



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

In the matter of:

DISCUSSION OF INTERIM CRITERIA
FOR RADIATION RELEASE AT TMI

Place: Washington, D. C.

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UNITED STATES OF AMERICA
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In the Matter of: :
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FOR RADIATION RELEASE AT TMI :
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Commission Conference Room
Room 1130
1717 H Street, N. W.
Washington, D. C.

Monday, April 7, 1980

The Commission met, pursuant to notice, for presentation of the above-entitled matter, at 9:30 a.m., John F. Ahearne, Chairman of the Commission, presiding.

BEFORE:

JOHN. F. AHEARNE, Chairman of the Commission

VICTOR GILINSKY, Commissioner

RICHARD T. KENNEDY, Commissioner

JOSEPH HENDRIE, Commissioner

PETER A. BRADFORD, Commissioner

PRESENT:

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3 L. Bickwit, General Counsel

4 Mr. Shapar

5 Mr. Denton

6 Mr. Vollmer

7 Mr. Dircks

8 Mr. Snyder

9 Mr. Hanrahan
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P R O C E E D I N G

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3 CHAIRMAN AHEARNE: This morning the Commission
4 continues its series of discussions on the TMI-2 clean
5 up process.

6 Specifically this morning what we will be
7 hearing is the set of recommendations concerning
8 interim criteria during the period in which data has
9 to be gathered and there must be maintenance operations
10 performed.

11 We had asked, at a previous meeting for the
12 staff to make some recommendations for posing interim
13 criteria.

14 We have a Commission paper before us.
15 William, do you have anything to say?

16 MR. DIRCKS: As you mentioned, John, this is
17 one more item on that list that the Commission directed
18 us to go forward on, almost on time, we still have
19 several other items on that list of items you wanted
20 us to do.

21 We will be coming down with them as time
22 goes on.

23 I guess the next item we have is the master
24 plan. Just to re-emphasize this is a keystone of the
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idea which was to make sure people know what areas they have responsibilities to make decisions. I think this is a good step forward.

MR. DENTON: I would like to mention that Bernie Snyder is at the table who we have designated as the Program Manager.

Dick Vollmer actually prepared this paper, so he will make the presentation today and would be phasing out over the next few weeks as Bernie phases in.

CHAIRMAN AHEARNE: Yes, I have been noticing the celebration.

MR. DENTON: I think one year of service is defined in the Constitution as cruel and unusual punishment perhaps -- more than one year.

I might report that our door at the Middletown office was vandalized over the weekend. Someone threw a concrete block through it, so we have the local authorities looking into that.

So, let me turn the presentation over to Dick.

MR. VOLLMER: Thank you.

As is indicated, we have put together some

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interim criteria and it was somewhat difficult to establish interim criteria because the regulations in place of course cover releases particularly Appendix I and Part 20, and we were looking for something which would provide a step wise basis for approval authority which would even fall within the Appendix I and the Part 20 regulatory requirements.

So, the first slide, and copies of this should be up to the table in a minute.

The first slide indicates what we use as our basis for establishing the interim criteria.

First of all, we have had in place since the accident, a requirement that NRC review and approve operations, detail procedures which have a release potential. This would continue.

We have also had a requirement basically, since the accident, that operations which did have the potential for release would go through the licensees ALARA committee and we would also, when we do our review look at them from ALARA viewpoint.

So, this would also require conformance to the tech specs, the new ones that have been issued, as well as ALARA.

As far as ALARA in this particular case and

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2 I am not thinking of ALARA in the Appendix I process,
3 but rather looking at the detailed operation and see
4 if there is not a better way of doing it minimizing
5 both off site releases and potential operator exposure.

6 So, that would be the view of which we would
7 review any procedures or operations that would have
8 the release potential.

9 CHAIRMAN AHEARNE: Dick, when you say any
10 procedures and operations, there are a number of tests
11 that they run which give a small amount of release
12 periodically.

13 Do you imply that at each time that that
14 is going to happen, that you are proposing a review
15 and approval, or would you review and approve the basic
16 procedures?

17 MR. VOLLMER: We would review and approve
18 the basic procedures and put into those procedures
19 benchmarks for release and if those benchmarks were
20 reached or exceeded, then the procedure would have
21 to be halted and we would go back for re-review.

22 So, basically, we are talking about for
23 example in the case of the periodic containment atmosphere,
24 sampling of operation. That type of thing does have
25 some specific levels at which the operation would be

1 halted.

2 We think that that would be the type of
3 a procedure and once it would be approved and basically
4 conforms to what we feel is the most reasonable ALARA
5 requirements that that operation could be repeated.

6 I think in the case, for example, of that
7 procedure we would look and see if it is reasonable
8 to have weekly sampling whether or not that should
9 be bi-weekly or monthly or something like that.

10 But, basically, we do follow these operations
11 on a day-to-day basis. So, we would not see any need
12 for a re-review of the procedure.

13 MR. DENTON: Basically, I envision these
14 criterias applying to new procedures that we ask
15 review and approve of valves and procedures by now --

16 COMMISSIONER HENDRIE: I was going to ask
17 whether this constituted a de novo review of the whole --

18 MR. VOLLMER: No sir, we have been going
19 over, as has the licensee, with the new tech specs
20 a rather comprehensive review of procedures, but I
21 do not think we would like to go back and re-look at
22 those things because there are very few that really
23 have the specific potential for the type of criteria
24 we are talking about here.

1 Those are primary sampling if one has to
2 go in and do a specific maintenance job or something
3 like that normally the procedure is an established
4 one and care is taken to prevent release, and if you
5 got a release in that case it would probably be not
6 a determinant before hand but an accidental release.
7 If they spill some water or something.

8 Okay, the other --

9 MR. DIRCKS: I might mention the other purpose
10 to which this recommendation is addressed is the
11 finding in the Haller, I call it the Haller report,
12 but it was a task force that we sent up there that
13 almost had paralyzed operations and it was the feeling
14 that we did not allow anything to be released. There
15 was a feeling that almost any releases had to be
16 referred up the line --

17 CHAIRMAN AHEARNE: The plexi glass bubble
18 concept --

19 MR. DIRCKS: -- and what we wanted to do
20 here was to lay out parameters under which operations
21 could continue without continual referral to the
22 highest levels of the agency.

23 MR. VOLLMER: Lastly, allowing continuation
24 of ongoing decontamination activities.
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We feel that the criteria we have there would allow this for cleaning up -- we have allowed cleanup of the auxiliary building and that has been proceeding.

The licensee is also cleaning up water in the auxiliary building through EPICOR-II so that would proceed under these criteria.

Finally, it allows maintenance, data gathering, and a reactor building entry if that should be authorized because all of the things that we could at least envision at this point in time would fall within these criteria and in a minute, I will get to the specific curie criteria and give you an idea of what is involved in some of the procedures that might take place.

COMMISSIONER BRADFORD: Dick, are you saying then that maintenance, data gathering, and possible reactor building entry would be precluded under the present staff practice?

MR. DENTON: Let me answer that, it would not be precluded -- what snarled the last time was the air lock venting and that is when I brought it to the Commission's attention and without some criteria, we would be left with really no guidances of what could be approved at the site, what I could approve, and

1 what you would like to approve. So, that is the purpose
2 today is to establish some signature authority,
3 so to speak, of what John can approve and what I can
4 approve and what you would like to reserve.

5 I think these things would have been brought
6 to your attention probably in the absence of criteria
7 depending on the magnitude.

8 CHAIRMAN AHEARNE: Given that the airlock
9 was.

10 MR. DENTON: Yes.

11 MR. VOLLMER: Okay, the next slide indicates
12 the things that are specifically excluded
13 from the proposed interim criteria. One would be a
14 purging of the reactor building. One could meet the
15 criteria by a very slow purging process, for example,
16 that would be excluded.

17 Disposal of any of the water process by
18 EPICOR-II, which there is a Court Agreement with the
19 City of Lancaster that the water would be held and
20 that would continue also.

21 Treatment or disposal of the primary coolant
22 system water, or water in the reactor building, again,
23 that has not been authorized or really looked into
24 on an environmental assessment point of view and so

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2 none of that processing would be allowed. So, these
3 are specifically excluded --

4 COMMISSIONER GILINSKY: By that are you
5 excluding these because they are, so to speak, high
6 visibility items or ones most certainly of a lot of
7 interest because the curie levels would be larger.

8 MR. VOLLMER: The former, sir, only because
9 well, the processing water by EPICOR-II that water
10 would meet all normal and even these requirements for
11 discharge but of course is precluded by the Court
12 Agreement. Treatment of the primary coolant system
13 and the reactor building water was mentioned specifically
14 in your November 21st statement of policy and that
15 would have to be included in an environmental impact
16 statement --

17 CHAIRMAN AHEARNE: That is being included.

18 MR. VOLLMER: Assessment -- no -- the
19 statement or an assessment if action should be acquired
20 prior.

21 CHAIRMAN AHEARNE: But it is being covered
22 by that programmatic statement.

23 MR. VOLLMER: Yes, sir, it is, yes. And
24 of course, purging of the reactor building is another
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item that there is a number of documents around saying
this would be prohibited even though, again, a very
low purging could meet these criteria.

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CHAIRMAN AHEARNE: Low-rated purging?

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MR. VOLLMER: Low-rated purging, yes sir.

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All right, the next slide is the proposed
interim criteria which we feel should be ongoing if
authorized by the Commission until the completion
of the programmatic environmental impact statement
at which time we would again specify, as we have indicated
before, what sort of criteria we would use for the
overall decontamination clean up process which may
indeed turn out to be Appendix I, but at least they
would be specific in the PEIS.

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We would propose that the onsite deputy
program director be authorized to permit a level up
to 5% of the Appendix I design objectives normalized
to a weekly rate.

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So, what this would mean is if there were
a proposed operation in a given consecutive seven-
day period, the analysis of which would, that in
addition to any ongoing operations for that week would
sum up and fall within the 5%, then these operations
could be authorized at the site by the onsite deputy

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program director.

COMMISSIONER GILINSKY: What would the actual permission look at -- would it be in terms of curies?

MR. VOLLMER: I think the permission would be, well, first of all, it would have to be approval of the operation because the curie content when we get a little further on we will give you curie content. I think the presumption would be that the release process would be looked at for the potential releases and the impact in that particular procedure would be authorized and be authorized to take place at a specific time.

So the people at the site would have to keep an accounting of what is going on that has a potential for release and what the summation of those activities are.

Now, I think we will find that, at least as I view it, there is going to not be a real problem in which we will be adding up a number of things and coming close to this 5%, I do not think that is going to be the case. I think there is only a couple of operations, for example, entry into the containment which has a potential for releasing any appreciable amount of curie content or any appreciable percentage

1 of this 5% which would -- most of the rest are almost
2 in the background of millicurie and tenths of a curie
3 range.
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5 CHAIRMAN AHEARNE: Could you translate that
6 5% into some numbers?
7

8 MR. VOLLMER: Okay, if we go onto the next
9 slide. Translating this for basically average meteorolog-
10 ical condition, 5% would be 150 curies per week, a
11 crypton, 85. That would include what I am calling
12 20 curies a week per background which is more or less
13 what we have been seeing up to around 80 curies per
14 month or at least from the facility from a period
15 of time.

16 I must indicate as the weather gets warm
17 and the building heats up, this will increase because
18 of outgassing of concrete and possibly a little higher
19 out gassing of water, but I do not expect it to go
20 up more than a factor of two or three and I think
21 there would still be a reasonable limitation or
22 operating flexibility at the site to stay within the
23 150 curies per week, crypton, 85.

24 COMMISSIONER KENNEDY: This is not the
25 normal background you are talking about.

MR. VOLLMER: This is not -- this is the

1 background, as best we could tell, TMI-2 fission product
2 background, not normal background.

3 MR. DENTON: Let me put a little context
4 on these numbers.

5 With the signature authority it does not
6 mean that either the site or I would automatically
7 just because the procedure is within that much we would
8 have to look to be sure that there is a payoff and
9 that the payoff is warranted and meets all other
10 regulatory requirements and so forth.

11 But in trying to pick some numbers, it seemed
12 like authorizing the site to do one-twentieth of the
13 normal Appendix I releases and authorizing me
14 coming to you with one-half of the normal Appendix
15 would give you another sum assurance that we were
16 not arbitrarily running up -- were not using Appendix I
17 without any reflection at all.

18 The numbers could have been picked to be
19 some other basis, but I felt these were reasonable
20 limits, they restrict John's authority to authorize
21 procedure to very small fractions of Appendix I and
22 so that meant in reality if he gets a procedure that
23 he thinks should and if an operation is necessary,
24 that exceeds these limits, his limits, they would be
25

1 sent up to Bernie and we would decide in Bethesda whether
2 it fell within five and fifty whether we would sign
3 it without coming to you, if it was above that, we
4 would automatically come to you.

5 COMMISSIONER GILINSKY: I was going to ask
6 you how come Bernie got skipped here?

7 MR. DENTON: Well, he is me.

8 COMMISSIONER BRADFORD: Harold, is the right
9 way to say the normal Appendix I limit is that it is
10 a normal reactor would be allowed to release up to three
11 thousand curies per week, all gaseous, radioactivity
12 or crypton?

13 MR. VOLLMER: This is based on crypton. It
14 is based on that calculating from the allowable from
15 the dose of crypton. If it were xenon, the figure
16 would be less.

17 MR. DENTON: So, the controlling number in
18 Appendix I is based on dose.

19 COMMISSIONER BRADFORD: And this is your
20 back calculating.

21 MR. DENTON: That is right.

22 COMMISSIONER BRADFORD: And making it specific
23 to crypton because that is all there is.
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2 MR. DENTON: So a plant in a normal operation
3 would have a mixture of isotopes not just crypton.

4 COMMISSIONER BRADFORD: I see. So you just
5 could not say three thousand curies of radioactivity
6 would be the normal --

7 MR. DENTON: No, not necessarily, that is
8 right.

9 COMMISSIONER BRADFORD: Although if they
10 were all cryptons three thousand curies?

11 MR. DENTON: At this particular site, yes,
12 sir.

13 CHAIRMAN AHEARNE: So, in other words, to
14 meet the Appendix I for fencing the containment that
15 is the level that would be meeting Appendix I.

16 MR. VOLLMER: That is right.

17 COMMISSIONER GILINSKY: I am a little confused
18 by the arith matic.

19 In talking about the crypton of the containment
20 I would say there are about 50 thousand curies. And
21 if I remember right, the number that is being used
22 for the release to the nearest person is something
23 like a fifth of a milirem.

24 So, suppose you release that over a year,
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you would still get .2 milirem accumulative dose. So that would be like a thousand curies a week, it gives you .2 milirem.

Here you got 150 curies giving you presumably several milirem if it is Appendix I.

MR. VOLLMER: No, that dose allowance is divided by 52 weeks and because this is normalized to a weekly rate.

MR. DENTON: This is the 5% of Appendix I.

COMMISSIONER HENDRIE: It is five milirem over 52 weeks and further divided by twenty.

COMMISSIONER GILINSKY: It was just a factor of twenty.

COMMISSIONER HENDRIE: Question. If you regard the weekly quantity which is Appendix I over a factor of about a thousand, 52 weeks, 5%, as the limit for an operation that will occur in seven days without regard to whether the preceding seven days had higher or lower releases, or the succeeding seven days were expected to have high or low, is it tighter than it need be?

MR. VOLLMER: I do not think it is. I think--

COMMISSIONER HENDRIE: You see what I am saying?

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2 MR. VOLLMEYER: Yes, I understand, you think
3 you can average it over a period of weeks.

4 COMMISSIONER HENDRIE: If you have a certain
5 averaging period, say in any four-week period, three-
6 week period, why the releases would not be greater
7 than the 5% of the weekly Appendix I amount, why okay,
8 you could then move that averaging period around and
9 here you have an operation that takes four days and
10 maybe consumes half of a three or four week period
11 allowance.

12 But if you do not allow that averaging but
13 keep it just strictly as you said, any operation that
14 completes in seven days and has a certain cut off no
15 matter even if there had not been any release for a
16 month and they do not expect to have any release for
17 a month afterward, why then I just ask whether this
18 is unnecessarily restrictive.

19 MR. DENTON: It is fairly tight, and I guess
20 we picked it that way in view of the -- all of the
21 interest in the previous very low releases that were
22 far below these.

23 COMMISSIONER HENDRIE: Well, I continue to
24 think that all the releases in the low releases very
25 very much lower than these brings this perilously close

1 depending on our facts instead of stumbling and falling
2 on our faces. I prefer to get that closer.

3 CHAIRMAN AHEARNE: Joe, still within this
4 there is still a provision that goes 50%, before it
5 would have to come to us.

6 MR. DIRCKS: And I guess the estimate is
7 that it would be very few referrals I guess under this
8 to the Commission.

9 COMMISSIONER GILINSKY: Could you give us
10 some idea of how many of these there would be, how
11 many 5% approvals, how many 50% approvals, and how
12 many beyond that do you expect over the next six months?
13

14 MR. DENTON: Let me start with an air lock
15 with a containment building entry, assuming no venting.
16 That release is about 25 curies. That would be within
17 the site's ability to authorize for example.

18 That is about the largest sort of release
19 that I can anticipate a procedure coming forth for
20 it when you exclude the other areas that we are saying
21 this does not apply to.

22 MR. VOLLMER: I think as far as another
23 activity that could potentially have a release of that
24 magnitude would be if in preparation for a potential
25 venting operation if they needed to check out some

1 of the purging systems or building ventilation systems,
2 maintenance activity of that type, there might be a
3 small release, but I agree with Harold.

4 CHAIRMAN AHEARNE: For example if a conclusion
5 was reached that maintenance was going to have to
6 perform, there was going to have to be a series of
7 entrances through the airlock over a period of a few
8 days and it is entirely possible you would meet and
9 exceed that.

10 MR. VOLLMER: Yes.

11 COMMISSIONER BRADFORD: If you are looking
12 backward over the last few months were there any instances
13 which you would have gone above the 5%?

14 MR. VOLLMER: Over the past months, we have
15 had nothing greater than three curies a day as I recall
16 something like that, three to five curies a day.

17 Those were brief.

18 COMMISSIONER BRADFORD: In this time since
19 the accident was essentially brought under control
20 there have been no actions that would require
21 authorization.

22 MR. VOLLMER: That is because we would not
23 permit such an action.
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CHAIRMAN AHEARNE: Remember what the task force found out is that things essentially come to a standstill.

COMMISSIONER BRADFORD: Were their actions proposed and denied if it would have exceeded the 5% limit, are their actions on hold. I gathered from what you said that would exceed the 5% limit?

MR. VOLLMER: I cannot recall of any actions requested and denied on that basis.

Basically the licensee was, for some period of time would not have proposed anything that would require a release, but again, I do not think that any specific cleanup operation in the auxiliary building or something of that nature was precluded because of that, I cannot recall.

MR. DENTON: The real sticking point was obviously containment entry, that is where you have the operations of sampling and other types were controlled to very low levels and then authorizing this procedure.

COMMISSIONER BRADFORD: If I understood you correctly, even containment entry does not get you above the 5%

CHAIRMAN AHEARNE: One "one" containment entry, as you said, something like 25 --

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2 MR. VOLLMER: Twenty-five or so curies.

3 CHAIRMAN AHEARNE: -- and the time exposure
4 within the containment is short, correct?

5 MR. VOLLMER: Yes.

6 CHAIRMAN AHEARNE: So, if that you are going
7 to do any work inside you are going to have to have
8 cycles. In fact, I would imagine if you were going
9 to do a lot of work inside you would then very quickly
10 run into this 150 limit within a week.

11 MR. DENTON: Getting equipment -- were it
12 necessary to do maintenance, you would have to get
13 people and equipment out and go up to high dose levels
14 limiting that maybe a couple of hours, maximum exposure
15 for an individual.

16 MR. VOLLMER: I think an operation of that
17 complexity and magnitude would likely get a lot more
18 attention anyway though.

19 It is difficult to see anything what they
20 can do productively in a containment before venting,
21 except for a little bit of data gathering.

22 COMMISSIONER HENDRIE: I think the discussions
23 over occupational exposure in the ALARA considerations
24 would be a lot more limiting than a residual release
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2 from the airlock opening.

3 COMMISSIONER GILINSKY: What are the releases
4 from the EPICOR system?

5 Is that running now?

6 MR. VOLLMER: The EPICOR system is running --
7 the releases which involve small amounts of crypton,
8 85 evolving from the water during discharge would be
9 a small fraction of the 20 curies per week that is
10 going out as background.

11 I am not sure exactly what it is but there
12 are very low concentrations in the EPICOR water.

13 COMMISSIONER KENNEDY: They are out of those
14 twenty?

15 MR. VOLLMER: The EPICOR water is -- no --
16 that is monitored separately out from the EPICOR
17 building. That does not go back into the main stack,
18 but those releases are extremely low, I think,
19 immeasurable, I can check on that. There has got to
20 be some crypton in that water, but I know it is
21 very small.

22 COMMISSIONER HENDRIE: If the staff can
23 work with them, why the limits seem reasonable
24 to me.

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CHAIRMAN AHEARNE: Do you intend to do any kind of negative declaration or environmental assessment or anything like that?

MR. DENTON: Since these are within Appendix I I did not intend to prepare any kind of negative declaration other than to inform the public when we had approved a procedure that came up to these kinds of levels.

CHAIRMAN AHEARNE: Len?

MR. BICKWIT: As I understand it, when the Haller task force came in, it was proposed that an environmental assessment would be done and consultation with CEQ would take place prior to the approval of these criteria.. Whether or not, as a legal matter that is required, the task force having proposed that I think it is something we ought to consider.

COMMISSIONER HENDRIE: What would be the vehicle for this policy? Commission statement?

MR. BICKWIT: I think that is a way of doing it, or alternatively, simply to approve the staff paper.

COMMISSIONER HENDRIE: The secretary's memorandum to the staff saying, we approve.

MR. BICKWIT: Yes.

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COMMISSIONER HENDRIE: I wonder if it cannot be just either from Harold or from us someplace a simple paragraph of a few sentences which points out the perspective of very low levels that are concerned here. I think that these are fully overwhelmingly covered by the environmental impact statement, the operating license, the Appendix I consideration which are indeed demonomist and that is that.

COMMISSIONER GILINSKY: You mean as far as dealing with environmental statement?

COMMISSIONER HENDRIE: Yes, I am looking for a way to avoid great agonies and another attempt that is that thick that says staff's environmental assessment that shows that you know a curie and a half out the side door does not abolish Pennsylvania.

COMMISSIONER GILINSKY: Another table pounding? Has this been discussed at all with State and Local officials. Have you explained to them that you are proposing this?

MR. VOLLMER: I have discussed it with the State and they would agree that these are entirely appropriate.

We will not discuss with local officials we were going to bring it up at the last meeting in

1 Middletown, but we ran out of time and we did not get
2 to it.

3 COMMISSIONER GILINSKY: I wonder if we ought
4 to --

5 MR. HANRAHAN: There might be a mechanism
6 of Commissioner Hendrie's suggestion of sending a letter
7 to the Governor and Mayor of Middletown or other
8 appropriate government officials indicating this
9 decision.
10

11 CHAIRMAN AHEARNE: I think Commissioner
12 Gilinsky's point which I agree with is we ought to
13 be discussing it with local officials and this is
14 clearly one of those items.

15 COMMISSIONER KENNEDY: That is a worthwhile
16 note, but what does one do with in the high likelihood
17 I think that they would object?

18 CHAIRMAN AHEARNE: Why do you say the high
19 likelihood they would object?

20 COMMISSIONER KENNEDY: There is a high
21 likelihood they will object to anything. They have.

22 COMMISSIONER GILINSKY: Well, ultimately,
23 it is our decision . we have to do what we think is
24 necessary to protect the public in cleaning the reactor
25

1 up is part of that. But, I would think it would be
2 better, wiser to get their views before we have dealt
3 with this problem than simply drop it on their lap.

4 MR. DENTON: Well, I think the people are
5 looking for some decisions in these areas, and we
6 already have the upper comment, the bidding issue,
7 which is a far bigger issue than this.

8 I kind of -- and with all of the other proceed-
9 ings that go, I do not know how, I sure do not mind
10 discussing it with public officials and so forth but
11 their request comments on this we would not --

12 CHAIRMAN AHEARNE: No, at least my point
13 was that rather than dropping a piece of paper on them,
14 I think that it would be much more useful if you had
15 a series of meetings with the local officials, maybe
16 county by county and explain what this is.

17 MR. DENTON: We are trying to set up --

18 COMMISSIONER HENDRIE: What are you going
19 to do when they tell you that they do not like it and
20 they want to sit, form a committee on which they will
21 sit and advise the site, the NRC's site chief about
22 his 5% on given operations and they want to hire some
23 consultants and would we put up money for that and
24 they will critique the whole thing and let us know
25

1
2 in due time, what are you going to do then?

3 COMMISSIONER GILINSKY: Well, but I think
4 that isn't altered by decision --

5 COMMISSIONER HENDRIE: Well, I do not propose
6 to put myself in a place where you know --

7 CHAIRMAN AHEARNE: May I answer the question --

8 COMMISSIONER HENDRIE: -- any county official
9 in Pennsylvania who has a different view can negate
10 the Commission's action.

11 CHAIRMAN AHEARNE: May I answer the question?

12 COMMISSIONER HENDRIE: Yes.

13 CHAIRMAN AHEARNE: I would propose also, we
14 haven't yet heard all of the people's view on this
15 environmental assessment aspect, but I have no problem
16 with your suggestion of how to handle that, and I would
17 propose to go ahead and do this, but, my point is
18 that instead of sending a letter, dropping a piece
19 of paper on them, I think that we ought to be holding
20 these meetings and explaining, discussing with them
21 what we are doing.

22 COMMISSIONER KENNEDY: I think that is fair,
23 that is different from asking.

24 CHAIRMAN AHEARNE: I did not say that.
25

1 COMMISSIONER HENDRIE: That is fine, I certainly
2 agree with that.

3 Do you have any sort of reasonable forum
4 down there with the officials, or is it impossible --

5 MR. DIRCKS: I think there are a series
6 of meetings being held with public officials for all
7 the time down there. There is another topic we can
8 talk about.

9 MR. VOLLMER: We have the -- we start out
10 as a bi-weekly meeting with the State, the NRC and
11 MET ED which was supposed to discuss ongoing operations.
12 That would be a good vehicle except generally that
13 is very poorly attended. Very few public officials
14 come to them.

15 MR. SNYDER: It seems to me though this
16 is a good point of entry where we are now starting
17 to set up a small group of public official meeting.
18 They are directed at them and those other meetings,
19 I think, are directed more at the public themselves.

20 We are here trying to communicate things
21 like this with the officials.

22 CHAIRMAN AHEARNE: My concern is that these
23 are the representatives of the people in the area
24 and I think we ought to be working harder to try and
25

1 reach them.

2 MR. BICKWIT: On the CEQ aspect, the Haller
3 task force having said, having recommended that CEQ
4 be consulted and the Commission, in essence having
5 approved the recommendations of the task force, I
6 would expect that CEQ would expect to be consulted
7 in this phase.

8 COMMISSIONER HENDRIE: I recommend that we
9 inform them.

10 MR. DIRCKS: The problem is I think they,
11 like many here, thought that these actions were going
12 on all the time. This is not really news, in fact,
13 I think it became the news to many people here that
14 we were coming down everytime they wanted to open
15 up a door up there you have to seek special approval.
16

17 The odd thing is it is like going in and
18 telling them we have not been doing this, it is news.
19 It really isn't news, it is something that everyone
20 thought we are doing .

21 COMMISSIONER BRADFORD: All the more reason
22 to consult with CEQ I should think. To my sense, though
23 the concern locally, in Pennsylvania, is that we have
24 gotten out of meetings here is that the people feel
25 exactly as others have said that he ought to come down,

1
2 decisions get made, pieces of paper get sent to them.
3 I must say, Joe, the process that you laid out of the
4 advisory groups funding, critiquing, what have you,
5 I think in retrospect we are much better off if we
6 done exactly that six or eight months ago.

7 I still think for some purposes we would
8 be better off if we do some other in the future.
9 Though I would not necessarily apply it in this particular
10 set of decisions.

11 I think the greatest difficulty that we face
12 in having what may be eminently reasonable actions
13 on our part and perceived in Pennsylvania as being
14 reasonable, is if we continue to radiate out this
15 sense that we want to control everything and we do
16 not want to be second guessed and take other views
17 into account. I think we ought to by all means consult
18 with CEQ on this in advance of going ahead. I would
19 like to be able to consult with the fact that officials
20 around the site as well may be informed in the case
21 we have a strong disposition of going ahead with this
22 but nonetheless in a way that informs them in advance
23 of the final decision being made.

24 MR. KREGER: I talked to Bruebaker on the
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CEQ staff at the very early stages of the formulation of this paper. At that time, we were considering an action level at the Appendix I level rather than 5% and 50% and Mr. Bruebaker had conveyed to me in the telephone conversation that he saw no problem with CEQ's point of view to that kind of decision criteria.

COMMISSIONER BRADFORD: How long ago was that?

MR. KREGER: That was probably about three and a half weeks ago.

MR. DENTON: We can certainly get back to him. If we do that it leaves me in the posture though I guess of continuing to bring to you anything that is different than what is perfectly operating.

CHAIRMAN AHEARNE: I guess I do not fully understand why it would take -- for example -- I am willing to give conditional approval, conditioned upon your checking with CEQ and their not having a problem with this.

But when you say, put you in a posture of continually having comeback since I would guess it takes one day to check with CEQ, I don't really think that's --

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MR. DENTON: I find nothing gets checked in Washington in less than a month. So, I would expect we have to write them and they would have to write us.

COMMISSIONER HENDRIE: We are going to have to have an exchange of letters unless you are willing to go on a sort of phone exchange that the staff has already had with them.

Well, if you wanted an exchange of letters why then there is going to be a lot of negotiating and word engineering both here and there and it will be several days.

CHAIRMAN AHEARNE: Len, what did you have in mind?

MR. BICKWIT: I did not have in mind an exchange of letters.

It seems to me we have committed ourselves simply to consulting. I am not sure that we haven't already satisfied that obligation.

If there is nothing in this paper that has not been run by them.

MR. SNYDER: Actually, we are down a factor of twenty and a half now. It seems to me the way to handle it is if the Commission sees their way clear

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2 to approve this, we just inform them, yes, it has been
3 approved and it is at these lower levels that we discussed
4 with you three weeks ago.

5 MR. BICKWIT: I think the consultation
6 requirement has been satisfied.

7 The environmental assessment committmentas
8 I read it has not been satisfied, but I think that
9 is easily satisfied. I think you have got enough
10 material in this Commission paper to provide for
11 this.

12 COMMISSIONER GILINSKY: Could I ask you
13 something else. How would you intend to make the
14 public aware of these approvals when they take place?

15 CHAIRMAN AHEARNE: It says here -- explain
16 your last paragraph in there informing the local
17 government officials and notifying the public through
18 press channels.

19 MR. VOLLMER: Well, the mechanism we were
20 thinking about we are putting out basically a weekly
21 status report and planning on sending that to the
22 local officials in the area which we have basically
23 the same mailing list we use for the meetings that
24 were set up, the trio meetings and I think that at
25

1 that point in time mention could be made specifically
2 that such and such an operation has been approved and
3 the basis for it.

4 I am thinking something about a paragraph
5 size no big deal, at least stating what has been
6 approved and why.

7
8 COMMISSIONER KENNEDY: And if a member of
9 the public then wants to get information as to the
10 date of backup for whatever assertions are being
11 made, how does he go about doing it?

12 MR. VOLLMER: He can go to the Middletown
13 office and ask it of the staff. These reports will
14 be available there and we would be responsive to it.

15 COMMISSIONER KENNEDY: Will they know that,
16 do they need to be informed?

17 MR. VOLLMER: They have been told many times
18 but we could repeat that yes, sir.

19 MR. DENTON: We have a mailing list now of
20 three or four hundred local officials where it is
21 not a single community of governments that represents
22 TMI, it is different counties, townships. The list
23 is expanding all the time.

24 CHAIRMAN AHEARNE: Fantastic, you can use
25 that to set up a meeting.

1 MR. DENTON: That is the first starting point.
2 But when we talk about meetings and governments you
3 have to realize that these local officials are not
4 full-time officials --

5 CHAIRMAN AHEARNE: I understand that.

6 MR. DENTON: -- and many of them have other
7 jobs and if we are setting up a meeting really means
8 contacting almost everybody you want to meet with
9 and trying to arrange a meeting, and it is like --
10 it is pretty rough to find a meeting that you can
11 get a lot of people to attend.

12 So, we have a real job ahead to try to set
13 these meetings up at dates that satisfy a reasonable
14 number of the officials.

15 CHAIRMAN AHEARNE: Well, I would I guess
16 be willing to give conditional approval conditioned
17 upon your checking back with CEQ since you have now
18 solidified the position as long as they have no
19 problem.

20 Also, I would like the next week to at least
21 have you started discussing these things with the
22 local officials, that is what I would like.

23 MR. DENTON: I think we are going to try
24 on going county by county for the next time. We tried

1 to get big groups of different counties and that ran
2 into problems.

3 CHAIRMAN AHEARNE: Well, some large groups
4 also make it difficult to have discussions.

5 COMMISSIONER KENNEDY: Assuming that the
6 Commission brings itself to agree to these procedures,
7 will they go into force before all of these discussions
8 with the local officials will request?

9 CHAIRMAN AHEARNE: Yes, I still view the
10 discussions in that sense and sort of the information--

11 COMMISSIONER KENNEDY: Information.

12 CHAIRMAN AHEARNE: Yes.

13 COMMISSIONER GILINSKY: Well, I am not sure,
14 I guess I would approve this, but I am and I recognize
15 the release levels are very low, nevertheless, there
16 is something about just dropping these things down.
17 I guess one would have to have reasonable discussions
18 with them. I am not sure I know what their feelings
19 are. But, there maybe that suggestions will come up
20 having to do with how you announce these things or
21 how you deal with them --

22 MR. SNYDER: I don't see anything happening
23 immediately here in the way of an approval any way.

24 CHAIRMAN AHEARNE: Well, we ought to be

1
2 clear these are procedures we are trying to -- we are
3 trying to establish a set of criterias so that the
4 procedures can be used. There are not any specific
5 releases yet.

6 MR. SNYDER: There is nothing in
7 the next few weeks that I am aware of.

8 MR. VOLLMER: The only thing that I think
9 that is really pertinent to this whole thing and maybe
10 is in the period of weeks would be the possible
11 entry of containment and the staff is reviewing those
12 procedures now and I am sure that is a couple weeks
13 away anyway.

14 MR. SNYDER: In that interim period hopefully
15 we will have some of these meetings set up and this
16 type of information conveyed.

17 CHAIRMAN AHEARNE: Joe?

18 COMMISSIONER HENDRIE: I approve the staff's
19 recommendation.

20 CHAIRMAN AHEARNE: Peter?

21 COMMISSIONER BRADFORD: In trying to state
22 the difference that I have with approving it today,
23 I do not disagree with the proposition that these are
24 safe levels in that there are fractions of releases
25

1 allowable at TMI during normal operation before the
2 accident. I do think that there is an Item A difference
3 between consulting and deciding and then deciding and
4 consulting and Bernie has said that there are as far
5 he knows no request that would require --
6 I gather you are talking about the site director's
7 approval never mind the Bethesda approval the 50% limit.

8 MR. SNYDER: Yes.

9 CHAIRMAN AHEARNE: Other than containment entry.

10 MR. SNYDER: The only one is pending and
11 is really not that far along at this point in the
12 containment entry question

13 COMMISSIONER BRADFORD: Under those circum-
14 stances, my preference would be to find a way to
15 distribute and explain these criteria as I say with
16 the predisposition on my part of to approve them.
17 I suppose conceivably even approving the 5% level as
18 a guide at this point.

19
20 I would rather go through the mechanism of
21 consulting first.

22 I think we would lower the levels of stress
23 and concern associated with this decision and other
24 NRC decisions if we made them that way.

25 Let me close by reiterating with what I

1
2 began with which is that I agree with you based on
3 anything that I know that the issue here isn't radiological
4 health and safety it is the process by which we make
5 these decisions.

6 CHAIRMAN AHEARNE: Well, are you clear on
7 what you now have to do?

8 Well, I think the general sense, the majority
9 seems to the approval of the criteria.

10 I would like you to check with CEQ.

11 MR. SNYDER: Provide it with the paper and
12 get back to you.

13 CHAIRMAN AHEARNE: I don't think you have
14 to come back.

15 MR. SNYDER: I did not mean come back to
16 the Commission, we inform them of the results of this
17 meeting.

18 COMMISSIONER HENDRIE: I think you are going
19 to have to -- could somebody tell me what the form
20 of the environmental assessment or statement that
21 there need not be one or whatever it would be?

22 I think one of the things you discussed
23 with CEQ is you either consult with them or you tell
24 them that you propose to say the following that it
25

1 it demonomous or whatever, I am sure they will have
2 advice on that.

3 MR. BICKWIT: There is no prescribed form
4 for an environmental assessment, you simply have to
5 come up with enough in the paper to justify your
6 conclusion that there will be no significant impact
7

8 It seems to me that you got the basis for
9 that statement.

10 MR. DIRCKS: On Page 3 of the staff statement
11 there is a paragraph that says that we are well below
12 the 20 and 50 and we thought it was very minimal, we
13 can just hand them the staff paper.
14

15 COMMISSIONER KENNEDY: One asks in most
16 circumstances what precedent value all this has are
17 we suggesting that every time we wish to do anything
18 within the limits of our regulations before we do
19 it, even though the regulations were approved and
20 on the record for a long time we should consult with
21 CEQ -- I am not exactly sure --

22 CHAIRMAN AHEARNE: My suggestion for the
23 consultation was really predicated on we are now I
24 think still in the process of trying to implement
25 many of the recommendations that our task force came

1
2 up with. One of those recommendations was we go forward
3 to consult the CEQ.

4 COMMISSIONER GILINSKY: I must say that I
5 am a lot more concerned about consulting people in
6 the area than consulting with CEQ and without taking
7 a view on that one --

8 COMMISSIONER KENNEDY: I would share that
9 view.

10 COMMISSIONER GILINSKY: I think what we
11 would be saying there is that after an accident we
12 move forward carefully and release it differently
13 than one would otherwise.

14 MR. SNYDER: In fact we are doing that.

15 COMMISSIONER GILINSKY: Oh, of course.

16 MR. SHAPAR: It has been a long standing
17 CEQ criterion to which we subscribed that something
18 particularly controversial you handle it
19 differently than you would an ordinary situation.
20 That is a long standing recognized criterion.

21 CHAIRMAN AHEARNE: Are there any other
22 points on this?

23 MR. SNYDER: I would like to make one point
24 it is my recollection as a member of the Haller task
25 force this subject was discussed with them so it

1 does make sense to go back in response to your question.

2 CHAIRMAN AHEARNE: Any other?

3 (No response)

4 I think that closes this meeting.

5 (Meeting adjourned 10:25.)

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