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~~ATTACHMENTS~~

NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

DISCUSSION OF EMERGENCY PLANNING

Place - Washington, D. C.

Date - Thursday, 7 June 1979

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3
4 PUBLIC MEETING
5 DISCUSSION OF EMERGENCY PLANNING

6 - - -

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

10 Thursday, 7 June 1979

11 The Commission met, pursuant to notice, at 11:30 a.m.

12 BEFORE:

13 DR. JOSEPH M. HENDRIE, Chairman

14 VICTOR GILINSKY, Commissioner

15 PETER A. BRADFORD, Commissioner

16 JOHN F. AHEARNE, Commissioner

17 PRESENT:

18 Messrs. Shapar, Gossick, Haller, Bickwit, Chopko, Snyder,
19 Chilk, Denton, and Ryan.

P R O C E E D I N G S

1 CHAIRMAN HENDRIE: If we could come back to order.

2
3 The next item on the Commission's agenda this
4 morning, is a discussion on emergency planning.

5 I had asked the Commissioners early in the week if
6 they did not agree with me that this was a subject we needed
7 to discuss early rather than late, and got general agreement.
8 We have put it on the agenda.

9 I will have to ask my colleagues to join me in
10 voting to hold this meeting on less than one week's notice.

11 Those of you in favor please indicate by saying
12 "aye."

13 COMMISSIONER BRADFORD: Aye.

14 COMMISSIONER GILINSKY: Aye.

15 COMMISSIONER AHEARNE: Aye.

16 CHAIRMAN HENDRIE: Aye.

17 So ordered.

18 I will note by way of background, that there are
19 various activities going on in the area of emergency planning.

20 There are also some things before the Commission in a fairly
21 pressing way.

22 There was a while ago -- in fact, about the
23 beginning of March -- about the end of March, I guess, a GAO
24 report was published which recommended to the Commission,
25 among other things, that we should require that there be

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1 state plans for emergencies around reactor facilities or
2 nuclear facilities, that there should be state plans in
3 existence, in which the NRC has concurred, and which
4 therefore meet the planning documents, have the essential
5 planning elements that our guidance documents for such plans
6 enumerate.

7 We owe the GAO a response, and in fact, the
8 Government Operations Committee in Congress. And nominally,
9 it was due the 30th of May.

10 There have been various draft versions in
11 Commission offices for review. There is a current redraft
12 by Commissioner Ahearne, which has just come around.

13 Now, it seemed to me that in discussing these
14 matters both with Staff and with other Commissioners, I have
15 perceived what I think is a pretty general consensus that we
16 recognize the need to go forward and improve the emergency
17 planning situation for facilities that we license substantially
18 and in a number of areas.

19 The question of concurred-in-state plans, local
20 plans around facilities are all part of this. One of the
21 things that I have groped for has been the format in which
22 we -- in which it would be best for the Commission to move
23 forward and deal with some of the broader questions here.

24 It seems to me on balance, that a rulemaking
25 proceeding on the question is -- would be desirable. I

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1 believe it could reasonably be structured in recognition of
2 the needs, so that it didn't turn out to be one of these
3 three-year propositions. And I would hope maybe this morning
4 we can talk some about how that can be accomplished.

5 But, it seems to me that it would be a desirable
6 and useful way in which to allow all of the interested parties
7 to get their comments on the matter in hand, and then that
8 record will provide the basis for the Commission to move
9 forward and to implement in regulation form, what I, as I say,
10 have judged to be a general agreement among us, that improve-
11 ments in this line are necessary and that we ought to get on
12 with it.

13 Commissioner Ahearne's redraft in response to the
14 GAO letter enumerates the sorts of things that one would want
15 to see in such a rulemaking.

16 Let's see. Can I borrow that back?

17 COMMISSIONER GILINSKY: Certainly.

18 (Handing document to the Chairman.)

19 CHAIRMAN HENDRIE: They include questions along
20 the lines of what constitutes an effective emergency response
21 plan for state and local agencies; what are the critical
22 elements. I would think that as a part of that discussion,
23 some of the work and results of the EPA/NRC task force on
24 emergency planning, would be a part of that discussion.

25 Another item would be, should prior NRC concurrence

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1 in the associated state and local emergency response plans
2 be a requirement for the issuance of new operating licenses?
3 And, if so, when should this general requirement become
4 effective?

5 And similarly, with regard to operating plants,
6 should such concurrences be a requirement for continued
7 operation? And again, what sort of a time schedule -- if
8 so, what sort of a time schedule would be appropriate?

9 There may be other items that could be included,
10 ought to be included in such a proceeding.

11 I would hope that our discussion this morning
12 can touch on the possible framework for such a rulemaking.
13 I would encourage the Commission to, in fact, after discussion
14 this morning, see if we can't agree on the general outline of
15 such a thing, and to say yes, indeed, we propose to move
16 forward in this direction. And obviously, development of
17 details about it will have to go forward afterwards.

18 But I would think we might be able to agree on
19 general direction. I do feel the need for us to get moving
20 on this subject in one way or another. And it seems to me of
21 sufficient complexity and importance, so that a broad range
22 of input would be very helpful.

23 Also, Lee has sent us a memo on some staff efforts
24 in emergency planning, and his intention to establish a task
25 force on emergency planning to help formulate the scope,

mm51 direction, and so on, for the planning activity.

2 Would you like to say a word or two about that,
3 Lee, and we will see how it fits within the overall picture.

4 MR. GOSSICK: Yes, I would, Mr. Chairman.

5 Let me, perhaps start by giving you a handout here.
6 It is kind of a catalog of the various things going on
7 presently in the emergency planning arena, and the numbers
8 after the office symbols, where there are numbers, indicate
9 the corresponding task in the TMI action item list that I
10 sent out to you some week or so ago. And this is just merely
11 meant to be illustrative, the kind of things that fall into
12 the various areas of NRC and other federal agency emergency
13 planning, state and local levels, and the licensee level.

14 (Distributing document around table.)

15 As you can see, there is a considerable number of
16 individual efforts that are involved.

17 I think one of the things that we faced on the
18 staff was how to sort of get our arms around it and get it
19 going together in as coherent a fashion as possible. And a
20 suggestion was made by Bob Ryan that since we really already
21 have a task force, it was a joint task force with EPA, -- but
22 there is an existing task force that came up with the NUREG
23 0396 -- that perhaps in effect charter that group to take
24 this list of items and to see if -- and my own view of this
25 would be on a rather short, two-week timeframe of intense

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1 full-time effort for that period of time -- to see if we could
2 better lay this out and make sure that it was clear what was
3 being done, where we needed guidance from the Commission on
4 whether we go one way or another, that those would be brought
5 up to the Commission for decision and guidance, and for seeing
6 what particular management arrangements, perhaps, would be in
7 order on a continuing basis to make sure that this total
8 activity of emergency planning was carried out in the most
9 effective way possible.

10 That was prior to seeing your proposed response to
11 the GAO recommendation, number one. I think that that
12 certainly would affect this and perhaps such a group could
13 be helpful in pulling together the necessary work prefatory
14 to the rulemaking action itself.

15 CHAIRMAN HENDRIE: Yes.

16 Lee, you have seen, I guess, in the responses,
17 proposed responses to the GAO letter, there was a draft
18 memorandum from the Secretary back to the Staff saying the
19 Commission would like a number of things done in the emergency
20 planning area.

21 MR. GOSSICK: Right.

22 CHAIRMAN HENDRIE: If we put the rulemaking
23 enterprise into motion, then that becomes, obviously, one
24 additional item that's on that list.

25 The other items include things like reexamining the

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1 NRC's program in the emergency response area with respect
2 to the responsibility of the agency, licensees, related
3 federal agency, state and local government; review our guide
4 and checklist of essential elements in view of lessons
5 learned at TMI; examine how to review the previously
6 concurred-: : plans to work in revisions, et cetera, et
7 cetera.

8 It appeared to me that this list of directions
9 was another -- was not dissimilar, I guess is a way of putting
10 it, of the way that you were moving towards here in this
11 task force.

12 COMMISSIONER GILINSKY: Do we have a sense here
13 of what is wrong with the present system?

14 In other words, have we thought that through to
15 the point where it has been written down?

16 MR. GOSSICK: I'm sorry, "the system" being --

17 COMMISSIONER GILINSKY: The present emergency
18 planning system as imposed by the NRC. Has that been
19 critiqued anywhere as a starting point for moving ahead
20 with improvement?

21 MR. GOSSICK: Well beyond the NUREG dealing with,
22 you know, the thing that has been up for comment, a certain
23 amount of the overall question of emergency planning and
24 the way we are presently doing it, I guess, is addressed in
25 that document.

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1 CHAIRMAN HENDRIE: Do you mean post-TMI?

2 COMMISSIONER GILINSKY: Post-TMI.

3 CHAIRMAN HENDRIE: Because this is pre-TMI.

4 COMMISSIONER GILINSKY: It would seem to me that
5 that would be a useful starting point for making improvements.

6 COMMISSIONER AHEARNE: That's why I had proposed
7 in that list --

8 (Chairman Hendrie indicating to Commissioner
9 Gilinsky.)

10 MR. GOSSICK: Which page is that?

11 COMMISSIONER AHEARNE: That's the proposed, to
12 reexamine our program and review.

13 CHAIRMAN HENDRIE: You know, there are similar
14 elements in Lee's list.

15 COMMISSIONER AHEARNE: Yes. I would think
16 that the tasks you are proposing is an appropriate thing
17 to do.

18 MR. GOSSICK: That's what we had in mind, the
19 product of the task effort.

20 COMMISSIONER AHEARNE: You are right, Vic, we have
21 to take a look at how weak those are.

22 COMMISSIONER GILINSKY: I would think that
23 would have to be a starting point. Then go on to say what
24 it is we think it ought to be.

25 I also believe that the leadership of this group

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1 ought to contain someone who has not been involved in
2 emergency planning up to now.

3 MR. GOSSICK: That's a fair comment, I think.

4 CHAIRMAN HENDRIE: Let me ask: Looking at the
5 draft, Secretary's memo, how does that look as a part of a
6 charter which, if you are going to form this task force as a
7 way of dealing overall with emergency planning, pulling the
8 various elements together, why they presumably would inherit
9 these tasks.

10 MR. GOSSICK: Well, I think, quite apart from the
11 memo that I sent you with regard to rechartering the
12 existing task force with this sort of direction, you know,
13 given to us, the question still arises as to who do you
14 put in charge and how do you organize to do these things,
15 plus many others that are on this list.

16 CHAIRMAN HENDRIE: Related matters.

17 MR. GOSSICK: And obviously it is a matter that
18 involves most of the offices.

19 And so, someone or somebody needs to be assigned
20 sort of the overall task of pulling representatives, at least
21 from the various offices, together, and I think running it
22 on sort of a task force basis. I see no other way to do it.

23 And I think perhaps we ought to discuss the matter
24 with leadership to see how they would put the task together.

25 COMMISSIONER AHEARNE: Vic, did you have a suggestion?

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1 COMMISSIONER GILINSKY: For an individual?

2 No.

3 MR. GOSSICK: I've already had a suggestion or a
4 comment from Bill Dircks. You know they are working on
5 emergency plans for the facilities that they are concerned
6 with. And he would like to get Tom Carter involved.

7 I think that's an excellent suggestion. I think
8 he's had a lot of experience in contingency planning and so
9 forth.

10 But that gets a little awkward when you start
11 getting three co-chairman.

12 COMMISSIONER AHEARNE: Yes, I noticed that.

13 (Laughter.)

14 MR. GOSSICK: I think the other effort opened up
15 with a new --

16 CHAIRMAN HENDRIE: The last time I appointed a
17 Troika it only lasted a week and a few days.

18 (Laughter.)

19 I think a task-force sort of approach to do these
20 things is good. My comment wasn't meant to suggest you
21 ought to -- that the organizational scheme wasn't a reasonable
22 one.

23 The sort of effort you have been trying to get
24 underway to pull together overall staff planning and
25 emergency response matters, and the Commission's felt needs

mm11 1 to get on with some action in the area, and with the
2 need to respond to congressional queries and so on, need
3 to converge and become one, hard-driving effort in the agency.
4 And I think your comments on the Chalk items would be
5 helpful.

6 MR.GOSSICK: Let me amplify one point:

7 I believe -- and I really haven't studied this in
8 great detail, but I believe that the proposed letter to the
9 Staff merely addresses the state and local government planning
10 kind of thing. My concern is in the past somehow the licensee
11 emergency planning and the state planning, you know, were short
12 of meeting each other. There is a bridge that needs to be
13 looked at here at the local level.

14 And many of the other things, including our own
15 NRC response in our dealings with other government agencies.

16 So, if you want to try to bring this whole bagful
17 of problems together, it becomes a very sizable thing.

18 Now, perhaps one of the first things to do is to
19 break this out into separate and almost, you know, separable
20 kinds of things that can be done, and, in addition, has to be
21 I believe undertaken to see how all of these other problems
22 and activities can be best integrated with the total, if
23 you will, planning effort.

24 COMMISSIONER GILINSKY: Now does your last
25 bullet include possible organizational changes?

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MR. GOSSICK: Yes.

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That was one of the things that I thought we ought to address, you know, are there perhaps better ways to address management of these kinds of things, from an organizational standpoint.

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COMMISSIONER GILINSKY: I think that's very important, because I think there is that problem you were speaking about; the licensee-oriented emergency planning and the state-oriented emergency planning not meshing in a satisfactory way.

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COMMISSIONER AHEARNE: That, of course, makes it even more important to have someone in a leadership function who, to some extent, has been involved in the past.

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COMMISSIONER GILINSKY: I believe that's right.

CHAIRMAN HENDRIS: Peter, I haven't heard from your end of the table?

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1 COMMISSIONER BRADFORD: Yes, it seems to me if we are
2 going to go into a rulemaking, that at least part of the
3 Staff effort that is being discussed should precede, or should
4 be expected to part of the rulemaking.

5 That is, what you come out of it with should be a
6 statement of considerations and a proposed rule of some sort on
7 which public comment can then be had. And the Commission can
8 then reach a decision.

9 John has put up a proposed expedited schedule, in
10 any case, for the Staff review, and it seems to me that it's
11 not inconsistent with an overall expedited rulemaking. That
12 prevents the Staff effort from going off in one direction and
13 rulemaking in another.

14 It also makes me a little less concerned about the
15 trioka or Chairman to Vice Chairman, what have you, aspect of
16 it. It's the Staff effort that one can count on the product.
17 In any case, it's important -- how to get this process off to
18 a fair start.

19 It seems to me still within the framework of John's
20 proposed set of responses that I would narrow the rulemaking
21 somewhat. I don't personally feel the need to ask for a broad
22 range of comment on what, in effect, is item B, whether NRC
23 concurrence ought, in fact, to be a precondition. I think the
24 answer is clearly yes, and the question is one of timing, rather
25 than how one implements.

1 But, of course, the Commission as a whole has to set
2 the scope of it.

3 CHAIRMAN HENDRIE: I prefer to take the comment as
4 it was outlined and then see where we come on that issue. I
5 think it's possible to come out that way.

6 COMMISSIONER AHEARNE: If it does go into a
7 rulemaking, with that as a question, I guess -- wouldn't it
8 be best for us not to have made a precommitment to what the
9 answer is?

10 COMMISSIONER GILINSKY: No, you go into the rulemak-
11 ing with a proposed rule.

12 (Simultaneous discussion.)

13 COMMISSIONER GILINSKY: That doesn't have to be the
14 rule you pick.

15 MR. SHEPAR: I think there are certain -- two basic
16 options. This discussion has outlined two approaches that
17 have been discussed here.

18 I think Commissioner Ahearne's approach, at least
19 as outlined in this memo, is what we call early rulemaking.
20 We don't go out with a proposed rule. You say these are the
21 issues, and you want those issues addressed. and then you
22 come up with a proposed rule.

23 The other option, obviously, is the more traditional
24 mode. That is, you all decide what your proposed rule is, and
25 you invite comment on that.

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COMMISSIONER GILINSKY: It seems to me, on an issue of this sort. I think the Commission just can't say, you know, --

MR. SHAPAR: Both modes are acceptable, and the Commission has used both, depending on what you objective and how much time you want to save. You're going to save time if you go out with a proposed rule.

COMMISSIONER BRADFORD: Is it clear though that if, in fact, all five of us felt NRC concurrence should be a precondition to operating license, would that be a subject on which we would have to go to public comment?

MR. SHAPAR: Well, you would have to make a finding, required by the Administrative Procedure Act, to the effect that proposed rulemaking is impracticable, unnecessary, and contrary to public interest.

COMMISSIONER GILINSKY: We could also make it immediately effective and still continue with the rulemaking, couldn't we?

MR. SHAPAR: In order to dispense with proposed rulemaking, you'd have to make a certain statutory finding along the lines I just discussed.

COMMISSIONER BRADFORD: Vic's point is also correct -- we can make it immediately effective and then have a rulemaking. Is that not right?

MR. SHAPAR: No. My understanding is you can't

1 dispense with the proposed rulemaking unless you make a
2 statutory finding that it's impracticable --

3 MR. BICKWIT: You could do it in two parts. You
4 could make the finding how it is talking about, and go to
5 immediate effectiveness with respect to that part of your
6 policy.

7 MR. SHAPAR: If you could make the finding, but
8 you'd still have to make the finding. And I'm not suggesting
9 you can't, but you would have to develop a justification for
10 it.

11 CHAIRMAN HENDRIE: It seems to that if we go with the
12 proposed rule, there will be a period of time in which the
13 Staff will have to work to take a look at these things and to
14 produce the draft rule, and then some period of time in which
15 the Commission will look at the drafts and presumably iterate
16 it and arrive at something which we would then be willing to
17 send out for comment.

18 If one goes the other route and says publish --
19 publishes an announcement saying the Commission is looking at
20 the need for a rule in the following area and so on, and here
21 are items on which we would be interesting in having people's
22 comment, then it seems to me that that -- and you're going to
23 have to allow some reasonable time. It's a fairly serious
24 subject I think, and can be quite detailed. Some people
25 might want to make quite detailed comments, so you're going to

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1 have to allow reasonable time for that.

2 And while it seems to me that in that case the Staff,
3 in effect, becomes one of the commenters; is that right?

4 MR. SHAPAR: (Nodding affirmatively.)

5 CHAIRMAN HENDRIE: But it allows -- in a way, it
6 allows all that work to go in parallel, and sort of to start
7 rather soon, and the results getting compiled.

8 Presumably, we would want the Staff's view and also
9 want the Staff to shake down the comments, and so on.

10 MR. SHAPAR: Staff needn't be one of the public
11 comments. The idea, really, of notice traditionally has been
12 to the public comments -- get your staff in and having the
13 staff analyzing the comments for the Commission.

14 CHAIRMAN HENDRIE: All right.

15 But it does seem to me that there may be a time --

16 COMMISSIONER BRADFORD: Time element is a problem,
17 but it also would seem to be to be important to get the public
18 comments on not just the general question of response planning,
19 but on a set of specific propositions.

20 MR. SHAPAR: That would come later. Maybe I didn't
21 make myself clear. If you start with early notice --

22 COMMISSIONER BRADFORD: Two runs of comments.

23 MR. SHAPAR: First, along the lines, Commissioner
24 Ahearne suggested. These are the issues on which we'd like
25 public comment: Do we need a rule? What kind of a rule? And

1 whatever else you want to develop as an issue.

2 Then the comments come back, they are analyzed, and
3 out of that process comes the proposed rule or an immediate
4 effective rule if you can justify it.

5 COMMISSIONER AHEARNE: Well, Howard, let me at least
6 jump in at this stage. I wasn't proposing either specific
7 approach. What I was saying is I have reached the conclusion
8 that we ought to have a rulemaking and that in some fashion to
9 have it be an expedited process.

10 Now I am certain sufficiently unfamiliar with the
11 details of the various processes to know which of those would
12 be the more -- the way that you would accomplish that in an
13 expedited fashion.

14 MR. SHAPAR: I think clearly the proposed rule is
15 the most expedited way of doing it.

16 COMMISSIONER AHEARNE: I was certainly not saying
17 we ought to go out and get comments, et cetera. I was just
18 proposing here's what ought to be included in any -- these are
19 the issues that proposed rule has got to address.

20 MR. SHAPAR: If you're interested in the factor of
21 expedition, traditionally experience has shown that going out
22 with the proposed rule is the fastest way -- one round of
23 public comment and not two.

24 COMMISSIONER GILINSKY: It seems to me an important
25 thing is for this agency to make up its mind on a subject. I

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1 think it is a good idea to get the views from the public and
2 involve others in its decisionmaking, but even expedited
3 proceedings here have a way of taking years.

4 COMMISSIONER AHEARNE: That's right.

5 COMMISSIONER GILINSKY: And I think -- we're going to
6 have to try to avoid that.

7 In any case, we have got to make up our minds on
8 what we think about this subject now or soon, and decide how
9 we are going to handle the decisions before us that we will
10 face before the end of a rulemaking. I think that all has
11 to come together.

12 COMMISSIONER AHEARNE: Is there a mechanism by which
13 we can have the Staff at work preparing this proposed rule,
14 but at the same time manage to get some public comment on some
15 of those issues?

16 I am interested in trying to get some of that outside
17 assistance.

18 COMMISSIONER GILINSKY: On other subjects we've held
19 meetings with others. Occasionally we have done that by hold-
20 ing meetings in various part of the country, including the
21 various interest groups.

22 MR. SHAPAR: There are techniques available. One
23 option is one Commissioner Gilinsky just mentioned, having
24 meetings around the country or in Washington to get ideas on an
25 informal basis. Another method is simply to go out with a

1 notice of early rulemaking, identifying certain issues. And
2 there's no reason why the Staff can't develop a tentative
3 proposed rule which can be adjusted as the comments come in.
4 So there are lots of techniques available.

5 COMMISSIONER GILINSKY: But I think we just can't
6 sit around until somebody out there gives us an idea about
7 what to do.

8 COMMISSIONER AHEARNE: That's not the point, Victor.

9 COMMISSIONER GILINSKY: I understand that. I'm not
10 commenting on that.

11 COMMISSIONER AHEARNE: The point is I am concerned
12 that, as you had pointed out, there was a problem with the task
13 force just solely being led by the people by the people who
14 have been involved in the past.

15 All of us, to a lesser or greater extent, have been
16 involved with this issue from the agency's perspective. And
17 as we proposed our proposed rule, particularly if we go to the
18 point we're going to make it immediately effective, I would
19 like at least to have had some of those people outside of the
20 country have a chance to provide some thoughts or comments or
21 suggestions.

22 COMMISSIONER GILINSKY: I think that's right.

ew bkup 23 CHAIRMAN HENDRIE: The fastest way to do that, John,
24 is go with a notice of rulemaking that asks for comments. And
25 then while the Staff is working out what might go into a

1 proposed rule, as a first cut, admittedly to be adjusted on the
2 basis of comments, why you have those comments coming in.

3 If you wait until you a draft rule in hand, and the
4 Commission is ready to send it out, why you are going to be
5 sometime down the line.

6 Now, as a matter of fact, it seems to me you get that
7 early round of comments without noticeably adding to the time
8 that it would take if you just said, "Well, the Staff go
9 draft a rule, and we will move thusly," because that first
10 comment and then Staff preparation can go on pretty much in
11 parallel.

12 And since you would be asking for comment along the
13 general lines that you have indicated in your letter, that
14 would presumably be a notice which would nor require great
15 laboring and detailing, and could go out fairly crisply.

16 MR. SHAPAR: The only time you would use would be
17 the amount it would take you to adjust the Staff-proposed rule
18 to the comments that came in, and that should not be a great
19 period of time:

20 CHAIRMAN HENDRIE: Well, since the subject is
21 probably going to be before the Commission for several dis-
22 cussions and iterations in any case, I wouldn't be surprised
23 if there's not a great deal of difference in the time.

24 COMMISSIONER AHEARNE: How would you propose we
25 go about laying out for the Staff what ought to be in this

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proposed rule?

MR. SHAPAR: Have the Staff propose it to you.

COMMISSIONER AHEARNE: I imagine some of us might have some ideas that we would like to have incorporated in what the Staff proposes. And the reason -- I'm trying to ask the question in such a way that whatever procedure the Administrative Procedures Act places on this process, we don't go out --

CHAIRMAN HENDRIE: I guess in this kind of rulemaking any Commissioner is always free to send an overlong to the Staff saying, "I think you should consider the following points in your draft rule."

It seems to me that no single Commissioner is privileged to direct the Staff to include the following provision within the draft rules, since that is, in fact, a decision which the collegial body must I take, and I would think other Commissioners would take very unkindly having the draft rule prematurely cut up their colleagues going in and trying to direct the Staff in how to draft it.

I would think, since there may be some vigorous discussion here as to the various provisions -- maybe not, but maybe -- that it would be desirable that the Staff have a reasonable freedom to look at the situation, its task force, to gather situation, and propose what it thinks is a good rule to the Commissioners.

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1 And I think that communications to the Staff from
 2 individual Commissioners, -- which I trust will come with copies
 3 to all of us -- I would think would be couched here, items that
 4 you should consider, and that the Staff should understand that
 5 they are under no compulsion or obligation to include in any
 6 way, shape, or form any particular suggestions of that kind
 7 simply because they come down signed by one Commissioner.

8 COMMISSIONER BRADFORD: Of courses, if memos come
 9 around shortly thereafter, signed by two other Commissioners,
 10 saying, "I agree," that would make it a stronger suggestion.

11 CHAIRMAN HENDRIE: Well, in that case, I would think
 12 that we were jumping the gun on the rulemaking a little bit.

13 MR. BICKWIT: There's no legal constraint, but if
 14 you want a Staff product, if you then turn around say the
 15 majority of the Commission wants the Staff product to read
 16 this way, they may as well recognize that for what it is.

17 COMMISSIONER BRADFORD: That's a list saying,
 18 "Include this for due consideration for comment."

19 COMMISSIONER GILINSKY: Let me ask, does this subject
 20 lend itself to rulemaking, or is the answer for each facility
 21 going to be so facility-dependant that a satisfactory rule may
 22 not be able to be developed?

23 MR. GOSSICK: Let me understand what we're talking
 24 about here. We're talking about the overall state response
 25 plan, or emergency plan, whatever you want to call it; and this

1 is quite different than the Licensee plan which we now have
2 to approve or require that it be submitted and we review.

3 And I guess the question that comes to my mind is
4 really, what legal problems are there --

5 CHAIRMAN HENDRICK: The rulemaking would deal with the
6 following general questions, which are before the House, and
7 which the Commission has to answer:

8 Question 1. Are we going to require a concurred
9 in-state plan before we license any more facilities in this
10 state?

11 Are we going to shut down the facilities in a state
12 if we don't have a concurred plan?

13 If so, in either case, on what schedule?

14 COMMISSIONER GILINSKY: Are we talking about the
15 present plans that are being developed pursuant to this --

16 CHAIRMAN HENDRICK: Good.

17 The second question the rulemaking deals with is:
18 Are the -- for state plans, are the '70 planning elements, now
19 in the guidance documents, adequate?

20 Shouldn't there be other things?

21 Shouldn't some of the details be changed, at least?

22 And where, for instance, does the 10- and 50-mile
23 emergency planning recommendation of the NRC-EPA Task Force fit
24 into these plans? How is that explicitly recognized?

25 So there is a question about its general

1 applicability and what schedules are appropriate.

2 There is a question about the general guidance on
3 what it is, an acceptable plan? And I expect the same sort of
4 language applies as you bring in the local elements.

5 Now, it's not quite clear to me whether local --
6 whether county planning is included in the state planning
7 elements.

8 COMMISSIONER GILINSKY: So you're really talking
9 about one element of emergency planning?

10 CHAIRMAN HENDRIE: Well, it's a fairly substantial
11 one. And if the Commission is going to have a rule which says,
12 "We do it this way. Here are the general guidelines, and these
13 are the requirements" --

14 COMMISSIONER AHEARNE: To be specific, it's addressin
15 several elements of it, but certainly not complete -- but
16 several elements that in the past we have not required, and the
17 gist of it clearly is that this may not now be a requirement.
18 And it's not necessarily restricted to state plans. It may
19 also have to imbed some general characteristics that we will
20 end up being required in local plans.

21 MR. SHAPAR: I think it clearly calls out for
22 rulemaking. It's a basically generic question.

23 It's as good an example of traditional rulemaking as
24 you can get.

25 MR. GOSSICK: Doesn't the rule that you come up

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1 with -- doesn't our handle really apply to the Licensee? Or
2 does the rule turn out to be something that the state must
3 comply with?

4 MR. SHAPAR: We have a handle on the Licensee.

5 MR. GOSSICK: That's my point, and back to your
6 question though, there are so many unique characteristics. You
7 get a plant like Fr. Calhoun -- it isn't just Nebraska that's
8 going to have to come with a state plan, but Missouri, Iowa,
9 and the other states as well, because it sits in an area where
10 it affects, you know, three states.

11 Other situations will be different, unique to a
12 given state. I think the circumstances are unique.

13 COMMISSIONER GILINSKY: I'm most concerned about this
14 gap you're speaking about between the state plan and the utility
15 plan. And where does that get us?

16 MR. SHAPAR: Our rule can be -- require them to be
17 meshed. It can require the Licensee, as we do now, to develop
18 his own emergency response, and you can require the Licensee to
19 submit the proposed state arrangement.

20 COMMISSIONER AHEARNE: Right now we have a require-
21 ment on the Licensee for his plan. We have no requirement that
22 there be these other plans. Thus rule, or whatever the right
23 procedure is, is aimed at some point getting to what is going
24 to be required for the rest of that, which at the moment is
25 voluntary.

1 Obviously, they have to be licked.

2 COMMISSIONER GILINSKY: What do we have underway
3 other than this task force, or is that it, for coming up with
4 new requirements on the emergency plans that we now associate
5 it with the reactor licensing process?

6 MR. GOSSICK: With the licensing?

7 COMMISSIONER GILINSKY: Yes.

8 MR. GOSSICK: That part of it is going on within the
9 Lessons Learned group under Dr. Mattson, and they are looking
10 the 101 guide. I don't know whether or not that needs to be
11 retrofitted, updated.

12 Harold, maybe you want to say more about it.

13 As I understand it, they are addressing the part of
14 the planning dealing with the Licensee, but --

15 MR. DENTON: That's the major effort for the NRR.

16 COMMISSIONER GILINSKY: I see.

17 Now, that's the Lessons Learned group.

18 MR. DENTON: Yes.

19 COMMISSIONER GILINSKY: Now the task force will cover
20 both that aspect and the Staff aspect?

21 MR. GOSSICK: That's what I had in mind was the
22 thinking that somehow can we make sure that that meshes with
23 whatever it is we do -- rulemaking, or whatever -- that we
24 would get at the state problem.

25 COMMISSIONER GILINSKY: It seems to me we want an

1 overall point of view on this subject, and we want to come up
2 with some conclusions about what we need by way of emergency
3 planning.

4 And at that point you can begin to think about the
5 state portion of it.

6 COMMISSIONER AHEARNE: Don't forget the local portion.

7 COMMISSIONER GILINSKY: Yes. I was moving in that
8 direction, but I absolutely agree. That's why I was referring
9 to this gap between the utility and the state.

10 And I do think that there has been some neglect in
11 the middle.

12 When does this task force conclude its work?

13 MR. GOSSICK: They haven't started it, so I don't
14 know.

15 COMMISSIONER AHEARNE: Well, Lee sent us up a
16 proposal.

17 MR. GOSSICK: It was simply a proposal of a way of
18 getting it, and I'm not sure, in light of the conversation --

19 COMMISSIONER GILINSKY: I would think we would want
20 to hear from that group first on what is needed in emergency
21 planning, -- what's wrong with the present system, and what is
22 needed. And at that point we can sit down and talk about the
23 rest of this.

24 MR. GOSSICK: Okay. And I think that that -- yes,
25 that's about what we had in mind on this two-week, accelerated,

1 full-time effort.

2 You know, I think the choice of who all is involved
3 and who leads it is something else we need to discuss. But I
4 believe that that could be useful to help pull together the
5 things and focus on those points that really are most important
6 to address most urgently.

7 CHAIRMAN HENDRIE: That strikes me as reasonable,
8 but within that framework, I wonder if we think there is not
9 likely to be a need to address the source of questions that we
10 have talked about for rulemaking here?

11 COMMISSIONER AHEARNE: It's automatic, obviously.

12 CHAIRMAN HENDRIE: It seems to me the need is so
13 clear that one could go ahead on both fronts. That is, we
14 could declare this morning that it's our intention to move
15 forward to a rulemaking task force that you have proposed to
16 get off and running with the jobs laid out for them in both
17 your memo and the Draft Secretary's note, with one of the
18 early results of that effort, with collaboration from the
19 counsel's office and OPE, to be a notice of early rulemaking
20 and call for comments on the questions here and others that
21 may turn up.

22 One might want to, for instance, in view of the gap
23 situation, include specifically a request for comments on how
24 best to mesh state and local plans with the Licensee, plans as
25 presently constituted under Appendix E of Reg Guide 101.

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But it seems to me it would be desirable for the Commission to be in a posture of going forward, rather than saying, "Well, we will put this Staff group to work, and in a few weeks we'll hear -- they will decide what we're going to do." Because I'm afraid it leaves us with no answer to a number of very urgent queries.

When is the Commission going to make up its mind about this? And we are, at this point, seven days past a statutory deadline to answer the Government Operations Committee.

So I would very much like to encourage us to declare now that we will, in fact, go forward with an expedited rule-making, covering these subjects as generally laid in John's letter, together with any others, as I say, that seem appropriate.

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1 COMMISSIONER AHEARNE: I'm clearly in favor of that.

2 CHAIRMAN HENDRIE: I sort of detected that you
3 might be.

4 Peter, would you go in this direction?

5 COMMISSIONER BRADFORD: Yes.

6 I would want, though, one other point that I
7 don't think appears in John's letter or John's conceptual
8 outline of the rulemaking, to be sure that it was in fact
9 included, and that is a point I made once or twice before, that
10 I think that one of the things missing from our emergency
11 response planning checklist is any conceptual goal of just
12 what it is supposed to achieve.

13 And I think that needs to emerge in a rulemaking
14 as well; whether it can be stated specifically as saying
15 particular quadrants should be capable of being evacuated
16 in six hours, or whether there is some other way of stating
17 it, I think that that has got to be measured against a
18 set of judgments.

19 CHAIRMAN HENDRIE: I think that could be a question
20 to be addressed.

21 COMMISSIONER AHEARNE: That would be fine.

22 COMMISSIONER BRADFORD: I just wanted to be sure that
23 that is understood in there.

24 We don't need to decide it today, but I think we
25 have to plan to return to the question of what the interim

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1 policy is while the rulemaking is going on. And if possible,
2 also, what sort of backfit criteria would then become
3 at the end of the rulemaking for both plants in existence and
4 plants for which CPs or OLs might be issued during --

5 CHAIRMAN HENDRIE: Well, as laid out you would
6 get public comment on this point, and the staff task force
7 in working toward the rule and developing the associated areas,
8 would certainly cover it, I would think. And could be asked
9 to do so explicitly.

10 MR. GOSSICK: Are you thinking of early notice
11 at the same time to get some public comments?

12 CHAIRMAN HENDRIE: I think that would be a good
13 step to take.

14 CHAIRMAN HENDRIE: Just get on with it in view
15 of a feeling that we will inevitably end up going this route,
16 and the earlier we get out and ask for comment the earlier
17 the whole process can roll.

18 And in the meantime, the staff could be developing
19 the kinds of things that we have talked about and you have
20 talked about.

21 COMMISSIONER BRADFORD: And just one question that
22 has got nothing to do with the fundamental agreement or
23 disagreement.

24 What is our present basis for regulating nonlicensee
25 entities? For example in the vendor inspection program, what

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1 prevents a vendor from simply saying we can't commit, other
2 than obvious considerations.

3 MR. SHAPAR: Generally speaking, we don't have
4 regulatory authority over people that we don't license.

5 One exception to that is a Part 21 situation,
6 where special statutory authority would be on the licensees.

7 Aside from that, generally speaking, we have
8 regulatory authority only over people that we license.

9 Now, there is one other quick addition that has
10 to be made, that is by virtue of handling licensees, we can
11 compel them to take action which affect people who are
12 not licensees, and thereby achieve the same results for all
13 practical purposes.

14 In this we have direct licensee authority over
15 someone else.

16 MR. BICKWIT: Such as this situation. What we are
17 talking about is not requiring the states to do anything.

18 We are saying that as a condition to a license,
19 the state will have to do something. They will not be required
20 to do it.

21 MR. SNYDER: Isn't this situation a little bit
22 different, in that part 21 we are talking about vendors and
23 that's a business proposition, contracts, supply and that
24 sort of thing, as opposed -- the leverage a licensee has over
25 a state might be very negligible.

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1 MR. SHAPAR: The leverage is a very practical
2 leverage, because the rules say if you don't get the state
3 to do this, you don't get a license.

4 COMMISSIONER AHEARNE: It is a very major -- after
5 all, the state has the responsibility for the people in
6 their state, the power in their state, et cetera. If the
7 state has concluded they want the plant, I think that would
8 be --

9 MR. SNYDER: I would think that in the present
10 climate that wouldn't necessarily be a problem either.

11 I would like to point out you have already asked
12 the states for comments in your letters to the governors early
13 may and subsequent letters --

14 COMMISSIONER AHEARNE: Yes, the governors.

15 MR. SNYDER: It wasn't a very detailed question
16 but you did say, we would appreciate receiving any comments
17 with regard to --

18 CHAIRMAN HENDRIE: I guess if I were a governor
19 I would have regarded that not as a very strong invitation to
20 come back with the sort of more detailed comment that I would
21 hope we would get in response to solicitation under the
22 rulemaking saying we are going this direction and what are
23 your thoughts on the following points.

24 Then I would hope that at least some of the states
25 that have active emergency planning offices, radiological

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1 hear a offices, would really come back, go through the
2 list of 70 planning elements, other considerations, and say,
3 this is good, and this needs supplementing, this is bad,
4 do this one the other way and so on, and really get some
5 useful comment.

6 I wouldn't have expected to have that come back
7 in response to the government letters.

8 Vic, I didn't poll you.

9 Oh, Peter, you are still on.

10 COMMISSIONER BRADFORD: One last question.

11 Do we have currently a petition pending on this
12 subject?

13 It seems to me that groups in testimony in the
14 last month or so indicated an intention to reactivate their
15 previous petition or submit a new one. Has anything come in?

16 MR. CHOPKO: There is a petition for rulemaking--
17 (Inaudible.) -- and some others, which renewed the July '77
18 petition which was denied in July of '77 on emergency
19 planning, and add some other elements to it based on their
20 views of Three Mile Island accident.

21 That's been put out for comment, I think, at the
22 beginning of June.

23 COMMISSIONER AHEARNE: And what was that petition
24 addressed to?

25 MR. CHOPKO: It renews the July '75 petition for

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1 critical mass, which was to require drills and public
2 notices --

3 COMMISSIONER BRADFORD: Without knowing more than
4 that, it seems to me that we ought to also deal with the
5 merging, whatever, aspects of that petition that will be
6 granted by this action. We ought to be merging the two together.

7 CHAIRMAN HENDRIE: Sure.

8 COMMISSIONER GILINSKY: I think it is good to get
9 public comment. I just want to be sure that going into
10 rulemaking will not be used for stacking arms here. We have
11 got to be armed with getting on with our own efforts at full
12 speed.

13 It has been quite some time already.

14 CHAIRMAN HENDRIE: I agree with John.

15 COMMISSIONER AHEARNE: I guess I would like to
16 respond to that because this is my proposal.

17 Just to the contrary of stacking arms, I thought
18 I would like a mechanism to push ahead and finally get some
19 of this started.

20 Obviously the Commission in the past had rejected
21 going down this route when they rejected the petition some,
22 just two years ago. And I thought that perhaps this might be
23 a mechanism by which we could finally address the issue, get
24 the details out.

25 In addition, I thought that one of the concepts

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1 of going out for public comment was the inherent value in
2 getting some of the suggestions from the people who, over
3 the last several years, have been pushing in this direction.

4 The Commission had not seen fit to go in that
5 direction.

6 MR. BICKWIT: Mr. Chairman, one option which hasn't
7 been mentioned. We have mentioned that when the draft rule
8 comes back, we might consider making parts of it immedi-
9 effective.

10 Another option you might have is to pick up part
11 of it and put it into a policy statement, it would be
12 immediately effective.

13 COMMISSIONER GILINSKY: Let me just repeat my
14 concern here. I gather that is what you are planning to do,
15 and I would like to see an overall look at emergency planning
16 and what has been wrong with it up to now, what we need to
17 do, and what do we have to do internally to make it possible
18 that we have coordinated effort in this area.

19 Frankly, my own view is that there ought to be a
20 single office dealing with this subject in the Commission.
21 But at any rate we will be looking at a number of options, I
22 am sure.

23 CHAIRMAN HENDRIE: Yes.

24 Let me put the proposal, as I see it, in the
25 following way:

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2 The Staff should go ahead and form up its task
3 force on emergency planning, give thought to the comments here
4 on leadership that have been made. It would cover the broad
5 area, just as Commissioner Gilinsky has outlined it, and
6 I think pretty well as outlined in your memorandum to us
7 about emergency planning.

8 Now, as a part of that effort, the task force would
9 begin to think about the lessons learned recently, and how that
10 might reflect in a rule on emergency planning.

11 At the same time we ought to have OGC and OPE
12 draft us some language with which we can go out and tell
13 people that we intend to have rulemaking on the series of
14 points as follows, and ask for comments so that we can get
15 that underway.

16 Okay?

17 So that these things -- I would look for these
18 things to mesh and go forward together, and not to be
19 conflicting initiatives at all.

20 MR. GOSSICK: I think if I understand that
21 correctly, the task force would take on this broad task that
22 I generally addressed and we discussed here with more or less
23 the early on emphasis, however, aimed at trying to address
24 what's needed in the way of the contents of a proposed rule
25 which has taken into account comments --

CHAIRMAN HENDRIE: You are going to have some time

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1 to mull about a proposed rule, because we are going to have
2 to allow a reasonable time for people to comment publicly.

3 COMMISSIONER AHEARNE: They can get started on that
4 proposed rule without the comments coming in.

5 CHAIRMAN HENDRIE: They can begin to think about
6 that.

7 But I was going to say, I wouldn't want to take
8 the task force and say, good, Item No. 1 that you do is to
9 sit down and do this proposed rule and don't think about
10 anything else until you have done that, because as Vic says,
11 there is a broader sort of -- the broader aspect of how does
12 it mesh together with licensing plans, how about the
13 organizational aspects in the agency and a number of other
14 elements which are not part of, but sort of adjacent to the
15 rulemaking effort.

16 And I would not want to see those things just
17 pushed aside for some weeks in total deference to the rulemaking
18 effort.

19 I think, in fact, they can go together, and perhaps
20 in the first couple of weeks it ought to be on the broader
21 aspects, and then after that begin to see how to shape the
22 rule.

23 But it is going to take us a week or so to settle
24 down and get a notice out of here, and you are going to have
25 to allow what, four to five days for comment anyway?

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1 MR. BICKWIT: You don't have to allow anything.

2 CHAIRMAN HENDRIE: You don't have to anything, but,
3 for licensees and state offices to go out and say, "Reply in
4 15 days," you are not going to get anything worthwhile,
5 except 30 days later you will get a letter saying, "If you are
6 still interested, I've got something to say."

7 MR. GOSSICK: I would think the task group as its
8 earliest project would be back to you, back to us and to
9 the Commission with at least some key policy questions on
10 areas where we are going to need to get your guidance on:
11 is that to be a part of the rule, do you want it bent this
12 way or that way?

13 So there is an iteration that must go on there
14 between the Commission and the Staff before we ever get to the
15 point of writing the rule.

16 CHAIRMAN HENDRIE: Yes, I agree.

17 COMMISSIONER AHEARNE: And I don't think you
18 should be waiting for the public comments before we --

19 MR. GOSSICK: I don't intend to do that.

20 COMMISSIONER GILINSKY: Again I reiterate the
21 Chairman's point, the rule is part --

22 MR. GOSSICK: I understand.

23 COMMISSIONER GILINSKY: And when all is said and
24 done, the most important areas for attention in emergency
25 planning are a good deal closer to the plant than some of the

mml1 1 state planning. That is an important part of this, certainly.

2 COMMISSIONER AHEARNE: My own guess is it is the
3 local areas --

4 COMMISSIONER GILINSKY: So I think we really have
5 to address that, because it is not only the reactors that
6 are -- licenses locations still to be decided, but the ones
7 who are out there operating. And we are going to want to make
8 changes, I am sure. You anticipaed it all.

9 COMMISSIONER AHEARNE: That's why I don't call
10 it state plans, I say state and local.

11 COMMISSIONER GILINSKY: I noticed that.
12 Unfortunately, I didn't get the thing early enough
13 and I have been reading Joe's copy here, but the overall
14 look I think is essential.

15 CHAIRMAN HENDRIE: Okay. Clear enough?

16 COMMISSIONER BRADFORD: Could I have your indulgence
17 for another couple of seconds?

18 CHAIRMAN HENDRIE: I don't see why not.

19 COMMISSIONER BRADFORD: There is among all the
20 drafts that we have to respond to the GAO, some include and
21 don't include comments on the recommendation to DOD and DOE.
22 I don't mind dropping the comment. Essentially we agreed with
23 the recommendations to them anyway. I think I would indicate,
24 though, some willingness to be supported in those states
25 where the plans would in any way have to be joint efforts, or

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1 similar. That sentiment rather than saying we simply agree
2 or disagree.

3 COMMISSIONER AHEARNE: That would be fine.

4 CHAIRMAN HENDRIE: Okay. Yes.

5 As a matter of fact, that's a good point because
6 from a state standpoint, if they have a commercial power
7 facility over here, and perhaps your laboratory, the DOE
8 over here, I'm not sure if from the state's standpoint it
9 looks that much different. You know, there is a possibility
10 of radiological emergency and -- yes, I think that's a good
11 point.

12 Now -- all right. So let us go forward along this
13 line, and let it be known that the Commission does intend to
14 move forward here; A, with the broader effort, B with the
15 rulemaking on these points.

16 I would think, John, that your draft letter and
17 the thing that you are going to draft, that it would be
18 useful to supplement these specific items that were in John's
19 draft with that question about, we'd welcome comments on
20 the ways the licensee plans around facilities ought to mesh
21 with state and local plans, that area that you were mentioning.

22 And Peter, you had --

23 COMMISSIONER BRADFORD: We need to flesh out the
24 objectives.

25 CHAIRMAN HENDRIE: Yes, yes, comments on the objective

1 See what people think these things ought to -- what the
2 objectives ought to be.

3 MR. SHAPAR: The first press release ought to be
4 in connection with the early notice.

5 CHAIRMAN HENDRIE: I would imagine so, wouldn't you
6 think?

7 MR. SHAPAR: I want to give that some careful
8 attention.

9 CHAIRMAN HENDRIE: I would hope -- look, would OPE
10 and the counsel's office please put heads together with
11 Commissioner Ahearne and see how fast we can return a revised
12 draft response letter.

13 MR. SNYDER: Those things mesh together very well,
14 policy --

15 CHAIRMAN HENDRIE: I'm particularly anxious to see
16 if we can get Commission concurrence on a set of words in this
17 letter, which then will provide, in effect, Commission concu-
18 rence on sets of words we used elsewhere. But you're right,
19 they go together and they can be phrased the same way.

20 Okay? Other comments?

21 MR. SNYDER: I would just like to make one minor
22 comment, that the previous memos that we were batting back
23 and forth on the GAO response, I personally have taken a close
24 look at those. Not having been involved before, we were sort
25 of pushing, dancing around this problem. And I personally

1 feel that that was absolutely wrong.

2 CHAIRMAN HENDRIE: Well, since there was not a clear
3 Commission guidance, it wasn't quite clear what your draft
4 did. It was one of those situations where --

5 MR. SNYDER: We sort of walked away from the problem,
6 walking around it.

7 CHAIRMAN HENDRIE: We say bring us a rock, and then
8 we say, not that kind of a rock.

9 COMMISSIONER AHEARNE: Bob, would you like to make
10 any comments?

11 MR. RYAN: I'm a little confused. I must say that
12 I resent some of the discussion that has gone on about the
13 implication that somehow the Office of State Programs has
14 been dilatory in some of these matters, particularly
15 Commissioner Gilinsky's comments, which give you the impression
16 that this is the first time you have heard of some of these
17 difficulties and some of these matters.

18 I recall discussing this personally with
19 Commissioner Gilinsky back in 1976, I believe September 29th,
20 and asking for some assistance on it. I recall discussing it
21 again at the time of the petition from the Citizens for a
22 Better Environment, and asking for some help on people.

23 I might say that I did not put two people to work
24 on this program. The Commission did. And the Commission has
25 in effect, accepted that kind of assignment over a very long

1 period of time.

2 I think we do need a lot of work on emergency
3 preparedness, particularly on the county level, which is one
4 of the major stumbling blocks as far as I am concerned. I
5 welcome the interest in it at this point. I don't know that
6 we can -- I'm not sure about the instructions which we've had
7 from our discussion here today. I would like to review the
8 transcript and see if I can make some more sense out of it.
9 But I am left a little confused by the conversation we have
10 had today.

11 COMMISSIONER AHEARNE: One thing I wouldn't want to
12 leave unsaid. I didn't mean any criticisms of the State
13 Programs Office, because I think, given the small amount of
14 resources -- and certainly, I have been here for eight months,
15 so I shared in that keeping down those resources -- given the
16 small amount of resources you've had, you've really done an
17 outstanding job.

18 MR. RYAN: Thank you.

19 CHAIRMAN HENDRIE: Let me reiterate, if there is
20 doubt about the instructions, that we have memorandum on task
21 force on emergency planning, a draft memorandum to go out from
22 Lee, which outlines the thought, to ask for the establishment
23 of a task force on emergency planning and the directions which
24 this task force should go, which cover the whole range of
25 emergency planning, including agency organization for it and

1 all -- an assortment of questions.

2 The Commission has said let that go forward expedi-
3 tiously. And we have also said we're going to do a rulemaking
4 on the sorts of questions in connection with emergency planning
5 that are enumerated in Commissioner Ahearne's draft letter,
6 together with the two additional ones, mine and
7 Commissioner Bradford's. And that letter and the directions
8 to the staff which follow from it will hopefully be back from
9 the staff. As soon as we can get another draft, the Commissioner
10 can concur in it.

11 I want that effort to go on, supported by part of
12 the task force's work, to go on concurrently. Okay?

13 Very good.

14 I think, 20 minutes of 1:00, we deserve to break
15 for lunch.

16 COMMISSIONER AHEARNE: Thank you, Lee.

17 (Whereupon, at 12:40 p.m., the hearing was adjourned.)
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