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NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

PUBLIC MEETING

DISCUSSION OF CITIZEN'S ADVISORY COMMITTEE  
(RECOMMENDATION OF PRESIDENTIAL COMMISSION ON TMI)

- - -

Place - Washington, D. C.

Date - Monday, 19 November 1979

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

3 PUBLIC MEETING

4 DISCUSSION OF CITIZEN'S ADVISORY COMMITTEE  
5 (RECOMMENDATION OF PRESIDENTIAL COMMISSION ON TMI)

6 - - -

7  
8 Room 1130  
9 1717 H Street, N. W.  
10 Washington, D. C.

Monday, 19 November 1979

11 The Commission met, pursuant to notice, at 3:55 p.m.

12 BEFORE:

13 VICTOR GILINSKY, Commissioner, Presiding

14 RICHARD T. KENNEDY, Commissioner

15 PETER A. BRADFORD, Commissioner

16 JOHN F. AHEARNE, Commissioner

17 PRESENT:

18 Messrs. Bickwit, Chilk, and Hanrahan.

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

(3:55 p.m.)

COMMISSIONER GILINSKY: Could we have the Secretary here or a member of the Secretariat, please?

(Pause.)

COMMISSIONER GILINSKY: And the General Counsel.

(Pause.)

COMMISSIONER GILINSKY: The subject is listed as a discussion of the Citizens' Advisory Committee. It was recommended to us by Commissioner Bradford, and I suggest that you elaborate on your memorandum.

COMMISSIONER BRADFORD: I don't have a lot to elaborate on. I think that what I suggested was that if there was sufficient interest, we could get together and make sure that we had a few points — a common understanding on a few points, and then ask OPE and OGC to look into the best ways of achieving. What I had in mind was a relatively small group that would advise on general issues and the kind of thing that the Advisory Committee on Reactor Safeguards is willing to look into. It is a group that I would think should have a diversity of viewpoints. They might disagree among themselves to a certain extent on directions from the NRC. It would be a forum I think in which different groups would have an interest in our proceeding, (a) could talk to each other and (b) could also talk to us.

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macBWH

1           The notion I had is that it might meet something  
2 on the order of four or six times a year and nearly a half  
3 to a third of those meetings, we would meet jointly with  
4 them. They, I would think, would want to set their own  
5 agenda, and we would want to pose specific issues for their  
6 attention.

7           I would assume that they would have a balance of  
8 issues that they wanted to take up with us and that we  
9 wanted them to —

10           COMMISSIONER AHEARNE: If you were to, in a  
11 charter, put down what the purpose of this is, what would  
12 that purpose be?

13           COMMISSIONER GILINSKY: What is the question to  
14 which they are the answer?

15           COMMISSIONER BRADFORD: How does the NRC keep  
16 itself in reasonably close continuing touch with groups that  
17 have a continuing interest in the way it operates? I have  
18 felt for some time, for example, that we don't keep in any  
19 very regular contact, other than what we read them saying  
20 about us in the newspapers, either with the intervenor  
21 community or with industry.

22           COMMISSIONER AHEARNE: The purpose of the group  
23 then would be to, in a more formal or institutionalized way,  
24 establish a link with groups?

25           COMMISSIONER BRADFORD: With perspectives.

mncBWH 1 COMMISSIONER AHEARNE: With identified groups?

2 COMMISSIONER BRADFORD: I would rather say  
3 perspectives. It is not necessarily a link to the AIF on  
4 one hand or the Union of Concerned Scientists on the other.  
5 It would be a way perhaps of achieving some consensus among  
6 groups like that, on the different perspectives that they  
7 hold on activities of ours, and at the same time just  
8 putting ourselves through the discipline of being in touch  
9 with the criticisms and concerns of people who are  
10 reasonably well informed about what we do but who don't  
11 normally get a chance to exchange views with us or we with  
12 them.

13 COMMISSIONER AHEARNE: Would the charter of this  
14 group be for them to bring their views, or would it be for  
15 them to review what the agency is doing and bring their  
16 views?

17 COMMISSIONER GILINSKY: Is this another group to  
18 audit our performance, in a sense?

19 COMMISSIONER AHEARNE: That, in a way, is the  
20 question. What I am a little puzzled by is the way in which  
21 Peter described it just recently there. I thought it was a  
22 way for us to get a better understanding of what these other  
23 perspectives are, not so much an audit -- that is, a review  
24 internally of what we are doing, buy a perspective on what  
25 we are doing.

mncBWH

1                   COMMISSIONER KENNEDY: Perspective on what? I have  
2 a little difficulty in trying to pin down what it is they  
3 are going to give a perspective on. Is it the way we do  
4 what we do, or is it what we do, or is it more  
5 philosophically in a broad sense what our relationship to  
6 the whole question is or ought to be?

7                   COMMISSIONER BRADFORD: Half of it, roughly, would  
8 seem to me to be propositions that we might want to pose to  
9 them that we would be interested in having their thoughts  
10 on. I am sure that any of us could suggest such a list --  
11 licensing reform, intervenor funding, what have you,  
12 standardization. Those are all the types of topics that one  
13 might put before a group like that. The other half, I  
14 think, given that we would chose these people because they  
15 are people -- would be on issues that they feel inclined to  
16 take up.

17                   Let me stress that this was a tentative idea that  
18 I put in the memo, and it may turn out by the time it gets  
19 run through the Advisory Committee Act which OGC would have  
20 to take a look on and have the more detailed view of OPE, it  
21 may turn out it is a bad or unworkable idea.

22                   COMMISSIONER AHEARNE: It is certainly a workable  
23 idea to have groups that bring in outside perspectives.  
24 There are Consumer Advisory Groups to a number of  
25 organizations. I don't think that is an unworkable system.

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meCBWH 1 I am just trying to understand. For example, the ACRS has  
2 got a body of staff who, when they are reviewing an issue,  
3 dig into that internally to our staff. What are they doing?  
4 How are they doing it? And then they come up with a report.

5 Is that what you had in mind?

6 COMMISSIONER BRADFORD: No. I suppose that a  
7 certain minimum amount of staff assistance would be  
8 necessary, but I really wouldn't think of this group having  
9 a separate staff of the size of the ACRS or anything like  
10 the ACRS Fellowship Program. It really is, as I have  
11 conceived of it, much more a sort of process of alerting us  
12 to issues that -- or ways of proceeding that this group  
13 found troublesome on the one hand and forcing us  
14 semiannually or whatever to sit down and think these things  
15 through a little bit, and on the other hand, giving us a  
16 place to refer particular problems that have reached the  
17 point where we want to put them out in rulemaking form,  
18 where they may not lend themselves to rulemaking.

19 COMMISSIONER AHEARNE: The part I am having  
20 difficulty understanding, when you say we are referring  
21 problems to them, because that really does sound like they  
22 have a staff and review things.

23 COMMISSIONER BRADFORD: No, not a problem having  
24 to do with the functioning of the emergency core cooling  
25 system.



mccBWH

1 COMMISSIONER AHEARNE: What about the functioning  
2 of the emergency plans?

3 COMMISSIONER BRADFORD: I guess, if the questions  
4 were emergency plans, it would be more like is the way the  
5 Commission is going about dealing with the emergency  
6 planning a question well designed to bring in the views that  
7 we ought to have? Is it going to lead to a sensible result  
8 and not --

9 COMMISSIONER AHEARNE: Would you see this group  
10 consisting of individuals who would come to meetings or  
11 presentations to us, representing the knowledge they  
12 individually have or their organizations have? Or would it  
13 be a group who as a group come up with a conclusion?

14 COMMISSIONER BRADFORD: I would prefer the  
15 latter. I think realistically what you get (inaudible) to  
16 completely abandon whatever perspectives they develop.

17 COMMISSIONER AHEARNE: I would think, given the  
18 wide range of perspectives, views, positions, opinions on a  
19 lot of our areas of interest, if you do form this kind of a  
20 group to truly be representative of that spectrum, then I  
21 don't think there is any possibility of achieving some kind  
22 of consensus on very many of the interesting issues that  
23 would be valuable to get that spectrum perspective.

24 COMMISSIONER BRADFORD: I think that's right. But  
25 on the other hand and to the extent that there is some

McCWH 1 consensus, it would be interesting to smoke that out. The  
2 impulse is more to the Kemeny Commission recommendation that  
3 we be restructured and given a single administrator plus  
4 oversight committees.

5 I am not a fan of that, and this is not a  
6 recommendation for an oversight committee. What I am trying  
7 to get at is some of the benefits to be had from a  
8 systematic outside review of what we do, but in the context  
9 of a collegial agency which therefore gives you some of the  
10 diversity of views that the Kemeny Commission was seeking to  
11 institutionalize through the oversight committee.

12 I am trying to apply their recommendation to this  
13 structure.

14 COMMISSIONER GILINSKY: Would you see them  
15 basically just meeting, you said, quarterly and discussing  
16 various subjects, more or less on the basis of — well,  
17 coming to some view as a result of that day's discussion?  
18 Or would you see them going off and getting briefing and  
19 studying the subject and then reporting back — in a sense,  
20 doing a fair piece of work?

21 COMMISSIONER BRADFORD: One of the things that I  
22 really hadn't thought through was the extent to which they  
23 can get briefings and that sort of thing. Obviously, it  
24 becomes unwieldy if it is a group that meets monthly, and  
25 the staff has to brief them on top of briefing the , on

mcBWH 1 top of briefing us, on top of testifying before the Congress  
2 on a particular topic. The system really can't stand that,  
3 and if that is what is required to make the proposal  
4 effective, then I think probably it is not worth an extra  
5 layer.

6 COMMISSIONER AHEARNE: I think there still are two  
7 separate kinds of advisory committees. There is one that it  
8 really is appropriate for the number of briefings. That is  
9 basically recognizing that there is outside expert knowledge  
10 or outside different perspectives, and you want to bring  
11 that perspective and knowledge in and then have them review  
12 or Vick's word, "audit" in detail what are we doing, and  
13 then provide their comments on that.

14 I think that was much closer to what the Kemeny  
15 Commission's Advisory Committee issue is. There is another  
16 type which is very much like the consumer advisory groups  
17 that I know the Energy Department had set up in a number of  
18 places in which you bring in the people to get their  
19 perspective, and the primary thing you are trying to do is  
20 accomplish a close link to what the outside world or the  
21 affected people think of what you are doing.

22 MR. HANRAHAN: I think that is an important point,  
23 John. I think you have to think of it in terms of who you  
24 are trying to reach and what are you trying to get at. You  
25 have an ACRS which advises on specific technical things and,

mccBWH 1 therefore, is made up of people with those specific  
2 technical capabilities. The General Advisory Committee to  
3 the AEC were scientistis to guide the Atomic Energy  
4 Commission and so on with its programs.

5 They are all mechanisms for — I will say the  
6 intervening community or the industrial community — to get  
7 its views to the Commission.

8 COMMISSIONER BRADFORD: We have not met with the  
9 intervening community as such during the time I have been  
10 here.

11 COMMISSIONER AHEARNE: I don't think we have met  
12 with the utilities.

13 COMMISSIONER BRADFORD: We had one meeting before  
14 your time with an AIF group on licensing reform. It is that  
15 rare.

16 MR. HANRAHAN: They have mechanisms either through  
17 the courts or by writing letters.

18 COMMISSIONER BRADFORD: I am up with the more  
19 regular mechanisms.

20 COMMISSIONER GILINSKY: How would you propose that  
21 we proceed? Is there something that we can ask Len?

22 COMMISSIONER AHEARNE: The difficulty at the  
23 moment is, I don't think it is clear enough. I would prefer  
24 to ask Peter to structure the — I am in favor of getting  
25 advisory groups.

macBWH

1                   COMMISSIONER GILINSKY: I was going to suggest  
2 just our finding out just what our freedom is in having an  
3 advisory group of one kind or another.

4                   COMMISSIONER AHEARNE: We know we have freedom of  
5 one kind. If we go to the Congress and ask for legislation,  
6 they can set up anything.

7                   COMMISSIONER GILINSKY: But what freedom do we  
8 have now, and under what restrictions would an advisory  
9 group operate? That may affect your interest in a  
10 proposition of this sort.

11                   COMMISSIONER BRADFORD: Let me suggest sort of a  
12 charge (inaudible). First of all, I think I would be  
13 interested in knowing what we can do, short of legislation,  
14 as a first cut, and if that isn't enough, we can think about  
15 seeking legislation.

16                   On the other side of the question, I guess I would  
17 like to have a review of some of the different advisory  
18 committee setups that do exist in the government. Now I am  
19 less interested in the Consumer Advisory Committee concept,  
20 although there may be no way around that, the reason being  
21 it seems to me that if we set up something labeled  
22 Intervenor Advisory Committee, then we have to set up  
23 something labeled —

24                   COMMISSIONER AHEARNE: Consumer just turns out to  
25 be the name that is used to say the people directly affected

mccBWH 1 who don't ordinarily have the chance to have their views  
2 expressed.

3 COMMISSIONER BRADFORD: That is really what I am  
4 after, except when you call it "consumer" --

5 COMMISSIONER AHEARNE: I wasn't trying to use that  
6 as a label, but rather the concept.

7 COMMISSIONER BRADFORD: If by "consumer", you mean  
8 everybody from --

9 COMMISSIONER AHEARNE: The basic concept is, it is  
10 a mechanism for those people who don't usually have a  
11 mechanism to get their views expressed, and depending upon  
12 the agency or the circumstance, that can be a very narrow  
13 group; it can be a very broad group. It isn't specifically  
14 individuals. It can be industries, utilities, intervenor  
15 groups.

16 COMMISSIONER KENNEDY: As I understood what you  
17 were saying, John, you weren't suggesting modeling things.  
18 You were simply suggesting as an example of a way to do  
19 this.

20 COMMISSIONER AHEARNE: That's right.

21 COMMISSIONER BRADFORD: What I suppose this sort  
22 of minimal choice is, it is simply to schedule meetings  
23 periodically between the Commission and representatives of  
24 some of the segments without bothering with forming it.  
25 That might be one way of reaching out a little further and

mncBWH 1 getting these views. Beyond that, we get into a description  
2 of people who are concerned with what we do. They have  
3 views that would be useful for us to hear periodically.

4 I am inclined toward a framework in which we would  
5 pose some questions or some issues to them, and beyond that,  
6 they would set their own agenda.

7 COMMISSIONER GILINSKY: Does EPA have any kind of  
8 a group like this?

9 COMMISSIONER BRADFORD: I don't know.

10 COMMISSIONER GILINSKY: I would think in scouting  
11 around the government, there are so many advisory groups.

12 COMMISSIONER BRADFORD: The Advisory Committee Act  
13 put a lot of them out of business.

14 COMMISSIONER GILINSKY: They would want to  
15 concentrate on agencies that are comparable to ours.

16 MR. HANRAHAN: The difficulty is having broad  
17 spectrum. The people or members often feel required to take  
18 positions, rather than to deal with issues and solve  
19 problems.

20 COMMISSIONER AHEARNE: I think you end up -- I  
21 think the main thing is there has to be an examination here,  
22 but I think you will find that you will end up with one or  
23 two choices. You can go for broad spectrum, in which case  
24 the purpose is to present their views, or you can go for  
25 more narrow sets of people, and then ask them to work on

mccBWH 1 problems. But I don't think you can take the broad spectrum  
2 and then ask them to work on problems because you won't get  
3 there.

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BWH 1                   COMMISSIONER BRADFORD: In order to get any  
2 further with it myself, I would need to do what I am about  
3 to suggesting, that OPE does, which is to take a look at the  
4 different forms that the animal exists in in the Federal  
5 Government and also a bit of a qualitative evaluation, talk  
6 to the agencies and find out what their strengths and  
7 weaknesses are.

8                   It certainly isn't an inconceivable thing that, at  
9 the end of that process, you could come back and say that  
10 for the NRC this doesn't make sense.

11                   COMMISSIONER GILINSKY: I think they are going to  
12 have to look at just a few agencies.

13                   MR. HANRAHAN: Obviously, regulatory agencies.

14                   COMMISSIONER GILINSKY: That have similar  
15 responsibilities to ours.

16                   Lem?

17                   MR. BICKWIT: The bottom line of this is you don't  
18 need legislation if you have got a purpose that you can sell  
19 to the secretariat and the GSA. They don't have any  
20 authority, explicit authority, to stop the formation of a  
21 committee, but there has never been a committee that has  
22 been formed that they have said "No" to.

23                   We can circulate the specific procedures. I don't  
24 think it is necessary to run through it.

25                   COMMISSIONER KENNEDY: Having formed a committee

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1 under the Advisory Committee Act, however, there are a  
2 number of strictures that should be observed. What is the  
3 import of those?

4 MR. BICKWIT: When they meet, there are certain  
5 openness restrictions. There are reports to you. They also  
6 have to meet with some openness requirements. This is the  
7 basic thrust of the requirements, that there be openness.  
8 And there is also a requirement of balance with respect to  
9 the committee that, depending on the purpose, you need to be  
10 balanced to accomplish that purpose.

11 COMMISSIONER AHEARNE: That is a link to the  
12 purpose because, for example, you can set up a committee  
13 with a very narrow purpose.

14 MR. BICKWIT: Those who disagreed with that  
15 purpose.

16 COMMISSIONER GILINSKY: I think it would be  
17 interesting to have a note on that, just what the members  
18 would be subject to, which are requirements, and a brief  
19 note from you, Ed, on what you have learned from scouting  
20 around the various regulatory agencies, other agencies. Why  
21 don't we take it up when we have received those?

22 Thank you.

23 (Whereupon, at 4:19 p.m., the meeting was  
24 adjourned.)

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