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NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

BUDGET PRESENTATION

POOR ORIGINAL

Place - Washington, D. C.

Date - Friday, 3 August 1979 Pages 1-64

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

BUDGET PRESENTATION

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

Friday, 3 August 1979

The Commission met, pursuant to noti[illegible] at 9:40 a.m.

BEFORE:

DR. JOSEPH M. HENDRIE, Chairman

VICTOR GILINSKY, Commissioner

RICHARD T. KENNEDY, Commissioner

JOHN F. AHEARNE, Commissioner

ALSO PRESENT:

Messrs. Barry, Gossick, Fraley, and Bickwit.

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CHAIRMAN HENDRIE: If we will come to order.

The elite central committee of the commission meets this morning.

(Laughter.)

CHAIRMAN HENDRIE: I think we more than make up in quality what we may lack in quantity — meets this morning to continue budget discussions; in particular, discussion of the proposed budgets for the commission offices.

First of all, let me see if I can figure out whether we need, since this is simply taking up in open session a meeting which was scheduled, which I'd planned to have yesterday, or even Wednesday, on the formal schedule, I do not believe that we require a short notice meeting vote. And, in fact, we could not take and would not have to take one until the next commissioner shows up, to be greeted as he came through the door with an order to vote aye.

If we were to go on to a mark-up session, which would start a series of closed meetings on the budget, then we would have to vote to close.

However, I don't propose to do that this morning, for a variety of reasons. One of them is that we have some commissioners missing. The main one is that I need the weekend to sit down and cross-cut the whole budget before we sit down and come to look at it as a whole.

So I don't see any need to deal with closing the

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session. I'll simply keep that --

COMMISSIONER AHEARNE: When will we get to the first mark-up?

MR. BARRY: It would be if you're not going to do it this afternoon.

CHAIRMAN HENDRIE: Monday morning.

MR. BARRY: Monday morning at 9:30.

CHAIRMAN HENDRIE: Now, let's see. I think we're all here Monday morning. Dick and Vic will be in later. Peter is not here this morning, but I talked to him. So I told him that these were not final decisions and he's willing to give us the go ahead and get the commission office presentations.

COMMISSIONER AHEARNE: Len, will you be providing anything for that Monday meeting?

MR. BARRY: Yes. I do have a recap which includes the set-asides and the EDO/BRG, all on one page.

CHAIRMAN HENDRIE: Let me see what that looks like.

MR. BARRY: That's the closest we could come to what the total magnitude of the thing is at this time because even though we've had reclamas and so on --

COMMISSIONER AHEARNE: Now the current estimate that you've listed here is that as the conference committee?

MR. BARRY: No, it is not. This number goes way back to what the staff thought.

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COMMISSIONER AHEARNE: Is it possible to give us a current estimate, the appropriations committee?

I realize that you may not be able to do it by office, but you can do it by total.

CHAIRMAN HENDRIE: Based on the 360.

MR. BARRY: I can give you my best guess.

CHAIRMAN HENDRIE: On how that will break out. Break it out into people and program support. That is, you know, the nominal office total is $57 million for NRR, whatever it is. You know, you've got to go through there and sort out what the salaries, the benefits, the travel, and so on, the others things in there.

MR. BARRY: It's meaningless to you in terms of a budget review.

CHAIRMAN HENDRIE: In terms of sort of what program do we want and what resources do we have to do the program. You decide how many people and what contract support and then you have to provide the salaries to get to a total dollar figure and so on.

MR. BARRY: I do have that done, but I have not made copies and I have it on another piece of paper for a different reason. So I'll have to give you that column.

COMMISSIONER AHEARNE: That will be fine.

CHAIRMAN HENDRIE: Give us that column.

MR. BARRY: I could have that for you down here today

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for the weekend.

CHAIRMAN HENDRIE: Great.

COMMISSIONER AHEARNE: Do you have another copy of this?

MR. BARRY: Certainly. I might say while we're pondering this that the magnitude of the dollar increase between the '80 baseline, which in total will be $363.3 and the dollar total we see here at the bottom of '81, which is for $86,752, the arithmetic says it's about $123 million.

So that's about what the magnitude is.

Now we can, of course, increase the '80 baseline however we come out on the supplemental. That makes that a smaller number, and so on. And people it's going to run — well, depending on what you count and what you don't count, somewhere in the neighborhood of 600 some odd temps down to about 350.

So when I put this column in '80 that you ask for, you'll be able to see it.

CHAIRMAN HENDRIE: The simplest way I can see to get this down into some kind of reasonable shape would be to scratch the requests and go forward with the set-asides.

(Laughter.)

CHAIRMAN HENDRIE: It's crude.

COMMISSIONER AHEARNE: But it's the right number.

CHAIRMAN HENDRIE: Well, for another day. For today,

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let us turn resolutely to commission offices and see where that gets us. Let's start out --

MR. BARRY: I would suggest the simplest procedure to work from is the letter I sent to you, the memo, with the attachment which synthesized the commission offices. It had an attachment on there, two attachments, one on the offices where there was a request for increased resources made and a second attachment which gives you the whole picture in terms of both people and dollars.

Again, as in the EDO offices, the dollar magnitude, in my judgment, presents no problem. It's actually a reduction over the '80 level. We are really paring down program support in the commission staff offices. And the question at hand is really the debate over increasing people.

CHAIRMAN HENDRIE: Why is the program support down that far, as a matter of minor curiosity?

MR. BARRY: We've seen over the past two years the program support we've had in the budget was not, in fact, needed to that extent.

COMMISSIONER AHEARNE: That primarily looks like SECY and ACRS.

MR. BARRY: Yes. Part of it was. SECY, as you recall, had been doing a substantial amount. More and more of it is being done by Mr. Besaw in admin.

So that comes down substantially. Those are the two

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reasons.

And we've pared down everyone.

COMMISSIONER AHEARNE: I see. And the ACRS reduction, one of the main reasons was that a decision not to use contractor grants on the ACRS fellowships.

MR. BARRY: At one time when we were planning as to how to finance the fellows, there were several ways that you could go.

COMMISSIONER AHEARNE: I see. But instead, they're being financed out of personnel.

MR. BARRY: Out of personnel and benefits.

COMMISSIONER AHEARNE: It's not really reduction to the agency, but it's a shift.

MR. BARRY: It is not. It's a chage in financial method. At one time we thought that we might issue contracts to universities. And we pay the university and they would in turn pay the individuals.

So you take the program support money instead of p rsonnel money.

CHAIRMAN HENDRIE: I don't remember now the details. But for a while there, it didn't look as though the assembled might of other federal government was capable of finding a satisfactory method of paying 7 or 8 people.

All right, now —

MR. BARRY: It's a question of people.

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CHAIRMAN HENDRIE: As to people, I'll make the presentation on behalf of the comissioner's offices and I'm proud to say that we're holding the line.

(Laughter.)

CHAIRMAN HENDRIE: Why the rest of you can't do as well, I really don't understand. Right?

MR. BARRY: Your secretary is also holding the line, so he gets a little bit of favorable publicity.

CHAIRMAN HENDRIE: Yes. Even better than that, he's reducing his dollars.

COMMISSIONER AHEARNE: But he gets 10 percent of the reduction, doesn't he?

(Laughter.)

CHAIRMAN HENDRIE: Good thinking. ACRS -- now I have a paper on that. Ray, do you want to come up and join the party?

MR. BARRY: As you look at your people, let me add in the ACRS paragraph, and let me make just a couple of comments and let Ray address the issues he sees. The ACRS indicates th t they need 42 man-years of effort of their staff to do their job. And they, in fact, have 39 full-time permanents on board now and two temps.

COMMISSIONER AHEARNE: 37.

MR. BARRY: I'm sorry. 37 and 2 temps. In that 42 man-years, what they need is they need 14 direct man-years

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in the engineering and technical people and 28 support.

The point is that they indicate that they need it now. This is not the first time that they've come up with this requirement.

So what they're saying is that they really are living short-handed today. The two temps, of course, are there, and they're working. It's just that they're temps and they want permanents. And at problem becomes --

CHAIRMAN HENDRIE: Are those part of the 146?

MR. BARRY: Those are part of the 156.

COMMISSIONER AHEARNE: 46.

MR. BARRY: I'm sorry. 46 now, yes. They're included in there.

CHAIRMAN HENDRIE: So if we decided --

MR. FRALEY: There's a little confusion. When we submitted this, we have three temporary people in the office. Two of them have been there for three years and those were the two that we were requesting to convert. When Mr. Donoghue came up, he included all three temporaries. That third temporary we're handling on a year-by-year basis. We did not originally request them, but we would certainly agree that it would be appropriate because we have had that position for several years now. It's just that the encumbent has not been in it for very long.

The other two encumbents have been in place for

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three years.

So we would like t convert three temporary positions rather than two indicated here. That's consisent with what Donoghue told you.

CHAIRMAN HENDRIE: That would make 43.

MR. FRALEY: 43.

CHAIRMAN HENDRIE: As an office request, it would be plus 6, then, and 43.

Now the 3, then --

MR. BARRY: The 3 is the issue.

CHAIRMAN HENDRIE: In the 146.

MR. BARRY: I'm sorry. The 3 is in the 146. And here before today --

CHAIRMAN HENDRIE: We will deal with those, I think, on an overall basis and we will see what we think e ought to do.

I'm going to agree with the direction that you want to take on that. It has come up each year for a numoer of years. Each year representations are made. Each year they get thrown back out and this probably turns out to be, as every year does, to have peculiar reasons why it would be convenient not to push too hard this year. But next year, there will be another set of reasons why one shouldn't push too hard.

I think we ought to make a drive for it. There's

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always the peril that I suppose that we could end up losing the permission to have 146, or whatever, temporaries. I think the agency, in fact, would be crippled.

COMMISSIONER AHEARNE: I think that's very slim.

CHAIRMAN HENDRIE: If that happened to us, I guess I would go off to see the oversight chairman and inform him, in my judgment, that the agency was now incapable of carrying out its mission in full degree. And if that's okay with everybody, why, I guess we'll do what our hosts prescribe us to do as best we can.

Well, now, so we're really talking, as I was about to go off, we're really talking about three spaces. That is, the three additional spaces.

MR. FRALEY: The three professionals, right?

And we — I think we've used since the budgeting process began, three or four different workload estimates, some of which have been presented to you in the past several days, and each of these turns out to indicate that we need about 14 professionals to support the direct caseload.

It ranges from 13.48 up to 14.96, using the labor rates that existed at the beginning of the year.

I think that fails to take into account some of the things that we've learned recently. Number one, that probably, the scope of the safety review is going to have to be expanded somewhat and considerably more attention is going to

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have to be paid to operating experience, and the evaluation of this experience for precursors, and what have you.

We've requested two of these positions to really evaluate the material that is turned out by the operating reactors.

(At 10:00, Commissioner Kennedy enters the room.)

MR. FRALEY: We're barely able to keep up with that now. There are about 70 reactors on the line, and as I said, the various workload estimates predict that they will be increasing to varying degrees. But they will be increasing over the next two years.

I think it's clear that you need some dedicated manpower to evaluate that kind of information. That's the stuff that traditionally gets set aside because of the other scheduled activities — construction permits, the operating licenses. And there is a tendency to do that even in the committee's office.

I think we will need two people to handle that and make sure that that material is brought to the committee's attention in a timely manner, you know, with specific recommendations about its impact.

The third position would be to help the committee write things like the safety research report. As you're aware, the scope and timing of that report -- the scope was expanded considerably this year, both to get it into the

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budgeting process — we were asked to expedite it, to make it available earlier in the budgeting process.

Congressman Udall's committee, in their authorization their report on the authorization act, expanded the scope of it to include things like priorities, impact on the regulatory program, and what have you.

The LER analysis that the committee is doing was laid on us last year. Recently, we've gotten another letter from Congressman Udall, which I think you've got copies of, asking that the scope of that report be expanded a little bit. We thought we were going to get it out within the next month or two, and we'll probably be able to do that, but some additional work will be required to comply with this request.

So I think that those three people clearly are needed to handle this kind of thing. I think, generally, that the comptroller, if you'll turn to page 3 of our handout, where we've made specific manpower estimates, the nomograph that he uses — do you have a copy of this?

Does anybody need it?

CHAIRMAN HENDRIE: Okay.

MR. FRALEY: Does everybody else have one? I mean, in each case, when he has taken a look at the workload volume and the labor rates, his numbers have, in fact, come out a little higher than ours. And I think these labor rates are actually low, based on our recent experience.

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Now last year we were told by the commission, and I think rightfully so, that we ought to try to get more manpower out of the fellows. And if you'll turn to page 4, you'll see that we have about 14.5, or 14.6, man-years assigned to the fellows, which I think is really unrealistic.

COMMISSIONER KENNEDY: Actually, how many fellows are there?

MR. FRALEY: We have 10 aboard now. One more coming aboard.

COMMISSIONER KENNEDY: Located where?

MR. FRALEY: I think all but one are located here in Washington.

Number one, because of some of the restrictions, you know, on recruiting and assignment of these people after a year's very active recruiting, we've been able to come up with 11, not 14. I think we agreed last year that you can't count them one for one, and I think that's quite clear. They need a lot of technical supervision, a lot of guidance, a lot of orientation.

We are going to try to get some support from them in the assessment of operating experience. But I think it's clear that in that area you do need an experienced engineer. I think people like Michelson and Epler from Oak Ridge, and what have you, can really look at operating experience and recognize precursors have to have experience. You can't do

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that with a new engineer, perhaps not even a nuclear engineer. And in addition, in 1981, the 11 fellows that we have aboard this year will be terminating their two-year assignments. So we'll be bringing aboard a new batch. There will be gaps, et cetera.

So I think, in fact, there's no way we're going to get 14.5 man-years' worth out of the fellows.

If you'll look at the other level 2 effort, it indicates 1.91 man-years are needed. We haven't requested anybody there. We've suggested we'll try to get this out of tightening our belt.

I'm not quite sure how we're going to do that, but we'll try.

I would like to note that the ACRS staff has not had any permanent positions authorized since 1976. Generally, each year, we come up for one or two people and we've been told, well, tighten your belt a little bit.

And I think this would be the fifth year in a row, I think, we have taken all of the fat out of the staff, if there was much. I don't really think that there was much. But we have reassigned some people to provide closely coupled support to the caseload.

And if the workload comes down as predicted, I'm not quite sure how we're going to come up with this 1.91 man-years. I guess I'm really hoping that it doesn't quite come through

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the pipeline, as everybody says it's going to, because I think we would be hard pressed to provide quality support for the committee, particularly in the area of evaluating operating experience.

In fact, some consideration might be necessary to limit the activities of the committee or to delay some of their reports because I think we would be really hard pressed. I think the ACRS staff at the present time is working a respectable amount of overtime -- varies from 5 to 10 percent, from clerical and secretarial add up to engineer, and I think that that is respectable as an average number.

(At 10:05 a.m. Commissioner Gilinsky enters the room)

COMMISSIONER AHEARNE: How much administrative support, Ray, do you get out of the rest of the NRC, which is another way of asking if that were all to be eliminated, how much would it hurt?

MR. FRALEY: This is one of the skeletons that keeps coming out of the closet, that we have 20 or 21 people involved in professional support. And I think that that may have weighed heavily in the comptroller's recommendation.

COMMISSIONER AHEARNE: No, that's a different problem. My question is: If you were to get no support from anywhere else in the NRC, what would be the impact?

MR. FRALEY: I think that that would be several man-years. We try to get some support from press when we can.

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We try to get some support in reproducing documents when we can.

But when a committee is here and meeting, you can't send stuff out to Bethesda. Right now we use, you know, the travel unit out there to get their tickets to the degree, again, to the degree that we're able. But we have to process all the travel claims and compensation claims, and what have you.

So it's certainly several man-years' support that we get from around other commission offices.

COMMISSIONER AHEARNE: What's the total number of panel members that you have?

MR. FRALEY: Committee members? Right now we have 15 and they work about half time.

COMMISSIONER AHEARNE: If one of the results of many of the reviews were to be that you are a completely independent organization, would you be crippled?

MR. FRALEY: I don't think it would triple the budget because the committee members are putting in about as much time as they can.

CHAIRMAN HENDRIE: It would be the administrators that you'd have to replace.

MR. FRALEY: The staff would triple. That's about half, I would think, of the total.

But, again, if I may -- this professional support,

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we're frequently compared here to the support overhead in a normal line NRC office. And I think that's an inappropriate comparison.

This professional support does include, as they say, some very closely coupled support of the professional engineers on the staff. We have engineering aides and what have you, in that group.

You know, in addition, they do all the travel, all of the document control, all of the personnel activities, all of the compensation, all of the claims, and everything that are associated, not with 14 professionals, but actually, with 150 professionals. They support the fellows.

You know, we didn't get any administrative support to support the fellows when they were assigned.

They support the committee members. They support the rest of the staff, and they support a hundred consultants.

Now the members put in about half time. To be sure the consultants, that represents several man-years. But there is a continuing overhead having a panel that large aboard.

And I think the fact that the members and consultants are spread out throughout the United States puts an added burden on it.

I think this support is very similar to the kind of support that your personal staffs provide the commissioners and the secretariat. And I think that you can realize how that

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would be complicated if the commissioners were located throughout the country but your staff was here in Washington.

There's a lot of travel involved. If everything you wanted to come to a meeting —

(Laughter.)

MR. FRALEY: For example, we process between 15,000 and 20,000 incoming documents a year. They come in in 15 copies, each of these documents, because we have part-time people. We have to look at them for conflict of interest. We can't send them to anybody who has a conflict of interest.

In addition, no committee member can afford the time, effort, or space to receive all of these documents. So we have to make a very select distribution, depending on their working assignments, their interests, and their availability.

Again, depending on how urgent the document is, we have several mailing addresses for each member. We have to package them and some of them go to their routine address, some of them go to their urgent address, and what have you.

These are, you know, some of the things that happen having people spread out through all the country. You don't just walk around the hall and drop off five copies.

COMMISSIONER AHEARNE: Ray, let me get back to this question.

What I think I'm surprised at is there doesn't seem

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to be any, and maybe it's a premature judgment or maybe I haven't thought it through and reached a conclusion, but this looks to me to be exactly the same kind of a budget request I would have requested had there not been any Three Mile Island.

It doesn't seem to me that you've re-evaluated the role of the ACRS and here are the changes that you think are going to have to be made to the role it plays.

MR. FRALEY: Well, I think it's clear that the scope of the licensing review is going to be expanded, and I think it's clear that operating experience is going to have to be evaluated.

COMMISSIONER AHEARNE: Did the committee address that question at all?

MR. FRALEY: We're having a meeting next week to discuss underlying causes contributing to the Three Mile Island accident to think about whether the committee's role should be amended in any significant way, as well as on the other recommendations that the committee would care to make.

So I think, except to recognize that there are areas that need increased attention —

COMMISSIONER AHEARNE: The committee itself, then, never sat down for a couple of days and thought through what way might it significantly change its role, charter, function.

MR. FRALEY: That's going to start Wednesday,

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hopefully.

COMMISSIONER GILINSKY: May I interject a more detailed question?

What was your role in evaluating this lessons learned report? Did that run by you before it came out in final form, or are you going to review it now?

MR. FRALEY: The committee has had several meetings with Roger Mattson's group on lessons learned. The committee was turning out its report at the same time it was meeting with the staff, the bulletins, and orders group and the lessons learned group.

And, in fact, we do plan to discuss at the next meeting the latest edition of the lessons learned report.

COMMISSIONER GILINSKY: The formal report.

MR. FRALEY: Yes.

COMMISSIONER GILINSKY: Will you send us something on that?

MR. FRALEY: We're thinking about interim report no. 4, yes.

COMMISSIONER GILINSKY: What about the report from the office of inspection and enforcement that we heard about yesterday?

MR. FRALEY: We got copies of that yesterday, I think.

COMMISSIONER GILINSKY: Can we expect the views of the committee?

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MR. FRALEY: I think if you would like them, certainly they will do their best to provide them. I'll pass that on.

COMMISSIONER AHEARNE: I guess I, myself, am much more interested in their views on lessons learned because it addresses —

MR. FRALEY: Well, it's clear that we're bearing down now on some reactors that are waiting for their operating licenses to be issues. And, in fact, at the August and September meeting, we will have to consider the first reactors in this series, and I think that then we will really have to bite the bullet.

COMMISSIONER AHEARNE: Since we are in the budget, though, if I could get back to this point. You said that the ACRS is going to be meeting next week. And one of the issues that they will be looking at is to whether any major changes should be made.

So they have any kind of a date at which they might be forwarding that if they were to forward it to us?

MR. FRALEY: No, we do not have a specific date. I think we've talked about this.

COMMISSIONER AHEARNE: When is our date for sending to OMB?

MR. BARRY: The first of September.

COMMISSIONER AHEARNE: The first of September. Changes

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can always be put in afterwards.

MR. FRALEY: Well --

COMMISSIONER AHEARNE: So if they were to be reaching any significant conclusions --

MR. FRALEY: Well, I think, in fact, the committee members themselves are probably putting in as much time as they can devote. There may be some major changes in the staff or the use of consultants.

COMMISSIONER AHEARNE: Or the size. For example, it's entirely feasible, they may conclude that 15 is just too small, that they should expand to 45 and separate into more subcommittees.

It could be possible they could conclude.

COMMISSIONER GILINSKY: 45 what?

COMMISSIONER AHEARNE: ACRS members.

COMMISSIONER GILINSKY: You're talking about a change in the law, aren't you?

COMMISSIONER AHEARNE: Yes. What I'm saying is that I would expect a fundamental re-examination by them.

MR. FRALEY: Let me say that Congressman Hollingsworth one time suggested that we might need an east coast and a west coast ACRS. And I think that the committee was not too enthusiastic about its expanding.

COMMISSIONER AHEARNE: I'm not saying that it would be good or bad.

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MR. FRALEY: Well, these are things that will have to be addressed and as soon as they come down with some recommendations, I'm sure that we'll pass them on.

CHAIRMAN HENDRIE: Others.

COMMISSIONER GILINSKY: If it hasn't been mentioned, let me say for myself that the committee's comments on the research budget were very, very helpful.

MR. FRALEY: I think that the committee worked very hard and I hope they were more pointed.

COMMISSIONER AHEARNE: It was very useful. It was also -- particularly, it was very timely. It arrived in time, at least for me to have gone through them. And EDO was able to provide something in that regard.

It was very useful.

MR. FRALEY: Maybe I could just spend a couple of minutes on that.

This is another area where I know people keep wondering why we keep asking for more staff. But two years ago when we were first assigned the RSR report, we were also given the fellows to sort of help the committee. Unfortunately, the fellowship program wasn't operative when we had to turn out the first report.

So we took that out of the existing staff. Last year, we did have a senior fellow, John Austin, who was very helpful in putting that report together and really helped a lot

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Only this year he's gone. He now works for Senator Hart.

And so, this year, despite the fact that the report was moved up and it was expanded, we really didn't have any fellow to help and it had to be dumped back on the regular staff and it did create considerable strain and pain.

We have now assigned another fellow who does not have the experience that John did. And I don't think, you know, we can expect quite the assistance. But it's that kind of thing that keeps plaguing us.

I mean, these things that are original work, that require more staff support than the sort of routine review of a more or less standard water reactor, for example.

Now I know that Three Mile Island has changes things a little bit, but that's generally true.

CHAIRMAN HENDRIE: Okay. Thank you.

MR. FRALEY: Thank you.

CHAIRMAN HENDRIE: As we progress down the list, the licensing board panel, let's see, the panel proposes to keep the same standing level to use 20 percent less program support and travel a smidge more.

COMMISSIONER AHEARNE: I think what the licensing board would like to do —

CHAIRMAN HENDRIE: I think if we could, in fact, get them up to the 37 — any comments or discussion on the panel?

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COMMISSIONER AHEARNE: I think we have to keep in mind that the function of the panel, the function of the field panel is a subject that we have OGC work coming in on.

CHAIRMAN HENDRIE: Yes. And I've urged that the level of action on that move along. I don't want to push it too hard because that will only lead more directly into Len's hands when he comes up in a minute to ask for new staff in the counsel's office, you see.

COMMISSIONER AHEARNE: What I was thinking about was that last year, as I recall, OMB struck members out of these panels on the grounds that Victor had proposed consolidation.

My response was that we weren't ready yet to address that, while we are now coming one year later.

CHAIRMAN HENDRIE: It continues to be true. We're nothing, if not consistent.

COMMISSIONER AHEARNE: Anyway, we're coming one year later and we do not have the studies. And so we are going back in for the same structure.

This weakens our argument a little bit.

COMMISSIONER KENNEDY: I don't think it weakens the argument at all. How does it weaken the argument?

CHAIRMAN HENDRIE: It brings us —

COMMISSIONER AHEARNE: After one year. The strength of the argument would be that if we have received the study,

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sh re-examined the conclusions and made a decision, and therefore --

COMMISSIONER KENNEDY: That would be a different argument.

COMMISSIONER AHEARNE: OMB, I think, is familiar with the continuing study of the budget.

COMMISSIONER KENNEDY: The study of the budget is the study of the organization. They're also familiar with that. We deal with the Defense Department every year regularly, and if there's one thing they're constantly reviewing, it's new organizations in the Defense Department.

CHAIRMAN HENDRIE: Why don't we ask the general counsel and his people to come forward and we'll talk about this and then about the counsel's office, which is next on the list after the panel, anyway.

MR. BARRY: The difficulty we had with OMB last year, while we were in the holding position waiting for a study, instead of holdin at 15, they held us first at zero and finally compromised nd held us at 8.

You know, that's the thing -- we don't want to go through that again this year and hold us again at zero or 8. We lost 7 spaces last year as a result of that.

COMMISSIONER AHEARNE: Where's the status?

MR. BICKWIT: I'm afraid I'm not at all clear which study you're talking about. It could be any of a numoer.

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COMMISSIONER AHEARNE: Consolidation or not of the licensing board?

MR. BICKWIT: That is a study which we expect to be completed in October.

COMMISSIONER AHEARNE: Beginning or end?

CHAIRMAN HENDRIE: End.

COMMISSIONER KENNEDY: How about the middle?

MR. BICKWIT: We haven't been able to zero in on it.

COMMISSIONER GILINSKY: Let's see. Is there a draft available?

MR. BICKWIT: No, there is not.

COMMISSIONER GILINSKY: In October, we'll get a draft?

MR. FITZGERALD: I think my impression is that Steve Ostrach is about two weeks away from a draft, but that's been pushed back.

CHAIRMAN HENDRIE: Since he works on TMI One orders at the moment, he's probably not making much progress on that, on the Board study.

Well, it seems to me that even if we had that study in hand at the moment, this budget will have to go forward before we have time to discuss it and hack it out and so forth. So for better or worse, we will not have that study until later. However, we may have it just in time to

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come to final grips with OMB. My impression is that they found whacking the Appeals Board out of the list last year — they found that sort of a convenient way of having a set aside on their side. I think they knew damn well we were going to make the 15 positions up elsewhere and just looked at the list and said, let's take 15 out, and isn't this convenient: we'll ax these guys and then let them rearrange things to suit them. I wouldn't be surprised if they do it again this year on the same basis, since no changes in staffing level and really no substantive changes in the program support levels are requested from either the Licensing Board panel or the Appeals panel.

I must say I don't see a great deal to argue with. I assume when they estimate a little higher level for travel, they know what they're talking about.

MR. BARRY: That's essentially because your hearing is now out rather than in. We've experienced that this year, and we've had to reprogram.

COMMISSIONER KENNEDY: Individual travel costs are increasing.

MR. BARRY: But it's primarily because we have recognized they now have a hearing convocation early in the hearing. We have to increase the budget.

CHAIRMAN HENDRIE: Actually the travel money is the least cost of that operation. The addition of staff

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time that you're putting in for the support of the hearings is really expensive, and having them out of town.

COMMISSIONER KENNEDY: That isn't travel costs.

CHAIRMAN HENDRIE: No, it doesn't appear.

MR. BARRY: That doesn't appear in here.

COMMISSIONER KENNEDY: Where is this? Under "Program Support"?

CHAIRMAN HENDRIE: That just reflects in the manpower requests you get, and subsequently it doesn't appear here at all. What I'm getting on to saying is that I don't see a great deal that's exceptionable in either of these line items. And I recommend we get on to the Counsel's Office, if that's all right with everybody.

Taking silence as agreement or at least no objection, Len?

COMMISSIONER AHEARNE: Just one question. Do you expect that it will stabilize in the out years?

MR. BARRY: The travel?

COMMISSIONER AHEARNE: Yes.

MR. BARRY: Yes. Stabilize in accordance with the number of hearings we have. It should parallel the hearings. If the hearings go up, it'll go up. If the hearings go down, it'll go down.

CHAIRMAN HENDRIE: Len, why don't you explain to us this proposition for five and five?

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MR. BICKWIT: We submitted a memo —

CHAIRMAN HENDRIE: You do, indeed, have a memo with this July 31 —

MR. BICKWIT: I'll just make a few supplementary comments. First of all, there does seem to be a greater spirit of adventurism on the Commission and a desire to involve itself more directly.

COMMISSIONER AHEARNE: That doesn't sound like a good word, but maybe —

COMMISSIONER GILINSKY: It eliminates "turning point."

MR. BICKWIT: What it is meant to connote is a spirit of direct involvement in proceedings, whereas in the past, that involvement had not been present, and that invariably means considerable involvement by our office. In addition, we find ourselves at this point in a somewhat reactive posture, which is perhaps the posture the Commission would want us in. But personally, I'd like to see us in a more creative role. That becomes difficult without increased resources.

COMMISSIONER KENNEDY: Creative in what sense?

MR. BICKWIT: In the sense of taking a thorough look at things like the statute and the regulations and coming to you with suggestions for revamping these, even when you haven't come to us with those suggestions. Those

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are just the supplementary statements I'd want to make.

The memo basically deals with the TMI increased workload stemming from TMI. I think it's rather apparent that this takes its toll in increased litigation and increased legislation and increased activity of our office associated with investigations, activities on the President's Commission, that kind of thing.

COMMISSIONER AHEARNE: And you see that is more than a one year interim.

MR. BICKWIT: I do, but I want to specify that our recommendations for FY '81 are extremely soft. It is very difficult for us to bid that far.

COMMISSIONER AHEARNE: What was puzzling me was that the strength of your recommendation really seems to be geared to the five that you're asking for in the supplemental. You're really saying, at least as I read it, that you foresee that already there has been a substantial increase in demand, and so therefore, as soon as possible, you need that step up. By having gone to that step up, which is a 20 percent increase or so, at that stage you then feel in another year you would need a similar increase.

MR. BICKWIT: That's true, and as I said, I feel much less assurance about that second step. The reason for it is that I do perceive the TMI aftermath extending beyond the next fiscal year.

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COMMISSIONER AHEARNE: Yes, but the five that you're asking for in the supplemental, I would think would be related to that TMI aftermath.

MR. BICKWIT: That's right. And I'm saying that you're probably going to have to use those people on TMI related matters in FY '81 as well as FY '80.

COMMISSIONER AHEARNE: But then --

MR. BICKWIT: And then on top of those five, that's right.

COMMISSIONER AHEARNE: It's that second five that I find --

MR. BICKWIT: There, what we're talking about is the kind of creative activity that I mentioned, which are things like projects to take a good hard look at how the Atomic Energy Act, the procedural legal aspects of the Atomic Energy Act fit together, how the regulations fit together, whether a rewrite of either is appropriate. I would say that my tentative position is that extensive rewriting is needed in both efforts.

COMMISSIONER AHEARNE: But it may be done for you.

MR. BICKWIT: That's true.

CHAIRMAN HENDRIE: Even if it's done for us, it creates a substantial workload impact.

MR. BICKWIT: I think invariably it will.

CHAIRMAN HENDRIE: I presume the agency will be

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asked for its views or be compelled to submit them, even if not asked.

Not a very related question to the budget, but since it came to mind yesterday, whatever became of that stab we were going to take at acceptable risk language?

MR. BICKWIT: It's about ready to come up as a paper.

CHAIRMAN HENDRIE: You were talking the other day about this acceptable risk study and whether it was worthwhile. I guess it was Saul on the risk assessment, I think it was, having, you know, sending professors to go and lecture at each other in seminars on what bases for acceptable risk were. And after that discussion, it occurred to me that Len and I had talked about whether we could develop a proposition worth discussing to propose to the Congress, namely to put some language in the Atomic Energy Act that says, here in a general way is what acceptable risk means with regard to nuclear power.

So it didn't occur to me when we were having the budget discussion, and afterwards I realized that I had underway with Len the beginnings of the project, which were along the lines which you were suggesting -- namely, why support all these professors' talking to each other? Why don't we sit down and do it?

MR. BICKWIT: That is precisely the kind of thing.

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CHAIRMAN HENDRIE: It clearly is on the back burner compared to more urgent matters — litigation and pressing adjudicatory matters.

MR. FITZGERALD: The past year also saw, in my view, a great increase in the Commission turning to OGC to conduct the Appeals Board study that you just mentioned to serve on this task force or this task group. Serving on —

CHAIRMAN HENDRIE: Who used to do that kind of thing?

MR. FITZGERALD: I don't know whether you were turning —

COMMISSIONER GILINSKY: It didn't used to happen.

MR. FITZGERALD: Unleashing so many, I don't know whether you'll continue to in the future to turn —

CHAIRMAN HENDRIE: It said "spirit of adventurism."

MR. FITZGERALD: But these things can be great time things, if there is any time. We've got one that is plodding along now that we're investing an awful lot of time on. It's that delegations — long promised delegation study.

COMMISSIONER AHEARNE: I'm glad you used that descriptive gerund.

MR. FITZGERALD: "Plodding along"? But these things do take an awful lot of time, and when we are doing

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the normal day to day stuff, perhaps they do get shoved back. But I would predict that if you continued to do that in the future, we'd have to consider that.

COMMISSIONER GILINSKY: And in the past, we've tended to look to ELD on a lot of questions having to do with the Atomic Energy Act legislation. That's an area that properly belongs with OGC. In order to move there, I think they need more people.

CHAIRMAN HENDRIE: I have one major difficulty with any increase in OGC staffing.

MR. BICKWIT: I can tell what it is. I have it, too.

CHAIRMAN HENDRIE: So far I've been unable to solve your present space problem, and I assume that with any increase in the office, it becomes intolerable. And I don't know what to do about it.

MR. BICKWIT: That has been solved.

CHAIRMAN HENDRIE: It has?

MR. BICKWIT: Yes.

CHAIRMAN HENDRIE: How?

(Laughter.)

MR. FITZGERALD: The ACRS is moving to Bethesda.

MR. BICKWIT: The OP has been very helpful. He's agreed to house his staff, and we're going to move into the historian's office.

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CHAIRMAN HENDRIE: Good work, Al, you've done it again.

COMMISSIONER AHEARNE: Perhaps the other Len could comment on the problem that we had with the OGC.

CHAIRMAN HENDRIE: Yes. Comptroller, you take a dim view of this.

MR. BARRY: I, myself, have had to play the devil's advocate more than once. I'll start by just simply saying that in the input we received from Len's office -- some of the things he said, you couldn't read in there. It just wasn't there. It was non-existent, so we only had to judge on what we read. If you look at your piece of paper here under OGC, you see that one position per increased litigation stemming from TMI, which is one of the three we said looked good, one position to deal with Congressional testimony, preparation and review analysis stemming from TMI -- again, it's a TMI requirement -- you wonder how long that'll last. It'll probably last this year, '80. But how much longer will that last into '81 for the Congressional part of it? In other words, to deal with answers?

And then, the one position -- drafting and reviewing proposed nuclear related legislation --

COMMISSIONER GILINSKY: You're talking about OGC?

MR. BARRY: Yes. These are the individual things on your paper there that we had to deal with -- one position

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for drafting and proposing proposed nuclear related legislation in view of Appeal Board decisions. We came up with the same question the Chairman had. You know, who's been doing it now? And for supplemental, we couldn't agree that that was a TMI related action. So that one, our answer on that was we couldn't see any justification on the two positions for clerical support. As we indicate, Len is blessed with having a pretty high ratio of clerks to lawyers.

We noted that his overtime rate last year for a year for the clerical support was 30 minutes a week, 39 minutes overtime.

COMMISSIONER KENNEDY: How does that contrast with the overall average for the agency?

MR. BARRY: In all honesty, the overall paid overtime for the agency, with the exception of your offices, Sam Chilk's office, and my office is not very high. Frankly --

CHAIRMAN HENDRIE: Comparable to this?

MR. BARRY: Comparable to that.

CHAIRMAN HENDRIE: I'm not sure whether that demonstrates better management of the resources in the offices than in ours, or what. Or maybe simply a penchant on our part for long hours.

MR. BARRY: That may be. And in all cases, you

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can't relate paid overtime to total overtime, particularly the closer you get to the technical engineers who do a lot of deliberation and a lot of computer work and finally it's reduced to writing.

But in many offices you can't —

COMMISSIONER AHEARNE: How does this compare to ELD?

MR. BARRY: ELD has run about the same. I'll give you a little update, because the last six months of '79 is a little heavier than '78, and ELD is running .44, in other words a little less than half.

COMMISSIONER AHEARNE: What's the clerical to professional ratio?

MR. BARRY: It's a little heavier. Al, how does the clerical ratio in OGC compare to ELD?

MR. FITZGERALD: By division, in the Hearing Division, the clerical to professional is the highest. It's approximately one to three. It's comparable to OGC.

MR. BARRY: In the Hearing Division?

MR. FITZGERALD: That's the only place. Every other place in ELD is considerably less.

MR. BARRY: My point is not that the ratio in OGC is wrong. I'm only saying that it's pretty high, and the overtime rate indicates that there's not a critical problem in terms of needing more clerical and so on. That's the

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COMMISSIONER GILINSKY: How does it compare to lawyers' firms?

MR. BARRY: I really can't tell.

COMMISSIONER GILINSKY: In comparison to the General Counsel.

MR. BICKWIT: What are we being asked?

COMMISSIONER GILINSKY: There seems to be some question about the ratio of secretaries, non-lawyers, to the total number of staff.

CHAIRMAN HENDRIE: What is the cut in OCC?

MR. BICKWIT: It's 15 attorneys and 6 clerical.

COMMISSIONER GILINSKY: I was asking what would it be in a legal firm?

MR. BICKWIT: That looks — I think you would be a little higher as far as clerical.

COMMISSIONER GILINSKY: In a legal firm.

CHAIRMAN HENDRIE: 15 and 6 is 21, and we've got 23 listed for '80.

MR. BICKWIT: That leaves one paralegal out of the equation.

CHAIRMAN HENDRIE: That would be 22 for '79.

MR. BICKWIT: Right. 23 --

CHAIRMAN HENDRIE: The 23 in '80, in fact, is not reflected in the Conference Report, right?

MR. BARRY: That's correct.

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CHAIRMAN HENDRIE: So the '80 number is not 23, it's 22. Where else in this list are there differences of that kind? That may be the only case.

MR. BARRY: That's the only one I can think of at the moment.

CHAIRMAN HENDRIE: Now, what about the OIA?

MR. BARRY: In OIA, in the '80 budget when we went to OMB, we asked for an increase of two.

CHAIRMAN HENDRIE: From 26 to 28, or 28 to 30?

MR. BARRY: 28 to 30, and OMB cut it out.

CHAIRMAN HENDRIE: Oh, it didn't go forward to the Congress.

MR. BARRY: It did not go forward to the Congress.

CHAIRMAN HENDRIE: The only one that went forward to the Congress was the OGC?

MR. BARRY: OGC. One.

CHAIRMAN HENDRIE: At any rate, the numbers that you show on this sheet as a Fiscal Year '80, 22, because it's not in the Conference Report. Okay. So that's 21 and your paralegal that does it. So that's 15 professional, 6 clerical, 1 para. Any further?

COMMISSIONER KENNEDY: With the FY '80 supplement plus 5, and the '81 plus 5, we're talking about 10 more. What's the distribution of those as to clerical and professional?

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MR. BARRY: I should say in the supplemental, there are two positions for clerical, and in '81, an additional clerical.

CHAIRMAN HENDRIE: That's seven professionals, three clericals.

COMMISSIONER KENNEDY: That, in fact, is going to make the clerical situation worse than it is now.

MR. BARRY: It would actually improve it or degrade it, depending on which way you look at it, but in terms of ratio of clerks to lawyers, there would be a higher ratio.

COMMISSIONER KENNEDY: It's going to be lower on the basis of this request.

CHAIRMAN HENDRIE: Whether it's too low — it sounds to me like it's about right. Len thinks it's a little lower than it would be in a private firm. It appears to be a little higher than it is generally in the agency. Let me suggest it's not too bad. Further comment?

MR. BICKWIT: We were anticipating three and two of the first five. The four and one is much more speculative.

COMMISSIONER AHEARNE: Yes. May I ask a question? I had asked EDO and then shifted it back to OGC for an estimate for hunting for intervenor funding included in the budget, and I got an estimate, a rough estimate. Would

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this be the appropriate line item in programs for OGC if we were to, as a Commission, vote to put that in?

MR. BARRY: You mean where to put it?

MR. COSSICK: That depends on how the Commission would decide to set the program up and administer it. It could be either place, I would assume.

MR. BARRY: It wouldn't necessarily show in the OGC, but it would show in the program. Well, depending on who is administering it, it could be just nothing more than a budget category. It would show up in either the PTA or PTS categories. That's where it would show in the budget.

COMMISSIONER AHEARNE: Although it's far from clear that the Commission as a group will endorse it, if we were, would you give me by Monday, Len, just a line item place to put that?

MR. BARRY: Yes. I'll tell you right now it will be in PTS.

COMMISSIONER AHEARNE: And under the Commission, what office?

MR. BARRY: It would be the people who determined who gets what, and I guess it would be based upon the hearings and the contribution of the intervenor to the hearings, so it would be either, you know, OGC or the board, the Hearing Board. In either case, that means Program Technical Support, just like the Grant Aid Program is under

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Technical Support, because it will be a state program administered — it will be PTS. That's where we would put it.

CHAIRMAN HENDRIE: I would think you took it and called it program support for OGC in any case.

MR. BARRY: It would be the Board's probably.

CHAIRMAN HENDRIE: Or identified as a separate item. Otherwise, you get it confused with OGC's five kilobucks.

MR. BARRY: But in a sense, it's program support in the sense that you're paying for some advice from people.

COMMISSIONER AHEARNE: You're paying for party participation. What I'm saying is, it would properly be in the category of program support. It would have to be program support.

CHAIRMAN HENDRIE: All right. We'll send that along. Other questions?

(No response.)

CHAIRMAN HENDRIE: We'll discharge the General Counsel.

COMMISSIONER AHEARNE: I think he's done a good job.

CHAIRMAN HENDRIE: Only from the meeting. He has to come back this afternoon for the next meeting.

MR. BICKWIT: You're right. In the majority.

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CHAIRMAN HENDRIE: There's safety in numbers.

COMMISSIONER KENNEDY: Was one of many things you were going to come forward about was the majority question. It crossed my mind again. You're going to come forward with a paper which described in procedural format the number of questions you raised. Can we anticipate that some time in the relatively near future?

MR. BICKWIT: Yes.

COMMISSIONER GILINSKY: This is on what?

COMMISSIONER AHEARNE: The procedures.

COMMISSIONER KENNEDY: Our business, in order to get it done.

MR. BICKWIT: I think you can anticipate that in about a week's time.

COMMISSIONER AHEARNE: On the OGC numbers, Len, I notice on your sheet that you have hear, the big sheet, it says the President's budget was 24. Current is 22. The President's budget is 24, and the current estimate is 23.

MR. BICKWIT: We've given away a slot.

MR. BARRY: Yes. Is that just an error?

MR. BICKWIT: No, that one slot was transferred.

MR. BARRY: Yes. That's right. They transferred it. They transferred it from OGC into MPA, so the base line now is 23.

CHAIRMAN HENDRIE: Except it's under the

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Conference Committee, why it's 22.

MR. BARRY: Yes.

CHAIRMAN HENDRIE: That means if the delta is ten and ten, it means those 33s become 32s in the out year.

MR. BARRY: If you were going to honor that he did have a legitimate requirement in '80, then your total would still be 33.

CHAIRMAN HENDRIE: Joe? I see you've got us on television again yesterday. Was that in preparation?

MR. FOUCHARD: I'm not sure that would be in favor or against me, sir.

COMMISSIONER KENNEDY: Would you explain while you're here —

MR. FOUCHARD: May I be excused?

COMMISSIONER KENNEDY: Why, after Mr. Stello having been asked a question and stated to answer it —

MR. FOUCHARD: And Bob Hope came on the screen.

COMMISSIONER KENNEDY: In a very good soft shoe, but sort of irrelevant to the question, I thought. Maybe it wasn't. And I wonder what MacNeil/Lehrer had to say about that.

MR. FOUCHARD: I don't know that they even knew it. We knew it in the control room. I knew they had some problems, but I didn't know what it was. But they taped it at 7:00 and showed it here at 7:30. I figured they would

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edit that problem out.

COMMISSIONER KENNEDY: The problem was in it when they ran it in the first place?

MR. FOUCHARD: Yes, sir. But it was a diversion.

CHAIRMAN HENDRIE: It was peculiar. They must have just lost a tape.

MR. FOUCHARD: The control room showed several things including Bob Hope, including something else, and they just must have switched to that particular picture at the time, you know, because they were taping.

CHAIRMAN HENDRIE: By an error?

MR. FOUCHARD: Yes, sir.

CHAIRMAN HENDRIE: The equipment was all right.

COMMISSIONER KENNEDY: It was a very, very clever bleep, and I wondered what it was that Vic was saying.

MR. FOUCHARD: I believe he was talking about the precursor of Davis-Besse. That was the question. What I've asked for is an additional three professionals, frankly, as soon as possible for Regions One, Two and Three. And assuming that the pot of gold is at the end of the rainbow there, an additional professional in the following year's budget.

CHAIRMAN HENDRIE: The '81 position would be headed for —

MR. FOUCHARD: It says five.

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CHAIRMAN HENDRIE: Wherever you need it.

MR. FOUCHARD: Wherever I need it is the answer.

COMMISSIONER AHEARNE: What do you have currently for the regions?

MR. FOUCHARD: One professional in each region. We get our support from I&E. I believe in the regions where there is a state liaison officer, the public affairs officers and the state liaison person share a secretary.

COMMISSIONER AHEARNE: Is the reason you have not asked for Four and Five the smaller size?

MR. FOUCHARD: Yes. I believe the workload at the present time is in One, Two, and Three. There are just more plants, more activity, in those three regions.

(At 10:55 Commissioner Gilinsky left the room.)

MR. FOUCHARD: If I can just give you an illustration, on the day of the minor release from Peach Bottom several weeks ago, a Region One public affairs officer handled 120 telephone calls. These are not only media calls; these are public calls. And the workload in each of these regions as well as Headquarters has just increased enormously. It's certainly worse since Three Mile Island. I think it began about a year ago when Seabrook really turned public attention on the activities of this Commission in a way which we really hadn't seen in the past.

CHAIRMAN HENDRIE: The Great Sidewalk Event.

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MR. FOUCHARD: That's part of it, sir. Yes, sir. Just focus on the activities of the agency on a day to day basis, we hadn't seen that before.

CHAIRMAN HENDRIE: Well, John, it seems all to have started to happen about the time you joined us.

COMMISSIONER AHEARNE: You're welcome.

CHAIRMAN HENDRIE: I don't know what to draw from that as an inference. Questions?

(No response.)

MR. BARRY: Just a comment, that it is an immediate requirement in terms of need.

MR. FOUCHARD: Yes. If I could get something for Region One as quick as I could, that would be a big lift, and the others as quick as possible. But I should really be staffing Three Mile Island a couple or three days a week. We've got that much activity up there yet.

COMMISSIONER AHEARNE: Of your nine spaces, are they all filled?

MR. FOUCHARD: All except the Deputy, yes, sir. And that recruitment is underway under the SES system with the requirements.

CHAIRMAN HENDRIE: I think if the Commission — well, let's see how the discussion goes. I think my own view is that the public affairs officers out in those regions are — you know, that the workload levels have

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gotten right out of hand.

COMMISSIONER AHEARNE: I would support it, perhaps in a slightly different way. I think if there were more people in the regions, then they might also be able to spend a little bit more of their time keeping abreast of the other issues in the agency.

MR. FOUCHARD: I agree. There are things we ought to be doing that we simply are not doing.

COMMISSIONER AHEARNE: At some point, a person is just trying to live off previous knowledge, and they're constantly interacting.

CHAIRMAN HENDRIE: If all they do is just take phone calls all day long, why, oh boy.

MR. FOUCHARD: You wouldn't believe it. It's pretty heavy.

CHAIRMAN HENDRIE: All right. Thank you very much. OPE level estimate, it seems to me the staffing level is consistent with the directions of current discussions. For whatever may happen in future budgets, this doesn't appear to be a time to make great hoorahs here in different directions in terms of the sort of budget --

COMMISSIONER AHEARNE: Let me just ask a question about the program support. I notice you dropped from '79 going into '80. Al, is that because you found you really didn't need the money?

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MR. KENNEKE: As things were being run, that's correct.

COMMISSIONER AHEARNE: And you see in the future next year --

MR. KENNEKE: That's entirely possible. It is consistent.

CHAIRMAN HENDRIE: Congressional level, the auditor.

COMMISSIONER AHEARNE: I want to ask a question about the Congressional. Is anybody here from Congressional?

CHAIRMAN HENDRIE: They're all down on the Hill.

COMMISSIONER AHEARNE: My question really is, what is the reaction that we're getting back from Congress as to the adequacy of the coverage?

CHAIRMAN HENDRIE: I think --

COMMISSIONER AHEARNE: I didn't think that was a budget question.

(Laughter.)

CHAIRMAN HENDRIE: I don't think it's answerable from our side, really, John. I think we made, I think, some useful progress in adding the two people in when we did last year. And I think, you know, putting them in as being primarily as having the center focus of their duties to serve, one for each of the committees --

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COMMISSIONER KENNEDY: Do we have one from Mr. Moffat's committee?

CHAIRMAN HENDRIE: No.

COMMISSIONER KENNEDY: We might need an extra space, then.

CHAIRMAN HENDRIE: Since the five plant shutdown started and, wham, we went up, you know. We took the action on the five plants and promptly got sucked into about seven hearings on that subject. And we're staggering out of that Three Mile, and I expect, you know, it's sort of impossible to keep up with. Here's Carl.

COMMISSIONER AHEARNE: Carl, my question really was, what sense do we get from the Congress as to the adequacy of our coverage from the Congressional staff. Addressing the size of your office, I'm trying to get some feeling. Is that an adequate number?

MR. KAMMERER: We've had no complaints as to the number of people in the office. We have difficulty sometimes with the information flows and found it's not always the fault of timely notification with regard to the number system.

COMMISSIONER AHEARNE: As far as you can tell, that's an adequate number.

MR. KAMMERER: Yes.

COMMISSIONER AHEARNE: Thank you.

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CHAIRMAN HENDRIE: Why don't we advance to the auditor, the inspector and the auditor?

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I should note a little background to the request for six. It seems to me that the level of 34 in that office is a level which has been discussed from the beginning.

MR. MESSENGER: Since inception, when we really started to crank up in about September of '75.

CHAIRMAN HENDRIE: That is when the Commission said, "Here is the kind of inspection and audit office we need in this operation." The staffing level -- as I remember, the number was 34, bit it was felt, well, you know, if you're going to run out and hire 34 people, you'll probably have trouble getting them all this year.

COMMISSIONER AHEARNE: It was 34 back on the agency. Was it 1800 or something?

CHAIRMAN HENDRIE: Back when the agency was whatever, yes.

MR. BARRY: This came out when the agency actually submitted their own budget.

CHAIRMAN HENDRIE: So, the request went to a much smaller number.

COMMISSIONER KENNEDY: In answer to the question that John asked here, however, when the agency submitted that number, it had larger numbers in the out-years in 1800, and it was at a 34 level. It represented -- it was assumed to grow.

MR. BARRY: Eventually, yes. Absolutely.

MR. MESSENGER: So, it was 25. It was gradually going

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to phase into the 34. Also, we have a chance to see what the investigative workload would be. Now it's quite heavy.

COMMISSIONER KENNEDY: What effect is there going to be with movement of the EEO examinations to the EDOC?

MR. MESSENGER: Very little. The investigative workload right now, I think, is 21 caseloads, which means that we are still diverting auditors to assist. People start complaining, and they don't get investigations done.

CHAIRMAN HENDRIE: Hardly anybody complains when audits are done, except the auditors.

COMMISSIONER KENNEDY: What I am talking about, how are those 21 cases are EEO cases?

MR. MESSENGER: Zero, of the 21.

MR. GOSSICK: We have referred four cases to the EEOC after this memorandum of understanding. We anticipate somewhere between half a dozen to a dozen, we just don't know, more or less, in the future. They will do them in something less than a hundred days.

COMMISSIONER KENNEDY: I was just wondering, would this diminish the workload that's now on the OIA?

MR. GOSSICK: One of the reasons that we've moved, among others, is that they just weren't able to take these on in a timely fashion because of staffing. So, it's a matter of relief.

MR. MESSENGER: An item of note was that we had in

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May and June 11, personnel devoted to TMI. We currently have four auditors and one investigator in the Rogovin group, and we have Ben Kelly, who covers the Kemeny Commission hearings part-time whenever they meet.

COMMISSIONER AHEARNE: Of course, that effort by '81 really will be gone.

MR. MESSENGER: So we will, hopefully, get back. So, what in effect the end result that it really suffers is on the audit workload. Here there are outside requirements that have a bearing on this OMB Circular A-73, which says that we have to have a plan -- at least the agency does -- annually, and we do that through our annual report, and we should have a reasonable cycle of audits.

So, right now, it's somewhere. We're pushing for seven years. Although GAO has never set a standard for what the cycle is, they have criticized agencies where it gets beyond 10 years, where offices would go without audits.

COMMISSIONER KENNEDY: How many of these six people are auditors? How many inspectors or investigators?

MR. MESSENGER: What we would do is bring them in on the audit side because you can go from the auditor to investigator, but the investigator really is very difficult to do audits because of the training. This is very similar to what the FBI does: They hire 510 series accountants. Jim Cummings is one. Really, you have auditing subjects in your school to do it, so

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the auditor -- and you always have an IG concept. The auditor acts out the investigation because they have detailed knowledge of the agency operations. That's when you get into the investigations that go into program areas. The investigator usually goes over and works closely with the auditor.

COMMISSIONER AHEARNE: Talking about program support, you don't use any, so you don't feel there is no program support dollars?

MR. MESSENGER: The only thing we have is travel, really, and training, which I think is part of the admin. We have a training budget.

MR. BARRY: Have you not considered consultant help at all, or contractual help on certain things, to supplement your staff?

MR. MESSENGER: We have.

MR. BARRY: We've encouraged that on other applications, but I don't think they've used it at all.

MR. MESSENGER: On one ivestigation we started to pursue it, and then it fell through, didn't materialize. Right now we are talking with the accounting side of the house and usually going out for possible independent studies of the accounting system and audit of our accounting system, because in the financial area, which is a requirement of OMB Circular 73, we just do not have the resources.

I have a branch of four people that, in effect, covers

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all the admin. program direction activities, assists on investigations, and does most of the work, which we comment on every draft manual in this agency, as well as handles the GAO liaison function. This is all done by these people.

So, that was one area that we are considering.

MR. BARRY: As you know, we're in the process of going through a GAO approval account system. When it happens and the GAO approves it, there's no need to audit it for at least a couple of years.

(Laughter.)

CHAIMRAN HENDRIE: Clever thinking, Len.

MR. BARRY: Because if you're going to have GAO approval, you know, an auditor --

COMMISSIONER AHEARNE: The audit offices would be delighted to reach a level of understanding with you that they're all right, you don't have to audit them.

MR. MESSENGER: I might mention -- and the chairman has responded to a couple of these outside requirements coming down; one is President Carter's memo to heads of agencies on the elimination of fraud, waste, and error, where they're kind of pushing this effort right now. We issued this at the request of Mr. Gossick.

COMMISSIONER AHEARNE: You aren't including the Commission in that?

MR. MESSENGER: We have a duty.

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CHAIRMAN HENDRIE: Let's see fraud -- what is it?

MR. MESSENGER: Fraud, waste, and error.

CHAIRMAN HENDRIE: I want you to know that I have taken a position four-square against fraud, waste, and error.

COMMISSIONER KENNEDY: My public statements are clear in this regard.

(Laughter.)

MR. GOSSICK: You may recall I asked OIA to undertake to keep looking at GSA matters a few months ago. I now have their draft report, and we're in the process of responding to it. I was looking at the response last night. It concludes they weren't able to find it. There are a number of things that were pointed out.

MR. BARRY: Could you say that a little differently just a little differently.

(Laughter.)

MR. GOSSICK: Clean or clever?

MR. BARRY: You were so positive when you said they couldn't find it.

MR. GOSSICK: But the report's been very helpful on it in straightening out --

COMMISSIONER AHEARNE: The BRG didn't look at any of the Commission offices?

MR. GOSSICK: No, it did not.

CHAIRMAN HENDRIE: No further questions? I think

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that does us for this morning.

Thank you very much.

COMMISSIONER AHEARNE: Len, do you have any last words of advice for us?

MR. BARRY: I will give you, before the day is over, a substitute column for the chairman's request, in my best judgement as to what the President's budget will come out.

CHAIRMAN HENDRIE: It goes under the column "Current estimated without supplement," and it ought to reflect 363, 340. So --

MR. BARRY: And we will pin in some new numbers for you. In fact, if you let me have what I just gave you, I will pin them in. I can do it today and give it back to you.

CHAIRMAN HENDRIE: All right, I will surrender my copy.

COMMISSIONER KENENDY: Mine also?

MR. BARRY: Yes, sir. I will give it back to you this afternoon, and it will show you how it will come out.

CHAIRMAN HENDRIE: One thing, just before we break.

It has seemed to me on these markup sessions, which are going to be closed meetings of the Commission, that the tapes or the transcripts of them should be held until the appropriations act for '81 goes. We ought to have Lee and the comptroller and the appropriate members of the budget review group -- do you see any objection to office heads sitting in?

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COMMISSIONER AHEARNE: I guess at the moment I would rather just restrict it to the first group.

COMMISSIONER KENNEDY: I have no objection to office heads sitting in.

CHAIRMAN HENDRIE: Well, I can't remember what we've done. It seems to me, last year we in fact took a cut at it with Lee and Len and the budget group first. Any preliminary results that flow from that, I think the office directors ought to have a chance to once more talk to us.

COMMISSIONER AHEARNE: You see, my feeling is that we had -- they had their cut from BRG. They would comment to EDO. The EDO remarked to us that they would comment to us. I think we ought to go at it. Then, after we take our initial mark, then they can comment. But I prefer not to try to get into a debate with them.

COMMISSIONER KENNEDY: It isn't a question of getting into a debate. I thought the question was could they be present. And I reiterate I have no objection to seeing them out there and listening to anything I have to say.

CHAIRMAN HENDRIE: It was present, rather than participation.

COMMISSIONER AHEARNE: No, I understand.

CHAIRMAN HENDRIE: Unless there were questions.

COMMISSIONER AHEARNE: My own leaning would be "No."

CHAIRMAN HENDRIE: All right, we'll see you this

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afternoon.

(Whereupon, at 11:15 a.m., the meeting was adjourned.)

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Summary of ACRS Budget Request - Level One

July 30, 1979

I Positions

1980	1981 Requested
FTP - 37 Temp - 2 39	FTP - 42

Breakout of Additional Positions Requested

Direct Effort: - 3

3 Technical Fositions
Generic Safety Issues (1)
Operating Reactors (2)
(See attached workload data - pages 2 & 3)

Professional Support: - 2

Conversion of two temporary positions to FTP. Incumbents of these positions have been assigned to ACRS since 1976. It is highly desirable they be converted to FTP as a matter of good personnel practice.

Total 5

II Funds Requested

	1980	1981
Program Support Funds (For DOE and Contractor Consultants)	380	200[1/]
Travel Funds	380	410[2/]

1/ Reduction based on decision not to use contracts or grants for ACRS University Fellows.

2/ Increase based on 6% escalation factor and a slight overall increase in subcommittee meetings based on workload volume predictions.

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July 30, 1979

ACRS PROJECT WORKLOAD

	FY 80 (Man Years)	FY 81 (Man Years)
Original case work related requirements	6.4	6.0
Original CON est. (LIPP)	7.5	6.5
Current (7-16 revision) case work requirements	5.99	6.4
Current CON est. (LIPP)	6.86	6.42

	FY 79*	FY 80	(3/79) FY 81	(7/16/79) FY 81
Standardization Reviews (SSARs, BOPs)	1	8	4	4
CP and OL reviews	2	3	5	9
	3	11	9	13
Operating Reactors	70	79	94	92
DOE/DOD Reviews	1	3	2	2
Fuel Cycle Facility reviews	0	0	3	3
Generic Task Action Plan Reviews	0	18**	7	5
Criteria and Guides	7	43	64	

* Actual

** Recently (7/79) reduced to 13

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July 30, 1979

MAN-YEAR DIRECT

LEVEL 1	ORIGINAL (3/79)				CURRENT (7/79)			
	FY 80		FY 81		FY 80		FY 81	
	ACRS Office	CON Resources Staff	ACRS Office	CON Res. Staff	ACRS Office	CON Res. Staff	ACRS Office	CON Res. Staff
Nuclear Pwr. Plant Case-work	6.28	7.468	5.97	6.493	5.99	6.856	6.37	6.423
All Other	7.93	--	8.56	--	7.63	--	7.87	--
TOTAL	14.21	15.398	14.53	15.053	13.62	14.486	14.24	14.293
LEVEL 2*	.81	--	1.91	--	.81	--	1.91	--
TOTAL	15.02	16.208	16.44	16.983	14.43	15.296	16.15	16.203

* FTP request only: SEP and alternate Fuel Cycle work

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July 30, 1979

Summary of ACRS Budget Request - Level II

I Positions	1980	1981
ACRS Fellows		
Authorized (PL 95-209)	15 Temp.	15
Filled	9	
Committed	2	
Vacant	4	
Total	15	15

II Analysis of Fellow's Workload

Tasks	Staff Years Required 1980	1981
1. Application of Operating Exp. to Safety Assessment	5.67	6.58
2. Evaluate Potential Generic Items	3.	3.
3. Adv. Committee Initiatives	5.	5.
Totals	13.67	14.58

IIA Other Level II Effort

1. Monitor Progress of Systematic Evaluation Program	.11	.11
2. Systematic Evaluation Program Results	0	1.10
3. Alternative Fuel Cycle Review	.7	.7
Total Man Years	.81[1/]	1.91[1/]

1/ Manpower for the other level II effort will come from inproved efficiency and readjustments in ACRS Staff.