

DRAFT

## STATEMENT OF POLICY

The Nuclear Regulatory Commission has instituted a Special Inquiry to review and report on the accident which took place at the Three Mile Island Nuclear Station No. 2 beginning on March 28, 1979. The primary objective of the inquiry will be to make factual determinations concerning the actual events which occurred and their causes, and the actions of utility and Commission personnel before and during the accident. The inquiry will also identify areas of deficiency revealed by the accident and areas in which further investigation is warranted.

The Special Inquiry will be headed by a Director and Deputy Director selected from outside the Commission. They will be assisted by a staff of their own choosing, numbering around 25 persons. The Director and Deputy Director will possess full independence in carrying out the inquiry, and will be removable only for malfeasance or neglect of duty. It is expected that in selecting a staff, they will draw substantially on senior NRC staff for expertise. The target date for completion of the report of the Special Inquiry is November 1, 1979.

The Special Inquiry represents the initial phase of the Commission's evaluation of the accident and its implications. It is not intended to duplicate the efforts of the President's Commission on the Accident at Three Mile Island.

7907100294 259 178

It is designed instead so that the Nuclear Regulatory Commission, in order to fulfill its own regulatory responsibilities, will have the fullest possible understanding of the events at Three Mile Island, both from the technical standpoint and from the standpoint of how its regulatory processes functioned. The purpose of that evaluation is to permit the Commission to take whatever further steps may be necessary to prevent any similar accident in the future, and to improve the NRC's ability to respond to accidents.

The specific areas which the Special Inquiry will examine include the following:

- the sequence of events during the accident, both what was happening to the reactor and the response of the operating personnel; events at the plant before the accident that might be related to the accident; the operating history of the plant.
- the history of the NRC review of the utility's application for a license to operate Three Mile Island No. 2; the inspection history at TMI-2; the operating and inspection histories of other Babcock & Wilcox plants, focused on any indications of the types of problems that arose in the TMI-2 accident.

- the sensitivity of Babcock & Wilcox plants to accidents; unique features of TMI-2 that may have increased or decreased the severity of the accident; other design effects related to the TMI-2 accident.
- emergency response plans for TMI-2 and their review by NRC.
- TMI-2 operations, including training and qualifications of personnel, operating procedures and management overview; NRC license conditions on TMI-2 operations, including technical specifications; technical support to operating personnel and management.
- emergency response to the TMI-2 accident by NRC, including staff and Commissioners, on site and at headquarters; NRC coordination with Federal, State, and local officials, the utility, industry sources, and the national laboratories; NRC management of the accident situation, including assessment and dissemination of information; communications and chain of command within NRC.

- emergency response to the TMI-2 accident by the utility, including coordination with NRC and other Federal, State, and local officials, and assessment and dissemination of information.
- implications of the accident at TMI-2 (including design of the facility, operations, regulatory actions, emergency preparedness) for other licensed nuclear power plants.

The Director's responsibilities will include periodic interim reports to the Commission. These reports will also be available to the public. The Commission expects that the Director will adhere to the scope of inquiry outlined in this Statement of Policy. If the Director determines that other matters, beyond the scope of the inquiry as outlined herein, require further examination, he shall so advise the Commission.

The Commission emphasizes that it will take whatever regulatory action it deems necessary at any time, based on information available to it at that time. By instituting the Special Inquiry, the Commission intends no suggestion that it will withhold regulatory action with respect to identified deficiencies until the inquiry is completed.

The Director will have the further responsibility of cooperating with the President's Commission on the Accident at Three Mile Island and with such other investigations as may be instituted by committees of the Congress. The Commission will delegate to the Director its statutory power to conduct investigations and issue subpoenas. In order to assure the independence and integrity of the inquiry, the Director, Deputy Director, and their staff will be requested to maintain records of all discussions with all persons, including Nuclear Regulatory Commission personnel, bearing on the subject matter of the inquiry or the inquiry itself.

1 COMMISSIONER GILINSKY: All right. We ought to ta  
2 about form and scope.

3 By the way, have you had a chance to look at the  
4 President's Executive Order?

5 COMMISSIONER AHEARNE: (Nods affirmatively.)

6 COMMISSIONER KENNEDY: (Nods affirmatively.)

7 COMMISSIONER GILINSKY: Maybe we ought to talk abo  
8 scope for a moment. just to see whether that affects how we  
9 at the form.

10 Just running down this Executive Order, looking a  
11 what they plan to do, (a) a technical assessment of the even  
12 and their causes, we certainly would want to do that.

13 Analysis of the role of managing utility --

14 COMMISSIONER AHEARNE: To some extent we have to  
15 that.

16 COMMISSIONER GILINSKY: I don't know just how far  
17 they plan to go here. But certainly the role of the managin  
18 utility in dealing with the operation of the facility is  
19 something that we have got to deal with.

20 An assessment of the emergency preparedness respo  
21 of the NRC and other federal and state and local authorities  
22 I think we would probably stick to the NRC, but what do you  
23 think about that?

24 COMMISSIONER KENNEDY: I guess -- yes, I think w  
25 have to, but we have to step one step beyond that. And tha

RMG 16

1 in terms of our assessment, if you will, of our relationships  
2 with them -- how do we interface with them, and if we --

3 COMMISSIONER AHEARNE: But it still is in --

4 (Inaudible.)

5 COMMISSIONER KENNEDY: But one other thing. Did we,  
6 to the extent that it was our job to do so? And I think that  
7 that needs to be looked at, too, whether it is or not, and  
8 to the extent that it is.

9 To the extent that it may be our job to call upon  
10 those agencies. Did we make full use of the resources which  
11 they had available? Did we know what those resources were,  
12 et cetera. I think we have to do that.

13 But you are right, we don't assess their -- what  
14 they did.

15 COMMISSIONER GILINSKY: The NRC and its relationship  
16 to the various federal, state and local authorities that were  
17 involved in this accident.

18 COMMISSIONER AHEARNE: Yes.

19 COMMISSIONER GILINSKY: Okay. An evaluation of the  
20 NRC --

21 COMMISSIONER KENNEDY: Excuse me, I was going to add  
22 one more thing.

23 In that little rubric -- maybe it's a separate one,  
24 but it's related to it -- and that is, NRC's relationship to  
25 the laboratories and to all the technical institutions on which

RMG 17

1 we were calling for enormous amounts of advice, if you remember  
2 And I think that needs to be -- that is sort of what we were  
3 talking about earlier, the role of research in all of this,  
4 and NRR.

5 COMMISSIONER GILINSKY: That is partly covered by  
6 response of NRC, and partly through dealing with other federal  
7 agencies. Mainly highlighting.

8 COMMISSIONER KENNEDY: I was thinking -- no, I was  
9 thinking not of federal agencies. I was thinking of, you know,  
10 calling vendors and private sector and universities.

11 But it is, I guess -- I think it certainly can be,  
12 if we understand it to, it can be included within.

13 COMMISSIONER AHEARNE: It's NRC -- and there are a  
14 whole set of things.

15 COMMISSIONER GILINSKY: But it is very much more  
16 NRC-focused.

17 COMMISSIONER KENNEDY: That's right.

18 COMMISSIONER GILINSKY: Then the Presidential  
19 inquiry. Okay. (d) An evaluation of the NRC's licensing,  
20 inspection, operation, enforcement procedures as applied to this  
21 facility. I think that that is something that we have to do,  
22 and I think we probably have to go beyond that, in thinking about  
23 what does it say for other facilities.

24 Whether that needs to be part of the initial effort,  
25 though, I'm not sure.

included?

C.d #1

Ad Central Reporters, Inc.

259 185

1 COMMISSIONER AHEARNE: Well, I think to the extent  
2 that, for example, if there are events at Davis-Besse,  
3 at Rancho Seco that were very similar, what happened with  
4 that information is probably part of it.

5 COMMISSIONER GILINSKY: Well, maybe the answer is  
6 as applied to this facility and relevant to this facility.

7 COMMISSIONER AHEARNE: Yes.

8 It is relevant to this accident.

9 COMMISSIONER GILINSKY: Relevant to this accident.

10 COMMISSIONER KENNEDY: Do you want to stop it there?

11 COMMISSIONER AHEARNE: Well, what did you --

12 COMMISSIONER KENNEDY: I'm thinking in a sense  
13 the generic implications in the licensing process of what we  
14 see as the total response.

15 COMMISSIONER GILINSKY: I wonder if we should grab  
16 all of that up right now for the first six-month effort?

17 COMMISSIONER AHEARNE: That begins to slip over into  
18 what I was trying to say in the beginning. There can be  
19 very easily -- and I thought that the previous draft that we  
20 had last time had slipped over into concentrating on the  
21 sweeping conclusions and recommendations which we have to  
22 address.

23 But we have to concentrate initially into trying  
24 to lay out all of the facts relevant to this.

25 COMMISSIONER GILINSKY: I'm afraid of we --

1 COMMISSIONER KENNEDY: That's all right so long as  
2 we understand and it is understood generally. And I think a  
3 policy statement should make that clear, that we are talking  
4 really about a two-phased enterprise. That is one phase which  
5 is a detailed examination of facts, and the drawing of some  
6 conclusions in respect to those facts; following which there  
7 will be then some sort of an analysis of the total context  
8 in which our business is conducted.

9 COMMISSIONER GILINSKY: It may be many-phased.

10 It certainly will encompass all of that --

11 COMMISSIONER KENNEDY: I think there's going to be,  
12 however, a great pressure, one which I would certainly expect  
13 and understand, I feel it myself, to find out not just what  
14 happened here, but more importantly what does this mean for  
15 everything that we're doing?

16 Are we confident, or can we be confident that we  
17 have found all the holes, if there are such, in process and  
18 in technique of analysis, et cetera, which will prevent this  
19 sort of thing from arising ever again.

20 I think that's what the objective has to be. We have  
21 to find out ultimately --

22 COMMISSIONER GILINSKY: The question is, do we  
23 have to do that right at the outset?

24 COMMISSIONER KENNEDY: What I'm saying is, the pressure  
25 I certainly think, ought to be on getting to that position as

mm

1 quickly as possible. We can't allow it to look as though we  
2 are pushing that off, you know, for months, years. We need to  
3 come to grips with that question.

4 COMMISSIONER AHEARNE: It's got to be pushed off  
5 months. Because we have got to understand, first.

6 COMMISSIONER GILINSKY: Right.

7 COMMISSIONER KENNEDY: I agree with that.

8 COMMISSIONER GILINSKY: That effort has got to  
9 feed off this effort. So that effort needs to absorb --

10 COMMISSIONER KENNEDY: What I'm saying is we ought  
11 to, at the very outset, commit to that.

12 COMMISSIONER GILINSKY: Oh, there's just no question  
13 about that.

14 COMMISSIONER AHEARNE: I think what Dick's saying  
15 is we have to make it explicit.

16 COMMISSIONER KENNEDY: Make it very explicit.

17 COMMISSIONER GILINSKY: I agree.

18 COMMISSIONER KENNEDY: We ought to try, therefore,  
19 to compress that initial timeframe to the extent that it is  
20 possible to do so. That there's a continuing -- and it's clear  
21 that in a very very restricted timeframe we are going to get  
22 to those basic questions.

23 COMMISSIONER GILINSKY: Right.

24 And exactly how that will be done will get mapped  
25 out in the near future and will probably start --

mm4

1 COMMISSIONER KENNEDY: Let me say, some of those  
2 things, of course once we say that that's what we are committe  
3 to do, and that's the objective of the enterprise, that, of  
4 course, is what your Board or Director or whoever it is is  
5 going to come to grips with very quickly. He has got to map  
6 that out.

7 COMMISSIONER AHEARNE: See there, you've got --  
8 that's the problem I had last time.

9 If you say the fundamental objective is the  
10 sweeping set of recommendations, then our group, whoever we  
11 set up is going to focus, aha, that's what I have to focus on.

12 COMMISSIONER GILINSKY: It's too all-encompassing.

13 COMMISSIONER AHEARNE: And they won't develop that  
14 detailed record of what happened. And we're going to be stuck  
15 with trying to, months later, resurrect how it really happened.

16 COMMISSIONER KENNEDY: That gets to the point.  
17 Make it clearly demarcated as a two-phased exercise.

18 COMMISSIONER AHEARNE: Yes.

19 COMMISSIONER KENNEDY: And its first initial phase  
20 to be completed by X date, the Board, or whatever will do the  
21 following.

22 COMMISSIONER GILINSKY: Right.

23 COMMISSIONER KENNEDY: It then will turn to, you  
24 know, and report within X number of months or weeks or whatever,  
25 on the following questions.

mm5

1 But it ought to have in mind that that's where it's  
2 going.

3 COMMISSIONER AHEARNE: It depends on what you set  
4 up. And it's still not obvious to me. The right solution is  
5 not the same group.

6 COMMISSIONER GILINSKY: Okay. But the separation is  
7 not from factfinding and evaluation, the separation is  
8 factfinding and evaluation of this accident and evaluation for  
9 what it means for our process.

10 COMMISSIONER AHEARNE: No. See, in my mind I really  
11 see a demarcation of factfinding on this accident and those  
12 things germane to it. And then an evaluation of, what does that  
13 mean.

14 That's the demarcation I see.

15 COMMISSIONER GILINSKY: Okay. I guess I would have  
16 put it, let's deal with this accident, and then deal with what  
17 does it mean for the rest of nuclear regulation.

18 COMMISSIONER AHEARNE: I think when you start  
19 concluding there would be two kinds of results, I think you are  
20 going to end up with, when you examine this accident, some  
21 are really going to be very accident-specific and you will  
22 have some conclusion that it's really unique in this particular  
23 situation.

24 And the others will be more characteristic of the  
25 licensing investigation, operational process in general.

mm

1 COMMISSIONER GILINSKY: I would expect this  
2 initial effort to bring up things such as, suppose that  
3 operator training was inadequate. I would expect that to come  
4 out of this initial effort.

5 COMMISSIONER AHEARNE: But that's an almost sweeping

6 COMMISSIONER GILINSKY: Not necessarily.

7 It may have applied to this specific case. And then  
8 if you go on and say, well, what does this say about our  
9 operator licensing process, I would sort of hold off until we  
10 have been able to absorb the facts in any evaluation of this  
11 case.

12 I don't think we ought to be holding up our conclu-  
13 sions about this case until some later date.

14 COMMISSIONER KENNEDY: I agree with that.

15 I think, to me, at least, a logical progression is  
16 the factfinding, and I keep thinking, I can't imagine amassing  
17 facts without, at the same time, as you are amassing them,  
18 beginning to see a picture which tells you something and which,  
19 therefore, is already in the nature of conclusions. They emerge  
20 you know.

21 I think conclusions are reached as you are going  
22 along.

23 COMMISSIONER AHEARNE: Sure, you postulate, and then  
24 you get some more and you refine it, and you get some more and  
25 you refine it. That's certainly true.

mm7

1 COMMISSIONER KENNEDY: Yes. So by the time you get  
2 through the factfinding, you have essentially reached some  
3 conclusion. And it's then a question of refining those,  
4 thinking about them more deeply.

5 And it's almost inconceivable to me that I could  
6 draw conclusions without thinking what I would do about them,  
7 you know, which is in the nature of recommendations.

8 That's on the score, however, of the immediate  
9 case. You know, what could you have done in respect to this  
10 case that would have helped the situation?

11 Or, prevented it?

12 Now, there's the next step which is, does that have  
13 generic application, or was it peculiar to this particular  
14 circumstance?

15 COMMISSIONER AHEARNE: But Dick when if we conclude  
16 that that's really the right way to go, then you are faced with  
17 either one of two things:

18 Either you go immediately to the Advisory Committee  
19 Act, or you exclude outside-of-government people.

20 COMMISSIONER GILINSKY: Not if you had this directorate.

21 COMMISSIONER KENNEDY: I don't see why.

22 COMMISSIONER AHEARNE: Oh, I think you do because  
23 you are now setting up a panel, which is going to make -- give  
24 advice. And it seems to me that is the advisory committee.

25 COMMISSIONER KENNEDY: Oh, excuse me.

mm

1 COMMISSIONER GILINSKY: They are staff to a  
2 directorate, and in the other case they are government  
3 employees.

4 COMMISSIONER AHEARNE: No, I'm talking about in  
5 Dick's case, it's a panel.

6 COMMISSIONER GILINSKY: But they are government  
7 employees.

8 COMMISSIONER AHEARNE: That's what I said, your two  
9 choices are you either have government employees or you have  
10 the Advisory Committee Act.

11 COMMISSIONER GILINSKY: If you have your panel?

12 COMMISSIONER AHEARNE: Right.

13 COMMISSIONER KENNEDY: I think -- I can't conceive  
14 that you are going to get some guys -- well, maybe you can, just  
15 factfinders. They are going to find the facts and they are going  
16 to say nothing more.

17 It's going to go off and leave you with a whole  
18 report which says, "Here's what happened," period.

19 COMMISSIONER GILINSKY: Let me ask you, do you want  
20 to break for -- John doesn't eat lunch.

21 COMMISSIONER AHEARNE: This is a particular religious  
22 day. At 2 o'clock I have to leave.

23 COMMISSIONER KENNEDY: I was planning on the same  
24 thing.

25 COMMISSIONER AHEARNE: I can come back tomorrow,

mm

1 but I have to leave today at 2:00.

2 What I'm trying to get at is, if we are really  
3 going to go into asking a group to provide conclusions and  
4 recommendations which encompass all of the --

5 COMMISSIONER KENNEDY: How would you see getting  
6 that?

7 COMMISSIONER AHEARNE: See, the two options I saw  
8 getting it, is after this task force had completed its fact-  
9 finding, the task force is heavily weighted with NRC people.  
10 And the reason I did that is I felt it's very -- it's necessary  
11 to have good access to all of the facets of the agency pulling  
12 to work together. And that you also wanted to have people who  
13 were quite familiar with the procedures and with reactors to  
14 lay out, make sure you understood the facts.

15 At the end of that I saw either -- and I didn't talk  
16 to counsel so I don't know whether either is legal -- I saw  
17 either the chairperson and vice-chairperson or outside people  
18 in my construction, then separately hear the facts.

19 COMMISSIONER KENNEDY: You mean outside the agency  
20 or outside the government?

21 COMMISSIONER AHEARNE: I saw at least one of them  
22 being outside the government. But I saw them being asked to  
23 provide their individual views.

24 Or, alternatively, to try to hold a public meeting  
25 in which just the whole group was asked to provide their views.

1 I didn't know whether either of those would still  
2 enable us to keep the first group.

3 COMMISSIONER KENNEDY: Let me say, you know, the  
4 fact that you have an inside government, but outside-the-agen  
5 sort of body, doesn't exclude you -- Just because the Advisory  
6 Committee Act doesn't come into play, it certainly doesn't  
7 exclude you. Indeed, I would visualize it at the end of  
8 the enterprise at some point, or maybe even at some point durin  
9 the enterprise, I could see it. But certainly at the end, a  
10 public meeting at which they would lay out what they believed  
11 and --

12 COMMISSIONER GILINSKY: I wonder if we could just  
13 run down and finish the scope here.

14 Running down the White House List and see how ours  
15 would differ. I think we could get right back to this  
16 discussion.

17 COMMISSIONER AHEARNE: Okay.

18 COMMISSIONER GILINSKY: D was an evaluation of the  
19 NRC's licensing and other activities as applied to this  
20 facility and this accident, really, which would include any  
21 other relevant information that should have been considered  
22 before the accident.

23 COMMISSIONER AHEARNE: Uh, huh.

24 COMMISSIONER GILINSKY: The next point they have is  
25 an assessment of how the public's right to information and so

mm 1 on was served.

2 I think we ought to take a look at our own.

3 COMMISSIONER AHEARNE: I think we ought to take  
4 a look at our own, but that's a much broader --

5 COMMISSIONER GILINSKY: Right. That's what I'm saying  
6 So we are really kind of just going down this list and saying  
7 we are NRC-centered --

8 COMMISSIONER AHEARNE: Yes.

9 COMMISSIONER GILINSKY: -- at the way we handle relea  
10 of information.

11 COMMISSIONER AHEARNE: Right.

12 COMMISSIONER KENNEDY: I agree to that.

13 COMMISSIONER GILINSKY: F, they say appropriate  
14 recommendation based on the Commission findings.

15 And I would, at this point stick to pretty much  
16 this instant and look to an amplified effort to really  
17 consider what does this mean for our whole process.

18 COMMISSIONER AHEARNE: Yes.

19 COMMISSIONER GILINSKY: Okay.

20 Are you going to write that up, Len?

21 MR. BICKWIT: Yes.

22 COMMISSIONER GILINSKY: Does that pretty well cover  
23 it?

24 COMMISSIONER KENNEDY: The last statement, by limiting  
25 it to this particular thing and leaving the other to some

mm

1 broader -- I keep saying that I think that our responsibility  
2 here is essentially twofold, and you cannot separate them.  
3 And indeed, it's the second that is the broader implications,  
4 which obviously in the circumstances, is the most important.  
5 You've just got to deal with that.

6 COMMISSIONER GILINSKY: Let me put it this way: I  
7 think that's right. Maybe I said it wrong.

8 You really do want any explanations they have that  
9 go beyond this incident. But I think to really weigh those, you  
10 really have to have an examination that goes beyond this plant.  
11 There's just a lot of things you have to look at. And I just  
12 don't want this group going off and investigating all the  
13 plants in the country.

14 COMMISSIONER KENNEDY: All right. So long as you  
15 know, at some point --

16 COMMISSIONER GILINSKY: We have got to do that. We  
17 have got to say what does this mean for the entire process.

18 COMMISSIONER KENNEDY: Somehow that's got to be  
19 in the construct of the scope.

20 COMMISSIONER GILINSKY: Of course. Right.

21 COMMISSIONER KENNEDY: Counselor, you can figure  
22 out how to do it. We are agreed. The only question is how to  
23 say it.

24 COMMISSIONER AHEARNE: Make sure you're agreed.

25 COMMISSIONER GILINSKY: That effort is not going to

1 end in six months. In other words, when we start talking about  
2 what does this mean for the rest of our process, that's  
3 something we're going to be thinking about for sometime.

4 COMMISSIONER AHEARNE: I would agree, Dick, but  
5 the distinction I see is that whatever group we end up  
6 setting up here, their scope really doesn't go to that broader  
7 issue.

8 COMMISSIONER KENNEDY: I accept that. I accept that  
9 But what I'm saying is we cannot assume that this group, having  
10 completed in whatever timeframe we set, there's going to be  
11 a very long time before we hear anything more about the other.

12 COMMISSIONER GILINSKY: No, no. I would hope that  
13 anything -- a further effort would start sometime during the  
14 six-month period.

15 COMMISSIONER KENNEDY: Before this one is finished?

16 COMMISSIONER GILINSKY: Yes.

17 But as stuff becomes available from this effort, we  
18 start thinking about another effort.

19 COMMISSIONER KENNEDY: That's what I'm saying. Our  
20 scope construct has to identify.

21 COMMISSIONER AHEARNE: That's agency scope, not the  
22 scope of whatever group is set up.

23 COMMISSIONER KENNEDY: Okay.

24 COMMISSIONER GILINSKY: Yes.

25 COMMISSIONER KENNEDY: What we're talking about is t

mm

1 scope of the agency effort.

2 And then in that construct, we're saying this group  
3 is going to do this, and another group is going to do something  
4 else, and we need to say that, I believe, at the outset.

5 COMMISSIONER AHEARNE: Fine.

6 COMMISSIONER KENNEDY: I think we agreed to that.

7 COMMISSIONER GILINSKY: Yes.

8 COMMISSIONER KENNEDY: If you can figure out how  
9 to write it counselor, we are all set.

10 COMMISSIONER AHEARNE: We are not yet all set.

11 COMMISSIONER KENNEDY: We are talking about scope.

12 COMMISSIONER AHEARNE: Yes.

13 COMMISSIONER KENNEDY: Scope we're set, essentially.

14 Now, there are some things, by the way, that are  
15 in considerable detail. I found most of them to be useful. I  
16 doubt that one needs to put all those things into --

17 COMMISSIONER GILINSKY: Where are they?

18 COMMISSIONER KENNEDY: They are in this paper we had  
19 the other day.

20 COMMISSIONER GILINSKY: Okay..

21 COMMISSIONER KENNEDY: I think many of those  
22 certainly are useful, and there ought to be some way in which  
23 we could communicate those.

24 COMMISSIONER AHEARNE: The problem I had with this --  
25 so when I rewrote the scope, I tried to adjust it -- is I felt

1 this scope is really the broader, whole-agency scope.

2 COMMISSIONER GILINSKY: Yes.

3 COMMISSIONER AHEARNE: And what I tried to do is  
4 modify it to bring it back to the scope of this accident  
5 and relate it to this accident.

6 COMMISSIONER KENNEDY: All right.

7 COMMISSIONER GILINSKY: So I think we have reasonabl  
8 clearly distinguished what we do as opposed to what the  
9 President's group does.

10 The question is, how are we going to do it.

11 COMMISSIONER AHEARNE: Yes, that does seem to be  
12 the --

13 COMMISSIONER GILINSKY: And we have got 46 minutes.

14 (Laughter.)

15 -- to figure that out.

16 COMMISSIONER AHEARNE: I would suggest the first  
17 thing to decide is, do you want this group to reach conclusions  
18 and then the second would be, from what structure?

19 COMMISSIONER GILINSKY: I thought we just decided  
20 that we did.

21 COMMISSIONER KENNEDY: Related to this accident.

22 COMMISSIONER AHEARNE: I'm willing to --

23 COMMISSIONER GILINSKY: I must say if any one of them  
24 has any thoughts that go beyond, I am going to be interested  
25 in what they are.

mm

1 COMMISSIONER KENNEDY: I hope they communicate them

2 COMMISSIONER GILINSKY: Yes.

3 COMMISSIONER AHEARNE: I disagree that the group ought  
4 to do that, but I'm willing to go along with having them do  
5 that. But I think that means that you are going to end up  
6 bringing the Federal Advisory Committee Act in at the beginning

7 COMMISSIONER GILINSKY: When you say "conclusion"  
8 what do you mean?

9 COMMISSIONER AHEARNE: Drawing conclusions from what  
10 they found out, which I think means advice.

11 Is that correct?

12 MR. BICKWIT: Sure. Yes.

13 COMMISSIONER AHEARNE: So once they -- if there is  
14 a non-government employee on, say, a panel, and if they provide  
15 conclusions, does that, or does that not bring in the Advisory  
16 Committee Act?

17 MR. BICKWIT: If it's a panel, yes.

18 COMMISSIONER GILINSKY: Wait a minute, John.

19 Suppose we go with your model of a director who  
20 directs a senior staff with these six guys, and they -- you  
21 know, they are a bunch of people that work for them.

22 COMMISSIONER AHEARNE: If a non-government person is  
23 hired as a temporary employee, are they now a government  
24 employee?

25 MR. BICKWIT: I believe not.