

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

In the Matter of: CLOSED MEETING - EXEMPTION 10
 DISCUSSION OF TMI-1 RESTART

DATE: October 6, 1981 PAGES: 1 - 48

AT: Washington, D. C.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DISCUSSION OF TMI-1 RESTART

CLOSED MEETING - EXEMPTION 10

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

Tuesday, October 6, 1981

The Commission met in closed session, pursuant to
notice, at 4:00 p.m.

BEFORE:

- NUNZIO PALLADINO, Chairman of the Commission
- VICTOR GILINSKY, Commissioner
- PETER BRADFORD, Commissioner
- JOHN AHEARNE, Commissioner
- THOMAS ROBERTS, Commissioner

STAFF PRESENT:

- S. CHILK
- L. BICKWIT
- J. MILHON
- J. MONTGOMERY
- F. REMICK
- M. MALSCH
- T. ROTHSCHILD

* * *

P R O C E E D I N G S

1
2 CHAIRMAN PALLADINO: The meeting will please come
3 to order.

4 The subject of today's meeting is a discussion of
5 TMI-1 restart. I was hoping to accomplish three things this
6 afternoon.

7 One, to bring everybody up to date on the order
8 that we discussed and passed last week.

9 Two, I thought then I would ask Dr. Remick to
10 highlight the OPE report with particular emphasis on areas
11 where he might believe Commission probing would be
12 appropriate or questioning.

13 Then, third, I would like to see what the
14 Commission feels with regard to guidelines on questioning
15 when we have the oral presentation which is now scheduled
16 for October 14th.

17 By way of background I am sure I don't need to
18 remind you that the this review differs from the review of
19 effectiveness of an operating license. In this case the
20 question is whether the Commission should lift its July 2nd,
21 1979 shutdown order.

22 We have all had a number of pieces of background
23 information which I am not going to go into. So why don't I
24 start by bringing you up to date with regard to the order.

25 Last week we adopted an order and in the process

1 rejected a suggestion that we name a number of individuals
2 who would be requested to be present.

3 Subsequent to that Commissioner Gilinsky indicated
4 that he wanted to add some additional remarks expressing the
5 fact that he could not understand why we were not willing to
6 request top GOP and GPU officials ---

7 (Laughter.)

8 COMMISSIONER AHEARNE: No, wait a minute, that is
9 a different question.

10 (Laughter.)

11 CHAIRMAN PALLADINO: What did I say?

12 COMMISSIONER ROBERTS: You said GOP.

13 (Laughter.)

14 CHAIRMAN PALLADINO: --- GPU and GPU nuclear
15 officials be present at the October 14th oral presentations
16 on management competence.

17 After discussion with Commissioner Gilinsky, I
18 suggested that rather than he put this in as an additional
19 comment that we put in a paragraph that says the Commission
20 requests top GPU and GPU nuclear officials be present at the
21 October 14th oral presentations on management competence.

22 Then I talked to Commissioner Roberts on Friday.
23 I talked to Commissioner Ahearne this morning. I didn't get
24 a chance to talk to you, Peter.

25 COMMISSIONER BRADFORD: It is fine with me.

1 CHAIRMAN PALLADINO: I then confirmed with
2 Commissioner Gilinsky that that was a satisfactory
3 paragraph. So we put it in.

4 I should probably also report that when I was in
5 Florida and after I had given my talk yesterday Mr. Koonz
6 from GPU came in to talk to me and I asked him if he planned
7 to be here at the October 14th meeting. He indicated that
8 he was not planning to do so. I asked him if Mr. DeCamp and
9 Mr. Arnold were going to be present and he didn't know he
10 said. Then he asked me did I think they ought to be, and I
11 said, yes, I think it would be a good idea. Then he said,
12 do you think I ought to be there, and I said I think that
13 would be a good idea. He said, but I presume we would not
14 be questioned since I understand these are oral
15 presentations by representatives. I said, well, there may
16 be questions by some of the Commissioners that would relate
17 to whether or not they had corrected any problems such as
18 communications that arose out of TMI-2. He said, will we be
19 discussing TMI-2, and I said I hope not.

20 I bring that up because I want you all to know
21 it. I did not feel that I was on ex parte problems. But we
22 had no other substantive discussion on this issue whatsoever.

23 Well, that brings us up to date on the TMI order.

24 Now I suggest we turn to Dr. Remick and he cohorts
25 to highlight the OPE report and offer any suggestions he

1 might have on questions or areas we need to probe.

2 MR. REMICK: Thank you, Mr. Chairman.

3 On 24 September OPE provided you with a review of
4 a partial initial decision on TMI-1 restart, the management
5 issues. Joining me at the table today are John Montgomery
6 and Jim Milh^on along with Al Ken^Neke in the audience who had
7 the major responsibility for performing the review of the
8 partial initial decision.

9 The memo generally follows the procedure
10 previously used by OPE for its immediate effectiveness
11 review for such cases as McGuire and Diablo Canyon. The
12 memo comments on the partial initial decision that
13 identifies areas which require additional information.
14 Specifically those are in the operator cheating area,
15 staffing levels after re-examination and management training
16 for emergency response.

17 Based on that record to date OPE has found no
18 significant technical or policy reasons for not allowing an
19 eventual restart. OPE's findings are in part contingent
20 upon satisfactory resolution of several matters such as no
21 management involvement in the cheating incident is
22 uncovered.

23 The evidence in the forth coming initial decision
24 on hardware and emergency planning issues continues to
25 support a positive finding regarding management attitude and

1 the evidence and findings regarding emergency planning
2 continue to support the view that improvements in the system
3 have been made to assure correction of the problems which
4 contributed to the licensee's response to the TMI-2 accident.

5 We have provided a summary of the key issues in
6 the partial initial decision. One of those is licensee's
7 response to accident. OPE agrees with the Licensing Board's
8 finding that satisfactory changes have been made to resolve
9 concerns regarding management actions in response to the
10 accident.

11 In the management training and qualification area
12 OPE considers the management qualification and training for
13 normal operation acceptable. Board Condition 7 requires
14 that there be additional training for emergency directors
15 and emergency support directors on sites specific plant
16 design features.

17 Given Board Condition 7 and assuming that
18 subsequent Board findings on satisfactory emergency
19 planning, OPE considers the training and qualification for
20 emergency response to be acceptable.

21 In the area of management attitude, OPE accepts
22 the Board's favorable finding and we base this on the
23 evidence in the record, including the changes that have been
24 made by the licensee.

25 However, as in the memo, we point out examples

1 which might detract from that finding and these are also in
2 part dependent upon the outcome of the cheating incident
3 investigation and the Board's forthcoming initial decision
4 which should discuss the vessel water level indicator.

5 In the area of operator staffing and training OPE
6 is generally satisfied with the plans for operator staffing
7 and training. However, due to potential staffing
8 difficulties OPE recommends that the Commission should
9 monitor the status of staffing of licensed personnel at the
10 time a final decision on restart is reached. That presumes
11 it has not at this time.

12 Further, the Board's License Condition 9-D which
13 has to do with the use of licensed non-shift personnel to
14 fill shift assignments has become necessary is not
15 consistent with the Commission's decision regarding Diablo
16 Canyon's low-power staffing. OPE suggests that the
17 Commission might wish to make it consistent.

18 COMMISSIONER AHEARNE: Why?

19 MR. REMICK: For two reasons. One, for the sake
20 of consistency and the other because we support the idea
21 that you should not take non-shift personnel and routinely
22 put them on shift work.

23 COMMISSIONER GILINSKY: Are we dealing with the
24 same problem then? What is the staffing complement that
25 they are planning on?

1 MR. REMICK: That is a question that relates to
2 some of the questions we will suggest later. There were 36
3 at the time of the April re-exam. The operators will be
4 re-examined in October and we have some informal indications
5 that seven operators have resigned. So that complement we
6 are not completely sure of. We are not even sure of this
7 figure of 7 at the moment. But their complement would be
8 basically an in between measure of current regulations and
9 what they will be in July of '82. Is that the date?

10 MR. MILHON^a: That is correct.

11 MR. REMICK: It is an interim condition. We are
12 currently required to have to two RO's and one SRO. In July
13 it will be two SRO's and two RO's. This is an interim
14 condition which is about half way in between. But basically
15 we will have an SRO or equivalent available, an extra SRO or
16 equivalent available.

17 COMMISSIONER GILINSKY: In Diablo there was a
18 problem with SROs. Is there an SRO problem here?

19 MR. REMICK: Jim.

20 MR. MILHON^a: Commissioner Gilinsky, in the April
21 examination there were 36 total candidates. Sixteen of them
22 were ROs and 20 of them were SRO candidates. Now, of that
23 20 the breakdown was as follows: Thirteen of the 20 were
24 shift SROs who normally stood shift work. Two of those 13
25 were involved in the cheating incident and since have been

1 removed. There were two shift technical advisers, three in
2 the training department, and one staff engineer and one ops.
3 manager which made a total of 20 SROs.

4 Now, for the October exams I understand that the
5 licensee will propose that three more shift technical
6 advisers take the SRO exam. So that would bring you up to
7 21 SROs with the following categories: Eleven of the 21
8 would be shift SRO, if all pass.

9 COMMISSIONER GILINSKY: Right.

10 MR. MILHON³_A: Eleven of them would be shift SROs,
11 five would be shift technical advisers, three would be
12 instructors in the training department, one would be a staff
13 engineer and one would be ops. manager, assuming that all
14 pass.

15 Then there is one indication that another
16 individual has been removed from license duties from what I
17 can tell. I don't know whether that is an RO or an SRO. I
18 can't tell at this time.

19 COMMISSIONER GILINSKY: Probably an SRO.

20 MR. MILHON³_A: There is a possibility.

21 COMMISSIONER GILINSKY: AT Diablo we required
22 eight, as I recall, for start-up. I am just trying to
23 understand your point. You are saying they may not have
24 eight, depending on the results of this exam and depending
25 on whether eight of the eleven pass. Is that the point? I

1 am just trying to understand.

2 MR. REMICK: Basically yes. We are not sure what
3 the staffing level will be, but hearing about the fact that
4 some have resigned and so forth, and not knowing for sure
5 that the one individual that was removed from licensing
6 whether he was an SRO or an RO, all we are saying is that
7 some of these things should be pondered at the time of the
8 decision.

9 MR. MILHON^a: It is compounded a little bit by the
10 Board condition which the licensee agreed with the
11 Commonwealth that they would try to maintain a minimum of
12 five shift crews which would bring you up to ten SROs to be
13 met in the license condition.

14 COMMISSIONER GILINSKY: Then you are talking about
15 ten. I see. At Diablo we are talking about four shifts.

16 MR. REMICK: In fact hopefully six but possibly
17 five.

18 CHAIRMAN PALLADINO: We were going to try to do
19 six.

20 MR. REMICK: Each time you go down there are
21 additional requirements imposed.

22 MR. MILHON^a: But also if in fact seven ROs quit
23 the utility the licensee might have to use some SROs to
24 stand RO duties which would compound the staffing situation
25 somewhat.

1 COMMISSIONER AHEARNE: Well, obviously we are not
2 going to know how many of which there are until after the
3 test. But putting that aside then, I thought there were two
4 types of conditions we imposed on Diablo. One was because
5 it was through start-up and the other was because they had
6 this proposal to take some non-shift people and put them on
7 shift.

8 Now, are you proposing that we apply both types of
9 conditions onto TMI?

10 MR. REMICK: I must admit underlying this we
11 assumed that you would probably impose the same type of
12 conditions on full power as you did on low power on Diablo.
13 There is an out in the case of Diablo that in the case of, I
14 think it said illnesses and I forget the wording, but what
15 we call exception circumstances, there was an out in that
16 case.

17 There is no proposed provision like that in the
18 condition proposed here and we thought that there would be
19 an advantage to being somewhat consistent.

20 COMMISSIONER AHEARNE: Each are unique in their
21 own way and this has had its own problems in the past. But
22 with Diablo, it was the first time that they were going to
23 be running a plant.

24 MR. REMICK: Yes, that is certainly true.

25 CHAIRMAN PALLADINO: This is certainly an area we

1 want to probe a little bit on.

2 COMMISSIONER AHEARNE: If the tests haven't been
3 completed, we can probe but we shouldn't be surprised if
4 they don't have any answers as to how many people they have.

5 COMMISSIONER GILINSKY: But you can ask what rules
6 they expect to abide by or think they have agreed to.

7 MR. REMICK: Part of their statements on how they
8 were to conduct the quality training and retraining was
9 depending on having additional shifts so people could be
10 broken away from duties. So they are going to have a tough
11 time, we would guess, having the six shifts which is the
12 ideal to get adequate requalification training and so forth.

13 CHAIRMAN PALLADINO: I am also curious as to why
14 seven would be so ~~in~~^{facetious a} comment.

15 COMMISSIONER AHEARNE: Do you want a facetious
16 comment or a serious comment?

17 CHAIRMAN PALLADINO: What?

18 COMMISSIONER AHEARNE: You don't want a facetious
19 comment. They found the tests were going to be monitored.

20 (Laughter.)

21 MR. MONTGOMERY: I can speak to three of those.
22 The information that we got back was that at least three of
23 the individuals just didn't feel they wanted to put up with
24 what they have to put up with any more being licensed
25 operators and were going to find some other line of work.

1 COMMISSIONER AHEARNE: Were all these people do
2 you know people who had once been licensed?

3 MR. MONTGOMERY: Not for sure, although we did
4 check earlier and found that the majority of all the total
5 candidates in the total package were previously licensed.

6 COMMISSIONER AHEARNE: I remember that.

7 MR. MILHON: That is right, there were very few
8 that were new candidates.

9 MR. REMICK: That is not confirmed, the seven.

10 In the area of safety related maintenance systems,
11 OPE agrees with the Board that the safety related
12 maintenance system appears adequate but should be closely
13 monitored assuming a restart. The licensee was directed by
14 the Board to inform the Commission how it has decided to
15 define a safety related repair. We suggest that the
16 Commission might wish to ask CPU management when that
17 information will be made available.

18 In summary of the summary then based on the
19 partial initial decision on management issues, once again
20 OPE finds no significant technical or policy reason for not
21 allowing eventual restart.

22 However, due to the substantial changes made in
23 the management areas, the fact that the new management
24 system is largely untested, we recommend special inspection
25 attention should be placed on TMI management areas starting

1 the first year of operation. This would include the
2 monitoring of the staffing and training for the reasons we
3 described and the maintenance for the reasons which are
4 described in the memo.

5 Now, we have developed several questions which we
6 think are consistent along with the thrust of our
7 recommendations. We would be happy to make those available
8 to any Commissioner who wishes to have them.

9 CHAIRMAN PALLADINO: Is this a list of questions
10 you have typed up?

11 MR. REMICK: Yes.

12 CHAIRMAN PALLADINO: I think they would be very
13 valuable.

14 (The document was passed out by Mr. Remick to the
15 Commissioners.)

16 CHAIRMAN PALLADINO: Have you come up with any
17 suggestions on how the mangement might be monitored for this
18 first year?

19 MR. REMICK: There are a lot of new people with
20 interrelated roles. There are suggestions in the
21 maintenance areas on the area of QC and so forth. We think
22 some of those things would be subject to I&E inspection to
23 see how they are going. There was a discussion about some
24 things being held up, QC sign-off, if I recall, being
25 delayed in some cases, and other cases where quality control

1 sign-offs had gone for long periods of time rather than
2 having intermediate points where they might check the work
3 up to date and sign off on that without letting them go too
4 long.

5 I think there are things like this that I&E could
6 readily inspect. Competence and so forth is probably more
7 subjective.

8 CHAIRMAN PALLADINO: I was thinking particularly
9 whether there were any thoughts on how we could check the
10 competence of management to act in emergency or off-normal
11 conditions? I agree with the suggestions you made. I think
12 those are good suggestions. But I had difficulty thinking
13 how to do that, how to monitor the management performance
14 and its capability for handling off-normal occurrences.

15 MR. REMICK: One thing comes to mind. Of course,
16 one of the conditions is that certain management receive
17 training in the site specific. To the best of my knowledge,
18 we just know that is to be 36 hours. One of the suggested
19 questions is for more detail on what will be in that program
20 and have I&E look at the actual program and what was in it
21 and so forth. That is related to emergency planning.

22 COMMISSIONER GILINSKY: Is the technical support
23 center something that you think would fit into this phase or
24 into the other phase of the decision?

25 MR. MONTGOMERY: It is not specifically discussed

1 in this one but we think it is important to the overall
2 adequacy of the emergency response system in terms of its
3 supporting management adequacy.

4 COMMISSIONER GILINSKY: I went through that plant
5 and I don't think I have seen a technical support center
6 that was less impressive. I think they are going to do
7 something to expand it or put in a new one or something, but
8 it is one little room, as I remember, with a filing cabinet
9 outside sort of in the hall. Were you with me, Ed?

10 MR. ABBOTT: No, I was not.

11 COMMISSIONER GILINSKY: It was undoubtedly the
12 least impressive one I have seen.

13 CHAIRMAN PALLADINO: What are they planning they
14 do with the technical support center?

15 COMMISSIONER GILINSKY: Yes, the center where
16 technical people and managers and others would gather at the
17 reactor site.

18 MR. REMICK: Am I correct, Jim, you would expect
19 that is where it would be covered?

20 MR. MILHON^B: In the emergency planning.
^

21 COMMISSIONER GILINSKY: This is in the second part?

22 MR. MILHON^B: It is in the second part, yes. We
^
23 would normally expect it to be there.

24 COMMISSIONER GILINSKY: Let's leave it for then.

25 CHAIRMAN PALLADINO: All right. Any other

1 questions for OPE?

2 Do you have more?

3 COMMISSIONER AHEARNE: Let me ask, do you know
4 when they have planned their next emergency exercise?

5 MR. REMICK: I do not. Does somebody else?

6 MR. MILHON³: No.
^

7 COMMISSIONER AHEARNE: It just occurred to me that
8 checking the procedures that they developed is one way of
9 just trying to get a little better sense that they would
10 have in place a way of handling emergencies. Other than
11 actually having an emergency one, unfortunately, can't
12 really tell. But at least in a drill, if it is a closely
13 observed drill, one can get at least a feeling for whether
14 the people who are in the management chain have at least had
15 enough training so that they understand what they are
16 supposed to be doing or are they kind of confused. It would
17 be interesting to know if that is within the year.

18 MR. REMICK: I am sure we can find out.

19 CHAIRMAN PALLADINO: There was one place I read,
20 and I have forgotten where I was reading it, where one of
21 the individuals under questioning did not seem to have a
22 background on some of the emergency procedures.

23 MR. MONTGOMERY: That was Mr. Hukill.

24 CHAIRMAN PALLADINO: What is the name?

25 MR. MONTGOMERY: Mr. Hukill. He is the Vice

1 President for TMI-1 which would be comparable to the plant
2 manager at other places.

3 COMMISSIONER GILINSKY: Because he had just
4 started or what?

5 MR. MONTGOMERY: That testimony was a few months
6 old. I would be inferring the reason for the response ---

7 CHAIRMAN PALLADINO: How long had he been in that
8 position? Do you have any feel?

9 MR. MONTGOMERY: I would say it would be within a
10 year.

11 MR. MILHON^B_A: He began work for PPU in June of 1980.

12 MR. MONTGOMERY: So it is probably less than a
13 year because I think that testimony was March or April.

14 MR. REMICK: That was one of the instances that
15 kind of detracted from a positive finding on attitude
16 because part of his response was that he had people who
17 worked for him who knew buy he did not know.

18 CHAIRMAN PALLADINO: That he felt that he didn't
19 need to know?

20 MR. REMICK: Of that I am not sure, or if it was
21 just because he had not had time.

22 COMMISSIONER AHEARNE: One of the Board's comments
23 to that was that as one of the officials designated and with
24 less than two-years service with the licensee he will take
25 the formal training course. We have to have some better

1 understanding, as you point out, of what that training
2 course includes.

3 CHAIRMAN PALLADINO: Any more questions?

4 (No response.)

5 CHAIRMAN PALLADINO: Then I suggest we turn to the
6 question of what ground rules, if any, the Commission would
7 like to establish for the questioning on October 14th.

8 I might begin by giving you a couple of my
9 thoughts.

10 COMMISSIONER AHEARNE: Do we now know who will be
11 coming as which parties and do we have some sense of the
12 ground rules they have been given?

13 CHAIRMAN PALLADINO: I think we know the
14 organizational parties, but I do not believe we have yet any
15 names.

16 Trip may have them.

17 MR. ROTHSCHILD: It is my understanding from just
18 informal conversations with the parties that for the
19 licensee I think it was Trowbridge and Blake who are their
20 attorneys who were planning to make the presentations.
21 Whether that Commission order today will change things, I
22 don't know.

23 For the staff it will be Dan Swanson who is an
24 attorney in the Executive Legal Director's Office who
25 handled their management competence work.

1 For the Aamodt Family, I believe it is Margarie
2 Aamodt who is one of the two members. She and her husband
3 are the intervenors there. She said she has recently
4 acquired counsel. She doesn't know whether counsel will be
5 up to speed to make the presentation and really hasn't
6 decided, but at this point I think it will probably be
7 Marjorie.

8 TMIA, I believe it will probably be Louise
9 Bradford who has sort of served as their legal
10 representative. She is not an attorney, but I understand
11 she has been having an attorney work with her on these
12 latter phases of the case. At this point no one really
13 knows who is going to make that presentation.

14 COMMISSIONER GILINSKY: How much time have we
15 decided to give them? Have we told them?

16 MR. ROTHSCHILD: Yes, 30 minutes.

17 COMMISSIONER GILINSKY: The order says that?

18 CHAIRMAN PALLADINO: Yes, each of the parties will
19 be afforded approximately 30 minutes to make its
20 presentation. Each party may reserve a small part of this
21 time for rebuttal. The Commissioners will pose questions to
22 the parties but the parties will not be permitted to ask
23 questions of one another. The order of presentation will be
24 the applicant followed by Three Mile Island Alert, the
25 Aamodt's and the NRC staff.

1 COMMISSIONER GILINSKY: Are you going to take them
2 one at a time or hear them all out?

3 CHAIRMAN PALLADINO: Well, I will make suggestions
4 just to get things started.

5 There is value I believe to having the individual
6 party make a 30-minute presentation or whatever it wants in
7 the non-rebuttal part and make it without interruption and
8 the permit Commission questions. But I would be inclined to
9 suggest on the first go-around that we limit the Commission
10 questions to perhaps 15 minutes with the opportunity to come
11 back.

12 What I wanted to make sure if that we did not get
13 so involved with one individual party so that we don't cover
14 all of them after they have gone through the trouble of
15 being here. Or the other is we could proceed and get all ---

16 COMMISSIONER AHEARNE: Do we have morning and
17 afternoon?

18 CHAIRMAN PALLADINO: Yes, we have morning and
19 afternoon. I didn't bring the schedule.

20 How much time did we set in the morning?

21 MR. CHILK: Ten to twelve, two hours.

22 COMMISSIONER AHEARNE: And afternoon?

23 MR. CHILK: It is two hours.

24 CHAIRMAN PALLADINO: So if we went a half hour and
25 allowed some preliminary questioning, because there are some

1 things that are on your mind and you want to get them off.

2 Then let the next party come on.

3 COMMISSIONER GILINSKY: Let's see, that is 45
4 minutes per party times four which is three hours if we keep
5 to that schedule. It is really not very much questioning.
6 It is like three minutes a Commissioner.

7 CHAIRMAN PALLADINO: Well, the other way is to let
8 them all make their presentations and then go at it with any
9 Commissioner going in the direction he wants to.

10 I was just thinking there was some value to
11 getting the initial questions that you are going to have,
12 but I am open on that point.

13 COMMISSIONER BRADFORD: No, I agree with you. I
14 think having them all give their presentations before we ask
15 any questions just means that a lot will get lost.

16 CHAIRMAN PALLADINO: But now that would leave,
17 assuming that struck right to schedule, three-quarters of an
18 hour and then we would have a half hour to quiz in more
19 depth on those two. Then in the afternoon we could follow a
20 similar format.

21 COMMISSIONER BRADFORD: What you will probably get
22 are requests by the early parties to reserve a few minutes
23 to rebut the later ones. That seems to have been standard.

24 CHAIRMAN PALLADINO: Well, that has to come out of
25 the half hour for additional questions.

1 COMMISSIONER GILINSKY: I will tell you, I think
2 it is not a good idea to let people talk for a half hour
3 with Commissioners sitting quiet because basically they just
4 chew up a lot of time. I think that, you know, within
5 limits you don't want to prevent people from making the
6 points that they want to make, but I think you want to
7 follow up points that are brought up in much more of a give
8 and take. I find that a very much more useful format. That
9 is, I might add, what the Supreme Court did.

10 CHAIRMAN PALLADINO: What is that?

11 COMMISSIONER BRADFORD: It is what all courts do.

12 COMMISSIONER GILINSKY: It is what all courts do.
13 You don't let a lawyer just run on for a half hour or an
14 hour.

15 CHAIRMAN PALLADINO: The only trouble is is
16 knowing when they have got their half hour worth. They may
17 not even get very far and we are questioning things that
18 they are going to address.

19 COMMISSIONER GILINSKY: They will tell you. You
20 know, they will say I have a point I want to make, or there
21 are three more points I would like to get in, and you say,
22 well, we took some of his time and why don't you go ahead
23 and complete it. Otherwise, you know, and I think this is
24 true on both sides of the issue, you just get sort of a
25 standard presentation. I know I personally find these

1 things a bit boring and they tend generally not to be to the
2 point because every party has some ax to grind of one kind
3 or another and it presents a very elaborate presentation
4 with that in mind.

5 CHAIRMAN PALLADINO: Sam, what time do we start in
6 the afternoon?

7 MR. CHILK: Two o'clock.

8 CHAIRMAN PALLADINO: And then we go to ---

9 MR. CHILK: --- to four.

10 COMMISSIONER AHEARNE: Well, I agree with Vic that
11 the normal style of having them come in and just giving
12 their presentations I have found singularly uninformative.
13 You know basically the major points they are going to make.
14 I think that in general they could make them in five minutes
15 and then the rest of it is ---

16 COMMISSIONER GILINSKY: If we can give them five
17 or ten minutes then I would say fine.

18 COMMISSIONER AHEARNE: In fact, I would endorse
19 Vic's approach, but I think that we ought to put out an
20 addendum notice.

21 CHAIRMAN PALLADINO: That is a good idea.

22 COMMISSIONER AHEARNE: I would suggest that we
23 agree with Vic's approach but then put out an addendum
24 notice.

25 CHAIRMAN PALLADINO: Are you going to limit them

1 to less than 30 minutes?

2 COMMISSIONER AHEARNE: I would suggest limiting
3 each party to, I don't know whether it is five minutes or
4 ten minutes, but some short period of time and then say that
5 the remaining portions of time will be taken up by questions
6 from the Commission. After all, that is the major reason
7 that we are bringing them here.

8 COMMISSIONER GILINSKY: Now, you can simply say
9 that so much time ---

10 COMMISSIONER AHEARNE: It would have also the
11 advantage of forcing them to focus on it is going to be a
12 short period of time and hopefully then getting them to
13 distill down their points.

14 COMMISSIONER GILINSKY: You know, what you are
15 going to get from the company is the organization chart and
16 they will just run through all their new manuals. What you
17 will get from the intervenors is a long list of maintenance
18 failures, at least the ones that are interested in that
19 issue, and so on. It is all written down some place if you
20 want to look at it.

21 COMMISSIONER BRADFORD: That is an important
22 point, isn't it? I take it we have got written submissions
23 anyway, don't we?

24 CHAIRMAN PALLADINO: What is that?

25 COMMISSIONER BRADFORD: We have written

1 submissions from all of the parties.

2 CHAIRMAN PALLADINO: Well, did we ask for written
3 submissions?

4 MR. BICKWIT: In the last order we did.

5 CHAIRMAN PALLADINO: Good, I am glad of that.
6 Then I would suggest a somewhat different format.

7 COMMISSIONER BRADFORD: The purpose of this
8 presentation is a chance for us to ask our questions of
9 them. Certainly to the extent that it is lawyers who are
10 involved they don't expect to get more than a couple of
11 sentences out of their mouths without somebody asking a
12 question in a format like this. What they will be trying to
13 do is tell you what they want you to hear and what you will
14 be trying to do is find out what it is you want to know.

15 COMMISSIONER AHEARNE: All the more reason to say
16 they only have ---

17 COMMISSIONER BRADFORD: Yes, I am agreeing with
18 you. In fact, as I say, I think they expect more like 30
19 seconds.

20 MR. BICKWIT: I would say they would be likely to
21 read this order as including your concept that they would be
22 interrupted all the time.

23 COMMISSIONER GILINSKY: That is what I think. I
24 don't think it is inconsistent with that. Typically they
25 come and make oral presentations and have been ---

1 MR. BICKWIT: In fact, I gather from
2 communications Trip has had with the parties they do expect
3 that.

4 CHAIRMAN PALLADINO: They do?

5 MR. BICKWIT: Yes.

6 COMMISSIONER AHEARNE: Fine. But perhaps there
7 will be other people who might come to the hearing who
8 aren't lawyers who might take at face value what we say and
9 it might be nice to have what we say really be what we
10 mean. It also might have the advantage of forcing them to
11 focus their thoughts in a few minutes.

12 COMMISSIONER GILINSKY: That is fine.

13 CHAIRMAN PALLADINO: Can we get this word to the
14 parties informally rather than trying to revise the order?
15 Tell them we would like them to give a five or ten-minute
16 summary of the major points of their presentations since we
17 will have read it.

18 COMMISSIONER AHEARNE: I would put a little
19 asterisk on "since we will have read it."

20 CHAIRMAN PALLADINO: What was your point?

21 COMMISSIONER AHEARNE: My point is that I am not
22 sure whether we will have read those submissions. So I
23 wouldn't want to make the point "since we will have read
24 those submissions." I would get the point across to them
25 that they should summarize their information and I would

1 back off trying to put something out as this addendum.

2 I would like you at the beginning of the meeting
3 to say that because I believe that people who come, and I
4 would expect many people to come to this presentation, may
5 have read the order and will not have gotten that
6 impression. I know it took me a while to see that lawyers
7 really expected that. I felt it was very discourteous to
8 have said they have "X" minutes and then to constantly
9 interrupt them. If we tell someone they have "X" minutes, I
10 would think we meant they have "X" minutes.

11 CHAIRMAN PALLADINO: How do we get these ---

12 MR. BICKWIT: We will just speak to the parties.
13 In fact, we could have some non-lawyers speak to the
14 non-lawyers.

15 (Laughter.)

16 MR. BICKWIT: We will talk in lay language.

17 CHAIRMAN PALLADINO: Let me make sure I
18 understand. We would then with a particular party, we would
19 certainly want to go at least three-quarters of an hour,
20 would you not, unless you run out of questions, because in
21 the end you want to give the a chance for some rebuttal and
22 they will want to hear the other people's arguments before
23 they rebut.

24 COMMISSIONER AHEARNE: Realistically the main
25 questioning is undoubtedly going to end up being on the

1 licensee.

2 COMMISSIONER ROBERTS: It is going to be what?

3 COMMISSIONER AHEARNE: On the licensee.

4 CHAIRMAN PALLADINO: These are not things we are
5 going to publish, but I would like some ---

6 COMMISSIONER AHEARNE: Because, after all, as you
7 said in the beginning, Joe, we put out an order and said you
8 must stay down until, and "until" is they have to prove
9 something. The burden is on them to prove that the order
10 should be lifted. So most of the questioning is clearly, I
11 think, going to be on the licensee focusing on have you not
12 met whatever individual standard we are establishing? Have
13 you met that standard?

14 Although the other parties, I am sure, will have
15 points to make, I would expect the main focus of the day has
16 to be on has the licensee met those standards that each of
17 us will have.

18 CHAIRMAN PALLADINO: Well, we have two hours. It
19 is divisible in a variety of ways.

20 COMMISSIONER AHEARNE: We have four hours.

21 CHAIRMAN PALLADINO: The problem is it breaks up
22 into two two-hour sessions.

23 COMMISSIONER AHEARNE: Oh, I see, yes.

24 CHAIRMAN PALLADINO: If you say, well, we had
25 better plan for at least an hour for the licensee and then

1 you are left with an hour for the first intervenor, maybe
2 you want to give the licensee as much as an hour and a
3 quarter and then given the next one on the order of
4 three-quarters of an hour. I am looking for guidance.

5 COMMISSIONER GILINSKY: I have to say that I don't
6 think it would be out of line to spend the morning on the
7 licensee. Now, that depends a little bit on how things go.
8 You may just run into an end and you may just decide there
9 really isn't an awful lot more to say and go on to the next
10 one.

11 CHAIRMAN PALLADINO: I think we can go an hour and
12 a quarter with the licensee unless we are going hot on it.
13 I won't stop any good discussion, but I just like to get
14 some feel for the guidelines.

15 Then that leaves roughly three-quarters of an hour
16 for the first intervenor and then three-quarters or an hour
17 for the next intervenor and I don't know if we are going to
18 want to quiz the staff more than three-quarters of an hour
19 and that leaves a half an hour for rebuttal.

20 COMMISSIONER GILINSKY: Let me ask OPE what their
21 assessment is of what the intervenors have to contribute.

22 MR. REMICK: Let me take a shot at it. Basically,
23 as we have pointed out, of course they have provided very
24 little evidence. The Board did somewhat castigate them for
25 not contributing adequately to the record. Most of their

1 case was through cross-examination. So I would think my
2 view of that would be that you would not look to them for
3 too many answers.

4 COMMISSIONER AHEARNE: In fact, as far as I can
5 tell from the decision, the group that had the largest to
6 contribute was the Commonwealth and they, having been
7 satisfied by the agreement, are not going to participate.

8 COMMISSIONER GILINSKY: You may find that
9 three-quarters of an hour is just much too long.

10 COMMISSIONER AHEARNE: I would support Vic. I
11 think that we ought to at least initially plan on having the
12 morning on the licensee. Then if it turns out that it is
13 running dry then you can stop and make the suggestion that
14 why don't we move on to the next party and later on in the
15 afternoon we might get back to you. I would initially end
16 up suggesting the morning be the licensee.

17 CHAIRMAN PALLADINO: Now what you are doing is you
18 are giving the intervenors at the most a half hour each in
19 the afternoon.

20 COMMISSIONER GILINSKY: Well, you know, it is
21 really to see whether they have something interesting to say.

22 CHAIRMAN PALLADINO: That is my point. They may
23 have something interesting and we may find that out in the
24 afternoon but now we have two hours. Give the intervenors
25 each a half an hour and give the staff a half hour and a

1 half hour for the four rebuttals. Then you have the
2 afternoon tightened up, but we could go later in the
3 afternoon.

4 COMMISSIONER GILINSKY: Yes, we could go longer
5 than two hours.

6 CHAIRMAN PALLADINO: Okay.

7 COMMISSIONER GILINSKY: I would be surprised if we
8 have more than a half hour on the intervenors or even that
9 much.

10 CHAIRMAN PALLADINO: Then we will be guided by
11 going as long as the whole morning for the applicant and
12 going with a half hour at the most for each of the
13 intervenors, unless we are uncovering some very important
14 information, and that would leave a half hour for the staff
15 and a half hour for rebuttal with the understanding we have
16 got an hour to play with. Is that reasonable?

17 COMMISSIONER GILINSKY: It sounds pretty
18 reasonable to me.

19 (Commissioners Ahearn, Roberts and Bradford nodded
20 affirmatively.)

21 CHAIRMAN PALLADINO: Now with regard to the scope
22 of questions, the only reservation that I have, and this is
23 subject to further Commission concurrence or disapproval, is
24 I honestly don't believe we have structured or have we
25 planned in sufficient depth to go through a rehash of the

1 TMI-2 accident.

2 However, I would see no problem with questions
3 that make presumptions about TMI-2 or maybe there are even
4 facts about TMI-2, such as communications being insufficient
5 on TMI-2, and now asking the party, the applicant
6 specifically, what have you done to overcome or correct the
7 situation that might be faced similarly in TMI-1. I know
8 there are going to be gray areas in there, but at least as a
9 starting point this is where I would be inclined to go.

10 I don't know whether we have any legal constraints
11 on questions. Maybe we ought to ask General Counsel to see
12 what he thinks we face in this regard.

13 MR. BICKWIT: I don't think you have any.

14 CHAIRMAN PALLADINO: We don't have any.

15 COMMISSIONER GILINSKY: Well, they have got to
16 cover the subject matter related to starting the plant up.

17 CHAIRMAN PALLADINO: There are other things now.
18 Are these answers being given under oath? We are not doing
19 that kind of a thing. This is a legislative kind of hearing.

20 COMMISSIONER AHEARNE: In the hearing are the
21 answers given under oath?

22 COMMISSIONER GILINSKY: Are they? I don't know.

23 MR. REMICK: In a hearing, yes, under oath. Each
24 witness is sworn in.

25 COMMISSIONER GILINSKY: Since I brought up the

1 business of TMI and there is some concern about it, let me
2 tell you a little bit what is in my mind, particularly since
3 I listed Herbein and Miller as possible witnesses.

4 I didn't intend to bring up who knew what when and
5 what went on in the plant, although I must say just as a
6 general point that I think you have to leave it to the good
7 sense of Commissioners with a balance of propriety and
8 decency and courtesy that they will just ask reasonable
9 questions.

10 But I did think it was relevant, for example, how
11 far that information went, say, up the chain of the company
12 and what they did with it, and, if they didn't, what did
13 they think about that, the fact that they themselves were
14 not informed or how did they assess the performance or how
15 they looked back on that performance of the company as far
16 as informing the federal and state officials on that day and
17 what have they done about it since.

18 CHAIRMAN PALLADINO: I think you could take the
19 same question right from the start and relate it to TMI-1
20 without asking them whether everything in TMI-2 is properly
21 forwarded.

22 COMMISSIONER GILINSKY: If you are dealing with
23 the same people I think it is important how they confront
24 that experience.

25 CHAIRMAN PALLADINO: I was willing to make a

1 presumption about what happened at TMI-2 for the purpose of
2 raising your question. That is what I said earlier. Now, I
3 know there is a little bit of trouble. You could say the
4 presumption is, based on your reading, you find that there
5 was a considerable amount of information that did not appear
6 to flow to top management. To the extent that this is true,
7 how would you avoid having a similar situation in TMI-1.

8 Now, they will answer you and if they say, oh, we
9 had a good flow of information, then they are setting
10 themselves up.

11 COMMISSIONER GILINSKY: Well, I guess I don't
12 think coming in and saying we now have a terrific
13 organization chart and we have now put up signs of don't do
14 this or do that, and by the way I was in a reactor that was
15 being completed and there were signs all over that said
16 remember sabotage is a federal crime. I think how you
17 confront your past acts is a very important bit of
18 information in knowing whether you can have confidence in
19 the way that organization chart or these roles or these
20 instructions will in fact be carried out.

21 You know, I think that applies whether you are
22 dealing with this management, or a foreign country or your
23 children.

24 MR. REMICK: I wonder if a question like that
25 could be handled like, if you look at the first question

1 that OPE has suggested where it says "The Board decision
2 discusses many changes GPU Nuclear Corporation has made to
3 its organization and management since the accident." If you
4 add in there "in the light of your experience during the
5 TMI-2 accident which specific changes do you think are most
6 important in ensuring safe operation," that would ---

7 COMMISSIONER GILINSKY: Well, I will tell you,
8 Forrest, I don't any reason for these questions not to be
9 pointed. This is very, very serious business. Now, if the
10 company has a good answer, this is the occasion for them to
11 make clear that they have a good system and they can be
12 trusted and you can have confidence in them. It is a
13 terrific forum for them to do that.

14 CHAIRMAN PALLADINO: That is when you get to the
15 question that relates to the improvements that they have
16 made. But when you question starts out to re-examine the
17 flow of information for TMI-2 I think we are deeper perhaps
18 than at least I think we ought to be.

19 COMMISSIONER GILINSKY: Well, I tell you, you
20 know, it is one thing to go back and say, you know, this
21 operator said this to that operator or was overheard to say
22 that to another operator and that, I agree with you, is just
23 something, unless they bring it up, is not something that we
24 can usefully get into and I wouldn't propose to do that.

25 Well, let's take one item. Take the business of

1 the thermocouple readings. We didn't find out about those
2 for weeks, that there were measurements which were recorded
3 of temperatures in the thousands of degrees. Now, did the
4 company know about those before we found out about them? We
5 didn't know about those until May and the accident was in
6 March.

7 You know, it is interesting, and there is a
8 tendency to shy away from this here, but the company has
9 made quite a point of those events in its communication to
10 us. They have in fact stressed that to the exclusion of all
11 the points, unless there are other submissions that I am not
12 aware of. Its submission deals entirely with the mailgram
13 issue, which for one reason or another, and in fact I am a
14 little surprised that they pursue it, but for one reason or
15 another they went on at length about that. They see that as
16 a key issue.

17 COMMISSIONER AHEARNE: Well, they certainly see it
18 as a key issue to one of us. That is true.

19 COMMISSIONER GILINSKY: No, I think they see it as
20 a key issue to the Board. I mean, I think what they are
21 responding to is not interest at the Commission but the fact
22 that the Board made statements about the mailgram. I think
23 it is in response to that and I think it is a concern to
24 clear the record of suggestions, at least that is the way I
25 read it at any rate, that there was something lying in that

1 decision that they found extremely uncomfortable.

2 CHAIRMAN PALLADINO: Well, Vic, I am not trying to
3 shield the GPU management from any of the responsibilities
4 it had and has for TMI-2 and TMI-1. What I am concerned
5 about is that if we are going to go into these issues we do
6 them well and we do them so that we are confident that the
7 answers we got have meaning and that they have back-up
8 evidence, if that is what we need, to confront somebody
9 with, and that it not be a half-baked effort in that regard.

10 Now, if we want to draw something from the TMI
11 evidence that you want to use to raise a question about
12 TMI-1, I would say, yes, gee, that is on the record and you
13 can go ahead and do that. If you even want to make a
14 presumption that is reasonably based on the record, I would
15 say, well, go ahead. If the presumption is wrong they will
16 tell you. But to try to get it from the record on TMI-2 and
17 then raise your question on TMI-1 ---

18 COMMISSIONER GILINSKY: I am not sure that what we
19 are saying here is at odds. The subject of all of these
20 investigations, so far as I can tell, and I don't propose to
21 rehash those, is what went on in that plant by and large.
22 Well, I will tell you, I think it is interesting to know
23 whether the board of directors directed any sort of
24 independent investigation of this accident. Now, that is
25 not getting into the details of the accident, but I think it

1 is interesting whether it is the company or the Board that
2 took an interest. You know, has there been an independent
3 look by the people in charge of that company. I think that
4 is interesting.

5 CHAIRMAN PALLADINO: I don't know that there was
6 any record made on that point.

7 COMMISSIONER GILINSKY: I don't know of any.

8 I will tell you frankly on this mailgram one thing
9 occurs to me. They sent us a submission which makes a very
10 strong point of the fact that Mr. DeCamp's statements, that
11 he believed the statements to be true at the time. It
12 doesn't say they believe the statements to be true
13 themselves. The Board said they didn't think the statement
14 was true on its face, although he may have thought it to be
15 true at the time he made it.

16 I am a little surprised if in fact they concluded
17 at some point these statements are not true that the company
18 hadn't communicated that to us.

19 CHAIRMAN PALLADINO: The statement was that Mr.
20 DeCamp himself believed his May 9th mailgram statement to be
21 true at the time he sent it. In other words, at the time he
22 sent it he believed it to be true.

23 COMMISSIONER GILINSKY: Fine. That deals with the
24 mailgram but does he believe it to be true now or not,
25 because the Board said not. If that is the case, why hasn't

1 he mentioned this earlier?

2 CHAIRMAN PALLADINO: Earlier than what?

3 COMMISSIONER GILINSKY: Well, than today or
4 October 14. I just raised that because we were talking
5 about the mailgram and it occurred to me. We were talking
6 about what sort of questions would fall into a reasonable
7 ambit here and which ones don't.

8 It seems to me that if they have sent us a
9 submission on this point it is perfectly reasonable to ask
10 them about it.

11 CHAIRMAN PALLADINO: Well, I still maintain that
12 if we are use any TMI-2 information to set the stage for
13 TMI-1 corrective actions, I would recommend that the record
14 be used as the basis for establishing questions unless it is
15 an item that wasn't covered in the record such as the one
16 you just asked, did the Board make any other investigation
17 of TMI-2 in their showing.

18 COMMISSIONER GILINSKY: Well, I don't know whether
19 you consider this covered by the record or not.

20 CHAIRMAN PALLADINO: (Inaudible).

21 COMMISSIONER GILINSKY: I was going to raise a
22 question and then you can tell me whether you think it is
23 included or not. I would like to know their assesement,
24 whether they feel they carried out their responsibilities in
25 informing the off-site authorities or not. I mean, how did

1 they assess that experience, and did his people carry out
2 their responsibilities to their management and what is his
3 assessment?

4 CHAIRMAN PALLADINO: There are a lot of gray areas
5 in that.

6 COMMISSIONER GILINSKY: Well, you know, if I were
7 on the board of directors that is what I would be asking
8 them. I don't happen to be on the board of directors, but I
9 think that is what the board of directors should have been
10 asking them.

11 CHAIRMAN PALLADINO: Any other thoughts on where
12 you want to go on the questions?

13 COMMISSIONER AHEARNE: Since you have raised the
14 question, Joe, as Vic well knows, I disagree with a lot of
15 the points he has made over the past year and a half on this
16 issue, but I agree with him on his right to raise the
17 questions. At the stage we reach at this point I think each
18 of us will be asked to address the decision that we have to
19 make as individuals and we have to have the opportunity to
20 ask the questions that we think are important to resolve
21 those doubts that we might have in our minds.

22 I guess I am beginning to sound a little like
23 Voltaire, but I think you understand the point.

24 (Laughter.)

25 CHAIRMAN PALLADINO: Tom, do you have any comments?

1 COMMISSIONER ROBERTS: I think the onus is on the
2 company and I want to wait and see what they have to say.

3 When are we going to get these written submissions
4 of the parties?

5 MR. BICKWIT: We have them.

6 COMMISSIONER ROBERTS: When are they going to be
7 distributed? Don't tell me I have them and don't know it.
8 Is that right?

9 MR. BICKWIT: Yes.

10 COMMISSIONER ROBERTS: Sorry.

11 (Laughter.)

12 CHAIRMAN PALLADINO: They have been distributed?

13 MR. BICKWIT: Yes.

14 CHAIRMAN PALLADINO: I will join you, Tom.

15 COMMISSIONER ROBERTS: Thank you.

16 (Laughter.)

17 CHAIRMAN PALLADINO: If they have been distributed
18 we will have to look for them.

19 COMMISSIONER GILINSKY: Let me ask you, are there
20 any GPU submissions other than the one I was referring to?

21 MR. MONTGOMERY: Yes. The responses that we have
22 been taking about, there are at least two sets. There were
23 initial responses from parties directly speaking to the PID
24 and there have since been responses to the responses of the
25 parties.

1 COMMISSIONER GILINSKY: I see.

2 COMMISSIONER AHEARNE: Fairly extensive
3 affirmative.

4 COMMISSIONER GILINSKY: I am in good company
5 though.

6 (Laughter.)

7 COMMISSIONER ROBERTS: You are in a majority.

8 CHAIRMAN PALLADINO: Peter, have you got any
9 thoughts?

10 COMMISSIONER BRADFORD: No. I am with Voltaire
11 over there.

12 (Laughter.)

13 CHAIRMAN PALLADINO: I don't know Voltaire as well
14 as I ought to.

15 Well, let me try something that may help us. I
16 still think that on details surrounding the TMI accident
17 that we ought to be guided by not rehashing that, however,
18 not being reluctant to draw on any information that we have
19 to establish a question regarding TMI-1.

20 I guess what I am hearing is that that is okay,
21 but don't you, Mr. Chairman, try to decide whether it is the
22 right manner but let the individual decide it.

23 (Laughter.)

24 CHAIRMAN PALLADINO: That is not an unreasonable
25 situation, but I still would urge you to consider before you

1 start to probe in great detail on TMI-2 issues. However, I
2 do think there is a class of questions that are quite
3 appropriate, especially those that were not developed in the
4 record, such as questions of what was the Board's attitude
5 about making its own investigation and did it do so. I
6 don't think that was in the record before. That is as far
7 as I have gotten anywhere on an understanding of the
8 discussion we have had here.

9 Now, if at any time I either see consternation on
10 the part of other Commissioners or if I find consternation
11 within my own soul I might has for a recess. I don't know
12 if that is legal. In ACRS you could go off and caucus.

13 (Laughter.)

14 MR. BICKWIT: You can talk to individual
15 Commissioners on your own.

16 CHAIRMAN PALLADINO: That is what I was thinking.

17 MR. BICKWIT: Or alternatively you can have the
18 discussion at the table. It seems to me that if the
19 questioning is shading over into what you regard as a rehash
20 of the TMI-2 investigation you can suggest that and take a
21 vote on it.

22 COMMISSIONER BRADFORD: Actually I think you can
23 in fact caucus.

24 CHAIRMAN PALLADINO: What I had hoped to do is if
25 possible suggest redirection of the questions so that it

1 becomes more focused if I understand the point that is
2 trying to be made and see if I can't help get it so that we
3 don't have to get those kind of situations.

4 COMMISSIONER BRADFORD: Those measures are fine.
5 I think as a practical matter that you probably can caucus,
6 can't you? I mean, this meeting is closed. If you wanted
7 to retire back to your conference room.

8 MR. BICKWIT: Oh, I see what you mean. Throw
9 everybody out and ---

10 COMMISSIONER BRADFORD: Well, no, just throw
11 ourselves out actually.

12 COMMISSIONER GILINSKY: I don't think there is
13 going to be any uproar or all of the sudden some question or
14 point creating tremendous difficulties. You are dealing
15 with people who are grown up.

16 CHAIRMAN PALLADINO: I have chaired a lot of
17 organizations and they were always reasonable people but
18 they can get carried away. I have been criticized, and I
19 feel it very deeply if I remember back, like why didn't you
20 cut that guy off. You know he was way off base and he
21 shouldn't have been ^{following that line of argument} ~~(inaudible)~~. Then the other one was you
22 never gave so and so a chance to make his point. So you
23 feel those after you have got many scares.

24 So that is why I think it is better we talk it out
25 and get some feel. I get some feel for your ---

1 COMMISSIONER GILINSKY: Well, that is why we are
2 having this meeting. I think it is very useful.

3 COMMISSIONER ROBERTS: I have a question. What is
4 going to be the procedure for our asking questions? It
5 would appear to me in my brief time here it is whoever
6 speaks into the microphone first.

7 (Laughter.)

8 COMMISSIONER ROBERTS: Well, I don't mean to be
9 facetious. I think that is highly accurate. I would
10 suggest that

11 CHAIRMAN PALLADINO: That isn't all that bad a way.

12 COMMISSIONER ROBERTS: To date it hasn't been, but
13 I am not sure what is going to happen on October 14th. I
14 would suggest, if this is reasonable, that the Chairman
15 recognize Commissioners who have questions. Is that a
16 reasonable procedure?

17 CHAIRMAN PALLADINO: I think by and large we have
18 even been doing that here but I will agree we might be more
19 formal.

20 COMMISSIONER GILINSKY: Occasionally we have gone
21 in turn, particularly in meetings on reactor licensing cases.

22 COMMISSIONER ROBERTS: Well, in my short service I
23 have not seen that. It is just whoever wants to say
24 something.

25 COMMISSIONER GILINSKY: It may seem that way to

1 you.

2 (Laughter.)

3 COMMISSIONER BRADFORD: That method works better
4 if you are allowing somebody to make a complete statement
5 and then ask questions after. If you having questions
6 during the statement, then there really is a tendency for
7 whoever has a question on a particular point that has just
8 been made to ask it because otherwise the statement flows on
9 by.

10 CHAIRMAN PALLADINO: Well, I noticed at the
11 hearing that occasionally a Senator will say, Mr. Chairman,
12 I wonder if I may interrupt, and then get his own question
13 in there for some reason. We can try that as a more formal
14 effort and then after each presentation go by each
15 Commissioner and ask for any questions that he may have.

16 Any other thoughts?

17 Basically we are going to fly by ear.

18 COMMISSIONER GILINSKY: Did you say fly by ear?

19 (Laughter.)

20 COMMISSIONER AHEARNE: Haven't you ever watched
21 Dumbo?

22 (Laughter.)

23 CHAIRMAN PALLADINO: Some people do it by the seat
24 of their pants.

25 (Laughter.)

NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

COMMISSION MEETING

in the matter of: CLOSED MEETING - EXEMPTION 10 - DISCUSSION OF TMI-1
RESTART

Date of Proceeding: October 6, 1981

Docket Number: _____

Place of Proceeding: Washington, D. C.

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

Mary C. Simons

Official Reporter (Typed)

Mary C Simons

Official Reporter (Signature)