

APPEARANCES (continued)

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P R O C E E D I N G S

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2 CHAIRMAN WOLF: Ladies and gentlemen, we are here in
3 this matter of the Metropolitan Edison Company, et al., Three
4 Mile Island Nuclear Station No. 2, bearing Docket No. 50-3200LA.

5 First, I would like to point out that this Board is a
6 board representing the Nuclear Regulatory Commission, and I
7 will introduce the members by stating that Dr. Paris, who is
8 sitting on my left, is an environmental scientist on the Atomic
9 Safety and Licensing Board Panel. He has a Ph.D in ecology from
10 the University of California at Berkely. He has served on the
11 faculty of the University of North Carolina, and the University
12 Of California. Most recently, he was the Head of the Department
13 of Zoology and Physiology at the University of Wyoming. He is
14 a member of the Ecological Society of America, and the American
15 Institute of Biological Sciences, and a fellow of the American
16 Association for the Advancement of Science.

17 On my right is Mr. Frederick J. Shon, a nuclear
18 physicist and engineer who is Operation Supervisor at the
19 Reactions at Lawrence Livermore Laboratories. He has been an
20 Assistant Director for Nuclear Facilities with the AEC, and is
21 now a full-time member of the Atomic Safety and Licensing Board
22 Panel.

23 I am John Wolf an attorney.

24 At this time, I would like to ask the attorneys for
25 the petitioners or the petitioners themselves, if they are acting

1 pro se, and the attorneys for the Nuclear Regulatory Commission,
2 and the Metropolitan Edison Company to state their appearance
3 for the record.

4 In connection with this, I would like to ask when
5 you leave the room, the court reporters have placed a pad on
6 the table in the rear of the room, and have asked that each
7 person who makes an appearance sign their name and address on
8 that sheet back there.

9 Can we begin now with the first of the petitioners?

10 DR. LOCHSTET: William A. Lochstet.

11 DR. JOHNSRUD: Dr. Judith Johnsrud, Co-Director of the
12 Environmental Coalition on Nuclear Power, and authorized as a
13 legal representative for that organization.

14 MR. SHOLLY: Stephen Sholly, representing myself.

15 MS. CARTER: My name is Karin Carter, Assistant
16 Attorney General, and I represent the Commonwealth of
17 Pennsylvania. With me is Mr. Robert Adler, who has recently
18 joined the Office of Chief Counsel, a recent law school graduate.

19 As I informed the Board, I will have to beg the
20 indulgence of the Board and the parties, I must leave at 2:30
21 and return somewhat later, and Mr. Adler will be representing
22 the Commonwealth in my absence.

23 CHAIRMAN WOLF: Thank you.

24 MR. GOLDBERG: Mr. Chairman, my name is Stephen C.
25 Goldberg, and I represent the NRC Office of the Executive Legal

1 Director, U.S. Nuclear Regulatory Commission, Washington, D. C.
2 20555. Along with me representing the NRC staff in this matter
3 is Ms. Lisa M. Singer.

4 MR. BRINKMAN: I am Donald S. Brinkman, with the TMI
5 Program Office, with the Nuclear Regulatory Commission, a member
6 of the technical staff there.

7 CHAIRMAN WOLF: Are you sitting in as an advisor to
8 Mr. Goldberg?

9 MR. GOLDBERG: Yes, Mr. Brinkman is advising as counsel
10 in this effort.

11 MR. TROWBRIDGE: My name is George S. Trowbridge. I
12 represent the licensee, Metropolitan Edison Company. On my
13 left is Miss Lisa Ridgway, also counsel for the licensee.

14 CHAIRMAN WOLF: As all of you perhaps know, this
15 Board is a board of limited jurisdiction. We have only that
16 jurisdiction which is delegated to us by the Nuclear Regulatory
17 Commission. In that connection, I would like to point out that
18 we, in a sense, have two matters before us.

19 Back on May 12, 1980, the Commission stated in an
20 Order that it was directing the Acting Chairman of the Atomic
21 Safety and Licensing Board Panel to constitute a hearing board
22 to rule on these hearing requests. That is, the request of the
23 Director of the Office of Nuclear Regulation to amend the
24 operating license for TMI-2 to include new specifications.

25 The Commission went on to state that the Licensing

1 Board Panel was to constitute a Hearing Board to rule on the
2 hearing requests that I have just mentioned, and if it orders
3 a hearing, to conduct evidentiary proceedings. Any hearings
4 should focus on the changes to the technical specifications, and
5 not on the TMI Unit 2 clean-up, or whether TMI-2 should be
6 allowed to operate again. That is a very narrow delegation of
7 power.

8 We were also given an additional matter. In an Order,
9 dated June 12, 1980, which dealt with the temporary modification
10 of the license in regard to the amount of venting that could be
11 done, the Board stated that the licensee, or any person whose
12 interests may be affected, may within 30 days file a request for
13 a hearing with respect to this Order in accordance with the
14 provisions of 10 CFR 2.714. In the event a hearing is held,
15 the issue shall be:

16 1. Whether the temporary technical specification
17 modification imposed herewith, described in Part 3 above of
18 this order, is in the interest of the public health and safety;

19 2. Whether this Order should be sustained.

20 It further stated that a request for a hearing will
21 not stay the effectiveness of this Order. In the event a hearing
22 is held, it shall be consolidated with any hearing held in
23 regard to the Commissioners' Orders in this docket dated
24 February 11, and May 12, 1980, which I have also read to you.
25

1 We are going to have some preliminary matters to
2 discuss, but before we do that I would like to take one minute
3 to confer with the other members' of the Board, and then we will
4 proceed.

5 (Discussion off the record.)

6 CHAIRMAN WOLF: The Commonwealth of Pennsylvania
7 has filed a petition to be admitted in these proceedings as an
8 interested State. That petition is granted, and at this time
9 I would like to ask counsel if she will state what areas the
10 State will be interested in, and whether or not they will be
11 interested in cross-examination.

12 MS. CARTER: At this time, we are not sure because we
13 have not yet received copies of all the contentions. We have
14 not received a copy of Mr. Sholly's contentions, although just
15 before this hearing he allowed us to look at the only copy he
16 brought with him, but we were not able to make a copy of it.

17 We have received the ECNP contentions just in this
18 morning's mail, and our nuclear engineer has not had an
19 opportunity to look them over.

20 So at this time we are unable to state because we
21 have not seen all the contentions which ones we will be
22 interested in cross-examining, but if you will give us some
23 time to obtain those and look them over, we will be able to
24 tell you.

25 CHAIRMAN WOLF: We will inquire later in that regard,

1 in some future meeting.

2 MS. CARTER: Thank you.

3 CHAIRMAN WOLF: Since we have, I am sure, preliminary
4 matters to discuss, perhaps it would be well if we opened up
5 with a discussion of any preliminary matters.

6 I would like to first ask Mr. Trowbridge to discuss
7 whatever preliminary matters he feels should be brought up at
8 this time.

9 MR. TROWBRIDGE: The first preliminary matter that I
10 would like to bring up, Mr. Chairman, it is my understanding that
11 this afternoon will be devoted to the first of the subjects you
12 mentioned, namely, the TMI-2 technical specifications and the
13 proposed modifications.

14 CHAIRMAN WOLF: That is right, Mr. Trowbridge, unless
15 something else develops in this discussion to change our
16 position.

17 MR. TROWBRIDGE: We will tomorrow morning take up the
18 venting order. I would like to explain the material that we
19 have submitted for the moment. If you have before you a document
20 entitled "Memorandum in Opposition to Stephen C. Sholly's Formal
21 Demand for an Adjudicatory Hearing with Regard to Venting,"
22 which was prepared in response to the memorandum that Mr. Sholly
23 filed before the Nuclear Regulatory Commission, dated July 3.

24 We prepared this memorandum recognizing that we did not
25 at that point have affidavits that we were expecting. We also

1 prepared it without realizing that Mr. Sholly would prepare a
2 second motion before this Board in this proceeding.

3 Attached to this response, our response, are two
4 bound booklets, one of which consists of the records before the
5 Commission in connection with Mr. Sholly's petition that begins
6 with the Commission's two Orders, and ends with Mr. Sholly's
7 demand for an adjudicatory hearing. It includes in it Mr.
8 Sholly's motion for reconsideration of the two venting orders,
9 and the Commission's denial of that motion.

10 The other folder is the records from beginning to date
11 of Mr. Sholly's petition to the Court of Appeals for stay, and
12 other relief.

13 These are essentially background documents that we
14 will offer tomorrow, or when appropriate, as our exhibits
15 hopefully by stipulation in the proceedings. I would note that
16 in the Court of Appeals folder, where we responded to Mr.
17 Sholly's motion before that court, there are four affidavits
18 which we presented to the Court of Appeals. We would ask that
19 these same affidavits be treated as affidavits in this proceeding
20 as well.

21 We have received now from Mr. Sholly several more
22 affidavits, which we have not fully read. We have received a
23 staff filing. These are all things that we will have to look at
24 tonight, and be prepared to respond to them.

25 We do not plan further papers for tomorrow. I will

1 address in oral argument Mr. Sholly's latest motion before this
2 Board. We will rely on the affidavits that I mentioned a few
3 moments that we filed with the Court of Appeals, and that we
4 will file again with this Board. Finally, we will have one
5 live witness to talk to what Mr. Sholly calls the grounds of
6 his latest motion, and who will address grounds 4, 5, and 6 of
7 Mr. Sholly.

8 CHAIRMAN WOLF: May I interrupt you, Mr. Trowbridge,
9 to ask you if the affidavits that you have now received,
10 apparently today, from Mr. Sholly are one from Irwin D. J.
11 Bross, and the other from Jan Beyea?

12 MR. TROWBRIDGE: I have someone reading them in the
13 back of the room. This is Ms. Bernstein, and she will be able
14 to tell me if these are the same ones we have.

15 Do you want me to tell you what we now have, Mr.
16 Wolfe.

17 CHAIRMAN WOLF: We wanted to check to see that we
18 had everything you have.

19 MR. TROWBRIDGE: I have an affidavit and accompanying
20 letter, and a statement from Irwin D. J. Bross. We had previously
21 received that.

22 MR. SHOLLY: Mr. Chairman, perhaps it would be more
23 efficient if I could explain what was there, and all parties
24 could make sure that they have copies of all those documents.

25 CHAIRMAN WOLF: Perhaps that would be the best way,

1 yes.

2 MR. SHOLLY: You should have a copy of the motion
3 dated July 3rd, which unfortunately came through on this yellow
4 paper. You should have copies of two different dates of
5 Environmental News that the Environmental Protection Agency
6 puts out, one would be a two page, and one is a single page.

7 MR. TROWBRIDGE: Dated?

8 MR. SHOLLY: The single-page is dated July 2nd, 1980,
9 and the two-page document is dated July 1, 1980.

10 MR. TROWBRIDGE: We have those.

11 MR. SHOLLY: You should have an affidavit from Dr.
12 Beyea, dated July 3rd, and accompanying comments dated June
13 24th.

14 You should have an affidavit from Dr. Irwin D. J.
15 Bross, dated July 1. A letter from Dr. Bross, dated June 19th,
16 and a further statement dated June 20th.

17 There is also a letter from Dr. Karl Morgan, dated
18 June 21st, I believe -- The letter is dated June 23rd, and the
19 statement accompanying it is dated June 21st. I have not
20 received an affidavit from Dr. Morgan. He has been out of his
21 office due to the death of a friend, and apparently is not back
22 yet.

23 You should also have an affidavit dated July 3rd from
24 Dr. Carl Johnson, an affidavit dated the 2nd of July from Bernd
25

1 Franke, and there are three attachments to that, one being a
2 compilation of papers that Mr. Franke has either authored or
3 co-authored, the original so-called "Heidelberg Report on the
4 Venting," and also Franke's response to the NRC staff comments
5 on that report.

6 CHAIRMAN WOLF: Do you have any extra copies, or
7 have you distributed all that you have?

8 MR. SHOLLY: I have placed a copy for each of the
9 Board Members on the desk there. I assume you have them.

10 CHAIRMAN WOLF: I will search for them.

11 I am sorry to have interrupted you that way, but I
12 thought that it was necessary to get this straightened out first.

13 MR. TROWBRIDGE: That was an efficient process and
14 we have all of the documents stated by Mr. Sholly.

15 CHAIRMAN WOLF: Do you wish to proceed any further,
16 Mr. Trowbridge?

17 MR. TROWBRIDGE: No, thank you.

18 CHAIRMAN WOLF: Mr. Goldberg?

19 MR. GOLDBERG: Yes, Mr. Chairman. We are prepared to
20 proceed with a discussion of the several intervention petitions
21 regarding the February Order issued by the Director of Nuclear
22 Reactor Regulation. The staff's understanding is the same as
23 Mr. Trowbridge's, namely, that we would consider the several
24 hearing requests regarding the June Order for Temporary
25 Modification tomorrow morning.

1 The staff on July 3rd prepared a written response in
2 opposition to those requests in whole or in part, copies of
3 which we hand delivered at the outset of this session. Also
4 in preparation is a staff response to the motion for temporary
5 suspension of venting, which we received on Friday, and which
6 apparently had been supplemented in some respects by Mr.
7 Sholly's papers this morning, namely, with the addition of an
8 affidavit and attachments from Bernd Franke, and an affidavit
9 from Dr. Carl Johnson.

10 These are materials that the staff was not heretofore
11 in possession of, and presumably we will be prepared to address
12 the further implication of those papers when we have had an
13 opportunity to consider them.

14 We have nothing else by way of preliminary remarks.

15 CHAIRMAN WOLF : Mr. Lochstet, do you wish to make
16 any preliminary statement at this time?

17 DR. LOCHSTET: No.

18 CHAIRMAN WOLF : Ms. Johnsrud.

19 DR. JOHNSRUD: I would ask if Mr. Goldberg did in
20 fact issue this morning or this afternoon copies of the response
21 to Mr. Sholly's petition. I don't seem to see one among the
22 collection of papers.

23 The only other point that I might make here is that
24 I have in the supplement to request for hearing by the
25 Environmental Coalition on Nuclear Power, at page 6, made a

1 motion that pertains to the relationship of the matters to be
2 discussed in this proceeding if the hearing is held, and the
3 TMI-2 clean up. I hope that the intent of that motion was
4 clear. Perhaps later in the proceeding would be a more appro-
5 priate time to discuss it, but I would assume that this would
6 be a fairly early matter in the discussion of our petitions on
7 the technical specifications.

8 This would be the only preliminary matter I would
9 want to raise.

10 CHAIRMAN WOLF: You can point that out to us later,
11 if you will.

12 DR. JOHNSRUD: Fine.

13 CHAIRMAN WOLF: Do you have anything further that
14 you want to say at this time?

15 DR. JOHNSRUD: No, sir.

16 CHAIRMAN WOLF: Mr. Sholly?

17 MR. SHOLLY: Nothing further, Mr. Chairman.

18 CHAIRMAN WOLF: Ms. Carter?

19 MS. CARTER: Just that Mr. Sholly has informed us that
20 he will be getting us a copy of his contentions in the very near
21 future, that we will take care of that problem. That is all we
22 have at this preliminary stage.

23 MR. TROWBRIDGE: Mr. Chairman, I would like to point
24 out a typographical error in our memorandum in opposition to
25 Mr. Sholly's formal demand for an adjudicatory hearing. On

1 page 11 of that document, in the middle of the page, there are
2 two references to June 29, and they should have been to June 28.

3 CHAIRMAN WOLF: Mr. Brinkman, do you have any
4 statement that you would like to make?

5 BRINKMAN: No, sir.

6 CHAIRMAN WOLF: Is there anybody else representing
7 anyone here who would like to make a preliminary statement?

8 (No response.)

9 CHAIRMAN WOLF: At this time Dr. Paris has a statement
10 that he would like to make.

11 DR. PARIS: There has been distributed to all of you
12 transcripts of the conference call held on June 30, and July 2nd
13 with respect to the petition relating to the Commission's Order
14 concerning venting of TMI-2 reactor building. The transcript
15 for the June 30 conference call was typed up late Friday, and
16 duplicated without being proofread, so that we could get copies
17 in the mail and in my brief case before I left.

18 It has since been edited with respect to typographical
19 errors, and a corrected copy is being prepared today in Bethesda
20 and will be served on all parties through docketing and services.
21 Also, the recording machine that we used to tape that particular
22 conference call did not perform well, and we had great difficulty,
23 particularly in the latter part of the call in discerning what
24 everyone was saying. If you are attributed statements which
25 you know you did not make, let us know and we will make an

1 appropriate correction in the transcript.

2 MR. SHON: I might say that the second conference call
3 was also just recently typed without proofing so that it could
4 get into my briefcase this morning. We welcome any corrections
5 or additions to that also.

6 CHAIRMAN WOLF: We are going to take up the question
7 of the acceptability of the contentions that have been filed.
8 We do not have responses from either the staff or --

9 Mr. Trowbridge, have you responded to all of the
10 contentions yet?

11 MR. TROWBRIDGE: No. I have responded to none of the
12 contentions, Mr. Chairman. If you will recall I filed a motion
13 suggesting that we have further discussion before we tackled the
14 response to the contentions.

15 CHAIRMAN WOLF: Very well.

16 MR. TROWBRIDGE: I am prepared to discuss here, even
17 though I will again urge the Board to make no rulings until we
18 have had some discussions, each individual contention, dis-
19 cussing it and its allowability.

20 CHAIRMAN WOLF: You will get the opportunity when the
21 Board is going to take up the various contentions. At that time
22 you will have that opportunity that you have asked for.

23 We have considered these contentions, and Mr. Shon and
24 Dr. Paris are now going to discuss our position regarding them.
25 After each contention, anyone representing one of the parties

1 will be allowed to make whatever statement they care about
2 a given contention.

3 So I will ask Mr. Shon and Dr. Paris to take up the
4 contentions at this time.

5 DR. PARIS: I would like to first address questions
6 to Mr. Sholly.

7 Mr. Sholly, with respect to your contention No. 2, it
8 seems to us that there are really two parts to this contention,
9 the first of which is stated at the top of page 3 with the
10 sentence, "It is therefore contended that more frequent
11 assessment of compliance with boron concentration limits be
12 performed when no operable neutron monitoring channels exist."
13 The second is contained in the next sentence, which says, "It
14 is further contended that an additional requirement to the
15 actions taken should be added, namely, that upon detection of
16 the condition of no operable neutron monitoring instrumentation
17 channels, the NRC must immediately be notified, and further
18 that the emergency plan classification of unusual event be
19 declared, with the result that the Pennsylvania Emergency
20 Management Agency be informed."

21 In other words, we view this contention as having two
22 parts, one relating to assessment of compliance with the boron
23 concentration, and the second relating to notification of the
24 NRC and the State of Pennsylvania with regard to the event.

25 We wondered if for purposes of considering this

1 contention, and litigating it, if it is accepted, if you would
2 agree to having contention 2(a) relating to boron, and
3 contention 2(b) to notification of the Agency.

4 MR. SHOLLY: That will be fine.

5 MR. TROWBRIDGE: I would like a further subdivision.
6 There is a contention on notification that has two parts. One
7 is notification of the NRC, and I regard that as a perfectly
8 proper contention, an allowable contention. The other has to
9 do with our Emergency Planning, and our actions under it which
10 I do not think have to do with the technical specifications,
11 and to which we are opposed.

12 MR. SHON: Are you suggesting, Mr. Trowbridge, that
13 no such technical specification could be imposed requiring
14 notification of the agency?

15 MR. TROWBRIDGE: I am suggesting that it is not
16 within the contemplation of the Commission that we take up the
17 Emergency Planning.

18 I did not mean to get into an argument, or get a
19 decision on this today. This will come out later. I just want
20 to subdivide it a little bit more.

21 MR. SHON: The contention, I now note, says that an
22 emergency plan classification of "unusual event" be declared.

23 MR. TROWBRIDGE: Our various emergency classifications,
24 the lowest or the least important or alarming is the unusual
25 event. So that is a classification under the Emergency Plan,

1 and would not in our view encompass the failure of the neutron
2 monitors. An unusual event, I don't have the precise definition
3 before me, is generally a situation in the plant which if allowed
4 to go on long enough would or could result in a deterioration of
5 the operations of the plant, or to cold shut down condition.

6 We would not think of the loss of a monitor as such
7 was an unusual event. If, in fact, the boron concentration
8 were changed when an analysis were made, that would be.

9 MR. SHON: _ If I understand correctly, then what you
10 are saying is that in order to bring this particular event within
11 the definition of an unusual event, one would have to change the
12 definition of an unusual event, and hence change the emergency
13 plan; is that it?

14 MR. TROWBRIDGE: We believe that to be the case. One
15 would have to change the Emergency Plan.

16 MR. SHON: But in your view the present definition
17 does not afford sufficient flexibility so that one could simply
18 say, "Yes, this is an unusual event," and mark it with a tag.

19 MR. TROWBRIDGE: We could always make a marginal note.
20 There is a careful definition of an unusual event in each of the
21 other categories, and I don't think that the loss of a monitor
22 per se would be classified as an unusual event.

23 MR. SHON: To your knowledge are there any other
24 specific event which are tagged as "unusual events"?

25 MR. TROWBRIDGE: I believe there are some illustrations

1 in the Emergency Plan. Ms. Ridgway is more familiar with this
2 than I am and she nods, yes, in the emergency classifications
3 there are illustrative items.

4 MR. SHON: I see. Thank you.

5 DR. PARIS: Are there any other comments with respect
6 to contention 2?

7 MR. SHOLLY: Yes, sir.

8 DR. PARIS: Yes, sir, Mr. Sholly.

9 MR. SHOLLY: If I may, realizing that TMI II is
10 certainly in an unusual condition compared to normal operating
11 plants, it was my impression that it would be rather unusual
12 for a plant to be operating in any mode without neutron
13 monitoring instrumentation being functional.

14 It was simply my intent to express this unusual
15 situation, and that it would be declared an unusual event under
16 the Emergency Plan. As I understand the Emergency Plan, it is
17 mainly geared for normal operating plants, for instance TMI-I.
18 In this instance I would suggest that this would be appropriate
19 for the condition of the plan as it stands right now, and that it
20 would be an unusual circumstance, which if left unchecked could
21 potentially degrade into a more serious situation.

22 Granted, it may take more than simply the lack of a
23 neutron monitoring channel to result in that more serious
24 situation, but certainly the loss of that instrumentation would
25 be a serious matter. I would feel that both the NRC and the

1 Commonwealth should be notified of that.

2 MR. TROWBRIDGE: As I understand it, Mr. Chairman, the
3 Board's latest Orders were that having done whatever talking
4 and discussing we can together, we are then to state our final
5 position and argument on them to the Board.

6 I don't mean that this is not helpful. It is helpful
7 to have some preliminary discussion to give the Board some
8 understanding of what is biting us. In other words, I am not
9 going to argue with Mr. Sholly anymore.

10 DR. PARIS: Mr. Sholly, also, with respect to
11 contention 4, again the Board sees that as having two parts.
12 The first is contained in the second sentence, "It is contended
13 that this is an insufficient period of time for retention of
14 such records, and that such records should be maintained until
15 the facility is decommissioned."

16 Then the next sentence contains the other part, "It
17 is further contended that an additional requirement relating
18 to such records should be added to this classification in that
19 any of the records required to be retained by this provision
20 must be available for public inspection and copying upon
21 request."

22 We see there essentially two parts, one referring to
23 how long the records should be maintained, and the second is
24 contending that they should be made available for public
25 inspection.

1 Again, would you be agreeable to subdividing that in
2 that way?

3 MR. SHOLLY: Certainly.

4 MR. SHON: We note that Mr. Lochstet's contention 1
5 and Mr. Sholly's contention 1 --

6 MR. TROWBRIDGE: Are we off Mr. Sholly's contention
7 1 at this point?

8 MR. SHON: Not entirely, no. We want to talk now
9 about combining some of his with other contentions.

10 We note that Mr. Sholly's contention 1 and Mr.
11 Lochstet's contention 1 are very similar. We feel that they
12 may be similar enough so that a contention could be worded that
13 would take care of both of them, and allow us to try only one
14 matter instead of two.

15 Is there any chance that you two gentlemen could get
16 together for that end?

17 DR. LOCHSTET: Are you talking about my No. 2?

18 MR. SHON: Yes, I am sorry, I misspoke.

19 Your contention, Mr. Lochstet, and Mr. Sholly's
20 contention No. 1 relate to reactor coolant system pressure,
21 both assert that the 2,750 p.s.i.g. is too high a pressure to
22 allow.

23 DR. LOCHSTET: I think that we can work something out.

24 MR. SHON: The same may be true of Mr. Sholly's
25 contention No. 4, and ECNP's contention No. 5, both of those

1 relate to how long records should be kept. The (b) part of
2 Mr. Sholly's contention, or what we can call the (b) part which
3 availability for copying, does not seem to be reflected in
4 ECNP's contention, but both feel that the records should be
5 retained for the life of the plant. We thought that there might
6 be some hope of you combining those.

7 Could you speak to that?

8 DR. JOHNSRUD: With respect to the ECNP contention,
9 Mr. Shon, I think that there may be a slight difference. I
10 have in the first sentence of our contention No. 5 stated "for
11 the life of the suspended licensee's operation of either TMI-I
12 or II."

13 We subsequently suggest that certain records,
14 particularly those relating to any and all accidental releases
15 of radioactivity, and records of worker exposures should be
16 kept permanently for the duration of the utility," that is as
17 long as there is a Metropolitan Edison Company and its co-owners
18 of the plants, "and also be placed on file with the NRC."

19 So there are some slight differences, but I think that
20 the intent of Mr. Sholly's and the ECNP contention would be
21 close enough that we will be able without any trouble to work
22 out a consolidated contention on this matter, if Mr. Sholly is
23 agreeable.

24 MR. SHON: Finally, Mr. Sholly's contention 2 and Mr.
25 Lochstet's contention 2 also show a great deal of similarity and

1 possibly should be combined. They both relate to what must be
2 done if one neutron channel fails, or if two neutron channels
3 fail.

4 We would like to have you speak to that point as to
5 whether those two could be combined.

6 DR. LOCHSTET: I think that the directions in which
7 we were headed were rather different. My feeling was not to
8 rely on the boron analysis at all, but I was thinking more in
9 terms of trying to get one of those four monitors in operation.
10 Certainly, if it was a matter of failure of outside of contain-
11 ment equipment that could be, I would presume, done rather
12 quickly. If it were a matter of failure in containment equipment,
13 it would have to come under a different kind of consideration as
14 to what priority should be placed when someone goes in there
15 next time, or the first time, as the case may be.

16 I had not reached a point of wanting to rely on the
17 boron concentration analysis. We could try, but my reading of
18 what I see before me is rather differently oriented.

19 MR. SHON: I recognize, Mr. Lochstet, that the thrust
20 of your contention was towards maintaining operability of the
21 neutron monitors to detect, perhaps, such things as changes in
22 geometry.

23 DR. LOCHSTET: Yes.

24 MR. SHON: Mr. Sholly's was toward maintaining a
25 sub-critical configuration in the possible event of lost boron

1 cr some such thing.

2 Do you think they are far enough apart so that you
3 would not want to try to combine them; is that right?

4 MR. SHOLLY: I think that we can try, and if we can
5 succeed, when we would certainly be happy to do that for you.

6 DR. LOCHSTET: That will be fine.

7 MS. SINGER: The staff would be interested to know
8 whether you are considering ruling on the contentions today?

9 CHAIRMAN WOLF: Not finally, no.

10 MS. SINGER: We would urge deferral, if that is
11 possible, so that we could try to negotiate the contentions
12 for some refinement and perhaps elimination.

13 MR. GOLDBERG: Mr. Chairman, we were inquiring whether
14 the Board intends the entry of a final ruling identifying
15 contentions at the close of this conference, as distinct from
16 identifying whether or not there will be a hearing in this
17 matter, namely, that the three petitioners possess the requisite
18 interest and at least one acceptable contention.

19 The staff would urge deferral of a final specification
20 of the contentions until an opportunity has been afforded
21 amongst the later identified parties to confer and attempt to
22 reach agreement on the contentions, although the staff would be
23 prepared, if the Board wishes, to present its position on the
24 separate contentions at this time. We had not done so before
25 this conference.

1 CHAIRMAN WOLF: You are prepared to discuss each
2 contention right now?

3 MR. GOLDBERG: Sequentially.

4 CHAIRMAN WOLF: You are, too, Mr. Trowbridge?

5 MR. TROWBRIDGE: Yes, Mr. Chairman.

6 I strongly second Mr. Goldberg's suggestion that the
7 Board defer ruling.

8 CHAIRMAN WOLF: We are not going to rule until we
9 hear what your position is. We are not going to rule this
10 afternoon right here on the bench.

11 MR. TROWBRIDGE: Let me illustrate my problem.

12 As far as I am concerned, Mr. Sholly's first conten-
13 tion is a perfectly allowable contention if he wants to keep
14 it. I have no question in my mind on that. But I would like
15 to sit down with Mr. Sholly, and I would like to find out, to
16 begin with, and he probably is aware, that there is not just a
17 safety limit on the pressure, and there is also what is called
18 a limiting condition for operation where the pressure is not
19 allowed to exceed 600.

20 I would like to explain that the safety limit is a
21 hang-over from the old operating license. It determined the
22 setting for the safety relief valve. We could not go in and
23 change that setting now because it is too hot in there at the
24 moment. If we could, we do not have a range to get it down to
25 where Mr. Sholly would like to see it anyhow.

1 This is the kind of discussion that we would like to
2 have with him, to find out whether maybe his contention would
3 go away, or change. That is what I am talking about in terms
4 of not just the question of legal allowability, but do we really
5 want to go through with it.

6 CHAIRMAN WOLF: Do you agree that Mr. Sholly has
7 standing?

8 MR. TROWBRIDGE: Certainly.

9 CHAIRMAN WOLF: You have already agreed that he has
10 one acceptable contention.

11 MR. TROWBRIDGE: Yes.

12 CHAIRMAN WOLF: Therefore, he is acceptable as a
13 party.

14 MR. TROWBRIDGE: I have never questioned Mr. Sholly's
15 standing.

16 CHAIRMAN WOLF: I think that it would be helpful for
17 the Board if you would discuss your position regarding each of
18 the contentions, if you can do that now?

19 I will ask Mr. Goldberg, after you have finished, to
20 discuss his position.

21 MR. TROWBRIDGE: Let me finish with Mr. Sholly. Mr.
22 Sholly's contention No. 2 has been substantially discussed.
23 Mr. Sholly's contention No. 3, he simply reads the technical
24 specifications differently than we do. As he reads the
25 technical specifications, Tech Spec. 6.2(a), which refers to a

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1 Table 6.2-1, as he reads that tech spec and table, it would
2 allow Met Ed temporarily to be minus two men in the control
3 room, both of whom could be control room operators. We don't
4 read it that way.

5 We agree that two men from the shift can be absent
6 temporarily, sickness or otherwise, but we look at 6.2.2(b) and
7 it says that it has to have one licensed operator at all times,
8 at least one. Then we look at the Commission regulations
9 themselves, 10 CFR 50.54(k) and that tells us that we have to
10 have a licensed operator present in the control room at all
11 times.

12 So I think here again this contention may go away,
13 but we will see.

14 Mr. Sholly's contention 4, I will not discuss that,
15 maybe the staff will. The records to be retained, this is a
16 very standard tech spec regarding the period, standard in terms
17 of comparability to other nuclear reaction tech specs and
18 licenses.

19 Again, Mr. Sholly's contention 5, which has to do
20 with the time period for returning inoperable remote shut-down
21 monitoring instrumentation channels to operation, if they go
22 out, we would like to talk to Mr. Sholly about that. He
23 prefers seven days to the 30-day period that is now allowed by
24 the tech spec. We would like to talk about the practicability
25 and consequences of change. Again, there is no question of the

1 allowability of the contention if he wishes to pursue it.

2 This finishes my comments on Mr. Sholly.

3 CHAIRMAN WOLF: Mr. Sholly, would you be willing to
4 discuss with Mr. Trowbridge the matters he has raised here about
5 your contentions?

6 MR. SHOLLY: I would be more than willing. In fact,
7 I was somewhat surprised when the Board declined to grant Mr.
8 Trowbridge's motion to put off the proceeding, at least as far
9 as the contentions go. I am more than willing to discuss them.
10 In fact, I am confident that one or two of the contentions are
11 probably internally resolved.

12 CHAIRMAN WOLF: Are you prepared to do that this
13 evening?

14 MR. SHOLLY: I suppose that that would be possible.

15 MR. TROWBRIDGE: This is going to be a very busy
16 evening for those of us getting ready for tomorrow.

17 CHAIRMAN WOLF: When do you contemplate doing that,
18 Mr. Trowbridge?

19 MR. TROWBRIDGE: I will call Mr. Sholly, and see when
20 he is available. As I understood the Board's latest order, they
21 expected us to complete whatever process within the month. SO
22 I will be calling Mr. Sholly and see if we can get together
23 with him.

24 Dr. Lochstet has a difficult schedule. Dr. Johnsrud,
25 I had not set a time.

1 CHAIRMAN WOLF: Are you prepared to go on and discuss
2 the other contentions now?

3 MR. TROWBRIDGE: Does the Board have any further
4 discussion of Mr. Sholly's contentions?

5 CHAIRMAN WOLF: No, not at this time.

6 MR. TROWBRIDGE: I have no further discussion of Mr.
7 Sholly's contention.

8 CHAIRMAN WOLF: What about Mr. Lochstet's, can you
9 discuss those at this time?

10 MR. TROWBRIDGE: Yes.

11 As the Board has pointed out, Mr. Lochstet's first
12 two contentions are quite similar to Mr. Sholly's first two
13 contention, though the punch line turns the way he wants maybe
14 a little differently. I don't think they need any discussion.

15 I said that Mr. Sholly's contentions 1 and 2 are
16 allowable, even though I will not discuss them, and I will say
17 the same with respect to Mr. Lochstet's contentions. I will
18 remind the Board at this point that we did not agree to Mr.
19 Lochstet had shown sufficient interest to be a petitioner in
20 the proceeding.

21 So, I am a little out of order, but I am nevertheless
22 ready to discuss his contentions.

23 CHAIRMAN WOLF: I think that this is a good point to
24 bring up, and I will ask Mr. Lochstet. Perhaps you will state
25 why you do not think he has shown enough interest.

1 MR. TROWBRIDGE: We tell you at some length in our
2 response to the original petition, and request for hearing. I
3 have nothing to add to that. It largely had to do with the
4 distance Mr. Lochstet lives from Three Mile Island, and I
5 thought that he just did not bring himself within the ambit
6 of those cases where at comparable distances Boards have been
7 willing to find an interest.

8 Most of his interests are interests that are shared
9 by the general public itself. His statement of the rule, that
10 is not an adequate showing of interest under some of the case
11 law. We were also cautious that Mr. Lochstet is an official
12 of ECNP, and we thought perhaps it was not unreasonable to
13 suggest that his interests were adequately taken care of by
14 ECNP's separate participation.

15 I think that this summarizes it generally.

16 CHAIRMAN WOLF: Would you respond to that at this
17 time, Mr. Lochstet, please?

18 DR. LOCHSTET: I stated in my original filing that
19 even living as far away as I do, there are agricultural products
20 which come from this area which are consumed in my neighborhood.
21 I am not particularly keen about that, having the week before
22 I wrote my original petition picked up a bag of potatoes that
23 had been grown in this area, and could not find any other in
24 the store.

25 I feel that in terms of my involvement with ECNP that

1 I can more adequately represent my concerns personally,
2 directly, rather than having to go through representatives. In
3 order to have it be the most clear development of the record, I
4 felt that it was important to be here directly as a party.

5 I should comment that at the time I wrote that
6 petition up I knew that there were some other parties that were
7 going to file for this hearing, so I did not feel I was not
8 delaying matters by requesting a hearing as a sole petitioner. I
9 was quite clear about that.

10 DR. PARIS: Mr. Lochstet, in your petition, as I
11 recall, you stated that you presently travel in the vicinity of
12 Three Mile Island. Is that correct?

13 DR. LOCHSTET: That is correct.

14 DR. PARIS: Could you describe for us the circum-
15 stances related with that travel?

16 MR. LOCHSTET: I have friends who live in York, and
17 in order to get from my college to York there are two ways of
18 doing it. One is the most direct and logical way, and it is
19 to come down the road that goes to the west of the plant,
20 Interstate 83, I believe it is. The alternative is to go a
21 considerable distance out of the way over country roads, which
22 I did do one time, and it takes almost twice as long.

23 This is the basis of my travelling through here,
24 which is unavoidable from a personal sense. In terms of my
25 travelling to the area in terms of meetings, and things like that,

1 I did not particularly feel that this was a cognizant reason
2 at this point.

3 DR. PARIS: How frequently do you make such trips?

4 DR. LOCHSTET: I was last here two weeks ago. It has
5 been every month or every two month.

6 DR. PARIS: Thank you.

7 CHAIRMAN WOLF: Do you want to pick up again, Mr.
8 Trowbridge.

9 MR. TROWBRIDGE: As I said, I have no particular
10 discussion of contentions 1 and 2. For the same reasons that
11 I would like to sit down with Mr. Sholly, I would like to sit
12 down with Mr. Lochstet on the maximum pressure.

13 I have mostly puzzlement with regard to Mr.
14 Lochstet's contention 3 in which he expresses a concern that
15 we share for any potential leakage of water in the containment,
16 and we hope that Mr. Lochstet will be there supporting our
17 efforts to clean it up, and remove the water and treat it.

18 What I am puzzled about is his statement that the
19 potential for release is a consequence of a technical specifica-
20 tion which simply puzzles me. I don't see the technical
21 specifications in any way contribute to the potential of a
22 release.

23 I am puzzled as to what if anything he would have the
24 technical specifications do about the potential leakage. This
25 in turn leads me to a further puzzlement as to his suggestion

1 that an environmental impact statement may be in order. If no
2 action is involved by the NRC, I am sure the Board is familiar
3 with the line of cases where there is Federal inaction. I am
4 really quite puzzled by the contention, and perhaps sitting down
5 with Mr. Lochstet I will come to understand it.

6 CHAIRMAN WOLF: Does that complete your discussion
7 of Mr. Lochstet's contentions?

8 MR. TROWBRIDGE: Yes, he has only three contentions.

9 CHAIRMAN WOLF: What about the other contentions by
10 ECNP?

11 MR. TROWBRIDGE: Before getting to the numbered
12 contentions, let's get to the subject that Dr. Johnsrud mentioned
13 earlier when she was asked to talk about part two of her
14 contention in which she is seeking a certification by the
15 Commission. I frankly, I don't understand the nature of the
16 certification that is being sought, so let me turn it over to
17 Dr. Johnsrud.

18 CHAIRMAN WOLF: I must confess the Board had difficulty
19 understanding what she wanted certified also.

20 DR. JOHNSRUD: I hope, Mr. Chairman, and Members of
21 the Board that we can resolve that issue without having to go
22 to the Commissioners at all. I suspect that a clarification
23 from the Board of my question here may take care of the issue.
24 I certainly hope so.

25 I would reiterate the statement that I made quite

1 early in our supplement to the request for hearing that we are
2 not interested in any delay in the NRC and the suspended
3 licensee getting on with what we consider to be the very vital
4 cleaning at TMI. We want that done as quickly as possible,
5 believe me.

6 However, I did have a feeling of confusion with
7 respect to the kind of limitation that might be imposed on our
8 discussion or the admission of contentions, and the discussion
9 of these contentions in a proceeding, if one is held, with
10 respect to the statement in the Board's May 12 Order that I
11 have quoted at page 7 of the supplement, namely, "Any hearings
12 held should focus on the changes to the technical specifica-
13 tions, and not on the TMI II clean up, or whether TMI II should
14 be allowed to operate again."

15 In drafting the contentions that I have submitted for
16 ECNP I have tried to focus on the technical specifications, but
17 since they do in fact all pertain to the recovery mode, I
18 really cannot comprehend that it will be possible for the Board
19 to consider the wording of the changed technical specifications
20 without at least implicitly considering clean up, clean up
21 options, and clean up modes.

22 They seem almost built in since these technical
23 specifications changes to the operating license are for the
24 purpose of dealing with recovery at TMI. If that is, indeed,
25 the Board's understanding of what the Commissioners had in

1 mind, then I think we can all happily move along without any
2 further need for dealing with this issue.

3 However, if the intent of the Board or the reading
4 of the Commissioners' Order of May 12 that I have just quoted
5 would be to say that there can be no consideration in the
6 contentions that have been filed of clean up operations, then
7 I think we have a very different situation.

8 Perhaps the Board can clarify for me at this stage, and
9 if I don't feel clear at that point, may I have an opportunity
10 to say a bit more?

11 DR. PARIS: Dr. Johnsrud, let try approaching that
12 this way. Could you indicate which of any of your contentions
13 in your view might impinge upon the clean up matter, or what you
14 think might go contrary to the Commission's Order, and then
15 let us react to that

16 DR. JOHNSRUD: May I have a moment to sort of think
17 that question through in connection with these several
18 contentions.

19 With respect to the ECNP proposed contention 2, which
20 pertains to the passage of time without a backup system for
21 operation control, we are suggesting that an additional
22 safeguard system should be installed in order to be sure that
23 there be a safety system at all times should one of the two
24 existing go out, without that two to three day time lapse.

25 It seems to me that this is in fact a matter that is

1 just simply built into the cleaning up operations within the
2 plant, and that it cannot be considered without considering
3 that recovery mode pertains to cleaning up at TMI.

4 A second suggestion I would make here would be to
5 refer to the proposed contention No. 1 with respect to the
6 relieving of responsibilities of the suspended licensee to
7 perform certain kinds of surveillance of the equipment if
8 it deemed that those areas have too high a radiation level for
9 the safety of the workers.

10 Here, again, the clean-up operations are going to
11 involve exposure of workers, of many workers, presumably over
12 a substantial period of time. The decisions that the suspended
13 licensee may make with respect to the expenditure of monies for
14 additional equipment, or additional protection for the workers
15 in order to make an area accessible, in order in turn for the
16 surveillance of the equipment to take place, would certainly
17 be a matter that would pertain to clean up, and it would be part
18 of clean-up costs.

19 In turn, this is perhaps a more general statement,
20 we are in the uncomfortable position in this proceeding of
21 not knowing whether the Commission is finally going to come down
22 on the side of operation of TMI II once again some year in the
23 future, or determining that the plant because of the severity
24 of the damage must ultimately simply be shut down altogether,
25 and decommissioned.

1 Certainly there will be, in our view, very great
2 differences in the approaches that are taken by the suspended
3 licensee and by the regulators as well, depending upon whether
4 or not clean up is getting the plant ready to go back on line,
5 or clean up is decommissioning it as quickly and effectively
6 as possible.

7 I hope that clarifies my question.

8 DR. PARIS: I think it does.

9 MR. SHON: Dr. Johnsrud, as I understand it, what you
10 are suggesting here is that you do not want any contention such
11 as your number 1 on dropping certain surveillance requirements
12 to be precluded or to be barred from our consideration simply
13 because in order to evaluate it one might have to postulate
14 clean up scenarios, or some such thing. Is that the notion?

15 DR. JOHNSRUD: That is part of it, Mr. Shon. The other
16 part of it would be that it would be unfortunate for us to get
17 into the proceeding contentions admitted, and then find that the
18 Board is unwilling to entertain direct evidence or cross-
19 examination on matters that the Board might arbitrarily determine
20 to be matters of clean up, and outside the scope of this
21 proceeding.

22 Here I really would have to cite the situation that
23 we have found ourselves in with respect to the TMI I restart
24 proceeding in which the issue of the crash of an airplane
25 heavier than the plant's containment was designed to withstand

1 was precluded from consideration on the ground that it was
2 being considered in another proceeding, and the situations were
3 such that it might be that there were some very different
4 things that could and should have been brought up in the TMI I
5 proceeding, and further than the deliberations in the TMI II
6 consideration of aircraft crash might not really cover what
7 ECNP wanted to say in TMI I, and yet there are these two
8 reactors on a common site.

9 Did that help?

10 MR. SHON: Yes.

11 CHAIRMAN WOLF: Before we come to any conclusion on
12 that, I would like to hear Mr. Trowbridge discuss the matter,
13 and Mr. Goldberg, and anyone else who feels they can lend any
14 help in that area.

15 MR. TROWBRIDGE: It seems to me, listening as
16 carefully as I could to what Dr. Johnsrud said, in a general
17 way, when you are considering the adequacy of the tech specs
18 bear in mind that you are talking about a plant in a recovery
19 mode.

20 DR. JOHNSRUD: Right.

21 MR. TROWBRIDGE: With that proposition, I would not
22 have much trouble. I don't know what it may lead to in the
23 specifics later on, but I don't have any problem now.

24 CHAIRMAN WOLF: Mr. Goldberg?

25 MR. GOLDBERG: Ms. Singer is prepared to address these

1 MS. SINGER: Staff believes that the Commission made
2 it quite clear in its May 12th Order that there is some
3 distinction between this hearing where we are discussing the
4 tech specs which were developed to make sure that the plant was
5 maintained in a safe condition, and the clean up operation
6 which is going to be considered and governed by the programmatic
7 environmental impact statement.

8 So we would suggest that any issue that ECNP would
9 like to raise would be considered on an individual basis to
10 see whether it falls within the scope of this proceeding.

11 MR. SHON: Yes, Ms. Singer, but as Dr. Johnsrud has
12 pointed out, it may not be possible for us to see so far into
13 the future. That is, we may admit a particular contention or
14 a particular issue, and it will only be after people start
15 introducing evidence that one discovers that in order to
16 consider it sensibly, or in order to introduce certain matters
17 in evidence one has to make assumptions about what is going to
18 be done with the plant. That is, whether we are aiming for
19 ultimate restart, or ultimate decommissioning.

20 I think what Dr. Johnsrud wants to make certain is
21 that what evidence she might present going in one direction or
22 another will not be completely excluded on the ground that it
23 demands that one assume things about the clean up. Do you see
24 what I mean?

25 Do you agree that it should not be that way, that

1 indeed if we accept the contention, we should be able to hear
2 both sides of the contention, both sides of the suggestion that
3 it make for a change in the tech specs even though hearing that
4 may require us to make assumptions about what is going to go
5 on during the clean up.

6 MS. SINGER: Yes, I understand what you are saying.
7 We would like to reserve any evidentiary objections that we
8 have. If new evidence arises, obviously there should be
9 an opportunity for ECNP to revise or amend whatever contentions
10 it may wish to bring up.

11 CHAIRMAN WOLF: I think that it would be possible for
12 you to reserve the right to object at any point. Is that what
13 you want to do?

14 It is not entirely foreseeable what would constitute
15 a violation of the Commission's Order regarding the avoidance
16 of one type of matter, and not another. It seems to me that it
17 would be more feasible and workable if we, instead of trying to
18 lay down a rule here, have the parties raise their objections at
19 the time the evidence is offered, and we will rule on it then.

20 I don't believe that it is possible or foreseeable
21 for this Board to make a rule that would cover with justice
22 every point that might be raised in this connection. We will
23 not take any hard line that we won't listen if the party offering
24 the material can make a good showing why it can come in at that
25 time in connection with the certification of the technical

1 specifications.

2 MS. SINGER: Are you saying that you will allow it
3 in evidence if it is connected with the technical specifications
4 as they impact on the maintenance of the plant in its present
5 condition?

6 CHAIRMAN WOLF: I don't get what you are saying?

7 MS. SINGER: Are you saying that you will allow it
8 in evidence only if it affects the technical specifications as
9 they impact upon the safe maintenance of this plant, as opposed
10 to the clean up of the plant?

11 Or, are you saying that evidence may be admissible
12 even though it affects the clean up of TMI?

13 CHAIRMAN WOLF: It might be conceivably admissible
14 in that it might play a part in a determination regarding the
15 technical specifications that are being discussed.

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1 CHAIRMAN WOLF: Yes.

2 DR. JOHNSRUD: I have one or two questions I guess in
3 relation with this, Mr. Wolf. Is this in effect saying that the
4 petitioners, the intervenors would be required to go through a
5 whole show cause filing with respect to any objections that might
6 be issued? It seems to me it would simply delay the proceedings.

7 CHAIRMAN WOLF: We are going to try to be reasonable
8 and rule as intelligently as we can in light of the jurisdiction
9 that we have been given. We will try to explain at the time we
10 rule why we think the material is or is not acceptable and you
11 can come back and give us the reasons why you think it is. We
12 will hold ourselves open to make a judgment then. I don't think
13 that we can sit here and tell you that you should go ahead and
14 present whatever evidence seems satisfactory to your position. I
15 don't understand quite what you are asking us to do really.

16 DR. JOHNSRUD: Well, then, the other point I guess
17 perhaps goes to what Miss Singer was just saying and your response
18 to it. She was asking if these new technical specifications would
19 be ruled upon, or evidence concerning them would be ruled upon
20 with respect to the maintenance of the plant in a safe condition.

21 Now, as clean-up gets under way and progresses the
22 status of the plant, the condition and maintenance will be a
23 sliding target. It will change with every operation that takes
24 place.

25 CHAIRMAN WOLF: We understand that, sure.

1 DR. JOHNSRUD: She has raised a point that comes close
2 to the crux of the uncertainty that I felt with respect to the
3 wording in the Commissioner's order that I had a feeling put
4 quicksand under the Board and under all the parties as well.
5 Perhaps the Board might decide that it wished to seek the clarifi-
6 cation from the Commission or perhaps the Board does feel com-
7 fortable in proceeding with the understanding that I think develops
8 out of what we have been saying here this afternoon.

9 CHAIRMAN WOLF: At this juncture I think that we can
10 handle it. If we come to the point where we can't, we are willing
11 to go and seek further help, but we will at all times give you
12 the opportunity to state your position and to give your reasons
13 and we will in turn give our reasons for the position we take.

14 DR. JOHNSRUD: All right.

15 CHAIRMAN WOLF: It seems to me in this type of hearing
16 that is the most we can do at this time.

17 DR. JOHNSRUD: In that circumstance I would not with-
18 draw the motion entirely, but I would reserve any action on it
19 pending a need as the proceeding goes forward. Thank you.

20 CHAIRMAN WOLF: You may do that.

21 Let's take a five-minute break at this time, please.

22 (Whereupon, a short recess was taken.)

23 CHAIRMAN WOLF: Are you ready, ladies and gentlemen.

24 Mr. Trowbridge.

25 MR. TROWBRIDGE: I would comment on the ECNP. I have

1 not had as long to think about these as I have the other two.
2 They were mailed to me on time but they were mailed with the wrong
3 zip code so they didn't get there until the end of the day, July 2.

4 I think we might dispose again of the preliminary
5 question of standing or interest. We took no exception and we
6 now take no exception. I do think the staff's original filing
7 on this subject was correct that this didn't contain all the
8 factors of damage and we have been in proceedings with ECNP a
9 number of times now. We haven't any doubt in the world that
10 they can accomplish the feat of showing of standing and we simply
11 took no exception. I am not sure what the current staff position
12 is and whether their problems found with the original petition
13 have been cured by the supplemental petition or not.

14 MS. SINGER: Yes, Mr. Chairman, ECNP has cured its
15 problems with its earlier petition.

16 CHAIRMAN WOLF: So as far as standing you have no
17 objection to ENCP.

18 MS. SINGER: As far as standing.

19 MR. TROWBRIDGE: Going on to the contentions which are
20 part three of the ECNP supplemental petition, I take exception to
21 the opening phrase which talks about "In addition to those topics
22 that pertain to ECNP's earlier request for emergency action and
23 the proposed modifications affecting the specifications, that
24 is a broad-brush nonidentification of topics in some emergency
25 petitions filed some long time ago right after the accident by

1 ECNP.

2 If you look at our original filing on the ECNP's request
3 for hearing we indicated in a number of places our inability to
4 relate topics or subjects of those petitions with the tech spec
5 modifications that were proposed. In fact, we listed a number
6 of things which in our view had nothing to do with it. I think
7 the staff had the same trouble although they dealt with it much
8 more succinctly than we did by simply saying that the petition
9 fails to identify the portions, if any, of the earlier request
10 which go to the specific aspects as to which intervention is
11 sought in this proceeding.

12 Without further identification of what it is in those
13 earlier emergency actions, some sort of specificity as to what
14 ECNP wants included in this proceeding from those older papers,
15 I would object to the introductory part of the contentions.

16 Now, getting down to the numbered contentions themselves,
17 it is true that the proposed technical specifications will relieve
18 the licensee of some of the surveillance requirements that were
19 in effect when the plant was in operation, some of them rather
20 sensibly. It doesn't make sense to try and do the annual or '78
21 or whatever it is surveillance on the reactor vessel at this point
22 in time.

23 Our trouble with this contention, however, is that we
24 really need to know what pieces of equipment ECNP is talking
25 about. They want us to balance the cost and time involved in

1 doing whatever you could do to cut down worker radiation doses
2 to balance that against the desirability of surveying equipment.
3 We can't approach that topic without an identification of the
4 equipment we are talking about, and in that respect we would
5 ask for more specificity. Specificity is desirable in my view
6 in the contention itself. I recognize that specificity can be
7 got at another way through discovery. We didn't get to there
8 as fast in ECNP's case at the TMI restart proceeding where
9 ECNA answered no discoveries even after the Board order compelling
10 discovery. That didn't seem a very promising way and I would
11 ask and will ask that the Board insist on specificity in the
12 contention at the outset.

13 DR. JOHNSRUD: Mr. Chairman, excuse me. May it be
14 possible for me to respond to each of these comments before we
15 go on to the next contention. I am afraid if we go through all
16 of them I will lose the points.

17 CHAIRMAN WOLF: Yes, that will be acceptable, as soon
18 as Mr. Trowbridge has finished.

19 MR. TROWBRIDGE: I have finished with contention one
20 and Dr. Johnsrud can respond.

21 CHAIRMAN WOLF: Then you can respond to that if you wish.

22 DR. JOHNSRUD: I share Mr. Trowbridge's feeling about
23 the lack of specificity with respect to the equipment that is
24 involved. My concern, however, is that it was not specified so
25 far as I could tell clearly enough in the technical specifications

1 ror in the staff's safety evaluation. In fact, what alerted me
2 to the potential significance of a proceeding on these changes
3 in specification altogether was the comment in the staff's safety
4 evaluation at page 4, this is in NUREG 0647, page 4, in which the
5 staff makes the comment that provisions have been included in
6 the surveillance requirements which relieve the licensee from the
7 requirement to perform certain surveillance requirements when
8 access to the equipment would result in excessive occupational
9 exposures.

10 Now, I searched and I am left with the question, and
11 it appears to me as a potential party in this proceeding that the
12 obligation lies with either the staff or more properly with the
13 suspended licensee to identify such equipment to that it will
14 be possible for the Board and the NRC to know what is involved
15 here and what measures might be possible, what options might
16 be available to the suspended licensee to add the additional
17 safety precautions in order to get their workers in there without
18 undue exposure.

19 I feel there is a very, very open, very vague realm here
20 that can potentially be detrimental to the workers and the to the
21 public as well. I want to know what equipment is not going to have
22 surveillance. I can well understand that there will be areas
23 where it will be impossible to get in.

24 Again perhaps in discussion with the attorneys for the
25 licensee we may be able to come to some better understanding of

7

1 this point but I certainly do not believe that it is the obliga-
2 tion of the a petitioner to specify the equipment that is not
3 going to have surveillance. Surely I should think the Board would
4 agree that that would put us in an absolutely impossible position.
5 That is a responsibility that lies on the other side very clearly.

6 We have not had any luck whatsoever with discovery
7 with respect to this licensee or with this firm in the various
8 proceedings since the original TMI-2 operating license and there
9 are a good many filings from ECNP that relate to this acrimonious
10 topic both in TMI-1 restart and in the Susquehanna proceeding with
11 which Dr. Paris is probably better acquainted than he would prefer
12 to be.

13 As for the identification that ECNP wants the utility
14 to balance costs of changes against exposures or the need for
15 surveillance of equipment, I think perhaps that is his characteri-
16 zation but not by means necessarily ours. We are, however, point-
17 ing out that there will be some such balancing act taking place
18 and we do believe that it is an obligation of the Commission to
19 look very carefully at this matter.

20 Let me just check my notes here for a moment.

21 I think the major point that I would want to emphasize
22 here with respect to this contention is indeed that at this stage
23 in both the technical specifications, the revised tech specs and
24 the staff's earlier position statement we are left totally in the
25 dark as to how much equipment and what equipment will be left

1 without proper inspection. We think that this could prove to be
2 highly detrimental to the public's health and safety as clean-up
3 operations proceed throughout the recovery mode.

4 MR. TROWBRIDGE: I think a sit-down with Dr. Johnsrud
5 might prove very helpful. I would suggest that we could have
6 gone a lot further than the paragraph you read from the safety
7 evaluation report. If you read the surveillance requirements,
8 the section four series of surveillance requirements, the relief
9 is written into the requirements for various equipment. It may
10 well be that you could get more from us, but at least you had a
11 starting point.

12 DR. JOHNSRUD: I would add, if I may, sir, that at the
13 same time I believe that the Board will want to be satisfied that
14 the revised technical specifications do in fact let the NRC know
15 what equipment is going to go without inspection or surveillance
16 during these operations that lie ahead. So it appears to me that
17 this is an issue that can very profitably be considered by the
18 Board.

19 CHAIRMAN WOLF: Well, try working it out with
20 Mr. Trowbridge and then you can tell us later at a meeting whether
21 or not you are satisfied and what you need in addition.

22 DR. JOHNSRUD: Certainly.

23 MS. SINGER: Mr. Chairman?

24 CHAIRMAN WOLF: Yes.

25 MS. SINGER: The staff would also like to be heard on

1 each of these contentions along with the other parties.

2 CHAIRMAN WOLF: We expect to hear the staff after
3 Mr. Trowbridge has completed.

4 MS. SINGER: Thank you.

5 MR. TROWBRIDGE: ECNP's contention two with respect to a
6 back-up system for boration control, on its face the contention is
7 entirely allowable. I would like to explain to the Board and
8 Dr. Johnsrud something that is almost concealed by the technical
9 specifications rather than enlightened by them.

10 We have what is called a main system the components of
11 which are identified and then a back-up system. The main system
12 is in fact in itself a redundant system. This does not come out
13 in the text in any way. In our discussion with Dr. Johnsrud we
14 will go over that.

15 Contention three complaining of the composition of
16 our generation review committee, I will say very little about it.
17 I hope the staff will say something now or later on this subject.
18 Certainly the composition of our generation review committee is
19 not different in principle than the composition either in terms
20 of the types of disciplines covered or the use of GPU personnel
21 to serve on the committee.

22 DR. JOHNSRUD: Excuse me, Mr. Trowbridge, I think I
23 missed a subject or a verb or some qualifying clause in there.
24 I didn't understand your meaning of that sentence.

25 CHAIRMAN WOLF: Would you read that back please.

1 (The previous statement was read by the reporter as
2 requested.)

3 MR. TROWBRIDGE: Contention No. 4 dealing with our
4 starting of temporary changes and procedures approved by the
5 NRC governing the recovery operation, I regard it as an allowable
6 contention. Again I would like to discuss this somewhat with
7 Dr. Johnsrud. We are allowed to make temporary changes only
8 where the change does not change the intent of the original
9 procedure. Having seen volumes of procedures written, there is
10 a need to adjust on the spot when you find that the procedure
11 is working as well or isn't as understood as you had hoped it
12 would be the the people who have got to follow it. That goes to
13 the merits and not the allowability of the contention.

14 Contention five deals with records, recordkeeping. I
15 content myself with the observation that this is a standard
16 recordkeeping type of technical specification. I hope that before
17 we are through the staff will talk to the adequacy of that as an
18 industry-wide tech spec.

19 DR. JOHNSRUD: Excuse me. Before Mr. Trowbridge con-
20 tinues with No. 6 may I comment on this last in particular?

21 CHAIRMAN WOLF: Yes, you may.

22 DR. JOHNSRUD: I think that I am hearing some things
23 that I have heard in other proceedings pertaining to TMI-2
24 subsequent to this accident, the initiation of the accident rather;
25 that is, the attempt to treat TMI-2 as if it were like every other

1 reactor in the country.

2 I remind the Board that this is a very special circum-
3 stance of which I am sure you are already very well aware. There
4 is no other reactor in a condition even remotely comparable to
5 that of TMI-2 and therefore standard recordkeeping, no more than
6 any other standard technical specification for a normally operating
7 reactor, is not by any means automatically called for in this case.
8 This is a very special reactor in a very special condition,
9 particularly given the total uncertainty of the quantities of
10 radiation that were released initially during the accident and
11 the doses that were received by the public, uncertainties that
12 have been specified in our filing and elsewhere in the reports
13 on the accident. I think that it is particularly appropriate
14 that a very special standard be applied with respect to the
15 keeping of records that pertain to Three Mile Island 2 throughout
16 the clean-up that lies ahead.

17 CHAIRMAN WOLF: Are you prepared to suggest what that
18 standard should be in other than relative terms, I mean in actual
19 standards that would be applicable here?

20 DR. JOHNSRUD: I have not addressed the question of
21 the specifications of the records that are to be kept, if that
22 is what I understand you to be suggesting, Mr. Wolf. I do
23 suggest that this contention goes pretty directly to the need to
24 hold on to those records on a permanent basis, and I certainly
25 would share Mr. Sholly's recommendation that all those records

1 be made available to the public.

2 His contention and ECNP's in this realm differ only
3 slightly with respect to where those records might reside and
4 the length of time with respect to the decommissioning of TMI-1
5 and 2 as opposed to the lifetime of the utility. With that
6 regard, yes, I think the standard that we are suggesting here
7 would be permanent holding of those records. They are of unusual
8 importance to the public's health and safety far into the future.

9 CHAIRMAN WOLF: Anything further?

10 DR. JOHNSRUD: I think that covers it. Thank you.

11 CHAIRMAN WOLF: Thank you.

12 MR. TROWBRIDGE: ECNP's last contention is that the
13 tech specs should include an expanded radiation monitoring system
14 including real time monitors. We would view this contention as
15 outside the scope of this proceeding. I don't think that is what
16 your view of technical specifications is about. Technical
17 specifications, in my view, ought to be a vehicle for finding
18 and controlling the operation of a plant as that plant is
19 described in the FSAR report, the license application. They are
20 not a vehicle for making changes in the plant. There are other
21 vehicles for doing that, and I don't think that when the Commission
22 asked this Board to have a hearing on the adequacy of the
23 technical specifications it had in mind that the Board would also
24 review the whose design of TMI-2 or the monitoring.

25 I might add for the interest of the Board that the

1 monitoring which is obviously the same for TMI-1 and TMI-2 will
2 be a subject of considerable discussion in the TMI-1 restart
3 proceeding and ECNP is there with a contention on real time
4 monitoring requirements.

5 DR. JOHNSRUD: Mr. Chairman?

6 CHAIRMAN WOLF: Are you finished?

7 MR. TROWBRIDGE: Yes.

8 DR. JOHNSRUD: My reading of the Board's order with
9 respect to this proceeding does not give me to understand that
10 the Board is limited in its examination only to those things that
11 have already been written down in the proposed revised technical
12 specifications. It appears to ECNP that the monitoring system has
13 remained inadequate in the vicinity of TMI-1 and 2. It is an
14 issue that the same legal representatives for the intervenors
15 in the TMI-2 license raised, attempted to litigate and received no
16 satisfaction from three years ago. Hence, we have the uncertainty
17 at the present time as to what the radiation exposures to members
18 of the public in the vicinity of TMI really were at the time the
19 accident began more than a year ago.

20 Mr. Trowbridge suggests that the issue can be foisted
21 off onto another proceeding, and I suggest to you, sir, that this
22 proceeding deals with TMI-2. We are concerned about releases
23 associated with the recovery mode of TMI-2. They have nothing to
24 do with TMI-1 and I think we would find ourselves again in that
25 same trap that I proposed to you earlier about aircraft crash that

1 they would have a kind of playing in somebody else's court such
2 that the issue would never get covered.

3 Our concern is radiation monitoring systems adequate
4 to detect for the public in the vicinity of TMI-2 and as suggested
5 in the emergency action petitions that were filed more than a year
6 ago and on which we received no satisfaction. I suggest that the
7 distance of 40 miles that was proposed there should indeed be
8 considered here.

9 It is not a matter that can be sluffed off and said
10 to relate to another reactor. It does not relate to another
11 reactor it relates to TMI-2 and the possibility of releases to
12 the environment that will affect the public and members of our
13 organization in the many months ahead. Therefore, we feel this
14 is a matter that rightly falls within the purview of this Board
15 and should be determined before the revised technical specifications
16 that will be govern throughout the recovery go into effect.

17 CHAIRMAN WOLF: The technical members of the Board will
18 study your statement and we will attempt to come up with a
19 solution.

20 DR. SHON: Dr. Johnsrud, I trust you do have specific
21 proposals for the expansion of the monitoring system. I mean, your
22 contention merely says it should be expanded, but I trust that
23 in the course of discovery and production of evidence and that sort
24 of thing you will define the ways in which it should be expanded,
25 what should be added to it; is that right?

1 DR. JOHNSRUD: That is our intent. I would have to
2 add, however, Mr. Shon, within the limitations that are imposed
3 by the lack of funding and the voluntary nature of the participa-
4 tion of the legal representatives of our organization here. We
5 are a citizens group and we don't have the money to hire the
6 technical experts, and, as I am sure you are all aware, citizens
7 groups have repeatedly been denied assistance in order to make
8 their cases despite the Appeal Board's decision, the court's
9 decision rather in the Peach Bottom case some number of years ago
10 concerning the unrealistic expectation that there will be inter-
11 venors who are able always to make these cases properly. We think
12 the case needs to be made and we raised the issue. We certainly
13 hope that we can look forward to the Board's cooperation in
14 assisting in an examination of this contention. We think it is a
15 matter of very big significance to the public health and safety.

16 DR. SHON: One other matter that is perhaps fundamental
17 to all of these and Mr. Trowbridge touched on it at the start of
18 his discussion. At page 7 of your brief here, the paragraph that
19 starts section three makes mention of in addition to those topics
20 that pertain, et cetera.

21 I trust the six matters listed here are the ones you
22 really intend to litigate in this proceeding. There are not other
23 matters in addition to these, are there?

24 DR. JOHNSRUD: I am glad you brought up that point. I
25 intended to raise it and I might have done so when Mr. Trowbridge

1 began his discussion and clarified some things for us all. I
2 fully understand that there would be some confusion for you
3 concerning those earlier petitions.

4 The background here lies in the fact that the legal
5 representative of the Environmental Coalition on Nuclear Power
6 more than a year ago, on April 27th and again on May 16th, filed
7 requests for emergency action in which various issues that relate
8 quite directly to the changes in technical specifications that we
9 are finally getting around to now were addressed in those
10 petitions. We received no response whatsoever as is mentioned
11 other than the mailing of a copy of Mr. Denton's notice of July
12 6th, 1979. There was a subsequent statement from Mr. Denton and
13 I regret to say that on my return this weekend from a lengthy trip
14 of which I had notified Dr. Paris I was not able to find a copy
15 of Mr. Denton's filing on this matter.

16 However, many of the issues that we are raising as to
17 emergency petitions are clearly moot. However, I believe there
18 are a few that still apply. Perhaps I can run through those in
19 a way that will help the Board and relieve of us any necessity to
20 deal with many of the items as they were raised in those two
21 emergency petitions. Would that be satisfactory at this point?

22 MR. TROWBRIDGE: May I comment on that? Let's have this
23 in writing. I don't want an oral explanation of a topic that
24 Dr. Johnsrud believes to have been sufficiently connected with
25 tech spec modifications. I think they need to be specifically

1 identified in writing.

2 CHAIRMAN WOLF: Can you do that, because it would help
3 the Board, too, I think if you were to submit it in writing?

4 DR. JOHNSRUD: Mr. Chairman, I am concerned about the
5 timing of this. I don't want to delay these proceedings in the
6 slightest. It seems to me that another round of written filing
7 on this matter is only going to take more time and cause more
8 legal consideration. Many of the points, I was about to say, can
9 either be dropped as moot or can be folded in now as what I would
10 see to be bases for the contentions that I filed for ECNP on the
11 June 23rd date this year. They would simply then be incorporated
12 with those contentions as part of the basis. We have heard
13 discussion from Mr. Trowbridge such that I think in most instances
14 he would have no objection to the contentions and the material
15 that had been earlier requested to be examined would then simply
16 become part of the background material here.

17 There are only a few points that I have considered to be
18 still viable with respect to this proceeding and falling within
19 the purview of your limitation that has been ordered by the
20 Commissioners themselves. Would you be willing for me to run
21 through these very quickly?

22 MR. TROWBRIDGE: I think from substantial experience
23 with the lack of discipline in this loose explanation of contentions
24 I think that they do need to be pinned down in writing. In fact,
25 if she wants to explain now what it is going to look like, fine.

1 That is not, in my view, a substitute for written specifications.

2 CHAIRMAN WOLF: Well, I think the Board agrees that
3 contentions have to be in writing, and that oral statements,
4 even though recorded by the reporter are not really satisfactory
5 in the long run. So if you feel that you can consolidate some or
6 eliminate some as moot or whatever your position is going to be,
7 I think it would be helpful if you could give us an up-to-date
8 written statement of your position and contentions. Am I
9 misinterpreting what you said?

10 DR. JOHNSRUD: I think you are creating more paperwork
11 for all of us, Mr. Chairman. I think probably we could resolve
12 this quite easily here, but if that is your decision, why,
13 certainly I will abide by it.

14 CHAIRMAN WOLF: Mr. Shon makes the suggestion and I
15 think it is a good one that when you meet with Mr. Trowbridge
16 perhaps you can work out some of these points. As far as the
17 paperwork goes, I don't know how we can be saved from that in this
18 type of hearing. We are unfortunately all subject to it.

19 Don't you think that we could get it worked out that
20 way, Mr. Trowbridge?

21 MR. TROWBRIDGE: It is certainly worth a try,
22 Mr. Chairman.

23 CHAIRMAN WOLF: Now, you have more, do you not?

24 MR. TROWBRIDGE: That is it. There were six ECNP
25 contentions.

1 CHAIRMAN WOLF: Oh, that completes it?

2 MR. TROWBRIDGE: That completes my discussion.

3 CHAIRMAN WOLF: Very well.

4 MS. SINGER: Mr. Chairman, could we have one moment
5 before addressing this petition?

6 CHAIRMAN WOLF: You want five minutes?

7 MS. SINGER: Yes, please.

8 CHAIRMAN WOLF: We will recess for five minutes or ten
9 if you need it.

10 MS. SINGER: No, that won't be necessary. Thank you.

11 CHAIRMAN WOLF: Mr. Goldberg, are you ready now?

12 MR. GOLDBERG: Yes, Mr. Chairman.

13 Before we proceed with the discussion of the ECNP
14 petition I would like to note for the record that the staff has
15 effected hand delivery on all the participants present at the
16 conference this afternoon of the NRC staff answer in opposition
17 to Mr. Sholly's motion for temporary suspension of venting. This
18 answer is dated July 7th.

19 Also joining us at counsel table is Mr. Lawrence J.
20 Chandler here on behalf of the NRC staff.

21 We are prepared to present our position on the ECNP
22 petition.

23 CHAIRMAN WOLF: As before, Mr. Goldberg, as you finish
24 a contention we will ask whoever presented that contention to
25 respond to whatever you say.

1 MR. GOLDBERG: As you wish.

2 MS. SINGER: As the staff noted before, we have no
3 objection to the standing of ECNP. However, we understand ECNP
4 to be representing the individual interests of its own members
5 without necessarily relying on the organizational or member interests
6 of the other entities identified in their petition.

7 DR. JOHNSRUD: Excuse me, Ms. Singer. I really cannot
8 hear. You have a very soft, lovely voice, but it does not project.

9 MS. SINGER: Shall I repeat that?

10 DR. JOHNSRUD: Yes, if you could, please.

11 CHAIRMAN WOLF: She can read it back.

12 (The previous statement was read by the reporter.)

13 CHAIRMAN WOLF: Say for the record what your point is
14 in the regard.

15 MS. SINGER: We have no disagreement that ECNP has
16 the necessary standing to participate in this proceeding. Its
17 petition notes that it represents both organizational groups as
18 well as individual members. The staff understands ECNP to be
19 relying on the individual interests of the members of its group
20 to constitute the interests of ECNP to participate in this
21 proceeding.

22 CHAIRMAN WOLF: And not of the organizational groups?

23 MS. SINGER: Not as representing the groups themselves.

24 CHAIRMAN WOLF: If that interpretation correct?

25 DR. JOHNSRUD: I don't think that is precisely correct,

21

1 DR. JOHNSRUD: I don't think that is precisely correct,
2 Ms. Singer, because ECNP is a loose coalition that is composed of
3 citizens as individuals and public interest citizen organizations
4 as organizations and yet ECNP has a nature of its own in addition
5 that represents the interests across the board. It is a little
6 more complex than that. There are some of the organizations
7 involved whose interests quite directly we are representing. There
8 are some that we are not. It is a very difficult thing to pin
9 down. ECNP as a whole, however, is filing this petition to
10 intervene.

11 We were asked by the staff to identify some specific
12 individuals and organizations that comprise the membership of
13 ECNP and we have provided that information. Membership in the
14 organization and participation in its work in general constitutes
15 an agreement with the positions that the organization takes. I
16 hope that clarifies any question that might have risen from the
17 staff's comment.

18 DR. PARIS: Ms. Singer, could I ask Dr. Johnsrud a
19 question related to this.

20 Dr. Johnsrud, have officers of each of the organizations
21 which you represent as an umbrella organization authorized ECNP
22 to represent their organization in some formal fashion?

23 DR. JOHNSRUD: In some cases, yes, Dr. Paris, and in
24 some cases not in the way that you have put it, but by joining
25 in the organization, by sending representatives of their own

1 organizations to the umbrella group's meetings and by participating
2 in the group decisionmaking of ECNP those organizations are
3 effectively part of ECNP as an organization and are expressing
4 their agreement with our positions and our representation of their
5 interests.

6 In addition, some of the organizations have specifically
7 designated a member to attend on a regular basis to represent
8 their organization in the umbrella group. In other organizations
9 that has not been done and it is a matter of who has the time and
10 is able to come to meetings. A number of the organizations are
11 in fact formally represented on the board of directors that is
12 in turn elected by the membership of ECNP at large, the annual
13 election of the executive board.

14 DR. PARIS: I didn't get the first part of that last
15 sentence.

16 DR. JOHNSRUD: A number of the organizations that are
17 members of ECNP are represented on the executive board of the
18 organization and their directors, as it were, have been elected
19 as representatives of the member organizations but have been
20 elected to the board by the membership of ECNP as a whole.

21 DR. PARIS: In order to have representational standing
22 you have to identify at least one individual whose interests
23 will be affected who has authorized you to represent them.

24 DR. JOHNSRUD: Certainly.

25 DR. PARIS: Several individuals are identified in the

1 supplement to your petition. Could you identify the one or more
2 than one which has said I authorize ECNP to represent me in this
3 proceeding?

4 DR. JOHNSRUD: The authorization of the legal representa-
5 tives for ECNP to represent the interests of the members comes
6 from the board of directors. I have identified with a star or
7 an asterisk in the supplement to the petition the members of ECNP
8 who are members of the board of directors as well. So the
9 authorization has come through the executive board of the organiza-
10 tion to represent the interests of the members and the member
11 groups.

12 Let me give you a specific example. The Reverend
13 Mr. Bastine has been a member of our board of directors. He as
14 a resident of New Cumberland is clearly a person immediately
15 and directly affected by TMI and has participated in the authoriza-
16 tion process as a member of the executive board to the best of
17 my recollection.

18 DR. PARIS: Well, it is customary in these proceedings
19 for that requirement to be met by the petitioner supplying some
20 document from an individual who says I, Joe Jones, live three-
21 quarters of a mile from the TMI plant and I authorize ECNP to
22 represent my interests in this proceeding. I am just trying to
23 identify someone who has done that for ECNP in this case.

24 DR. JOHNSRUD: What I am trying to explain is that the
25 mode of authorization that has been used in our organization to

1 provide for this legal representation, that is, those persons
2 who are representing the organization in these proceedings, has
3 come through the executive board. One of the members of that
4 executive board is Mr. Bastine who is a resident of New Cumberland.
5 I should think that that would therefore fall within the defini-
6 tion that the Commission uses.

7 If the Commission wishes to have us provide a specific
8 affidavit from one such person, we certainly can provide that.
9 I should think, however, that the acceptance of ECNP and its
10 interests in numerous proceedings relating to Three Mile Island
11 as well as to other reactors in Pennsylvania would give evidence
12 that we indeed have interest in this matter.

13 CHAIRMAN WOLF: Miss Singer, does this explanation
14 change your position regarding the question of interest standing?

15 MS. SINGER: Dr. Paris pinpointed my precise concern.
16 I was concerned that without a document of authorization from
17 any of these groups the ECNP's interest would derive solely from
18 the interest of its individual members.

19 CHAIRMAN WOLF: Solely from what?

20 MS. SINGER: From the interest of its members as
21 individuals rather than members as groups of ECNP.

22 CHAIRMAN WOLF: That is what Dr. Paris was saying.

23 MS. SINGER: Right. That is right.

24 CHAIRMAN WOLF: Now, does the explanation that has
25 just been made change your view regarding the standing of ECNP?

1 MS. SINGER: No, it doesn't. We are not contesting
2 that the ENCP has standing.

3 CHAIRMAN WOLF: I beg your pardon?

4 MS. SINGER: The staff agrees that ECNP has standing.

5 CHAIRMAN WOLF: On what basis?

6 MS. SINGER: On the basis of the individual members
7 that it represents.

8 CHAIRMAN WOLF: Well, don't the individual members
9 have to authorize the organization to authorize the organization
10 to represent them?

11 MS. SINGER: An authorization may be presumed in
12 certain circumstances and one of those circumstances is if the
13 sole and primary purpose of the organization is to oppose nuclear
14 energy.

15 CHAIRMAN WOLF: Where is it held that an authorization
16 could be presumed?

17 MS. SINGER: In Allen's Creek decision. I can give
18 you the cite.

19 CHAIRMAN WOLF: Is that an Appeals Board case?

20 MS. SINGER: Yes, sir, it is. It is Houston Lighting
21 and Power Company, ALAB 535. The cite is found at page 389.

22 CHAIRMAN WOLF: Very well.

23 DR. JOHNSRUD: Is there a date on that, Miss Singer?

24 MS. SINGER: April 4, 1979. The staff was mostly
25 concerned that ECNP has not shown that it has standing to

1 intervene on behalf of any particular group. That was the point
2 I was trying to make.

3 CHAIRMAN WOLF: You don't explain to the Board what
4 grows out of your objection.

5 MS. SINGER: We have no objection to their standing
6 in this proceeding. The staff only wished to note that it grounds
7 its perception of ECNP's standing on the particular interests of
8 the individuals represented by ECNP.

9 CHAIRMAN WOLF: Very well. Go ahead.

10 MS. SINGER: The staff would also like to note its
11 agreement with the Board's instruction that ECNP specify the
12 contentions that may derive from their request for emergency
13 action and that these contentions be put in writing so that the
14 Board can rule upon them. At present the staff would object
15 and does object to any incorporation by reference of a document
16 that is unrelated to the particular aspects of this proceeding.

17 As far as the contentions, in general they lack a
18 basis. They lack any allegation of shortcomings. They do not
19 specify how and where the staff's judgment in the proposed
20 technical specification is inadequate.

21 DR. JOHNSRUD: Excuse me. I can't hear you,
22 Miss Singer. Could you repeat that or may the reporter.

23 (The previous statement was read by the reporter.)

24 MS. SINGER: I would like to clarify one thing. I
25 said the staff notes its agreement with the Board's instruction

1 and not disagreement.

2 Notwithstanding the basic inadequacy of the contentions
3 there is at least one acceptable contention. For example, No. 2,
4 where the staff can discern litigable issues that fall within the
5 scope of the proceeding, and the staff anticipates meeting with
6 ECNP to discuss the other contentions that they have submitted.

7 CHAIRMAN WOLF: Very good. Does that finish your
8 discussion of ENCP's contention?

9 MS. SINGER: Yes, sir.

10 CHAIRMAN WOLF: Are you prepared to move on with other
11 contentions now?

12 DR. JOHNSRUD: Mr. Chairman, may I have just a moment
13 for a response here?

14 CHAIRMAN WOLF: You may have.

15 DR. JOHNSRUD: I have already addressed the situation
16 with respect to the earlier petitions and the Board will I hope
17 be satisfied with the meetings between ECNP and the licensee's
18 counsel and I presume therefore the staff as well.

19 DR. PARIS: Now we can't hear you, Dr. Johnsrud.

20 DR. JOHNSRUD: Oh, well, turnabout is supposed to be
21 fair play, but I will try to speak up better.

22 I am particularly concerned, although Miss Singer did
23 not address this point very specifically, that as I reviewed my
24 my notes during the break with respect to the final one of those
25 contentions, namely, the one on radiation monitoring which is

1 of course of such significance to our members, the organizations
2 as well as the individuals and also to the general public in the
3 TMI area. The point was being made that radiation monitoring
4 could be very well handled in the TMI-1 proceeding. I do want
5 the record to reflect that in the Board's rulings in TMI-1
6 restart proceeding as I recall ECNP's contention dealing with
7 radiation monitoring was not fully accepted and we were given
8 the option of joining with Three Mile Island Alert, another
9 participant in that proceeding with respect to their contentions
10 having to do with radiation monitoring.

11 Subsequently that organization has dropped its conten-
12 tions in that area and it is not clear to me at this moment in
13 time that there will be the opportunity for the litigation of a
14 contention comparable with contention No. 6 that we have provided
15 in this proceeding. So I did want to make that point clear as
16 it relates to the significance of that sixth contention.

17 Other than that I think I am a little puzzled. It was
18 my understanding that in the drafting of contentions one was
19 indeed expected to provide the contention and some bases for it
20 which we have tried to do albeit perhaps not with the expertise
21 of experienced attorneys, but then we are not experienced
22 attorneys at law nor trained in the law. We are citizen inter-
23 venors. However, I don't really quite know under what regulation
24 a potential intervenor is expected to pass on the staff's
25 judgment. It seems to me that that is another whole topic that

1 is not required of a petitioner in the drafting of contentions.
2 Please do correct me if I am inaccurate. I was puzzled by
3 Ms. Singer's reference to an inadequacy in the drafting of our
4 contentions in that she said that we had not specified how and
5 when or where the staff's judgment in the technical specifications
6 was inadequate. Those observations I think would complete my
7 comments in response to Miss Singer.

8 CHAIRMAN WOLF: Do you want to respond to that,
9 Miss Singer?

10 MS. SINGER: Yes, please.

11 It would be helpful in addressing contentions if ECNP
12 or any party could show why the proposed technical specifications
13 are insufficient to protect the public's health and safety. If
14 there is a contention that says that something in the technical
15 specifications is not as it should be, it is in effect alleging
16 that the judgment of the staff as reflected in the technical
17 specifications has been inadequate.

18 What we would look for as a basis is some showing that
19 whatever has been proposed in the technical specifications is
20 insufficient to protect the public's health and safety. That is
21 what we would consider to be an adequate basis.

22 DR. JOHNSRUD: May I ask, Mr. Chairman, how a petitioner
23 is to be able to assess what has gone on in the minds of the
24 staff to arrive at their judgment? Is this a new requirement
25 with respect to the drafting of contentions that perhaps we

1 were not aware of?

2 CHAIRMAN WOLF: Would you repeat that.

3 (The previous statement was read by the reporter.)

4 CHAIRMAN WOLF: Well, of course, there is no require-
5 ment that any petitioner drawing up a contention ascertain what
6 is in the minds of the staff. I don't know how that got into
7 the discussion. The merits of the basis of the contention,
8 there might be some discussion about that, but I don't think
9 anyone can ascertain anything on the basis of what is in the
10 minds of someone else unless they have access to those minds.

11 DR. JOHNSRUD: That is precisely my concern about the
12 objection to our contentions. We have no way of knowing the
13 basis of the staff's judgment.

14 CHAIRMAN WOLF: Has your statement been misinterpreted,
15 Miss Singer?

16 MS. SINGER: Yes, sir, it has been. What I would have
17 preferred to say is, if anything, about judgment is that the
18 judgment as ascertained by what is written on paper and not
19 necessarily what is in the minds of the staff but what they have
20 deemed to be adequate to maintain the plant in a safe configuration
21 during this period of time.

22 One of the issues that the Commission noted for
23 hearing in this case was whether the requirements set forth in
24 the attachment which comprised the proposed technical specifications
25 are necessary and sufficient. What the staff is looking for is

1 a basis for a contention that something is not sufficient.

2 CHAIRMAN WOLF: Is not adequate?

3 MS. SINGER: Is not adequate. Why doesn't a proposal
4 in the technical specifications protect the public health
5 and safety adequately, some basis for an assertion that if there
6 is a problem so that the public will not be protected. Obviously
7 we wouldn't expect anybody to try and ascertain what is in the
8 particular mind of a staff member but only as it is reflected
9 in the technical specifications.

10 CHAIRMAN WOLF: You are saying that conclusory state-
11 ments are not sufficient, that there has to be an explanation
12 of them; is that it?

13 MS. SINGER: Yes, that is what I am saying.

14 CHAIRMAN WOLF: Very well.

15 DR. PARIS: In this connection I am moved to comment
16 that the Board will be guided by ALAB 590 in judging whether
17 other bases are adequate and what constitutes a basis and what
18 constitutes its merit.

19 DR. JOHNSRUD: Dr. Paris, could you give us the
20 citation for ALAB 590 or perhaps Miss Singer could.

21 CHAIRMAN WOLF: I think Miss Singer can, can't you?

22 MS. SINGER: Another Houston Lighting and Power
23 Company case dated April 22nd, 1980..

24 DR. JOHNSRUD: Is it also Allen's Creek?

25 MS. SINGER: Allen's Creek Nuclear Generating Station,

1 ALAB 590.

2 DR. JOHNSRUD: Thank you. Would it be possible to
3 provide the parties with a copy of ALAB 590?

4 CHAIRMAN WOLF: Do you have access to the NRC reports?

5 DR. JOHNSRUD: It is a very hard thing for us to know,
6 sir. They are allegedly here in Harrisburg. We are a hundred
7 miles away and the transportation is indeed rather a problem.

8 MR. TROWBRIDGE: I think I can help a bit. Dr. Johnsrud
9 received a copy of ALAB 590 in the TMI-1 proceeding.

10 DR. JOHNSRUD: Dr. Kepford has been handling that and
11 I don't have it.

12 CHAIRMAN WOLF: Well, Miss Singer, would you take it
13 upon yourself to get ECNP a copy or a Xerox copy of that report,
14 please?

15 MS. SINGER: Yes, sir.

16 CHAIRMAN WOLF: Thank you.

17 Do you wish to proceed now with other contentions?

18 MS. SINGER: Dr. Johnsrud brought up contention No. 6.
19 The staff would like to note that that contention is not within
20 the scope of this proceeding as the staff views it. That issue
21 is governed by Appendix B. Appendix B has nothing to do with
22 this hearing.

23 DR. PARIS: Which contention?

24 MS. SINGER: Contention No. 6.

25 CHAIRMAN WOLF: Can you elaborate on that more or is

1 that the extent of your objection?

2 MS. SINGER: The Appendix B tech specs were generally
3 unchanged by this order. This contention relates to a portion
4 in those technical specifications that were unchanged and there-
5 fore are not within the scope of this particular proceeding.

6 DR. JOHNSRUD: Mr. Chairman, does that not take us back
7 to an earlier question on an earlier point I had raised that
8 I saw noting in the Commission's order that limited this Board
9 to only those matters that had been drafted in the revised
10 technical specifications. Surely it would seem that the authority
11 of the Board to investigate other matters that they feel indeed
12 are pertinent with respect to technical specifications to govern
13 during recovery mode would lie within the purview of the Board
14 to determine.

15 DR. PARIS: Dr. Johnsrud, in the Commission's order
16 dated May 12th, the second paragraph, they say "The Commission
17 is directing the active chairman of the atomic safety license
18 award panel to constitute a hearing board rule on each hearing
19 request and if it orders a hearing to conduct evidentiary
20 proceedings. Any hearings should focus on the changes to the
21 technical specifications and not on the TMI-2 clean-up or whether
22 TMI-2 should be allowed to operate again."

23 DR. JOHNSRUD: Exactly, and that was the point that
24 I made much earlier this afternoon with respect to the question
25 that I had raised concerning clean-up. I don't see that that

1 states that the Board is limited only to the wording in the
2 present revised technical specifications if indeed in the Board's
3 determination there are additional matters that do need to be
4 addressed by the staff and additions made to the revised technical
5 specifications in order for the recovery mode to progress
6 properly.

7 CHAIRMAN WOLF: Mr. Sholly.

8 MR. SHOLLY: Does not the Commission's order make
9 reference to addressing the sufficiency of the proposed changes?
10 If that would be the case, then perhaps it would be in order for
11 Dr. Johnsrud to assert that this would be a change that should
12 have been made but was not addressing the sufficiency of the
13 proposed changes.

14 DR. PARIS: Can you give us a date, Mr. Sholly?

15 MR. SHOLLY: I do not have the order in front of me,
16 unfortunately. I assume it was in the May 12th order. I may
17 be mistaken.

18 DR. JOHNSRUD: February 11th.

19 DR. JOHNSRUD: Perhaps Mr. Chandler can provide the
20 date.

21 MR. CHANDLER: It is in the order of February 11th.

22 MR. SHOLLY: Whether the requirements set forth are
23 necessary and sufficient. LCNP would appear to be alleging that
24 they are not sufficient and that they do not include that
25 provision.

1 CHAIRMAN WOLF: I read that this morning.

2 DR. PARIS: Is what you are contending that a specifica-
3 tion in Appendix B should have been changed also? Is that the
4 idea?

5 DR. JOHNSRUD: I think what was originally intended
6 with this contention was simply that the monitoring system within
7 what was originally specified in the emergency action request
8 of a radius of approximately 40 miles should be expanded from
9 its present status in order to assure that there would indeed
10 be adequate monitoring in the vicinity of Three Mile Island
11 throughout the period that the recovery mode is in effect.
12 Whether it is in Appendix B or it is yet another appended document
13 to the revised technical specifications that were referred to
14 as Attachment 1 I believe in the Board's order or where specifi-
15 cally they were to go I really had not given probably sufficiently
16 consideration to and I would want to think about that question
17 now that it has been raised. I think it ought to go where it is
18 proper for them to go.

19 DR. SHON: Nevertheless your point is that there
20 should be an additional change in the technical specifications
21 in order to make them capable of protecting the public health
22 and safety and so on?

23 DR. JOHNSRUD: That is right, wherever it should be.

24 CHAIRMAN WOLF: But you are going to present evidence
25 to prove that point I take it?

1 DR. JOHNSRUD: We will attempt to do so, yes, sir.

2 CHAIRMAN WOLF: Does the staff have any additional
3 comment to make on that point?

4 MS. SINGER: The staff would like to encourage ECNP
5 to specify its contention as well as to add a basis for the
6 assertion in the contention. The staff would object to this
7 contention on those grounds as well.

8 CHAIRMAN WOLF: It is a little difficult for me to
9 distinguish between the evidence that would go to prove that
10 contention and your request that there be a basis for it. It
11 seems to me that they are intertwined and if the proof falls
12 short then the contention is not proved and won't be accepted.
13 Is there something additional that we should ask for? I am not
14 clear that there is.

15 MS. SINGER: There should be a line somewhere between
16 evidence necessary to prove the contention and the basis for
17 an assertion, for example, the assertion that the technical
18 specifications should include an expanded radiation monitoring
19 system. That is an assertion. There should be somewhere a basis
20 why should there be without necessitating proof of the merits
21 of the contention.

22 CHAIRMAN WOLF: Doesn't that really touch on the
23 question of relevancy?

24 MS. SINGER: I don't understand what you mean.

25 CHAIRMAN WOLF: Well, think about that. I think that

1 we are making it much more difficult than it should be.

2 Do you have anything to add to that, Mr. Trowbridge?

3 MR. TROWBRIDGE: No, sir.

4 DR. JOHNSRUD: May I suggest, Mr. Chairman, I antici-
5 pate that a meeting with the staff if it can be accomplished
6 in the very near future may resolve the problem and you will
7 get a contention that will be acceptable to you I hope out of
8 all of this.

9 CHAIRMAN WOLF: Do you have further comments on other
10 contentions?

11 MS. SINGER: No, sir.

12 CHARIMAN WOLF: Mr. Goldberg, does that end the
13 staff's presentation?

14 MR. GOLDBERG: On the three interventions that are
15 relevant to the February letter, yes.

16 CHAIRMAN WOLF: Are there any other comments by
17 anyone on the contentions at this time?

18 Yes, sir.

19 DR. LOCHSTET: I would like to comment, and I should
20 have done this earlier, on Mr. Trowbridge's statements about
21 contention No. 3. If I recall he felt it was vague, and upon
22 reading it I share a lot of that feeling. The specification
23 change is there to fix the pressure in the atmosphere in the
24 containment building and the result of that is, as I stated there,
25 that there is a positive pressure at the bottom of the liquid

1 which is about at the basement. That is the physical situation
2 I am concerned with, and that is really very clear in terms of
3 what I am talking about in that contention.

4 What I would agree with you is vague is where does that
5 then lead us. The thing which bothered me mostly about it was
6 that in the order -- let's see which order this is -- the 11th
7 of February it says that it was determined that since the
8 limits on affluent releases and discharges -- I am sorry -- to
9 Appendix B to the facility operating license are being changed
10 and remain in effect. There are no changes in the discharges.
11 Because of the situation and not because of the proposed tech
12 specs, because I don't know how you could change the tech specs
13 really. I think there is a real problem about how you would fix
14 that tech spec because they are bounded in one sense by allowing
15 seepage out of the bottom of the building and you are bounded
16 on the other end by negative pressure which is allowed to the
17 steele membrane at the top of the building. I mean, I don't
18 have a solution for you. I think I perceive this as a problem
19 which needs a lot of work and I don't know where it is going to
20 lead.

21 I raise the question at the very end as to whether
22 this needs an environmental impact statement. I don't honestly
23 have a clear idea of whether that is going to prove to be true.
24 I stuck it in there because I thought there is some possibility
25 it may appear. The problem is that this is a pathway for

1 radioactive material out of the building which did not exist
2 in the original operation of the structure and of the plant.
3 So there is a peculiar situation there and I don't know how
4 to deal with it in a real sense. I have been as far with you
5 as I can.

6 CHAIRMAN WOLF: Pardon?

7 DR. LOCHSTET: I have tried to be as far with you
8 as I can and as direct about what I perceive as the physical
9 problem.

10 DR. PARIS: Which we perceive to be a physical
11 problem as well.

12 DR. LOCHSTET: Thank you. That is all I wanted to
13 say. Thank you.

14 CHAIRMAN WOLF: Mr Shon.

15 DR. SHON: I wanted to mention if we are now through
16 with the discussion of the three petitions to intervene and
17 are turning our eyes toward tomorrow morning, I have two
18 questions that I would like to have either the staff or the
19 licensee address tomorrow morning concerning the matter of
20 venting.

21 The first is what fraction of the total content of the
22 building, the total radioactive content in the atmosphere
23 has already been vented as of now.

24 MR. CHANDLER: The curie content.

25 DR. SHON: Pardon?

1 MR. CHANDLER: The curie content.

2 DR. SHON: Curie content, yes.

3 MR. TROWBRIDGE: At 10 o'clock this morning it was 50
4 percent.

5 DR. SHON: The second is if the technical specifications
6 were to return to what they were before the temporary modification
7 could venting continue without violating either the quarterly
8 or the instantaneous release rates therein?

9 MR. TROWBRIDGE: Is it going to be physically possible
10 to live with the old tech specs?

11 DR. SHON: Could the present method of venting continue.

12 MR. TROWBRIDGE: With the old tech specs could the
13 present rate of venting?

14 DR. SHON: For example, if there is quarterly limiting,
15 have you already exceeded the quarterly limit and would you have
16 to say, oh we can't vent any more now for a quarter and would
17 you have to stop.

18 MR. TROWBRIDGE: I think it is clear that we have
19 exceeded the old tech spec limit a good many times over.

20 (Short pause by Mr. Chandler and Mr. Trowbridge confer.)

21 MR. TROWBRIDGE: Let me be less sure of myself in
22 addressing your question.

23 DR. JOHNSRUD: Mr. Chairman, excuse me. I believe
24 Mr. Chander is counsel for the NRC staff. I wonder if he could
25 provide the information he just evidently privately gave to

1 Mr. Trowbriege to all the parties.

2 MR. CHANDLER: There was nothing private about that
3 at all. I would be happy to. I am not sure that Mr. Trowbridge's
4 assurance that he has already exceeded the tech spec limits is
5 in fact the case. Indeed, I am not sure that the old quarterly
6 limit would not have been very close to being suitable for even
7 fast purge, that is, it is a very close situation. So I am not
8 sure that given the fact that Mr. Trowbridge has indicated that
9 this morning as of 10 a.m. they have released approximately 50
10 percent would be equatable with having exceeded the prior tech
11 spec at all. I am just suggesting that he may wish to couch his
12 assurance in somewhat more equivocable terms.

13 DR. SHON: I asked these questions precisely because
14 you, Mr. Chandler, have given us the impression in the past that
15 that is what you thought, that you could very nearly do this
16 same operation in not very much longer time under the old tech
17 specs.

18 The second question might also be expanded to say
19 that if indeed it is instantaneous release rate that was the
20 matter that would have been exceeded under the old tech specs
21 how much longer could you go before that would no longer be
22 true, that is, before you could release instantaneously at about
23 the same rate you are doing now. Is that a clear question?

24 MR. CHANDLER: I will see what information we can
25 provide in the morning.

1 CHAIRMAN WOLF: You nodded your head, Mr. Chandler.
2 Were you agreeing with the statement that Mr. Shon had said
3 was your understanding previously?

4 MR. CHANDLER: With respect to whether the purge
5 could be undertaken without greatly exceeding the old tech spec?
6 Yes, that was my understandin, and, yes, it is a clear question
7 that he has also phrased.

8 CHAIRMAN WOLF: Unless there are further questions
9 we will adjourn until 9 o'clock in the morning.

10 You know that we have a new hearing place tomorrow?

11 DR. JOHNSRUD: No.

12 CHAIRMAN WOLF: The hearing will begin at 9 a.m. in
13 the Commission Hearing Room, that is on the ground floor, of the
14 Pennsylvania Public Utility Commission, North Office Building
15 which is at Commonwealth Avenue and North Street.

16 DR. JOHNSRUD: Mr. Chairman. one question very quickly.
17 Will there be discussion tomorrow of scheduling in this proceeding
18 and further information concerning the petitions?

19 CHAIRMAN WOLF: That is one of the purposes of the
20 meeting. At some point tomorrow we will take it up, perhaps
21 at the end of the day. I don't know whether that is the best
22 time or not.

23 DR. JOHNSRUD: Do you anticipate a full day tomorrow?

24 CHAIRMAN WOLF: I have no way of knowing. I don't
25 know how much will be brought in to discuss.

1 DR. JOHNSRUD: Thank you.

2 DR. LOCHSTET: Are you going to discuss just these
3 matters?

4 CHAIRMAN WOLF: I beg your pardon?

5 DR. LOCHSTET: I am confused as to whether there is
6 going to be scheduling of matters we have been discussing today.
7 I had planned on not being here.

8 CHAIRMAN WOLF: Yes, you told me that.

9 Well, we are going to deal principally with crypton
10 'nting tomorrow, yes, but we also will discuss times for future
11 hearings.

12 DR. LOCHSTET: I won't be here tomorrow.

13 CHAIRMAN WOLF: We would like to accommodate as many
14 as we can and we will try to accommodate you if we can.

15 DR. LOCHSTET: Can I do it with you off the record?

16 CHAIRMAN WOLF: Yes.

17 We will adjourn now until 9 a. m. in the morning.

18 (Whereupon, at 5:25 p.m., the hearing recessed, to
19 reconvene at 9:00 a.m., Tuesday, July 8, 1980.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

Board of the Regulatory Commission

in the matter of:

Date of Proceeding: July 7, 1980

Docket Number: Docket No. 50-320-OLP

Place of Proceeding: Harrisburg, Pennsylvania

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Patricia A. Minson

Official Reporter (Typed)

Patricia A. Minson

Official Reporter (Signature)

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Mary C. Simons

Official Reporter (Typed)

Mary C. Simons

Official Reporter (Signature)