings have been
9 requested and which are free of that problem.

10 DR. MATISON: I think it goes a little bit further
11 than that. I think, for example, if you were not intending
12 to undertake rulemaking of the degraded core cooling aspects
13 of Three Mile Island, I think there would be an inclination
14 on the part of the staff to require commitments to deal with
15 some of those subject matters so far as the near-term OLs,
16 whether or not it was a hearing.

17 MR. DENTON: I think some of the source of
18 confusion is our own requirements in here in the Action Plan
19 move into mitigation of extremely damaged cores, and this
20 raises a question of why you do it in some aspects and not
21 others, and what's the boundary of this? We really felt
22 this should be conducted with a rulemaking procedure and not
23 in individual cases. I think that was the sole reason for
24 trying to address it here -- so to indicate you wouldn't
25 expect it to be addressed plant by plant as a wide open

mgcHEE 1 issue.

2 COMMISSIONER GILINSKY: In the forthcoming -- that
3 is to say, in dealing with the near-term license
4 applications, isn't that what you're saying?

5 DR. MATTSON: Yes. We don't think that II.B.8 is
6 a whole lot of work. If your concern is one of is it
7 reasonable to expect this could be accomplished in the time
8 scale for the near-term OLs, we think the answer to that is
9 yes.

10 COMMISSIONER GILINSKY: What sort of time were you
11 thinking of?

12 DR. MATTSON: A couple of weeks.

13 (Chairman Ahearne re-entered the room.)

14 COMMISSIONER KENNEDY: Were talking only about the
15 issuance of a notice.

16 DR. MATTSON: That's right, a draft of which is
17 provided in NUREG 0585 -- a draft of the questions to be
18 included. It did not have the language.

19 MR. SHAPAR: You mean earlier notice of
20 rulemaking? What do you mean by "notice of intent to
21 conduct rulemaking"? Do you mean an early rulemaking? In
22 other words, ask for public comment on a proposed rule?

23 DR. MATTSON: No. It would not contain a proposed
24 rule, but it would contain a set of questions to which we
25 are seeking answers, either through public input, through

mgcHLE 1 our own research program or what have you, that we need
2 answers to before we could write the proposed rule, and it
3 would state a schedule for answering those questions,
4 incorporating the answers into the development of the
5 proposed rule and then eventual issuance of the proposed
6 rule.

7 COMMISSIONER GILINSKY: I must say I share those
8 uncertainties about whether this belongs in this list. I
9 mean, given it is a good idea, and it sounds like a good
10 idea, and I believe we ought to do that, but I don't
11 understand still the tie to this list.

12 MR. BICKWIT: You want to exclude it from the
13 proceedings. That's why it's on the list.

14 DR. MATTSON: Yes. Both proceeding in hearing and
15 a proceeding not to hearing.

16 COMMISSIONER GILINSKY: What would you be doing if
17 this were not here?

18 DR. MATTSON: Case by case consideration of the
19 degraded core cooling aspects of Three Mile Island --
20 hydrogen generation, debris in the recirc system.

21 CHAIRMAN AHEARNE: The purpose is to eliminate
22 some questions in the operating license area.

23 COMMISSIONER GILINSKY: Does that happen just by
24 issuing a notice of intent?

25 DR. MATTSON: It would be the Commission's action

mgcHEE 1 that intended to deal with those questions from Three Mile
2 Island on a generic rulemaking basis. It would be
3 instructions to the staff, instructions to the boards,
4 instructions to licensees, and so forth.

5 COMMISSIONER GILINSKY: Does that do it, or do you
6 need a final rule?

7 MR. SHAPAR: I think you can do it. You've done
8 that kind of thing before. I think Roger has also said,
9 however, that he thought that certain members of the staff
10 were inclined to demand this anyway. That kind of a
11 problem, I guess, could be handled in a different manner.

12 COMMISSIONER GILINSKY: To demand what?

13 DR. MATTSON: That isn't what I said. What I said
14 was, I won't be coy about who they are. It is me. I think
15 that before you issue a new OL, you have to have an answer
16 to how you're going to treat some of the degraded core
17 cooling things you learned from Three Mile Island, and that
18 answer either has to be developed on each of those OLs, or a
19 commitment to do it generically -- which I happen to think
20 is the best way to do it -- but you need to make that
21 decision before you license.

22 Otherwise, you extract commitments from those
23 near-term OLs, as historically has been done on generic
24 issues, to solve those problems by date certain.

25 CHAIRMAN AHEARNE: Glen, did you have a point?

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1 MR. BICKWIT: I don't think that simply by putting
2 out an intent to have a rule that you would exclude from the
3 proceedings the discussion of this subject. However, there
4 are ways to do it.

5 You have an Appeals Board decision that says that
6 if you comply with all of the rules in existence, then you
7 are entitled to a license. So that if this subject matter
8 isn't covered by rules, all of the other rules are complied
9 with, then you can exclude it from the proceeding.

10 COMMISSIONER HENDRIE: But, Glen, if we issue --
11 as we have promised to do -- what would this be? The third
12 section of our continuing policy statement on licensing to
13 provide greater guidance to the boards, applicants, parties,
14 and everybody, and we say we intend the proceedings to go
15 forward and that if a certain class of questions are
16 intended, to have a rule making, the notice of intent or
17 whatever you call it is published, and we will deal with
18 those questions in a general proceeding, and whatever the
19 requirements are that flow from that general proceeding will
20 be of course required on all cases.

21 Wouldn't that do it?

22 MR. BICKWIT: Yes. If you stay with the notion
23 that compliance with the rules that are in existence is
24 sufficient for the license, that would do it. I think this
25 is part of a broader question that I assume this meeting

mgcH2E 1 would ultimately have to address, which is whether or not
2 you want to stay with that principle list in its entirety.

3 MR. SHAPAR: I think it depends on what the
4 Commission says in its notice of proposed rulemaking.

5 COMMISSIONER HENDRIE: I presume our boards would
6 give some weight to what we say there.

7 MR. BICKNIT: I don't think there's any dispute
8 that this is a way to exclude that from the proceedings, if
9 that's what the Commission wants to do.

10 CHAIRMAN AHEARNE: Roger, I would like to try to
11 move on. We have got several other things we really have to
12 get to before we break, and we will probably break not too
13 much longer after 11:30.

14 Are there any of these other "no's" that you want
15 to specifically call our attention to?

16 MR. DENTON: The very next one. We want to go
17 beyond the Commission's requirements in this area. This is
18 a troublesome one.

19 CHAIRMAN AHEARNE: I think on that one, you're
20 going to have to provide us a little more detail, and we
21 don't have the time this morning to get into that. So if
22 you would like to give us a paper and have a separate
23 meeting on it.

24 MR. DENTON: All right.

25 DR. MATTSON: Okay. I would turn you to page

mgcHEE 1 seven and the role of NRC in emergencies. This is another
2 internal NRC action -- the only other one in this list.

3 COMMISSIONER HENDRIE: Once more, why?

4 DR. MATTSON: Well, we had a lot of discussion as
5 to why we keep bringing this back, and the best answer we
6 can give is that we are not trying to quarrel with the
7 guidance we've gotten so far. That's not the reason we keep
8 bringing it back.

9 It's just that we're not certain that the guidance
10 is specific enough to take the actions we need to take in
11 the very near-term. Remember we talked about --

12 CHAIRMAN AHEARNE: Now, by the role of the NRC,
13 are you getting back to not so much internally but what the
14 linkage with the licensee --

15 DR. MATTSON: Yes. During an emergency, from the
16 incident response center or from the site, what is it you
17 want to be in a position of knowing so that you can do what
18 you want to do?

19 CHAIRMAN AHEARNE: What is it that you want to do?

20 DR. MATTSON: Well, I think we've agreed in one of
21 the other meetings that the objective statement in this
22 III.A.1.1 is pretty close to what we all agree is our role.
23 The difficulty is it's very short and very general.

24 When we try to take it down to make specific
25 decisions among I&E, NRR, Research, on things like the

mgcHEE 1 nuclear data link, the very general statement doesn't serve
2 us that well. We continue to --

3 COMMISSIONER GILINSKY: Well, we ought to be more
4 specific and clear it up when we have enough time to do it
5 than the time involved here, and whether or not in some
6 logical sense it has to be absolutely tied to this list.

7 DR. MATTSON: This was one of the more
8 controversial ones with the Office Directors, but they are
9 agreed that it is something that stands more attention from
10 all of us between now and when we issue the rule.

11 CHAIRMAN AHEARNE: In some form, I thought we were
12 going to be presented with a description of options on the
13 nuclear data link.

14 DR. MATTSON: That paper is in the plan and is on
15 its way in the short, near future. Early February -- is
16 that where it is now?

17 MR. STELLO: I have a draft of something that is
18 very brief that just outlines what the status is, and I can
19 offer to have a briefing before the Commission coming down
20 this month. Our milestone is to have the information back
21 from the studies where it will be time to start making some
22 decisions in March, as I recall.

23 MR. GOSSICK: That is based on a presumption that,
24 yes, we need data refined, and I think there is a real
25 question. I agree with Roger. This is a question that has

mjcHEE 1 to be addressed.

2 CHAIRMAN AHEARNE: Perhaps we can fold that, the
3 addressal of this issue into this status briefing.

4 COMMISSIONER GILINSKY: We don't want the hardware
5 to be determining policy. We want the hardware to conform
6 to the policy.

7 DR. MATTSON: But talking about that hardware is a
8 good way to talk about this policy. It brings out a lot of
9 specific questions that a pure policy discussion has
10 difficulty addressing. It is a good way to do it.

11 CHAIRMAN AHEARNE: Let me talk to Vic and maybe we
12 can get a briefing on the status that you said you expect to
13 be able to give us this month.

14 MR. STELLO: If you would like, I could include in
15 the briefing the broader question.

16 CHAIRMAN AHEARNE: I think that is needed.

17 MR. STELLO: Okay.

18 CHAIRMAN AHEARNE: Okay. Roger?

19 DR. MATTSON: I would jump now to page nine.

20 COMMISSIONER HENDRIE: Before you jump to page
21 nine, would you care to go back to page six and explain to
22 me what II.E.1 is different than II.C.1.1 and in what way?

23 DR. MATTSON: II.E.1 and II.C.1.1, yes. II.C.1.1
24 may in fact include II.E.1. Does that help?

25 COMMISSIONER HENDRIE: Thank you very much.

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1 CHAIRMAN AHEARNE: Page nine.

2 DR. MATTSON: Page nine. The only one I would
3 highlight there is this Roman III.D.2.2.c, "Improved
4 Auxiliary Building." The Office Directors with the
5 concurrence of the Steering Group changed this at our
6 meeting last Friday. Staff had come forward from the
7 technical level saying for buildings, for aux buildings that
8 had filtration, make sure it is good filtration from the
9 standpoint of that accident.

10 Not all aux buildings have filtration. The
11 filtration that is there is generally routine release
12 filtration, not Class Nine or large accident filtration.
13 And in the course of development and issuance of Appendix I
14 some years ago, people found they didn't need filters that
15 they thought they might need to be as low as reasonably
16 achieved. Some have them and some don't.

17 What the Steering Group has brought to the Office
18 Directors was a proposal to approve filters for the existing
19 and to not add filters unless the rulemaking on core melt
20 and degraded core cooling situations showed it to be
21 necessary. And the Office Directors said -- and we don't
22 have any difficulty agreeing with them like they stated
23 it -- that filters are practical technology. They are
24 understood. They are not difficult to design and install.

25 New plants that don't have them ought to have

mcHEE 1 them before they go into power operation, not just if
2 they've got them, approve them, but if they don't have them,
3 have them.

4 That is a little bit different from anything
5 you've seen, or quite a bit different, I guess, through
6 these recommendation about what to do about leakage in the
7 auxiliary building.

8 MR. DENTON: I don't think we said you have to
9 have them before full power.

10 DR. MATTISON: That's right. You've got to provide
11 a schedule, and the schedule may say or allow for
12 installation after power.

13 MR. DENTON: We will review the schedule to see if
14 it is a reasonable time.

15 DR. MATTISON: Yes. That is what the statement
16 said. I mischaracterized it. I apologize.

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1 COMMISSIONER HENDRIE: This is a good place to
2 have filters.

3 DR. MATTISON: Those are the only specific elements
4 I would call your attention to.

5 MR. DENTON: I think the last attachment, too,
6 Roger --

7 CHAIRMAN AHEARNE: We are going to get to the
8 last one.

9 DR. MATTISON: I think we have two things I would
10 like to see us talk about before we break and that's the
11 last attachment and the proposal for how we get operator
12 feedback.

13 CHAIRMAN AHEARNE: Well, I would like to talk
14 about how we get operator feedback. I would like to talk
15 about rule-making versus policy statement. And I would also
16 like to talk about where we go from this morning.

17 Quickly tell us about your operator feedback,
18 which is number one in the December 28th --

19 DR. MATTISON: Jim O'Reilly has a description of
20 what we would like to do.

21 MR. O'REILLY: Well, it is planned to be a
22 two-phase operation. The first phase is the one that is
23 most resource-demanding. We have established a
24 multi-discipline team headed up by various I&E branch chiefs
25 in different regions. Each team will be consist of 4 to 6

gsnHEE 1 people.

2 COMMISSIONER KENNEDY: These are regionally-based?

3 MR. O'REILLY: Well, the lead person for the plant
4 in that area will be the branch chief in that region. But
5 we are going to make up the team of 4 to 6 people. And that
6 will consist of NRR project managers. We will get a couple
7 of task managers that seem to have the most impact on the
8 near-term operating licenses.

9 We will get them on some of these teams.

10 I, as one steering group member, will be on at
11 least one of these exercises. And, of course, the other
12 steering group members will attend if they possibly can.
13 And I have scheduled some of the regional directors also to
14 attend some of these.

15 We are going to obviously assess the safety impact
16 of these items we talked about today and we are going to
17 conduct these against the four plants we identified earlier
18 And we're also going to look at five operating plants to see
19 how they would react to this before we would consider
20 imposing them on the near-term operating licenses.

21 So we talked of nine plants. This will be done
22 starting the week of January the 21st, and some will be done
23 earlier in the week of the 27th and 28th.

24 We intend when we're through with this exercise to
25 brief the steering group and, as appropriate, brief the

gshHEE 1 office directors. And we will have some sort of a summary
2 report of this exercise when it is complete.

3 Now the Phase 2 is, of course, dealing with, in
4 this group, of course, like you had indicated earlier, we
5 certainly will deal heavily with the operators. We will
6 deal with the supervisors of the plants. We will deal with
7 the plant managers and some of the engineering people on
8 site.

9 And the corporate offices will be involved in some
10 of these design plans and changes.

11 CHAIRMAN AHEARNE: Will you be reviewing
12 specifically this morning's list of items?

13 MR. O'REILLY: Yes, we will. This is geared
14 almost entirely, of course, in the context of the overall
15 Action Plan. It will be geared for the near-term operating
16 licenses identified in Attachment 1.

17 And this is the group. If it works out well, we
18 may broaden it and look at the broader Action Plan that the
19 commission may finally approve in some form.

20 CHAIRMAN AHEARNE: I see.

21 MR. O'REILLY: The phase 2 of that action, of
22 course, is to talk to industry representatives and we will
23 schedule the industry people to discuss the impacts of this
24 also.

25 CHAIRMAN AHEARNE: Okay, thank you. Any comments,

gsnHEE 1 questions?

2 (No response.)

3 DR. MATISON: It is going to be early February
4 until you can have feedback.

5 CHAIRMAN AHEARNE: All right. Moving on to the
6 question of whether we do this — if we agree and it gets a
7 little bit into this issue of this has a context of a clear
8 definition here as a licensing pause, and these are the
9 steps to remove that pause. That will be one aspect of
10 that.

11 I guess Howard, since this is your department's
12 memo, perhaps you might speak to it.

13 MR. SHAPAR: I will be very brief.

14 The staff is talking generally about new
15 requirements. Understandably, they've been trying to
16 identify those requirements without up to this point trying
17 to focus on how to go about making the requirements.

18 I think it turns out they're talking about a lot
19 of possibilities and I think there are a lot of options here
20 from the very informal, including looking at the standard
21 review plans and the bulletins to jawboning, if you want to
22 call it that, to the more formal end of the spectrum, which
23 is rule-making and both substantive rules and interpretive
24 rules and policy statements.

25 So it's just not a question of looking at policy

gs:EE 1 statements or rule-making as such; it is a question of how
2 the so-called requirements are eventually going to be
3 applied to the industry.

4 How what the staff has largely done up till now is
5 not rule-making, but they have dealt with the operating
6 reactors and they have gotten the operating reactors to make
7 a bunch of changes.

8 And you haven't issued any rules, nor has there
9 been any substantial objection to that kind of an approach
10 with respect to operating reactors, those reactors that are
11 in operation.

12 CHAIRMAN AHEARNE: We did reach the point of
13 having to issue some orders.

14 MR. SHAPAR: That's right, where there was some
15 reluctance. And that's where we see another option
16 available to you, in the event the informal approach doesn't
17 work.

18 Each of these options -- and I've been trying to
19 get the staff to focus now, start to focus on which
20 selection is most appropriate and rational for the
21 particular requirement, of course, that they have in mind.

22 There are advantages and disadvantages to each of
23 them in terms of speed, efficiency, and also in terms of
24 what you want to have litigated in an individual licensing
25 proceeding or not to have litigated.

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1 The only effective way, or most effective way, to
2 cut it off as an issue, if you want to cut it off as an
3 issue, is to rule-making. When you get to rule-making, you
4 have immediately effective rule-making and rule-making by
5 proposals in getting public comment or putting it out
6 immediately and getting effective comments thereafter.

7 There seems to be some feeling of the staff, I
8 should say in all candor, some reluctance to go the
9 rule-making route because they feel that the amount of time
10 that will be required to get the commission to approve of
11 rule is perhaps not worth it in terms of getting the job
12 done.

13 In theory, and I have no doubts that in fact, with
14 the recent example of how the commission can move in putting
15 out an effective rule, and that was in connection with the
16 transportation of special nuclear material or fuel elements
17 to populated centers, we think it can be done very
18 expeditiously and has been.

19 That is one of the options.

20 Now I'm not pushing any of the options myself at
21 this time. What I have been trying to do is to get the
22 staff themselves to focus on the availability of these
23 different approaches and to rationally tie a proposed
24 approach with many options to the particular "requirement"
25 that they had in mind.

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1 CHAIRMAN AHEARNE: Glenn, do you have any
2 comments?

3 MR. BICKWIT: I agree with everything said, and in
4 addition, I would simply like to say that I think the key
5 factor that you have to focus on is as to how much assurance
6 you have in the validity of the requirements that are going
7 to be imposed, how much assurance you have that they are, in
8 fact, necessary, how much assurance you have that in the
9 areas they cover, they are all that is necessary, and how
10 much assurance you have that in the entire spectrum of
11 possible licensing requirements, they are all that is
12 necessary.

13 And until you make your judgment on that question,
14 I don't think it is possible to come to the right answer on
15 which of the options that are mentioned you ought to pick.

16 CHAIRMAN AHEARNE: I guess my own feeling is that
17 I have a reluctance to go to the rule-making approach for
18 some of the reasons that were mentioned. And if I
19 contrasted with the recent exercise you went through on the
20 emergency planning, in which I felt that we had, I think,
21 narrow scope and a more complete understanding of the
22 sufficiency issue than I think was just being mentioned, I
23 don't have that same sense of comfort here.

24 And I would be much more comfortable with a more
25 general policy statement than an approval list of actions

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1 myself.

2 But to whom do we now speak? It appears if we say
3 we are now going to try to resume licensing in some sense,
4 there are sets of people -- there is a staff who is being
5 told to turn in certain directions with a higher priority.
6 There is clearly the director of NRR, who is now being told
7 that it is appropriate for him to come to us, saying that we
8 still have existing the commission statement that no
9 licenses will issue without action by the commission itself.

10 So we are telling the director of NRR that it is
11 appropriate now that you're satisfied to come to us with
12 actions.

13 We also, I believe, are speaking to licensing
14 boards. There are some boards that have contested cases on
15 operating licenses in front of them.

16 We would now be saying we have essentially
17 encompassed the framework of the actions that we believe are
18 necessary to be treated. You can turn your switch on again
19 in the staff. You can now go and give whatever presentation
20 is needed to those boards. And also, we have to speak to
21 the public.

22 We have now reached a resolution of what we think
23 are adequate actions to be taken to once again resume our
24 operations.

25 The sense I have from this morning is that we

gshHEE 1 aren't yet quite there in that there seems to be a number
2 of -- well, there are several things.

3 First, I think the commissioners have to agree
4 that the subset that you have is at least an acceptable
5 subset.

6 Second, there are a number of items that you've
7 already put on there that we had not seen before. And I
8 think we would at least like to have some that are
9 understanding. For example, the one that you're going to
10 give us a paper on. It is not clear to me to what extent we
11 have to wait for Jim O'Reilly's review to come back.

12 It would seem certainly logical that we ought to.

13 DR. MATTSON: That was our understanding of your
14 intent.

15 CHAIRMAN AHEARNE: So, your revised draft you say
16 is February 4.

17 DR. MATTSON: If I could change subjects a little
18 and we could come back to this one.

19 We intend to sit down with the task managers and
20 go through it page-by-page beginning next week. We will
21 have completed then this round of conversations with
22 you. And your earlier meetings with you, we will have had
23 two meetings with the ACRS subcommittee.

24 A number of things need to be cleaned up. There
25 have been a lot of implied decisions and a lot of changes

gsndEE 1 in the plan that should be brought up-to-date.

2 The uncertainty in any schedule is the degree of
3 difference relative to the Rogovin report. It made sense to
4 us to try to get at least within the steering group and the
5 task managers a consistent and clean draft. Whether we
6 bring that down, make it publicly available, and go through
7 the sort of thing we've gone through with this one or not, I
8 am inclined not to.

9 But we will see how much time there is available.
10 It is just a matter of whether we can push this thing hard
11 enough to produce another document.

12 CHAIRMAN AHEARNE: Now you will also have, as I
13 recall, outstanding an examination of what is the marginal
14 change of programs and what additional changes have been
15 made as a result of the action plan.

16 DR. MATTSON: There are reprogramming analyses
17 going on within the offices in first-ranking of potential
18 reprogramming candidates, is due to be supplied by the
19 office directors tomorrow.

20 They also have a deadline of the 16th of January
21 to speak specifically to the resource estimates in the plan
22 itself.

23 We have an uncertainty at the moment, given the
24 amount of change that now appears to be necessary in the
25 plan as to whether it makes sense to continue to push the

gshHEE 1 office directors to that 16th deadline.

2 It may make more sense to go through the task
3 manager rewrites over the course of the next weekend and
4 task manager review of their sections with the steering
5 group next week, and then work the office directors the
6 following weekend with more up-to-date, consistent versions.

7 CHAIRMAN AHEARNE: You've got several more weeks of
8 cycling in front of you.

9 DR. MATTSON: Yes.

10 CHAIRMAN AHEARNE: To me, this is such a
11 fundamental important question that I would like to withhold
12 any further comment. I would like to have a chance for the
13 commissioners to come to grips with what they would propose
14 for the action to take, unless you are prepared to offer
15 some suggestions now.

16 COMMISSIONER GILINSKY: I would like to ask a
17 question.

18 This is a TMI Action Plan. To what extent does it
19 also capture items that are not TMI-related, but were of
20 concern to the staff, since Kemeny and others have said
21 we've got to get our house in order, that there are
22 non-TMI-related issues that pertain to that.

23 Are these addressed here?

24 DR. MATTSON: No. It has been our intent to cut
25 out the hobby horses, as Joe described them earlier. There

gshHEE 1 are still some in here.

2 CHAIRMAN AHEARNE: I don't think Vic meant hobby
3 horses.

4 DR. MATTSON: Well, it depends upon who considers
5 it important as to whether it's a hobby horse or not.

6 COMMISSIONER GILINSKY: Well, the considered
7 judgment of the senior technical people.

8 MR. DENTON: There are some things going on in
9 those other areas that are not apparent, where we are
10 pushing to clean up areas where that has been stagnant for
11 some time.

12 You'll see it more clearly in the list of
13 priorities when what we have to drop in order to fine-tune
14 our people to carry out the Action Plan.

15 So there, that does reflect our judgment of what
16 elements must we continue, such as unresolved safety issues
17 and operating problems and so forth.

18 CHAIRMAN AHEARNE: My impression when you called
19 this a TMI Action Plan was that, as it says here, this is an
20 Action Plan for implementing recommendations of the
21 President's commission and other studies of the TMI
22 accident.

23 So it encompasses some of those broader
24 questions -- how should the agency be assessing?

25 DR. MATTSON: Well, the issue of how the agency

gshREE 1 functions and works and conducts its business, in our
2 judgment, are there in Chapter 4. In the main, the
3 technical requirements associated with Three Mile Island,
4 the engineering and human factors and that stuff is in here.

5 CHAIRMAN AHEARNE: But, for example, let me give
6 you an example.

7 There is a lot of emphasis upon manning, staffing
8 human factors approach, which are much broader than any
9 specific action out of TMI 2 accident.

10 DR. MATTSON: That's true.

11 CHAIRMAN AHEARNE: So those broader issues really
12 are in here.

13 COMMISSIONER GILINSKY: Well, some of them
14 obviously are.

15 DR. MATTSON: Well, I don't know what your
16 definition of "broader" is. There's nothing in here about
17 all your seismic requirements, right?

18 Clearly, that is a question on the staff's mind
19 and has been for years. There's nothing in here about
20 anticipated transients without SCRAM or any of the
21 unresolved 19 safety issues, although some of them are at
22 least indirectly related -- station blackout. That's
23 clearly related.

24 CHAIRMAN AHEARNE: But those are items that are
25 already in this section of the budget.

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1 DR. MATTSON: And to the extent that you start to
2 hurt them by undertaking TMI-related things, you're going to
3 see that. That information we are developing for you.

4 COMMISSIONER HENDRIE: I've forgotten the front
5 part of the line of conversation. Would you go back and
6 tell me where we are?

7 CHAIRMAN AHEARNE: The front part of it is one of
8 the reasons for this morning's meeting might have been that
9 now we vote out here a set of actions. We agree that these
10 are the ones that have to be taken.

11 Now we will send it to the licensing board. We
12 will tell Harold to start giving operating license
13 decisions, et cetera.

14 Another possibility, which is one I would more
15 prefer, is that the five of us -- not right here at this
16 table -- but that we reach some conclusion as to what steps
17 ought to be taken.

18 COMMISSIONER KENNEDY: How are we going to go
19 about doing that?

20 I guess that is the first question.

21 CHAIRMAN AHEARNE: Well, I was going to suggest
22 that perhaps either one of you or the general counsel, OPE
23 with Roger, might put together a more succinct plan. Is
24 that acceptable to you?

25 COMMISSIONER KENNEDY: Sure.

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1 MR. DENTON: In the interim, I have a list of the
2 staff who are working on the near-term OLs. That's the best
3 guidance I can give you today as to what might be required
4 and might not be complete and workable along those lines.

5 So in terms of a review effort that is going
6 on, they have taken this to be today's best approach to it.
7 And it is to be applied near-term.

8 COMMISSIONER HENDRIE: John, I was going to say
9 that I agree with you. There is the iteration that we need
10 either one or two weeks to see what our special inquiry has
11 to say.

12 It seems a bit premature today to seize this list
13 and say, staff, okay, irrevocably, okay, or whatever on it.

14 On the other hand, I will at least say for myself
15 that it appears -- I would take out that 3.A.1.1. on more
16 detailed definition of the role of NRC in emergencies, just
17 because I don't know what the poor licensee is going to do
18 about that.

19 The other one I'm willing to leave in because I
20 think we do have to decide on the rule-making.

21 For myself, I would be willing to say that this
22 list constitutes a reasonable subset for the near-term OLs,
23 on the one hand, that I believe it is drawn from a larger
24 action plan which, in general, I agree with, although I
25 occasionally have a critical comment about one element or

gshHEE 1 another in the thick book, and that it is sufficiently close
2 to the mark so that it certainly ought to be used as you are
3 using it for guidance internally.

4 And since I assume it is a public document, is it?

5 MR. DENTON: Yes.

6 COMMISSIONER HENDRIE: That I would advise
7 licensees or applicants who are looking for some near-term
8 action to read it with great care and be advised by it.

9 But I think it is a bit soon yet. I think we want
10 to hear from the iteration of the field. We want to hear
11 some reaction from the staff on the special inquiry thing
12 before we come finally to say, good, this is it.

13 And it seems to me that the action then which we
14 will want to take when we reach that point, or as we reach
15 it, will be to have draft statements, licensing policy
16 statement to look at, and we will want to get that guidance
17 out. And we will want to sort out some of these things on
18 which it is clearly more appropriate to try to deal with it
19 in a general proceeding than to litigate in individual
20 proceedings.

21 But that sort of action sequence seems to me
22 fairly straightforward. We have got a couple of weeks now
23 while things are done. And we see this next review of our
24 past conduct.

25 CHAIRMAN AHEARNE: We also really do need to

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1 understand when we approve this, what does it do to the
2 ongoing programs already?

3 COMMISSIONER HENDRIE: Now let me just, if I can
4 continue to hold you up here, we are now at the 9th of
5 January, is February 15 really a necessary time before one
6 can revisit this subject and get something moving?

7 CHAIRMAN AHEARNE: Well, I think we've got at
8 least three phases: The impact on the ongoing program; the
9 Rogovin effort; and Mr. O'Reilly's effort.

10 And I would guess that those three do have to come
11 before we revisit them.

12 DR. MATTSO: We also have to do some work on the
13 question that Howard and Len addressed, which is how to
14 proceed with specifics.

15 CHAIRMAN AHEARNE: Well, that's right. I would
16 guess that that is really more an issue that the commission
17 has to address than the staff.

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1 COMMISSIONER HENDRIE: I would like to see some
2 recommendations from the staff as to which way different
3 elements ought to go.

4 DR. MATTSON: One of the things that could be done
5 to help you would be to ask the staff to describe how each of
6 the near-term OLS relates to current regulations, that is,
7 either the regulations don't treat that subject or they do
8 treat that subject and this is still within a reasonable
9 interpretation of those regulations, hence, interpretive
10 rules or statements might suffice.

11 CHAIRMAN AHEARNE: Are you saying which of these
12 things could be done without a rule and which would require a
13 rule? Is that your question?

14 DR. MATTSON: Well, there is some sentiment that
15 some of these things in here directly countermand the rules.
16 I can give you an example where there's not much disagreement,
17 and that is if we do something on hydrogen control, that it
18 would be something that would violate your rules. That goes
19 beyond what the regulations require.

20 CHAIRMAN AHEARNE: When you say violates, are you
21 saying that there is some -- that would say that the rule
22 says do this, and your conclusion is that what we're telling
23 them to do is wrong. Or are you saying what we're telling them
24 to do currently is not enough?

25 DR. MATTSON: Not enough.

1 CHAIRMAN AHEARNE: That's different.

2 MR. BICKWIT: But you need a rule either way.

3 CHAIRMAN AHEARNE: Certainly we have to have from
4 the staff which ones of those require new rules. But there
5 is a difference between something that requires a new rule
6 because there is an old rule that says something --

7 DR. MATTSON: Just so we understand what I have in
8 mind to provide, when you read NUREG-0578, the introductory
9 section, from each of the requirements in that appendix to
10 0578, it is analogous to the introductory section in each
11 regulatory guide that we issue. It says, here's what the
12 regulations require and here's what we interpret that to mean,
13 hence this requirement.

14 We could endeavor to write an abbreviated version
15 of that for every one of the 15 near-term OL requirements.
16 Some of them are simple because they were already 0578
17 requirements. Some of them aren't so simple and will take some
18 work.

19 COMMISSIONER HENDRIE: Is it necessary? What would
20 one do with it?

21 MR. SHAPAR: I think they view it as perhaps a
22 helpful planning device for approaching the ultimate question
23 of whether or not you want to handle a requirement by rule-
24 making or some other necessary preliminary step in approaching
25 the problem.

1 COMMISSIONER HENDRIE: Wouldn't they do just as well
2 to have a checkmark beside those things that would require
3 some change in the rules in order to implement, and maybe a
4 double checkmark beside those things that you think ought to
5 be done by rulemaking rather than by orders to licensees and
6 staff?

7 DR. MATTSON: That essentially is what I was talking
8 to you about providing. I was not volunteering a long-winded
9 analysis. It's just our judgment as to which ones.

10 COMMISSIONER HENDRIE: Well, the background prose
11 on some of those regulatory guides is first-class literature.

12 MR. MINOGUE: If I may suggest, I think the best way
13 to do this is to take a simple group, one guy from NRR, and
14 a guy from SD, and let them go through and just talk it through
15 and look at the rules, and then do the checkmarks that way,
16 without trying to put down any elaborate analysis.

17 CHAIRMAN AHEARNE: Why don't you try to do that for
18 a first cut. And then if it needs more, we can get more.

19 COMMISSIONER HENDRIE: Now, February 15th, when I
20 read your memos, what I understood was it was February 15th
21 for this object to come back. And what would it be, edition
22 two?

23 DR. MATTSON: Yes. But the assumption is it has
24 got not only the kinds of changes we now know are necessary,
25 but also changes to reflect Rogovin by the 15th of February.

1 COMMISSIONER HENDRIE: While I stand second to none
2 in my love and admiration for this object, I want it clearly
3 understood by everyone, it is this one and this list-- now,
4 here's what we've got to do to get on with plan X -- that
5 really fascinates me, as you may have detected. And I wonder
6 if we need February 15th for our next conversation on the
7 short list. I would hope we would come sooner together,
8 perhaps even at a time when you may not be completely shaken
9 down on one or another of the things before us.

10 DR. MATTSON: It may be possible, if we didn't have
11 to review the Rogovin Report.

12 CHAIRMAN AHEARNE: Joe, I really don't think we can
13 address that question until we see what Mr. Rogovin delivers
14 to us.

15 MR. GOSSICK: Do we have a firm date for that?

16 MR. BICKWIT: No, we don't. It is contemplated it
17 would be the week after next.

18 CHAIRMAN AHEARNE: I suspect that issue really has
19 to be deferred. I would hope we could revisit before
20 February 15.

21 COMMISSIONER HENDRIE: Well, there are sort of --
22 there's Rogovin, there's the iteration. And what was the
23 third thing?

24 CHAIRMAN AHEARNE: O'Reilly.

25 COMMISSIONER HENDRIE: Well, I'm calling O'Reilly

1 the check of the field. What was the third thing?

2 CHAIRMAN AHEARNE: The impact upon our present
3 programs.

4 COMMISSIONER KENNEDY: That we can look at meanwhile,
5 and it seems to me we don't have to wait until February 15th
6 for that.

7 CHAIRMAN AHEARNE: Oh, no.

8 MR. DENTON: Well, the impact of this is about
9 one-third the impact of that, and I think we could brief you
10 on the impacts of these things with what's in there.

11 CHAIRMAN AHEARNE: Let's get back to where we were
12 in the beginning. As Roger pointed out, if your recommendation
13 is to approve in principle of this plan -- and we've talked
14 at length, not in explicit detail, but we still need to have
15 some sense, since that is at least a recommendation. We either
16 accept that recommendation or reject it. If we accept it,
17 we still have to end up having some sense of what this magni-
18 tude of redirection means to the current programs. And I had
19 thought that is what you had already had under way.

20 DR. MATTSON: That is already under way.

21 MR. DENTON: I think you could be briefed on that.

22 DR. MATTSON: You could have that sooner if you
23 didn't want to review Rogovin, if you wanted to tell Rogovin,
24 we're going to do that first, then do Rogovin. That's fine.
25 I don't think that is a practical way.

1 CHAIRMAN AHEARNE: If you've got that already under
2 way, we ought to be able to at least have some sense as to that
3 first approximation pre-Rogovin.

4 MR. DENTON: I think the office has essentially
5 completed their review on the impacts of this. We were a
6 little hesitant in moving ahead, very much head, because it
7 was subject to change and we did not want to spend a lot of
8 time getting all of the implications straightened out.

9 CHAIRMAN AHEARNE: But perhaps you could get us that
10 first approximation.

11 DR. MATTSON: Now, what is it you're asking for,
12 for the revision of the Action Plan vis a vis --

13 CHAIRMAN AHEARNE: No. What I'm asking for is the
14 first approximation of the impact upon the current programs
15 of this version of the Action Plan or whatever the office
16 directors have been working with.

17 DR. MATTSON: That you can have fairly soon. That's
18 not difficult. I think you can have that next week. The
19 problem is, you will be comparing -- you will be measuring
20 an impact of something you know is going to change.

21 COMMISSIONER HENDRIE: Well, it is better that we
22 get -- it is a step forward.

23 CHAIRMAN AHEARNE: Unless you have reached the
24 conclusion that this is going to be so grossly wrong.

25 DR. MATTSON: Well, I could say I could have something

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1 next week, assuming I get what I need from the office directors
2 tomorrow.

3 CHAIRMAN AHEARNE: Let us, at the Thursday agenda
4 planning, maybe you could give us something on that, Lee.
5 All right.

6 The meeting is adjourned.

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7 (Whereupon, at 11:45 a.m., the meeting was adjourned.)
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