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NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

BRIEFING ON POLICY, PLANNING, AND PROGRAM
GUIDANCE

Place - Washington, D. C.

Date - Thursday, 6 December 1979

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

BRIEFING ON POLICY, PLANNING, AND PROGRAM
GUIDANCE

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

Thursday, 6 December 1979

The Commission met, pursuant to notice, at 1:37 p.m.

BEFORE:

- DR. JOSEPH M. HENDRIE, Chairman
- PETER A. BRADFORD, Commissioner
- RICHARD T. KENNEDY, Commissioner
- VICTOR GILINSKY, Commissioner
- JOHN AHEARNE, Commissioner

ALSO PRESENT:

- J. HOYLE
- L. BICKWIT
- L. GOSSICK
- S. CONVER
- N. HALLER
- E. HANRAHAN

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P R O C E E D I N G S

1
2 COMMISSIONER GILINSKY (presiding): I think we'll
3 get started, here, to discuss the paper you prepared on Policy
4 Planning and Program Guidance.

5 MR. GOSSICK: In August, the Commission endorsed the
6 concept of a Policy Program and Guidance document, PPPG, which
7 would set forth the Commission's policies, major priorities,
8 goals, objectives and planning assumptions with the intent that
9 this guidance would be used by the staff in preparing program
10 plans and proposed budgets.

11 On October 19th, I sent to you and distributed to
12 the office directors, a proposed draft of such a document. We
13 received comments from some of the commissioners and from the
14 office directors; and will summarize those in the briefing that
15 MPA will give on the PPP document.

16 On November 30th, the memorandum from the secretary
17 indicated that the Commission had decided to pursue further the
18 development and approval of the PPPG document, and provided the
19 staff with a schedule for the -- for the completion of this
20 action.

21 I think you're aware that we had a schedule conflict
22 this afternoon with the effort to try to finalize the action
23 plan. Some of us decided that we would come here. The other
24 program directors that were involved, they are taking part in
25 that meeting this afternoon, which is aimed, of course, at

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1 getting the briefing before next Monday morning.

2 Unless there are any questions, I'll ask Norm to
3 go ahead with the briefing on the document. Norm?

4 MR. HALLER: Thank you, Lee. I'm pleased to have the
5 opportunity to brief you, today, on the PPPG, because I feel
6 the basic concept of this document is important. The basic
7 concept, of course, is one, envisioning a broad Commission
8 policy level guidance early in the NRC planning cycle so that the
9 guidance can directly shape the programs and the budgets;
10 developed and later implemented by the operating arms of the
11 agency.

12 (Slide.)

13 Before getting into the PPPG, itself; I would like to
14 refer to the first vu-graph, which is on the slide, there. You
15 may recall this chart, that I provided to you a few weeks ago.
16 I think the relevance of this chart is that it shows the PPPG
17 document in relationship to the other NRC planning, budgeting,
18 and operating activities.

19 Very quickly going through it, the arrows kind of
20 lead you from the beginning step, which is the issuance of the
21 policy planning and program guidance document through various
22 other activities which culminate in the issuance of an NRC
23 budget request and an NRC annual report to the White House and
24 to the Congress.

25 This would complete the planning cycle of activities.

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1 This would then be followed by the operations cycle which is
2 shown in the bottom part of the chart.

3 COMMISSIONER GILINSKY: Do you regard the annual
4 report as part of the management system?

5 MR. HALLER: Yes, I do, because one of the aspects
6 of the law is that the Section 307(c) of the Energy Reorganization
7 Act, indicates that the document should contain a clear statement
8 of the short range and long range goals priorities and plans of
9 the Commission. To that extent, I feel it's important, both
10 from the standpoint of looking ahead or looking forward. That's
11 why I've emphasized the word "outlook" for the first part of
12 the document.

13 Then, later, you'll see down at the bottom at the
14 end of the operations cycle, I have emphasized the words
15 "accomplishments" and "problems", which is the backward looking
16 portion of the document.

17 I feel it is a relevant part.

18 COMMISSIONER AHEARNE: I think that is true. I was
19 surprised when I went around a year or so ago to various
20 Congressional offices, in the nomination process to find out
21 how many of them were using the annual report as; this is not
22 just a summary of what was done a year ago, but here is what
23 the NRC is and here is what it is doing.

24 I think that a lot of people tend to view it that
25 way. I think we ought to spend more time on it. It ought to

dsp6

1 be an integral part of that system.

2 MR. HALLER: I would like to add one other short
3 remark about the bottom portion of that vu-graph. The operations
4 cycle -- you are aware that we are now into that, but of course,
5 it is for the FY '80 program phase; and not for the FY '82.

6 Obviously, since this is farther down the pike, in
7 particular, I want to call your attention to the block in the
8 lower left hand corner; the operating plan.

9 Just recently, Mr. Gossick forearded to you the
10 operating plan for the five major program offices for fiscal
11 '80. This plans represents, then, what the offices intend to
12 do; and intend to spend during fiscal 1980.

13 That plan, of course,, is the thing that will, of
14 course, be changed as we go through the year; as new activities
15 occur; like the action plan that is now being worked on by the
16 staff which will have a significant impact on resources of the
17 agency and also program activities of the agency.

18 I would like now to turn the briefing over to
19 Steve Conver, who is the chief of our analysis and planning
20 branch. It was Steve who had the lead within my organization
21 for the drafting of this first version of the PPPG.

22 MR. CONVER: May I have the next chart, please?

23 (Slide.)

24 In this brief presentation, we would like to review
25 for you, this afternoon, a brief history of the evolution of

dsp7

1 the PPPG, as well as the content of the document. We'd like
2 to summarize for you the comment that we received from the
3 office directors. Finally, we would like to identify several
4 unresolved topics that we feel must be considered in the next
5 version of the PPPG.

6 COMMISSIONER GILINSKY: Before you start, could you
7 distinguish between policy planning and program guidance?

8 MR. CONVER: Yes, sir. By policy guidance -- well,
9 there really are two distinctions, primary distinctions. The
10 front end of this document, which you have received so far; the
11 nine page policy document; provides general policies that
12 encompass the scope of the agency's activities. It's not
13 comprehensive, in the sense of -- it's not inclusive of all
14 activities of the Commission, but the ones which the Commission
15 regard as the most important.

16 So those are general policy statements. There's
17 another type of policy statement that we will produce in the
18 second part of this, which is the program guidance.

19 Program guidance is specific to each of the specific
20 19 program areas that we are using, both in this context as well
21 as in the unit tracking systems. We have policies of two types;
22 the general policy, which you reviewed in the short document and;
23 program guidance which would be forthcoming, here, over the next
24 several months.

25 Now, the planning is a little bit different from

dsp8

1 either of those two types of policies; in that planning we are
2 looking at assumptions that we foresee -- that we forecast will
3 occur over the next several months; or the next -- the period
4 of this thing; short term, long term, that will influence the
5 environment which NRC operates.

6 Those are planning assumptions, I guess, would be
7 the best way to characterize those. So, there are really three
8 things. There's general policy guidance; there are planning
9 assumptions; and then there is PTL program guidance.

10 The document which you have before you, today,
11 encompasses the first two of those. Primarily, the first; the
12 policy guidance.

13 (Commissioner Kennedy entered the Commissioner's
14 conference room at 1:45 p.m.)

15 We believe that the PPPG document taken as a whole
16 has several uses; we believe will be quite valuable to the
17 Commission.

18 First, we think that the PPPG provides a very convenient
19 vehicle for the Commission to provide its policy guidance to the
20 staff in the areas which the Commission considers most important.
21 Moreover, we feel that the PPPG will help the Commission
22 promote consistent decisionmaking by reducing the case by case
23 decisionmaking, which could exist in the absence of such a
24 document. Finally --

25 COMMISSIONER GILINSKY: What do you mean by "case by

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1 case?" Do you mean issue by issue?

2 MR. CONVER: Yes, sir. In other words, having a
3 PPPG document, we feel will preclude the situation in which
4 the Commission might decide a series of small issues which in
5 total would represent Commission policy, but which would never
6 be stated.

7 I would be possible, in other words, say, in the
8 safeguards area to make a series of somewhat related decisions
9 on similar by different topics. The sum total of which would
10 represent the Commission policy, but nowhere would there be a
11 single statement of that policy.

12 So, it would be an evolutionary thing.

13 COMMISSIONER AHEARNE: A more serious problem
14 arises, Vic, in that there are many decisions that people on
15 the staff have to make, which in the small, don't rise to
16 the level of a Commission decision; but in the absence of a
17 policy framework to give them guidance on how those -- the
18 direction to take those decisions.

19 A series of them can be made as Steve just described,
20 and you would never see them, until at some point you would
21 find that policy has evolved.

22 COMMISSIONER BRADFORD: Exemptions, for example.

23 MR. CONVER: I guess, we could summarize the response
24 to your questions by saying the PPPg represents an attempt to
25 put the Commission in an active role of setting Commission

dsp10

1 policy, rather than the reactive role of responding to a series
2 of, sort of, random occurrences or staff initiatives; and acting
3 on each of those separately; not necessarily in an altogether
4 consistent manner.

5 Okay. Finally, we believe that the PPPG is quite
6 useful; in that it provides the basis for budget deliberations
7 in the spring of each year and the detailed program plans that
8 flow directly from those deliberations.

9 Now, in putting this document together, we considered
10 a variety of sources, of information. We have reviewed all
11 Commission papers over the past year or year and a half in an
12 attempt to identify issues and in an attempt to infer what
13 Commission policies were in certain areas where those policies
14 weren't explicitly stated.

15 In some areas, however, we did have Commission
16 directives in which the Commission policy was quite clear. We
17 incorporated those to the extent we were able. We also, have
18 reviewed all recent Commission speeches; and that, indeed, was
19 quite a good source of information.

20 (Laughter.)

21 COMMISSIONER KENNEDY: Did you include that?

22 MR. CONVER: There's a lot of information in there
23 that it gave us.

24 (Laughter.)

25 COMMISSIONER KENNEDY: That's true.

dsp11

1 MR. CONVER: There were important topics --

2 MR. BICKWIT: Talk about case by case.

3 (Laughter.)

4 MR. CONVER: I think I'll let that ride.

5 COMMISSIONER AHEARNE: Sometimes we say a lot more
6 than we do, so I --

7 COMMISSIONER BRADFORD: I haven't gotten into anything --

8 MR. CONVER: I think you'll find in reading the
9 documents, that the flavor of many of the speeches of many
10 individuals of the Commission have been reflected in the PPPG,
11 and that is intentional. Moreover --

12 COMMISSIONER AHEARNE: Was that drawn in, Steve, to
13 make sure that those who have not read it; then I'll quickly read
14 t.

15 (Laughter.)

16 MR. CONVER: We have also looked at Congressional
17 testimony by members of the Commission and staff; both oral
18 and written testimony. Now, another valuable source in developing
19 the PPPG were our discussions with senior members of the EDO
20 staff.

21 We went around and had interviews with office
22 directors and other senior members of the staff. I guess I would
23 like to summarize those interviews by saying that one point on
24 which all of the senior staff members that we interviewed,
25 agreed, was that the Commission had a serious need for the type

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1 of document we were talking about, now. When they actually
2 see what we wrote, there are, obviously, some disagreements as
3 to, you know, I don't think this should be in, but I like this;
4 I don't like that, but the senior staff was nearly unanimous in
5 agreeing that such a document was, indeed, needed.

6 We felt that was significant. The office directors,
7 also, identified a number of areas that they felt needed
8 additional emphasis; both agency-wide management type issues
9 as well as specific issues in their own areas of expertise.

10 We got a lot of comments on the NRC regulatory
11 philosophy, for lack of a better term, perhaps, because the
12 senior staff members had recently concluded that their depositions
13 with the -- some of the investigating bodies. So if I could
14 have the next chart, please?

15 (Slide.)

16 In the August 27 guidance that the Commission
17 provided, the Commission called for a "participatory development
18 process."

19 COMMISSIONER GILINSKY: Let me take you back for a
20 minute. In describing the distinction between policy planning
21 and program guidance, did I understand you correctly to be
22 saying that the program guidance differed from the policy
23 guidance in being more specific?

24 MR. CONVER: Yes, sir. That is correct.

25 COMMISSIONER GILINSKY: A different level of detail?

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1 MR. CONVER: Yes, exactly. If I could digress for
2 a moment; you may recall the document last spring was a fairly
3 tedious package in which we had two or three page write-ups on
4 each of about 16, 17, 18 programming areas. We wrote that
5 document, the detail program guidance without having first prepared
6 the more general statement.

7 I think we recognize, now, that we were doing that
8 exactly backwards. It's necessary, first, to build this thing
9 from the top down by developing general overall agency guidelines
10 from which this more detailed program guidance would flow
11 logically; and with which it would be consistent.

12 (Chairman Hendrie entered the Commissioner's
13 conference room at 1:52 p.m.)

14 In this participatory development process, the EDO
15 staff and the Commissioners and their staff are jointly
16 producing this PPPG. We're right in the middle of that process
17 right now. It appears to be working quite well.

18 Now, the schedule for completion of this document and
19 the detail program guidance which follow, dictated that we
20 proceed with this effort despite some uncertainties that existed
21 in the outcome of the various investigations.

22 Indeed, when we -- when we completed this document,
23 the results of the Kemeny Commission were not yet available, so
24 it was really for the benefit of those insights. The Commission
25 also asked that we make the PPPG document; that is, this front

dsp14

1 end or general policy document, both succinct and readable.

2 So, we have developed a document that is less than
3 10 pages. As I mentioned before, the detail program guidance,
4 the 19 program areas are in the process of being written, now,
5 and will be complete within several months.

6 Now, based primarily with our interviews of the
7 office directors and from our other sources; we have identified
8 in the PPPG what we considered and what we felt the staff
9 considered the most important programs; but it is important
10 to note that it is not an all inclusive document. There are
11 some programs that we have not included in this write-up and
12 the office director comments, by and large, reflect that each
13 person thinks there should be some things added.

14 Another caveat, here, the PPPg document is, in theory,
15 supposed to apply to the time period FY '82 to '86. Since,
16 however, it's the first document of its type, we believe it ought
17 to apply in the near term, as well.

18 Could I have the next chart, please?

19 (Slide.)

20 I'd like to, very quickly, run through a summary of
21 the content of the PPPG document. Basically, what we did in
22 those nine or ten pages was provide a series of policy statements
23 in each of three major areas protecting the public.

24 These are things that have to do, I would say, with
25 the technical aspects of our regulation; two, our external

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1 affairs; and three, internal NRC management.

2 Now, in each of these sections, we've had some general
3 policy statements, which I'm not going to go into in great
4 detail, unless there is some interest in that.

5 However, in the largest dissection of the PPPG
6 protecting the public, we did highlight a number of areas that
7 we felt needed additional emphasis or improvement. These include
8 the list, here.

9 Operating power reactor safety; NRC presence at
10 major license facilities, those are primarily inspection issues;
11 oversight by third parties, that basically involves matters
12 involving states and state inspections, third party inspections
13 by the ASME and other national standards organizations;
14 qualifications of licensee employees, that is simply not limited
15 to reactor operators, although they play a major part in that.

16 We had a variety of statements about improving NRC's
17 emergency response capabilities, as well as those of licensees
18 and state's.

19 We talked about risk assessment; the need to do a better
20 job of collecting and analyzing and taking advantage of
21 operational data; strengthening the enforcement program, making
22 it more timely; the need to establish priorities of various
23 programs; and finally, the need for continuing self-examination
24 in each of our major program areas.

25 In the external affairs section, we had several

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1 policy statements dealing with how NRC should relate to members
2 of the public, to state and local governments, and other federal
3 agencies and, perhaps, most importantly, to the Congress.

4 Finally, in the section entitled internal NRC
5 management, we had a variety of policy statements on
6 miscellaneous management topics including the need to coordinate
7 office activities better. We need to do a better job of
8 management.

9 That includes the need for a new NRC building. Unless
10 there is some interest in the detailed policy statements in each
11 of those areas, I would like to move on to the staff comments.
12 I'd like to go to the next, chart, please.

13 COMMISSIONER AHEARNE: Before you do that, Steve,
14 could I just ask a procedural question? As this briefing or
15 discussion goes on, what do you see unfolding? That is, are you
16 going to talk about the staff comments and then at some stage,
17 is Ed going to talk on -- is that what you had in mind?

18 MR. CONVER: Yes.

19 MR. HALLER: Yes.

20 MR. CONVER: As I mentioned before, by far, the
21 majority of the staff comments as for additions of various
22 material as to what was contained in the nine page document.

23 COMMISSIONER AHEARNE: With some word changes.

24 MR. CONVER: Yes, sir. Of course, there were a
25 number of suggestions that were editorial in nature; clarification

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1 minor modification. Primarily, however, the nature thrust of
2 them was, we would like a little bit more information about the
3 programs generally; a little bit more information about my
4 program in each case.

5 So, just to summarize this, briefly -- and I've
6 indicated in parentheses, here, which office requested the
7 addition of each topic. We had a number of requests for
8 addition that fell into, basically, technical regulatory areas;
9 citing policy, for example.

10 I wanted to add that as one of the program areas in
11 the program section. Standards pointed out that low level
12 waste was not explicitly mentioned in the document, but probably
13 should be. We had a number of suggestions for addition or
14 clarification of emergency planning material.

15 We also had a call for additional emphasis on
16 de-commissioning off site instrumentation. We need more
17 emphasis on the licensing process; more emphasis on CP's as
18 opposed to operating reactors; and the need to say some more on
19 backfit.

20 Now, there was another general comment that we got
21 from a couple of offices that said this document really
22 emphasizes the operating power reactor situation too much. We
23 need to have a little bit more, on some of the other kinds of
24 programs.

25 Under that general comment, it is possible to put

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1 some of the ID and research comments which, basically, said we
2 need to give a little more attention to, not only the resident
3 policy inspection program, but to other miscellaneous
4 inspection programs and materials, et cetera.

5 Several people pointed out that we should, in calling
6 for reexaminations of every program area, include one for I & E.
7 We agree that that is a good suggestion. There are a number of
8 Research comments which basically said, "Add references to
9 research, throughout."

10 I guess we didn't really put quite enough of that in.
11 We had several comments that fall into management type areas.
12 State programs made the observation that we should have a
13 policy to the effect that our personnel and contracts people do
14 a better job of supporting the technical endeavors of the staff.

15 We had several NRR comments that called, again, for
16 an agency-wide reexamination of our regulatory philosophy and
17 practices; and called for a reference to what has now become
18 the NRC management study.

19 May I have the next chart, please?

20 (Slide.)

21 Continuing, there are a number of suggestions for
22 additions. One person mentioned that we should have the
23 anti-trust area, and discuss that in the PPPG. We have a
24 Commissioner comment that suggests exactly the opposite.

25 Several people suggested that we --

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1 (Laughter.)

2 MR. BICKWIT: You better hurry on that one.

3 MR. CONVER: Several people commented that we should
4 add something on export licensing and international. We have
5 Commissioner comment that supports that particular one.

6 There is another topic, here, that is rather
7 interesting. We had considered it in writing. This is licensee
8 responsibilities.

9 NRR pointed out that we should comment in the
10 document, but NRC can only write the rules. The licensees are
11 basically responsible for implementing those. We thought very
12 seriously about that, and we argued about that a lot in writing
13 the document.

14 We decided that we didn't want to sound like we were
15 putting the main burden on licensees; although we don't argue
16 with the point. We question the possibility for appearances
17 sake, for featuring this prominently. So that is kind of an
18 open issue, at this point.

19 We had a suggestion from NRR for adding a bunch of
20 material on the environmental responsibilities and programs.
21 One NRR comment also suggested that we be a little bit more
22 upfront in addressing the inherent conflicts between the speed
23 of the licensing process and its rigor.

24 We haven't come out four square on that; and I'm
25 not sure if that's appropriate or not. We had a number of

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1 comments on the degree to which the public -- the degree and the
2 way to which the public ought to participate in the regulatory
3 process.

4 NRR suggested that that topic be added as one of the
5 program areas. All the comments that I've mentioned so far
6 call for additions of material. We also had a number of
7 suggestions for deletion, which are summarized, here, at the
8 bottom of the chart.

9 Just about everybody who commented on this
10 document found some problem with the statements in the very
11 front end that talked about the role of the public.

12 Basically, the statement that is contained in the
13 document is that -- it's basically the public judgment determines
14 what level of protection determines adequate protection or
15 safety.

16 We had two types of disagreements with those
17 statements, collectively. I guess one type could be characterized
18 as semantic. People didn't like the way we said it or perhaps
19 didn't understand what we were trying to convey.

20 A more troubling disagreement is the philosophical
21 question that "Gee, really, the public doesn't have a role to
22 play in the determination of adequate protection; that what
23 we're dealing with is basically hard engineering judgment."

24 I think that is quite a serious question that needs
25 to be resolved.

dsp21

1 COMMISSIONER BRADFORD: Am I reading the chart
2 correctly in understanding that five offices felt something to
3 the effect that the public didn't have a role to play?

4 MR. CONVER: Not quite, sir. Some of those offices
5 didn't like the way we phrased what we said. Others didn't
6 really appear to believe that the determination of adequacy
7 was basically a public function; that that was an NRC function.

8 Again, it's some combination of semantic problems and
9 philosophical differences, but I guess the message we got from
10 it is this is a serious issue; rather fundamental to the
11 regulatory process, and one which should be addressed head-on.

12 COMMISSIONER BRADFORD: Do you want to talk about
13 that particular item, now? Or would you rather -- I guess it's
14 better if we just keep going through your charts.

15 Obviously, it's going to be one where there's a
16 certain amount of feeling.

17 MR. CONVER: When we were talking about the briefing,
18 we mentioned the briefing would probably go off on a 45 minute
19 briefing, because the subject is a challenging one; and one in
20 which everyone would have an interest in.

21 COMMISSIONER KENNEDY: The only question is, when
22 the 45 minutes would begin.

23 (Laughter.)

24 CHAIRMAN HENDRIE: I tell you what; it's clearly a
25 highly important and, indeed, a central sort of point in an

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1 overall policy guidance document.

2 So -- and furthermore, I must say, I have a selfish
3 interest in it because it relates to particular comments I have
4 about performance; some of the language in the first -- the
5 initial pages.

6 You know, this document starts very general, and
7 comes down and becomes very detailed. The level of my
8 satisfaction with it is almost the reciprocal of that. It
9 starts here and increases as we get to the details.

10 (Laughter.)

11 But why don't we have that -- why don't we see if
12 we can get Steve through the -- his slides and comments and then
13 come back?

14 MR. CONVER: I'd like to personally thank you for that
15 suggestion.

16 CHAIRMAN HENDRIE: We have to do as I say; not
17 emulate what I do.

18 (Laughter.)

19 But I think this is, in fact, a good point to come
20 back to as sort of an initial first particular to chew on.

21 MR. CONVER: Yes, sir. Okay. A related point, I
22 guess, had to do with a question of various types of support for
23 intervenors. I really meant to put members of the public, there.

24 That, of course, includes the questions of intervenor
25 funding. We had one office that pointed that out as something

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1 they didn't feel that we should be doing.

2 Now, we had a number of comments on the notion of
3 involving third parties in various NRC programs; primarily,
4 inspection programs. I didn't highlight SP there as being one of
5 the commenters, by they were.

6 ELD suggested that involving third parties, particularly
7 states in the inspection process, would be abandoning of federal
8 supremacy; the traditional federal supremacy.

9 COMMISSIONER AHEARNE: Their concern was with the
10 states.

11 MR. CONVER: Yes, sir. Specifically, states. IE
12 curiously suggested eliminating the whole paragraph on this. I
13 say curiously, because IE has been the proponent of this.

14 Finally, SP's comment was really quite the opposite
15 of that provided by EOD and SP's suggesting the use of state
16 inspectors as a supplement to NRC inspectors.

17 We had a number of suggestions for deletion, that
18 basically involved the sections that were background, introductory
19 sort of philosophical things. Perhaps some of the things that
20 may have bothered you, Chairman Hendrie; but there were a
21 whole variety of those throughout the document to eliminate this
22 paragraph or that.

23 Now, I'd like to move to the next chart.

24 (Slide.)

25 I'll summarize for you, based on staff comments, what

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1 we believe, remain as some of the unresolved topics in this
2 area. One issue that was raised by a number of the comments is
3 comprehensiveness, or inclusiveness of the document. Should
4 this document really cover everything in our programs or should
5 it just cover selected topics?

6 I guess our view would be there is certainly no
7 reason why we can't add any number of things to the document,
8 recognizing that as we add things, we're diluting the attention
9 that is focused on the more important issues.

10 So, that is basically a matter for judgment. Another
11 troubling aspect is the document does not yet include the insights
12 that we might gain from the Kemeny and Rogovin reports.

13 Of course, the Presidential decision which we expect
14 to follow the Kemeny Report; so the schedule that has been
15 laid out by the Commission provides for incorporating the
16 Kemeny response and the Rogovin insights, as those are available
17 to us in January.

18 That's primarily a policy question, however. We feel
19 that in preparing the TMI response action plan, which the staff
20 is currently doing, we're going to have a lot of impact on our
21 programs. Specifically, in the operatin plants.

22 The list of activities with the Commission plans
23 to undertake over the next year or so. By introducing new
24 activities, I think we raised the question of what are we going
25 to give up in doing all these new things? I think that is

dsp25

1 something that is not yet resolved in the PPPG.

2 Maybe it's not appropriate for the PPPG; nevertheless,
3 we think it ought to be addresses. We also would like any
4 Commission guidance on what the program area lists ought to be.
5 At the moment, we have 19 program areas which we have developed,
6 working with the Commission and the staff over the past year or
7 so.

8 If there is any suggestion for change to that, we
9 would certainly like to get your views on that. Now several of
10 the staff comments suggest that we need to do a little bit better
11 job of treating priorities; Commission priorities.

12 I guess part of the problem, there, is it is kind of
13 hard to figure out what priority means. We kind of think it
14 ought to be more than simply an ordered list of NRC programs
15 from 1 to 100 and something, because that doesn't really doesn't
16 make the distinctions that we feel are necessary.

17 On the other hand, it's kind of hard to figure out how
18 to incorporate priorities into this document. What effect those
19 priorities would have.

20 We had several suggestions including a Commission
21 comment; that the PPPG include fiscal guidance and I guess the
22 danger in that is we don't want to preempt the normal budget
23 process.

24 We want to develop guidance that can be useful in
25 the process without preempting it.

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1 COMMISSIONER AHEARNE: I have to challenge that.

2 MR. CONVER: All right, sir.

3 COMMISSIONER AHEARNE: Fiscal guidance doesn't
4 preempt the budget process; it guides the budget process.

5 MR. CONVER: Yes, sir. Okay.

6 COMMISSIONER AHEARNE: And it depends on how
7 detailed it is, obviously, but fundamentally it's an
8 approach by the people who have to make the final decision on
9 the budget to say -- to give whatever guidance they see in
10 advance as being appropriate to the people who are putting the

11 MR. CONVER: Yes, sir.

12 COMMISSIONER AHEARNE: Really, at least on
13 occasions where I've seen it used or used it, it ends up
14 being an advantage because if you have some sense in the
15 beginning of where you are going to -- the direction you're
16 going on your resources, it really avoids a lot of pain for
17 the people who are trying to put those budgets together.

18 MR. CONVER: Okay.

19 Finally, we've had some comments on the final
20 section of the PPPG which we call "internal NRC management."
21 Bearing in mind that this document was written before the
22 Kemeny Report came out, we felt that the PPPG provided a
23 continued vehicle for raising some management issues that we
24 felt needed to be raised.

25 In retrospect, the Kemeny Commission Report has

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1 come out, and it did overlap the PPPG to some extent. It's
2 clear to us that some modification or elimination of this
3 section is probably appropriate, probably preferred to have
4 a somewhat more positive tone in this section and talk about
5 the positive things we ought to do, rather than the self-
6 flagellation that may have characterized several paragraphs of
7 that section.

8 So those are what we feel are unresolved topics.

9 The final chart that I have -- and we may want to
10 return to unresolved topics -- the final chart summarizes the
11 schedule that we just received from the Commission.

12 (Slide.)

13 I took some liberty of putting specific dates on
14 it where the guidance had said early in the month or late in
15 the month. I put a specific date on it.

16 Basically, the schedule calls for the Commission
17 taking a look at the document as it now exists, sending it
18 back to the staff, another round of staff review, culminating
19 in Commission approval of this front end, short, general
20 policy document toward the end of January.

21 The work on the detailed program guidance summaries
22 is now in progress, and the schedule calls for those things
23 to be completed toward the end of February. 1633 116

24 Now, there are several possible problems in the
25 schedule. One is that it sort of depends on our getting the
Rogovin Report in time, and of course we would also like to have

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1 the benefit of the President's decision on the Kemeny Report.

2 Secondly, the schedule is vulnerable to slips in the
3 program area briefing schedule. Mr. Gossick, in the briefings
4 he is getting briefings from the lead offices for the various
5 programs every week or so.

6 If this schedule should slip, it makes it difficult
7 to write those detailed program summaries on time.

8 Finally, we feel there will be a number of demands
9 on the Commission and the staff's time as a result of the
10 TMI action planning activities that are going on right now.
11 We see this as a possible problem in the schedule that the
12 Commission has laid out.

13 With those caveats, that concludes the formal
14 portion of the briefing.

15 CHAIRMAN HENDRIE: Before we go away from the
16 schedule -- before we go away from the schedule, I would like
17 you to know that as of this time, we are on schedule.

18 (Laughter.)

19 Ed?

20 MR. HANRAHAN: I wanted to say a few things about
21 sort of what next in the -- I have read over all of the
22 comments from the staff, and I thought by and large they were
23 very good and very perceptive.

24 There was a certain element of parochialism --
25 my program wasn't here, and what not -- but taking that aside,

dsp29

1 it was easy to say, I think, that there were -- they were
2 looking at something they thought was useful in the sense of
3 they would welcome some guidance from the Commission on
4 direction and priority, whether it was through this
5 particular piece of paper or something else.

6 But that was latent in all of what they had to
7 say.

8 Clearly, I think Sol Levine summarized it very
9 well at the beginning of his, saying that what he saw was too
10 general; he wanted specifics.

11 He said specificity -- I can't say that word.
12 I think that is sort of a next step to get that specific
13 nature of it in there, point out particular activities and
14 programs to provide that sense of direction, a priority which
15 will reflect and call on resources which gets to the point
16 of fiscal guidance.

17 I think those need to be linked; just a priority
18 listing of programs doesn't -- doesn't help unless there is
19 some notion of what that means in terms of a program director's
20 ability to call on resources, either money or people.

21 So that, I think, needs to be linked in here. And
22 therefore I think in my mind it says something about the
23 question of fiscal guidance, at least in the broad sense,
24 what programs, what activities are eligible to call for
25 additional resources, or should those see a decrease or remain

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1 the same, in very broad terms, without getting into the
2 specific dollar issues involved, which will then allow the
3 formulation of projects.

4 Some time of completion -- some time of implementation
5 geared to some required status -- reaching some plateau which
6 then requires the reflection of resources and priorities as
7 well.

8 I think there is a need to focus on key activities,
9 rather than on the whole list of Commission programs and deal
10 with that limited set.

11 Of course, from the standpoint of ability to do
12 it, as well as the ability to implement it, if necessary.

13 COMMISSIONER KENNEDY: Are you suggesting
14 there should not be a comprehensive policy and planning
15 guide?

16 MR. HANRAHAN: I think it should be comprehensive
17 in terms of those activities that the Commission feels at
18 this time are most important to look at. I think the
19 others we'll have to deal with in some sort of an ad hoc manner.

20 COMMISSIONER KENNEDY: Let me suggest it is
21 precisely on those which the Commission feels are most
22 important that the Commission will give the greatest attention
23 to, and therefore there may be the least need for such a
24 policy and planning guide by the staff. It's in the area in
25 which the Commission is least likely to devote its own direct

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1 attention that is most needed by the staff, it would seem to
2 me.

3 COMMISSIONER AHEARNE: I think it's a mixture,
4 though, the areas that we think are most important. It is, I
5 think, critical for us to be able to both tell the staff that
6 we think those are the most important and then to describe the
7 general outlines of the policy we want the staff to be
8 implementing in those areas.

9 MR. HANRAHAN: There's also the relative importance
10 among the most important things; the more important things.

11 COMMISSIONER AHEARNE: But my sense of what the
12 document we're working with is is very much in line with what
13 you are saying. Here are the most important things.

14 MR. HANRAHAN: I think it is going -- but there is
15 some thought that had ought to be explained beyond that.

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18 1633 120
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1 CHAIRMAN HENDRIE: I suppose ultimately the PPPG
2 ought to include everything.

3 COMMISSIONER AHEARNE: After a separate iteration
4 cycle, it ought to get to where all of the major things are
5 there, but at that point you end up -- this is the experience
6 I've had -- you have a point where you have to stop and
7 keeping pushing out, as both Steve and Ed have pointed out.

8 Everybody who is down in the organization wants
9 to get a description of their program in there, and you do
10 have to watch out that it doesn't gradually become just a
11 listing of every identifiable program in the agency.

12 MR. HANRAHAN: What has been started here is a
13 very good process that needs to be iterated: what is it
14 that the staff and the managers feel they need guidance on,
15 as well as: what is it that the Commission feels they want to
16 give guidance on?

17 No, those at this point may be going like that, but
18 I think with a continual iterative process here, we can come
19 to where -- and I think that is the benefit of the document.
20 It starts to get the two together on one giving the
21 guidance it feels it needs, and the other getting the
22 guidance it feels it wants.

23 And they're both now coming together in a knitted
24 fashion so that there is an assembly of things here.

25 So I think our next step ought to be to go around

1633 121

dsp33

1 that loop again. You know, this has been a forcing function,
2 this document, of those areas that both the Commission and
3 the staff want to give guidance on.

4 Clearly, I think the one that would be -- I
5 shouldn't say "almost preeminent" -- is this level of
6 protection. That raised everybody out of their chairs on
7 both sides of the table for all kinds of reasons. And I
8 think it is a very important piece of Commission policy
9 business that ought to be at the top of the list; not
10 that over the next weeks or months perhaps that is going to
11 be resolved in any great detail, but it's something that is
12 continually worked between the staff and the Commission to
13 get a notion of what we really -- the Commission really feels
14 it wants to see in that area.

15 I think that will go a long way to seeing a more
16 even application across all of the NRC activities. I think
17 it's a principal policy issue, and I would suggest the one
18 needs attention, but it's not a short term, resolvable
19 business at all.

20 That's kind of what I have to say at this point.

21 COMMISSIONER AHEARNE: Where did the schedule
22 that we have envision when the Commission comes back to
23 the staff on these issues? That's the 21st; is that correct?

24 MR. GOSSICK: Yes.

25 COMMISSIONER AHEARNE: So what had you hoped to

dsp34

1 have us discuss today?

2 MR. HANRAHAN: Where you want to give guidance --

3 COMMISSIONER AHEARNE: Well, we've got --

4 MR. HANRAHAN: It's proposed. Right. They
5 are different. Is it even cast in the right sort of thought,
6 the right sort of nuances what programs or activities ought
7 to be because it's very general.

8 That's fine. But -- you know -- in the formulation
9 of the general, is there a specific in your mind that you
10 think that ought to be applied to first or foremost?

11 COMMISSIONER BRADFORD: Steve, could you talk a
12 little bit about what you see as the difference between the
13 December 21 effort and the January 31 effort? Do you
14 contemplate having a final -- I guess actually maybe we
15 should tell you -- but anyway, somebody better decide whether
16 you want a final -- but for the Rogovin and office comments --
17 if it is as of December 21, or whether December 21 is really
18 a preliminary cut and the bulk of the work will hit us
19 around January 31.

20 COMMISSIONER AHEARNE: Before Steve answers, could
21 I just suggest one thing, one very valuable thing that could
22 happen in the interim.

23 If the five of us can reach some agreement -- and
24 whether it's by majority vote -- on a number of issues, that
25 here is the general direction we believe the Commission policy

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1 is going to go in. Now, what we have is a document which I
2 think is a pretty good document in the sense that it's got
3 the right flavor, the right format.

4 It's got, as far as I can see, most of the right
5 programs. There are debates; some of the debates have come
6 up from the staff, and I think that when the five of us
7 look in detail through it, I wouldn't be surprised if we
8 had some differences.

9 What is important is on the 21st to have us have
10 made our first pass on those major differences and say, "Here
11 is where we are coming out."

12 One of the valuable things that can happen after
13 that is for those members of the staff who are most affected
14 by those major decisions to have a last chance to say, "We
15 disagree with that, and we want to come in and explain why
16 we think that is going in the wrong direction."

17 COMMISSIONER BRADFORD: What I'm after really at the
18 moment is just making sure that we come out of here today
19 with a schedule that accommodates that process. I mean, if
20 in fact we go in the direction you suggest, it looks as though
21 we ought to set aside at least a day between now and -- oh --
22 two or three days before the 21st.

23 COMMISSIONER AHEARNE: You mean this side of the
24 table?

25 COMMISSIONER BRADFORD: Yes, this side of the table;

dsp36

1 just to go through this document and try to have something
2 that we're all more or less in agreement on.

3 COMMISSIONER AHEARNE: At least a majority.

4 COMMISSIONER BRADFORD: Do the best we can, whatever.

5 I don't think it's going to take less than a day to --

6 COMMISSIONER GILINSKY: I think it's going to take
7 a lot more. You're talking about spending as much time as
8 you spent on preparing testimony on state programs or something
9 like that.

10 COMMISSIONER BRADFORD: We haven't spent that much
11 time on preparing testimony for state programs in quite awhile.
12 All right, two days, then.

13 All I'm trying to do is make sure we -- December 21
14 is not all that far away. We should come out of today with
15 a schedule that accommodates our ambition.

16 COMMISSIONER AHEARNE: I'm sorry, Steve.

17 MR. CONVER: I can't think of anything to add
18 to the answer you gave, sir.

19 MR. BECKERLEY: I think if you look at the revised
20 draft we gave you with our memorandum, the Commissioners'
21 comments, the objections the Commissioner have to the draft
22 were echoed in staff comments. So I think it's a little
23 closer approximation to something that's a little farther along
24 down the road than you were in October.

25 COMMISSIONER BRADFORD: But if you don't have all

dsp37

1 the Commissioners' comments --

2 MR. BECKERLEY: Not for lack of effort.

3 COMMISSIONER AHEARNE: To have it really be
4 useful, we all ought to have at least commented on it. If
5 the final product is not something we agree with, at least
6 it should be clear where we disagree.

7 MR. CONVER: I believe it would be useful if the
8 next version on December 21 also considers the staff comments
9 as well as those provided by the Commission. That would
10 save a step.

11 MR. BECKERLEY: That is what we proposed because
12 that's the only thing that makes sense.

13 CHAIRMAN HENDRIE: The Commissioners can certainly
14 provide additional comments. It would probably be useful to
15 do markups on the OPE version, since it already steps forward
16 a little bit from the October 1 version.

17 (Laughter.)

18 And then indeed we'll have to gather and debate
19 a bit and see where we come out with staff iterating on
20 drafts as we do for rules for emergency planning and assorted
21 other enterprises.

22 I think it is appropriate; will the secretary
23 please note the need for this enterprise in the near term.
24 This is the 6th. We might allow a week for the Commissioners
25 to read and provide individual markups, cross-outs, and

dsp38

1 whatever, and then begin to schedule fairly heavy time to
2 complete the front end as staff is able to.

3 MR. HOYLE: (Nods in the affirmative.)

4 CHAIRMAN HENDRIE: Do you have a set of staff
5 comments which are incorporable in this front end document
6 now?

7 MR. HALLER: Yes, sir, and we have provided those
8 to OPE. I don't know whether they have had time to give
9 a thorough review of all of those.

10 CHAIRMAN HENDRIE: My impression is the OPE thing
11 that came around did not have all of those.

12 COMMISSIONER AHEARNE: But they are incorporable.

13 CHAIRMAN HENDRIE: There isn't anything that
14 keeps you from working on it right now?

15 MR. BECKERLEY: They are incorporable, but not
16 in the sense that some of them are contradictory.

17 COMMISSIONER AHEARNE: They are incorporable in the
18 sense that they are explicit and could be incorporated.

19 COMMISSIONER KENNEDY: Is there any reason why
20 we don't have them?

21 COMMISSIONER AHEARNE: We have them.

22 MR. HANRAHAN: We just got them yesterday. We'll
23 see that you each get a copy of them.

24 CHAIRMAN HENDRIE: Is it s big thick package?

25 COMMISSIONER AHEARNE: It's not that thick, Joe.

dsp39

1 CHAIRMAN HENDRIE: Is it in here? Operating plants;
2 this is all operating plants, so apparently they're not in that
3 particular stack.

4 MR. HANRAHAN: We'll see that you each get a copy.
5 If you don't --

6 CHAIRMAN HENDRIE: I don't know quite whether to
7 ask you to go ahead and make a recut on your front end section
8 and do staff comments or let us read the staff comments and
9 then try to make our individual markups and do one after that.

10 MR. HANRAHAN: I would prefer to do the latter and
11 come and spend some time with each of you individually while
12 you're doing that.

13 COMMISSIONER AHEARNE: While I think there are
14 a number of staff comments which are clarifying and which are
15 also in the form that might be useful, particularly here,
16 a list of areas that are proposed for inclusion; I think
17 you might try to break out -- here's the section -- these
18 are the -- because at some stage I think we're going to have
19 to be in a situation where this side of the table is going to
20 have to start just working through something.

21 And whether that is a document with alternate
22 versions in it with emergency rules or whether it's a separate
23 document that lists -- but there has got to be --

24 COMMISSIONER KENNEDY: Given our experience that
25 you have now cited, I would suggest that you might take

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1 another look at that schedule, particularly as to the years.
2 I wouldn't worry about the months.

3 (Laughter.)

4 MR. HANRAHAN: There are no MPA -- we didn't
5 put in a year.

6 CHAIRMAN HENDRIE: Although, I think when they
7 use the term "multiyear planning," they don't mean that.

8 (Laughter.)

9 Get the guidance document out, at least so far
10 as that notion.

11 Well --

12 MR. BECKERLEY: We could work with MPA to give you
13 a cleaner document that starts with Commission comments and
14 adds staff comments and then we're a little farther along
15 before --

16 CHAIRMAN HENDRIE: How long will it take you to
17 do that after this meeting?

18 MR. BECKERLEY: We were proposing to give you
19 something at the end of next week, but --

20 CHAIRMAN HENDRIE: The end of next week is the
21 time I expect to see individual Commssioners' scratchings
22 in to you and the beginning of your putting together a
23 revised front end so that about a week from now, why, the
24 secretary can start scheduling a heavy series of meetings in
25 which we hammer out the final form. So --

dsp41

1 MR. HANRAHAN: The beginning of the week --

2 MR. BECKERLEY: MPA, of course, can give you
3 manpower on that; we'll make whatever date you say.

4 MR. HANRAHAN: We'll have to do it by the
5 beginning; it doesn't make any sense otherwise.

6 We will give you the package this afternoon -- you
7 know -- the whole list, the whole stack. And then we will
8 begin to do something with that over the next few days.

9 CHAIRMAN HENDRIE: Okay. If you want to try it,
10 we'll agree on that. I think the Commissioners need to
11 understand that that is being done because there's not much
12 point in marking up this one if another piece of paper is
13 coming.

14 COMMISSIONER AHEARNE: Although, Joe, the
15 comments really don't -- are not sweeping comments across those
16 documents. So it would still be very valuable if any
17 Commissioner hasn't gone through and read this to go through
18 and read it and provide their comments.

19 CHAIRMAN HENDRIE: All right.

20 (Laughter.)

21 COMMISSIONER BRADFORD: There are some words that
22 apply in that --

23 (Laughter.)

24 CHAIRMAN HENDRIE: Also, I think visiting around the
25 circle would be a useful thing. If the other offices are like

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1 I am, it takes a fair amount of time to get -- to get
2 organized and sit down and collect thoughts and write out a
3 considered, general paper on a subject.

4 And oft times you can talk about it and communicate
5 the general thoughts verbally much faster.

6 You were about to -- please do.

7 (Laughter.)

8 COMMISSIONER GILINSKY: I just looked at this
9 briefly, to be honest, but there is something about it that
10 bothers me, and I can't quite put my finger on it. I think --
11 I can't figure out why some of the statements are here, what
12 they do for budget planning.

13 And maybe OPE has lined them out. But things
14 like the public being acrimoniously divided on acceptability
15 of risk --

16 MR. HANRAHAN: Those were some of the things the
17 Chairman specifically wanted in there.

18 CHAIRMAN HENDRIE: Please, give Commissioner
19 Gilinsky opportunity to fully discuss his thrust here.

20 (Laughter.)

21 COMMISSIONER GILINSKY: I've written documents
22 like this in the past; in fact, in cooperation with Ed.

23 (Laughter.)

24 And I have found that it is useful to lay out the
25 questions that need to be answered. In other words: this is

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1 the answer to what question?

2 And I just found that a very useful way to organize
3 what needs to be put down: decide what should be in the
4 paper and what shouldn't be in the paper. Now, I'm just
5 throwing that out as a suggestion. You may in the end want
6 to take the questions out or put them in a statement form.
7 But I think it is very useful.

8 Frankly, I would like to see them there in the
9 final version just to lay out the questions to which we
10 need answers; and these are the answers.

11 COMMISSIONER AHEARNE: Some of the questions are:
12 what is the mission of this agency? How do we go about
13 fulfilling this mission?.

14 Those are some of the general questions to which
15 the general policy provides answers.

16 CHAIRMAN HENDRIE: But that is very good, you know;
17 there's an identified question, and there's the answer.

18 COMMISSIONER AHEARNE: There are questions latent
19 in the statements, and as a mechanism of getting there --
20 to the answers -- that is as good as any other approach.
21 I'm not sure whether putting the explicit series of questions --
22 but certainly working down to that is good.

23 CHAIRMAN HENDRIE: Well, I think, Vic, you know --
24 I think we had sort of a similar -- that your first flavor
25 off of it is similar to the one I had; that it seemed to me --

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1 well, I think my impression is that the document still asks
2 us to don one or two too many hair shirts; a modest amount
3 of self-flagellation is probably useful in the guidance
4 documents, but I don't see a need to agonize at great length
5 over the matter, but rather to get on to the "what are we
6 going to do about it" aspects of the thing.

7 Well, would people -- there are two things that
8 I would like to do. One of them is to give opportunity to
9 pick up particular points a Commissioner might have on any
10 point in the document, and then that one that we rose to
11 and saved for my smuggled comment that we came away from.
12 It's certainly a good place to start.

13 The other thing that I would like to do is to
14 try to have this meeting reflect to the staff at least the
15 individual Commissioner comments on some of the unresolved
16 topics so that whatever guidance can be developed there,
17 in fact, can be developed.

18 There is another -- there is another list of those
19 things in the OPE memo; in effect, five questions saying
20 these -- there are a number of basic questions.

21 Between Steve's unresolved topics slide and the
22 OPE five, which some of them overlap, why I would like to try
23 at some point to scan down those and see what the thoughts
24 are up and down the table for the value of that guidance.

25 Why don't we -- why don't we go back to the -- pick

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1 up points that you're particularly interested in, and why
2 don't we go back to that level or protection proposition and
3 scratch that a little bit more since it was a major point.

4 Peter, you restrained yourself before. Please
5 plunge ahead.

6 COMMISSIONER BRADFORD: Yes. I don't know that
7 one needs to single it out too much from the other items that
8 we'll be commenting on and finalizing over the next couple
9 of weeks.

10 But I was just going to remark when I saw the
11 number of offices that seemed to feel that the public
12 has not or a limited role to play, because I must say my
13 own instinct is it goes in the opposite direction.

14 And back during our last budget go-round, I think
15 Research indicated that they had some small amount of money
16 devoted to a project involving the definition of "acceptable
17 risk."

18 And I thought there was at least some feeling from
19 our side of the table that that ought to be pointed in a
20 direction towards public participation as quickly as possible.
21 Anyway, I would certainly feel that way in the context of this
22 item.

23 John, your comments certainly hit in this direction,
24 and I would make even more explicit the proposition that this
25 was a good area for some type of public proceeding at an early

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1 date.

2 COMMISSIONER AHEARNE: I think -- and Steve pointed
3 out -- that that was a summary statement, and that there are,
4 if you go back into details, it's not quite as harsh as you
5 could infer.

6 For example, one of the comments in it was that
7 that item seems to state that the NRC will determine adequate
8 levels of protection solely based on public judgments. This
9 leaves out other factors; for instance, research studies that
10 determine safety factors, et cetera, which also establish
11 levels of protection.

12 COMMISSIONER BRADFORD: I'm much less concerned
13 with the individual office comments that that was -- that
14 that gave me the reaction in the first place. But that was
15 using this document to make clear that this is a direction
16 that we feel is important.

17 COMMISSIONER AHEARNE: Right, yes.

18 CHAIRMAN HENDRIE: I think there is no question
19 that this is an appropriate vehicle to make it clear. I must
20 say that sort of the apparent conflict here is not real; I
21 really don't know anybody on the staff whose view is other
22 than that definition of "adequate level of protection" is
23 ultimately a social and political judgment in the broadest
24 sense.

25 And if there is any unanimous feeling on the staff

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1 that I can detect, it is that -- a feeling of desire for a
2 clearer definition from the appropriate bodies.

3 That goes beyond the Commission, in fact; so I
4 think it has to do, as John points out, with detail.

5 Well, in the absence of initiatives at higher
6 levels of the government, why, I think we have a responsibility
7 to do what we can to try to enunciate what seems to us to be
8 a clearer definition of an adequate level of protection and
9 expose it to comment.

10 And, you know, if the Congress wanted to then take
11 the matter up and put something into a law that either accepts
12 that or changes it, whatever, you know, we'd have better
13 guidance.

14 And at the very least, the discussion in the
15 broader forum would be valuable in settling it. But I do
16 think if we don't get legislative guidance, why, we're
17 going to have to go ahead and do the best we can and discuss
18 it publicly and get inputs, and so on.

19 I really don't think there are any staff offices
20 that would argue with that process, the appropriateness of it,
21 the necessity for it.

22 You know, Mattson was up here with the long term
23 lessons learned a few weeks ago saying, "One of my primary
24 messages, Commissioners, is you've got to tell us what does
25 adequate protection mean to help us get on and do it."

dsp48

1 I think when it comes to specifics, why, as I say,
2 the kind of thing that John indicated is right. But I don't
3 see any difference of opinion around the table with regard
4 to this being an appropriate element for the policy guidance
5 nor any difference of opinion, really, as to what the thrust
6 of that policy is.

7 COMMISSIONER GILINSKY: When you say, "appropriate
8 element," are you looking at this as a vehicle to spell out
9 what that adequate level is?

10 CHAIRMAN HENDRIE: No, but simply to -- as a matter --
11 as a policy document, and particularly the front end, which
12 sets some very general policy directions, and so on. I think
13 this is an appropriate place for it to say, as it does in
14 some fashion in here already, that it is our intent to plunge
15 in and try to develop a better enunciated and more detailed
16 definition of what is adequate protection for the benefit of
17 everybody, us and everybody else.

18 And part of that process will be seek public input
19 and discussion, and so on. Then the -- you know -- then the
20 document that says, "Here is what adequate protection means" --
21 draft one -- no, no, that is not what we're trying to do here.
22 It's just to enunciate the policy, that that's the direction
23 we're going.

24 MR. BECKERLEY: If you look at page 4, I think you
25 can see where the problem was there. Commissioner Ahearne

dsp49

1 suggested some changes in wording there to flesh it out more,
2 but the original statement was sort of flat footed. You're
3 going to go out somewhere in the public and pick up a definition.
4 So it was probably the way it was worded.

5 CHAIRMAN HENDRIE: Yes.

6 MR. BECKERLEY: And if you can see the way we've
7 got it marked over, you can see where the problem was.

8 CHAIRMAN HENDRIE: I think part of the problem is
9 going away in the changed language.

10 Other elements or more on this one?

11 COMMISSIONER BRADFORD: No, I have no more on this
12 one. But do you really want to try to work through this
13 item by item now?

14 CHAIRMAN HENDRIE: Part of the comments you would
15 make, are not -- if you think an appropriate way to deal with
16 the comments would be to forward the markups and then chew
17 on them as we come again to it, why, that it probably
18 preferable because the most valuable thing we could do here
19 would be to deal, as best we can, with some of the unresolved
20 or "we need further guidance in order to take the next step"
21 sort of things.

22 Now, if one of yours appears to fall into that
23 category, why, go ahead.

24 COMMISSIONER GILINSKY: I think this ought to be
25 a pretty spare document. We ought to go through it sentence

dsp50

1 by sentence and ask why this has to be in here.

2 I don't know what the answer is to a lot of it.

3 MR. BECKERLEY: You'll note we suggested a number
4 of them.

5 COMMISSIONER BRADFORD: That happens to be number
6 one on the unresjved topics list.

7 (Laughter.)

8 CHAIRMAN HENDRIE: I think as we go along we
9 can quibble, and as we come to final forms we can -- why
10 don't we cut over then to unresolved topics.

11 Why don't we start down Steve's list. Then we'll
12 pick up the OPE list.

13 Comprehensiveness.

14 COMMISSIONER KENNEDY: Should EEO be included?

15 CHAIRMAN HENDRIE: Let me say for myself that I
16 think it's impossible to make it comprehensive for this
17 round, A; and B, from some of the limited dicsussions so far
18 on this subject, that may not be a good thing, even in the
19 steady state, long term conditions.

20 So I guess I vote, let's not have every blasted
21 item that the agency does included in this document. But let
22 us please hear from other Commissioners and maybe particular
23 things; the one Commissioner Kennedy raises is a good question.

24 COMMISSIONER BRADFORD: Let's see; there's already
25 some sentiment for taking antitrust out. I think maybe what

dsp51

1 I would be included to do is put that somewhere near the
2 beginning, saying that there are a host of other things:
3 antitrust, EEO.

4 CHAIRMAN HENDRIE: Yes. That would be a very
5 valuable thing to do.

6 COMMISSIONER BRADFORD: Just to acknowledge that
7 we have statutory responsibilities in this area.

8 MR. CONVER: Excuse me, the only reference to
9 antitrust in the document itself is in the Commissioners'
10 statement. There is no reference that antitrust is --

11 CHAIRMAN HENDRIE: Well, but that doesn't run
12 counter to the thought here that a useful footnote early on
13 would be the list of items that a reader may find as he
14 progresses through the PPPG, that it includes all the
15 responsibilities of the agency.

16 Other comments in this area?

17 (No response.)

18 The response to the Kemeny and Rogovin reports --
19 and in a sense, that gathers up the impact of the TMI Action
20 Plan on programs and operating plants -- well, looking at the
21 schedule, I don't know what's unresolved about it, except I
22 guess we'll have to do the best we can.

23 And what is unresolved about it is it isn't clear
24 that we're going to be able to make this schedule and do all
25 that stuff.

dsp52

1 COMMISSIONER AHEARNE: But I'm a little puzzled in
2 the following sense: clearly, the Rogovin report, that
3 really depends upon if it meets its schedule and how much has
4 to be changed and incorporated in this document as it stands
5 now.

6 A vast amount of our response we sent over to Press
7 on the Kemeny has a much more significant impact on the
8 program plans than this document. So I'm not -- I don't
9 see any problem with trying to incorporate the results of
10 our deliberations on the Kemeny report, which I think is
11 in that report we sent to Press.

12 But I'm not sure having said that -- I'm not sure
13 what would change here.

14 MR. CONVER: That item reflects that nobody has
15 physically gone through the process of taking the Press
16 letter and sitting down with it and looking for Commission
17 policies which in turn would be transferred to the PPPG.

18 COMMISSIONER AHEARNE: I think this raises one
19 particular case.

20 MR. GOSSICK: I think there is going to be one
21 aspect, and that deals with priorities; what I understand of
22 the action plan and what you're going to see next Monday, that
23 research impact can't but help affect consideration of
24 priorities, the things we have to get done, and the cost
25 thereof. So it will impact your judgment on priorities.

dsp53

1 CHAIRMAN HENDRIE: It's less than it's unresolved
2 than it's the labor lies before us.

3 MR. HALLER: I think that may be right. This is
4 more a flag.

5 CHAIRMAN HENDRIE: More a flag. You're not asking
6 us if we should ignore it. The answer is no, we should not
7 ignore it. We should do it.

8 The problem is it's going to take some time.

9 MR. BECKERLEY: We were hoping on getting a first
10 cut on incorporating any significant input from Kemeny on
11 this next go-round. It seems to me we can go through the
12 Frank Press letter and identify some things. So we anticipate
13 leaving the Kemeny thing off until --

14 CHAIRMAN HENDRIE: By all means.

15 COMMISSIONER AHEARNE: I think you will find --
16 the Press letter, really, there's a lot of specifics, and the
17 specifics track with overall policies, and those policies are
18 pretty well represented here.

19 MR. BECKERLEY: There might be something on the
20 man-machine interface sort of thing that we could pick up.

21 CHAIRMAN HENDRIE: Okay. Content of program area
22 list.

23 COMMISSIONER AHEARNE: I guess my question there
24 was whether you should have a specific, identified item which
25 is the action plan.

dsp54

1 MR. HALLER: That may very well be one of the things
2 that the Commission would like us to track as a separate
3 program.

4 We thought about that, and should you wish us to
5 do that, we would like to hear about that. Also on that
6 particular topic, there were comments from the offices that
7 went in a couple of directions. One is that you ought to
8 include some more programs in the current list of programs;
9 and I believe NRR and NMSS had some suggestions along that
10 line.

11 There was also another type of a comment that was
12 made by NMSS, and that was that you ought to align the programs
13 more so they are identical to unique decision units, so that
14 in your tracking systems you don't have to cut across decision
15 units, but in fact you have identified the program so they
16 are along the diagonal of the matrix, if you will.

17 Right now we have in fiscal '80 identified, as
18 Steve has said, 19 program areas, several of which do cut
19 across the decision units; others of them are identified
20 uniquely with a decision unit.

21 For lack of a better list, we included that list
22 in the FY '82 to FY '86 PPPG, but it may very well be
23 appropriate that the Commission may wish to see others or
24 may wish to have them aligned in a different way.

25 COMMISSIONER AHEARNE: What comes to mind is I

1633 143

dsp56

1 think it exists for the transformation, but I don't know if
2 I can find it.

3 (Laughter.)

4 CHAIRMAN HENDRIE: Let's see; among the 19 --
5 there are 19 program areas, and there are about how many
6 decision units?

7 MR. HALLER: Approximately 50 in the five major
8 program offices.

9 MR. GOSSICK: We're finding some difficulties in
10 reviewing these program areas and being able to pick out the
11 decision units, that part of the decision unit that applies
12 to that program. And there is some additional work to be done.

13 CHAIRMAN HENDRIE: There isn't much difficulty when
14 you have a program area that has, say, three discreet decision
15 units that may fall into it. The problem is where you get
16 units that have legs in one or more programs.

17 MR. HALLER: Yes, sir.

18 CHAIRMAN HENDRIE: Well --

19 MR. HALLER: Would it be helpful for me to --

20 CHAIRMAN HENDRIE: I don't know whether it would
21 be handy to try to change the program areas or change the
22 decision units or do it cross-cut.

23 What were you going to say?

24 MR. GOSSICK: Let me suggest that we were trying
25 to get -- you know -- further along and do what needs to be

dsp57

1 done with the current reg guide.

2 I guess we could probably work along that and
3 come up with a solution. You've got one here that isn't
4 all that bad.

5 There probably are other things that we could
6 use our time on more profitably. I'd go with this for some
7 period of time until you see things that are obviously wrong
8 and have to be changed.

9 CHAIRMAN HENDRIE: Is there a number -- were there
10 14 program areas at the time --

11 MR. HALLER: There are 19.

12 CHAIRMAN HENDRIE: Were there 19 when we had the
13 previous --

14 MR. HALLER: Yes, sir; there were 19, right.

15 CHAIRMAN HENDRIE: It wasn't all that far off the
16 diagonal of the matrix.

17 MR. HALLER: That's correct.

18 MR. CONVER: They're listed on the back page of
19 your package here, Chairman Hendrie.

20 (Commissioner Gilinsky left the Commissioner's
21 conference room at 3:02 p.m.)

22 CHAIRMAN HENDRIE: Yes, yes.

23 Okay, let me scan down my unresolved -- let me
24 find it again. Better treatment of priorities: we're going
25 to have to find something better than a rank ordering from

dsp58

1 one to 70 or 100 or whatever it is. I'm getting sick and
2 tired of seeing letters from Congressmen coming in and
3 saying, "This decision unit is only ranked 37 in the agency.
4 How come it isn't number one?"

5 The answer is: there's only one number one,
6 dummy.

7 (Laughter.)

8 COMMISSIONER AHEARNE: I haven't seen that answer
9 yet.

10 (Laughter.)

11 CHAIRMAN HENDRIE: You've got to select one to be
12 number one, and the fact is that another has to be number two
13 or number 37; there are assorted responsibility areas. I
14 think it sounds to me like it's going to have to come off
15 with classes, red, blue, and green, or one, two, and three, or
16 A, B, and C, or something like that.

17 And even then it is going to be pretty agonizing
18 because we're all going to want everything in A, I bet.

19 MR. HANRAHAN: That's a problem. But if you can
20 put them -- some things may be highest priorities but don't
21 need additional resources. You have all the people in the
22 world working on it. Something that may be second priority
23 may need additional resources.

24 You don't want to give the appearance, because
25 you're putting resources on something and not something else,

dsp59

1 that there is a priority choice there.

2 But nonetheless -- you know -- it's the
3 actualization of that -- you know -- we're going to put 10
4 more guys and \$10 million or take 10 guys off of that job;
5 those are the real important decisions.

6 And I think they've got to be linked together.

7 CHAIRMAN HENDRIE: You weren't hoping to get
8 priority categories out of us today, were you?

9 MR. HALLER: No, sir. Let me comment --

10 CHAIRMAN HENDRIE: Be as ambitious as you like,
11 but --

12 (Laughter.)

13 MR. HALLER: Let me comment on that one just
14 a little bit; our approach to the priority setting part of
15 the document was, I think, typified in the section which
16 immediately follows the first 10 policies statements under
17 section A, "Protecting the Public."

18 Behind those 10 policy statements are a number
19 of items which I would call planning guidance, as opposed to
20 policy guidance. And in there we suggested certain things
21 like emphasis on this, emphasis on that. Do a little more of
22 this, this type of thing.

23 This was our approach to the priorities, and we
24 tried to steer away from actually saying, you know, here is a
25 long ranking -- although we did identify operating reactors,

dsp60

1 I believe, as kind of a top priority.

2 Now, my sense of the comments within the staff is
3 that they would like a little more delineation of priorities
4 along the lines of some sort of a ranking, perhaps. I don't
5 know whether that is going to be possible, and I guess I
6 personally believe that if you get too much into that, it
7 would not serve a very useful purpose.

8 CHAIRMAN HENDRIE: Well, I guess I -- well, okay.
9 There are certain general principles that follow, activities
10 that don't have much to do with the possible contacting of
11 members of the public, working staffs' facilities with
12 radiation. These seem fundamentally to me to have somewhat
13 less of an urgency behind them than those elements of
14 activities that do have that feature.

15 MR. BECKERLEY: You could always order priorities
16 in order of consequences. In other words, the consequences
17 of not doing a good job or prompt job on this would negligible
18 as far as the public is concerned.

19 In some cases they would be lower priorities.

20 CHAIRMAN HENDRIE: Well, yes. Let's see; inclusion
21 of fiscal guidance. Isn't that -- you want to stick it in
22 in some sort of broad range?

23 COMMISSIONER KENNEDY: I believe it's just about
24 central.

dsp61

1 (Commissioner Bradford left the Commissioner's
2 conference room at 3:07 p.m.)

3 The other one has left me in the lurch now.

4 MR. GOSSICK: Could I ask a question on that?
5 Is the intent to give a feeling that an office director
6 or EDO would not come to the Commission?

7 COMMISSIONER KENNEDY: It's guidance.

8 COMMISSIONER AHEARNE: It hasn't reached the
9 question of limitations, but it certainly would be a strong
10 indication.

11 MR. GOSSICK: An indication, to my own thinking,
12 is useful.

13 COMMISSIONER KENNEDY: The resource priorities
14 which the Commission has; and substantially altering that
15 would require pretty clear cut justification.

16 MR. HANRAHAN: It's a budget process; this is
17 one of the clear decision making processes where real decisions
18 get made. It's all right to close ceilings; you know what's
19 really going to be coming in there.

20 COMMISSIONER KENNEDY: Yes. It's going to be an
21 interesting exercise which everybody will have bound in a
22 proper volume on their bookshelf never to open again.

23 MR. HANRAHAN: Absolutely.

24 CHAIRMAN HENDRIE: Practical opposition.

25 (Laughter.)

dsp62

1 The Commission guidance on fiscal guidance is:
2 do it.

3 The internal management section? I don't know.

4 MR. HANRAHAN: Mr. Ahearne had strong views on that,
5 as I recall.

6 CHAIRMAN HENDRIE: Which way were they? Go ahead.

7 COMMISSIONER AHEARNE: It wasn't that I think we
8 need not have some strong actions in the management area,
9 but my view of a policy guidance document wasn't one where
10 the Commission then turns around -- the Commission --

11 CHAIRMAN HENDRIE: Tells itself what to do; I
12 agree with that. I agree with that. Okay.

13 On the OPE things, we've done fiscal guidance.
14 The program areas, are they listed appropriately? Well,
15 nobody so far has screamed about those, so I guess the first
16 cut there is fine.

17 The international area?

18 MR. BECKERLEY: We've provided you with an enclosure
19 three which discusses that.

20 CHAIRMAN HENDRIE: And -- enclosure three?

21 MR. BECKERLEY: It may be out of place.

22 COMMISSIONER AHEARNE: Between enclosure two and
23 page 12.

24 (Laughter.)

25 CHAIRMAN HENDRIE: Right, right. Yes, I see. I

dsp63

1 thought it was part -- I thought it was part of internal
2 management or "delete this."

3 COMMISSIONER KENNEDY: Is there anything we can
4 do about putting in a priority for the acquisition of a
5 collating machine?

6 (Laughter.)

7 MR. HANRAHAN: That's internal management, sir.

8 (Laughter.)

9 COMMISSIONER KENNEDY: We decided not to do anything
10 like that; that's right.

11 MR. BECKERLEY: The trouble is, I think, they
12 ran off the thing and page 12 was --

13 CHAIRMAN HENDRIE: Okay. Well, anyway, what's the
14 thrust of this comment on guidance for international
15 activities? Obey the law or --

16 MR. BECKERLEY: No, the thrust is -- the thrust is
17 premature.

18 COMMISSIONER AHEARNE: What?

19 MR. BECKERLEY: The thrust is premature.

20 CHAIRMAN HENDRIE: Yes, I'll buy that.

21 The internal management we've settled.

22 What guidance concerning risk assessment and
23 acceptable risk can be provided in the PPPG document; let's
24 see, page 3.

25 COMMISSIONER AHEARNE: That really gets to part of

dsp64

1 the question that Steve raised.

2 MR. HANRAHAN: Yes, the very first one, the
3 level of protection, the question I think you have answered.

4 MR. BECKERLEY: There was also question of whether
5 there was some inconsistency among the policy statements.

6 MR. HANRAHAN: That might well be.

7 CHAIRMAN HENDRIE: I'm not sure there is
8 inconsistency in what I at least would read as the thrust --

9 MR. BECKERLEY: Yes.

10 CHAIRMAN HENDRIE: -- of the January deliberations
11 and what we are currently doing.

12 MR. BECKERLEY: Right.

13 CHAIRMAN HENDRIE: But I -- but at the same time,
14 I wouldn't want to say it is all written down in a way
15 which is quite clear, and I think there might usefully be
16 some -- we might find it to be useful to provide some
17 clarification because there is a fairly powerful set of
18 tools, analysis tools out there which we are using, which
19 are important to use.

20 And I have found the impression -- occasionally
21 even in a staff person who isn't that close to it -- lots on
22 the outside -- that the Commission essentially forbade that
23 kind of activity back in January, which I didn't read our
24 thrust to be at any point.

25 And it may be that some clarification would be

dsp65

1 appropriate.

2 Now, is this document the place to do it?

3 Maybe, but I don't know.

4 COMMISSIONER KENNEDY: If that clarification is
5 necessary, are we going to make that clarification? I'm not
6 sure if this document is a way to initiate such action. It
7 only reflects it.

8 Be awfully careful. If we're going to initiate
9 new policy making in this document, everybody has to understand
10 that that is the name of the game.

11 COMMISSIONER AHEARNE: I think to some extent it
12 may be initiating new policy.

13 COMMISSIONER KENNEDY: It is supposed to articulate
14 existing policy, not make new policy.

15 COMMISSIONER AHEARNE: I think it does both, Dick,
16 because there are some issues that the Commission may not have
17 faced; at that point where it faces them and lays them out,
18 then it is making policy.

19 CHAIRMAN HENDRIE: Right. It certainly has that
20 potential.

21 COMMISSIONER KENNEDY: The act of the Commission,
22 specifically facing that question and saying yes, this is
23 what we wanted to say; the Commission has to do this.

24 COMMISSIONER AHEARNE: Oh, yes.

25 COMMISSIONER KENNEDY: And everybody has to understand

dsp66

1 that the document itself may be saying something that the
2 public didn't otherwise know.

3 COMMISSIONER AHEARNE: Correct. Correct. Or the
4 staff.

5 COMMISSIONER KENNEDY: Or the staff; that's right.

6 CHAIRMAN HENDRIE: Well, I don't know; it wouldn't
7 strike me really as a front end sort of an item, unless it's
8 become that glaring a difficulty throughout the staff. Somewhere
9 down in the body, it might be appropriate to cover it in this
10 document.

11 On the other hand, there are other ways to do it
12 too. I'm not sure. Did you have anything in mind, since you
13 guys brought it up?

14 MR. BECKERLEY: No.

15 MR. HALLER: May I make a comment on that, sir?

16 CHAIRMAN HENDRIE: Yes.

17 MR. HALLER: Risk assessment is one of the major
18 program areas, one of the 19, and my suggestion would be we
19 could handle that as part of a program write-up. If we
20 feel anything ought to go in front of it, other than what is
21 there, then we simply --

22 CHAIRMAN HENDRIE: The solution is so eminently
23 sensible that I hate to embrace it.

24 COMMISSIONER KENNEDY: Before it gets away, you
25 just got three votes for that.

dsp67

1 (Laughter.)

2 CHAIRMAN HENDRIE: Other items?

3 (No response.)

4 Okay, so what should I do, mark up the December 5
5 OPE one and sail it off to OPE?

6 MR. HANRAHAN: And we will get you the copy, if
7 you don't already have it, of the staff comments. And I will
8 be around to discuss it with you.

9 CHAIRMAN HENDRIE: Chat. And then you will --

10 MR. HANRAHAN: Make our best effort on it.

11 CHAIRMAN HENDRIE: We'll try to bash something
12 out by the first of the week, and starting sometime after a
13 week from now, why SECY will be scheduling its instructions
14 to try to move upon this.

15 All right?

16 Thank you very much.

17 COMMISSIONER AHEARNE: Before you disappear, I'd
18 like to congratulate all of you people who worked so hard in
19 getting us so far along.

20 MR. HALLER: Thank you very much. It was a challenge
21 to write the document, and we're very pleased to be a part of
22 it.

23 (Whereupon, at 3:17 p.m., the meeting was adjourned.)

24

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1633 155