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NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

DISCUSSION OF POLICY, PLANNING & PROGRAM GUIDE

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

DISCUSSION OF POLICY, PLANNING & PROGRAM GUIDE

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

Friday, 18 January 1980

The Commission met, pursuant to notice, at 10:05 a.m.

BEFORE:

JOHN F. AHEARNE, Chairman of the Commission

VICTOR GILINSKY, Commissioner

PETER A. BRADFORD, Commissioner

ALSO PRESENT:

Messrs. Hanrahan, Bickwit, Bassett, and Conver.

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CHAIRMAN AHEARNE: Once again we meet on the planning -- policy planning and program guidance.

I would like to start the meeting by briefly attempting to review for the Nth time what policy planning and programming are.

COMMISSIONER GILINSKY: This is policy planning program 101.

CHAIRMAN AHEARNE: It may be remedial. Policies are very broad. In general, it is broader than the NRC has been used to calling policy statements.

Much of what we call policy statements are really planning statements.

For an example, policy-type statements would be, nuclear energy is good or nuclear energy is bad.

Now we do have some policy statements in this document. For example, 2A, which basically that licensed nuclear activities will be regulated to achieve and maintain adequate protection to the public health and safety.

That's a policy statement.

Another policy statement would be 1. That adequate public health and safety will be defined by integration over a case-by-case decision until it is better defined.

Planning-type statements could be keep all reactors operating. That would link to a policy statement

of nuclear energy is good. Or it could be close all reactors. That would be linked to a policy statement that nuclear energy is bad.

We do have planning statements in here for it that link to the adequate health and safety policy. For example, using risk assessment to better define risk to the use of public input to develop this better understanding of risk.

One would then go on into programs which would be -- for example, specific programs for the probabilistic analysis or specific programs for the public input.

Now as far as the document we have here, this is neither a complete nor a final version. The theory of this type of document is that it evolves.

If we can agree that it's a reasonable document, we can cycle it through the senior staff, what is called participatory management. To get the senior staff behind it, they have to be given the opportunity to comment, to say that there are better ways of saying this or here's a big gap, or to argue.

They may have a major disagreement. We can examine their comments and arguments, either accept, reject or modify and then stamp it.

It would be the first year's effort. It will be redone next year. People will better understand what it is,

how to think in these terms. It will be closer to what we want and need.

Cardinal Newman once said that nothing would be done at all if a man waited until he could do it so well, that no one could find fault with it.

The GAO has recently said, the NRC has taken too long to develop policies. And one reason is the lack of firm commissioners' direction.

This is an opportunity. And then as my wife might say, "kazo pon, husho son." (Phonetic)

COMMISSIONER GILINSKY: Well, Maimonides once said, if not now, when?

CHAIRMAN AHEARNE: So with that lengthy introduction, perhaps we can move to Ed's introduction. I assume we all read it.

COMMISSIONER GILINSKY: Is there a quiz on this?

(Laughter.)

MR. HANRAHAN: I would like to remind Commissioner Gilinsky that he prepared the first 8 questions.

(Laughter.)

CHAIRMAN AHEARNE: First, what I would like to do is to see if we can't reach some sense of agreement on this revised version, or ask Vic how he would propose reaching such agreement.

I gather that the questions were developed in

conjunction between you and Hanrahan.

COMMISSIONER GILINSKY: Yes, we sat down and tried to write down what we thought were some of the basic questions that needed to be answered by the commissioners.

MR. HANRAHAN: We cross-walked those to what had been prepared in the December 20th draft, which is given in enclosure 2, and found a reasonably close correspondence between the two, with only one exception, which was siting policy, which is being developed.

CHAIRMAN AHEARNE: I would say two exceptions: One exception with citing policy. The second exception, which, in going back through and looking at the questions, it seemed clear that there was no major policy statement on research.

MR. HANRAHAN: In which --

CHAIRMAN AHEARNE: In the policy section, it really wasn't a statement on research.

MR. HANRAHAN: It was more in the planning area.

CHAIRMAN AHEARNE: So there really had to be a policy statement on research.

COMMISSIONER GILINSKY: Incidentally, these questions are formal that we feel it can't be changed. These are just our contribution, our thoughts.

MR. HANRAHAN: I think as a result of both processes, I think we came essentially roughly to the same

point, one in the form of raising issues, and another developing policy statements.

My own feeling is that we are at a point now where we can go to those policy statements because the issues have been thought about. First, they were thought about in the staff. Norm Haller and company developed the initial draft. And then Commissioner Gilinsky.

So with that, I would suggest that we turn to the beginning and begin again to go through the document.

CHAIRMAN AHEARNE: You would say page-by-page going through —

(Simultaneous discussion.)

CHAIRMAN AHEARNE: In theory, now that you have modified it, as a result of —

MR. HANRAHAN: We have marked with a bar in the left-hand margin those things that have undergone some change. I think we ought to only address again those things that were changed in the last draft.

CHAIRMAN AHEARNE: Maybe yes, maybe not. But is it agreeable to go through the document?

COMMISSIONER GILINSKY: Sure.

COMMISSIONER BRADFORD: "Agreeable" may not be the right word, but I think we have to do it.

CHAIRMAN AHEARNE: All right. Let's look at the first page, then, which is the fiscal year '82—'86. And

the major change there has been the inclusion of a section, I think, Peter, you suggested.

MR. HANRAHAN: Yes, it was drafted by Commissioner Bradford with some editorial by Commissioners Hendrie --

COMMISSIONER BRADFORD: It was gutted by Joe and John.

(Laughter.)

CHAIRMAN AHEARNE: Since I accepted it in its version before, I have no problem with accepting it this time.

COMMISSIONER BRADFORD: The only -- it's not something I would insist on. I was just curious of the evolution of what's now the first sentence in the second paragraph.

I had included a further phrase in there indicating what I meant by "complacency." Joe had then struck the entire sentence, including what you have in here. And it somehow has now come back with about half of what had been my first sentence.

I don't mind it in the form that it is now, but I wondered how you got what you have here.

MR. HANRAHAN: Attempting to strike it, which may have not been very good.

I was trying to accommodate both.

COMMISSIONER BRADFORD: I would prefer the long

way, but I know Joe preferred to take it all out.

COMMISSIONER GILINSKY: I must say that I'm not sure that I'd keep it. You know, these are things that are very similar to what I have said in talks and speeches and believe, but I'm not sure that it belongs in a document of this sort.

COMMISSIONER BRADFORD: I thought it was required for people to memorize.

(Laughter.)

MR. HANRAHAN: If you recall our last discussion, the introduction session was to provide the backdrop and the remainder of it -- there was much less here and Commissioner Bradford thought that there was a need to paint in a little more background.

COMMISSIONER GILINSKY: I don't know. I have to say that I -- I don't know that I'd put this paragraph in, that policy, planning, and program guidance document is the place for self-flagellation, however much it may be in place

CHAIRMAN AHEARNE: You view it as such.

COMMISSIONER GILINSKY: Well, I wouldn't say strictly.

CHAIRMAN AHEARNE: Well, put that "if there is a common flaw" aside. How about the rest of it?

COMMISSIONER GILINSKY: Well, you know, it's not anything that I'd disagree with. I guess I would have gone

for a much sparer sort of document.

It just has the bare essentials of guiding rather than a sort of cry from the heart.

(Laughter.)

CHAIRMAN AHEARNE: Some of the flavor of — one of the purposes of this kind of document is to give the commission staff a true measure of the basic approaches of the commission. And you say that it tracks closely to the point you have been making in speeches.

Then I think that if you'd been saying that on the outside, it is very appropriate to present that flavor in the inside.

This is trying to set the tone that you think ought to be set for the commission, for the staff.

If you have that perspective of the world, then it's appropriate — and if the rest of the commission shares it, or if a majority, then it is appropriate to say, here is a perspective of the world that you believe is appropriate for the NRC.

COMMISSIONER BRADFORD: That was basically my feeling in putting it together. I think someone, perhaps Steve, indicated, or Norman indicated, that the first round of this had been drawn in some measure from the commissioners' speeches.

And it seemed to me maybe we should communicate

some of the things that I've been saying since I give some speeches, too, by a more direct route.

COMMISSIONER GILINSKY: Why don't we pass on this, because there's no disagreement on substance, but concern whether this is the place --

MR. HANRAHAN: The next page was a discussion of Section II, the policy guidance level of protection.

We recast A and B there on the basis of instructions at the last meeting. I believe the caption was designed out of that instruction.

CHAIRMAN AHEARNE: I-A, I think you meant determine on a case-by-case basis.

MR. HANRAHAN: Yes.

CHAIRMAN AHEARNE: And I-B, the second line from the bottom, are you asking for public judgments or public advice?

I thought we did -- Congress, when they pass statutues, give us their judgment. But in the interactions, I thought that we were looking for public advice.

MR. HANRAHAN: Advice, I think, is the correct interpretation.

COMMISSIONER GILINSKY: Let's see. We're looking at this level of protection?

CHAIRMAN AHEARNE: Yes.

COMMISSIONER GILINSKY: I would throw in the word, "implicitly," and say NRC has determined on a case-by-case basis the level of protection.

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CHAIRMAN AHEARNE: Yes.

COMMISSIONER GILINSKY: And then say we seek to define that level more clearly, or something like that, in greater particularity.

CHAIRMAN AHEARNE: Or explicitly.

COMMISSIONER GILINSKY: More explicitly or something like that. I think that we ought to be pushing hard in that direction, but at the same time, it's not clear at this point just how far you can go.

CHAIRMAN AHEARNE: Okay. Seek to define more clearly.

COMMISSIONER BRADFORD: Those changes are fine.

COMMISSIONER GILINSKY: Now in B, are we saying that we will describe more clearly than before or we'll continue to describe, or what, the risks in nuclear activities?

CHAIRMAN AHEARNE: As far as policy, it is saying that it is our policy to describe.

COMMISSIONER GILINSKY: At that level, I think it's pretty obvious. It seems to me that we have to say to the staff that -- don't let up on what you're doing or do better than before, or you're doing too much.

And some sense of whether past descriptions were insufficient.

COMMISSIONER AHEARNE: I'm not sure about

insufficient, but I would certainly have no -- what we're trying to do is picking up again your "more clearly."

COMMISSIONER GILINSKY: Or will increase its efforts to describe, or something like that.

In other words, someone who is reading this needs to know, does he have to do more than he did before? Is he doing okay?

CHAIRMAN AHEARNE: Okay, increase efforts.

MR. HANRAHAN: On this next Section 2, achieving adequate protection, discussion last time was one, how to describe the trade-off of costs, where it could be appropriate to be made and where it couldn't.

CHAIRMAN AHEARNE: And that was one of the questions, to what extent should factors of other things than environmental protection be considered?

MR. HANRAHAN: There are two options here where you asked us to work with the general counsel's office.

We managed to come up with two options. I'm troubled with the second one.

CHAIRMAN AHEARNE: Does the general counsel accept that we can say --

MR. BICKWIT: No.

CHARMAN AHEARNE: You do not accept we can say "either"?

MR. BICKWIT: No, only the second.

CHAIRMAN AHEARNE: You say we can only say the second?

MR. BICKWIT: Yes.

CHAIRMAN AHEARNE: I was about to vote for the first.

(Laughter.)

MR. BICKWIT: Let's put it this way. You could say the first. I think it's an overly restrictive interpretation of what you can do under the statute.

MR. HANRAHAN: I'm troubled by the first sentence. The rest of it -- it's really the first sentence --

CHAIRMAN AHEARNE: The first sentence of what?

MR. HANRAHAN: Of the general counsel's. Some consideration of costs would be appropriate in deciding whether an adequate level of protection is being maintained.

If you are deciding whether the adequate level of protection is met, you can consider cost.

COMMISSIONER GILINSKY: Can or can't.

MR. HANRAHAN: Can, according to that sentence. That troubles me.

MR. BICKWIT: That's the difference.

COMMISSIONER GILINSKY: Let me -- if I can take you back to A, it seems to me A needs to acknowledge that everything turns on how you define "adequate," which will be

dealt with in subsequent paragraphs. Otherwise, it's kind of --

MR. HANRAHAN: Section I said that we're going to attempt to define what we think is the adequate protection. Now this section says, here's the way we're going to go about achieving that.

COMMISSIONER GILINSKY: I see. It says the level of protection — okay.

CHAIRMAN AHEARNE: So it leads in.

COMMISSIONER GILINSKY: Okay. Sorry, I withdraw my objection.

MR. HANRAHAN: The first sentence troubles me, as I've said.

MR. BICKWIT: I guess -- I'll tell you my view of this. You might want to change "would" to "may," not to say that we are leaving it totally up in the air.

What we meant by that is that you can take costs into account in deciding what is adequate protection.

But every regulator will come to a point as far as levels of protection are concerned below which costs are simply not relevant.

COMMISSIONER BRADFORD: That is, you wouldn't allow the activity, anyway.

MR. BICKWIT: That's right. So to say it may be overly broad to say "would be" because that might be

interpreted as meaning no matter what the judgment, costs should be considered where it's clear that there will come a time where any judicious regulator will say, to hell with costs.

COMMISSIONER GILINSKY: Even that isn't clear. It comes down to a matter of definition.

You could argue at that level, the safety factor becomes so important that the costs would have to be unbelievably high in order to overcome those safety considerations. But I'm not sure that it's a useful way to think about it.

MR. HANRAHAN: I think I understand why I have problems. It's probably interpretation of adequate level.

My internal reading of that is minimum adequate level, I guess is what I would say, that then one could not consider costs.

You're reading it as --

MR. BICKWIT: I'm reading "adequate" as the way it's used in the statute.

CHAIRMAN AHEARNE: But Len, are you saying that the first version you think is more flexible?

MR. BICKWIT: Less, less flexible.

It's the difference between the two that under the first you can't consider cost in establishing the level. You simply have to -- you can only consider costs in

deciding the best way to attain it.

Under the second, you can consider them in establishing the level itself.

CHAIRMAN AHEARNE: I thought the first was more or less silent on whether you could.

MR. BICKWIT: By its silence, I think it indicates that you can't.

COMMISSIONER GILINSKY: I don't see how you can get away from considering costs. In one way or another, you always consider costs.

CHAIRMAN AHEARNE: You would be more comfortable with the second.

COMMISSIONER GILINSKY: Yes, I think so, except that one needs to think hard and give guidance on I think just how it is -- how costs are to be factored in and what is the right way and what is the wrong way.

CHAIRMAN AHEARNE: Peter?

COMMISSIONER BRADFORD: I think I'm in the "none-of-the-above."

(Laughter.)

In that position. It seems to me there ought to be some way to combine what both are saying. I agree with Ed. That is conceptually -- there is a point in any particular case for no matter what the prospective licensees say to you about cost, you would simply say that the

activity -- unless that level of protection is achieved, you can't go forward.

So costs, at least economic costs, certainly would be irrelevant for any practical purpose under this statute as we have it now.

At the same time, beyond that threshold, certainly there are situations where you would say, at this particular level, additional protection is worth achieving if it can be done easily.

The whole ALARA concept, in some ways, is based on that. And it seems to me there ought to be some way to combine those two considerations.

CHAIRMAN AHEARNE: You don't think the second version quite does that?

COMMISSIONER BRADFORD: The second version, I think -- and Len has said as much here -- seems to say that -- I mean, even with the last sentence in it --

CHAIRMAN AHEARNE: The last sentence, I guess, is the threshold.

COMMISSIONER BRADFORD: But it makes it sound like it's the odd case. I think it's true in almost any case there's some threshold you have to reach before costs become at least a consideration that matters for any practical purpose.

MR. BICKWIT: Certainly one change I would make would go in the direction you're talking about, would change "of" paramount consideration to "the" paramount consideration.

COMMISSIONER BRADFORD: Yes, in fact, I think we had that discussion back before you were here, because that phrase appeared in the administration's siting and licensing bill. We put the word "the" in instead of "a."

CHAIRMAN AHEARNE: Is "the" paramount?

COMMISSIONER BRADFORD: That's right. We put it in following a debate on whether it should be "a" or "the."

MR. BICKWIT: I think you are required by a Supreme Court case to put in "the."

CHAIRMAN AHEARNE: Instead of "would," Vic, would you agree to "may"?

COMMISSIONER GILINSKY: Sure.

CHAIRMAN AHEARNE: Okay, with those two I'll join Vic so we will at least be able to move on.

The bottom of page three you have put in — or other hazards associated with its operation. Does anybody have any problem with that?

(No response.)

MR. HANRAHAN: Page four, only minor changes. Except for "e" we believe that the first option in the previous draft was the ones desired, so we have included

that one.

COMMISSIONER GILINSKY: Are you waiting for me? What is the question?

(Laughter.)

CHAIRMAN AHEARNE: We had gone ahead changing this to "may" and putting in "the," and then I joined you. So then the question was, they had made some minor changes down at the bottom of that which Peter and I didn't have any problem with.

COMMISSIONER GILINSKY: What is this, now?

MR. HANRAHAN: Included for other hazards, in the very last line.

So it's potential radiological --

COMMISSIONER GILINSKY: All right. Let's see, do you say more about when and how costs can be considered, or is "b" it?

MR. BICKWIT: I think "b" really is it.

CHAIRMAN AHEARNE: As far as the policy statement goes?

MR. BICKWIT: That's right.

MR. HANRAHAN: The third sentence says consideration of cost is always decided considering alternative methods.

COMMISSIONER GILINSKY: I was thinking more of the last sentence. I think there -- I think more needs to be

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said on that.

CHAIRMAN AHEARNE: For example?

COMMISSIONER GILINSKY: Well, I don't know what alternative to present to you, but I think it needs more than sort of a throw-away line saying that when you get to the application the costs are going to be less relevant. I think that's generally right.

MR. BICKWIT: I think you have to make the judgment how much you want to go into this document and how much you want to go into the exercise we will undertake to implement this document. I think it's an arbitrary judgment.

CHAIRMAN AHEARNE: Or you might put more specific guidance in the planning section, where the agency, I think, is in the process of trying to develop -- coming to grips with this, trying to develop things in the planning document. You can give a little bit more specific guidance on the direction you want the agency to go.

COMMISSIONER GILINSKY: Anyway, this requires a lot of thought.

CHAIRMAN AHEARNE: Yes.

MR. HANRAHAN: On page four, there are basically minor changes with the exception of the first -- the first option for Paragraph "e" was selected on the basis of our understanding of the discussion at the last meeting.

COMMISSIONER GILINSKY: Let's see, have you dealt with "d"?

CHAIRMAN AHEARNE: "D," they had put in -- it used to say "minimize their harmful consequences" in here; they changed it to say "minimize their harmful effects on public health and safety.

COMMISSIONER GILINSKY: How about throwing in a renewed commitment to material accounting? I'll tell you why. Particular in view of the Commission's recent action, which seems to point in the opposite direction, and where the Commission has relaxed the safeguards standards.

CHAIRMAN AHEARNE: I would take exception to relaxing safeguard standards. I would say that we have realistically addressed in a real situation how they ought -- what mixture of material control and accounting and physical security is required to provide that adequate protection.

COMMISSIONER GILINSKY: But you applied less stringent material accounting requirements.

CHAIRMAN AHEARNE: And balanced it by more stringent physical security requirements.

COMMISSIONER GILINSKY: But you know, initially this Commission decided you can't make that balance. It's very similar to the case that is presented by reactor safety and, you know, public protection emergency planning, where

we said no matter how much effort you place on design approval and so on, you still have got to have emergency planning in place, and so on.

CHAIRMAN AHEARNE: That's right.

COMMISSIONER GILINSKY: And one doesn't compensate in any simple way for the other.

CHAIRMAN AHEARNE: It compensates, perhaps, in a complex way.

COMMISSIONER GILINSKY: Well, but we've said to a substantial extent one is not to assume anything about the other, because we decided that you really need both kinds of protection.

That was the view of the Commission on material accounting and physical security, and I don't think the Commission ought to change its view on that. The way I would regard the Erwin case, if I voted with you, would be that it's just an isolated case, which for special reasons is being dealt with differently, rather than to say that the physical security compensates for material accounting.

It's a different kind of protection and we some time ago said that you really need both kinds of protection, that they are two qualitatively different elements.

CHAIRMAN AHEARNE: I certainly agree that you need both kinds, but you have to be realistic. I believe in what --

COMMISSIONER GILINSKY: I'm not trying to replay that case. What I'm saying is: I think it would be helpful to, in a sense, isolate that case by reiterating the Commission's intent to apply strict material accounting requirements to commercial activities.

CHAIRMAN AHEARNE: I have no problem with "intent" and with "apply" as long as they are realistic.

COMMISSIONER GILINSKY: See, there you're getting into a troublesome area. What you're saying is if somebody comes along with a commercial activity which doesn't have all these national security strings attached to it, you also apply that quote "realistic standard" -- and there, I think, that is precisely the reason why I didn't want to take the steps that the Commission took.

There, I think, we're really getting into trouble. We really are watering down the safeguard standards for the industry and I think that will go on to have implications in international efforts. I think it's not necessary to make the decision that you made.

CHAIRMAN AHEARNE: I think anything you license or regulate, there are benefits and costs that you balance and the need for the product -- whether it be electricity or material -- is part of the benefit. And you balance that, you can look at the benefit to be achieved by the operation as part of the licensing process.

tap/MM

COMMISSIONER GILINSKY: I have to say I am now more sure that I did the right thing.

CHAIRMAN AHEARNE: As am I.

COMMISSIONER BRADFORD: I disagree with both of you.

(Laughter.)

CHAIRMAN AHEARNE: Neither of us did the right thing or both of us did the right thing?

But rather than replaying that issue, perhaps --

COMMISSIONER GILINSKY: I think it would be useful and very important both domestically and internationally to say that we place very great importance on material accounting and intend to increase our efforts in this area.

CHAIRMAN AHEARNE: I have no problem. If you go on to speak in a policy statement about a specific decision, I have a problem.

COMMISSIONER GILINSKY: I wasn't trying to reverse that decision. I was trying to isolate it so that it didn't spill over onto our regulation of other activities in the commercial sector.

CHAIRMAN AHEARNE: I guess what I was trying to point out is I see it as part of a continuum which was not any significant shift, but I have no problem with the policy statement saying we intend to place increased emphasis upon MC&A.

COMMISSIONER GILINSKY: Let's do that.

COMMISSIONER BRADFORD: That's fine with me. I haven't had a problem with the original version. Now that you say public health and safety in here, it seems to me that much of what we focus on as to theft and conversion we do under our common defense and security rationale, as much or more than we do public health and safety.

CHAIRMAN AHEARNE: Harmful consequences might be --

COMMISSIONER BRADFORD: Harmful consequences, I thought, covered both. When you just say "public health and safety," it seems to me --

CHAIRMAN AHEARNE: I would be more comfortable with that, because to correct it would now make it just even longer and longer. "Harmful consequences."

COMMISSIONER GILINSKY: You'll throw in a sentence on that material accounting, Ed?

MR. HANRAHAN: Yes.

COMMISSIONER GILINSKY: Okay.

CHAIRMAN AHEARNE: "E"? There had been two versions and we chose one.

MR. HANRAHAN: I believe they were chosen on the basis of the last meeting.

CHAIRMAN AHEARNE: Yes.

Kap/MM

COMMISSIONER GILINSKY: Let's see. This says everything is high priority. What did the other one say?

MR. BICKWIT: The other one didn't apply the risk reduction potential criterion to operating reactors, to concentration on operating reactors.

It says "concentrate on operating reactors," and then beyond that, look at where you can do the most good. I agree that's not as sound as this option.

COMMISSIONER GILINSKY: As the one that's chosen?

MR. BICKWIT: Yes.

COMMISSIONER GILINSKY: What is there left? What has low priority?

COMMISSIONER BRADFORD: Antitrust?

(Laughter.)

MR. HANRAHAN: Export licenses?

COMMISSIONER GILINSKY: Material accounting -- strike that.

(Laughter.)

MR. BICKWIT: Within those categories low risk reduction potential has lower priority than high risk reduction.

CHAIRMAN AHEARNE: Realistically the point is that that paragraph doesn't do much. That's the problem.

COMMISSIONER GILINSKY: Yes. What is someone going to carry away from that? What it is supposed to do?

CHAIRMAN AHEARNE: Right. The former version of the first paragraph at least focused upon -- or the other version, I guess -- that you put your priority effort on activities that would achieve the greatest reduction in risk.

COMMISSIONER GILINSKY: You know, there's a time factor here, too, which complicates things. The greatest reduction -- if you said "greatest immediate reduction" in risks then you'd always be working on operating facilities. But in the other facilities, concrete is getting poured and decisions are getting made, that will affect risks down the line.

And so, I think --

CHAIRMAN AHEARNE: Take a look at this, then, on the other side of the page. The second version.

COMMISSIONER GILINSKY: You know, this may be another one of those questions like taking into account economics. It just needs a lot more thought, because there is the time element. And I would say that this is something that we want to -- you know, maybe giving initial guidance that emphasizes operating reactors, but saying that this is something we really want to take a hard look at.

CHAIRMAN AHEARNE: Of course what we're doing is we tried to struggle through the action plan -- is, in a way -- looking at that, where do you focus your efforts?

branch, and what have you --

COMMISSIONER GILINSKY: I was going to bring up something else. What about waste? Is that considered to be in an operating facility?

CHAIRMAN AHEARNE: It's certainly a product of an operating facility.

COMMISSIONER BRADFORD: But the waste repository licensing effort --

COMMISSIONER GILINSKY: The waste is sitting there. Suppose we're talking about mill tailings from abandoned mills.

COMMISSIONER BRADFORD: Doesn't it tell Bill Dircks to pay more attention to mill tailings than to the waste repository?

CHAIRMAN AHEARNE: Yes, it does.

COMMISSIONER BRADFORD: Which is not really what we want to tell him.

CHAIRMAN AHEARNE: That's not obvious.

COMMISSIONER GILINSKY: Or to the licensing of the unit as opposed to dealing with tailings, abandoned tailings piles or whatever.

COMMISSIONER BRADFORD: It's true if we had a crisis in the same day in both areas, I'd rather he solve the mill tailings first. But in terms of figuring out his dollars and his time over a period of years --

CHAIRMAN AHEARNE: It has to be right.

COMMISSIONER BRADFORD: If we thought that an operating reactor in some way posed a threat to the public health and safety or problems in operating reactors so that generic safety issues have a higher priority than NEPA issues in future licensing, I think that probably is right, so to the extent we're talking about the focus on problems in operating plants, yes.

MR. HANRAHAN: So you're saying leave it just the public health and safety?

COMMISSIONER BRADFORD: Yes.

MR. HANRAHAN: So that paragraph will be prefaced "in reactor regulation, priority --" and so forth and so on?

CHAIRMAN AHEARNE: All right?

COMMISSIONER BRADFORD: That's all right. In earlier versions of this document there were statements in the early pages that recognize that we had overall responsibilities for common defense and security, public health and safety of the environment. Do they go in there?

MR. HANRAHAN: Yes.

MR. BICKWIT: You've got a footnote, haven't you?

MR. HANRAHAN: There's a footnote.

MR. BICKWIT: The first footnote.

CHAIRMAN AHEARNE: That was supposed to cover

antitrust?

MR. HANRAHAN: It says the focus of this document is on NRC's health, safety and environmental policies, plans and programs, it's not intended to be all-inclusive. That's sort of why it wasn't antitrust.

CHAIRMAN AHEARNE: All right?

COMMISSIONER BRADFORD: Okay. Let me kind of salvage that thought in a more concrete form, but we don't have to do it here.

CHAIRMAN AHEARNE: If we could it would help.

COMMISSIONER BRADFORD: Let me -- why don't I listen with one ear and let me do this.

CHAIRMAN AHEARNE: All right.

MR. HANRAHAN: Paragraph "f" has a --

CHAIRMAN AHEARNE: Paragraph "f" picks up the statement we made in response to Press, right?

MR. HANRAHAN: Yes.

COMMISSIONER GILINSKY: Let's see. Isn't that just a repeat of what has already been said about including costs of regulations?

CHAIRMAN AHEARNE: No. No, it's the initial review.

COMMISSIONER GILINSKY: What initial review?

CHAIRMAN AHEARNE: Paragraph "f," down there at the bottom, it talks about --

COMMISSIONER GILINSKY: I see.

CHAIRMAN AHEARNE: Then it picks up -- Press is the letter that the commission sent to Press.

COMMISSIONER GILINSKY: Isn't that a planning statement?

CHAIRMAN AHEARNE: Yes, it is.

COMMISSIONER GILINSKY: See, I'm learning.

CHAIRMAN AHEARNE: Yes, it is a planning statement.

CHAIRMAN AHEARNE: That last paragraph should be in the planning --

MR. HANRAHAN: Should I put it in planning?

CHAIRMAN AHEARNE: That last sentence, the policy of systematically reviewing, the planning for that is when it will be done. Very good.

MR. BICKWIT: At the next meeting we'll be right on it.

(Laughter.)

COMMISSIONER GILINSKY: We used to do this with the AEC.

CHAIRMAN AHEARNE: That's why we have this trouble here.

MR. HANRAHAN: You're suffering the sins of your past life.

(Laughter.)

Paragraph G is again a change from the last -- no major change from the last time. It parallels with H, actually, from the last time.

COMMISSIONER GILINSKY: Let's see. Isn't that just obvious? Does it need to be said that we're going to encourage and support licensee initiatives?

CHAIRMAN AHEARNE: That, as I recall -- Buck or Steve, didn't that generate up from the staff?

MR. HANRAHAN: Yes, it did.

MR. BASSETT: Yes, it did.

COMMISSIONER GILINSKY: What does it mean?

MR. BICKWIT: How about if we said higher than adequate level of protection? It would have meaning. You set a level and you say that's our level, and then you urge that it be bettered wherever possible. We're not going to be content with maintaining that level.

COMMISSIONER GILINSKY: Is that what a higher level means?

MR. BICKWIT: I don't know what that means. But if you said higher than adequate, I think it would have some significant meaning.

COMMISSIONER GILINSKY: Higher than minimum NRC levels; is that the sense of it?

CHAIRMAN AHEARNE: Yes.

COMMISSIONER GILINSKY: Well, then, let's say that.

MR. HANRAHAN: Will provide a higher than minimum acceptable level of protection.

COMMISSIONER GILINSKY: Than the required level or something like that.

CHAIRMAN AHEARNE: Minimum NRC level.

MR. HANRAHAN: Okay. Does that finish page 4?

Page 5, the top first paragraph had the last sentence added to it.

CHAIRMAN AHEARNE: I have a lot of trouble with that

one. I think you're talking about operating license, termination of operating licenses.

MR. HANRAHAN: Yes.

CHAIRMAN AHEARNE: Waste repository is still an open issue as to what, after the operating license is terminated, you might end up having -- you might have to have a permanent retention license of some sort. And then the waste that's being generated is the waste generated during the operating lifetime. You've got a potential hazard of the decommissionedfacility, as well as the waste it generates. I don't think you're really saying that a decommissioned facility is generating waste.

COMMISSIONER GILINSKY: Generated.

CHAIRMAN HENDRIE: It's the waste it generated.

COMMISSIONER GILINSKY: You can say associated wastes.

CHAIRMAN AHEARNE: Now, I would -- I had a problem with your last phrase, at least equal to the level of protection provided during the term of the facility license. I think what we should be saying is it shall be adequate to protect the public health and safety. I'm not -- I think we are trying to set adequate levels of protection. So, for example, our waste repository criteria or waste disposal criteria will be adequate protection to public health and safety.

Our regulation on operating reactors ought to

protect the public health and safety. We are having difficulty defining those items, and to then establish it not only must we be able to define it, we must be able to show that they are exactly equal.

I am very uneasy about making that as our statement.

COMMISSIONER GILINSKY: Well, I would think that you would have to say -- I would think the adequate level of protection -- or let me put it this way. The risk from the facility or the risk per year ought to be less after it is decommissioned, because it's going to be around for a long time.

CHAIRMAN AHEARNE: But you see, the decommissioned facility I'm not concerned with. This is the paragraph that originally was addressing waste management, talking about -- we're talking about the wastes. And I'm uneasy about trying to say that we must have a well-defined link. I think we are trying to get adequate protection in both cases.

COMMISSIONER GILINSKY: I didn't write this. We have been trying to put some meat on the bones of adequate protection. Sure, adequate protection -- I mean, we're charged by law with having - setting up a system of providing adequate protection to the public.

CHAIRMAN AHEARNE: What was lost in going from the previous version to this version is the future generations aspect, which was listed, and I felt a significant point that

we ought to be making with regard to any approach that we take to waste management. Whereas with operating reactors our focus is much greater on the near-term hazards, in the waste management area we really have to consider future generations.

COMMISSIONER GILINSKY: Do you want to say, as well as the associated wastes over the period that they pose a risk, or something like that?

CHAIRMAN AHEARNE: Yes, something like that.

MR. BICKWIT: Would you ever want to run greater risks -- would you ever want to see greater risks associated with the wastes than with the initial --

CHAIRMAN AHEARNE: That's not the point, Len. The point is it's the difference between going from a qualitative to a quantitative. A priori, I don't know whether the quantitative description that we will end up with for repositories will be of the same character as the quantitative description as we will end up with for operating reactors. If we say that they must be the same, then that says we must use the same quantitative approach, and we haven't yet reached a conclusion of the quantitative approach for either.

I'm uneasy about establishing they must be the same. That's the difficulty I was having.

MR. BICKWIT: And you're uneasy about even saying that they must be at least the same and perhaps less.

CHAIRMAN AHEARNE: In qualitative terms I have no

problem. It's when -- since the thrust of the earlier parts of this are to make it quantitative, and I don't know the character of how we're going to make it quantitative. In qualitative terms, no problem.

COMMISSIONER GILINSKY: Well, you can say adequate protection over the period that the wastes pose a risk.

CHAIRMAN AHEARNE: Fine. But I do want to pick up that future generation, the long-term aspect, which seemed to disappear.

COMMISSIONER GILINSKY: What happens to all this stuff on the left-hand page? Has that all disappeared?

CHAIRMAN AHEARNE: Yes. It's either disappeared or transferred over.

MR. HANRAHAN: There was a slight reordering of things which were put in this other. A actually came from the previous page.

CHAIRMAN AHEARNE: In other policies, I think we do need some statement about the research program. That came out in a list of questions that were prepared. There really is no policy addressing the research program. For example, something like, the fundamental objectives of the research program shall be to assist in determining what are adequate levels of protection to public health and safety; and, two, to look for ways to achieve improved levels of protection and, in particular, how to achieve the levels. Some basic policy

for the setting of the research program.

COMMISSIONER BRADFORD: Do you want to go back and pick up that other thing?

CHAIRMAN AHEARNE: Okay.

COMMISSIONER BRADFORD: A quick solution that sort of occurred to me is to put a sentence in E on page 4 as the second sentence saying, however, the Commission remains fully committed to discharging all its statutory responsibilities.

What I'm really after is I wouldn't want to find the day when Harold came in and said, "I've eliminated the cost benefit branch,"or EEO came in and said, "I've eliminated IP."

(Laughter.)

CHAIRMAN AHEARNE: You may have lost Commissioner Gilinsky on that one.

COMMISSIONER BRADFORD: I thought I was going to lose you on that one.

CHAIRMAN AHEARNE: That's fine.

COMMISSIONER GILINSKY: What is anyone going to carry away from this one, though? What are the priorities?

COMMISSIONER BRADFORD: I hadn't, with that one sentence, intended to solve that problem.

CHAIRMAN AHEARNE: That looks like it is a floor. It says as a floor that if you are at the point where shifting resources means that you drop coverage of something that's required by law, that we don't want you to do that.

COMMISSIONER GILINSKY: Because the stated priorities in NRR since 1975 have put operating reactors at the top of the list. You know, we have decided that the emphasis was not sufficient and more emphasis needed to be put on operating reactors, and taking steps to do that. In this document it seems to me we have to tell people, give them some guidance on moving from where they are now.

CHAIRMAN AHEARNE: Well, I viewed it more at least in that set of sentences as reiterating our support for putting operating reactors first. There is a growing amount, a large amount of pressure to shift resources to operators -- reactors that are not operating. And it, I think, would be more viewed as a reaffirmation of the Commission's position that operating reactors are first priority.

MR. BICKWIT: The second and third sentence, are they supposed to be examples of implementation of the first?

COMMISSIONER GILINSKY: What about saying something like this: first priority goes to operating facilities, and so on. In dealing with other facilities, particular attention should be paid to decisions or decision points which would foreclose -- which, once having been passed, would foreclose important safety options.

In other words, it may be terribly important to look into reactors at earlier stages, you know, if they're really moving forward.

CHAIRMAN AHEARNE: Yes. Now, is that more narrow than this --

COMMISSIONER GILINSKY: I'm a little troubled with just saying some thing has first priority, the other thing has high priority.

CHAIRMAN AHEARNE: I was looking back on the other side of the page, where it talks about assigning the rest of priority by risk reduction potential.

COMMISSIONER GILINSKY: That's fine. I think we ought to have an explicit study or paper address this question, just what the risk elements in it are.

CHAIRMAN AHEARNE: Well, in practice we are doing that as we try to work through the Action Plan.

COMMISSIONER GILINSKY: Not explicitly. That's sort of a grab-bag of things. You take some and don't take others. But not with any -- with this kind of view.

MR. HANRAHAN: This should provide the principle. It says, sort them out by operating reactors, and then sort them out by those that have the greatest potential risk reduction.

COMMISSIONER GILINSKY: There's the element of time here which complicates things. You know, risk when? Integrated risk? Risk next year? You know, it's not a simple question. I think someone needs to sort this out. Maybe that's something for your office, Ed.

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Steve?

MR. CONVER: I don't know if this helps at all, but it's a clarification. These statements originally grew out of the responses to the Kemeny Report, in which we were trying to make a point that safety is the predominant concern of the NRC and that, taking that one step further, we would therefore try to devote the greatest effort to try to do those things, those activities that represent the greatest threat to public health and safety.

It was a very conscious attempt to respond to the predominance of the safety concerns, as opposed to some things we do which are more peripherally related to safety than others.

COMMISSIONER BRADFORD: See, the difficulty with that is the Kemeny Commission by its charter wasn't required to pay any attention to those parts of the statute, for example, that deal with the common defense and security. I don't think we've got any basis in the Atomic Energy Act as a whole for saying that those activities are less important than public health and safety-related activities.

CHAIRMAN AHEARNE: Well, why don't we go on narrowing this to the reactor regulation?

COMMISSIONER BRADFORD: On that basis, okay.

CHAIRMAN AHEARNE: Picking up the phrase that you wanted to put in and using the risk reduction section as the other.

COMMISSIONER BRADFORD: Once we have that, as far as I'm concerned --

CHAIRMAN AHEARNE: At least for a working draft, why don't we do that.

MR. BICKWIT: Don't you want risk reduction potential applied within the category of operating reactors as well?

CHAIRMAN AHEARNE: Yes.

MR. BICKWIT: I thought you were moving back to the rejected option. If you are, that's all right, just so long as you apply risk reduction to the operating reactors.

CHAIRMAN AHEARNE: That's in the overriding NRC priorities.

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MR. BICKWIT: You see my point. You're only talking about risk reduction potential after you get outside that category under that option.

CHAIRMAN AHEARNE: I don't think that was the intent.

MR. BICKWIT: I think probably not. But that's certainly the way it reads.

CHAIRMAN AHEARNE: So that might be slightly modified.

If we're going to get through, we're going to have to try to move on. Number 5, we're on, other policies.

MR. HANRAHAN: Yes. These were only minor changes in C, had to do with some suggested changes from the General Counsel's office to make it consistent.

COMMISSIONER BRADFORD: Let me bring you back to

A for a second. Would there be any strong objection to eliminating the phrase "to increase each licensee's incentives for," and just say, "the goal of the enforcement program will be compliance"?

CHAIRMAN AHEARNE: That's a significant policy point, though, because the issue is -- I think wrapped up in there is this question of punishment. It's a question of are you trying to get the licensee to recognize that if it doesn't come into compliance, it will, the licensee will receive severe enough penalty to make it wish it had. So that's the incentive for compliance.

COMMISSIONER GILINSKY: But this leaves it too open, I think.

COMMISSIONER BRADFORD: The difficulty I was having with the word "incentive" is I was afraid it would reinforce the intent, the historic I&E tendency in the opposite direction, that is, to feel that what one wants to do is to reward. The word "incentive" had more of a connotation of reward to it than it did --

COMMISSIONER GILINSKY: What about saying, "will emphasize prompter and more vigorous enforcement than in the past"? That tells people something.

MR. HANRAHAN: I think that's all in the first sentence. But the Chairman's point I think is a useful one, in that the principle ought to be there, it's got to pay to

be good, that he can't, you know, come out better off by having violated.

COMMISSIONER GILINSKY: I think you don't want to have tc flexible a system. Sure, based on the idea of providing the right incentives. But it leads to, I think, too much variability.

CHAIRMAN AHEARNE: So, Peter, what you would want to say is what?

COMMISSIONER BRADFORD: I would just want to say the goal of the enforcement program is compliance and to assure that the licensee will not benefit by violating NRC regulations.

COMMISSIONER GILINSKY: Why not put that first and then put the first sentence second, then say, "NRC will emphasize prompter and more vigorous enforcement than in the past"?

COMMISSIONER BRADFORD: I have no difficulty with that concept. But as I understood it, this part of this document was supposed to survive relatively unchanged over time, and if you reach a point five years out where you're talking about making things more vigorous than it was in the past --

COMMISSIONER GILINSKY: I don't see how you can regard these things as being --

COMMISSIONER BRADFORD: Graven in stone.

COMMISSIONER GILINSKY: There are all sorts of statements here.

COMMISSIONER BRADFORD: I have the same trouble with one referring to presidential mandates on making it more time neutral

COMMISSIONER GILINSKY: What about your initial statement about complacency, pivotal time, reappraising, and so on

(Laughter)

COMMISSIONER BRADFORD: First of all, that isn't in the policy section.

COMMISSIONER GILINSKY: You have really got into the swing of this thing.

(Laughter.)

COMMISSIONER GILINSKY: Actually, it belongs in the planning.

(Laughter.)

CHAIRMAN AHEARNE: You would agree with "prompt and vigorous"?

COMMISSIONER BRADFORD: Yes.

CHAIRMAN AHEARNE: I would agree with "prompt and vigorous."

COMMISSIONER GILINSKY: It seems to me you've got to tell people whether things are going to get stricter. I mean, are they supposed to do what they're doing? If you say "prompt and vigorous," that means keep doing what you're doing. If you say less prompt and less vigorous, is it do less, and prompter, do more?

MR. HANRAHAN: I'm not being facetious, but I think

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that ought to be in the planning section.

CHAIRMAN AHEARNE: Yes.

MR. HANRAHAN: The planning section says implementation is to get tougher than you were next year. Next year you may be able to say you got so tough last year --

COMMISSIONER GILINSKY: You're treating this like the Ten Commandments or something.

CHAIRMAN AHEARNE: Not quite.

COMMISSIONER GILINSKY: Once you say we will provide adequate protection and we will be prompt and vigorous, you know, it tends to lose meaning. It becomes boilerplate.

COMMISSIONER BRADFORD: Well, in fact NRC enforcement, leaving out the question of vigor, which may be a relative term -- it would be very hard to defend the proposition that NRC enforcement has been prompt.

COMMISSIONER GILINSKY: All right.

MR. HANRAHAN: Can I review the second sentence? Do you want the second sentence first?

CHAIRMAN AHEARNE: I think that does go better.

MR. HANRAHAN: "The goal of the enforcement program will be to ensure that a licensee will not benefit from violating" -- so the part about increasing each licensee's incentives for compliance will be cut out.

COMMISSIONER GILINSKY: Where is this benefit by violating?

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CHAIRMAN AHEARNE: That's a significant point. That gets to Stello's -- I think this is coming from Stello. His point is that when you penalize the licensee -- the licensee doesn't follow a regulation over a certain number of months and it's cheaper for him not to do it, we hit him with a penalty.

Stello is trying to establish the policy that the penalty is going to be such that he didn't financially benefit by not living up to the requirement.

COMMISSIONER GILINSKY: What if he just didn't pay attention or whatever it is? It seems to me that the goal of the enforcement program is compliance with NRC regulations.

CHAIRMAN AHEARNE: Yes. But after that, is it or is it not the policy -- what Stello is proposing here, this has come up as a proposal: Should part of the policy be that if you do not comply, that from not complying you won't end up having economic benefit?

COMMISSIONER BRADFORD: I agree that that is a point that needs inclusion. Would it be better to make it more explicit in a different section, simply saying that decisions as to penalties should be made in such a manner as to ensure --

COMMISSIONER GILINSKY: And that's one of the things that you want to be concerned about, that sometimes it's not a matter of a licensee trying to benefit by violating regulations.

They're just not paying enough attention.

CHAIRMAN AHEARNE: But you're trying to teach a lesson to all the licensees.

COMMISSIONER BRADFORD: Once you've said that the price of the particular action is thus and such, then it's going to be pretty hard to change that when you find that you get the same action and a different motive in another case.

COMMISSIONER GILINSKY: Maybe they are not benefited by it. In some larger sense, if the regulations are right they're not benefiting by violating them. They run a risk, a safety risk.

This strikes me as a formulation that is going to lead to trouble.

CHAIRMAN AHEARNE: I think he's trying to get at -- and I endorse the principle. A simple case is that let us say we require the installation of a set of filters. To install those filters costs the licensee a million dollars. The licensee doesn't install those filters. At the end of the year we find out they haven't installed them. The licensee has been able to take that million dollars and do something else with it.

Should the licensee get the economic benefit from not having taken that action which other licensees in the same situation have taken? Stello's principle that he's trying to establish is that, no, once found in violation, that any

economic advantage that the licensee attained by not being in compliance should be wiped out.

COMMISSIONER GILINSKY: Okay, and that may deal with a certain subclass of violations. What are you going to do when a licensee failed to report to you or failed to report promptly?

CHAIRMAN AHEARNE: You're right, it doesn't cover it.

COMMISSIONER GILINSKY: It seems to me the goal of the enforcement program--that this just deals with a subset of possibilities; and you want to throw it in, you can throw it in. But I would have a statement that says the goal of the enforcement program is to ensure compliance with NRC regulations. In any case, you don't want a licensee to benefit --

CHAIRMAN AHEARNE: Fine. Okay, put a period there. Then you could go on to say, when appropriate --

COMMISSIONER GILINSKY: Or in any case.

CHAIRMAN AHEARNE: Yes.

MR. BICKWIT: In any case would be better.

CHAIRMAN AHEARNE: Yes, okay, fine.

All right, how about C?

COMMISSIONER GILINSKY: Just to pursue this a little bit, I don't think we want to get into an overly psychological approach to the enforcement problem. In other words -- or it has been said in the past that the objective of fines was to get the attention of licensees. Well, the thing has already

been written up in newspapers. I&E sometimes comes in and says: We've already gotten their attention; there's no need to fine them.

I just don't approve of this kind of approach. I think there ought to be a pretty straightforward, more or less cut and dry, you know, you go over the speed limit, you get fined.

CHAIRMAN AHEARNE: That's certainly true. But once you've done that, you still have to establish some principle for --

COMMISSIONER GILINSKY: Sure. No, I don't disagree with this. And there may be many cases where it's applicable.

CHAIRMAN AHEARNE: All right. Move on to C.

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COMMISSIONER GILINSKY: Let's see. It says NRC will continue to discharge its statutory licensing responsibilities to help to assure -- isn't it required that we have certain responsibilities required by law to find satisfied in each case, and they apply to effective U.S. controls?

MR. HANRAHAN: This was perfecting language from the general counsel's office, as I recall.

MR. BICKWIT: I don't have any problem.

CHAIRMAN AHEARNE: Why don't we drop that out?

COMMISSIONER GILINSKY: I tell you, there's a second thought here which is that we will try to do our work efficiently and speedily, if that's the word, and that's okay. I think we should. I'm a little bothered by this reliability of U.S. meeting a supply, because these are just buzzwords that have been used in all sorts of arguments, and they mean in many cases that we ease off.

And I just don't think we need it. I'm all for committing ourselves to --

CHAIRMAN AHEARNE: Timely processing of exports?

COMMISSIONER GILINSKY: Sure.

COMMISSIONER BRADFORD: That's fine with me. Also, I think I was the one that suggested that the language originally be taken in preference to the NMPA. Frankly, I would just be delighted to drop that half. My guess was

that the other side of the table, presently vacant — (inaudible).

MR. HANRAHAN: This was originally taken from the --

CHAIRMAN AHEARNE: It ought to be. I just think taking from the NMPA is fine.

MR. HANRAHAN: I believe it was originally taken from sources such as that, you know, just word for word.

CHAIRMAN AHEARNE: I think if you recall NMPA was on the one hand, on the other hand --

COMMISSIONER BRADFORD: That's why I suggested leaving it out.

COMMISSIONER GILINSKY: I'll tell you, if you go to the NMPA it talks about being a reliable supplier to those countries which share our non-proliferation goals, et cetera, et cetera. If you want to use that language, you have to use all of it.

COMMISSIONER BRADFORD: It is all in here.

MR. BICKWIT: That's what it says.

COMMISSIONER GILINSKY: Nations that adhere to effective non-proliferation policies.

COMMISSIONER BRADFORD: I will certainly vote for Victor's formulation.

COMMISSIONER GILINSKY: I must say I didn't read the rest of the sentence.

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(Laughter.)

MR. BICKWIT: It says a reliable supply --

COMMISSIONER GILINSKY: I have to admit, let us use the language in the law. Okay?

CHAIRMAN AHEARNE: Great policy.

COMMISSIONER GILINSKY: Okay?

CHAIRMAN AHEARNE: Okay?

MR. HANRAHAN: That completes the policy section.

CHAIRMAN AHEARNE: With the addition, I would hope, of saying something on safety research.

COMMISSIONER GILINSKY: Does the midterm come after the policy section here?

(Laughter.)

MR. HANRAHAN: That's about as far as we got in the previous meeting, so that the planning guidance, we have not gone through.

COMMISSIONER GILINSKY: I think it would be useful to get that policy part straightened before we get into the other part. It's also 11:30.

(Laughter.)

CHAIRMAN AHEARNE: So not only useful, but I think it is not feasible to go further.

MR. HANRAHAN: I would recommend for you attention to planning guidance.

CHAIRMAN AHEARNE: But while I have my colleagues