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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

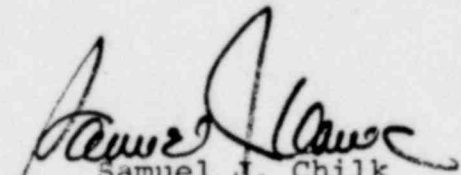
July 31, 1980

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COMMISSION DETERMINATION REGARDING PUBLIC  
DISCLOSURE UNDER THE GOVERNMENT IN THE  
SUNSHINE ACT OF:

Transcript of Discussion of Testimony to be  
Given During the Week of May 5  
Monday, May 5, 1980

Pursuant to 10 CFR 9.108(c), the Commission, upon the  
advice of the General Counsel has determined that the  
subject transcript should be released to the public.

  
Samuel J. Chilk  
Secretary of the Commission

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

CLOSED MEETING

DISCUSSION OF TESTIMONY TO BE GIVEN DURING THE WEEK OF MAY 5

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Nuclear Regulatory Commission  
Chairman's Conference Room  
1717 H Street, N. W.  
Washington, D. C.

Monday, May 5, 1980

The Commission met in closed session, pursuant to  
notice, at 3:15 p.m.

BEFORE:

- JOHN F. AHEARNE, Chairman of the Commission
- VICTOR GILINSKY, Commissioner
- RICHARD T. KENNEDY, Commissioner
- JOSEPH M. HENDRIE, Commissioner
- PETER A. BRADFORD, Commissioner

ALSO PRESENT:

- J. Becker
- T. Rothschild
- J. Lafleur
- W. Reamer
- L. Bickwit
- V. Harding
- E. Fay
- J. Shea
- S. Kent
- T. Devine

## 1 P R O C E E D I N G S

2 CHAIRMAN AHEARNE: This will be a discussion of  
3 potential legislative testimony to be given during the week of  
4 May 5th, and therefore I would like a vote to close on  
5 Exemption 9, frustration of agency intent.

6 (Chorus of Ayes.)

7 CHAIRMAN AHEARNE: We all agree.

8 Then we have scheduled on May 7th, I guess -- Ed, is  
9 that right?

10 VOICE: Seventh.

11 CHAIRMAN AHEARNE: --- to testify in front of Mr.  
12 Bingham on the Philippines, or I guess no, it is a set of  
13 questions. So I guess we have a proposed draft testimony and  
14 responses to six questions that were posed by the  
15 subcommittee. I think we would need to address whether or not  
16 this draft testimony is acceptable and, if not, then it be  
17 changed. Are the answers to the questions acceptable?

18 So what is your pleasure?

19 COMMISSIONER HENDRIE: It is fine with me, except  
20 that reference to the issuance of a Commission opinion on the  
21 5th of May. Although we have nine hours or eight hours and  
22 forty minutes to go, it may not in fact turn out to be the  
23 case.

24 COMMISSIONER GILINSKY: Would you read it this time  
25 or what?

1 (Laughter)

2 CHAIRMAN AHEARNE: It depends on the length of time  
3 we have available for the hearing.

4 COMMISSIONER GILINSKY: I would propose that you  
5 have a sort of two-page statement that summarizes where we  
6 are.

7 CHAIRMAN AHEARNE: I think if this were single  
8 spaced it would be three pages.

9 COMMISSIONER GILINSKY: This must be a new version.  
10 I guess I haven't seen this one.

11 CHAIRMAN AHEARNE: This came out May 1st, last  
12 Thursday. The questions are most of the fault, the drafts,  
13 but the testimony ---

14 COMMISSIONER GILINSKY: How many double-spaced pages  
15 were they?

16 CHAIRMAN AHEARNE: Six double spaced which would be  
17 three single spaced. --- which seemed to, I think, adequately  
18 summarize what I thought the Commission was coming out with.

19 COMMISSIONER GILINSKY: I mean, there is no  
20 Commission opinion.

21 MR. BICKWIT: That is right.

22 COMMISSIONER GILINSKY: So you are going to have to  
23 say somebody's opinion and somebody's opinion. Do you feel  
24 you can do all that, Len.

25 MR. BICKWIT: Yes, we have actually done that. It

1 would say, "In the Commission's recent Philippine export  
2 license proceeding as set forth therein." And we would  
3 request that the text of the opinions of the various members  
4 of the Commission be included in the record of this hearing.

5 COMMISSIONER GILINSKY: So you would what, say that  
6 one view is that we lack legal authority and another view is  
7 that ---

8 MR. BICKWIT: Well, what we usually do is write what  
9 the majority of the Commission feels.

10 COMMISSIONER GILINSKY: So you would stick to the  
11 overlap?

12 MR. BICKWIT: Yes.

13 COMMISSIONER GILINSKY: Well, we could that. I  
14 think given it is tomorrow I think it would be simpler just  
15 to ---

16 MR. BICKWIT: Wednesday.

17 COMMISSIONER GILINSKY: Oh, Wednesday. The simpler  
18 course would be simply to have kind of a status report and  
19 then just submit the various opinions and take questions if  
20 they want us to go on at length. But certainly this could be  
21 altered in such as way as to accurately report the state of  
22 affairs.

23 COMMISSIONER KENNEDY: Is there something wrong with  
24 this as a statement of the majority's view? I thought it was  
25 an unusually accurate reflection.

1           COMMISSIONER BRADFORD: It certainly states the view  
2 of what was once the draft majority. Whether it does it in  
3 such a way as to do violence to Victor's comparing here or  
4 not, I don't know.

5           MR. BICKWIT: Well, I have been over it and I think  
6 there is a majority for every proposition.

7           (Laughter)

8           MR. BICKWIT: The majority does shift, however.

9           (Laughter)

10          MR. BICKWIT: Some majority or other.

11          CHAIRMAN AHEARNE: It seemed to me that it tracked  
12 with what the Commission was doing. The only problem I had  
13 with it was I thought we had formally entered into agreement  
14 with the Philippines rather than within the next few weeks we  
15 will.

16          MR. LAFLEUR: Right. We haven't now. We have  
17 marked it up. We have marked our copy. We got the cable  
18 after we sent this in. It was effective the 28th of April.

19          CHAIRMAN AHEARNE: Now, the other question I had is  
20 that I thought the Commission decision was we would not  
21 consider impacts on U. S. citizens located abroad, whereas  
22 this draft says we would not consider impacts on U. S.  
23 military bases located abroad.

24          VOICE: Where are you?

25          CHAIRMAN AHEARNE: This is on the top of page 2.

1 You know, it hapened in this particular case. That was the  
2 major issue.

3 MR. BICKWIT: I think citizens follow a fortiori, to  
4 use a legal expression.

5 (Laughter.)

6 CHAIRMAN AHEARNE: But that would mean that in the  
7 absence ---

8 COMMISSIONER HENDRIE: Change the word.

9 MR. BICKWIT: It is obvious, but we can change it,  
10 yes.

11 CHAIRMAN AHEARNE: Well, but you see, you might  
12 concluded that you would consider impact on citizens.

13 MR. BICKWIT: I think that would be an unlikely  
14 position.

15 CHAIRMAN AHEARNE: You never can tell.

16 MR. BICKWIT: Well, you never know.

17 COMMISSIONER BRADFORD: It would be not inconsistent  
18 with considering the fish but not the military.

19 (Laughter.)

20 CHAIRMAN AHEARNE: I think it also includes any  
21 mammals who may just be swimming offshore.

22 Joe, do you think you can live with it.

23 COMMISSIONER HENDRIE: Yes, I have no problem. I  
24 think my view on the testimony is that relatively short  
25 front-end which, it seemed to me, did reflect the places that

1 at least three of us have come together on the various points.  
2 It does need the cleaning up about the date and whose opinion  
3 it is.

4 CHAIRMAN AHEARNE: I know Dick agrees, but since  
5 there are three of you who formed the fundamental majority ---

6 COMMISSIONER GILINSKY: Well, I am not sure I like  
7 all parts of it, so I will just indicate what I don't care  
8 for.

9 CHAIRMAN AHEARNE: Could you mark it up and get back  
10 to Len with it.

11 COMMISSIONER GILINSKY: Yes.

12 CHAIRMAN AHEARNE: Peter?

13 COMMISSIONER BRADFORD: As to the testimony itself,  
14 putting this aside, if the majority is comfortable, then by  
15 all means. I guess I don't look forward to trying to prepare  
16 a separate statement between now and Wednesday, but I  
17 obviously would bring back my separate opinion.

18 CHAIRMAN AHEARNE: I think we would probably  
19 expect, assuming we get the decision out, to submit the  
20 individual statements which would focus specifically on the  
21 Philippines case, and I would guess much of the questions may  
22 then end up focused on those.

23 COMMISSIONER BRADFORD: Do you want to pass on to  
24 the questions?

25 CHAIRMAN AHEARNE: Yes, that is the next thing, if



1 we have it clear.

2           So, Dick, you will be providing comments on what as  
3 part of the majority you could not take; is that correct?

4           COMMISSIONER GILINSKY: Well, I will mark this up,  
5 and then, you know, we will see what people ---

6           MR. BICKWIT: It may turn out that we don't have a  
7 majority for some of the propositions.

8           CHAIRMAN AHEARNE: Len, would you try to handle that  
9 review process?

10          MR. BICKWIT: Yes.

11          CHAIRMAN AHEARNE: To move on with the questions,  
12 did anyone have any problem with question one as well as the  
13 answer?

14          COMMISSIONER BRADFORD: On question one I would have  
15 said, based on -- I may be a draft behind here in one or two  
16 cases -- but based on the last edition of Victor's opinion  
17 that I saw, he was saying that as a matter of discretion with  
18 regard to our relationship to the Ex-Im Bank, and conceivably  
19 also the recipient country, he would do at least many of the  
20 things that I was suggesting ought to be done. I guess I am  
21 not sure you would have agreed with it or not, but it would  
22 have the Commission doing rather more than the answer to No. 1  
23 here suggested, at least in those cases where the recipient  
24 country agreed.

25          COMMISSIONER GILINSKY: You know, this question

1 deals with the responsibilities of the United States and not  
2 the NRC.

3           COMMISSIONER BRADFORD: But the answer deals with  
4 the responsibility of the NRC.

5           COMMISSIONER GILINSKY: I know.

6           CHAIRMAN AHEARNE: I think that is a fairly good  
7 distinction to make, and I would hope that we would not  
8 presume to state the role of the Federal Government. Indeed, I  
9 suspect in many of our previous opinions we have asserted that  
10 it would be improper for us to do that since that presents  
11 some sort of conflict of interest. We don't wish to be  
12 directly associated with the views and opinions of other  
13 agencies of government. I think we have asserted that as a  
14 basic principle.

15           We probably ought to clarify as a lead in that  
16 although the question addresses the role and responsibility of  
17 the United States that we confine our view to the  
18 responsibilities of other agencies of the NRC.

19           COMMISSIONER BRADFORD: No one else is testifying?

20           CHAIRMAN AHEARNE: Ed, is anybody else?

21           MR. FAY: Nobody is scheduled right now but NRC.

22           CHAIRMAN AHEARNE: Just us.

23           COMMISSIONER KENNEDY: Well, I think if the  
24 committee is interested in the responsibilities of the United  
25 States I suppose they should talk to the Attorney General or

1 the Secretary of State or the President.

2 MR. BICKWIT: They have talked to them.

3 CHAIRMAN AHEARNE: But we ought to, since we are  
4 going to be submitting these answers for the record, we ought  
5 to at least make it clear.

6 Now, will the detailed views be set forth in the  
7 opinion?

8 MR. BICKWIT: In the opinions.

9 (Laughter)

10 MR. BICKWIT: In recently issued Commissioner  
11 opinions in the Philippine licensing.

12 COMMISSIONER KENNEDY: This whole thing may turn out  
13 to be the greatest single advertisement in support of those  
14 who have felt that a single administrator was the only way to  
15 run this place.

16 CHAIRMAN AHEARNE: It is too late.

17 COMMISSIONER KENNEDY: Not yet it isn't too late.

18 (Laughter)

19 COMMISSIONER HENDRIE: Is that why you want to delay  
20 it a day and get past tomorrow's hearing? Clever move.

21 (Laughter)

22 COMMISSIONER BRADFORD: At the time that I made that  
23 request I was lacking two of the opinions that I now have in  
24 hand and I didn't see how I could complete my own.

25 CHAIRMAN AHEARNE: Can we get back to the answer to

1 question one.

2           Dick, Peter has suggested that it doesn't track with  
3 your opinion.

4           COMMISSIONER GILINSKY: I tell you, I don't think we  
5 can sit here and rewrite these things one by one. I mean, the  
6 opinion is there and it is pretty easy for someone to take it  
7 and see whether it tracks or doesn't track. I am not sure I  
8 know what we can do at this point. This tends to dismiss any  
9 sort of involvement to a greater degree than I would have  
10 dismissed it. Basically I say we are not compelled to look  
11 at these things if it turns out to be difficult to do and it  
12 doesn't seem like a reasonable thing for us to get involved  
13 in. But I didn't exclude all involvement for all time. Well,  
14 I think the opinion is there.

15           COMMISSIONER KENNEDY: Dick, the one thing I had  
16 noticed about opinions from this agency during the past five  
17 years is that almost nothing that is written, however  
18 believable it may seem at the time, lasts more than about six  
19 months before it is rewritten and a new view is proposed  
20 because a different majority somehow is constituted, and  
21 whatever the fundamental issue of principle it is restated and  
22 perhaps substantually modified. So I wouldn't worry about  
23 anything about for all time; I mean all time not exceeding  
24 more than six months.

25           CHAIRMAN AHEARN: I guess, Len, what you will have

1 to do is to take the latest version of the opinions and  
2 characterize the distribution of views, because since we have  
3 had the request since August 9th I suppose it is kind of hard  
4 for us to say we didn't have time to answer them.

5 MR. BICKWIT: Well, are you saying characterize the  
6 views of all the Commissioners?

7 CHAIRMAN AHEARNE: Well, no, if you can coalesce a  
8 majority view then you have got to describe it.

9 MR. BICKWIT: Yes. All right, fine.

10 CHAIRMAN AHEARNE: We are obligated to provide  
11 answers to these, and if you can't then I think what you have  
12 just got to say is that the Commission has reached an opinion  
13 upon the Philippines case, the attached are the opinions in  
14 that case and the Commission's views can be extracted from  
15 that.

16 On No. 2 we say that we did not participate. Did IP  
17 not participate at all in the development of the Executive  
18 Branch procedures?

19 MR. SHEA: The staff did have some involvement, IP  
20 and ELD both, in the draft package. We had some words worked  
21 up at one point there to reflect that or something like, well,  
22 NRC staff members contributed to some extent to the drafting  
23 of these procedures, these unfair characterizations.  
24 To pick up as here, "The Commission itself did not formally  
25 participate. . . ." I could give these to Len.

1           COMMISSIONER BRADFORD: It is probably better to say  
2 that.

3           CHAIRMAN AHEARNE: Yes. Now, is our guidance going  
4 to say that these impacts are thoroughly analyzed? Those of  
5 you who are the global comments people, are we going to end  
6 up saying that we will ensure that the impacts are thoroughly  
7 analyzed in the Executive Branch assessment?

8           MR. BICKWIT: This is guidance to the staff?

9           CHAIRMAN AHEARNE: That is right.

10          COMMISSIONER KENNEDY: Where is this guidance to the  
11 staff?

12          MR. BICKWIT: Our office and OPE have suggested  
13 something?

14          COMMISSIONER KENNEDY: And the Commission has acted  
15 upon that?

16          MR. BICKWIT: No, it has not.

17          COMMISSIONER KENNEDY: Then how does it get in here?

18          MR. BICKWIT: It is in the process of providing  
19 that.

20          COMMISSIONER KENNEDY: If the Commission sees fit to  
21 do so that guidance might is what you mean?

22          COMMISSIONER BRADFORD: Is it before us in the form  
23 of an executive paper or something?

24          MR. BICKWIT: That is right. This is also before  
25 you for your assent or disapproval.

1           COMMISSIONER KENNEDY: I think you could drop that  
2 paragraph without losing a thing. We just have three votes  
3 for that.

4           CHAIRMAN AHEARNE: Let's see, you, Vic and who is  
5 the third?

6           COMMISSIONER KENNEDY: Joe.

7           CHAIRMAN AHEARNE: Joe.

8           COMMISSIONER KENNEDY: Drop that paragraph.

9           MS. HARDING: How about leaving the first sentence.  
10 Are you in the process of providing guidance.

11          COMMISSIONER KENNEDY: We are always in the process  
12 of providing guidance. We just never complete the process is  
13 our problem.

14          COMMISSIONER HENDRIE: Why don't we say then as  
15 always we are in the process of providing guidance.

16          (Laughter)

17          COMMISSIONER KENNEDY: Semicolon, we almost never do  
18 it.

19          CHAIRMAN AHEARNE: Would you be willing to make the  
20 sweeping commitment that we are in the process of developing  
21 guidance?

22          COMMISSIONER KENNEDY: What does that add?

23          CHAIRMAN AHEARNE: Because it says what role will  
24 the Commission play. That was the last question.

25          COMMISSIONER BRADFORD: Vic, how can you delete the

1 last sentence. It is just what you are comparing ---

2 COMMISSIONER GILINSKY: What does it say?

3 COMMISSIONER BRADFORD: "Provided resources are  
4 available the Commission must provide assistance to the  
5 Executive Branch on assessing other impacts and are requested  
6 to do so."

7 MR. GILINSKY: I am sure everybody says that.

8 MR. DEWINE: I might note we have let the Korean  
9 case now go by in terms of knowing what we are supposed to do  
10 by way of interaction with the Executive Branch. We will  
11 shortly be getting the Taiwan application. So there may be  
12 sort of a backlog of these things before we know it.

13 COMMISSIONER KENNEDY: Well, that is all right. We  
14 can add it up with the licenses that are being held up, too.

15 CHAIRMAN AHEARNE: All right. Does anyone want to  
16 commit to developing guidance to the staff?

17 COMMISSIONER BRADFORD: It is fine with me.

18 COMMISSIONER KENNEDY: I would rather give it to  
19 them instead of making commitments.

20 COMMISSIONER HENDRIE: I don't mind saying we are in  
21 the process of providing guidance.

22 COMMISSIONER KENNEDY: We are in the process of  
23 formulating guidance.

24 COMMISSIONER HENDRIE: Formulating guidance is fine  
25 with me, too.



1 CHAIRMAN AHEARNE: All right, let us keep that  
2 sentence in.

3 COMMISSIONER HENDRIE: I think Peter is right. I  
4 think the last sentence indeed reflects ---

5 CHAIRMAN AHEARNE: Do you want the last sentence in?

6 COMMISSIONER BRADFORD: I would leave the last  
7 sentence in.

8 COMMISSIONER KENNEDY: I don't have any objection to  
9 that.

10 CHAIRMAN AHEARNE: Okay, the last sentence also.

11 MR. BICKWIT: Keep the last sentence and?

12 CHAIRMAN AHEARNE: Keep the last sentence and the  
13 first sentence, except formulating guidance.

14 MR. BICKWIT: Okay.

15 CHAIRMAN AHEARNE: Moving on to question three.  
16 Will someone be there tomorrow, or Wednesday rather, if  
17 questions are asked on the details of these kinds of things,  
18 the details of the expert advice we have provided in the sense  
19 that we say that we have provided experts for short-term  
20 advisory visits? Will anyone be around to be knowledgeable on  
21 that?

22 MR. SHEA: Yes, we will have somebody there for the  
23 hearing, right.

24 There is also on that first "Implementation of  
25 Alternative One" a point that we thought would be useful to

1 make. Maybe I will just pass out copies of the suggested  
2 additional sentence that we have here and that of some of  
3 these others. I will read it as we are passing those out.  
4 There are some other changes to some of the other questions,  
5 too.

6 This would go in as a new second sentence, to put it  
7 in perspective. We say, "While budgetary constraints,  
8 especially since the accident at TMI, have not permitted a  
9 general increase in assistance efforts, NRC has shifted the  
10 emphasis within the program to three or four types of training  
11 and advisory services which appear most effective in  
12 transferring NRC expertise to the regulatory organizations of  
13 developing countries."

14 That is really all we have been able to do is to  
15 improve the prioritization.

16 CHAIRMAN AHEARNE: Fine. Any other problems on that  
17 first page there?

18 (No response)

19 CHAIRMAN AHEARNE: Okay, the second page.

20 Vic, you mentioned your opinion. I am now down at  
21 the "Implementation of Alternative 7." You mentioned in your  
22 opinion something about the Ex-Im Bank has now committed or  
23 promised to do something.

24 COMMISSIONER GILINSKY: Your general counsel told me  
25 they were going to send you the word. I guess you haven't

1 gotten it.

2 CHAIRMAN AHEARNE: No.

3 COMMISSIONER GILINSKY: That was a long time ago.

4 (Laughter)

5 COMMISSIONER KENNEDY: That suggests that the  
6 directors of the Bank may have different views than general  
7 counsel.

8 (Laughter)

9 COMMISSIONER HENDRIE: Some time ago didn't the Bank  
10 say that it was going to ask NRC's advice on a loan?

11 COMMISSIONER GILINSKY: I thought so, yes.

12 COMMISSIONER KENNEDY: John Moore said so.

13 COMMISSIONER HENDRIE: Going back more than a year.

14 COMMISSIONER GILINSKY: He was the Chairman, wasn't  
15 he, or is the Chairman?

16 COMMISSIONER KENNEDY: Was he Chairman then?

17 CHAIRMAN AHEARNE: Well, you say that you are  
18 informed that the Ex-Im Bank will routinely seek such  
19 information in the loan review process. That is what I  
20 gather general counsel said you told him.

21 COMMISSIONER GILINSKY: Maybe I ought to modify  
22 that.

23 CHAIRMAN AHEARNE: Well, unless a letter is going to  
24 get here very shortly. (Laughter)

25 MR. LAFLEUR: Well, we have a standing offer with

1 the State Department and the other agencies.

2 CHAIRMAN AHEARNE: Yes, I know that. You see, if  
3 that is the case, though, our answer to No. 7 is wrong,  
4 because we say "No other U. S. agency has requested NRC  
5 assistance."

6 COMMISSIONER KENNEDY: I would suggest that you  
7 ought not to go around calling up Joe Blow and saying "Say, is  
8 the Ex-Im Bank prepared to do this?", because I have a feeling  
9 that the directors of the Bank will finally decide that and  
10 not Joe Doakes, no matter who the hell he is.

11 So if we really want to make a statement of this  
12 kind, which is a statement before the United States Government  
13 and its Congress, then we goddamn well ought to have something  
14 positive that is true from the Bank. We cannot commit  
15 somebody else to do something unless they commit themselves to  
16 do it. It is a simply proposition.

17 CHAIRMAN AHEARNE: No, Dick, I wasn't suggesting we  
18 base this upon a telephone call.

19 COMMISSIONER KENNEDY: I hope not.

20 CHAIRMAN AHEARNE: The point is that to date no  
21 other U. S. agency has requested it, and if we are getting a  
22 letter by Wednesday then we ought to know.

23 COMMISSIONER KENNEDY: It says, "but to date no  
24 other U. S. agency has."

25 CHAIRMAN AHEARNE: I know, but the "to date" would

1 be Wednesday.

2           COMMISSIONER KENNEDY: All right. If we haven't got  
3 the letter by the time this damn thing is presented, that is a  
4 fact. And I submit facts ought to be the hallmark of this  
5 agency.

6           CHAIRMAN AHEARNE: Right.

7           COMMISSIONER KENNEDY: Not that it hasn't ever been,  
8 but it would be a good time to start.

9           COMMISSIONER BRADFORD: Another good point.

10          COMMISSIONER KENNEDY: There will be a lot more to  
11 come, and you will hear them.

12          COMMISSIONER BRADFORD: I am going to be right  
13 behind you.

14          CHAIRMAN AHEARNE: On page 3 I thought we had  
15 provided a lot more TMI information than was clear from this  
16 statement. I seem to remember, Joe, that you worked with a  
17 lot of people providing them information on TMI.

18          MR. LAFLEUR: Yes, quite a few came over. We were  
19 summarizing. We provided a heck of a lot of stuff.

20          COMMISSIONER GILINSKY: I will tell you what I  
21 object to here. It presents a rather, without specifically  
22 making an assessment, a rather rosier picture of the safety  
23 situation in all these countries than I think is really the  
24 case. It is one thing to say that, well, there really isn't  
25 an awful lot more that we can do as a practical matter, but it

1 is another thing to say we have got all these things going  
2 with the IAEA and it is all really kind of being taken care of  
3 and it really isn't.

4           Now, I can't point to anything specific here, but  
5 there is no hint of any problems in this discussion of the  
6 IAEA, and you would think they had some kind of fantastic  
7 safety problem and everybody was getting ---

8           COMMISSIONER BRADFORD: Is that question 4?

9           COMMISSIONER HENDRIE: I think you are on the wrong  
10 question.

11          COMMISSIONER GILINSKY: Well, I am on the wrong  
12 question.

13          CHAIRMAN AHEARNE: Yes, you are. We are still on  
14 question three.

15          Did we finish question three?

16          COMMISSIONER GILINSKY: Well, I was thinking of  
17 three also.

18          COMMISSIONER HENDRIE: Three just says what are we  
19 going to do about alternatives 1, 2 4 and 7, et cetera, and we  
20 have said that.

21          CHAIRMAN AHEARNE: Can you at least put in something  
22 more about what you did on the response?

23          MR. SHEA: We could elaborate. We just mentioned  
24 the visitors, but we could elaborate some more on that. The  
25 last sentence was really just for example. We will put in

1 more specifics, perhaps a number of countries and visitors who  
2 came and meetings we held.

3 CHAIRMAN AHEARNE: One other question, Jim. When we  
4 said we announced a special \$54,000 contribution, was that a  
5 person?

6 MR. LAFLEUR: No, that was an earmarking of part of  
7 the U. S. voluntary funds for fiscal '79.

8 CHAIRMAN AHEARNE: That was not a person?

9 MR. LAFLEUR: No.

10 CHAIRMAN AHEARNE: Any other questions on question  
11 three?

12 (No response)

13 CHAIRMAN AHEARNE: Okay, No. 4. Now, Vic, your  
14 point. You would modify that to indicate less than that rosey  
15 picture?

16 COMMISSIONER KENNEDY: I didn't get the impression  
17 that it was making any sort of value judgment. It was just  
18 stating a series of facts. Now, if the facts seem somehow to  
19 add up to some sort of rosey judgment, then maybe you ought to  
20 be a footnote, all the foregoing notwithstanding, or whatever  
21 you want to say here.

22 COMMISSIONER GILINSKY: Well, I suppose the question  
23 doesn't really ask for an assessment. Let's see, it says,  
24 "the responsibilities and capabilities of IAEA in dealing with  
25 international nuclear health and safety issues." When you are

1 talking about capabilities, I don't know what their  
2 responsibilities are.

3 COMMISSIONER KENNEDY: It says what they are under  
4 the statute.

5 COMMISSIONER GILINSKY: Establish standards; have  
6 they really established standards? They really haven't, have  
7 they? Are you talking about recent efforts?

8 COMMISSIONER KENNEDY: As a matter of fact, this  
9 agency has chaired a number of the groups which have developed  
10 them.

11 COMMISSIONER GILINSKY: But these are very general  
12 sort of umbrella documents, are they?

13 COMMISSIONER HENDRIE: The codes of practice in  
14 total are better than our Appendix A, and the safety guides,  
15 there are a few that aren't up to our reg guides, but in the  
16 areas that they cover, siting particularly being one, they are  
17 better than anything we have on the street.

18 COMMISSIONER GILINSKY: Well, how much of our  
19 area of responsibility will they cover in percentage terms?

20 COMMISSIONER HENDRIE: A hundred.

21 COMMISSIONER KENNEDY: Well, they don't cover our  
22 export responsibilities, fortunately.

23 COMMISSIONER GILINSKY: Well, why don't we just  
24 adopt them?

25 COMMISSIONER HENDRIE: Because they cover regulatory



1 organizations, they cover siting, design, operation and right  
2 on through on the reactor site. It is the power plant,  
3 reactors.

4 COMMISSIONER GILINSKY: Well, let me ask it this  
5 way. In terms of pages -- (Laughter) -- how does the number  
6 of their pages compare with the number of our pages?

7 (Laughter)

8 CHAIRMAN AHEARNE: Dick, I think you lost.

9 (Laughter)

10 MR. LAFLEUR: Each of the five codes of practice is  
11 about that thick, and each of the guides is roughly comparable  
12 to one of theirs.

13 COMMISSIONER GILINSKY: So you regard them as  
14 comparable to our set of regulations.

15 MR. LAFLEUR: We have got the five guides and at  
16 least the first draft all approved.

17 COMMISSIONER HENDRIE: The codes of practice are  
18 better than part 50, part 100 and particularly the appendices  
19 to part 50, taken all together.

20 COMMISSIONER KENNEDY: They are more specific,  
21 aren't they, Joe?

22 MR. LAFLEUR: Yes.

23 COMMISSIONER BRADFORD: By better than you mean more  
24 clearly written?

25 COMMISSIONER HENDRIE: I think they cover the ground

1 in a more orderly fashion, cover it in more detail and in a  
2 more rationale way. They have the same level of generality as  
3 regulations do, but I just think deal with the thing in a  
4 better structure. It wouldn't be surprising coming along  
5 years later in an organized fashion. The safety guides which  
6 implement the codes in more detail are then comparable to our  
7 regulatory guides. As I say, why the best of those are really  
8 top flight.

9 MR. LAFLEUR: They incorporated the experience and  
10 the convention of the other countries, too, as they have to  
11 live in various industrial arrangements.

12 COMMISSIONER HENDRIE: Well, the sheer volume of the  
13 agency safety guides doesn't match the sheer volume of the  
14 NRC's regulatory guides in all divisions, plus the standard  
15 review plan and so on.

16 COMMISSIONER GILINSKY: And what is the status of  
17 these things now?

18 COMMISSIONER HENDRIE: The codes are published, as  
19 far as I know.

20 MR. SHEA: Have they been approved by whoever it is  
21 that has to approve them, the Board of Governors?

22 COMMISSIONER HENDRIE: The Board of Governors has  
23 stamped them A-okay and put them on the street. The safety  
24 guides are rolling along. I don't know how many.

25 MR. SHEA: There are about 20 around and five codes.

1 It is in here in the middle of the first page.

2 COMMISSIONER BRADFORD: Are any countries obligated  
3 to use any part of them, or are they just available?

4 COMMISSIONER HENDRIE: If you are a country that  
5 goes to the IAEA and gets your reactor through them ---

6 COMMISSIONER BRADFORD: That is the trilateral  
7 reference.

8 COMMISSIONER HENDRIE: --- then one of the conditions  
9 of their taking you on and helping you out is you conform to  
10 their documents, not only the codes of practice and safety  
11 guides that are recent but also earlier guidance documents in  
12 safety, environmental health and radiation health fields. Now,  
13 if you are not one of those, then they have no power.

14 MR. LAFLEUR: Except when they assist you then they  
15 use the guides. When they go to assist you like with an  
16 infection or a survey then they use the guides.

17 COMMISSIONER HENDRIE: Well, if you invite them in  
18 to help you with a safety problem, why obviously they will  
19 come then with that documentary background as a basis for the  
20 things they do. If you are not buying the reactor through the  
21 agency ---

22 MR. LAFLEUR: --- you are not obligated.

23 COMMISSIONER GILINSKY: What is the distinction  
24 between -- it say, "widely developed accepted standards for  
25 packaging and transportation of radioactive materials." Then

1 they go on to say that they have also published these codes of  
2 practice. Do they have some different status?

3 MS. BECKER: Transportation is longstanding, and  
4 most industrialized countries conform pretty much to the IAEA.

5 COMMISSIONER GILINSKY: And what is the difference  
6 there? You mean these have just gone on the street; is that  
7 the idea?

8 MS. BECKER: Under the NSSS program they are much  
9 more recently developed.

10 MR. LAFLEUR: They are all water cooler reactors.  
11 It involves transportation in an old existing area.

12 COMMISSIONER HENDRIE: The codes of practice and the  
13 safety guides that I have been talking about are aimed at  
14 power reactions. Now, if you go away from that and want to  
15 talk about how to do an environmental assessment or how to  
16 ship radioactive materials, or whatever, or set up a research  
17 lab you will find other IAEA documents, some of which, as  
18 John says, have been out, you know, for many, many and have  
19 been world standards for a decade and a half.

20 COMMISSIONER GILINSKY: What do we say about their  
21 capabilities?

22 COMMISSIONER HENDRIE: We don't say too much. There  
23 is not too much to be said.

24 MR. SHEA: There is not too much. As the staff  
25 answered us, we concentrated on a description of what they are

1 doing and didn't really address part of the question which is  
2 what should be the responsibilities and capabilities.

3 COMMISSIONER GILINSKY: Well, it says what are and  
4 what should be.

5 MR. SHEA: And we didn't really address the should  
6 be.

7 COMMISSIONER GILINSKY: Well, why don't we say what  
8 they are? Why don't we say the IAEA has "X" persons doing  
9 this and they "Y" meetings a year and do the following?

10 CHAIRMAN AHEARNE: Do you have that, Jim?

11 MR. LAFLEUR: We could summarize it again.

12 CHAIRMAN AHEARNE: Do you have that kind of  
13 information and can you provide it?

14 MR. SHEA: We could put it together.

15 CHAIRMAN AHEARNE: Okay, why don't you do that.

16 Let me ask you. You do have a question on Rosen's  
17 point, and you say that you understand he helped define the  
18 supplement program and agrees with its contents. On what do  
19 you base that understanding?

20 MR. SHEA: Well, that is what he preaches. I didn't  
21 check that statement with him. We have talked to him about  
22 it. He laid out the program, it was approved and he is the  
23 director of it, the coordinator of the whole agency.

24 CHAIRMAN AHEARNE: I guess I am little uneasy with  
25 saying that someone agrees with the contents unless you have

1 something to support that.

2 MR. SHEA: We could check that point specifically.

3 COMMISSIONER KENNEDY: Why can't you just drop the  
4 last part of the sentence off? In fact, he did help define  
5 them. That is a fact. Drop the rest of it off.

6 MR. SHEA: That will help develop it. That is  
7 clear. The only point that he had raised in that meeting was  
8 that he suggested IAEA obligations to provide programs on a  
9 scheduled periodic and mandatory basis. That was the only  
10 point with reference to the IAEA. He had a lot of suggestions  
11 for the exporters and importers. So we just picked up on that  
12 point here to answer the question.

13 CHAIRMAN AHEARNE: Does anybody else have any ---

14 COMMISSIONER GILINSKY: On that first part of it,  
15 the capabilities, I think he ought to give a staff number and  
16 a budget number.

17 CHAIRMAN AHEARNE: Any other comments on that  
18 question?

19 COMMISSIONER GILINSKY: You mean question four?

20 CHAIRMAN AHEARNE: Yes.

21 COMMISSIONER GILINSKY: On the last part you talked  
22 about IAEA safety reviews. Now, these are pretty light sort  
23 of reviews by our standards, and one wouldn't know that from  
24 reading this unless he knew a lot about the subject. I think  
25 you ought to make that clear that you are talking about

1 several experts coming together for a few weeks, or something  
2 like that.

3 MR. SHEA: A kind of NRC review.

4 COMMISSIONER GILINKSY: That is right. Make very  
5 clear that these are not the same kinds of reviews that we  
6 talked about here.

7 COMMISSIONER KENNEDY: But it should be also, if you  
8 are going to do that and make that point, then you should make  
9 the note that the IAEA review is, of course, a supplement to  
10 the review which is being done by the country in question.

11 COMMISSIONER GILINSKY: Well, it is done in part  
12 also to encourage a review in the country, but not in all  
13 cases does that actually happen.

14 COMMISSIONER KENNEDY: It is not a substitute for.

15 COMMISSIONER GILINSKY: That is right. In fact, we  
16 ought to say it exactly that way.

17 CHAIRMAN AHEARNE: All right, anything else on that  
18 question?

19 (No response)

20 CHAIRMAN AHEARNE: Question five. You have a number  
21 of changes, Jim, which you have proposed.

22 MR. SHEA: Yes, the same point as in the first  
23 question about shifting the emphasis in the program.

24 CHAIRMAN AHEARNE: You say Spain, through the IAEA,  
25 has also requested an NRC technical expert beginning in June

1 1980." Has that request been relayed to us?

2 MR. SHEA: The Spanish request for assistance, it  
3 came through I think just in the weekly. Did we write up an  
4 article on the Spanish safety ---

5 MR. LAFLEUR: Yes. They want a man to teach their  
6 first crew that is going to start the big PWR, working on  
7 PWS's, how to start-up test the reactor. He will train six or  
8 eight of their people ---

9 COMMISSIONER HENDRIE: Regulatory types.

10 MR. LAFLEUR: --- regulatory government people. And  
11 then after that they can do it. That is the first of the  
12 series of U. S. reactors.

13 MR. SHEA: And that will be reviewed by the  
14 Commission in accordance with your current policy. The  
15 selection committee has just been appointed and is reviewing  
16 candidates right now. We put a little item in the weekly, I  
17 think.

18 CHAIRMAN AHEARNE: Is that a one-year ---

19 MR. LAFLEUR: Well, they asked for six to nine  
20 months. We elected six months to one year. The Spanish  
21 Government will reimburse the agency for it, and it is going  
22 to take one of our best people out of the field so you are  
23 liable to hear about it again.

24 CHAIRMAN AHEARNE: I notice you have struck the  
25 seven members of the Mexican regulatory agency. Is that



1 because you didn't think it should be mentioned, or they  
2 didn't?

3 MR. SHEA: That was probably my suggestion since he  
4 had asked for who we currently have there as the question was  
5 put. I think that might have been put in the other draft.  
6 Instead we put in the grand total of the number of people and  
7 number of countries rather than single them out:

8 CHAIRMAN AHEARNE: Fine.

9 COMMISSIONER HENDRIE: It is better not to put the  
10 individual numbers in if you can avoid it because then the  
11 other fellows run in and say how come you have got seven of  
12 theirs and you would only take two of ours, or whatever.

13 MR. KENT: On this question five in talking to the  
14 staff here, one of the things that they are particularly  
15 interested in in the context of our '81 authorization request  
16 is what resources we are requesting for this area, and I don't  
17 think that is spelled out very well in this answer. And also  
18 the answer suggested that -- well, we say "we have not been  
19 able to expand this level of effort as we had once planned."  
20 They were also interested in what things could or should be  
21 done that may not be done within the formal budget request.

22 CHAIRMAN AHEARNE: Well, of course one of the  
23 reasons why it might not be well spelled out in the answer in  
24 the FY '81 budget is it wasn't asked in the question.

25 MR. KENT: I wasn't asked in the question, but it

1 was added in the memo that we sent around. These questions  
2 were drafted last summer.

3 CHAIRMAN AHEARNE: I know.

4 MR. KENT: In reiterating the questions they  
5 specifically asked that we talk about the '81 request as well.

6 CHAIRMAN AHEARNE: What is in the '81 request?

7 MR. SHEA: I don't think we have anything  
8 specifically. I don't think that has ever been a line item,  
9 has it, for international efforts?

10 MR. LAFLEUR: We have always sort of been told to  
11 get along with whatever is available and that is all we ever  
12 get. I think the NSSS which has about four or five man-years  
13 still in standards does budget in that area.

14 CHAIRMAN AHEARNE: Which are they interested in, the  
15 man-year effort, or do we have specific individuals identified  
16 or slots to be assigned overseas?

17 MR. KENT: Well, I think they will be interested in  
18 the man-year effort and the dollars that might be needed.  
19 This answer suggests that we consider more resources for this  
20 and for other reasons they will not add it. It says "we have  
21 not been able to expand this level of effort as we had once  
22 planned." And I think they would be interested in knowing  
23 what has been planned.

24 MR. SHEA: Well, that is referring back to the  
25 earlier question three alternatives 1, 2, 4 and 7, pre-TMI.

1           COMMISSIONER HENDRIE: And the answer is they got  
2 chewed up just like a lot of other people's resources.

3           MR. KENT: That is one of the things. They will be  
4 looking at this in the context of our '81 request. This  
5 committee looks at this portion of our budget and if there are  
6 less resources than we think we can use they may want to add  
7 those on. So they will want to know what we think those might  
8 be.

9           COMMISSIONER HENDRIE: Why don't you suggest that  
10 they put in their annual four positions and what, \$175,000?

11          MR. KENT: We will probably get it.

12          MR. SHEA: The last paragraph of the testimony was  
13 also worked up in part with this reference in there. So that  
14 helps in that regard. I think that was put in specifically  
15 because of the recent Congressional request.

16          MR. LAFLEUR: Its on page 3. We thought this was  
17 the will of the Commission that we not put in money especially  
18 for it or the people especially for this NRA in the budget.

19          COMMISSIONER KENNEDY: Those have been the  
20 instructions, haven't they?

21          MR. LAFLEUR: Page 6.

22          COMMISSIONER HENDRIE: Page six of the testimony,  
23 the last paragraph. Well, you know, they just got through  
24 lopping five percent across the line for which we are going to  
25 bleed all over.

1 MR. KENT: Well, if you don't put that  
2 in specifically, you are going to get asked that.

3 COMMISSIONER HENDRIE: I would be glad to discuss it  
4 in length.

5 CHAIRMAN AHEARNE: Ed, would you check with Barry to  
6 see what kind of breakout we do have in the budget as far as  
7 what are the man-years across the agency that were assigned to  
8 the international assistance effort which would then pick up  
9 some of the standards in time. We ought to at least have that  
10 available.

11 Anything else on question five?

12 (No response)

13 CHAIRMAN AHEARNE: Question six.

14 Len, I guess you will modify the question  
15 appropriately as of the time we go up to testify; is that  
16 correct?

17 MR. BICKWIT: Which is at what time?

18 CHAIRMAN AHEARNE: Wednesday at 2 o'clock.

19 MR. DEVINE: Didn't we answer questions posed by the  
20 Commission? I think I am right. I remember us providing the  
21 answers to certain questions.

22 MR. SHEA: That could be read as assistance, yes. I  
23 guess people were thinking of expert assistance.

24 CHAIRMAN AHEARNE: Any other points on the  
25 Phillipines testimony?

1           MR. ROTHSCHILD: One last point. When I talked to  
2 the committee staff last week before drafting some of this  
3 they said expect a series of questions focusing on Three Mile  
4 Island and what its implications are as far what this  
5 Commission intends to do in the future as far as health and  
6 safety assistance, and should we be doing more, and that could  
7 very well be the focus of questions. So beware.

8           COMMISSIONER KENNEDY: My answer to the question is  
9 yes.

10          CHAIRMAN AHEARNE: Qualified by resources?

11          COMMISSIONER KENNEDY: Yes.

12          CHAIRMAN AHEARNE: Any other items on the  
13 Philippines?

14          (No response.)

15          All right, that ends the Philippines section of the  
16 meeting.

17          (Short pause.)

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1           CHAIRMAN AHEARNE: I asked us to get together  
2 because at least I will be going up and maybe some of us will  
3 be going up to the Congress tomorrow morning to testify. In  
4 any event, we do have apparently a new version that is going  
5 up to the Hill this afternoon. Len could at least summarize  
6 since he has had a chance to look at it.

7           COMMISSIONER KENNEDY: The language was good and the  
8 signature impressed me.

9           CHAIRMAN AHEARNE: Anyone want to have Len draft a  
10 Commission position on this?

11          MR. FAY: All the statements were given by the  
12 individual Commissioners on the Senate side with the  
13 appropriate changes in the committee references. Now, they  
14 have that. They have had that right from day one. We  
15 provided our comments to Mr. Brooks on the resolution. They  
16 also have additional copies right now.

17          I spoke with the committee and they are in the  
18 process right now of redistributing the amended reorganization  
19 plan. I told them I didn't know if there would be any kind of  
20 formal language provided. But at any rate they had the old  
21 reorganization planning language to work from.

22          COMMISSIONER HENDRIE: However, my statement, for  
23 instance, on the Senate side has not been retitled Statement  
24 to the House Government Operations Committee and sent up  
25 there, right?

1 MR. FAY: Yes, sir, it has.

2 COMMISSIONER HENDRIE: It has?

3 MR. FAY: It has.

4 COMMISSIONER HENDRIE: Then withdraw it, because it  
5 is not my statement to the House Government Operations  
6 Committee. Okay?

7 MR. FAY: Okay.

8 COMMISSIONER HENDRIE: Get word down there  
9 immediately.

10 MR. BICKWIT: When were these sent up?

11 MR. FAY: It is not based on the amended statement?

12 COMMISSIONER HENDRIE: That statement I made before  
13 the Senate was obviously based on reorganization plan No. 1  
14 as originally submitted.

15 MR. FAY: Okay. Well, the committee fully  
16 understands that. Mr. Brooks also gave us the resolution and  
17 asked for comments.

18 COMMISSIONER HENDRIE: But I don't want that  
19 statement of mine labeled Statement of J. M. Hendrie to the  
20 House Government Operations Committee because this is J. M.  
21 Hendrie's statement to the House Government Operations  
22 Committee and it is rather different.

23 MR. FAY: That is fine. But we were delivering on  
24 the basis of what we had in hand.

25 CHAIRMAN AHEARNE: Well, anyway, Joe has made it

1 clear this is his statement.

2 Does anybody want to hear Len at least describe what  
3 he sees this amendment to mean?

4 (Laughter)

5 COMMISSIONER BRADFORD: Let me put the question a  
6 little differently, John. Is there anything that isn't  
7 obvious? That is, I think we have all read it with an eye  
8 towards third changes.

9 COMMISSIONER HENDRIE: Not that I know of. I have  
10 been talking to Welford and Susan Connor over there about it  
11 and about the changes they made since last week which helped  
12 very considerably. So far as I know there isn't any sort of  
13 foggy part that has peculiar things in the month. On the  
14 other hand, if they intended to have a foggy part with things  
15 hidden down in it, I am not sure they have explained that.

16 CHAIRMAN AHEARNE: Well, let's ask Len again the  
17 question. Len or Bill, did you see anything in there that you  
18 believe is a subtlety that is hidden?

19 MR. REAMER: I would say not.

20 COMMISSIONER HENDRIE: Last week's version had some  
21 head scratchers and then some minor outrages, but I think  
22 those have been cured.

23 COMMISSIONER KENNEDY: One has some difficulty in  
24 keeping track of them since none of them are dated. It is a  
25 peculiarity of the system, because once one does that, you



1 know, it is perfectly clear that it is equally possible to  
2 slip one in instead of the other since they all look alike.

3           COMMISSIONER HENDRIE: I raised the question with  
4 Susan Connor and apparently there was argument both ways. I  
5 didn't pursue it in detail. This could very well have been a  
6 thrust from the Senate side, because aside from the changing  
7 here which simply cleaned up the more difficult parts of the  
8 earlier plan, all of this EOD explicit role as felt is  
9 compelled on them by the Senate views. I wouldn't be  
10 surprised but what the Senate tribe either agreed to or  
11 themselves took out EOD.

12           I think it is a pity, but at this stage it is  
13 certainly not for me enough of a difficulty.

14           COMMISSIONER GILINSKY: We could recombine with the  
15 General Counsel's office.

16           COMMISSIONER KENNEDY: Why did they do this?

17           COMMISSIONER HENDRIE: It is just not clear. What  
18 Susan Connor said was that there had been arguments there, you  
19 know, and made to them from elsewhere both in favor of putting  
20 EOD on the list and in favor of taking it off.

21           COMMISSIONER KENNEDY: There are more people in this  
22 town with nothing to do than I had ever imagined.

23           COMMISSIONER BRADFORD: More and more people to pay  
24 them.

25           (Laughter)

1 CHAIRMAN AHEARNE: Does anybody have anything  
2 substantive they want to talk about?

3 COMMISSIONER BRADFORD: I think probably the  
4 impulse behind this meeting may have been useful, and that is  
5 in fact whether there is to be a Commission statement for the  
6 hearing.

7 CHAIRMAN AHEARNE: Well, one point, which is the  
8 point that Joe really has raised, right now we have in front  
9 of them, I gather, retitled, we have a Commission position  
10 going to the Senate. We have as it stands a Commission  
11 position now going to the House which is the group of the four  
12 of your positions.

13 COMMISSIONER HENDRIE: But that is no longer the  
14 case.

15 COMMISSIONER BRADFORD: I think it was titled the  
16 three of us.

17 COMMISSIONER AHEARNE: So I think one issue that you  
18 have to decide is do the three of you want to have that  
19 submitted as your position, which as I recall is in  
20 opposition.

21 COMMISSIONER BRADFORD: It is still our position on  
22 the other plan, but it obviously doesn't fit this one.

23 COMMISSIONER GILINSKY: Well, it has been submitted  
24 as I understand as the position under the plan.

25 COMMISSIONER KENNEDY: That is right.

1           COMMISSIONER BRADFORD: There is no problem with  
2 that. The question is whether there is anything to be said  
3 about this one on behalf of any of the group of three of us so  
4 that there is Commission testimony. I guess my own feeling  
5 about it is that it is an improvement.

6           CHAIRMAN AHEARNE: Well, for example, can we have a  
7 very simple statement that the Commission endorses this plan?  
8 Then you could go on to say that there is an inadequate amount  
9 of time to develop a full statement.

10           COMMISSIONER KENNEDY: You don't have to go that  
11 far. You could say that the Commission considers on a very  
12 quick and cursory review that this amendment seems to move  
13 well along the way toward resolving a number of the  
14 difficulties recited in our earlier testimony. However, we  
15 would like the opportunity to review it more carefully and  
16 give the committee our considered testimony.

17           COMMISSIONER GILINSKY: It sounds very reasonable.

18           CHAIRMAN AHEARNE: But on balance beyond this  
19 cursory view do you support it?

20           COMMISSIONER KENNEDY: No, I don't say that. I was  
21 just a step below that. It goes a considerable way toward  
22 meeting the concerns expressed on the earlier plan.

23           COMMISSIONER GILINSKY: This thing is just a riot.  
24 John, you haven't made up your mind on the Philippine  
25 situation yet.

1           CHAIRMAN AHEARNE: Well, I haven't seen the final  
2 version of that opinion.

3           COMMISSIONER GILINSKY: Well, anyway, you know, we  
4 have just gotten it.

5           COMMISSIONER BRADFORD: Well, I could join in  
6 something along the lines of what Dick said, that is, that it  
7 is clearly an improvement. I would avoid the word "endorse"  
8 simple because that seems to say that it is better than the  
9 existing structure, and except on emergency management I guess  
10 I really don't think it is. It is no longer probably  
11 something I would fall on my sword over.

12           (Laughter)

13           COMMISSIONER HENDRIE: They will still have 48 hours  
14 after tomorrow to amend it in a harsher direction.

15           CHAIRMAN AHEARNE: Len, could you draft at least  
16 something that I would read, and it would essentially say that  
17 the previously submitted testimony really referred to the  
18 earlier version of the amendment plan and that remains the  
19 position as indicated of the Commission as a majority of the  
20 individual Commissioners on the previous version. I think  
21 that is true. No one has changed their position on the  
22 previous version.

23           The amended plan which has just been submitted, and  
24 then you have to use Dick's words ---

25           COMMISSIONER KENNEDY: You have got to say who that

1 represents.

2           CHAIRMAN AHEARNE: Well, it represents the majority  
3 of the Commission, Commissioners Hendrie and Ahearne, which  
4 support the plan.

5           COMMISSIONER BRADFORD: I would also throw in a  
6 sentence I think expressing in no very spectacular way but  
7 expressing gratitude for the role of the Congress in bringing  
8 about the movement in what we see as a favorable direction.

9           COMMISSIONER KENNEDY: I think when you are  
10 commending the Congress that is always something I can join  
11 in.

12           COMMISSIONER HENDRIE: On the other hand, Peter,  
13 what you could also note is that most of that help came from  
14 the Senate side -- (Laughter) -- and the House Government  
15 Operations Committee, with the positive exception of Mr.  
16 Moffett, has been notably unhelpful.

17           (Laughter)

18           MR. FAY: The batting order is to be Mr. Moffett,  
19 No. 1, Harrison Welford, OMB, No. 2 and the NRC.

20           COMMISSIONER HENDRIE: Starting when?

21           MR. FAY: 9:30.

22           COMMISSIONER HENDRIE: I am going to go on time to  
23 this one. Boy, I don't want to miss a minute.

24           (Laughter)

25           CHAIRMAN AHEARNE: Len, would you try to put that

1 together and, if you would, run it by everybody so that nobody  
2 is upset by it.

3 All right, thank you.

4 Let's see, a vote to withhold.

5 (Chorus of Ayes.)

6 (Whereupon, at 4:25 a.m., the closed session  
7 adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

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in the matter of: DISCUSSION OF TESTIMONY TO BE GIVEN DURING THE WEEK OF  
MAY 5 (Closed Meeting

Date of Proceeding: May 5, 1980

Docket Number: \_\_\_\_\_

Place of Proceeding: Washington, D. C.

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

Mary C. Simons

Official Reporter (Typed)

Mary C. Simons

Official Reporter (Signature)