

NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

PUBLIC MEETING

STATUS REPORT BY STAFF ON UCS PETITION  
FOR EMERGENCY RELIEF, AND POSSIBLE ORDER

**Place** - Washington, D. C.

**Date** - Thursday, 8 December 1977

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

STATUS REPORT BY STAFF ON UCS PETITION  
FOR EMERGENCY RELIEF, AND POSSIBLE ORDER

Room 1130  
1717 H Street, N. W.  
Washington, D. C.

Thursday, 8 December 1977

The meeting was convened at 10:50 a.m., pursuant to  
notice, Dr. Joseph M. Hendrie, Chairman of the Commission,  
presiding.

BEFORE:

JOSEPH M. HENDRIE, Chairman  
PETER A. BRADFORD, Commissioner  
VICTOR GILINSKY, Commissioner  
RICHARD T. KENNEDY, Commissioner

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P R O C E E D I N G S

CHAIRMAN HENDRIE: We will come to order.

We are on a somewhat taut schedule this morning.

Yesterday I had a high level appointment.

And had to leave the Commission sort of in midstream.

Today Commissioner Kennedy has even a higher level appointment, and I have to leave about a quarter to 12:00.

I hope we will be able to complete this sections of the proceedings by that time.

We meet this morning on the matter of the petition by the Union of Concerned Scientists, who have petitioned for emergency relief, on the basis growing out of some tests by Sandia Laboratory of electrical connectors and cable fire propagation matters.

The petition dates from the 4th of November.

Pretty soon thereafter the Commission called for a meeting and Staff response.

I believe our last meeting on this subject was the 11th of November, which the Commission heard discussion of the emergency aspects of the petition and whether or not the petitioners' request for emergency action, which was essentially to close down operating reactors, and halt construction on others, was necessary for the public safety.

The Commission concluded at that meeting that they did not feel that emergency action was required at that time,



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1 but that the Commission wanted a report from the Staff and  
2 asked the Staff to continue what was then an ongoing survey  
3 of the operating plants to confirm initial conclusions of  
4 the Staff.

5 The Commission asked for public comment as well as  
6 a report from the Staff and noted that as information developed  
7 it would take whatever interim action it felt was necessary  
8 in the public interest.

9 I would note that one of the results of the Staff  
10 survey was the voluntary shutting down of the D. C. Cook plant  
11 to replace the connectors which were found not to have been  
12 adequately qualified.

13 They may be backup by this time. Are they?

14 MR. CASE: Yes.

15 CHAIRMAN HENDRIE: Are they back in operation?

16 The initial request of the Commission for Staff  
17 report and public comments was for filing of these by the  
18 25th of November.

19 The Staff requested an extension until December  
20 12th, and more recently, until the 15th to complete their full  
21 set of comments on all aspects of the petition.

22 There is a meeting scheduled for the 22nd of  
23 December to consider that full range of issues raised in the  
24 petition.

25 Even though the Commission has been keeping track of

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1 the reports, the additional filings from petitioner, from the  
2 Staff, the public comments, and has not thus far felt it  
3 necessary to take any further immediate action.

4 It has seemed to us useful to have this meeting to  
5 have the Staff summarize its findings to date to see what further  
6 action the Committee might want to take.

7 We have also a request from the Union of Concerned  
8 Scientists to allow Mr. Pollard to participate and we have had  
9 a letter from another party along similar lines.

10 Yesterday the Commission voted to, and since I  
11 had to get up and leave my colleagues to thrash that matter  
12 out for themselves, I will ask them to assist me.

13 We voted to allow Mr. Pollard to make an appearance  
14 and opportunity for questions by the Commission.

15 COMMISSIONER GILINSKY: Yes.

16 CHAIRMAN HENDRIE: If that's a fair reading --

17 COMMISSIONER GILINSKY: It is.

18 CHAIRMAN HENDRIE: -- reading of the Commission  
19 decision.

20 COMMISSIONER KENNEDY: You decided as well, Mr.  
21 Chairman, on a two-to-one vote.

22 However, the other party's request for the same  
23 consideration was denied.

24 COMMISSIONER GILINSKY: We put off for another day.

25 COMMISSIONER KENNEDY: Put off for another day,

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1 although the request for specificity was also laid out.

2 CHAIRMAN HENDRIE: So noted. I think the outline  
3 which I would like to follow this morning is to ask the Union  
4 of Concerned Scientists, I assume Mr. Pollard is present.

5 MR. NELSON: They are enroute, Mr. Chairman.

6 We were surprised to see they weren't here and  
7 called the lawyer who made the request and she was confused  
8 about the time of the meeting.

9 They advised us they were on the way.

10 COMMISSIONER KENNEDY: This was discussed yesterday  
11 when Mr. Pollard was present.

12 MR. NELSON: Yes. Duly noted under the Sunshine  
13 Act -- I don't know the reason for the confusion.

14 You might want to put the question to them.

15 COMMISSIONER KENNEDY: As long as it wasn't our  
16 fault, I don't care.

17 MR. NELSON: Not that I know of, Mr. Commissioner.

18 On this one we are all right.

19 COMMISSIONER KENNEDY: I just wanted to be sure we  
20 had done what was necessary.

21 CHAIRMAN HENDRIE: I must say on occasion I have  
22 missed a meeting myself.

23 Well, I thought probably the best arrangement  
24 might be to have Mr. Pollard talk to us for a little bit and  
25 answer some questions first and followed by the Staff, but

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1 these events make it appropriate to ask the Staff to go ahead  
2 and summarize their situation to date, the progress on the  
3 survey, how things stand.

4 MR. CASE: Thank you, Mr. Chairman.

5 Mr. Roger Mattson, director of the Division of  
6 Safety, who has had overall responsibility for pooling the  
7 efforts among the divisions and NRR will give you a briefing.

8 MR. MATTSON: As you noted, Mr. Chairman, this is  
9 our second briefing in the course of time that's transpired  
10 since November 4th. Two briefings, five status reports, a final  
11 filing by the Staff next week, leaving in detail all of the  
12 elements of the petition and some two supplemental filings  
13 by the petitioner, plus some 43 public comments. The activities  
14 I hope to summarize today have been arduous.

15 A number of things to consider.

16 A number of points to keep track of.

17 I hope by this briefing to pull together the  
18 principal elements of the work that has gone on and put it  
19 together in one place rather than scattered about in five or six  
20 filings.

21 CHAIRMAN HENDRIE: Also as soon as possible in  
22 view of the time.

23 MR. MATTSON: Soon. Our recommendation on November  
24 11th when we were up here to brief you on the November 9th  
25 first status report is unchanged.



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1 That recommendation is, there is no need for  
2 immediate Commission action flowing from this petition.

3 The basis for that recommendation on no need for  
4 emergency action or immediate action is that the issues raised  
5 in the petition have been thoroughly treated by the Staff,  
6 early examined for all operating plants and that all necessary  
7 actions to assure the continued operations are safe have been  
8 taken.

9 COMMISSIONER GILINSKY: When you say "no necessary  
10 action," I take it you mean no across the board action covering  
11 a whole class of reactors.

12 Where necessary, you have taken action.

13 MR. MATTSON: Yes. I'm making a recommendation  
14 insofar as the Commission is concerned, both generically or  
15 plant specific, saying neither type of action is required  
16 immediately by the Commission because of actions either taken  
17 by the Staff or because our surveys and review have shown no  
18 need for action by anyone.

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1 COMMISSIONER GILINSKY: But in the past, where  
2 you thought -- I presume you thought action was appropriate,  
3 action was taken.

4 I mean the Chairman referred to voluntarily shutting  
5 down of the D. C. Cook plant, but my understanding was that,  
6 had they not done so, I think we would have asked them to.

7 MR. MATTSON: Yes, sir.

8 MR. CASE: I think that is a fair statement, but I  
9 would like to observe that I and the Staff believed that the  
10 actions of the Licensee were very responsible under the situation  
11 at hand. We would like to commend them for it.

12 COMMISSIONER GILINSKY: That is fine. But where you  
13 felt immediate action had to be taken, you moved out and took  
14 action.

15 MR. MATTSON: There were other actions of an  
16 immediate nature I would like to summarize as we go through  
17 this. It is fair to say that Cook was the most immediate  
18 action.

19 There were other plants with connectors, where  
20 qualifications were less certain and time was allowed for  
21 people to pull together information.

22 COMMISSIONER BRADFORD: Were there other actions  
23 that involved the replacement or altering of plants, their  
24 operation?

25 MR. MATTSON: No. I would like to move directly to

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1 a summary of the actions we have been talking about. Those  
2 fall generally in the area of environmental qualification of  
3 electrical equipment. As you have noted in our reports, we  
4 have talked about two preliminary surveys of two particular  
5 kinds of electrical equipment in operating reactors, to deter-  
6 mine the state of their environmental qualification.

7 First was the electrical connectors that we reported  
8 on earlier, in our November 11th briefing.

9 Second was the electrical penetrations, specially  
10 those of a type that were found to have recently malfunctioned  
11 at the Millstone 2 operating plant.

12 I would like to turn first to the connectors. The  
13 preliminary survey we have described to you of the use of  
14 electrical connectors in safety systems, located inside contain-  
15 ment, that would be required to function in the event of the  
16 accident which they are designed to mitigate, that survey is  
17 complete. We have found that 14 of the 65 operating plants  
18 had connectors in use in such safety-related systems.

19 We found that the actual connectors in those 14  
20 plants had varying degrees of pedigree of environmental  
21 qualifications.

22 COMMISSIONER GILINSKY: The other plant did not have  
23 safety connectors at all?

24 MR. MATTSON: Not in safety systems located inside,  
25 required to function for the accidents they are designed for.

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1 Fourteen plants with varying degrees of pedigree,  
2 the actions we have taken with respect to those fourteen plants  
3 are directly proportional to the pedigree.

4 COMMISSIONER KENNEDY: Would you explain "pedigree"?

5 MR. MATTSON: I would like to.

6 (Slide.)

7 CHAIRMAN HENDRIE: At the previous session the Staff noted the re-  
8 strictions on the type of slide made it difficult to get much  
9 information on the slide. I note you moved aggressively ahead,  
10 nevertheless.

11 MR. MATTSON: This slide is not new information.  
12 What it attempts to do is summarize in concise terms the infor-  
13 mation that is contained in the several status reports and  
14 starting at the top of the slide and going down, you will  
15 see what I am talking about with regard to pedigree. That is  
16 the pedigree of environmental qualifications for the plant at  
17 the top was the worst of the 14 and the plants at the bottom  
18 were the best of the 14. If we could go through them briefly.

19 D. C. Cook Unit 1 we have already talked about.  
20 Their connectors were found by us to not have been tested,  
21 to have no documentation. The plant was voluntarily shut down  
22 with the following confirmatory order on November 18. They  
23 subsequently replaced all of the connectors with butt splices  
24 which have been subsequently fully environmentally-qualified  
25 by test, and the plant resumed operation on December 2nd.

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1 COMMISSIONER BRADFORD: How could it have come to  
2 pass that D. C. Cook was ever able to commence operation  
3 without qualified connectors?

4 MR. MATTSON: D. C. Cook, American Electric Power  
5 committed in their safety analysis report that the equipment  
6 met environmental qualification requirements.

7 They have done the same thing for Cook Unit 2.  
8 Upon questioning, under the survey for "Did they have the  
9 connectors?" Yes, they had the connectors. You will recall  
10 in my first briefing, I identified this plant to you as one  
11 we found with connectors and also said at that time the Licensee  
12 told us prior to November 11th the connectors were qualified.  
13 Subsequent to that time, in trying to find the environmental  
14 qualification records, the Licensee went to the supplier of  
15 the connectors and, although the purchase order required  
16 environmental qualification tests, none had been done.

17 So what we have is apparently some kind of quality  
18 assurance documentation mistake in the procuring of equipment  
19 for that facility.

20 MR. CASE: That matter is being looked at by I&E  
21 separately from what we are doing here.

22 COMMISSIONER BRADFORD: It is being followed up?

23 MR. MATTSON: Yes. It is important to know, the  
24 review of electrical equipment we conduct due to the Regulatory  
25 Guides and our review plans, is an audit type. The Applicant

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1 will commit to environmentally qualify the safety-related  
2 equipment. We will look at the methods, procedures, criteria  
3 that he plans to use and in the course of our review either  
4 approve or change those things.

5 We then do an audit review to confirm that equipment  
6 is indeed qualified, according to the way the Applicant said he  
7 would do it.

8 In the case of D. C. Cook, the audit did not involve  
9 the connectors.

10 In the next class of plants, if we can continue on  
11 down the order of pedigree, was a group of plants similar in  
12 the sense that the initial submittals to the Staff, that is,  
13 we called those people, they said, yes, we have connectors,  
14 we said, come to Washington and show us what you have by way  
15 of qualification testing to support their quality.

16 They came in; they showed us what they had. This  
17 group of plants had some qualification and documentation,  
18 but incomplete documentation qualification.

19 They were all given a letter on November 18th re-  
20 quiring them to answer in ten days, to speak to the qualifica-  
21 tion requirements or provide a basis at that time for continued  
22 operation, pending completion of full qualification.

23 They are all back in now, and their status of  
24 qualification is as noted here.

25 We have found they are all qualified. Confirmatory



1 tests to support analyses which were done for some of that  
2 qualification are under way.

3 COMMISSIONER GILINSKY: Who is doing those? The  
4 Licensees themselves?

5 MR. MATTSON: Whether they are doing it themselves  
6 or under contract. I think the case of Browns Ferry, I think  
7 it is the Licensee.

8 MR. IPPOLITO: I am not sure about the long-term,  
9 but the short-term was conducted by the Licensee.

10 MR. MATTSON: In the case of Oyster Creek --

11 COMMISSIONER KENNEDY: It would not normally be the  
12 Licensee, would it?

13 MR. MATTSON: No. In the case of Oyster Creek  
14 we haven't decided whether confirmatory tests are required.  
15 We are still reviewing the qualification information.

16 Moving on down the list --  
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1 MR. SNYDER: When would you anticipate review would  
2 be completed?

3 MR. MATTSON: Within the next week.

4 MR. SNYDER: That is something you will address.

5 MR. MATTSON: We certainly can. Maine Yankee and  
6 Surry 1 and 2 were plants that had rather complete environmental  
7 qualification documentation when they came in during the week  
8 of the 18th. We have noted here they were partially qualified.  
9 I probably should note, partially qualified by test. The  
10 information missing had to do generally with radiation environ-  
11 ment and caustic spray environment.

12 Since the primary failure mechanism we were looking  
13 for was steam at high temperature and under pressure and since  
14 they had tests for those conditions, we gave those people until  
15 the response date on the I&E Bulletin 7705, pulled together  
16 their documentation basis and the documentary testing in the  
17 event they had to do further testing.

18 COMMISSIONER GILINSKY: When is the due date?

19 MR. MATTSON: Due date is today.

20 COMMISSIONER BRADFORD: Why would you have steam  
21 over the multiple closures?

22 MR. MATTSON: Because of the data from the Sandia  
23 test and because the failure mechanism had to do with the perme-  
24 ation of the environment to the inside of the connector rather  
25 than some slow degradation from the outside, eating away

jeri 2 1 materials, what have you. It is the failure mechanism identi-  
2 fied in the test for these types of connectors.

3 COMMISSIONER BRADFORD: Let me see if I understand  
4 what that means. If they are exposed to a LOCA environment, it  
5 would be steam that would cause them to fail first?

6 MR. MATTSON: Yes.

7 COMMISSIONER BRADFORD: Would the other closures...  
8 cause them to fail?

9 MR. MATTSON: It is possible to look at these things  
10 and consider the material of construction and the tests that  
11 have been performed on those kinds of materials in caustic  
12 environments or radiation environments.

13 For example, some kinds of rubber are well known to  
14 deteriorate in a radiation environment. Some kinds of metals  
15 are known to deteriorate in a caustic environment. The Staff  
16 was able to look at the materials of construction for these  
17 connectors in this class of plants, and although there were no  
18 confirmatory tests for those specific aspects of environmental  
19 qualification, the Staff was able to make an independent judg-  
20 ment that it was highly likely that were sufficient tests  
21 conducted that these connectors would pass the test.

22 Now, the harder questions of steam, high temperature  
23 and pressure were addressed by full environmental qualification  
24 testing for these particular connectors. So the Staff made the  
25 judgment that they could allow the remaining three weeks, at

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1 that time, until the due date on the I&E Bulletin for the ..  
2 licensee to pull together the full documentary basis on environ-  
3 mental qualification and to provide a basis for continued opera-  
4 tion if further tests were required to complete that qualifica-  
5 tion basis.

6 A final set of plants were a group of five that had  
7 full qualification tests. They were able to show us the docu-  
8 mentation when they met with us during the week of November 18th.  
9 We have required them to submit formally that documentation pur-  
10 suant to the I&E Bulletin, 7705. Again, that is due in today.

11 Finally on the plant, I used the number "14" before.  
12 There are 14 plants with connectors. There was some uncertainty  
13 for a time as to whether Ginna had connectors. We straightened  
14 that out. They do not.

15 CHAIRMAN HENDRIE: These connectors are typically  
16 where? Close to penetrations?

17 MR. MATTSON: Yes.

18 CHAIRMAN HENDRIE: Where you get the penetration  
19 from a vendor and there is a cable stub on it?

20 MR. MATTSON: Yes.

21 CHAIRMAN HENDRIE: Then you have to decide whether  
22 you will take it with the stub and do what, and do splices or  
23 ask the vendor to put a connector on it, in which case I assume  
24 they were ordered from the vendor with the connectors?

25 MR. MATTSON: The reason for someone deciding to use

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1 connectors on these particular safety-related cables was ease  
2 of pulling the cable, or ease of changing the cable. I know of  
3 no safety function one way or the other. They should have been  
4 qualified. Environmental qualification. Indeed, we found every-  
5 one had spoken to that problem. What we now know is that  
6 connectors at D.C. Cook have been tested, environmentally  
7 qualified for the loss of coolant accident, subsequent to their  
8 removal.

9 When American Electric Power had the qualification  
10 test done for splices, they included the connectors in the test  
11 rig and they passed the LOCA environmental test.

12 COMMISSIONER KENNEDY: Let me be sure I understand  
13 what you just said. The connectors that were there, although  
14 we weren't sure, indeed turned out to be qualified.

15 MR. MATTSON: LOCA qualified, yes, sir.

16 COMMISSIONER KENNEDY: So there was no safety signi-  
17 ficance to the fact that the plant had to be shut down as a  
18 practical matter. Is that correct?

19 MR. MATTSON: Yes, sir. As a practical matter --

20 CHAIRMAN HENDRIE: American Electric has what, some  
21 65 sound and certified connectors which presumably might be  
22 available to anyone who needs connectors. Right?

23 MR. MATTSON: Right. The bottom line is, the plants  
24 we have looked at, identified connectors, have qualified equip-  
25 ment. We still have documentation flowing in under various

1 time constraints. The last of which should reach us today.

2 Some tests are still ongoing to fully confirm some  
3 of the qualification which was justified on the basis of analy-  
4 sis.

5 I should note the regulations do allow analysis in  
6 addition to testing to show environmental qualification.

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1 MR. SNYDER: On that point, Roger, some of the points  
2 of acceptance of some of the connectors, as I understood the  
3 last paper you sent in, allowed for qualification to be based  
4 on comparison, similar type connectors were qualified by someone  
5 else. Where does that fit into the scheme of the acceptance  
6 criteria, which is laid out in the Reg Guides and in the IEEE  
7 Standards? Is that considered to be analysis, that category?

8 MR. MATTSON: Yes. Comparisons are allowed, but  
9 documentation of the test performed on the comparative connector  
10 would be required pursuant to Appendix B, in the quality assurance  
11 requirement.

12 CHAIRMAN HENDRIE: Okay.

13 How much more material do you have?

14 MR. MATTSON: Not much. That is all on connectors.  
15 We can take the slide down, I guess.

16 The story on electrical penetrations is a little bit  
17 different than the one on connectors. You will recall we had  
18 not talked about penetrations in our last briefing and it was  
19 not until November 22, that a survey was done on safety questions  
20 involving penetration.

21 I might say briefly what these penetrations are. They  
22 are a component which allows the entry of electrical cables through  
23 the reactor containment so as to maintain the containment seal  
24 during normal operations, or under accident conditions. They  
25 contain various epoxies and sealants and materials

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1 designed to maintain the flexibility that is required, and the  
2 resistance, the electrical resistance between cables that is  
3 required and still, perform this pressure sealant function for  
4 the containment structure.

5           The problem that stimulated this second survey of  
6 electrical components was a malfunctioning of a certain variety  
7 of penetration at the Millstone II facility. Briefly, that  
8 malfunction was the shorting of electrical leads in the penetration  
9 during normal operation. The Millstone II facility is now shut  
10 down for repair of their penetration and for refueling.

11           We looked at the failure mode of the penetrations  
12 and looked at the general use of that kind or type of penetration,  
13 one manufactured by the General Electric Company and decided  
14 it was necessary to bring this operating problem to the attention  
15 of other plants with that kind of penetration, and while we  
16 were inquiring on that type of penetration, we also inquired  
17 as to the state of environmental qualifications for that type  
18 of penetration.

19           A two-phase survey was conducted by I&E. First  
20 a telephone survey with subsequent written follow-up, in re-  
21 sponse to the I&E bulletin.

22           The response to the telephone portion was available  
23 rather quickly after November 22, I believe the following week.  
24 We looked at the information, decided that it was important to  
25 follow up with telephone calls, to understand better the second

1 aspect of the question. That is, the status of environmental  
2 qualifications. While we were about it, the Office of Nuclear  
3 Reactor Regulation, because of the interest in petition we de-  
4 cided to enlarge the question slightly and talk about environ-  
5 mental qualifications for accident conditions for all electrical  
6 penetrations in all operating plants. That is, those required  
7 to function for safety.

8 MR. CASE: Not necessarily the GE type penetrations  
9 but all penetrations.

10 MR. MATTSON: Right. So the results of the survey  
11 and our follow-up on the survey, let me state in two ways.  
12 First, insofar as normal operations malfunctions are concerned  
13 for the GE type of penetration, we found that the Millstone  
14 experience had been shared by the Surry I and II facilities back  
15 in 1973. They, at that time, replaced those penetrations with  
16 a penetration that did not have this problem. The problem brief-  
17 ly is the, in breathing of moisture during normal operations,  
18 which accumulates between the electrical conductors and causes  
19 them to short.

20 This can be avoided by pressurizing the penetration  
21 with nitrogen. In fact, that was required for the Millstone  
22 facility and had apparently not been done.

23 COMMISSIONER GILINSKY: What does that mean, pressur-  
24 izing --

25 MR. MATTSON: The penetration itself is a pressure  
containing component, has a connector on it for a nitrogen line,

1 to keep the penetration filled with dry nitrogen at a pressure  
2 higher than the outside pressure, to prevent water and water  
3 vapor from leaking in during normal operation.

4 COMMISSIONER GILINSKY: Is it a field unit?

5 MR. MATTSON: Yes.

6 Now, the second aspect is a survey for penetrations,  
7 leads us to conclude that 62 of the 65 operating plants of LOCA  
8 qualified, that is environmental qualifications, penetrations.

9 There are three for which further documentation and  
10 information is required. It is our judgment that the penetra-  
11 tions of those three older facilities will be shown to be qualified.  
12 We have had the manufacturer of the penetrations and the Licensees  
13 in Washington with drawings, and our conclusion is, because of  
14 the construction, and so on, they can keep in service.

15 We gave them a letter to get the full story together  
16 in documents suitable for a final conclusion that the qualifi-  
17 cations are adequate.

18 COMMISSIONER BRADFORD: Were Surry I and II and Mill-  
19 stone the only plants that had that type of penetration?

20 MR. MATTSON: No. There were a number of plants  
21 which used the GE penetration. Most boilers and a few PWRs.

22 Most other plants had been maintaining the nitrogen  
23 pressure. As I recall, there were a few others that had  
24 not.

25 We have clarified with General Electric whether or

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1 not there is a need for that pressure in their view as the sup-  
2 plier of the penetration. They have confirmed that there is,  
3 and we will be following up with operating reactors to make sure  
4 the supplier of the component is understood and being followed  
5 by the Licensees. For those plants that had not been maintain-  
6 ing the nitrogen pressure there were no shorts. There had been  
7 no malfunction.

8 COMMISSIONER BRADFORD: Why is that a LOCA-related  
9 consideration? That is, you have the problems --

10 MR. MATTSON: It is not a direct indication there  
11 would be a LOCA environmental qualification problem. There was  
12 an indication that there had been some deterioration of the  
13 penetrations during normal operations, which led us to wonder,  
14 question, whether there was a thoroughgoing treatment of the  
15 environmental qualification question for these penetrations,  
16 given our experience with the connectors. That is,  
17 we found in several plants, although the connectors were qualified,  
18 there was some difficulty with pulling together the documenta-  
19 tion of the qualification quickly, at least, on the part of the  
20 Licensees, and we decided we would follow up on that aspect of the  
21 penetrations to confirm whether we had the same kind of questions  
22 being raised on penetrations we found.

23 Generally, we do not. One might suspect not, given  
24 that the penetrations were a nuclear safety feature, designed  
25 specifically for nuclear power plants for accident situations,

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1 you would expect, I guess, that they would be qualified. Whereas  
2 the connectors are a more generally used electrical component,  
3 not just peculiar to the nuclear industry.

4 That completes everything I have to say on penetra-  
5 tions.

6 Again, summaries go for both penetrations and  
7 connectors, qualified equipment is in use, there is still some  
8 work ongoing to pull together documentation.

9 There is no safety problem in our judgment, hence  
10 no need for immediate Commission action.

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1 COMMISSIONER BRADFORD: I take it that under —  
2 I guess the Chairman and the commission indicated earlier  
3 this fall your statement, there is no safety problem, you  
4 would bring it to our attention if there were any  
5 disagreement within the staff.

6 MR. MATTSON: Yes, sir. To my knowledge, there  
7 is no disagreement in the staff on this question, on the  
8 conclusion I just made.

9 We have made some considerations because of the  
10 time in which this was conducted, and at times even  
11 professional engineers get hot under the collar with one  
12 another, to make sure we were all together, to make sure  
13 we were making a collegial judgment. And, in fact, we found  
14 People working on the problem support the conclusions I have  
15 stated.

16 COMMISSIONER GILINSKY: This also assumes certain  
17 confirmatory tests will check out what your present  
18 expectations are.

19 MR. MATTSON: Yes. As we said in the filings,  
20 if any of those tests tell us something different from what  
21 I have told you today, we will take the action necessary  
22 at that time.

23 CHAIRMAN HENDRIE: I take it that the staff's  
24 position on the electrical cable matter continues to be  
25 that its array of guides, branch technical positions,

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1 the general posture established after the Browns Ferry  
2 matter, are adequate and do, indeed, cover the operating  
3 plants.

4 MR. MATTSON: I was going to move on to that  
5 brief and say in our November 9th report we stated the  
6 conclusion the ongoing program was adequate, the tests  
7 at Sandia were of a confirmatory nature, saying the  
8 requirement we had insofar as additional measures required  
9 to protect against exposure fires; that is separation and  
10 retardancy were not enough.

11 You had to do other things; that those were  
12 legitimate and reasonable requirements.

13 That conclusion is unchanged today. We have  
14 seen nothing in the comments or in the supplemental  
15 affidavits which would cause us to change our view into  
16 that question.

17 CHAIRMAN HENDRIE: I can see Mr. Pollard back  
18 on the aisle and time is running short. If the commission  
19 is willing, I would like to move forward. We seem to be  
20 close to a full-house situation.

21 On the other hand, everyone is seated at the  
22 moment. So if we do a little rearrangement, I think  
23 everyone might end up seated again.

24 If Ms. Wise is with you, she can come up, too.  
25 Mr. Pollard, I hope to be able to have you at the front end

gsh

1 of the proceeding, but as it worked out, it seemed  
2 expeditious to have the staff go ahead and make its report.

3 We are going to be squeezed, as is the normal  
4 situation, for time. I wonder if you would care to make  
5 a statement. The commission may then have some questions.

6 MR. POLLARD: Fine. The basic question, as  
7 we see it, is, the question before the commission is  
8 whether, given the information available, it's possible  
9 to conclude that the plants now in operation and under  
10 construction meet the commission's regulations?

11 I think this is a correct assessment of the  
12 question. I think it was confirmed by the staff's orders  
13 shutting down D.C. Cook. There, the staff concluded that  
14 the requirements of the commission's regulations were not  
15 met. They were unable to conclude that the facility could  
16 continue to operate without undue risk to the public  
17 health and safety and ordered the plant shut down.

18 With respect to the two technical areas addressed  
19 in our petition, I think we can phrase the question in more  
20 specific terms; the two areas being the environmental  
21 qualification of electrical equipment and the physical  
22 separation of redundant safety-related cables.

23 With respect to the first, are you able today,  
24 more than a month after our petition was filed, to conclude  
25 on the basis of factual, reliable information, that there

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1 is reasonable assurance that the electrical equipment  
2 will function properly in the post-accident environment?

3 I submit that the information now before you  
4 will not support such a finding.

5 With respect to the physical separation, again,  
6 are you able to conclude today that in each operating  
7 plant that the physical separation of redundant safety  
8 cables throughout their entire length is such that a single  
9 fire will not destroy both sets of cables?

10 Here, again, I don't think the information you  
11 have supports such a finding. Even if you wish to broaden  
12 the question to include firefighting systems and ignore  
13 or downgrade the fact that you have regulations that  
14 specifically require adequate physical separation, I still  
15 don't think you can make the finding.

16 The information now shows that the firefighting  
17 systems are still under evaluation. The evaluation won't  
18 be completed until December 31st of 1978, and that we are  
19 at least months, if not years, away from having adequate  
20 firefighting systems installed.

21 I would like to just give you a brief -- a few  
22 brief specific examples of the deficiencies I see in the  
23 information that the staff has presented to you and,  
24 hopefully, then close with a few general observations about  
25 where we are today.

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1

On the environmental qualification subject,

2

I know from personal experience that the technical

3

experts on the staff who actually do the review work,

4

as opposed to the management officials of the staff,

5

the technical experts have only the most general type

6

of information available.

7

When I was on the staff and attempting to even

8

assemble a list of equipment that was supposed to be

9

qualified, the licensees could not supply this. On the

10

D.C. Cook unit 1 plant, I was in the electrical branch

11

at the time this was reviewed. The electrical reviewer

12

had completed his safety evaluation report, concluding

13

that the environmental qualification program for Cook was

14

acceptable.

15

This was the very same time period that the

16

staff issued the letter to Westinghouse which we referenced

17

in our original filing, where they concluded that based upon

18

their evaluation of the program, there was no reason to

19

conclude that the equipment could survive the accident

20

environment for the time required.

21

The reviewer on Cook claimed that he had specific

22

information for Cook, although he was never able to produce

23

it.

24

The staff, in their earlier briefing, discounted

25

the Sandia test results on the basis they had inadequate

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1 quality assurance documentation.

2 They now propose to allow plants to continue  
3 to operate on the basis of some partial information, with  
4 not even a word being said about the adequacy of the  
5 quality assurance program in effect at the time those  
6 tests were formed.

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1 We see that Sandia Labs proposes to thoroughly  
2 inspect all future test specimens before the tests are conducted  
3 but the Staff proposes not to do this, on the actual equipment  
4 installed in plants. In fact, they are going to rely upon  
5 the licensees themselves to conduct the tests. I expect a  
6 considerable amount of effort will be devoted to making sure  
7 that the equipment does not fail those tests as opposed to the  
8 effort that would be needed to make sure the test was a valid  
9 one, to demonstrate equipment that is now installed in the  
10 plants.

11 On the issue of separation, this is an area, of  
12 course, where I was deeply involved in in my time on the Staff.  
13 To give you an example of the types of problems the Staff has  
14 in evaluating statements from the utilities, during my review  
15 of the Oconee plants, Duke Power Company, in their application,  
16 said that their cables, the redundant safety cables, were spaced  
17 five feet apart vertically. This was a correct statement, as  
18 far as it went. Later on we discovered that between the two  
19 sets of cables were all the balance-of-plant cables; that the  
20 entire five feet of space was filled with other cables, although  
21 they weren't safety cables.

22 When we were asked -- when Inspection and Enforcement  
23 decided fire barriers ought to be installed. I went down to the  
24 plant and inspected it and in my opinion the cable situation was  
25 so bad that the fire barriers I&E proposed to be installed I

jeri 2 1 didn't think would do much good.

2           When I informed my supervisors of this, they decided  
3 instead we should simply support I&E because we would not want  
4 to be in opposition with Inspection and Enforcement before the  
5 utility.

6           The licensees in general give very vague information  
7 with regard to anything specific. You have general criteria,  
8 and they always say they are exceptions to those general cri-  
9 teria. Very seldom, if ever, does the Staff become informed of  
10 those exceptions to cable separation criteria and evaluate them  
11 independently of the licensees.

12           On fire protection, which the Staff seems to want to  
13 substitute for adequate physical separation, their response  
14 breaks up into two parts. One is: What has been done already  
15 and what is planned to be done in the future.

16           As to what has been done already, the Staff says we  
17 have taken measures to improve the fire prevention. I assume  
18 that included among this, we have told the licensees not to  
19 use candles any more. They have said they are going to improve  
20 the firefighting system. By this, I suppose this includes the  
21 local fire department has been told where the plant is and has  
22 been given a tour, so they won't get lost.

23           As to future actions, the Staff says they have some  
24 Regulatory Guides. It is unclear to me which one they ever  
25 intend to use, whether it is 120 and its various revisions,



1 or 175, or the Branch technical position. But in any case, you  
2 must recognize those are not regulations. They will not complete  
3 their evaluations until the end of 1978 and the firefighting  
4 systems won't even be implemented until sometime after that.

5 To close with just some general observations of what  
6 has happened since we filed our petition, I believe it was  
7 yesterday someone made a reference to the fact that the Staff's  
8 position is a unanimous position. I think it's just been  
9 clarified, it is unanimous among the people working on the prob-  
10 lem. So far none of those people have been identified. We do  
11 not know their qualifications, for the people making the broad  
12 and sweeping conclusions in the Staff's reports.

13 From the information I have available to me, it is  
14 clear that neither our petition nor the Staff's response to the  
15 Commission have been widely circulated among the Staff.

16 Finally, I would like to ask you, since you in your  
17 positions can't get involved in the intimate details of connector  
18 design and the methods of evaluating qualification tests, I  
19 think it is instructive to compare the very theoretical licens-  
20 ing process described most recently by Mr. Gossick in his  
21 testimony before the Senate. And compare that description of  
22 an idealized, theoretical licensing process with what has  
23 happened since we filed our petition.

24 At first the Staff accuses the UCS of misconstruing  
25 the safety significance of the test results at Sandia, issues

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1 a press release that says connectors are not used in nuclear  
2 power plants. That got widespread dissemination. By November  
3 9 they had found three plants. By November 11 they found ten  
4 and today we find 14. We are saying that the Staff does not  
5 know the equipment that is used in today's nuclear power plants.  
6 I don't find this surprising, having been a member of the Staff.  
7 I think the public may find it somewhat surprising. The point  
8 is, that I come back to today, do you have enough information  
9 to conclude that the plants now operating and under construction  
10 meet your regulations. I don't believe you have such informa-  
11 tion.

12 CHAIRMAN HENDRIE: Apparently, to try to go across  
13 some of your remarks, Bob, the Staff does disagree with you.  
14 They seem to feel the qualification information they have in  
15 hand provides a reasonable basis for these plants to operate.  
16 Cable fire possibilities were recognized, what, more than a  
17 year ago in connection with the Browns Ferry review. The  
18 Commission at that time decided that with reasonable housekeep-  
19 ing and firefighting provisions that the probability of an  
20 externally initiated fire was small enough so that it was  
21 reasonable in the public interest to go forward with an orderly  
22 program of upgrading and did not require that everything come  
23 to an immediate screeching stop. You disagree with that. That  
24 is fair enough.

25 You somehow imply that the UCS petition should have

1 been circulated broadly in the Staff. I am not quite sure what  
2 you mean. Should we ask for a vote from all 2500 employees?  
3 The implication is that the Staff is, a, incompetent; b, dis-  
4 honest. I find that a little hard to accept.

5 MR. POLLARD: Let me go back over what you just said.  
6 Number one, the regulations don't say you have the option of  
7 meeting the regulation based on probability. Second, I did not  
8 imply that the Staff was being dishonest. I tried to point out  
9 to you the deficiencies in the information that the Staff has  
10 available to work with. You remember, before this came now,  
11 the Staff expected that they would find that there were no  
12 connectors used in safety systems. Then they expected that they  
13 would be able to simply call up the licensees to produce all  
14 their documentation. Now the Staff's position is: They are  
15 going to let the plants continue to operate on the expectation  
16 that when the licensees finally get around to doing the tests  
17 that should have been done before the plants began operation,  
18 they have some hopes and dreams that everything is going to  
19 work out all right. I don't know, but perhaps I am wrong, but  
20 I don't think that is the basis for regulation that is presented  
21 to the public and Congress in this Commission's testimony.

22 The idea is the plants are supposed to be safe  
23 before they operate.

24 CHAIRMAN HENDRIE: Nor do I agree that you have  
25 correctly stated the facts in the real world. It is a perception

jen 6 1 which you have and you are certainly entitled to it, but I must  
2 say it does not agree with my own perception of those facts.  
3 I think that simply has to remain an issue between us.

4 MR. POLLARD: I did want to say I was not implying  
5 the Staff was dishonest.

6 COMMISSIONER KENNEDY: It doesn't coincide with my  
7 perception of what we were just told by the Staff as to the  
8 nature of the documentation which is expected. That is a  
9 matter of perception.  
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1 COMMISSIONER GILINSKY: What would constitute reasonable  
2 assurance from your point of view? In other words, what can be  
3 done, what needs to be satisfied?

4 Let's take the connector problem.

5 MR. POLLARD: I think the firefighting, for example,  
6 the Staff has Regulatory Guide 120. It says in their opinion  
7 a three-hour fire barrier is required between redundant safety  
8 systems and on each side of that barrier would require fire-  
9 fighting systems.

10 That seems to me, if that were, in fact, in place  
11 today in the plants, you would have reasonable assurance that  
12 no fire is going to damage redundant safety systems.

13 With respect to the connectors, if we knew today that  
14 we had qualification tests that involve all of the conditions,  
15 that the equipment must operate in, following a loss-of-  
16 coolant accident, that met the requirements of IEEE-323,  
17 1974, by that I mean including aging and margin, for the  
18 time history of the accident development, that would constitute  
19 reasonable assurance, but what we are saying --

20 COMMISSIONER GILINSKY: Let me try to understand that.  
21 We have this little chart in front of us, and there are a  
22 number of tests which remain to be done, confirmatory tests.  
23 If these check out satisfactorily, would that constitute  
24 reasonable assurance from your point of view?

25 MR. POLLARD: I made some notes of the statistics

bw2

1 on each one. On D. C. Cook they explained what should have  
2 happened, and they called the absence of environmental  
3 qualification a QA documentation mistake, very politely.

4 COMMISSIONER KENNEDY: Would you characterize it  
5 otherwise?

6 MR. POLLARD: No. I meant the press release to  
7 UCS's petition calling it misconstruing. They said the connectors  
8 after moved were shown to be fully qualified for a LOCA.

9 I am not sure that what they did not say was that  
10 they were fully qualified for a steamline break.

11 You must consider not only the LOCA, but a steamline  
12 break. You must also consider equipment outside containment  
13 where you could have a locally-severe environment.

14 As to the receipt of the information, your direct  
15 question, if you are going to rely upon analyses of the types  
16 of materials used in construction, as opposed to --

17 COMMISSIONER GILINSKY: Just to clarify what I am  
18 saying, in other words, are you concerned because these things  
19 have not been done yet, or are you really quarreling with the  
20 whole qualification system altogether, and even if all of these  
21 matters check out satisfactorily, even then you would say the  
22 situation is not such as to allow these reactors to operate.

23 MR. POLLARD: If I knew precisely what you meant by  
24 the qualification program, how it is supposed to be done, versus  
25 how it is being done --

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1 COMMISSION GILINSKY: As it is being conducted today.

2 MR. POLLARD: How it is being conducted today, you  
3 have only assurance it is satisfactory from the Licensees  
4 themselves. There is very little independent verification by  
5 the Staff of the specific equipment.

6 I think the answer to your question lies in whether  
7 or not you believe that plants should be licensed when it is  
8 known that they meet the regulations, versus whether or not the  
9 plants should be allowed to operate until you proved they  
10 don't.

11 COMMISSIONER GILINSKY: There are various degrees  
12 of knowing. That is what I am trying to get at here. You are  
13 in some way setting -- a higher standard is being applied.

14 I am trying to ascertain what it is.

15 MR. POLLARD: I can't answer your question with  
16 regard to the information on this chart, because I don't know  
17 from this chart what they mean by tests and analyses, and  
18 comparisons.

19 In my own experience, for example, in analyzing the  
20 qualification for the fan coolers at Three Mile Island, they  
21 came in with a comparison to a previously qualified motor.

22 I rejected it on the basis that the motor orientation  
23 was wrong, that the test specimen was so far different in  
24 horsepower that you could not extrapolate.

25 So when you ask me, can I accept comparisons, I have

bw4

1 to know what are you comparing with what?

2 COMMISSIONER GILINSKY: Well, as Roger pointed out  
3 earlier, we have a system which is really based on auditing  
4 the Licensees. Most of the work is done by the Licensees.

5 Now, are you quarreling with that system, or that it is  
6 not -- I mean the audit isn't being performed well enough,  
7 or do you feel these tests have got to be done by NRC or what?

8 MR. POLLARD: I don't see any chance that this method  
9 is going to change its method of operation, of auditing.

10 One might argue that might be a better way to do  
11 things. But what I am saying, given the information you have  
12 today, the Staff conducted tests at Sandia for getting infor-  
13 mation about the synergistics effects or radiation versus  
14 steam environment. They had supposedly done an audit that is  
15 supposed to pick up deficiencies in the Licensee's program  
16 in quality assurance.

17 That failed. The Staff wishes to ignore the Sandia  
18 test results and go forward and let the plants operate on the  
19 basis of just a steam qualification, that is absent the  
20 radiation, which is precisely what they were trying to find  
21 out in the Sandia test.

22 You also might note on the penetrations, it said  
23 the failures in the Millstone penetrations occurred during  
24 normal operation and, therefore, they want to look at the  
25 environmental qualification of the connectors. You will recall



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1 that on the Sandia tests, the Staff said, I believe it was the  
2 Staff, it might have been Sandia, that those connectors  
3 probably would have operated satisfactorily, except in the  
4 LOCA environment.

5 Now, if the Staff is only going to investigate  
6 those pieces of equipment which fail during normal operation,  
7 and leave untouched all of the qualification programs for the  
8 remainder of the electrical equipment, then I submit that there  
9 is not reasonable assurance that the equipment can survive  
10 a LOCA environment.

11 COMMISSIONER GILINSKY: Isn't one of the questions  
12 whether you bring things to a halt because of a hint of  
13 problems, or problems, or -- Suppose when you start out here  
14 you thought that there may be one or two reactors with  
15 connectors, connector problems, or even several.

16 Do you think it is appropriate at that point to  
17 basically close down all the plants?

18 MR. POLLARD: Our petition did not say to close down  
19 all the plants. I think you should try and do some checking.  
20 Obviously, you don't shut down the plants on one person's  
21 statements, but after you find out, much to your surprise,  
22 that 14 out of 65 plants have connectors that you didn't even  
23 know about, and when you look into that more than half of those  
24 Licensees don't have any documentation of the test results, I  
25 would submit, yes, that is a good time to shut the plants

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1 down, until they can supply the documentation.

2 COMMISSIONER GILINSKY: Didn't the Staff, in fact,  
3 try to find out what the situation was pretty rapidly, after  
4 it was brought to their attention?

5 MR. POLLARD: It was brought to their attention in  
6 January of this year, when the first Sandia test results started  
7 coming in. They did nothing, which is why we filed our petition  
8 with you.

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1 COMMISSIONER GILINSKY: I guess I was dating it  
2 from the petition.

3 But at any rate, from that point on, they did  
4 seem to look into the situation and try to assess things  
5 and deal with it where it called for more severe action.

6 MR. POLLARD: No doubt they looked into it.

7 Whether you agree their actions now are justified  
8 I guess is the question before you.

9 I don't agree with it.

10 When I find the licensing program is supposed to  
11 be one that established that the regulations are met before  
12 the plants begin to operate, and then when you look in the  
13 situation and you find the regulations were not met, that  
14 equipment was not ever tested, today there is no documentation  
15 or incomplete documentation, then I suggest the course of action  
16 is not to give the licensees some additional time to supply the  
17 information or to even supply justifying continued operation in  
18 the absence of the information.

19 The plants should be shut down until it can be  
20 shown they met the requirements it should have met before the  
21 license was issued.

22 COMMISSIONER GILINSKY: Well, the Staff seems to  
23 believe that these matters will be cleared up satisfactorily.

24 They may be wrong.

25 MR. POLLARD: When you talk about the Staff, you are

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1 talking about a limited number of individuals of that opinion.

2 I have a different opinion.

3 That's why the question is before you.

4 CHAIRMAN HENDRIE: Well, with the noted difference  
5 in perception, Peter, do you have any questions?

6 COMMISSIONER BRADFORD: Let me pursue that a  
7 little more.

8 On the connectors, and specifically as to the  
9 ability of some, I guess to withstand radiation and caustic  
10 matters, the Staff indicated they made a decision on their  
11 own with regard to the plants in question, that the steam  
12 condition side of these connectors would withstand the  
13 radiation and caustic conditions that they would be likely  
14 to encounter.

15 Now, I gather that is without having done separate  
16 testing.

17 It's their judgment as to a likelihood.

18 Is that an appropriate thing for them to have done?

19 I gather from what you said to Commissioner Gilinsky,  
20 your position is really that the plant should have been shut  
21 down once we knew that the connectors were there and didn't  
22 have the documentation regarding the environmental qualification,  
23 even though the Staff's assessment was in fact the connectors  
24 were functioning.

25 MR. POLLARD: The Staff's assumption is that the

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1 plants can operate until the public can bring information  
2 to their attention that says the plants shouldn't be operated.

3 The Staff also assumes that the plants should be  
4 able to operate.

5 That's one of the reasons I resigned.

6 The failure to deal on an objective basis with  
7 the facts they have.

8 It might be interesting to note, what was the  
9 purpose of the Sandia test program according to the Staff.

10 It was to try and find out whether the application  
11 of radiation together with the other conditions of the  
12 accident would have some effect on the ability of the equipment  
13 to withstand the accident environment.

14 The test program, I don't know what the Staff's  
15 concluded with respect to that.

16 It seems from the documentation I have read they  
17 can't draw any conclusions because the connectors failed  
18 whether the connectors were applied simultaneously or ,  
19 sequentially.

20 The Staff says, but when we get around to doing  
21 the tests we should have done before the licenses were  
22 granted, we hope that our present feelings will be confirmed.

23 This is precisely their hope on November 5th when  
24 they hoped they wouldn't find any connectors in safety systems.

25 I don't think that's an adequate basis in terms of

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1 the language of reasonable assurance to let plants continue  
2 to operate when the consequences of a catastrophic accident  
3 are not mild.

4 COMMISSIONER GILINSKY: What would you have us do at this  
5 point?

6 MR. POLLARD: I would think on Browns Ferry 1, 2,  
7 and 3, Nine Mile Point Unit 1, Oyster Creek, should be shut  
8 down until they can supply the documentation.

9 COMMISSIONER GILINSKY: If they supplied it, it  
10 was satisfactory --

11 MR. POLLARD: They could resume operation.

12 I would note normally the licensing process allows  
13 an opportunity for a hearing to discuss questions such as  
14 this before plants are allowed to operate.

15 The fact that the Staff didn't know that the  
16 regulations weren't met and therefore never brought this  
17 information to the attention of the public prior to granting  
18 those licenses, I think might be an adequate opportunity to  
19 do so.

20 CHAIRMAN HENDRIE: I'm going to have to intercede.

21 We have reached high noon.

22 I would like to ask the question, the following  
23 question -- let me say first, we obviously have a strong  
24 difference of opinion on a number of points, but I certainly  
25 do thank you for coming.

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1 I'm sorry it-- was short notice, as it was, and  
2 left you less time to prepare than I had thought would be the  
3 case.

4 I think, nevertheless, you have made a very  
5 effective presentation in your point of view.

6 So I thank you.

7 MR. POLLARD: Thank you.

8 CHAIRMAN HENDRIE: And what I would like to do is  
9 ask now two things.

10 There was a matter dangling from yesterday with  
11 regard to the other request to make a statement.

12 Troy Conner wrote and asked on behalf of this  
13 party, if they could make a statement.

14 Now, somebody tells me that Mr. Conner is not  
15 around today.

16 Are there representatives of his firm present?

17 MR. ELLIS: Keith Ellis, with Conner-Moore.

18 Mr. Conner was in Cincinnati yesterday and I wasn't  
19 able to get through to him.

20 I can inform you if you wish what our position is  
21 with respect to representation, although we are not prepared  
22 to go forward with any formal presentation at this time.

23 CHAIRMAN HENDRIE: That is, you wouldn't feel  
24 prepared to speak to the merits of the issues here?

25 MR. ELLIS: Not to the merits, no. But the

cmw6 1 procedures, the procedures reached yesterday -- well, let  
2 me restrain it, and I will comment on the decisions reached  
3 yesterday, as to allowing Mr. Pollard to speak today and  
4 postponing any decision on the part of -- as to allowing on  
5 the part of industry anyone to speak either today or in the  
e 8 6 future, depending upon what happens today.  
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1 CHAIRMAN HENDRIE: I would take it, your argument  
2 would run in the direction of feeling that presentations from  
3 that side of the house would be in order.

4 MR. ELLIS: Well, actually, I might as well take this  
5 opportunity to state what the position was stated in the letter.  
6 I think it still does hold true. That being, first of all,  
7 there was no effective notice that consideration was going to be  
8 given by the Commission, a complete break with Commission prac-  
9 tice. Contrary to the Commission's own policy.

10 Secondly, there was no justification set forth for  
11 such a break, nor was one shown yesterday; and thirdly, the  
12 unequal application of such a change in practice violates the  
13 fundamental principles under which this Commission operates.

14 Moreover, it was noted in that letter, the extra  
15 unilateral opportunity for Intervenors to continue their par-  
16 ticipation without assuring the right of equal participation  
17 to the public including the utilities does violate the spirit  
18 of fairness.

19 Also I would like to respond, if I might, to the  
20 position taken by ODC, which to a large extent, was part of the  
21 basis to postpone whether any other commenting members of the  
22 public would be allowed to speak. Because in your comments,  
23 general agreement was expressed with the Staff, that there was  
24 no need for us to speak today.

25 Generally, our presentation would parallel that of

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1 the Staff.

2 First of all, I think that is an unfounded assumption.

3 Second of all, I think that the notion that a party  
4 would be allowed to directly address the Commission in such a  
5 meeting as this has no precedent. I don't think, that at the time  
6 that letter was written, such a notion was in the heads of any  
7 of the people who we represent nor was it indicated by that let-  
8 ter that this was meant to be rebuttal. It was comment under  
9 normal Commission procedure.

10 Now, that we have seen what Mr. Pollard said, since  
11 it was at least the rebuttal testimony to that presentation  
12 by the Staff, I think an opportunity should be afforded to our  
13 clients.

14 Moreover, now that the ground rules as of yesterday  
15 have changed, there is no reason that we can or that we should  
16 be bound by the Staff's position on any matter which has since  
17 been raised by Mr. Pollard. Presumably, there was no matter  
18 raised, that was another assumption yesterday, that the pre-  
19 sentation today made by Mr. Pollard would be of an evidentiary  
20 nature.

21 I recall one of the Commissioners stating if it was  
22 not going to be of an evidentiary nature, there was no reason  
23 to have it.

24 Now, that we seen the presentation by Mr. Pollard,  
25 since so much of it was mere argument and past history and

fm3

1 included a statement I don't know what they mean by these  
2 analyses, I think it is — certainly it's become clear that what  
3 was undertaken here was a continuation of the argument and the  
4 comments already received by the Commission.

5 I think in light of that, equal opportunity should be  
6 afforded to everyone else to comment.

7 Also I would point out for the record, that the position  
8 of Staff is such, that as the case law suggests, functions  
9 as an independent assessor of where the public interest lies,  
10 and as such is in the name of the Commission a protector of  
11 such, it is not an advocate for any specific member or group  
12 of the public and just because the position of the Staff and  
13 the Regulatory happens to coincide on a particular issue is no  
14 reason to deny the chance, the opportunity to defend from the  
15 particular perspective which is enjoyed by the industry and  
16 on this particular matter, which happens to run contra to that  
17 positional test, taken by other party who was granted an extra  
18 opportunity to participate in the proceeding.

19 I think, more or less, in summation on that point,  
20 I would cite you to yourself, Mr. Chairman, when you said on  
21 first of this year in Connecticut Yankee Nuclear Plant, the  
22 nuclear industry's job of designing the building of nuclear  
23 plants can be carried out effectively only if it  
24 knows the rules of the game and if those rules remain reason-  
25 ably stable.

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1 For our part at NRC we cannot define the rules or  
2 provide stability unless we get effective input both from those  
3 who are regulated and from the interested public. The NRC  
4 has made progress in this area, but much more work remains to  
5 be done.

6 Thank you.

7 CHAIRMAN HENDRIE: Thank you, Mr. Ellis.

8 I must say, one of the benefits of going around and  
9 saying things in public you occasionally have opportunity to  
10 contemplate what you have said at a later time with some assist-  
11 ance of the times.

12 I am delighted to note that the process is already  
13 at work in my own case and I take due note.

14 I seem to be in a bad temper this morning. I am  
15 pointing out my disagreement with all sorts of people, and I don't  
16 by any manner or means agree with all of the things you have  
17 said, Mr. Ellis; but I think your point has been strongly  
18 made, and the Commission will take note.

19 I think time runs in such a fashion that the Com-  
20 mission should take under advisement what it has heard  
21 this morning.

22 I am sorry, Jack. I have an appointment, and I can't  
23 take any more comments.

24 What I will ask the Staff to do is to take a look  
25 at the transcript of this morning's session and make to the

fm5  
1 Commission whatever comment it feels that it ought to make, with  
2 regard to the Pollard statement and Mr. Ellis' statement.

3 MR. NELSON: As a legal matter, Mr. Chairman, I am  
4 not sure about the transcript being a part of the record of  
5 decision under Sunshine Act --

6 CHAIRMAN HENDRIE: I don't -- the transcript is  
7 precisely what we say it is. It is a best effort set of notes  
8 kept by a reporter and I only suggest it in the sense that if  
9 the Staff wasn't making notes for itself, it may choose to go  
10 and look at the other fellow's notes.

11 The Commission does not endorse those transcripts.  
12 We don't review them. We don't approve them. They are not an  
13 official record.

14 Nevertheless, I suggest that just as any set of  
15 notes might be useful, to jog memories, these may be useful.

16 One final matter, it seems to me, the Commission  
17 ought to deal with, and that is the question of an extension.

18 We are now some days past the nominal time at which  
19 we had asked for full Staff and public comments on the merits  
20 of the UCS petition. It becomes clear that the time would run  
21 on, and here we are at the 8th of December.

22 The Staff has requested sort of in two stages,  
23 extension to the 15th. I think it is a reasonable proposition,  
24 and I would ask if you would agree in that decision.

25 Okay. I am glad you could all come. Since we provide

fm6

1 the public an opportunity to come to our meetings, I am glad  
2 to see we fill the room from time to time.

3 Thank you.

4 (Whereupon, at 12:12 p.m., the hearing was adjourned.)  
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