

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

In the Matter of: BUDGET SESSION

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 BUDGET SESSION

5 Nuclear Regulatory Commission
6 Commissioner's Conference Room
7 1717 H Street, Northwest
8 Washington, D. C.

9 Tuesday, July 21, 1981

10 The Commission met, pursuant to notice, at 2:05 p. m.

11 BEFORE:

12 NUNZIO PALLADINO, Chairman of the Commission
13 VICTOR GILINSKY, Commissioner
14 PETER A. BRADFORD, Commissioner
15 JOHN F. AHEARNE, Commissioner

16 ALSO PRESENT:

17 SAMUEL J. CHILK, Secretary
18 LEONARD BICKWIT, General Counsel
19 LEN BARRY, Comptroller
20 WILLIAM DIRCKS, Executive Director for Operations
21 KEVIN CORNELL
22 BUCK BASSETT
23 DENNY ROSS
24 ROBERT MINOGUE
25 RONALD SCROGGINS
DICK DEYOUNG
HAROLD DENTON
JOHN DAVIS
DENNIS RATHBUN
VICTOR STELLO
DAN DONOHUE
EDWIN TRINER
LLOYD DONNELLY
JESS FUNCHES
JIM CUMMINGS
RAY FRALEY
JOE FOUCHARD
BOB LAZO
ALAN ROSENTHAL
CARL KAMMERER

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CHAIRMAN PALLADINO: Good afternoon, ladies and gentlemen.

The meeting today is a continuation of our consideration of the budget of the Commission for 1983-84. Those of you that were here yesterday will recall that we went through that portion of the budget related to the Office of the Executive Director for Operations and deferred until this afternoon the presentation with regard to the budget affecting the Commission offices.

Len Barry, the Comptroller, will walk us through and highlight the features of that portion of the budget.

Inasmuch as we have representatives of the Commission's staff offices here today, I believe, I would suggest that we might want to focus our questions on this aspect of the budget to take advantage of their presence and try to complete as much of that questioning as we can.

So, without further ado, Len, would you walk us through the budget for the Commission's staff offices?

MR. BARRY: Yes, sir, Mr. Chairman.

There are really three pieces that we should consider concerning the Office of the Commission budget. The first two are the dollars; one is program support, and the other is travel; and then the third portion are the people that we probably should devote most of our attention to this afternoon.

1 On the dollars, the budget actually goes up about
2 \$400,000 from a million and a half to a million nine. That
3 \$400,000 increase is comprised of about 120,000, which is nothing
4 more than inflation, 100,000 for the licensing board for logistic
5 costs -- you know, we are having more hearings out in the field;
6 in fact, most of the hearings are now out in the field and will
7 continue to be in '83, and, of course, we have to pay for the
8 local logistics support, wherever they are, including the local
9 court reporter and the rental of space and so on.

10 A third portion of it, about \$120,000 increase, is
11 simply the secretary and the cost of transcripts and court
12 reporter activity. In both cases we are increasing the work.
13 There is an increase in work requirement in both transcripts and
14 court reporter activity. And, of course, all the court reporter
15 activity in the agency is funded out of the secretariat budget
16 account and administered under Sam Chilk's supervision.

17 CHAIRMAN PALLADINO: Do we have permanent court
18 reporters?

19 MR. CHILK: No. We contract a service. I have one
20 person on my staff who is a qualified court reporter, but not
21 other than that.

22 MR. BARRY: So, in my judgment, the increase in costs
23 for the Offices of the Commission is justified. I don't antici-
24 pate any problem in that area with OMB. It is a reasonable
25 increase of costs.

1 COMMISSIONER AHEARNE: While you are still on that
2 portion of it, did any of the offices express to you a desire for
3 substantially greater amounts of program support?

4 MR. BARRY: No, not substantially. Some, if you look
5 on the sheet here.

6 COMMISSIONER AHEARNE: Yes. This is what they are
7 requesting?

8 MR. BARRY: Yes.

9 COMMISSIONER AHEARNE: What I had in mind specifically,
10 and perhaps I can ask Dennis, in our new procedure on reviewing
11 licensing board action, it seems to me that OPE may end up
12 having an even greater call on consultant services than they
13 have had in the past, and I wondered whether you had incorporated
14 that in your budget estimate.

15 MR. RATHBUN: No, sir, not specifically. We did ask
16 for an increase of some 15,000 or 200,000, and until we get a
17 little more experience, I think I would like to leave it like
18 that.

19 MR. BARRY: Unless it would be an inordinate increase,
20 of course, we are not locked into OPE in this amount, and there
21 are ways of financing a little bit more than that if we had to.

22 I think the most significant thing that the Commission
23 needs to address their attention to are the requests for the
24 increase in personnel.

25 The request, '83 over the '82 budget, would amount to

1 32 people.

2 I sent you down comments in regards to each of the
3 offices in its entirety, and it probably would be appropriate at
4 this time for those offices that did request increase to have the
5 office director merely give you a very succinct discussion of
6 what his problem is and why he feels the increase is necessary.

7 I would add only, at this point in time, that in most
8 cases these resources have been requested in the past and, in
9 fact, a substantial number of them approved by OMB under the
10 Carter Administration, and then were, in effect, taken away from
11 us in the March budget, in the sense that they reduced our total
12 from 3,396 in the agency back to 3,325 full time equivalents or
13 and end strength of 3,350, or a reduction of 46 spaces.

14 COMMISSIONER AHEARNE: But as I think you point out,
15 Len, it wasn't that the new administration took these particular
16 spaces away. It was the new administration reduced the total
17 ceiling and that the Commission internally, then, allocated it.
18 I am just trying to make it clear, it was not the administration
19 which cut, for example, say, -- did not say, for example, okay,
20 OGC, you can't have these.

21 MR. BARRY: Yes. But I think also we should make it
22 clear that these positions were positions that we did not already
23 have authorized and approved by the Congress and on board. These
24 were positions that we were asking for that were subsequently
25 not granted.

1 CHAIRMAN PALLADINO: But we could have made readjust-
2 ments.

3 MR. BARRY: Yes. But, of course, you could do that at
4 any time within a given year with whatever you are authorized,
5 yes.

6 Another way of putting it, I think, in a proper
7 perspective, is that these offices had not had these people
8 available and then lost them; they had never had them. That is
9 a little different. It is like the old argument of cost
10 reduction versus cost avoidance, you know.

11 Mr. Cummings asked, because of a conflicting schedule
12 he has, if he could make his case first, in order to allow him
13 to leave.

14 MR. CUMMINGS: I previously passed out to you a fact
15 sheet here on the '82 budget, and I guess the bottom line of
16 our perspective of the budget is one that says that when you
17 look at the '82 budget, and I will be as brief as I can, we had
18 requested 39 and the Commission approved 33; the OMB had marked
19 32 on the 3396 budget.

20 When the budget was then reduced to 3325, the EDO
21 marked that down to 26 and the Commission restored one position
22 to 27.

23 So, the bottom line for us is that where the agency
24 takes a reduction of 71 positions, or approximately 2 percent,
25 to 3396; OIA takes a 7 percent of the total agency cut,

1 although we represent less than 1 percent of the agency
2 population.

3 What that comes down to us in '82 is that we take a
4 5 position cut, which is 15 percent, or basically 7 times what
5 the agency has been asked to cut. So, our bottom line is one
6 that says that we recognize everybody has got to take a cut, but
7 we feel the cut should be somewhat proportional.

8 CHAIRMAN PALLADINO: Is this truly a cut, or is his
9 again people you didn't have?

10 MR. CUMMINGS: This would be a cut over what the
11 Commission and the OMB has marked.

12 I would like to make a couple of other brief comments.
13 One is that the agency growth from '76 to '81 is some 45 percent.
14 Our growth over the same period of time is about 8 percent.

15 Number two, when the '82 budget went into the OMB, with
16 regard to prioritization, we received the number two prioritiza-
17 tion with the PDA submission. It is curious that when cut time
18 comes that we also seem to receive the same priority that we had
19 going in asking for people. And I guess from my point of view,
20 my perspective is one that says that it seems to me that it is
21 clearly not in the interest of the comptroller and the EDO to
22 increase OIA manpower ceilings, and I guess our bottom line is
23 we feel that we should have at least restoration of the four,
24 the audit positions, and we feel that tha a proportional
25 cut.

1 CHAIRMAN PALLADINO: Can I ask Len a question just to
2 make sure I am following. I am looking at OIA under '83. You
3 have within guidance 27; then you have 9 over guidance; total 36.
4 Is the proposal that we go with 36, or is it that we go with 27?

5 MR. BARRY: Within the guidance ---

6 COMMISSIONER AHEARNE: Whose guidance?

7 MR. BARRY: My guidance. It really wasn't guidance.
8 Really what it was, we used the same headers on this chart that
9 we did on the EDO's mark-up. What it really should have said
10 was the '82 baseline. If you look back, you can see what it
11 really says is that we permitted no one an increase in personnel
12 in our guidance to the EDO offices, and I followed the same suit
13 in the Commission offices. No one was permitted an increase of
14 people without coming in and telling us why.

15 CHAIRMAN PALLADINO: Let me ask you further why I asked
16 the question. In your opening remarks you said we were going up
17 in the budget from 1.5 to 1.9, and the 1.9 is under the column
18 "total", and then you refer to 1.9 instead of 1.7, which is
19 under "within guidance", and I was a bit confused which one are
20 we ---

21 MR. BARRY: The 1.7, as example, would have only
22 recognized inflation, which was within guidance, and then in the
23 total we marked it at 1.9 for the reason that I offered later.

24 CHAIRMAN PALLADINO: So, one time we switched to the
25 total column.

1 MR. BARRY: That is right, and one time we didn't.

2 CHAIRMAN PALLADINO: Okay. And you will keep us
3 straight as to when you are doing that?

4 MR. BARRY: Right. In the case of dollars, we felt that
5 the 1.9 is justifiable. In the case of people, I made no judg-
6 ment on whether you should or should not, other than what I have
7 offered in my comments on the sheet in front of you.

8 CHAIRMAN PALLADINO: Now, so far as OIA manpower or
9 person power, is the level 27 at the present time?

10 MR. CUMMINGS: Right.

11 CHAIRMAN PALLADINO: And the proposal is to keep you
12 at 27?

13 MR. BARRY: No, that is not my proposal.

14 CHAIRMAN PALLADINO: That is what is shown on this
15 sheet?

16 MR. BARRY: Yes. You won't see any increase for
17 anyone on the summary sheet, and as close as I come to a
18 proposal are the comments I have offered to you; and in the case
19 of the auditor, as you can see, I simply told you that they had
20 been approved in the past and then were taken out as a result of
21 the total reduction that we received, and that in the budget
22 submission that I received from Jim, I could not discern any
23 impact of any consequence by not increasing the amount -- that
24 doesn't meant there isn't, it is just I have simply said that
25 what he sent over didn't show me any impact, and that is the

1 reason he is here today.

2 CHAIRMAN PALLADINO: Your request is to restore at
3 least four of these?

4 MR. CUMMINGS: We really need the four audit positions.
5 We don't need anything in the investigative area for the time
6 being. We can get along fine. But I think we do need the four
7 positions in the audit.

8 CHAIRMAN PALLADINO: Any questions by any of the
9 Commissioners?

10 (No response.)

11 MR. BARRY: Mr. Chairman, I might add at this point,
12 the reason this seems a little bit like fine line walking is
13 that because the Commission offices do work, in fact, for you
14 gentlemen and do not work for the EDO, and I, in fact, then work
15 for the EDO, I have to offer what comments I can and yet not be
16 making a particular recommendation unless I see something that
17 maybe someone else doesn't.

18 So, my bottom line on people in terms of just being,
19 I guess, the closest guy to OMB in the sense of working with
20 them more, is that overhead office people, as most of us know,
21 are far more difficult to obtain than the line offices, and you
22 really have to have yourself a pretty hard case to get overhead
23 people.

24 COMMISSIONER AHEARNE: OMB did, at the examiner
25 level, approve 32.

1 MR. BARRY: Yes, they did, in fact.

2 MR. CUMMINGS: But I think the OMB in '81, when our
3 request went over, came back to the Commission and said that the
4 reason that we didn't support your mark for '81 was because you
5 didn't it high enough priority, and we are encouraging you to give
6 it a higher priority, which the Commission and EDO did in '82.
7 I am sure that was the main reason why, in fact, it was sustained
8 by OMB.

9 CHAIRMAN PALLADINO: Okay. Thank you very much.

10 Where would you like to go next?

11 MR. BARRY: In OPE, I think I will just follow down
12 through my comments so that we can have some sequential order
13 now.

14 Let me go back to the preceding page, if you will,
15 ACRS. I think we ought to hear, then from Ray Fraley next on
16 that one.

17 On this one, I did more than subtly make a
18 suggestion that you might want to consider, too.

19 MR. FRALEY: Well, last year we requested 10 additional
20 slots on the ACRS office, partly to take care of the predicted
21 workload and partly to improve the quality of staff support, the
22 committee that recommended that they wanted to reorganize the
23 staff on a more generic basis to strengthen the staff consistent
24 with the Rogovin and Kemeny reports.

25 But the Commission did not support that. They endorsed

1 three positions, instead of the then, and now that has been cut
2 down to one by the budgeting process.

3 CHAIRMAN PALLADINO: Can I follow that, Ray? Are you
4 saying in '81 you had 39, you were raised to 42 in '82?

5 MR. FRALEY: Yes, that is right.

6 CHAIRMAN PALLADINO: And now you said you were cut one?
7 I mean for proposed '83.

8 COMMISSIONER AHEARNE: No. The budget went in at 42,
9 and then the recent reduction, the reallocation of those cuts,
10 have taken it down to 40, which is just an increase of one.

11 CHAIRMAN PALLADINO: Okay.

12 MR. FRALEY: We assume, therefore, that the Commission
13 was not really all that interested in improving the quality of
14 the ACRS staff, and so this year we are looking forward to some
15 big bonuses this year when the SES evaluation is made.

16 COMMISSIONER AHEARNE: I thought the ACRS members
17 aren't eligible?

18 MR. FRALEY: I know. I wasn't thinking of that.

19 So, what we did this year, we took a look at the
20 workload estimate and we multiplied it by the established
21 work rates, and it came out to 47.

22 Now, the comptroller uses a different model. He has a
23 model that he uses which only takes into account the licensing
24 workload, the OL's, the CP's, et cetera, and that is only about
25 half of the committee's workload. There are still the three RSR

1 reports; there are about 20 special reports, requests from
2 Congress.

3 We talked to each of the line offices ---

4 COMMISSIONER GILINSKY: Why do you say three RSR
5 reports?

6 MR. FRALEY: Well, we have the one to the Commission on
7 the budget, the one to the Congress on the program, and then the
8 long range research program plan. I don't know if you plan to
9 update that every year or not, but we assumed you would. So,
10 those are the three. Now, they are not all completely
11 independent, but they do take about 20 subcommittee meetings in
12 order to generate those three reports.

13 COMMISSIONER GILINSKY: You are really raising the
14 question of how much the committee ought to be doing.

15 MR. FRALEY: Well, I think that is a problem. If the
16 Commission wants to cut back the workload somehow, then we would
17 have to adjust our estimates.

18 COMMISSIONER GILINSKY: Just to pursue the point, since
19 Joe Hendrie isn't here, and this is one of the things that we
20 agreed on, I feel obligated to raise it.

21 Is the question whether we look to the ACRS members
22 principally as experts in their field, and we are looking to
23 their expertise backed up to some extent with assistance, but
24 nevertheless principally looking to the expertise of the
25 individual members, or whether we look to them to be managers of

1 a larger staff which, you know, then does a whole lot of things?

2 MR. FRALEY: We are still looking to the expertise of
3 the members, certainly. They are the people who make the final
4 committee decisions and recommendations and conclusions. But they
5 do need in-house staff support to look at the record, to keep
6 track of what is happening in the research program, to do some
7 back of the envelope calculations for them, to research licensing,
8 event reports, and that sort of thing. They really do need some
9 staff support in order to help them do their job.

10 COMMISSIONER GILINSKY: Well, they do have staff
11 support, and we are talking about the level here, and we have an
12 ex-chairman and chairman here who have a little more experience
13 on this than I have.

14 But it seems to me that when you start expanding the
15 staff of the ACRS to the point where the individual members
16 really are dealing with things that have been worked out by
17 others, you are really not getting your money's worth; you are
18 not getting what it is that you were looking to these experts for,
19 which is their individual attention on the problems that come
20 before them, and that is why we look to them.

21 They are the wise men of nuclear safety.

22 MR. FRALEY: Well, to be sure, but let me cite an
23 example. We had three projects coming up for operating licenses
24 at our August meeting. One of the members called and said he
25 was concerned about the operating organization for one of these

1 units. It didn't look to him like they had enough nuclear
2 expertise in the organization and enough exposure to nuclear
3 plants.

4 So, he called -- I think it was yesterday -- and asked
5 us to compare the three plants and compare them to the recent
6 review that the committee did on TMI-1, where there was a major
7 upgrading of the management and operational staff.

8 Now, that one member could come to the meeting express-
9 ing concern and I am not quite sure how we would deal with it in
10 a three day meeting. But it seems to me it is much better for us
11 to look into it and say, yes, they are equivalent, or they aren't
12 equivalent, or here is where they are weak or here is where they
13 are strong.

14 He had, you know, reviewed the documents enough to
15 know that he had some concerns about the competence of the
16 operating organization, but he needed a little staff work to see
17 if they were really well founded or not, and asked us to do it,
18 and we are in the process of doing that now. And we are getting
19 more and more requests of this nature.

20 COMMISSIONER GILINSKY: Well, I don't want to pursue
21 the point.

22 CHAIRMAN PALLADINO: I want to ask Ray related
23 questions, such as, are there more meetings? Have you gone up
24 in the number of meetings, so that the staff involvement in the
25 meetings has gone up?

1 MR. FRALEY: The number of meetings has gone up.

2 CHAIRMAN PALLADINO: In this proportion?

3 MR. FRALEY: For example, in FY80 we had 92 subcommittee
4 meetings, in FY81 we had 112. We are expecting that it will hold
5 probably about 112 for '82 or '83, on that order. The previous
6 year, '79, we had 74. So, the number of subcommittee meetings
7 has gone up. The number of days devoted to ACRS activities has
8 gone up. I think the average member is now devoting something --
9 I have got those figures here -- but something like 125 days a
10 year to ACRS activities. We have actually converted four
11 members to full time employees for purposes of conflict of
12 interest because they are consistently devoting more than 130
13 days to ACRS activities.

14 Yes, the average -- the last count was 123 days for
15 the average member.

16 COMMISSIONER GILINSKY: The staff level that you
17 mentioned was what, 40?

18 MR. FRALEY: That is with 39, with a staff of 39.

19 COMMISSIONER GILINSKY: Does that include the ACRS
20 fellows?

21 MR. FRALEY: No. The fellows are not included in
22 that because they don't participate directly -- I mean, we do
23 have three of the fellows assigned to support this activity
24 directly, the workload that I have been talking about.

25 COMMISSIONER GILINSKY: How many fellows are there?

1 MR. FRALEY: Right now we have 9 fellows aboard.

2 COMMISSIONER GILINSKY: How many are you allowed to
3 have?

4 MR. FRALEY: We are allowed to have 15. We have four
5 more that are coming in either later this year or early next
6 year. Since it is a rolling program, they are always coming in
7 and leaving.

8 COMMISSIONER GILINSKY: But in terms of assistance, you
9 are then talking about 55.

10 MR. FRALEY: Again, you cannot count the fellows one
11 for one. I think I have tried to make that point in previous
12 sessions.

13 CHAIRMAN PALLADINO: But they still are input.

14 MR. FRALEY: Yes, they are an important source of
15 assistance, right, and we do use them for some of the research
16 work and, I will call it, back-up, the envelope calculations that
17 the committee wants us to do.

18 CHAIRMAN PALLADINO: Ray, can I just follow up on my
19 previous question. You said at the present time the average
20 member spends 123 days. What was it last year?

21 MR. FRALEY: Well, I am not ---

22 CHAIRMAN PALLADINO: Has it gone up significantly?

23 MR. FRALEY: It has gone up. It was running about
24 110. I am not sure exactly whether that was last year or the
25 previous year, but it has gone up significantly over the past,

1 I would say, two years. I am not sure I have got the numbers. I
2 can get them for you.

3 CHAIRMAN PALLADINO: I was just curious. It is one
4 measure of the activity of the committee.

5 Do you have any questions, John? Do you have any more,
6 Vic?

7 (No response.)

8 MR. FRALEY: Do you want me to address the travel
9 funds, or isn't that a problem?

10 We have requested \$475,000 in travel funds versus the
11 EDO guidance of 390, and we are actually spending 360 this year.
12 So, 390 won't even take care of inflation. I really do think we
13 need the 475, and that again is based on, you know, multiplying
14 the estimated workload.

15 MR. BARRY: We approved it. That is what I said
16 earlier.

17 CHAIRMAN PALLADINO: He has approved. You will have
18 to wait and see.

19 MR. BARRY: Yes, we recommended it.

20 COMMISSIONER AHEARNE: And as you know from the past,
21 Ray, that is a convenient place for us to find monies when our
22 travel funds are tight.

23 MR. BARRY: That is the reason why I always like to
24 approve theirs, because someone can use it for Denton when he
25 needs it.

1 CHAIRMAN PALLADINO: Okay. Thank you very much.

2 MR. BARRY: The next, Mr. Chairman, would be the
3 licensing board panels. Their request of 46 would remain the
4 same. You would recall that we just recently increased them by
5 ten positions as a result of the licensing recovery activity.

6 So, they, I think, should be in good shape through
7 '83, and then in '84, as the casework begins to decline, they
8 might find themselves with more than they need, and as I have
9 indicated in my comments, they might think then about reducing
10 their part time members first, before they reduce the full time
11 members.

12 COMMISSIONER AHEARNE: How do we count part time
13 members? Do they come into this question of full time
14 employment?

15 MR. BARRY: Yes. They would come in, I guess, the
16 full time, as consultants.

17 Ed, do you know offhand on the part time members on
18 the board, are they a part of the 123?

19 MR. TRINER: They are included in the full time.
20 equivalents.

21 MR. BARRY: Full time equivalents, on an FTE basis,
22 yes, sir.

23 COMMISSIONER AHEARNE: Do we end up counting them into
24 the full time?

25 MR. BARRY: Right.

1 CHAIRMAN PALLADINO: Are they counted in in the 46
2 shown here?

3 MR. BARRY: No. The part time members would be counted
4 in in what we call other than full time, in which we have an
5 authorization in '82 from OMB for 123 full time equivalents.

6 CHAIRMAN PALLADINO: And what was your answer, is this
7 counted in the 123?

8 MR. BARRY: The part time members of the licensing
9 board panels are counted in that 123.

10 CHAIRMAN PALLADINO: And are the 123 counted in what
11 we call the staff years?

12 MR. BARRY: No, sir, they are not. They are outside
13 of that.

14 CHAIRMAN PALLADINO: The question I had, do the boards
15 and panels have sufficient resources to meet the licensing
16 schedule for the operating plant? Is this the implication?

17 MR. LAZO: Mr. Chairman, I believe we do. As Mr. Barry
18 mentioned, we have recently increased our staffing by ten
19 positions. We have four new administrative judges, four
20 secretaries, and two law clerks who will be coming on the end
21 of August.

22 It is possible that we might be asking for authoriza-
23 tion to hire some more part time people. But as far as our
24 full time positions are concerned, we think we can meet the
25 requirements of the office and handle these proceedings on an

1 expedited basis.

2 COMMISSIONER GILINSKY: Have all those positions been
3 filled?

4 MR. LAZO: Yes. There are before the Commissioners now
5 the nominations from the two screening committees.

6 COMMISSIONER GILINSKY: I see. So, you have a
7 sufficient number of candidates to fill the positions which you
8 have been allocated?

9 MR. LAZO: Yes. We have two technical positions vacant
10 that have been authorized, and the screening committees have
11 sent the nominations to the Commission, and there are two legal
12 positions and we also have selected those nominees.

13 CHAIRMAN PALLADINO: Are we consistent in our
14 assumptions when you say yes, you believe you can handle the
15 workload, is this on the assumption of the 11 month duration of
16 our hearing process?

17 MR. LAZO: Yes, sir.

18 CHAIRMAN PALLADINO: Now, what is the impact if the
19 contested cases can't be resolved in the 11 month period? Does
20 that change the situation appreciably?

21 MR. LAZO: Well, we have to make projections now for
22 those cases, and as I said, we feel confident that we can handle
23 them with this staffing.

24 CHAIRMAN PALLADINO: Okay. Thank you.

25 Any questions?

1 MR. BARRY: On the licensing and appeals panel, the
2 office director's request was to remain unchanged, and there was
3 not any additional people.

4 I haven't heard anything from any of the Commissioners
5 saying they wanted more people, on the next one.

6 COMMISSIONER AHEARNE: Did Alan have anything he wanted
7 to say?

8 MR. ROSENTHAL: Our figure, as Mr. Barry indicates,
9 remains constant, we might say, not increased at all, the level
10 on the appeal panel since 1977, at which time we went from one
11 to two law clerks, and there is a calculated risk obviously
12 involved here. But I can't any more than anyone else produce a
13 clear crystal ball. I am reasonably persuaded that, as best as
14 I can forecast the future, that we can discharge our functions
15 with the present level and I do not make any request fo. an
16 increase.

17 CHAIRMAN PALLADINO: Okay. Are you going on to the
18 Commission office?

19 MR. BARRY: Yes, sir.

20 COMMISSIONER BRADFORD: Can I ask you a question? When
21 you say 31, does that include the Commissioners themselves?

22 MR. BARRY: Yes, sir. That is the total of 5 in each
23 Commissioner's office, including himself and 6 in the Chairman's
24 office.

25 COMMISSIONER AHEARNE: And the appropriations

1 committees may have some influence on these numbers.

2 CHAIRMAN PALLADINO: Any comment or question on the
3 Commission offices?

4 (No response.)

5 All right, can we go on?

6 MR. BARRY: In the secretariat, Mr. Chilk has requested
7 really not an additional, but a reinstatement of one that he lost,
8 for a floating secretary. He, like several other offices, as a
9 result of the reallocation of spaces this year, '81, for
10 licensing, lost a space, and Sam would like to have it back in
11 the '83 budget.

12 Sam, I think you wanted to make a comment on that.

13 MR. CHILK: I think those of you that have been here,
14 it is a program that I think has been very useful, it provides
15 a person readily available to all your offices to move in there
16 as required.

17 COMMISSIONER AHEARNE: The question would be, this
18 says the position is for the docketing and service office.

19 MR. CHILK: Len and I talked about that earlier. We
20 had a disconnect on that.

21 COMMISSIONER GILINSKY: Len, could I take you back to
22 the Commission offices?

23 MR. BARRY: Yes, sir.

24 COMMISSIONER GILINSKY: If one of us employs a
25 consultant, where does that money come out of?

1 MR. BARRY: That would come under other than full time
2 permanents. In other words, again, that would come out of the
3 123 other than full time equivalents that we are permitted. And
4 what we have to do is simply manage that over the course of a
5 year to ensure that we don't exceed the total of 123 staff
6 years, which is comprised of ---

7 COMMISSIONER GILINSKY: This is for the agency as a
8 whole?

9 MR. BARRY: This is for the agency in total, which is
10 comprised of consultants, such as the one you would want to hire,
11 part time people.

12 COMMISSIONER AHEARNE: Do ACRS consultants come under
13 that, too?

14 MR. BARRY: The ACRS consultants would come under that
15 if they want to hire any consultant.

16 COMMISSIONER GILINSKY: If a Commissioner, as I have
17 done in a couple of cases, let's a small contract, where does
18 that money come from?

19 MR. BARRY: That comes under program support. That
20 does not come under consultant and charged against that limit of
21 123 manyears, staff years. That would come under program
22 support limitations, as long as there is a purchase order or a
23 contract.

24 COMMISSIONER BRADFORD: Where does the IAEA designee
25 show up on the line?

1 MR. BARRY: He was, he is on this piece of paper in the
2 Office of the Commission. You see that item in your office that
3 says program support, \$75,000, that is him.

4 COMMISSIONER BRADFORD: But if that is him, then where
5 does the consultant support money come from?

6 MR. BARRY: You don't have any reflected under your
7 account. It is all in the secretariat. However, if you look at
8 '83, we are putting \$100,000 in there for the Commissioners. It
9 is really an accounting arrangement, rather than ---

10 COMMISSIONER GILINSKY: Why is the IAEA person carried
11 there?

12 MR. BARRY: As of our conversation the other day, he
13 is out. The reason we put him there was because it was a
14 Commission decision, you know, to assign him over there.

15 COMMISSIONER GILINSKY: Where did you put him?

16 MR. BARRY: Well, I can carry him under international
17 programs, as an example. It is a dollar amount. I will just
18 put that 75,000 under international programs.

19 COMMISSIONER AHEARNE: So, the number then will be
20 100,000 instead of 175,000?

21 MR. BARRY: In '83, it would be 100,000, which would
22 be, in fact, program support money for you gentlemen to place
23 contracts out for studies or whatever you need.

24 CHAIRMAN PALLADINO: So, you are saying we didn't have
25 any basically up until now?

1 MR. BARRY: You did, but I had it over in Sam's pot of
2 money.

3 CHAIRMAN PALLADINO: I noticed you reduced the travel
4 for the Commission. Do I read this correctly, from 110 to 100,000?

5 MR. BARRY: Yes. That is because you haven't been using
6 that much.

7 CHAIRMAN PALLADINO: Well, maybe with five
8 Commissioners we might.

9 MR. BARRY: You might, yes, sir. That was the only
10 reason. It was just that you hadn't been using that much money.

11 CHAIRMAN PALLADINO: Okay. Now, with regard to the
12 secretariat, you did not add the floating position in this
13 proposal?

14 MR. BARRY: Yes, I recommended that. The words were
15 different, because in the documentation received we thought it
16 was for a combination of that and this other function, but it
17 evidently was strictly for the floating secretary.

18 CHAIRMAN PALLADINO: But the table doesn't show an
19 increase?

20 MR. BARRY: No, we have shown no increase in the
21 table. The only increase that we recommended was one for the
22 secretary, and then I suggested you might want to consider two
23 for the ACRS, and the rest of them I kind of left up to you
24 gentlemen, based on your judgment. I might make some suggestions
25 at mark-up time, but other than that, no.

1 CHAIRMAN PALLADINO: Okay, where do you want to go
2 next?

3 MR. BARRY: We have already done the auditor, and so the
4 next one is the Office of Policy Evaluation. My only comment on
5 that is that Dennis did not request an increase in people. You
6 had 18 people sustained for some time, and my only comment there
7 was that the budget submission I received was simply a level of
8 effort, and maybe once a year you ought to take a look at that
9 to see whether the level of effort is what you want, as it is
10 18 people.

11 Dennis.

12 MR. RATHBUN: We haven't, as you know, asked for more
13 people. As you know, we have picked up at least one major
14 responsibility in the past several months in these sort of called
15 Appendix B reviews. We looked at FY83 and the number of
16 contested cases, which is around 14, in comparison to around 13
17 in FY82. In the paper that we sent to the Commission, I guess,
18 a couple of months ago, we estimated around 2, we think maybe 3,
19 staff years would be about right in that.

20 We may need, as people come and go, to add another
21 technically oriented person within the office, but within that
22 ceiling there.

23 The waste confidence proceeding and also the safety
24 goal has been a major activity within the past year and an
25 example of the types of studies that have been requested by the

1 Commission.

2 Of course, I wouldn't say that that would only be
3 illustrative of the type of thing that we might be involved in
4 in FY83.

5 CHAIRMAN PALLADINO: Basically, you are saying you have
6 enough people to do the work that you believe we are going to
7 request?

8 MR. RATHBUN: Yes, sir.

9 CHAIRMAN PALLADINO: I notice the proposal is to cut
10 you down on travel. Is that something that causes you a problem,
11 if I read this correctly?

12 MR. BARRY: Again, I believe it was because they just
13 simply had not been using as much travel as we had previously in
14 the program.

15 MR. RATHBUN: We have underspent there.

16 CHAIRMAN PALLADINO: Any other questions?

17 (No response.)

18 Okay, do you want to go on?

19 MR. BARRY: The next one is the Office of General
20 Counsel.

21 Len has requested an additional 10 positions. He did
22 request additional positions in '82, as you can see on the
23 chart, and they were approved. The number of positions that you
24 submitted to the OMB, OMB did approve a level of 27 under the
25 Carter Administration, and then again, similar to the auditor,

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1 we lost all of the gain and Len then had to go back to 25 in
2 terms of anticipated '82 strength.

3 I think last year, at least for the two, we had a
4 pretty substantial case, and I think that is the reason that OMB
5 supported it.

6 MR. BICKWIT: The present number of people in OGC, in
7 my view, is inadequate, and this is the position that we have
8 been taking over the last three years, including this one.

9 So that we are not saying that the workload is going
10 to increase substantially in '83. We are saying that presently
11 additional people are needed within the office to do the kind of
12 job that we feel is necessary to be done.

13 In fact, there will be some increase in workload in
14 '83 stemming from increased numbers of Appendix B reviews, an
15 expanded monitoring program, if the Commission chooses to support
16 such a program, and the continuation of the trend of increased
17 litigation.

18 So that I would say, using rough numbers, that
19 presently what the office needs is something in the very low
20 30's in terms of personnel, and by '83 we need 34 or 35 people.

21 CHAIRMAN PALLADINO: What is the consequence of the
22 inadequacy that you have had?

23 MR. BICKWIT: The basic consequence is that
24 Commissioner requests do not get answered in as timely a
25 fashion as I would like to see them answered.

1 CHAIRMAN PALLADINO: Have you had Commissioner
2 criticism?

3 MR. BICKWIT: It comes, it is spotty. We dance around
4 in order to avoid as much of it as possible, and every now and
5 then we make a miscalculation and we catch it. But the way we
6 have been operating is that kind of dancing which I really think
7 is not an appropriate way for an office to function.

8 COMMISSIONER BRADFORD: Isn't it also that you have
9 had some sort of long range items? It seems to me there was a
10 major legal issues paper that came up a year or year and a half
11 ago, a number of which just don't get undertaken in this kind of
12 a climate.

13 COMMISSIONER AHEARNE: But on that particular issue
14 there wasn't uniform concensus on the Commission that that would
15 be undertaken.

16 COMMISSIONER BRADFORD: Well, not all of them, but
17 there were certainly never instructions that came out not to
18 undertake, I think, any of them, and there were some that I
19 think would generally have been perceived as good ideas but which
20 you just weren't able to push. I don't know which one you have
21 in mind, John.

22 COMMISSIONER AHEARNE: Just the whole package which
23 was a very ambitious legal research program, I don't recall us
24 concluding that given the other responsibilities OGC had that
25 we could really see that that would be a wise resource

1 allocation.

2 MR. BICKWIT: Well, we have allocated very few resources
3 to it, and I think that would continue. I think that program
4 could be accommodated with these numbers.

5 COMMISSIONER GILINSKY: What about your ability to
6 follow cases?

7 MR. BICKWIT: We follow about 13 cases at this point.

8 COMMISSIONER GILINSKY: How much time is devoted to
9 that?

10 MR. BICKWIT: About one staff year.

11 COMMISSIONER GILINSKY: Altogether?

12 MR. BICKWIT: Altogether. Our feeling is that if the
13 Commission wanted to expand that program so as to double it, you
14 need an additional staff year.

15 CHAIRMAN PALLADINO: What do you mean by follow 13
16 cases?

17 MR. BICKWIT: Review all the pleadings, occasionally
18 look at the testimony included in the transcript, and report
19 periodically to the Commission as to what is going on in those
20 cases.

21 Now, that one staff year does not include what we
22 call these Appendix B reviews, which are the actions that we
23 would take to advise the Commission after the initial decision
24 is issued. It is very hard to estimate how many staff years
25 will be needed to accommodate a 14 contested case year, which

1 1983 is, but again I would estimate about one staff year.

2 COMMISSIONER AHEARNE: On the number right now of 25,
3 how many professionals do you have?

4 MR. BICKWIT: We now have 27 people on board. We are
5 over ceiling. We have 20 professionals and 7 support staff.
6 That includes the Chairman's legal assistant in the 27.

7 CHAIRMAN PALLADINO: Could I ask a naive question? If
8 we have limits or ceilings, how do we go about getting overages?
9 What if everybody went over? How do we control overages? You
10 say you have 27 versus 25 authorized, and this is more of a
11 general question than it is specific to you.

12 MR. DIRCKS: Not everyone goes over, and we are betting
13 on the fact that we will always have a number of vacancies that
14 we don't fill.

15 CHAIRMAN PALLADINO: Now, is there special permission
16 requested or granted?

17 MR. BICKWIT: Yes.

18 CHAIRMAN PALLADINO: Who?

19 MR. BICKWIT: The EDO granted us permission to stay at
20 a level in the high 20's based on our prediction that there
21 would be attrition, and that prediction appears to be a valid
22 one.

23 MR. BARRY: In '81, which we are still in, if you went
24 over ceiling, you are only concerned with going over ceiling at
25 the end of the year -- in other words, on 30 September -- and

1 generally speaking the only consequence, if you went over
2 ceiling, was you would get a nasty letter from OMB to you which
3 somebody would have to answer.

4 As we go into '82 and beyond with the full time
5 equivalents, which in effect is staff years, I would have a
6 problem if we went over, actually exceeded the number of full
7 time equivalents because I would have a hard time financing it.
8 In other words, we are going to be budgeted very carefully by
9 OMB against full time equivalents, and if we were to really max,
10 with our attrition rates, we hire ahead and we really maxed out,
11 if we exceeded our full time equivalents, then the chances are
12 we would exceed our budget limitation, and so fiscally I would
13 have to reprogram funds or something.

14 CHAIRMAN PALLADINO: I was interested where the
15 control is, how do we decide whether we go over or not. Okay.

16 MR. BARRY: I might add on Len's dilemma that
17 Commissioner Ahearne asked the same question back last spring
18 about the impacts of staying within ceiling, and Len did
19 prepare, I thought, a very nice letter and it was provided to
20 all the Commissioners dated in April and that might help you
21 in your deliberations. As I say, Commissioner Ahearne had
22 asked the same question about impact back in the spring.

23 CHAIRMAN PALLADINO: Okay. We will consider this.

24 MR. BARRY: The next one, sir, is the Office of
25 Public Affairs. Joe Fouchard is asking for the same number of

1 positions that he asked for last year, which was an increase of
2 5 over '81; two of those positions were to round out our
3 regional public affairs staff to two per region, and the other
4 three were to initiate the consumer affairs program. I think
5 Commissioner Ahearne can give you a pretty good dissertation on
6 that.

7 CHAIRMAN PALLADINO: What is the consumer affairs?

8 MR. BARRY: Let's see if Joe knows.

9 MR. FOUCHARD: What is consumer affairs?

10 CHAIRMAN PALLADINO: No. What does consumer affairs
11 involve in the CPA?

12 MR. FOUCHARD: Yes. The consumer affairs program was
13 initiated by the Commission to provide an outreach program to
14 organizations and individuals who we had not been in very good
15 communication with up to that point. It involves a detail of
16 two professionals and one secretarial position, which is in
17 existence today.

18 It has been in operation for a little less than a
19 year. Up to this point we have arranged meetings with the
20 Commission with a number of organizations representing, I think,
21 a wide variety of views with respect to nuclear power, very wide,
22 from one pole to the other.

23 We have arranged meetings with the staff with
24 interested groups. For example, there was one group in
25 Philadelphia which wanted to come in and talk a little bit about

1 Limmerick. It didn't know where to turn. We helped them find
2 out where to go.

3 Those are the kinds of activities. We have been trying
4 to assist the staff in its preparation for public meetings. We
5 will frequently send four, five or six people out to a public
6 meeting on individual matters, and it is not quite clear
7 sometimes what they want to achieve when they get there. We
8 have been trying to at least help them.

9 I think thus far it has been a useful program. It is
10 one which the Commission will have to decide whether it wants
11 to devote three positions to. In my view, it would be a
12 serious mistake to abandon the program.

13 One footnote to Mr. Barry's description, Len, we are
14 not asking for an addition of five positions; we are asking for
15 the same number of positions which the Commission authorized us
16 in the previous budget.

17 All I am asking, in the public affairs area, from you
18 gentlemen today is to give me back the positions you took away
19 from me, which is two.

20 COMMISSIONER BRADFORD: When did we take them away from
21 you?

22 MR. FOUCHARD: In the licensing crunch, sir.

23 COMMISSIONER BRADFORD: They were taken away from you?

24 MR. FOUCHARD: Yes, indeed. I am not asking for
25 anything more, just give me back what you took away.

1 COMMISSIONER BRADFORD: Those must have been empty
2 positions.

3 MR. FOUCHARD: We went into the freeze two down,
4 Mr. Bradford, that is right, yes.

5 COMMISSIONER BRADFORD: It would worry me a lot if we
6 had your people reviewing licenses.

7 MR. FOUCHARD: You tempt me, sir. But basically what
8 we are asking for is the same number of people that we asked for
9 last year. The two people that we were down in public affairs,
10 I think you have to keep in mind that when a plant goes
11 operational, the amount of work that is necessary in the public
12 affairs area on that particular plant increases.

13 Just to remind you, in three of the regions, Regions
14 I, II and III, we have two public affairs people. The addition
15 of the second person was as a result of Three Mile Island and
16 your cooperation with me when I cried help. The other two
17 regions, IV and V, have one person.

18 As we look ahead, and I am not asking for any more
19 people, I am just saying, as we look ahead you are going to get
20 more and more operating plants in Regions IV and V over the next
21 few years, and one person is not going to be enough in those
22 regions, in my judgment. But all I ask for now is, give me back
23 what you stole from me.

24 CHAIRMAN PALLADINO: Joe, I am having trouble getting
25 the reference point. In fiscal year '81 you have 16.

1 MR. FOUCHARD: Eighteen, sir. My ceiling was reduced
2 to 16 as a result of the licensing crunch. I had 18 people on
3 board. I don't now.

4 COMMISSIONER BRADFORD: You had to get rid of two?

5 MR. FOUCHARD: No, sir. The jobs were vacant as we
6 went into the President's freeze. That is what happened.

7 CHAIRMAN PALLADINO: So, you started with 18, and now
8 you went down to 16. Where does the reduction of 5 come in? You
9 say you asked for 21, you want to be restored to 21, but I don't
10 see where 21 is a reference point.

11 MR. FOUCHARD: All right. The Commission in its
12 current budget request, my ceiling was 18 for public affairs
13 plus 3 for consumer affairs, a total of 21.

14 COMMISSIONER BRADFORD: And that is the President's
15 budget FY82?

16 MR. FOUCHARD: Yes, sir.

17 CHAIRMAN PALLADINO: I see. The consumer affairs
18 were added on top of the 18.

19 MR. FOUCHARD: Yes, sir.

20 CHAIRMAN PALLADINO: Okay. That is the reference
21 point.

22 Do you have any questions?

23 (No response.)

24 Okay, thank you.

25 MR. BARRY: The last office is the Office of

1 Congressional Affairs, and they are at nine positions.

2 Mr. Kammerer has not requested additional positions. He has been
3 holding at nine for some time now.

4 I guess the bottom line there, and as a final comment,
5 is that what he lacks in quantity he makes up in size.

6 COMMISSIONER AHEARNE: You had asked for 7,000 in
7 program support, and as Len is just commenting, since last year
8 in '82 you had two, he just shows you on two. Can you use the
9 seven?

10 MR. KAMMERER: I don't believe we can. The 2,000
11 takes care of the transcripts and other purchases which we have
12 to get from the Congress, and when we do need extra money we
13 go to the secretary, who has it.

14 MR. BARRY: What we really did was to take it out of
15 here and put it in the secretary's office.

16 CHAIRMAN PALLADINO: The number of people you have had
17 has been constant and is proposed to be constant. Does your
18 workload vary with what is going on in the Commission with
19 regard to contested cases?

20 MR. KAMMERER: I guess I would just say yes to that.

21 CHAIRMAN PALLADINO: The manpower doesn't seem to go
22 up and down or maybe the Commission workload hasn't ever gone
23 down.

24 COMMISSIONER BRADFORD: My guess is at least since
25 TMI the level would have been fairly high and constant.

1 COMMISSIONER AHEARNE: The overtime is what fluctuates.

2 MR. KAMMERER: That is a good point, Commissioner. All
3 of our people do spend a considerable amount of time -- we don't
4 call it overtime, we call it getting the job done.

5 CHAIRMAN PALLADINO: Okay. Any questions?

6 (No response.)

7 Okay, thank you.

8 MR. BARRY: Sir, if you have no more questions, that
9 takes care of the Commission offices.

10 CHAIRMAN PALLADINO: Any other questions that we have
11 on the Commission offices?

12 (No response.)

13 Okay. Then not anticipating other questions, if the
14 representatives of these offices want to leave, I think it would
15 be quite appropriate. Thank you.

16 I guess now we are open t questions on other aspects
17 of the Commission's budget. My intention, unless I hear other
18 suggestions, is to ask the respective commissioners to start off
19 with their questions, and others might chime in on particular
20 points, but we will try to go through the questions of each
21 commissioner as they arise.

22 COMMISSIONER AHEARNE: Did you want to go across the
23 whole EDO, or go by division?

24 CHAIRMAN PALLADINO: I think there might be some
25 merit if we start, say, going -- I thought we would start, I was

1 going to ask Vic and then Pete, but we will start with Pete, and
2 as we pick up a particular area, we will try to pursue it so that
3 we get all the questions answered in this area.

4 COMMISSIONER BRADFORD: Okay. Let me start with this
5 set of questions that sweep across the process.

6 I am still trying to get a feel for an issue that came
7 up at the end of yesterday, and that has to do with when and
8 where the real budgeting gets done. That is, for FY83 we
9 approve something, it goes to the Congress and comes back in
10 somewhat different form.

11 Vic just started a dialogue with Bob Minogue yesterday
12 that then broadened out a little.

13 Why don't you just take the FY82 budget, just because
14 '83 is a long way off, in a few days the Congress will complete
15 work on that, is there any sweeping set of activities that then
16 takes place? Is there an EDO reallocation that takes place
17 sometime next month, and how does that work in the context of
18 what the Commission originally approved a year ago when it was
19 doing the FY82 budget?

20 MR. DIRCKS: Well, the budget process goes across the
21 whole year. We are just, as you pointed out, doing the '83
22 development now. We will be getting the congressional mark very
23 shortly. That will be contained in the appropriations bill that
24 the President will sign. That will be less than what we had
25 indicated in the '82 column of your budget books. I hope it will

1 be more than what the House committee has indicated they want to
2 give us. And what we will have to do then is to go back and
3 match up the resources we get against the demands that the
4 programs are making on those resources.

5 What we will try to do then is to cut, reallocate and
6 then come back with a suggested reprogramming of resources across
7 the agency.

8 Now, we have a set of givens to start off with and
9 that the Congress does appropriate in the program areas. We will
10 try to stretch as much as we can within those program areas, then
11 come back with suggested reprogramming actions for the
12 Commission.

13 And I think when we get into the year, as we are
14 getting into with '82, then the cost estimates become a little
15 more refined, the economies needed become more hard to put up
16 with, but the horizon is shorter and we can do better
17 allocation.

18 COMMISSIONER BRADFORD: When you do the allocating for
19 the FY82 monies, what role do the items called "planned
20 accomplishments" play in that process? I take it you have
21 built the budget originally based on planned accomplishments
22 falling into decision units and that that is all very nice and
23 orderly. But what role do those categories then play when the
24 money actually comes in?

25 MR. DIRCKS: It plays a role in the office director's

1 formulation, and he gets down into the detail of the planned
2 accomplishments, and that has escalated up to sort of the
3 general program objectives that we have enunciated to the
4 Commission.

5 When we go back into the '82 year, we will certainly
6 go back to see how we put the budget together to begin with,
7 because in proposing the '82 budget to the OMB and to the
8 Congress, we did make certain commitments. We are going to have
9 to go back and see how firm those commitments are, and then when
10 we come back to the Commission we will sort of highlight where
11 we feel as though we have made definite commitments to the
12 Commission, to the Congress and to OMB, and say, well, here is
13 an area that we just can't manage and can we slip this a year,
14 can we put this ahead of the line, and that sort of process.

15 I am not saying that we would come back with every
16 planned accomplishment in the budget.

17 COMMISSIONER BRADFORD: No. In fact, historically
18 that hasn't been the case.

19 MR. DIRCKS: We couldn't do it. But it becomes, then,
20 a little more evident what we can do and can't do at that point,
21 as we get into the actual budget year.

22 CHAIRMAN PALLADINO: Does the Commission get involved
23 in this reallocation?

24 MR. DIRCKS: Oh, yes, we have to come back and
25 rereck it up. You got a taste of it today when the Commission

1 offices were saying that we budgeted for 37, the Commission
2 approved 32, the Congress approved 30, and when the reallocation
3 came we wound up with 25 and you stole 7 from us, can we have it
4 back. I think that is part of the process that you will get into
5 in the '82. You will have to go back and come back and slice
6 some more off this already lean caucus.

7 COMMISSIONER BRADFORD: The difficulty I am having is
8 that when we approve the kinds of documentations before us now,
9 we are approving people and we are approving money. But we don't
10 seem to be approving very much by way of intended accomplishment,
11 and obviously this isn't new. But it became a more intense
12 concern over the last year, given the argument over the license
13 recovery and the resource implications that it involved.

14 I take it when you come away from the table now you
15 don't feel that the Commission has approved down to the level of
16 the planned accomplishments.

17 MR. DIRCKS: No. We use those planned accomplishments
18 not as a quid pro quo in a contract, but more of an indication
19 of what we want to achieve if we had full funding all up and
20 down the line.

21 The term "planned accomplishment", too, did come, and
22 Len can correct me, I think, as a set of terminologies that came
23 out of the zero based budgeting development.

24 When we go to OMB, I don't think they judge us up and
25 down on the planned accomplishments as much as we thought they

1 were going to do. In fact, we were never really quizzed on that.
2 And Congress, of course, doesn't even take the planned
3 accomplishments. They have us convert the budget back to the
4 old appropriation accounts.

5 So, the planned accomplishments is a good way of putting
6 it together, certainly, in the program level. The office
7 directors are able to lay out what they want to achieve, and then
8 lump those into basic program goals, and we hope those goals are
9 somewhat in accordance with the PPBG and so on.

10 We don't have the resources to track against -- the
11 ideal world would be to have an accounting system where we can
12 track resources going into those planned accomplishments and
13 track the success rate we have of meeting those planned
14 accomplishments.

15 We did try that in the decision unit tracking system.

16 COMMISSIONER BRADFORD: Is that now defunct?

17 MR. DIRCKS: It is pretty much defunct. We found that
18 we were spending a lot of time and effort and resources trying
19 to set up such a system, and in theory it looked fine, but to
20 try to do it in practice was a very difficult thing, because we
21 had to rely on almost individuals to keep account of their hours
22 to a very fine level, and then to have the accounting system
23 somehow or another pick this up and track it. It became very
24 difficult.

25 COMMISSIONER BRADFORD: Then what do we have by way of

1 a tracking system now?

2 MR. DIRCKS: What we do is pick up the major items that
3 are sort of the glaring threads that go through the program. We
4 have the action plan, which is an item that we track in a good
5 bit of detail. We have other major efforts, NRR, the equipment
6 qualification program, which is a joint IE-NRR effort, we have
7 fire protection that we are tracking, we have the licensing
8 process that we are tracking, we have the tracking system on the
9 generic issues and the tracking system on unresolved safety
10 issues.

11 COMMISSIONER BRADFORD: Let me stop you there. What is
12 the relationship between these tracking systems, if any, and the
13 planned accomplishments?

14 MR. DIRCKS: I think it is a pretty close relationship
15 in that they do lay out a set of things they want to achieve and
16 they do lay out a date by which to achieve it, and they do lay
17 out a resource level in which to achieve that goal.

18 In effect, that is, I guess what I am saying here is
19 in order to convert that back into a true planned accomplishment,
20 back in decision units and build the thing up from there, we have
21 to resort the deck, so to speak, into another set of categories.
22 But what we have taken is basic large initiatives that the
23 Commission has approved and we are able to track those.

24 We haven't gone back -- if you look in planned
25 accomplishments, say, in the waste management program, you will

1 have back in the '82 budget, you may have develop three reg
2 guides and two branch technical positions in fiscal '82;
3 achievement, we would have developed five reg guides and two
4 something else in fiscal '81.

5 Well, we just haven't gone back to see if we developed
6 three reg guides or four reg guides or two reg guides, because it
7 becomes very difficult to track those resources back in the
8 development of those reg guides.

9 COMMISSIONER BRADFORD: Do the planned accomplishments
10 then get reflected in terms of the expectations that go into the
11 personnel evaluating and reporting system? That is, does
12 somebody actually get charged with developing each one of those
13 four reg guides as part of their ---

14 MR. DIRCKS: I am not quite sure they would. Some
15 offices may and some offices may not. I think where you do sort
16 of lay out critical elements and what you want to achieve, it is
17 certainly in the senior executive service rating forms. There
18 it gets rather explicit, and it gets more explicit as you go
19 down the organizational chain. So that a section chief does
20 have a pretty explicit level of things he is supposed to
21 accomplish.

22 COMMISSIONER BRADFORD: Right. But is that based on,
23 for example, the planned accomplishments?

24 MR. DIRCKS: Broadly, yes. There are certain planned
25 things that a section chief is supposed to achieve and he is

1 guided very much by that level. As you go up, the one to one
2 relationship disappears, so that at the office director level it
3 certainly is not in there. It is basically run your program and
4 achieve certain broad goals.

5 But I don't think the budget is a contract between you
6 and me and between me and the office directors that they will go
7 down to the planned accomplishment level and achieve on a one for
8 one basis. But I do think as you get into the offices and you
9 get down into the divisions, branches and sections, you will see
10 the planned accomplishments cropping up in those evaluations.

11 COMMISSIONER BRADFORD: I really have two different
12 concerns that are getting tangled up in these questions. One
13 is what level of policy the Commission is approving when it
14 approves the budget, and it is clear that it isn't down to the
15 planned accomplishment level.

16 The other is the system by which actual accomplishments
17 are tracked and then shortfalls reported back up to us, whether,
18 for example, it is that we are running behind in the number of
19 SER's that we are preparing compared to what we are going to
20 need in order to license plants coming in, as happened last
21 year, or whether it is in the area of unresolved safety issues
22 or something else.

23 It seems to me that we lack any cohesive system that
24 reports back up to the Commission, at least-- there may be one
25 that reports to you -- at the point at which we are starting to

1 get into trouble in any of these areas.

2 I gather from what you said about the experience of
3 tracking systems that at least that is not going to be very easy.

4 MR. DIRCKS: And it shifts so much. No one thought when
5 we were putting the '82 budget together three years ago -- the
6 TMI, I guess, had just basically happened. What were
7 accomplishments going into that budget certainly got their
8 gears shifted drastically during the course of '79 and '80, and
9 then last year, when we were getting the allocation from
10 Congress, what we were doing then, the beginning of the year,
11 was again feeding into the action plan and the reforms that came
12 out of the TMI studies, so that the planned accomplishments that
13 sort of existed two or three years ago got shifted two or three
14 times since then until today.

15 So, it was difficult to set up any tracking system
16 that would account for these major shifts.

17 COMMISSIONER BRADFORD: When a planned accomplishment
18 gets changed, who approves the change?

19 MR. DIRCKS: Again, it is the level of policing. I
20 think the planned accomplishment is a real budgetary term in
21 that it is an element that you use to put together the various
22 building blocks that go into establishing a certain planning
23 figure.

24 Now, some offices can extract those planned
25 accomplishments and they can measure success or failure against

1 that rate of achievement. Other offices, I don't think will set
2 up on a scoreboard those planned accomplishments and say that I
3 have to achieve this or that during the next six month interval.
4 Some lend themselves to that, others don't.

5 COMMISSIONER BRADFORD: What is an example of an
6 office that doesn't lend itself to that?

7 MR. DIRCKS: I will go back to NMSS where I was. I
8 don't know how John Davis is doing it now, but I did not track
9 at the planned accomplishment level. Basically what I tried to
10 do is to use those planned accomplishments more as a guidance,
11 as sort of road signs to maintaining sort of a general progress
12 toward certain basic program goals.

13 COMMISSIONER BRADFORD: What level did you track at?

14 MR. DIRCKS: Oh, I tracked at, for want of a better
15 guidance at that point, we were trying to put the waste
16 regulations together, I set certain goals as to when I would like
17 to see drafts of regulations, but I didn't get down to track
18 whether, as you would find in planned accomplishments then,
19 certain reg guides were being produced.

20 COMMISSIONER BRADFORD: So that for purposes of
21 setting the goals by which you really lived, that was essentially
22 a system that was outside of the budget process, other than it
23 had to be consistent with the ---

24 MR. DIRCKS: I figured that I was given a certain level
25 of support from the Commission to develop the waste regs, and

1 how I developed those waste regs, I thought, basically was left
2 to my discretion and to the branch chiefs working for me.

3 I did not try to measure progress, say, at the reg
4 guide level or at the branch technical position level, because
5 I think there were too many changes, too many elements going into
6 this thing to get down into that detail and especially get into
7 the point of whether I would approve or whether a certain reg
8 guide would be dropped or not dropped.

9 Now, certain other offices, I think, can track better,
10 perhaps. I know Bob Minogue in the standards office did have
11 a pretty specific system because he was dealing in products that
12 he had made commitments to and would measure against his
13 objectives, and he did factor in, I think, to his evaluation of
14 his staff whether they achieved the production of a certain
15 document on a certain time schedule.

16 I think as you get into the line offices, you find
17 the situation changing and moving around so much, it is difficult
18 to outline those planned accomplishments and sort of systematically
19 measure against them. I think what you have to do is take
20 certain program -- higher than the planned accomplishments, lower
21 than the PPG, and set those as your guidance as to what you want
22 to achieve during a certain time period.

23 COMMISSIONER BRADFORD: From the Commission's point of
24 view, I myself am not a believer in the whole delay months scam
25 of last January or thereabouts, but let's take it as being real

1 for the moment. It seemed to come as a great surprise to the
2 system to discover that there were a substantial number of plants
3 that had these delay months attached to them.

4 What is it about either our system for setting
5 objectives or our system for tracking what we are actually doing
6 that allowed a surprise like that to materialize?

7 MR. DIRCKS: I think it was a combination of many
8 things. One, the agency was in a bit of a turmoil after the
9 experience at TMI and the attempt to, within limited resources,
10 carry out the reforms that everyone expected us to.

11 A second point is that, and maybe I am right or wrong
12 in this, in maintaining the licensing effort in NRR, there were
13 certain planning objectives set down as to produce an SER by a
14 certain date. I think many of those SER dates were set on the
15 basis of a hearing schedule that had existed pre-TMI.

16 I think as an attempt was made to test whether that
17 hypothesis on the hearing schedule was right or wrong, we got a
18 rude awakening that the hearing schedule had changed drastically.
19 That pushed the SER production date up much earlier into the
20 planning process, and that required a greater intensity of
21 staff years to meet those dates.

22 That is part of the explanation.

23 COMMISSIONER BRADFORD: What are the impediments to a
24 system in which we stated planned accomplishments that included
25 the issuance of particular SER's for particular plants by a

1 particular date, and that I suppose somewhere else there would be
2 a complimentary statement of planned accomplishments for the
3 hearing process? And fairly early on, if things began to go awry,
4 some kind of a signal would come back up to top management, to
5 you, to the Chairman, to the Commission, that in the area of
6 the hearing preparation things had gotten out of whack, rather
7 than have it happen as it did with regard to a bunch of plans on
8 the eve of the appropriations hearings.

9 MR. DIRCKS: Well, I think a lot of things came
10 together. I think the hearings came on about the same time as
11 we started into this awakening as to the position we were in. In
12 this budget, one of the objectives we have laid out and one of
13 the commitments, so to speak, we have made is that we would
14 maintain the SER production rate in accordance with the schedule
15 that the Commission has approved to be sent up to the Congress.

16 That, in effect, is sort of a date that we are
17 measuring ourselves against, a series of dates. But even there
18 you are going to find slippages backwards and forwards,
19 depending on some external events.

20 We have, I think, certain other major elements in this
21 budget package that reflect back or go back to the goals laid
22 out by the Commission in the PPPG document.

23 Now, this is putting together the '83 budget in
24 July of 1981. You know, that budget will start outlays going
25 in a year from October, and you know in the life of this agency

1 that is an infinity almost.

2 COMMISSIONER BRADFORD: No. I appreciate that my
3 questions and concerns really deal a lot more with FY82 than they
4 do with the FY83 budget, but it seems to me they have their
5 origins in the stating of objectives that go into the budget
6 for any particular fiscal year.

7 COMMISSIONER AHEARNE: If we were to get those
8 objectives laid out early enough, which is what policy and
9 planning does begin to do, they try to incorporate those into the
10 budget. The later we come out with those, with the Commission
11 guidance, here is where we want the budget to be focused, the
12 harder it is, then, for the budget to come back and reflect that.
13 But at least in principle that does set the budget.

14 COMMISSIONER BRADFORD: That is the first of my two
15 questions. That is, how can we make the process of setting the
16 objectives more rational?

17 The second one, tracking them, is, let's say, as I
18 have tried in the last couple of months to go down and follow
19 particular issues and understand the impact of the recovery
20 plan on other programs of importance, that has proved to be a
21 very hard job as well.

22 CHAIRMAN PALLADINO: I might make one observation
23 here. There are some things that are accountable so that you
24 can set very specific goals and then you can see whether or not
25 you have gotten to them, but there are some that I don't think

1 we want to lose, and I am not implying we don't want to follow
2 them -- for example, one might say we want to establish a safety
3 goal or a safety goal in a certain area, and that is not very
4 accountable, it may take quite a bit of effort, and so we don't
5 want to drive the system away from such a lofty goal and put
6 down, well, we are going to have three workshops in this year
7 and we are going to have this in that year.

8 So, I think we need a balance, but I do agree with you
9 that those things that are important to count, we probably ought
10 to set up some system for doing that.

11 MR. DIRCKS: I think the point I was trying to make,
12 the level of accountability gets increasingly fine as you go
13 down the chain. At the Commission level, just from the span
14 of activities you are interested in, you have got to be selective
15 in picking the limited number in which to place priority, and we
16 can track those in sort of meaningful terms. But again, '82,
17 I have to stress the thing that is confusing the picture in '82
18 is something that we had not anticipated in '82, and that is the
19 breeder question. That adds a more than \$20 million question
20 mark to a budget already stretched very tight. And there was no
21 anticipation of that in putting the '82 budget together.

22 COMMISSIONER BRADFORD: That is right. That isn't the
23 only thing that confuses the picture in '82. Even if you took
24 the breeder out of it, you would still have the recovery plan
25 and its impact on a number of other programs, and what might have

1 been called planned accomplishments.

2 Let me ask the same question a little differently, and
3 that is, when you are putting the recovery plan itself together,
4 do the planned accomplishments play a direct role in that? That
5 is, does somebody actually look at the planned accomplishments and
6 say, well, if we redraw the planned accomplishments in terms of
7 the recovery plan, that means we are not going to be able to
8 achieve these others? Or do you do that independently of the
9 list of planned accomplishments?

10 MR. DIRCKS: We did that, oh, back when we came in
11 with our suggested rearray of resources to meet the licensing
12 problem, and that was back in, I think, February. And we did
13 say that in order to meet the goals of certain SER's coming out
14 on certain dates, we would be forced to move a certain number of
15 resources over into NRR.

16 COMMISSIONER BRADFORD: I remember that in terms of
17 resources. I don't remember a listing of planned accomplishments
18 that would have to no longer be planned accomplishments.

19 COMMISSIONER AHEARNE: There was a list of areas where
20 work was going to have to be deferred.

21 MR. DIRCKS: Yes. We said that certain work would be
22 having to slip in, say, the human factors area, a certain amount
23 of work in the action plan.

24 COMMISSIONER AHEARNE: It wasn't spelled out in
25 specific terms.

1 COMMISSIONER BRADFORD: Yes. At least I couldn't get
2 which generic issues were not going to be worked on.

3 MR. DIRCKS: We had generic issues outlined as to what
4 would or would not be worked on.

5 MR. DENTON: We identified the non-accomplishments that
6 went with those people. You remember, before the recovery we
7 were working like a first, second and third on operating plants,
8 technology and case work, and it kind of shifted to a half, a
9 quarter and a quarter after the case work. But in that plan we
10 did list those things that would not be worked on at the time.
11 In our '82 budgets and '83 here they are all tied strictly to
12 accounting.

13 COMMISSIONER AHEARNE: At least my memory is that at
14 that time these were approximate areas where things would have
15 to be dropped off and approximate areas where things would have
16 to be deferred, and the exact specifics would have to be worked
17 out if the Commission approved this kind of shift of resources,
18 but I don't recall any firm final as to here is exactly A, B,
19 C, D, E, F.

20 COMMISSIONER BRADFORD: I think that is right.

21 MR. DIRCKS: I would have to go back. I did think we
22 had, if this took place the following generic issues would not
23 be worked on; if this took place, the following tasks in the
24 human factors area would not. We did identify certain areas.

CHAIRMAN PALLADINO: Where were those identified?

1 MR. DIRCKS: We had some documents that we discussed
2 with the Commission at that time.

3 CHAIRMAN PALLADINO: Can I ask a naive question just to
4 follow that? Do I gather there in the final budget you do have a
5 list of planned accomplishments for all the various budget items?

6 MR. DIRCKS: Yes.

7 CHAIRMAN PALLADINO: Then once the budget is
8 reallocated, there is a formal document whereby you say these
9 won't be done because we got caught or conversely, these will be
10 done but these others won't?

11 MR. DIRCKS: You mean in the document that we ---

12 CHAIRMAN PALLADINO: After we get back the budget.

13 MR. DIRCKS: The '82 budget?

14 CHAIRMAN PALLADINO: Yes.

15 MR. DIRCKS: I think the way it would come back is
16 to indicate that if -- we would make recommendations as to
17 a reduction of a certain program here or a certain program there.
18 We will try to list those things that will not be done if you
19 approve the cut or the movement, and we will also indicate how
20 we can achieve certain goals which we regard of high priority
21 if you approve this.

22 CHAIRMAN PALLADINO: Maybe it is not clear that that
23 is done.

24 COMMISSIONER BRADFORD: For example, when you list a
25 planned accomplishment under, say, safety technology, you may

1 list generic issues. But do you go below that and actually list
2 what it is you expect to achieve in terms of the generic issues
3 as part of the budget process? Because the documents I have
4 seen, and I may just not have looked at the right ones, state as
5 to generic issues the number of dollars and the number of people
6 who will work on them, and that is what gets approved as part of
7 the budgeting process.

8 Does it also state an expected end result as to generic
9 issues?

10 COMMISSIONER AHEARNE: As I recall in generic issues,
11 it used to say that so many of the unresolved safety issues
12 would be completed in that particular year. Now, I don't recall
13 it saying which specific ones those would be. But it would say
14 it is expected that five unresolved safety issues would be
15 completed.

16 MR. DIRCKS: It gets into that mode because again we are
17 dealing with something two years ahead.

18 MR. DENTON: In the '82 budget, for example, there is
19 no manpower allocation for generic issues, and even though we have
20 a list of generic issues, we will spend what time we can on
21 trying to prioritize those and separate them, but when we put the
22 budget together under the budget guidance and something wouldn't
23 fit, that is an area, for example, in '82 where there is no
24 allocation.

25 I guess from my standpoint, our grasp has exceeded our

1 reach occasionally in our attempt to do everything, and I think
2 what the '83 and '84 budget tries to do is to say, here is our
3 best estimate of resources it takes to make these accomplishments,
4 if we don't try to accomplish more than we really can.

5 I think sometimes we promise to eliminate all the
6 backlog, or eliminate all the generic issues, handle all the
7 USI's, license all the plants on time, and these depleted
8 resources force certain things not to get done. And I like the
9 budget idea to be tied to accomplishments, if we can hold to that.

10 My concern about future budgets is we have a great
11 tendency to unravel as the year rolls around.

12 COMMISSIONER BRADFORD: That process of unraveling,
13 at least historically, does that involve your saying, again with
14 regard to the planned accomplishments, because I can't think of
15 anything else to use as a benchmark, do you periodically go
16 through them and say, well, all right, I will now have to
17 approve not meeting these by the end of this fiscal year, or
18 does that tend more just to be the end result of to, say, a
19 decision to require the completion of a given set of SER's on a
20 particular schedule?

21 MR. DENTON: I think it depends on the magnitude of
22 the unraveling. If we deliberately decide to refocus priorities,
23 as we did in January, then we can very easily identify the
24 things that are not going to be done. There is a certain amount
25 of attrition, though, that occurs so that everyone's interest

1 shifts to new areas.

2 MR. DIRCKS: I think what happens is you tend to take
3 the resources you have and spread them over thinly everything you
4 want to achieve. What happens is that everything sort of slides
5 out from under you.

6 COMMISSIONER BRADFORD: For example, the SEP has
7 slipped for years, even certainly before the recovery plan ever
8 came into being, and certainly the Commission didn't routinely
9 get involved in approving the slips in the SEP. Each budget
10 period it would come back in and we would approve a level of
11 work that was designed to produce a set of results that then
12 it would turn out the following year hadn't been produced.

13 What I am trying to get a feel for is at what level
14 a slip like that gets approved? Let me stick with the SEP.
15 Do you, as the office director, Harold ---

16 COMMISSIONER AHEARNE: In some case, I think the SEP
17 slipped because people were -- there was a lower priority to
18 staff up, the head of it shifted many times, which puts in a
19 delay, and in some cases it was a lot more work, it took a lot
20 more effort than originally estimated, and some of the people
21 were -- that was when freezes were put on, it seemed to me, that
22 that was one of the last areas then to be staffed up. The
23 freeze was allocated to that.

24 COMMISSIONER BRADFORD: It is not that I am
25 necessarily quarreling with the end result in terms of the SEP

1 having slipped. It is that when I first came in '77, I think we
2 approved an SEP that was to be completed by '79, '80, and ---

3 MR. DENTON: You know, if our office was moved off to
4 the Yukon or someplace and the people assigned to the task were
5 not disturbed during the whole course of the year, they they
6 would reasonably be accountable for the task. But I think like
7 the inspection program, we tend to be highly reactive to
8 operating problems and research results and board decisions.

9 So, it forces a certain amount of juggling. Last year
10 we were concerned about a lack of progress on the SEP program.
11 We selected the new branch chiefs, we identified an
12 organizational structure, and I think they have been very
13 successful this past year. We are like 61 percent through all
14 the topics in the first integrated assessment on Palisades, due
15 to come out this fall.

16 So, once we decided to lock up the resources and not
17 let them be disturbed by outside events, progress was reasonably
18 on schedule. But as long as we have got one reviewer and he is
19 having to do the casework, technology and SEP, he is just pulled
20 around amongst the priorities.

21 CHAIRMAN PALLANTINO: But still, when you come in with
22 a budget, you have some feelings that maybe we are not getting.
23 For example, you a few minutes ago said there is no money in
24 the budget for resolving generic issues in '82 which took me a
25 bit by surprise.

1 MR. DIRCKS: That is why I mentioned the '82 budget
2 we just can't really get into in too much detail because we don't
3 know what it is going to be.

4 CHAIRMAN PALLADINO: Was it in there at your 500.7, was
5 that what we went in for '82?

6 MR. DIRCKS: 500 million?

7 CHAIRMAN PALLADINO: Yes. Was it in that total budget?

8 MR. BARRY: The answer is yes. It was in there last
9 August when you approved it, and what took it out of there was
10 licensing recovery. Licensing recovery did away with generic
11 issues for '82 and put them into casework. That is what has
12 happened.

13 CHAIRMAN PALLADINO: And that was done overtly by the
14 Commission?

15 COMMISSIONER BRADFORD: Was that squarely before the
16 Commission? I frankly don't remember what was in the March
17 briefing.

18 CHAIRMAN PALLADINO: I am just trying to understand
19 the budget processing.

20 MR. DIRCKS: I think this is the point we have to get
21 back to.

22 COMMISSIONER BRADFORD: The '82 budget isn't before us
23 now.

24 MR. CORNELL: We came up with a reprogramming effort
25 for FY81 in which we indicated these resources need to be

1 shifted into casework, along with that shift these issues would
2 be delayed. Some part of that was the generic issues. Now we
3 are back up with the FY82, or will be when we get an appropriation
4 mark, saying, if you want to continue with licensing recovery
5 and meet the schedules laid out in the Bevill report, you are
6 going to have to either continue these delays or shift resources
7 from somewhere else.

8 MR. BARRY: Yes. What is really happening this
9 afternoon is what we discussed at the staff meeting the other
10 day. You are now beginning to realize what has happened to
11 part of Harold's total activity they budgeted for in '82, generic
12 issues is the case, and you are really beginning to find out what
13 has happened as a result of the budget process, rather than as a
14 part of an annual reprogramming.

15 COMMISSIONER AHEARNE: Well, that wasn't the budget
16 process so much. That was the licensing recovery effort.

17 MR. BARRY: Yes. But I am saying all the budget
18 process does is now make you realize what has happened over the
19 last several months, because what you are seeing in the 83-84
20 budget is what has happened to you in '82. That is the reason
21 that safety technology thing is now down to 62 million, rather
22 than the original -- 62 people rather than 103 people, and
23 dollars are down, you see, because they are now up in casework.

24 CHAIRMAN PALLADINO: Do you want to pursue this
25 anymore?

COMMISSIONER BRADFORD: No, I don't think so.

CHAIRMAN PALLADINO: Do you want to go to other general questions, or do you want to have some of the other commissioners speak up for a while?

COMMISSIONER BRADFORD: Let me dwell on this for a moment.

CHAIRMAN PALLADINO: Vic, do you have general questions? Maybe we ought to stick to a few general questions for a while.

COMMISSIONER GILINSKY: I was going to ask about some of the programs.

CHAIRMAN PALLADINO: I wonder if I could ask a couple of general questions.

If we are forced to include breeder research funds and licensing funds within our current budget proposal, rather than obtaining additional resources for such activities, what programs would be dropped? How would we handle this general thrust to have the breeder included in all of our activities?

MR. DIRCKS: There we have the '82 program and then '83. '82, what we will have to do is to -- if we get our relief, we will have to start looking into, first of all, the research program, because if we are forced to accept the breeder research program we will have to sort of reallocate within the research program to take account of that amount.

CHAIRMAN PALLADINO: Would that be the principal

1 source?

2 MR. DIRCKS: That is funding. Now, when we talk about
3 personnel to do licensing, we have got probably two alternatives.

4 One, we could try to bring on people, or we will have
5 to reallocate internally. One way we can bring on people is to
6 contract for skills in which to pick up some of the licensing
7 effort and then shift experienced reviewers in the licensing
8 program over to the breeder program. This will take money and
9 it will take trying to find sources of those funds within our
10 current budget.

11 But as we have tried to indicate, if the Congress even
12 goes along with our appeal at 495, we find ourselves with a
13 current unfunded requirement of about 24 million dollars.

14 MR. BARRY: Fifteen.

15 MR. DIRCKS: No, 24 million, Len, because we are going
16 to squeeze 9 million out of another program. So, it is 24. We
17 have a possible way of funding 9 million of that, but that 9
18 million is going to come out of existing programs.

19 CHAIRMAN PALLADINO: And then I presume that same
20 kind of problem would carry over into '83?

21 MR. DIRCKS: In '83 it becomes just that much worse.

22 CHAIRMAN PALLADINO: We don't have any money in '83,
23 or let me ask it, do we have any money in the '83 budget for
24 breeders?

25 MR. DIRCKS: Nothing. What we would like to do -- it

1 is a set-aside. What we would like to do is try to go to OMB and
2 sit down with them and DOE and try to come up with a pretty firm
3 estimate of a schedule and where we are going and how much they
4 can do and how much we will be forced to do.

5 We would like to try to do that in '82 to cut down our
6 requirements, too.

7 CHAIRMAN PALLADINO: Okay. Go ahead, John.

8 COMMISSIONER AHEARNE: I have a fairly general question.
9 It really goes back to where Peter was a moment ago.

10 We had an '81 budget. We are living with the '81
11 budget. We had an '82 budget in front of the Congress with
12 which many of us became somewhat familiar.

13 Now, the Congress is making some modifications on that
14 and we expect, as you said, it will come back and there will be
15 reprogramming. But there has been a major transform applied to
16 the '82 budget that we were familiar with called the licensing
17 recovery program, and we now have tables here which lay down
18 current estimate, '82 budget.

19 I guess I would like to know a little bit more detail
20 on that transform. In other words, what were the major changes
21 made in the '82 budget as it existed in front of the Congress in
22 the licensing recovery program to give us what we see as the
23 current estimate, because the '83 budget we are addressing
24 obviously is flowing now in the charts we have from that
25 transformed '82 budget? And that is making it a little difficult,

1 I think, for Peter and I would guess for me to really ask
2 questions on the '83 budget, because the reference frame, at least
3 that we had is no longer the reference frame.

4 I can look at the dollars. That is easy. I can track
5 dollars and numbers. For example, Harold said there is nothing
6 in generic issues in the '82 budget. What other major change has
7 been made?

8 COMMISSIONER BRADFORD: What you need are the planned
9 accomplishments.

10 COMMISSIONER AHEARNE: Well, the planned accomplishments
11 actually, Peter, were a budgetary set of descriptions which
12 didn't necessarily track. But the equivalent, that is right.
13 What substantive changes were made? Because that is the
14 difficulty I have.

15 MR. DIRCKS: I guess the office you are looking at more
16 is NRR.

17 COMMISSIONER AHEARNE: Well, I am not sure.

18 MR. DIRCKS: Because that is where the major ---

19 COMMISSIONER AHEARNE: I don't know whether it is NRR.
20 It could be I&E.

21 MR. CORNELL: The only areas that we have really
22 reprogrammed in the President's budget are NRR, the major ones.

23 MR. DIRCKS: Yes, and somewhat in the research programs.
24 But what you are seeing in the '82 is essentially a continuation
25 of the reprogramming actions that we approached the Commission

1 with in '81.

2 COMMISSIONER AHEARNE: Sure, but those were a several
3 month effort. But now in '82 there are no generic issue efforts.
4 Now, does that mean that, for example, there is no NRR work
5 allocated to unresolved safety issues?

6 MR. DIRCKS: No, it does not. But in my discussion
7 yesterday I did try to indicate in the highlights, this would
8 not cover generic issues -- wait a minute. Let me go back to
9 what I said.

10 What we have tried to do is lay out what we could and
11 what we couldn't do in sort of a highlight format. Wait a
12 minute, that is '83. You are talking about '82.

13 COMMISSIONER AHEARNE: I am talking about '82. If you
14 recall, yesterday you said that because of the difficulties
15 with the Congress you weren't going to address '82.

16 MR. DENTON: Let me help on that a bit. I think most
17 of the recovery plan occurred within NRR. It was a reallocation
18 among programs, with some people being detailed in and some
19 dollars and some work being farmed out and so forth. So, we
20 have completely rebaselined the '82 budget using the present
21 estimates from Barry's office and others on how much effort it
22 takes to do an operating action amendment, how much effort it
23 takes to do an operating license issuance and so forth. And we
24 went back through and we put together an '82 budget that, in
25 essence, would do everything that we had previously said we were

1 going to do in '82, plus the new casework, and that came out over
2 the mark. And the instructions are, put together a budget that
3 stays essentially within the mark.

4 So, I arranged the things that were over the line in
5 order of priority, and I put together five sorts of priorities.
6 And all of those priorities are slipped into other years, and
7 they are basically, we are not going to complete the elimination
8 of a backlog on operating actions as soon as we thought we were,
9 so we are going to continue to have to carry a large backlog;
10 we are not working on A through D issues on the generic issues,
11 but they are funded to handle the USI's on the schedule we send
12 to Congress, plus an expected addition to that list of four
13 USI's that would come up; and the other major point, it does not
14 include effort for the priority 2's and 3's of the action plan,
15 and that was when I had gone back to Bill and suggested we put
16 that one back in.

17 These items are picked up in '83 when the casework
18 demands drop down and free up enough resources to go back and
19 then start reducing the backlog and working on the generic
20 issues.

21 COMMISSIONER AHEARNE: So, you are saying that the
22 major substantive impacts in NRR were the two year slippage in
23 the licensing actions, the non-USI generic issues ---

24 MR. DENTON: Postponement for a year in working on A
25 through D's.

1 COMMISSIONER AHEARNE: We are looking at '82. So, the
2 non-USI generic issues, and then the 2 and 3 category action plan
3 items.

4 MR. DENTON: That is right. Now, the 2 and 3, I have
5 gone back and sharpened the pencil on which ones of the 2's and
6 3's are really cut to the quick and that we ought to be working
7 on, and Bill has before him a proposal to keep working on some
8 of the 2's and 3's, but not all of them.

9 COMMISSIONER AHEARNE: And those are the major
10 substantive NRR ---

11 MR. DENTON: And then the ones that have been flagged
12 to you, such as not doing the 100 percent requal exams, and then
13 there are some very minor ones which aren't worthy of rising to
14 this level.

15 COMMISSIONER AHEARNE: Now, in the research area, what
16 major shifts occurred? You said, Kevin, I think, that research
17 was the other area.

18 MR. CORNELL: Only to the extent that what we have
19 laid out here involved shifting 8.5 million over to NRR, and we
20 haven't gone in and most of that or a lot of that will come from
21 research, and we have not gone into the research budget or gotten
22 to the details of deciding where that would come from, because
23 that depends on what our mark is, it depends on where the
24 breeder budget comes down, if at all, and we have not gotten to
25 that level as far as the dollars.

1 CHAIRMAN PALLADINO: Suppose we start to question in
2 more detailed areas. Do you have a follow-up?

3 COMMISSIONER BRADFORD: Yes. The consequence of my
4 sitting back and ruminating for a while was that I did have one
5 more question.

6 Bill, what would happen if we, in fact, if the
7 Commission did take the planned accomplishments absolutely
8 seriously and to use Bob Minogue's phrase of yesterday, in a
9 figurative sense put them up on the wall back here, reprogrammed
10 obviously in accordance with what the Congress wound up doing on
11 the FY '83 budget, and then once every four months asked you to
12 come in and do a briefing based on the progress against the
13 planned accomplishments?

14 MR. DIRCKS: You mean every planned accomplishment that
15 goes into the budget?

16 COMMISSIONER BRADFORD: Yes.

17 MR. DIRCKS: I think you would have time to do nothing
18 else but listen to briefings. There are 92 decision units, and
19 within each decision unit there must be six or seven, maybe more,
20 eight planned accomplishments. So, you are talking about 700,
21 800 planned accomplishments.

22 MR. BARRY: You would have to limit it to gross.

23 COMMISSIONER BRADFORD: But, of course, as long as
24 things were going smoothly on any one of them, we wouldn't
25 really have to hear about it.

1 MR. DIRCKS: I don't think we have to resources to
2 track them with any definitive detail, unless you just pick out a
3 few and say let's have that, and in essence you have, in a way.
4 You have the equipment qualification report, the fire protection,
5 the action plan.

6 COMMISSIONER BRADFORD: But I don't necessarily mean
7 tracking whether we have actually put the number of manhours and
8 dollars into it that we said we would. Just tracking in the sense
9 of whether it was on schedule to accomplish the planned
10 accomplishment.

11 MR. DIRCKS: I think you would find yourself getting
12 down into section leader detail that may not lead you very far.

13 COMMISSIONER GILINSKY: We could do three a day.

14 CHAIRMAN PALLADINO: You would have to pick a reasonable
15 number of key elements to try to follow. That is something we
16 might explore a little later.

17 COMMISSIONER BRADFORD: That, I guess, is essentially
18 what the ill fated DUTS system was designed to do at one time.
19 The decision unit tracking system.

20 MR. CORNELL: What we found with the DUTS system was,
21 we would get a computer printout about every several months and
22 we would look at it and throw up our hands and get really
23 worried about things slipping, and then you would go back and
24 talk to the program offices and you would find out that, well,
25 what you are looking at is six months old because section

1 leaders put stuff down, it went into MPA, it came back out, by the
2 time we got it everything had sort of gone and the whole story
3 had changed. So, you would go and try to find out what really is
4 going on.

5 MR. DIRCKS: Then you would find certain elements not
6 getting any resources at all because whoever is filling out the
7 time card decided he would put everything under one element, but
8 the other element was still going on.

9 MR. CORNELL: It was useful, you know, you could tell
10 where there were problems in certain areas, but you could tell
11 that from other ways.

12 MR. DIRCKS: I think you are getting to what you want
13 to get by picking the really high target issues at the
14 Commission level and tracking that.

15 COMMISSIONER GILINSKY: How many people are involved
16 in tracking throughout the agency, management information?

17 MR. DIRCKS: We have a good number, we have a good part
18 of MPA, I guess, and we have --in each office we have systems.

19 COMMISSIONER GILINSKY: Just roughly, like 200 people?

20 MR. DIRCKS: I am sure it is at least 200. Let me give
21 you a ballpark estimate just on dollars. We have 40 million
22 dollars roughly going into ADP services in the agency. At least
23 half of that is research developing codes. That leaves 20. Of
24 that 20, 10 or now it is 6, is the document control system. So,
25 that leaves something on the order of 10 million dollars.

1 MR. CORNELL: But then part of that is the accounting,
2 financial and payroll. But payroll is a tracking system. But
3 anyway, it is on the order of millions of dollars that go into
4 tracking systems. Now, I can get a better estimate for you.

5 COMMISSIONER BRADFORD: If somebody were to ask how
6 many of the FY80 planned accomplishments got accomplished in
7 FY80, is that a question we could answer without spending millions
8 of dollars and setting up a new tracking system?

9 MR. DIRCKS: I guess we could put some people to work
10 going back to the FY80 budget books.

11 COMMISSIONER BRADFORD: But it isn't something that
12 would be readily available?

13 MR. DIRCKS: I don't think so, no. And I would
14 mention, when you go back to those old budget books and you look
15 at some of those accomplishments, you are getting down to things
16 you wonder why we bothered to accomplish anyway.

17 CHAIRMAN PALLADINO: Well, we may want to come back to
18 this subject, I think, from time to time, because it is a point
19 that I think has interest on the part of all the commissioners.

20 I was going to suggest we start off in another area,
21 perhaps one of the offices. Vic, would you like to start off?

22 COMMISSIONER GILINSKY: Yes. I have questions in
23 several areas, but just to start off, I wonder if we can get an
24 idea of where we want eventually to be with the resident
25 inspector program?

1 Are we in this budget more or less where we would like
2 to be? Let me put it another way. If there were more inspectors
3 added, would they be added to the resident program, or would one
4 add them in the regions?

5 MR. STELLO: The answer is we are about where we want
6 to be. The original guidance we were using is to have at least
7 one inspector at every plant, about 50 percent of the single unit
8 plants to have two inspectors, and all the multiple unit plants
9 to try to have two inspectors except for some special cases. The
10 Commission agreed to allow some flexibility, such as Indian Point.
11 You have two reactors located at that site, each of which are
12 managed by completely different utilities, completely different
13 sets of problems.

14 So, taking into account those kinds of things, I think
15 the answer is, yes, we are generally on those tracks.

16 As we look forward into the future, I don't consider
17 that to be something for which I don't have more flexibility and
18 would need to cut back further if the budget system dictated
19 further cuts. But what we have now, I believe that we can
20 continue on about that course; depending on what happens in the
21 budget cycle, that, of course, may change.

22 COMMISSIONER GILINSKY: But from your point of view,
23 where is the greater benefit? Is it to add further to have a
24 more intensive resident program, or have we dealt with that
25 problem satisfactorily, and if we had more resources, would add

1 them in the regions?

2 MR. STELLO: Right now, I think that any further cuts,
3 they would probably need to come from the resident program,
4 because we have really cut back on the regionally based program
5 just about as much as we can. We have fairly cut to the bone in
6 that particular area.

7 Now, one of the things that we have done in the
8 reorganization is to look very heavy to the area of program
9 development. We have had a program that has been essentially in
0 effect since 1974 with the modules to guide the inspection. We
1 have done an awful lot more since then, and we need to go back and
2 take a very, very hard look at the program and revise the
3 program, since we have just simply been making it an add-on as a
4 new rule and requirement. A new area comes up, such as the TMI
5 action plans, we continue to add them as items for inspection.
6 It is mandatory that we take a look and see where we are. We
7 are doing that now.

8 What happens in the process of this look is that I
9 suspect that we will come up with a new program. If we look at
0 where we are today, we are doing on the order of 70 percent of
1 what is in the manual chapters for inspections at particular
2 inspection areas by particular frequencies. That doesn't take
3 into account all of this new stuff that I have already described
4 that we have added, including the resident program.

5 So, I hope that the net benefit of redefining this

program is that we can now have a program and we won't really be saving any resources, if you will, but we will be doing 100 percent of the new program. That is my expectation.

CHAIRMAN AHEARNE: Your hope is that it is more than just putting a priority on that package and saying, well, since you can only cover 70 percent, here is the list of priority items to make sure you cover, you hope to do more than that, you hope to actually revise the modules or whatever?

MR. STELLO: Eliminate. We clearly have learned an awful lot since TMI about where to put our emphasis, and we have put an awful lot of that in the resident program, and that would take the benefit of the resident program to look very hard at INPO, and what is INPO doing and how can we take the benefit of those inspection results, we have fire protection reviews that are done by other than the NRC, the industry itself, the insurance companies go out and do the reviews, the ASME has inspections. It is time now to sit back and start to look at what can we eliminate by taking credit for a lot of other things that are going on and really just relying on an audit program and knowledge of the other programs.

COMMISSIONER AHEARNE: Are you also looking at the question of whether some of the things that in the past we have inspected against and now, with the benefit of experience, we might conclude are really not of the safety significance that we once thought they were?

1 MR. STELLO: That is true. But I am betting that that
2 is going to be the answer. That is my belief. That is my best
3 judgment today, that that will be the answer that we will come up
4 with in the next couple of years as we revise what we are doing.

5 COMMISSIONER AHEARNE: Is your '83 budget number
6 predicated upon your being able to do that?

7 MR. STELLO: It is based on that assumption.

8 COMMISSIONER GILINSKY: Is there any inspection that
9 is now done by other than I&E?

10 MR. STELLO: Yes. I just enumerated a number of others.

11 COMMISSIONER GILINSKY: Within NRC?

12 MR. STELLO: When you go to visit a facility, are you
13 inspecting it? I think so. So, I think every observation that
14 is made in a facility, you go out, you look at a facility, you
15 will let the regional director know or me know or anyone else
16 know that there are some things that you see that cause you
17 questions. So, I think that everyone in the NRC that goes out
18 and makes a visit to a site in some sense clearly does an
19 inspection, observation. Harold's fire protection teams go out
20 on site and are actually physically inspecting what is there,
21 yes.

22 COMMISSIONER GILINSKY: That is more what I had in
23 mind. Are there NRR teams or joint teams?

24 MR. STELLO: Joint teams, NRR teams alone, NMSS teams
25 for safeguards.

1 COMMISSIONER GILINSKY: What is the rationale -- these
2 things all developed under special circumstances.

3 MR. DIRCKS: Let's take some of the NMSS work. A lot of
4 it is to go out and, in effect, conduct a survey of a facility
5 in order to erect certain requirements for the license. Once
6 they do that and sort of establish a performance goal and
7 establish a license, they drop out and then I&E picks up to do
8 the inspection against the requirements.

9 I think that is true, say, in the fire protection area,
10 where the requirements are established through the site visit,
11 and then once established then I&E inspects against those
12 requirements.

13 Then you have project managers that visit plants, you
14 have NMSS people visiting plants.

15 COMMISSIONER GILINSKY: Well, visiting plants is
16 different. What I mean is regular activities.

17 MR. DIRCKS: I think these analyses that were run out
18 of NMSS for a couple of years, that was, in effect, almost like
19 an inspection. What they did was set up requirements against
20 which I&E would inspect.

21 COMMISSIONER AHEARNE: In that line, I notice that
22 in the backup material for NRR on the project manager, in the
23 allocation of time of the project manager, I may be misreading
24 it, but the impression I get is that the plan would be for the
25 project manager of the plant to spend about 25 days a year at

1 that plant, and I wondered whether there was any thought or
2 reason to in some way try to coordinate that with I&E. That is a
3 very heavy investment of time of a very knowledgeable NRC
4 employee, and it wasn't clear to me that that was something that
5 might be thought through to see whether that resource can't be
6 meshed with I&E.

7 MR. DENTON: I think it can be meshed with I&E. The
8 intent is, we have finally gotten our hands around the
9 operating reactor actions, and if you notice this new one, it
10 has got listed every action on every plant that is outstanding,
11 whether it is multi plant, whether it is TMI, whether it is
12 plant specific, another tracking system, and they are
13 prioritized.

14 CHAIRMAN PALLADINO: What is the name of that?

15 MR. DENTON: NUREG 0748. Now, I have tried to reduce
16 the number of these by getting licensees to voluntarily withdraw
17 or be innovative in trying to solve the problems.

18 So, I find it very useful for the project manager to
19 be at the plant with the resident and go through these issues in
20 the plant where he can actually see them, because some of the
21 resolution on the built plants is really facilitated by seeing
22 the plant, as opposed to just looking at the paper that flows in
23 each case.

24 COMMISSIONER AHEARNE: I won't pursue that any longer.
25 It appears to me that you may either have a knowledgeable NRC

1 employee there who can, by coordinated effort, get more out of
2 our resources, or, on the other hand, you may have someone who
3 now requires 25 days a year of the resident inspector's time.

4 MR. DENTON: Well, I don't look at it that way. We have
5 had to limit our calls to the residents because they are tied up
6 in doing inspection programs, and we try not to impede on the
7 inspection program. I think we are careful about that. There
8 are so many people visiting the plants, I guess once a week there
9 is somebody from NRC at a plant, either from NRR or I&E, and that,
10 I think, is a sensitive point.

11 CHAIRMAN PALLADINO: I wonder if I could ask a couple
12 of questions on I&E.

13 I became acquainted with great interest in the
14 performance appraisal teams, and I was wondering, what have these
15 teams accomplished so far, and what do you plan for them to
16 accomplish?

17 MR. STELLO: The one thing that is unique about
18 performance appraisal in I&E is the PAT teams, where it is a
19 comprehensive review of management capability of the utility. It
20 is unique in the sense that it is the only time we really take
21 the comprehensive look. It is very analogous to a program now
22 that is being started up by the industry, by INPO, who go out and
23 do -- I guess I should use with some caution the words -- an
24 identical kind of inspection, but it is very, very similar. I
25 have had the benefit of observing an exit interview by the INPO

1 team at one plant, and it is quite similar to what we are doing
2 with PAT. It is a comprehensive look at the management structure
3 and how well the management is performing. It has some other
4 benefits which began a long time ago with respect to monitoring
5 the performance of residents for objectivity and issues such as
6 that which, in effect, I think, were the original emphasis
7 placed on the performance teams.

8 That has been a very, very hard activity to get
9 started, as I had indicated yesterday. It was very, very
10 difficult to staff up, trying to pull people into the program,
11 especially in Washington with the current problem of moves, very,
12 very difficult.

13 Right after TMI, essentially all of the resources for
14 the PAT team were immediately diverted to TMI, specifically to
15 on-site, to do on-site investigations and followup of the
16 accident itself.

17 So, for the next in excess of a year the resources for
18 the PAT team were essentially redirected and it has only been
19 this last year where we have been able to get anything started,
20 and we have now about 10, 12 inspections finished.

21 CHAIRMAN PALLADINO: In terms of effectiveness, Vic,
22 in terms of overall effectiveness of the I&E program, do you
23 think the resources put on the PAT teams are well spent? Or do
24 you think putting the resources elsewhere would be more
25 beneficial? I don't know, I am not trying to presume what the

1 answer is.

2 MR. STELLO: Yes, I think they are well spent. Now, I
3 will say that if I look to the future, if INPO does a real good
4 job and we can really understand what they are doing and we have
5 access to the information, looking at the same identical area,
6 do both we and they need to do it? I think the answer to that
7 question is no. If they do a real good job, I think we ought to
8 be able to take credit for what they do and start to back down.
9 That will mean that we will have to have at least enough of what
10 I will call PAT in the future to be able to monitor, evaluate
11 what they are doing, and, if you will, audit to assure ourselves
12 that that continues to be done effectively. And if they do it
13 effectively, then as I look to the future, I think no. But I
14 can't decide that yet.

15 COMMISSIONER GILINSKY: Is it the PAT teams that give
16 these ratings of utility performance?

17 MR. STELLO: That is an element, that is an input to
18 the ratings.

19 COMMISSIONER GILINSKY: Where do we stand with these
20 ratings? Are they simply put out regionally?

21 MR. STELLO: There is going to be an annual report
22 coming forward shortly.

23 COMMISSIONER GILINSKY: This would cover all the
24 utilities throughout the country?

25 MR. STELLO: That is correct.

1 COMMISSIONER AHEARNE: On the PAT team, Vic, when do
2 you think you might be able to see whether INPO is going to be
3 able to do that? One year, two years?

4 MR. STELLO: Could I just say yes, one to two. I think
5 that is the best I could say. They only have, I think, three or
6 four of their reports that are out.

7 COMMISSIONER AHEARNE: The budget you have, though,
8 which is increasing PAT teams, is based upon the assumption ---

9 MR. STELLO: It is based on the fact that they do not
10 do an adequate job and we are not satisfied, we are not happy,
11 and we are going to do the whole thing. Right now, today, I have
12 no basis to conclude anything other than to say that is the right
13 decision to make now.

14 COMMISSIONER AHEARNE: But you must have already
15 concluded that what you have learned from -- I guess you have
16 what, three teams now?

17 MR. STELLO: Three.

18 COMMISSIONER AHEARNE: That you must be sufficiently
19 satisfied with their performance in order to be recommending
20 two additional teams?

21 MR. STELLO: Oh, I have never said -- I want more out
22 of them than I have gotten thus far. I wouldn't go so far as to
23 say I am satisfied. I think significant improvement is needed.

24 COMMISSIONER AHEARNE: But you have previously told
25 Vic that the regional based inspectors, for example, are down

1 to the bare minimum.

2 MR. STELLO: Right.

3 COMMISSIONER AHEARNE: So, here are some additional
4 resources that you are asking for, and you must have concluded
5 that it is more valuable to put those resources into PAT teams
6 than into additional regional based inspectors?

7 MR. STELLO: That is correct, with the understanding
8 that the next year or two, I am going to be looking at our own
9 program, we are going to be looking at how to reallocate those
10 resources. That includes PAT, the vendor program, the resident
11 program, all of what we do. I don't mean to in any way limit
12 it. And to start to take into account, where we can, in those
13 deliberations what we think in our best judgment, and it is going
14 to change for the next two years, of the work that the industry
15 is doing of itself. And the one area that I do see that does
16 hold promise right now is the INPO work.

17 We have started our laboratory accreditation, which we
18 have already taken into account, in backing off what we would do
19 by having IEEE go and do the accreditation for environmental
20 qualification, and they have agreed to put that system and we will
21 take full credit for that.

22 We have ASME moving down and have signed some more
23 interim agreements on third party inspection and want to be able
24 to take credit for those kinds of activities. And when we do,
25 then I think that we will be able to readjust our own resources

1 and we will be doing that for the next two years.

2 CHAIRMAN PALLADINO: Vic, I wonder if I could ask a
3 question in another area.

4 It is my understanding that, oh, maybe it is a year or
5 so ago, I am not sure of the timing, when Commissioner Ahearne
6 was Chairman, the Congress asked for what percentage of the
7 people are working on licensing, I believe. John, if I don't
8 say this question right, you back me up. And at that time I
9 understand there was a lot of effort to try to identify people
10 in various areas that were contributing to licensing, and I&E
11 had quite a significant number.

12 Now, in this budget presentation, that number seems to
13 be significantly down. Does that mean that we are counting
14 differently? The caseload.

15 MR. STELLO: It is distributed among several decision
16 units, but the number is essentially the same.

17 COMMISSIONER AHEARNE: For example, a lot of the
18 people in I&E in the inspection program inspect during
19 construction and pre-operational stages. Those people are part
20 of the licensing ---

21 CHAIRMAN PALLADINO: Are they being counted? My
22 numbers, I don't have them right before me ---

23 COMMISSIONER AHEARNE: You have a couple of decision
24 units, and on license review, they are two different things.

25 MR. STELLO: Yes. For example, operating reactors

1 includes all of those reactors that are pre-ops not yet
2 licensed. They are not actually an operating reactor in terms of
3 licensed to produce power. They are still under construction,
4 they are pre-licensing. And for those plants we are averaging
5 about 3.8 manyears per year, and I think there are 18 of those.

6 Now, they are contained in a different decision unit.
7 They are in operating reactors. And there is another decision
8 unit for safeguards. Some of the safeguards activity goes into
9 that area. Emergency preparedness, the licensing reviews for
10 emergency preparedness -- in fact, most of that effort is, in
11 fact, in licensing.

12 The construction activity ---

13 CHAIRMAN PALLADINO: Now, in casework, if I am looking
14 at the right sheet ---

15 MR. STELLO: You don't have that decision unit. I
16 guess that is what is confusing.

17 CHAIRMAN PALLADINO: No. I was just going on the
18 basis that I&E in '82 had listed 27 people working on casework.
19 Then going down to 21, then going down to 18. And that is the
20 number I was looking at.

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1 MR. DONNELLY: I think that particular one, if I
2 recall correctly, is the one that was only the Emergency
3 Preparedness licensing and does not include the inspection effort
4 that goes into the plants before they receive their operating
5 license.

6 MR. STELLO: Are you reading page two of this schedule,
7 G-1? This is all that you put for emergency preparedness. It
8 has nothing to do with any other activities?

9 MR. FUNCHES: No.

10 MR. STELLO: In I&E now we have only one activity for
11 which we have a licensing responsibility, the emergency prepared-
12 ness, and that is all this is. It has nothing to do with our
13 primary mission which is inspection. That is completely separate
14 from this.

15 CHAIRMAN PALLADINO: I was trying to get to the point,
16 are we showing the same percentage of effort on licensing today
17 as we were showing when the questions were asked.

18 COMMISSIONER AHEARNE: Yes.

19 CHAIRMAN PALLADINO: Are you showing them differently?
20 Am I looking at the wrong thing?

21 COMMISSIONER AHEARNE: The problem that Congress had at
22 the time is that we don't have a budget category that breaks out
23 how many people are actually working on licensing in plants.

24 CHAIRMAN PALLADINO: I thought that is what casework
25 meant.

1 COMMISSIONER AHEARNE: No. It does not and that is the
2 problem and that is where we got the Congressional question because
3 they looked just at the casework line and said look at what a
4 small percentage of the people in the agency are working on this
5 and we had to go back and point out that that is not what that
6 line really means. Here are all these other people in the agency
7 that are also working on it.

8 For example, when a licensing plant is up here for
9 license, a lot of the material to be presented would be presented
10 by the I&E inspectors. They aren't in that line.

11 CHAIRMAN PALLADINO: Looking at this and knowing about
12 the earlier question, it looked to me like this was going down
13 in I&E and I was interested why and is it really true or am I
14 misinterpreting it and I gather I am misinterpreting it.

15 MR. STELLO: Right. The number, the total number devoted
16 to licensing work in I&E is the same as the number you are refer-
17 ring to that Commissioner Ahearne presented about eight months
18 ago, I guess it was. It is essentially unchanged.

19 CHAIRMAN PALLADINO: I wonder if I might ask one more
20 question. I am not sure if this is appropriate for you or for
21 Harold, but I think it crosses lines. Yesterday I learned that
22 the results of the first set of NRC operator exams at Diablo
23 Canyon which were completed this June showed quite a higher
24 percentage of people not passing. As a matter of fact, the results
25 show that four out of eleven operators, or about 36 percent, failed

1 and 10 out of 23 senior operators or roughly 43 percent failed the
2 exams.

3 I don't know if this is indicative of the results that
4 you have with other plants and I would be interested in knowing
5 what your experience is and also to what extent these results
6 indicate a need for closer monitoring what these plants are doing
7 with regard to training and their own yearly examinations.

8 If they were doing well in training and their own
9 examinations, there shouldn't be such a high discrepancy.

10 MR. DENTON: That is an unusual case and we sent them
11 a letter pointing out what we thought was different about their
12 operator scores. Most plants coming in for an operating licenses
13 have much better passing percentages than Diablo Canyon had.
14 Partly it is due to turnover. One operator has already retired
15 from Diablo Canyon who was trained to operate the plant, so part
16 of their problem is the morale, to keep up, to keep the good
17 staff there during the long period of time and then some training
18 program deficiencies. I think that is a special case and is not
19 representative of the OL population in general.

20 CHAIRMAN PALLADINO: What do we do to monitor the train-
21 ing programs and the effectiveness of their own requalification
22 examinations at the various plants? Do we spend any time on that?

23 MR. DENTON: That is one of the TMI Action Plan items
24 that we haven't gotten to, is accreditation of training programs.

25 CHAIRMAN PALLADINO: Does that come under your office?

1 MR. DENTON: Yes. The long range plan is to move
2 toward accrediting the training program or some accreditor at
3 each plant so we don't necessarily have to give all the inspections,
4 but somehow we would assure that the course content, the
5 instructors, that everything to go with training is done at a
6 high enough level. Then we could audit the people who audit the
7 operators rather than directly auditing the operators as we do
8 now.

9 CHAIRMAN PALLADINO: The failure rates on NRC exams,
10 are they much different from the failure rate on the requalifica-
11 tion exams that the licensees give to their own operators? I am
12 trying to get at that as a measure of how effective they are?

13 MR. DENTON: I would have to get those statistics and
14 give them to you. They only put up for our exam people that they
15 think are going to pass, so they have already passed the company
16 exam. The failure rate used to run about 30 percent when we
17 switched to the new, more rigorous standards. We added a few
18 categories and we raised the passing grades.

19 COMMISSIONER AHEARNE: And fixed the time that they had
20 to take the exams.

21 MR. DENTON: Yes. I can get that data for you.

22 CHAIRMAN PALLADINO: I would appreciate that. I am
23 trying to get a feel for how effective the licensing programs
24 are in terms of their training and how definitive their exams are
25 in screening people.

1 MR. DENTON: It is not unusual to find that as many as
2 80 percent of the applicants occasionally pass and this just
3 happened to be one of the more egregious cases of failures that
4 we have seen.

5 CHAIRMAN PALLADINO: Maybe it would be well if we just
6 stuck with I&E and see if John or Peter have any questions on I&E.

7 COMMISSIONER BRADFORD: Let me come back, Vic, to the
8 point you made on resident inspectors a long time ago. You said
9 you were preserving a special flexibility for Indian Point. What
10 do you have in mind?

11 MR. STELLO: Going to four inspectors.

12 COMMISSIONER BRADFORD: Just for Indian Point.

13 MR. STELLO: For Indian Point. There is at least one
14 other site that is similar, two different utilities with plants
15 at the same site, and there are other sites where we have a variety
16 of different reactors and as we gain experience, we might want to
17 adjust. If they are doing well, backing off and if they are not,
18 then adding.

19 Clearly the number of problems we have had at Indian
20 Point suggests that we are having a very large demand on making
21 sure that we can keep on top of it. That is what I had in mind.
22 I have discussed this with the Commission in the past.

23 COMMISSIONER BRADFORD: Can you talk a little at least in
24 general terms about the impact of the so-called recovery plan on
25 I&E. I know you really haven't had people by in large taken from

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1 you to go over to NRR, but what about the other lane on that
2 highway. Are there a significant number of tasks that have come
3 from NRR over to I&E?

4 MR. STELLO: As part of that recovery plan, you recall
5 that I made a proposal. I thought that there were a number of
6 areas where we weren't doing nearly as much work as I thought we
7 ought to in an area that I thought was very important and that is
8 the people area, understanding the management of the company,
9 the Q/A organizations that were set up, and so on.

10 I&E does do inspections in those areas before the plant
11 goes into operation and does look at the management of the
12 organization and there are a number of areas that are a part of the
13 licensing review chapter 13 as I recall and about four or five
14 sections in that particular chapter that relate very, very
15 closely to the areas that we look at as the normal part of the
16 inspection process.

17 I saw that as an opportunity to really significantly
18 improve the way in which we go about our job in I&E in being sure
19 that they have an adequate management system in place and found
20 that that is something that was more than worthwhile in terms of
21 improving, at very little, in my view, cost, because it was some-
22 thing that we were already looking at with the potential for a very
23 significant payoff in terms of increasing the sensitivity and
24 awareness within the regions to this particular aspect of the
25 review process.

7
1 The net result is it looks like it is several total
2 man years of effort for the whole package and I think our payoff
3 will be far in excess of that in terms of the overall safety
4 benefit that we will derive from our inspectors getting intimately
5 involved in these areas.

6 COMMISSIONER BRADFORD: Is that the only area in which
7 you see much of an impact?

8 MR. STELLO: I have advocated going on into another area
9 and we have been having considerable discussion over the past
10 nine or ten months. I thought that there were a number of
11 licensing actions and I will call them actions rather than
12 amendments. Some of them might be amendments. But actions is
13 a generic term. These are associated with the operating reactor
14 backlog.

15 COMMISSIONER BRADFORD: Is this the 500 item list?

16 MR. STELLO: Yes. I guess based on my previous experience
17 in working in that particular area, I again see a potentially large
18 benefit back into the inspection process by having people who
19 are already and may have been instrumental in precipitating the
20 request that lead to the action, be able to get into those areas
21 and get quite a bit more up to speed. In fact, in a lot of the
22 areas I am impressed that they are already up to speed and have
23 sufficient information already available in which to move forward
24 and write an SER and make the decision and move that on to NRR
25 again with what I consider to be not a very large expenditure of

1 resources and with a considerable payoff back into the I&E
2 inspection process.

3 COMMISSIONER BRADFORD: What kind of man years would be
4 involved if, in fact, you did take on the list of 500?

5 MR. STELLO: Do you want me to just cite examples
6 off the top of my head not knowing real or not just to give you
7 a feel for it.

8 COMMISSIONER BRADFORD: Yes.

9 MR. STELLO: Resident inspector. He sees a particular
10 surveillance test that is being done that he believes could be
11 done a different way and safer and suggests to the licensee, "Gee,
12 maybe you ought to get your tech specs changed to allow that
13 surveillance from being done the way it is now being done to
14 some new way," and the licensee would look at it and say, "Gee,
15 that looks like a good idea. I will send that in as a proposed
16 change in tech specs."

17 Now the resident inspector has the first hand experience
18 of why it is a good idea, why it is needed, and it will go into
19 Harold's shop as a license amendment change. That could come
20 back then as an action to us and I am only saying this is
21 hypothetical, but it could come back to us as an action for which
22 the resident already has all that information and could make that
23 judgment very quickly with very little additional work.

24 There are at least several examples that popped in my
25 mind quickly where I know they are very enthusiastic about seeing

1 that change because they think there is a significant improvement
2 in safety to do so.

3 COMMISSIONER BRADFORD: The difference between that
4 practice and the way it is done now is that NRR now reviews the
5 substance of the change.

6 MR. STELLO: The process is the licensee sends in a
7 request for license amendment, to amend his technical specifica-
8 tions to permit a test or whatever from being done in a way
9 differently than it is now prescribed in the license. Then
10 Harold reviews that document and has to make findings associated
11 with whether there is an environmental impact appraisal or
12 assessment needed and then finally approves the action, makes a
13 finding of significant hazards consideration and then amends the
14 license. That is the process that we go through.

15 COMMISSIONER AHEARNE: Although actually for a large
16 number right now, nothing happens. It just sits there.

17 MR. STELLO: There are a lot of actions to do.

18 CHAIRMAN PALLADINO: Did you indicate that the backlog
19 of licensing actions is only 500?

20 MR. STELLO: No. I suggested that there were perhaps
21 on that order, we in I&E could do without a significant impact
22 in detracting from our mission and in my judgment, what I consider
23 to be, an improvement in the I&E way of doing business.

24 MR. DENTON: The backlog is a serious and growing
25 problem because we are better at dreaming up requirements as an

10 1 agency than we are at getting them implemented in all 70 plants.
2 A big effort that we had completed was this calculation in one
3 place finally of all the amendments that were pending on each
4 plant and ranked by some sort of priority so we could be sure
5 that the efforts that we are putting on working off the backlog
6 are directed at those most important to safety.

7 It is in the thousands because each new one requirement
8 we generate goes to 70 some plants.

9 CHAIRMAN PALLADINO: Peter, do you have any more
10 questions?

11 COMMISSIONER BRADFORD: As part of the recovery plan, am
12 I right in thinking that NRR no longer mans the respond center at
13 all?

14 MR. STELLO: That's true.

15 COMMISSIONER BRADFORD: What has that meant in terms of
16 additional pull on I&E people?

17 MR. STELLO: It was a savings to Harold as I recall of
18 about two man years and the impact of that has fallen on I&E,
19 Research, NMSS. We have some people who have accepted from other
20 offices, not just only I&E, a temporary assignment to serve as duty
21 officer for like three months or six months, and we are in the
22 process now of advertising to get those jobs filled on a permanent
23 basis and to make them attractive we are going to integrate it
24 into our evaluation and follow-up system and we think we can
25 attract the qualified people by showing them the opportunity for

1 growth. But those positions will be positions that I will have to
2 come up with from somewhere and I am doing that.

3 The net result of that is that in the end it will wind
4 up costing me additional positions.

5 COMMISSIONER BRADFORD: But not a lot, if I am under-
6 standing you correctly, or is it a lot?

7 MR. STELLO: To man the center on a shift basis full time,
8 theoretically when you do shift work, you are talking at least
9 five people, more like six, so that is the number.

10 I don't want to leave you with the wrong impression.
11 You did give us some resources for that purpose as part of NDL,
12 if you will recall. I could cry, but I won't because we have
13 already received some help.

14 COMMISSIONER BRADFORD: With regard to Congressman
15 Moffett's point about number or percentage of inspections as
16 against the manual chapter requirements, is it, in fact, an I&E
17 objective to inspect 100 percent of the manual chapter requirements?

18 MR. STELLO: Yes. We have a module and the module
19 set out and prescribed inspections and inspection frequencies and
20 it is out intent to try to have done 100 percent, but in addition
21 to that, we have added the resident program which does "inspections"
22 and we have added a tremendous amount of reactive workload which
23 clearly are covered by manual chapters but they are not accounted
24 that way. If a particular pipe has a problem or a pump or whatever
25 it is, you go ahead and you inspect that particular area as a result

1 of an occurrence or an allegation or whatever.

2 If you hadn't done that, eventually the manual chapter
3 would have prescribed an inspection in that area. While it is
4 true that you now can make the argument 70 percent of the programs
5 is about on the average what we are achieving, the net fact of
6 the matter is that we are now allocating about 60 percent more
7 resources this year to inspections per reactor than we were in
8 1978. So we are doing a lot more inspections. We are present
9 at the site a lot more.

0 Obviously a large percentage of that comes about just
1 by the addition of the resident program itself. I believe that
2 the real reason you are saying that it is 70 percent today is
3 a result of a program that began in 1974 when the manual was
4 written and has had a continuous add-on of new requirements,
5 more and more and more, without the comprehensive let's go back
6 and look at it again and make sure that we are doing what is right
7 in weeding out the wheat from the chaff and it is time to do that.

8 COMMISSIONER BRADFORD: What you are saying is that the
9 manual is somewhat out of date.

10 MR. STELLO: Yes.

11 COMMISSIONER BRADFORD: Are you, in fact, going to do
12 that?

13 MR. STELLO: Yes. I am very anxious to want it to
14 happen fast, but I know I have to be patient. It is probably
15 going to be a year to two years before that can bear fruit.

1 MR. DIRCKS: We have talked about this particular
2 initiative and what we are particularly desirous of doing is
3 combining or say getting Harold to get his input into the
4 inspection review, too, in laying on requirements and in
5 developing licensing actions.

6 I think it is important that the two offices work
7 together. One of the big problems is that we are having some
8 difficulty in springing some people loose from Harold's shop
9 right now.

10 MR. STELLO: We just got one. We have an arrangement
11 as part of the SES development program.

12 MR. DIRCKS: How did you do that?

13 MR. STELLO: I think that point is critical. It not
14 only has to be an inspection program designed for the purpose
15 of inspection, but it has to take into account clearly the
16 strengths and the weaknesses of the licensing process to assure
17 the most effective use of the resources in terms of the overall
18 safety benefit from what we do in combination with the licensing
19 process is realized, and for that purpose there needs to be a
20 very close coupling in my view of what we are inspecting against
21 what is being licensed.

22 COMMISSIONER BRADFORD: Are you going to be able to take
23 on what I think would be a fairly large chunk of work starting
24 or maybe reaching the peak after June of next year having to do
25 with equipment qualification and what the licensees have done in

14 1 response to our order and the June 1982 deadline?

2 MR. STELLO: I would like to answer "yes" quickly and
3 say we will. We will get it done, but it is going to take some
4 innovation. One of the things we are looking at is finding for
5 some of these peaks, I think fire protection is going to be one,
6 I think environmental qualifications is going to be another,
7 and history has shown us there are a variety of examples of very
8 large problem areas such as this one, hangers, snubbers, the
9 seismic problems, to where we are going to need a particularly
10 large volume of expertise for a fairly short while.

11 What we are looking for is a way in which to go out
12 and supplement what we have through tech assistance, contractor
13 help and it is going to take that kind of activity to do it.

14 COMMISSIONER BRADFORD: Can you use contractors for
15 inspections?

16 MR. STELLO: Sure. I don't see any reason why not.

17 COMMISSIONER BRADFORD: How would that work? Where would
18 you look for contract inspectors?

19 MR. STELLO: Let me take a particular area. If it were
20 in the electrical area, you would go out to the laboratories
21 is the first place to look and find out what kind of people they
22 have. To pick an example and I hope I don't hurt anybody's
23 feelings, but I think the LOFT program is an area where they have
24 an awful lot of people who were very good at qualification of
25 equipment and did a lot of it and I would expect that that would be

15
1 a potential available resource. I know they are doing an awful
2 lot of the work.

3 COMMISSIONER AHEARNE: You might be able to convince
4 Bob.

5 MR. STELLO: That is an example. In the structural
6 area, if those kinds of problems come up again, there are particular
7 individuals in the laboratories and in the universities who are
8 very expert and we have some of them under contract for example,
9 helping us at Marble Hill right now.

10 COMMISSIONER BRADFORD: You have funds in the FY '83
11 budget for this purpose?

12 MR. STELLO: Yes. EDO made some adjustments to the
13 number which I have agreed to and the net result is that there
14 is about \$3 million for that purpose in the budget.

15 COMMISSIONER BRADFORD: With that, roughly how long will
16 it take to inspect assuming that, in fact, the June '82 date holds
17 firm, how long will it take to inspect all the plants for
18 compliance?

19 MR. STELLO: I don't know. We will have to look at what
20 we have, get a fair idea of what the problem looks like and come
21 up with a schedule and we haven't done that yet.

22 COMMISSIONER BRADFORD: Do you have a schedule for
23 fire protection, Appendix R, compliance?

24 MR. STELLO: No, there is an area of fire protection
25 which I use as another example and I think the rule says that that

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1 equipment for fire protection must be installed by three years from
2 the date of the rule. One particular area that will be a very
3 large review area that we are working out with NRR in the way
4 the rule is written is in those areas for which the alternate
5 shut down is going to be provided and changes will have to be made.
6 I forgot which section it is.

7 Do you remember the Salem thing where they had to do
8 this interactive analysis?

9 COMMISSIONER BRADFORD: Yes.

10 MR. STELLO: That, I think, has the potential for being
11 a very large review area and we in NRR have not yet gotten together.
12 In fact, I think you wrote us a memo on that subject. We haven't
13 gotten together to really work out what that is going to look like
14 and the best thing I could say right now is that it is going to
15 wind up being at best a guess and we are probably going to be
16 maybe six months or more before we really have a good feel.

17 We will probably have to even this year start looking
18 to the same technique. We have in the regions right now, only
19 two of the regions have bona fide fire protection engineers so
20 we might have to go and supplement some more and I want to do
21 that rather than by hiring for these kind of peaks which come
22 and go in particular areas to supplement with tech assistance
23 rather than trying to bring on new staff for that purpose.

24 COMMISSIONER BRADFORD: Thank you.

25 CHAIRMAN PALLADINO: Is this a good time to break?

1 COMMISSIONER BRADFORD: Yes.

2 CHAIRMAN PALLADINO: I see the hour is rapidly approaching
3 five o'clock, so I am going to suggest that we withhold other
4 questions until tomorrow. I know Commissioner Ahearne has
5 a number of questions on I&E and then we all have questions on
6 other activities as well.

7 Unless there is something that needs to come up right
8 at this moment, we will stand adjourned.

9 [Whereupon, the meeting of the Commission adjourned
10 at 5:00 o'clock, to reconvene at 1:30, Wednesday, July 22, 1981.]

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
NUCLEAR REGULATORY COMMISSION

in the matter of: Public Meeting, Budget Session

Date of Proceeding: Tuesday, July 21, 1981

Docket Number: _____

Place of Proceeding: Room 1130, 1717 H St., N.W., Washington, D.C.

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Marilynn M. Nations

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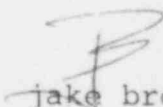
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