



Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

DISCUSSION OF TMI-1 RESTART PROCEEDING

(CLOSED MEETING - EXEMPTION 10)

WEDNESDAY, MARCH 10, 1982

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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DISCUSSION OF TMI-1 RESTART PROCEEDING

- - -

(Closed Meeting - Exemption 10)

- - -

Nuclear Regulatory Commission
Commissioners' Conference Room
Room 1130
1717 "H" Street, N.W.
Washington, D. C.

Wednesday, March 10, 1982

The Commission met in closed session, pursuant to notice, at 10:05 o'clock p.m., NUNZIO PALLADINO, Chairman of the Commission, presiding.

BEFORE:

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

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

SAMUEL J. CHILK, Office of the Secretary
LEONARD BICKWIT, General Counsel
TRIP ROTHSCHILD, General Counsel
FORREST REMICK, OPE
JOHN MONTGOMERY, OPE
JIM MILHOAN, OPE
JOAN ARON, OPE

AUDIENCE SPEAKERS:

B. D. LIAW
AL KENNEKE

P R O C E E D I N G S

1
2 CHAIRMAN PALLADINO: The meeting will please come
3 to order. This morning the Commission meets in closed session
4 to discuss the TMI-1 Restart proceeding and since we have
5 visited this subject for several weeks, I thought it might
6 be appropriate to highlight some of the things that I think
7 we have to address.

8 We should today focus on two aspects of this pro-
9 ceeding; first, OPE's analysis of the Partial Initial Decision
10 concerning hardware, separation of units 1 and 2 and emergency
11 planning issues and their analysis of the parties' comments
12 and decision-making options. The second aspect that we must
13 focus on is the establishment of a schedule to obtain a
14 Commission decision on lifting the immediate effectiveness
15 of the suspension order.

16 Despite the problems that the licensee is exper-
17 iencing with steam generator, the Commission should establish
18 a schedule to obtain a decision of lifting the order that
19 takes into consideration the pending decision on cheating.

20 A Commission decision to lift the immediate
21 effectiveness of the suspension order would have to be
22 qualified to make it clear that while such a decision fulfills
23 the legal obligation to lift the immediate effectiveness
24 of the original suspension order, once the concerns which
25 prompted its issuance have been resolved, we must make it
clear that lifting of the immediate effectiveness of this
suspension order is contingent upon the staff making the
required certification and two, the actual restart would be

1 deferred until satisfactory resolution of the steam generator
2 problem and the resolution of questions created by the
3 D.C. District Court's decision on psychological stress.

4 The Commission received both written comments and
5 oral argument on the first initial decision dealing with
6 management competence. The Commission has received only
7 written comments on a second partial initial decision on
8 hardware separation and emergency preparedness.

9 In early May, the Board is scheduled to issue a
10 decision on cheating. Also, we understand that the Board
11 might also issue a partial initial decision on the implementa-
12 tion of restart conditions.

13 The Commission, I believe, should decide today
14 if we desire oral argument on the second initial decision
15 and should decide whether we want written and/or oral argument
16 on the cheating decision and the implementation of restart
17 conditions.

18 If the Commission decides to hold oral argument,
19 we must determine the scope of oral argument and we should
20 address the issue of whether or not we want to hold that
21 oral argument in the Harrisburg area because we have had
22 requests to hold a hearing there.

23 I favor obtaining written comments and oral
24 argument on the subsequent partial initial decision. I would
25 favor that the oral argument address the second and all of
the subsequent initial decisions issued by the Board and in
view of the request, I would lean towards holding the oral
arguments in Harrisburg if the Commission agrees.

1 Restart cannot occur under the Commission's
2 August 9, 1979 order until the Director of NRR has certified
3 to the Commission that all short-term requirements imposed
4 by the Licensing Board and the Commission have been completed
5 and that reasonable progress has been made on long-term
6 requirements.

7 The licensee has stated that this action involves
8 a sign-off of hundreds of individual items and intense effort
9 of the regional staff

10 In the near future, I would intend to send a
11 memorandum to the EDO requesting that he provide us a plan
12 and schedule to accomplish certification of items required
13 prior to or during restart.

14 Recent correspondence shows that there is controversy
15 between the Commonwealth of Pennsylvania and the licensee
16 concerning the distribution and use of TLD's for emergency
17 workers. In the near future, I would request that the
18 General Counsel provide us a discussion of these matters.

19 We are bound by our own order to lift the suspension
20 when we find the requirements of the 1979 shut-down order
21 are satisfied. With the exception of the cheating issue and
22 the question of oral argument, the Commission has before
23 it the information, I believe, it needs to make the decision
24 on the first two initial decisions.

25 I believe that we should establish the schedule
to reach final decision on lifting the immediate effectiveness
of the suspension order.

OPE recommends that the Commission issue an order,

1 Enclosure 2 to the OPE March 1 memo, which would basically
2 advise the parties that the Commission will wait for the
3 Licensing Board's decision on the cheating incident, will
4 inform the parties that there have been no ex parte communi-
5 cations and will establish a schedule for receiving party's
6 views on the Licensing Board's final PID.

7 The order is written with an optional paragraph
8 and this paragraph would request written comments on the PID
9 and I recommend that we use that optional paragraph.

10 In summary, I think we have three things that we
11 ought to try to do today; first, hear from OPE; second, act on
12 the order appended to the March 1 OPE letter; and three,
13 agree on a schedule and discuss how it is to be distributed.

14 My proposal is to turn the meeting over to Dr.
15 Remick and ask him to provide us a summary of OPE's analysis
16 of the second partial initial decision and OPE's analysis
17 of the comments of that decision.

18 After we conclude that portion of the meeting, I
19 am going to propose a schedule for obtaining the decision
20 of lifting the immediate effectiveness of the suspension
21 order and the schedule is basically a slight revision of
22 the one that is in the March 1 document.

23 Before we proceed, I understand that General Counsel
24 has some comments on the request to open this meeting and
25 I would suggest that we hear from him.

MR. BICKWIT: Thank you. We had a request from UCS
to open this meeting. We advised against doing that and by
a vote of four to one, the Commission went with that

1 recommendation. I would like Trip to quickly summarize his
2 discussion with UCS and bring you up to date on that.

3 MR. ROTHSCHILD: I talked with UCS this morning
4 and communicated the Commission's views to them. I think
5 their primary concern was if the EDO staff would be present.
6 I think they have a view that the EDO staff has been in a lot
7 of the closed TMI meetings. I told them they hadn't been
8 and this was just OGC and OPE.

9 I think they were pleased to hear that. I think
10 they may be a little skeptical, but that seemed to be their
11 primary concern. I think they have a view that there has been
12 a lot of ex parte communications between the Commission,
13 the Commission staff and the staffs and how can we possibly
14 be discussing TMI without dealing with the EDO staff. That
15 is where we are at and they seemed to accept my assurances
16 today that the EDO staff was not going to be present today.
17 So, that is where we are at.

18 CHAIRMAN PALLADINO: All right. Any other comments
19 before I turn the meeting over to Forrest?

20 COMMISSIONER AHEARNE: Yes. Since you made a number
21 of points there, at least I would like to respond to a couple
22 of them.

23 I am interested in hearing from OPE. I did find
24 their material interesting. I found that yesterday they
25 solved one of my problems. I couldn't quite see how they
went in their flow of information but the additional page
helped substantially.

As far as the list of items that are open, I think

1 that there is potentially still one more additional item that
 2 is open and that has to do with the Board's issue. They have
 3 recently granted a request by the Intervenors to explore
 4 further these reports of the Special Task Group following TMI
 5 and as I recall it was a document that was not provided to
 6 them and part of discovery, and the Board has just --

7 CHAIRMAN PALLADINO: Have they announced that they
 8 are going to hold hearings?

9 COMMISSIONER AHEARNE: They have announced that they
 10 are going to hold a preliminary hearing.

11 COMMISSIONER GILINSKY: What document is this?

12 CHAIRMAN PALLADINO: The Martin Report.

13 COMMISSIONER AHEARNE: This was Don Martin's report
 14 following up to the TMI accident and, as I recall, I think
 15 it was UCS, I am not sure which, had asked for a couple of
 16 contentions and then they had asked for all documents relating
 17 to it and this was not one of the documents which was
 18 identified. They later, just in the last few months, found
 19 out about it and have now asked for the staff author's to
 20 come to a hearing and the stage where it is now is that it
 21 is in a preliminary hearing which has been ordered by the
 22 Board.

23 What that eventually will lead to is uncertain at
 24 the moment but that is an additional factor that has to be
 25 considered.

CHAIRMAN PALLADINO: I think a Board's action on the
 Martin report certainly could have an impact on our schedule
 and we have to take that into consideration.

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1 COMMISSIONER AHEARNE: My point was that you had
2 listed the steam generator and the psychological stress as
3 two uncertain areas and I would add that as a third uncertain
4 area.

5 My general preference is to get written submissions.
6 I have found that the written submissions are much more
7 helpful to me than the oral presentations, primarily because
8 a written submission gives the people an opportunity to lay
9 out their arguments a little more carefully and in a little
10 more detail than we get in the oral arguments. So I would
11 prefer the written and would pass on the oral.

12 As far as a meeting in the Harrisburg area, as I
13 mentioned earlier at one point, I will defer to you and give
14 you my proxy on holding a meeting in the Harrisburg area.

15 CHAIRMAN PALLADINO: Incidentally while I think it
16 is a wise thing to do, I am not wildly enthusiastic about it.

17 COMMISSIONER AHEARNE: Inherent in the nature of
18 giving a blanket proxy is not to comment on the wisdom or
19 lack of it.

20 (Laughter.)

21 COMMISSIONER GILINSKY: Are we just going to send
22 Joe up there?

23 (Laughter.)

24 MR. BICKWIT: With that proxy in his hand.

25 COMMISSIONER AHEARNE: No, I have been to meetings
in the Harrisburg area and I am willing to go to another.

 As far as your comment that the Commonwealth and
licensee disagree on the TLD distribution, that is probably

1 technically accurate but that is not the substance of the
2 disagreement. The substance of the disagreement is that the
3 Commonwealth believes that FEMA should fund purchase of TLD's
4 and FEMA has said that no, they are not going to. The
5 licensee said when this came out, "We didn't know that, about
6 this disagreement, we are sure that this can be worked out."
7 The Commonwealth has said that they are not so sure it can
8 be worked out.

9 Underlying it is the Commonwealth's position that
10 there should be TLD's and the Commonwealth is not going to pay
11 for it. They originally said that the federal government
12 should pay for it and the federal government on behalf of
13 FEMA has said that no, we are not going to pay for it.

14 Clearly, what the Commonwealth now wants is the
15 licensee to pay for it.

16 CHAIRMAN PALLADINO: Do you have any feel for what
17 sort of money they are talking about?

18 COMMISSIONER AHEARNE: No, I don't. I would be
19 surprised if it is very large.

20 CHAIRMAN PALLADINO: A few thousand?

21 COMMISSIONER AHEARNE: I have no idea.

22 MR. KENNEKE: Some tens of thousands at most.

23 COMMISSIONER AHEARNE: I guess the final comment
24 that I would have is that with respect to the schedule I
25 would like to understand how the schedule -- in scheduling
the process, I think I would like to understand how that fits
in with what we expect to be the resolution of either the
psychological stress issue or the steam generator issue.

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Those are my comments.

CHAIRMAN PALLADINO: Those issues though were not related to lifting our suspension order. They are things that will influence the restart.

COMMISSIONER AHEARNE: That is certainly true.

MR. BICKWIT: I have a problem with that statement. I think the stress issue is related to the lifting of effectiveness. I think you can only lift effectiveness subject to resolution of the stress issue.

CHAIRMAN PALLADINO: I would agree with that. That's right.

MR. BICKWIT: Steam generator is a matter separate and apart from the lifting of immediate effectiveness but relates to the restart.

COMMISSIONER AHEARNE: Yes. Certainly. My point on how it relates is that to the extent that there is a push on the staff to reach a determination on certification are coming in to us and giving their presentation. The Board has said here a number of things that we expect the NRC staff to go to the Commission and tell them about. To the extent that our schedule starts driving the staff to do that in advance of the time that they would normally work through it, I think that would only be justified if we face a resolution of the other issues.

On the other hand, if the situation that we face is that the steam generator problem is going to take many more months, it wouldn't at least initially seem to me to be correct to force the staff to hurry up and do that other

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1 certification.

2 CHAIRMAN PALLADINO: Except to keep them moving.
3 The TMI Restart has so many aspects to it that if we can
4 in an orderly process bring to fruition the decisions we need
5 to make, that is the purpose.

6 COMMISSIONER AHEARNE: I don't disagree with that.
7 I didn't say that I would ask that they be completely same
8 in time. I just like to understand what the situation is.

9 CHAIRMAN PALLADINO: Forrest, would you like to
10 proceed?

11 MR. REMICK: Thank you. I would like to spend
12 just a couple of minutes trying to summarize where we stand
13 in the rather complex TMI-1 Restart proceeding.

14 The Licensing Board issued its first partial
15 initial decision on management issues in August of 1981
16 and OPE's analysis of that was submitted to the Commission in
17 September.

18 Board findings were favorable on the management
19 issues and they included such issues as information flow,
20 management qualifications, management attitude, training,
21 maintenance procedures and shift staffing. Our recommendation
22 was that you accept the Board's findings.

23 There was a caveat remaining on the possible impact
24 of the cheating proceeding on the Board's management findings.
25 We also raised a question at that time about shift staffing
because a number of operators had failed licensing examination,
I believe back in October.

We are now told that additional personnel took NRC

1 exams in February. The results are not known at this time
2 and there is a further examination scheduled in June. So
3 presumably the license personnel problem will be resolved,
4 at least it appears that way.

5 In response to a request by the Chairman, we
6 addressed the subject of vessel level instrumentation and the
7 controversy surrounding that issue in a December 18th memoran-
8 dum.

9 This was discussed by the Commission on December 21
10 at a Commission meeting and it is further addressed in our
11 March 1, 1982 analysis on the Board's second partial initial
12 decision.

13 The Board found that the instrumentation and proce-
14 dures for recognition for inadequate core cooling that will
15 be in place at the time of the restart are adequate for the
16 short term. They found that the vessel level instrumentation
17 is required for the long term and that the licensee had
18 made reasonable progress toward vessel level instrumentation
19 development.

20 They found that the installation of VLI at TMI-1
21 should be consistent with treatment of other similar reactors.
22 In the hearing the staff had stated that the licensee had
23 not made reasonable progress toward vessel level instrumenta-
24 tion.

25 CHAIRMAN PALLADINO: Who said that?

MR. REMICK: The Staff and therefore, the Board's
findings were contrary to the Staff position. However, the
staff now agrees with the Board decision that reasonable
progress has been made.

1 COMMISSIONER GILINSKY: Have they changed their
2 mind or has progress been made since the Court decision?

3 MR. REMICK: No, I think they changed their
4 position. They had criteria that they thought that TMI should
5 meet to indicate reasonable progress. They now concur that
6 TMI should be handled like other similar reactors. So
7 they basically, I would say, changed their position.

8 COMMISSIONER GILINSKY: It wasn't that there was
9 more progress but it was that the criteria were relaxed.

10 MR. REMICK: Yes, I would say that they backed
11 away from their criteria that they proposed, yes.

12 MR. MILHOAN: Excuse me. That is not to say
13 though that there has not been progress. TMI has made their
14 submittal on VLI even though the staff disapproves. There
15 has been some movement. I am not saying --

16 COMMISSIONER AHEARNE: Not extraordinarily.

17 MR. MILHOAN: That's right. I agree with that.

18 COMMISSIONER AHEARNE: Underlying it all, wasn't
19 it, that TMI was relying on B&W and B&W was very slow in
20 moving out in this area and the initial staff position was
21 that independent of how fast B&W was moving out, TMI ought
22 to move out and the Board essentially took the position that
23 as long as B&W was working on it, that TMI should be allowed
24 to go along with that and it came through the Commission cycle
25 and the staff concluded that the Commission is going to
accept B&W working for all B&W reactors and so the staff is
now predisposed.

CHAIRMAN PALLADINO: I think it is a good choice.

1 MR. REMICK: We recommended at that time that the
2 Commission hear about the controversy over the vessel level
3 instrumentation and the Commission accepted and subsequent to
4 the meeting that followed that recommendation the Chairman
5 requested the EDO to address the vessel level issue on a
6 generic basis and develop a recommended course of action for
7 the Commission.

8 On January 29th of this year, the EDO described the
9 staff plans to address the vessel level instrumentation issue
10 which calls for a recommendation for the Commission consider-
11 ation by the end of this month, that is, March. In the
12 interim they have met with vendors, utilities and others
13 and presumably are sending this before the CRGR committee
14 and discussing with ACRS.

15 The Licensing Board's second partial initial decision
16 was issued on 14 December, 1981 and it dealt with three major
17 issues, plant design and procedures which we classify as
18 hardware issues, separation of units one and two and emergency
19 planning.

20 That is the decision that was in excess of 800 pages
21 and in the area of emergency planning alone, there were over
22 100 contentions that were handled.

23 The Licensing Board resolved the issue in favor of
24 restart subject to limiting the operation at five percent of
25 full power pending resolution of the cheating issue.

The Board's favorable restart decisions are contin-
gent upon satisfactory completion of a number of licensee
commitments, staff --

COMMISSIONER GILINSKY: Excuse me. The five percent

1 limit is tied to the resolution of the cheating issue?

2 MR. REMICK: Yes. They indicated --

3 COMMISSIONER GILINSKY: Once that is resolved,
4 the limit would be removed.

5 COMMISSIONER AHEARNE: It depends on which way
6 the resolution goes.

7 COMMISSIONER GILINSKY: Favorably resolved.

8 MR. REMICK: Yes. As I indicated --

9 CHAIRMAN PALLADINO: What is a favorable resolution,
10 having enough operators?

11 MR. REMICK: One of the questions involved in the
12 cheating incident was if there was management involvement in
13 the cheating issue.

14 CHAIRMAN PALLADINO: I see.

15 MR. REMICK: The Board's favorable restart decision
16 is contingent upon satisfactory completion of a number of
17 items including licensee commitments, staff requirements,
18 Board imposed conditions and the satisfactory conclusion of
19 the cheating issue.

20 OPE's analysis of that partial initial decision
21 is contained in our 8 January report and based on our review
22 of that second partial initial decision including how it
23 might impact on our earlier conclusions regarding management
24 issues, we continue to find no technical reason why the
25 Commission could not accept or allow the Board's partial
initial decisions to become immediately effective if it
chose.

However, we believe that the five percent of full

1 power limitation is probably now a moot consideration in
2 light of the other items that are holding back restart.

3 The Commission received a number of comments from
4 parties and replies to those comments on a number of matters
5 including the question of the immediate effectiveness of the
6 Licensing Board's second partial initial decision, comments
7 on whether the Commission should await the Licensing Board
8 decision cheating before reaching a decision on restart,
9 comments on various briefing information relative to the
10 vessel level instrumentation issue including information that
11 was in OPE's 18 December memo and information that was not in
12 the record and which was brought to your attention, also
13 comments on the receipt of the information that was received
14 by the Commission on an 8 January meeting between vendor,
15 staff and ACRS.

16 We also received comments on the 21 December staff
17 briefing before the Commission on the subject of information
18 flow and comments on the alleged ex parte communications.

19 Based on our review of the comments and replies,
20 we continue to find no technical reasons for not allowing
21 the second partial initial decision to become effective.
22 However, because the partial initial decision on cheating
23 is now expected in May, the plant will not be able to restart
24 for some time thereafter, we recommend for policy reasons
25 that the Commission await the Board's partial initial decision
26 on cheating before making the Board's decisions effective.

COMMISSIONER BRADFORD: When you say, "Can't
restart for some time thereafter," can you just review the

1 bidding on the various schedules. What now does seem to be
2 the earliest possible resolution of the steam generator
3 problem?

4 MR. REMICK: The latest I have seen is six months
5 to a year.

6 COMMISSIONER BRADFORD: From?

7 MR. REMICK: That was from about two or three
8 weeks ago.

9 COMMISSIONER GILINSKY: Is this six months at all
10 realistic?

11 I understood that they either had to replace
12 thousands of tubes --

13 COMMISSIONER AHEARNE: Eight thousand, I think.

14 COMMISSIONER GILINSKY: Or replace generators all
15 together.

16 MR. REMICK: I don't think the six months is
17 reasonable, no, and the information we have is that they
18 will probably plug and perhaps sleeve.

19 COMMISSIONER GILINSKY: You can't sleeve thousands
20 of tubes.

21 COMMISSIONER AHEARNE: They did it in San Onofre.

22 COMMISSIONER GILINSKY: Thousands?

23 MR. REMICK: Yes, I think 7,000 or 8,000.

24 COMMISSIONER AHEARNE: A very large number. But
25 they clearly cannot plug.

CHAIRMAN PALLADINO: I am trying to understand
what you mean when you say, "You can't."

COMMISSIONER AHEARNE: Well, you can.

1 CHAIRMAN PALLADINO: But it is not a very wise
2 thing to do.

3 COMMISSIONER AHEARNE: That's right.

4 COMMISSIONER GILINSKY: Let me ask you this. How
5 long did it take to sleeve thousands of tubes in San Onofre?

6 CHAIRMAN PALLADINO: What is that?

7 MR. REMICK: The question is how long did it take
8 to sleeve that number of tubes at San Onofre and I don't
9 know. Does anybody else?

10 COMMISSIONER AHEARNE: B. D., do you know how long
11 it took to sleeve San Onofre.

12 MR. LIAW: At San Onofre we ran into problems with
13 the brazing joint and normally I would expect something like
14 six months or so.

15 COMMISSIONER AHEARNE: But that is after they make
16 the decision to go ahead and do it?

17 MR. LIAW: What do you mean by that?

18 COMMISSIONER AHEARNE: They haven't yet decided
19 what to do?

20 MR. LIAW: That's true.

21 MR. ROTHSCHILD: I think in the GPU press release
22 of a couple of weeks ago, I think they said that if they
23 ended up sleeving it would be about a year was their
24 estimate.

25 COMMISSIONER GILINSKY: What was that?

MR. ROTHSCHILD: I think their estimate was a year
and I think their starting point was the end of February.
So I think they are really talking about February of 1983 was

1 their rough estimate if that was the alternative they used.

2 COMMISSIONER GILINSKY: First of all, these
3 estimates tend to be optimistic and one always runs into
4 something new. I would be surprised if it was less than a
5 year that they are estimating.

6 MR. REMICK: I personally would not be surprised
7 either but I think they did indicate a range of six months
8 to a year. How realistic it was, I don't know.

9 COMMISSIONER AHEARNE: Isn't that somewhat based
10 upon their early analysis, that is, they haven't completed
11 all of their analysis over what the problem is much less
12 going through the economics and looked at the options.

13 MR. REMICK: That's correct.

14 COMMISSIONER BRADFORD: Have they discovered yet
15 whether there are problems with other parts of the vessel
16 internal? I gather that one of the questions raised by all
17 this was whether other inconel instruments had also been
18 damaged.

19 MR. REMICK: I don't think we have any information
20 on that yet.

21 CHAIRMAN PALLADINO: Also, have they cleaned up
22 the system enough so that if they do sleeve, they are not
23 going to have the problem reoccur?

24 COMMISSIONER GILINSKY: Do they know what the
25 problem was?

CHAIRMAN PALLADINO: That is the point.

MR. REMICK: We have not dug into the steam
generator problem other than to try to keep informed from

1 time to time but not in this context.

2 COMMISSIONER GILINSKY: Somehow we don't seem to be
3 focusing on the most important problem.

4 MR. REMICK: That might be correct but we are
5 reviewing the record.

6 CHAIRMAN PALLADINO: You are right but I don't
7 think it is our intention not to focus on it.

8 MR. REMICK: As I was indicating, we recommend
9 that the Commission await the Board's partial initial decision
10 on cheating before making the Board's decision effective.

11 On February 8th of this year the licensee filed
12 with the Appeal Board an exception to the Board's decision
13 on vessel level instrumentation. It was one of three
14 exceptions that was filed.

15 CHAIRMAN PALLADINO: Was this the licensee?

16 MR. REMICK: Yes.

17 COMMISSIONER BRADFORD: You used the phrase and
18 Len did, too, the significance of which I should remember
19 but I don't, "Lifting the immediate effectiveness of the
20 suspension order." Are you talking about the order that the
21 Commission put out three years ago?

22 MR. REMICK: August, 1979, yes.

23 COMMISSIONER BRADFORD: So when you talk about
24 lifting its immediate effectiveness you actually mean what,
25 allowing restart?

CHAIRMAN PALLADINO: Lifting the suspension.

24 COMMISSIONER BRADFORD: Normally when we talk about
25 lifting immediate effectiveness, we are talking about

1 postponing or allowing a present state of affairs to continue.
2 Nevermind, it is not worth it.

3 MR. REMICK: Perhaps Len can help us here. We
4 have been trying to use --

5 CHAIRMAN PALLADINO: I have had problems with it
6 for a long time, but I thought I had clear.

7 COMMISSIONER AHEARNE: I think it is very clear.
8 It is an enforcement action. We shut them down. We made
9 that enforcement action rather than allowing them to have a
10 hearing on it, we made it immediately effective.

11 COMMISSIONER BRADFORD: Right. But the point now
12 is -- what is really being discussed now is lifting the
13 suspension order.

14 MR. BICKWIT: That's right.

15 COMMISSIONER BRADFORD: It is not as though they
16 were then going to be a hearing and the suspension order
17 might again become effective.

18 COMMISSIONER AHEARNE: No, because the hearing is
19 completed.

20 COMMISSIONER BRADFORD: Right. So immediate
21 effectiveness really isn't an issue here?

22 COMMISSIONER AHEARNE: It is the term which is
23 applied.

24 COMMISSIONER BRADFORD: Lifting the order is really
25 what is being talked about and immediate effectiveness doesn't
really have much to do with it.

CHAIRMAN PALLADINO: That is the way I translate it
but if there is some subtlety, I would like to be informed.

1 COMMISSIONER BRADFORD: No, there isn't. I just
2 needed my memory to be refreshed.

3 CHAIRMAN PALLADINO: I translate it to be
4 lifting the suspension.

5 MR. BICKWIT: The order requires a hearing and
6 merits review of the Board's decision so that would remain
7 in effect throughout the remainder of the proceeding. What
8 you are talking about is saying that the immediate effective-
9 ness of the original order is no longer justified.

10 COMMISSIONER AHEARNE: To put it into practical
11 terms what it means is that if there weren't a steam generator
12 problem and if there weren't a psychological stress issue,
13 then the plant could start up and a review of the Board's
14 decision would still continue.

15 COMMISSIONER BRADFORD: So there is, in fact, some
16 significance to the immediate effectiveness.

17 MR. BICKWIT: I think so.

18 CHAIRMAN PALLADINO: Say that again, Pete.

19 COMMISSIONER BRADFORD: It turns out that there is
20 some legal significance to the immediate effectiveness point
21 although as it has just been pointed out it is washed away
22 by the steam generator problem. If it weren't for that,
23 there would be some significance to it.

24 CHAIRMAN PALLADINO: And perhaps psychological
25 stress.

COMMISSIONER BRADFORD: And by the psychological
stress.

COMMISSIONER AHEARNE: Right.

1 CHAIRMAN PALLADINO: Would you like to go on?

2 MR. REMICK: As I was pointing out, in February
3 the licensee filed with the Appeal Board an exception on the
4 Board's decision on vessel level instrumentation and that
5 was one of three exceptions that they filed.

6 However, they stated that it intends to continue
7 working with the staff toward the goal of additional
8 instrumentation giving an unambiguous easy to interpret
9 indication of inadequate core cooling.

10 The licensee stated that it hoped that resolution
11 will be accomplished and that it will be able to seek dis-
12 missal of that exception before the appeal process is
13 completed.

14 We now believe that the staff plan of action is
15 consistent with the Board decision that vessel level
16 instrumentation should be required consistent with treatment
17 of other similiar reactors. If you lost the context of what
18 I am referring to, I will understand.

19 (Laughter.)

20 MR. REMICK: I have listed six items that you
21 received comments on and I am trying to go down over those
22 and just summarize those. The Licensing Board in its first
23 partial initial decision found no deficiencies in the manage-
24 ment arising from its inquiry into the management's response
25 to the accident that have not been corrected and which must
be corrected before there is reasonable assurance that
unit 1 can be operated safety.

We continue to believe that the Commission should

1 accept the Board's finding on this issue.

2 As to ex parte communications, we are aware of
3 none and thus, we recommend that the Commission should state
4 in its next order on TMI-1 that there have been no ex parte
5 communications and that the EDO staff was not present at the
6 closed meeting or at this one.

7 The Commission in its December 23, 1981 order
8 stated that after receiving comments and replies on the second
9 partial initial decision, the Commission would either issue
10 a decision regarding restart or advise the parties of the
11 schedule that would be followed.

12 The Commission further stated that a decision by the
13 Commission rather than granting effectiveness to a Licensing
14 Board's decision would be determining based on that decision
15 and other factors whether the concerns which prompted its
16 original immediate suspension order of August of 1979 justify
17 a continuation of that suspension.

18 If they do not and the Communication therefore can
19 no longer find that the public health, safety and interest
20 mandates the suspension, then the Commission is required by
21 law whatever the nature of the Licensing Board's decision
22 to lift that suspension immediately.

23 We believe that the Commission should separate
24 the issue of lifting the immediate effectiveness of its
25 suspension order from the issue of restart. We believe that
once you have received the Licensing Board's decision on the
cheating issue and have received a status report from the
staff on the implementation of restart conditions, you will be

1 in a position to decide whether the concerns which prompted
2 your suspension order have been resolved.

3 Such other matters as resolution of the steam
4 generator problems, final staff certification of the imple-
5 mentation of restart conditions and the preparation of
6 environmental impact appraisal or environmental impact
7 statement on psychological stress and I realize now there is
8 a difference apparently on that point are additional mile-
9 stones which must be resolved before start-up but not before
10 consideration of the lifting of the suspension order.

11 (At this point, Commissioner Gilinsky left the
12 meeting.)

13 COMMISSIONER BRADFORD: Forrest, why does it make
14 sense to you to lift immediate effectiveness outside of the
15 context of a restart decision in light of the fact that there
16 is no practical difference?

17 MR. REMICK: I think when the Commission issued its
18 order in August of 1979 lifting the immediate effectiveness
19 of the suspension order and restart were synonomous.

20 Events have overcome that and I believe that you
21 have and I hesitate to say a legal obligation, I will let
22 the lawyers say that, to lift that once the concerns which
23 prompted you to suspend the operations, once your concerns
24 are no longer there.

25 We believe that if you accept the Board's decision
that you are at that point where you should no longer have
the concerns plus some reasonable certification from the
staff that things are progressing towards meeting the short

1 term requirements and the licensee is proceeding on long term
2 requirements.

3 COMMISSIONER BRADFORD: In a world of infinite
4 resources, I don't think I have any quarrel with that
5 proposition, but in effect what you are saying is that the
6 Commission has to work on double time compared to the
7 schedule that we have just to meet restart in order to deal
8 with the immediate effectiveness question.

9 I am failing to grasp the practical import of this.

10 COMMISSIONER AHEARNE: For a moment let's put the
11 legal question aside and just make the assumption that there
12 were no legal requirement, would you still recommend that?

13 MR. REMICK: Yes, I would.

14 COMMISSIONER AHEARNE: What would those reasons be?

15 MR. REMICK: Some of them would be that it is an
16 extremely complex case with many, many loose ends and I think
17 it is consuming a lot of Commission time and the Commissioners'
18 staff time and as these things keep hanging out there, we
19 keep rehashing them and I believe there is some efficiency
20 benefit in trying to sweep these up and making orderly
21 decisions as you can.

22 It closes the book on those parts that you can.
23 There are so many loose issues. We spend so much time going
24 back and reviewing those and rehashing them that we see a
25 definite benefit from that standpoint.

COMMISSIONER ROBERTS: Let me ask a question. If
the suspension were lifted, could the plant go back in the
rate base?

1 CHAIRMAN PALLADINO: I think there are considerations
2 along that line.

3 COMMISSIONER AHEARNE: It is up to the PUC.

4 MR. MONTGOMERY: The order as it stands now as we
5 understand it says and this is the new decision by the
6 Pennsylvania PUC says that once TMI gets to a substantial
7 part of power which may be 35 percent. Then it can go to
8 phase two of the order. However, they have already been
9 allowed a rate increase regardless of the fact that the
10 plant is not on line.

11 What would happen if they did get it started again
12 is that the amounts would shift.

13 CHAIRMAN PALLADINO: But I think there is also an
14 obligation on our part to let the utility know whether there
15 is any bar to starting up this plant aside from the steam
16 generator. They are going to invest a lot of money in
17 fixing that steam generator and if there are bars that are
18 going to come up and say, "Well, even if you fix the steam
19 generator, you are not going to be allowed to restart," and
20 I think they ought to know that as soon as reasonably
21 possible.

22 MR. BICKWIT: By the way, I agree with you on the
23 legal point which would supplement this reason, that there
24 would be an obligation.

25 COMMISSIONER BRADFORD: Why is that?

MR. BICKWIT: The Administrative Procedures Act
says that you can make an order immediately effective only
if the public's health, safety and interest requires. If you

1 determine that the public's health, safety and interest no
2 longer requires --

3 COMMISSIONER BRADFORD: You can dissolve the immediate
4 effectiveness now from that standpoint.

5 MR. BICKWIT: That is what they are meeting to
6 determine.

7 COMMISSIONER AHEARNE: Yes, we could have it. If
8 you recall, some time ago, I had raised exactly that issue.

9 COMMISSIONER BRADFORD: But you forget, John, that
10 you had suggested that as a practical matter they can't run
11 the plant. There is no need for an order telling them they
12 can't run the plant.

13 MR. BICKWIT: As a technical/legal matter they could
14 run the plant. You have not issued an order to keep them
15 from running the plant on the basis of steam generator
16 considerations.

17 COMMISSIONER AHEARNE: You see now if the Commission
18 had gone along with my proposal, they would have found out
19 about the steam generators much earlier and then we would be
20 that much farther along in solving the question.

21 CHAIRMAN PALLADINO: You mean by operating them?

22 COMMISSIONER AHEARNE: No. They would have been
23 allowed to start the steps which, I guess, in principle they
24 would have found out. In fact, perhaps, they may not have
25 even gotten into trouble.

MR. REMICK: Our Table 1 in the March 1st analysis
contains a list of significant milestones and estimated
schedules leading to a Commission decision on lifting the

1 immediate effectivness of the suspension order. That
2 information is presented in the form of several decision-
3 making options. Now the Chairman indicated in his opening
4 statement that the various decisions which hopefully the
5 Commission will make today to enable that schedule to be
6 followed generally and so that the parties can be advised of
7 that schedule as the Commission indicated that they would so
8 notify them.

9 In closing, we recommend that the Commission accept
10 the Board's findings in its first and second partial initial
11 decision subject to satisfactory resolution of the cheating
12 issue and subject to normal appellate review, of course,
13 decide the scheduling matters described by the Chairman,
14 advise the parties that the Commission will wait for the
15 Licensing Board's decision on cheating before deciding on
16 whether to lift the suspension order, inform the parties that
17 there have been no ex parte or other prohibited communications
18 and establish a briefing schedule for receiving party views
19 on the Licensing Board's final partial initial decision.

20 In closing, I might say that I am joined at the
21 table by several other OPE staff members and also backed up
22 by others who participated in the analysis of the partial
23 initial decision and comments; Jim Milhoan, John Montgomery,
24 Joan Aron and Trip Rothschild from OGC who participated also.

25 I would be happy to answer any questions you may
have.

CHAIRMAN PALLADINO: I wonder if I could ask Len
a question. I am not sure I am clear on what you said about

1 psychological stress. Is psychological stress an issue in
2 lifting the immediate effectiveness?

3 MR. BICKWIT: I believe it is. As I read the
4 Court decision, the Court is saying that you may not lift
5 immediate effectiveness until certain actions are taken.
6 What they say is that you may not make a decision to restart
7 TMI-1 until certain actions are taken.

8 But in the context of the decision itself, I
9 think what they mean is you can't make a decision in this
10 proceeding to lift the immediate effectiveness of the
11 original suspension order until these actions are taken.

12 COMMISSIONER AHEARNE: It seems reasonable.

13 CHAIRMAN PALLADINO: Then, Forrest, looking at
14 your schedule how would that impact on the schedule? Have
15 you had a chance to think about that?

16 MR. REMICK: No, because we came into the meeting
17 thinking that was outside the lifting of immediate effective-
18 ness.

19 CHAIRMAN PALLADINO: Didn't the Court say, "restart?"

20 MR. BICKWIT: The Court says, "It shall not make
21 a decision to restart TMI-1." Now the question is, what
22 does that mean and I think it means what Forrest just said.

23 COMMISSIONER AHEARNE: I would tend to agree.
24 Given that the issue that they were addressing is whether
25 psychological stress should have been in that hearing, the

1 hearing then culminating in this decision we would be
2 reaching and if the Court essentially is saying your hearing
3 was flawed, that you must have something in that hearing
4 that you didn't have, it would seem logically that they
5 were essentially saying that you cannot go ahead with the
6 step which follows that.

7 MR. BICKWIT: I think the only difference it makes
8 is that whatever schedule you have, when you want to lift
9 immediate effectiveness on the basis of other grounds, you
10 would just say, "subject to a resolution of these issues."

11 Under the two different concepts, if this relates
12 not to the lifting of immediate effectiveness but to restart,
13 itself, then you just lift immediate effectiveness, period.
14 Under the concept that I am pushing, you lift immediate
15 effectiveness but in a conditional way. You lift it subject
16 to the condition that this particular matter gets ironed out.

17 CHAIRMAN PALLADINO: If we go with your thought,
18 I don't see how we can lift the immediate effectiveness
19 because the Court has basically said that your hearing is
20 flawed, now go back and re-do it.

21 MR. BICKWIT: It is a conditional lifting. It is
22 a lifting subject to a condition.

23 CHAIRMAN PALLADINO: We could always conditionally
24 lift it. I thought we were trying to lift it because we
25 thought all the things were being cleared up. Forrest was

1 going on the basis that it was a conditional lifting.

2 MR. REMICK: That's correct.

3 CHAIRMAN PALLADINO: Now I gather from your inter-
4 pretation, it is really part of the whole proceeding and we
5 really couldn't lift it until that were completed, if I
6 understand you on that.

7 COMMISSIONER AHEARNE: Again, this is somewhat
8 academic because no matter what happens they can't start,
9 but I think what you would be saying if we went that route
10 and at that stage if we did approve lifting it subject to,
11 what one would be telling the licensee is that we have no
12 additional problems with respect to your plant. You have
13 to, of course, meet the steam generator problem and we both
14 must recognize that the resolution of the psychological
15 stress issue may require additional hearing and additional
16 requirements to be placed on it. And that is an uncertainty
17 that we don't have an answer to at the time.

18 COMMISSIONER BRADFORD: Joe's point would be much
19 clearer if there were no steam generator problems though
20 which is the practical effect of a conditional lifting is
21 not to lift.

22 COMMISSIONER AHEARNE: Right.

23 COMMISSIONER BRADFORD: That is, if the steam
24 generator problem weren't there, this conditional lifting
25 wouldn't, in fact, change the status of the plant one iota.

COMMISSIONER AHEARNE: No, the only thing though

1 I would agree with Joe that what it does tell Met Ed that
2 the Commission will have come down on all those other
3 issues and that there is no further work required once you
4 have met those conditions.

5 MR. BICKWIT: It is not all that different from
6 the original concept which is that you lift immediate
7 effectiveness subject to the condition that the certification
8 takes place to the satisfaction to the Commission. Now you
9 have an additional condition.

10 CHAIRMAN PALLADINO: Except that is not part of a
11 hearing process.

12 MR. BICKWIT: This may not be either. In fact, our
13 best reading of where the Court is, is that it is not part of
14 the hearing process. Of course, we don't know what the Court
15 is going to do. I haven't seen any Court opinion.

16 (Laughter.)

17 CHAIRMAN PALLADINO: I was wondering, are we in a
18 position to make up a schedule?

19 MR. REMICK: I think so, yes.

20 CHAIRMAN PALLADINO: If we are going to come out
21 with a conditional one, then that is basically what you used.

22 MR. REMICK: Yes, that's correct. That is consis-
23 tent.

24 CHAIRMAN PALLADINO: The other question on the
25 schedule is whether or not we want to have oral, just written,

1 written and oral? We sort of set a precedent for written and
2 oral on the first PID and I was just curious as to what you
3 think.

4 Tom, what do you think?

5 COMMISSIONER ROBERTS: John has expressed his
6 preference and mine is the same. I would much prefer to have
7 the written and no oral.

8 COMMISSIONER AHEARNE: That's right.

9 CHAIRMAN PALLADINO: Why did we go with the oral
10 the first time?

11 MR. BICKWIT: It may have been Victor's idea.

12 COMMISSIONER BRADFORD: It may have been mine.
13 There were several requests for meetings and if you remember
14 they were of a type like sort of public meetings in which the
15 Commission, itself, would be holding some kind of a hearing.

16 I said in the Seabrook case, we had allowed oral
17 argument in the vicinity and that a reasonable compromise
18 might be that if the Commission wanted oral argument in this
19 case to have oral argument in the vicinity of the plant.

20 I don't think the Commission has ever decided that
21 it actually wants to have oral argument but it seemed as
22 though a session like the Seabrook session was perhaps a more
23 orderly way of dealing with it.

24 CHAIRMAN PALLADINO: What did you do there?

25 COMMISSIONER BRADFORD: We used the District Court in

1 Manchester, New Hampshire and the parties conducted a
2 conventional legal oral argument. They had already submitted
3 briefs on the issues and the Commission really did, in effect,
4 at that session conduct a more formal form of what it did
5 the other day in the CRBR case, that is, it just had the
6 parties before it and asked questions based on the briefs
7 and on their oral presentations.

8 CHAIRMAN PALLADINO: You didn't have people from the
9 floor participate?

10 COMMISSIONER BRADFORD: No.

11 COMMISSIONER AHEARNE: Joe, not to mislead you
12 but I do have a number of questions I at some point would like
13 to ask Forrest.

14 CHAIRMAN PALLADINO: Why don't we go to those and
15 then we can come back to the schedule. It may impact on the
16 schedule. I have something here for discussion that is very
17 similar to what Forrest has with just a few little changes.

18 COMMISSIONER AHEARNE: First, if I could refer back
19 to the January 8th paper, you have the comment under, "Reliance
20 on FEMA's Findings of Adequacy," where you say, "The Board
21 concluded in agreement with the Commonwealth's position, that
22 no presumptive weight should be given to FEMA's findings beyond
23 the weight to which any testimony would be entitled by virtue
24 of the expertise of the witnesses and the bases presented for
25 their views.'"

1 Isn't that inconsistent with the Commission's
2 position?

3 MR. REMICK: I believe OGC is prepared to answer
4 that.

5 MS. ARON: I can give you the rationale for the
6 Board's findings and perhaps OGC can speak about presumptive
7 weight. What the Board found in this particular proceeding
8 was that the Commission's order of August '79 requested the
9 Board to look at emergency planning within the 10 mile EPZ
10 to examine off-site planning in effect. So they felt that
11 the Board if one turns back and looks at the order, the
12 original order, that the Board had to review all of the steps
13 taken by FEMA in reaching its determination.

14 COMMISSIONER AHEARNE: So they concluded that the
15 emergency planning role did not modify that order?

16 MS. ARON: That is correct and they had a second
17 basis, too. If I may just read the one sentence, "In this
18 proceeding the Commission's order, in effect, directs this
19 Board by virtue of short term order items 3(a) through (e)
20 and long term order items 4(a) and (b) to consider virtually
21 all important aspects of emergency planning. The Board
22 noted further that FEMA's interim findings and determinations
23 document consists of a memo of less than three pages. It
24 serves as a convenient summary of FEMA's view. However in
25 the context of this proceeding, it is entitled to no weight

1 independent of the extensive FEMA testimony."

2 So as I see it, they felt that they had two
3 bases.

4 MR. BICKWIT: I understand that our office has not
5 had difficulty with this. My first reaction is the same as
6 yours, that it does give me some difficulty. I would like to
7 look at it further.

8 COMMISSIONER AHEARNE: All right.

9 CHAIRMAN PALLADINO: Are you maintaining the
10 Commission position is that they should be given some
11 presumption?

12 COMMISSIONER AHEARNE: Yes, that's right.

13 CHAIRMAN PALLADINO: When they speak?

14 COMMISSIONER AHEARNE: Yes. Then going on to page 7
15 which is still in the emergency planning area, it has under,
16 "School and Municipal Plans... The Board directed staff, pre-
17 ferably with FEMA's assistance, to certify to the Commission
18 when written plans for each school district in the plume EPZ
19 have been completed and reviewed for adequacy."

20 Is this that the NRC staff is supposed to review
21 these plans for adequacy?

22 MS. ARON: No.

23 CHAIRMAN PALLADINO: These are the school district
24 plans?

25 COMMISSIONER AHEARNE: Yes.

1 MS. ARON: Actually, they will be reviewed by both
2 agencies, initially by FEMA and then NRC will review FEMA's
3 work.

4 COMMISSIONER AHEARNE: What is bothering me is
5 at least the way this reads is preferably with FEMA's
6 assistance and that means that it would be potentially without
7 FEMA's assistance which would then have the staff reviewing
8 the school district plans for adequacy and if that is what the
9 Board was directing, that also seems to be inconsistent with
10 where the Commission has come out.

11 MS. ARON: As we noted, it was quite unusual. It
12 was the first time we had noted a Board's suggestion to this
13 effect.

14 COMMISSIONER AHEARNE: This is a direction. It is
15 a lot more than a suggestion. Did you know about that, Trip?

16 MR. ROTHSCHILD: I know that FEMA is getting
17 involved in this thing.

18 COMMISSIONER AHEARNE: I understand that. It was
19 just that the flavor here seemed to be with the Board taking
20 the position that FEMA, yes, it would be nice if they helped
21 but it is the NRC staff who has the responsibility to review
22 the off-site emergency plans for adequacy and that gives me
23 some problem.

24 CHAIRMAN PALLADINO: How do we resolve that?

25 COMMISSIONER AHEARNE: Len said that he would --

1 MR. BICKWIT: I would like to take a look at it.

2 CHAIRMAN PALLADINO: All right. I had that same
3 question.

4 COMMISSIONER AHEARNE: The next question and I may
5 just have lost the correspondence between this and your
6 March 1st and what has happened since then, but you talked
7 about a recapture provision which then refers back to 1217
8 of the Board's initial decision. Have I forgotten? Have they
9 since made that final decision?

10 MR. REMICK: The Board?

11 COMMISSIONER AHEARNE: Yes.

12 MR. REMICK: No. They have received from the staff
13 the information. They received comments from the licensee
14 and UCS.

15 COMMISSIONER AHEARNE: So they have not yet made --
16 what they say is, "We will defer issuing our final decision."

17 MR. REMICK: That's correct and there is a possibil-
18 ity that they might issue that as a separate PID rather than
19 combining the cheating.

20 COMMISSIONER AHEARNE: How does that relate --

21 CHAIRMAN PALLADINO: On which subject is this?

22 COMMISSIONER AHEARNE: I will read to you what the
23 Board said in its decision. "We will defer issuing our final
24 decision on which of the licensee commitments, staff
25 requirements and Board conditions should be made license

1 conditions until we have been informed by the Staff of its
2 plan for implementation."

3 OPE described this as a recapture provision. My
4 first question is have they done this yet and you have
5 answered negatively. The second is, does that in any way
6 effect any scheduling that we might have to go through?

7 MR. BICKWIT: That is a decision for the Commission.
8 If the Commission feels that they can't lift immediate
9 effectiveness until they know exactly how each of these
10 provisions are going to be enforced, then they shouldn't.

11 It doesn't strike me that it would follow that
12 simply because you don't know whether these conditions
13 will be license conditions or not that that is going to be
14 determinative on whether to lift immediate effectiveness.

15 COMMISSIONER AHEARNE: My question was more that
16 this indicates the Board's decision is not yet complete.

17 MR. BICKWIT: The Commission is capable of lifting
18 immediate effectiveness in spite of that.

19 MR. REMICK: We also expect the Board will have
20 its decision on that before the cheating. They are moving
21 along on that and expect that they will have that out before
22 the cheating decision.

23 COMMISSIONER AHEARNE: All right.

24 MR. MILHOAN: In that regard on paragraph 1217 of
25 the Board decision, it pointed out that its recapture

1 provision was not a condition of restart.

2 COMMISSIONER AHEARNE: Going back into the background
3 of that same memo on page 55, this addresses the issue of the
4 dosimeters that the Chairman and I spoke about briefly in
5 the beginning. Here the Commonwealth was suggesting that
6 staff certify to the Commission that sufficient supplies had
7 been predistributed.

8 The Board didn't address the findings in its partial
9 initial decision. So I gather the dispute that exists at
10 the present time is a dispute that is outside the Board
11 decision. Is that correct?

12 MR. REMICK: When you say, "outside the Board's
13 decision," it was not addressed in the Board's decision.

14 COMMISSIONER AHEARNE: Right. So the Board did not
15 require predisposition.

16 MR. REMICK: That is correct.

17 COMMISSIONER AHEARNE: So that the fact that the
18 Commonwealth and as the Chairman said, the Commonwealth and
19 the licensee are in dispute or with my description of the
20 Commonwealth and FEMA and the licensee getting involved,
21 that is perhaps germane to us in the general public policy,
22 but as far as explicitly addressing a decision of the Board,
23 it is irrelevant.

24 The Board didn't say this must be done and we are
25 now in a situation where it hasn't been done.

1 MR. REMICK: The Board didn't say it, that's right.
2 They did not make a finding on it.

3 MS. ARON: If I may just supplement that, the Board,
4 however, assumed that the dosimeters would be distributed and
5 would be made available in its initial decision.

6 COMMISSIONER AHEARNE: Could they have said that
7 as an assumption?

8 MS. ARON: In their discussion of dosimetry for agri-
9 cultural personnel the Board notes that the revised York
10 County Emergency Plan specifically provides the need for
11 emergency worker and the County will be supplied with two
12 self-reading dosimeters and one TLM.

13 COMMISSIONER AHEARNE: But I also note in your
14 paper on page 58 the Board noted that the issue of funding
15 for emergency response was beyond the scope of NRC regula-
16 tions.

17 MS. ARON: That is correct.

18 COMMISSIONER AHEARNE: So I find that even if they
19 did note that, I find it difficult to read into the Board's
20 decision that the NRC was going to require that funding.

21 MS. ARON: However, I think we could just note
22 that the staff position, the NRC staff position, as reflected
23 in the NRC staff reply to the parties' comments on immediate
24 effectiveness now states that our emergency planning regula-
25 tions do not require permanent record dosimetry.

1 COMMISSIONER AHEARNE: Right.

2 MS. ARON: So there was a further question of whether
3 it is required as part of our regulations or at least staff
4 raised the issue.

5 COMMISSIONER AHEARNE: I thought you just said that
6 the staff's reply said that it is not part of our requirements.

7 MS. ARON: Staff raised the issue of whether TLD's
8 are required as part of our emergency planning regulations
9 as the licensee assumes.

10 COMMISSIONER AHEARNE: Joan, I thought what you just
11 read -- reread that, please.

12 MS. ARON: That was from the Board PID with respect
13 to York County.

14 COMMISSIONER AHEARNE: I thought you just said
15 that the staff response said that --

16 MS. ARON: The staff reply to the parties' comments
17 on immediate effectiveness --

18 COMMISSIONER AHEARNE: Right.

19 MS. ARON: And the licensee had commented that the
20 Board -- I mean, the Commonwealth had commented that the Board
21 had not addressed this.

22 COMMISSIONER AHEARNE: Right. And what was the
23 staff response?

24 MS. ARON: That NRC's emergency planning regulations
25 do not, "require" permanent record dosimetry for emergency

1 workers and two, the Commonwealth has not shown that permanent
2 record dosimetry is necessary to adequately protect emergency
3 workers and that evidence indicates that other means exist
4 to provide the protection for emergency workers that
5 permanent record dosimetry would provide.

6 COMMISSIONER AHEARNE: I guess my point on what you
7 just quoted is the staff did not raise this issue. What the
8 staff is saying is that it is not in our regulations.

9 MS. ARON: Right.

10 CHAIRMAN PALLADINO: What do we do about this
11 issue, ignore it?

12 MS. ARON: If you are asking for an OPE suggestion,
13 it appears fairly clear to me that it is specifically written
14 out of NUREG-0654, that two kinds of dosimeters should be
15 made available.

16 CHAIRMAN PALLADINO: I thought you said that our
17 regs did not require them.

18 COMMISSIONER AHEARNE: NUREG-0654 isn't a regulation.

19 MS. ARON: It has the status of a reg guide.

20 COMMISSIONER AHEARNE: Which is also not a regulation.

21 MS. ARON: Right.

22 CHAIRMAN PALLADINO: That is what is recommended as
23 a solution.

24 COMMISSIONER AHEARNE: Yes.

25 MS. ARON: That is correct.

CHAIRMAN PALLADINO: So then how can we ignore it?

1 MR. REMICK: It doesn't address who would provide it,
2 I presume.

3 CHAIRMAN PALLADINO: I agree with that. I don't want
4 to get into the funding.

5 COMMISSIONER AHEARNE: But, Joe, that is the only
6 issue. The issue is, who is going to fund it.

7 CHAIRMAN PALLADINO: What do we do on this, ignore
8 it, just keep posted on it?

9 COMMISSIONER AHEARNE: I imagine what is happening
10 and I don't know because it would be ex parte for me to find
11 out --

12 (Laughter.)

13 CHAIRMAN PALLADINO: I thought I would propose that
14 OGC find out.

15 COMMISSIONER AHEARNE: I imagine what is happening
16 is that the NRC staff is pointing out to the licensee that
17 look, you are quibbling now about tens of thousands of dollars
18 and if the Commonwealth is too cheap to provide it and your
19 County doesn't have the money to provide it and FEMA is going
20 to say that they are not going to provide it, why don't you
21 guys provide it. I imagine that is what they will say.

22 If I could go on to the next memo, the March 1st
23 memo, you mention on page 7 of the enclosure and this is
24 with respect to the staff invitation of reasonable assurance,
25 you say, "Some of the items found deficient have been or are
being replaced or relocated."

1 Would you care to comment on the others that have
2 been found deficient that have not been replaced or relocated?

3 MR. MILHOAN: The staff submitted its year old
4 report. One of the things that we would recommend in here
5 as part of the staff certification is that that year old report
6 that you receive an updated status on that year old report.
7 I think there are a number of changes made to that report.

8 COMMISSIONER AHEARNE: Now you mentioned in several
9 places that being one, page 10 being another, several places,
10 that the Commission may wish to receive status of resolution
11 at the time of staff certification.

12 Do you have in mind that the Commission issue an
13 order or a Staff Requirements Memo or some explicit document
14 spelling out staff, here are the items we want you to be sure
15 you address.

16 MR. REMICK: Yes, we would see a staff requirements
17 document and we would ask that OPE have an opportunity for
18 input going through the various PID's and our analysis in
19 trying to pick out what we think the staff should address
20 because there are so many.

21 I think just a statement to the staff that they
22 should provide you with certification, they might interpret
23 to be just short term or long term and I think it is more
24 complex than that. There are things that we think that they
25 should bring you up to date on.

1 CHAIRMAN PALLADINO: Shouldn't they develop a plan
2 and a schedule?

3 MR. REMICK: This is consistent, I think, with what
4 you are suggesting that there be a plan. But I think we could
5 be helpful by providing some information to the staff of the
6 type of things that we have indicated.

7 COMMISSIONER AHEARNE: It is not just the type.
8 There are some specific items you have called out.

9 MR. REMICK: Definitely. And they are in an
10 emergency planning area which the staff might not think of
11 if you just ask for staff certifications.

12 If we may, I think OPE could be helpful when that
13 goes out, the staff requirements memo, to provide some
14 input.

15 COMMISSIONER AHEARNE: Those, Joe, are all my
16 questions other than the schedule.

17 CHAIRMAN PALLADINO: Shall we address the schedule?
18 What I did with the help of my staff and make a couple of
19 the items a little more provocative along the way and I went
20 on the assumption that we would have both written and oral
21 arguments but only one oral argument on all the Board's
22 decisions other than the first PID.

23 Maybe it would be helpful if I just distributed
24 these for discussion. I am not wedded to the schedule. I
25 merely tried to get something that would be a focal point for

1 discussion. You might want to open to Forrest's Table 1 for
2 comparison because there are no changes for the first four
3 items at least; Special Master's report on cheating, April 1;
4 and a Board decision on cheating and implementation of restart
5 conditions on May 3; OPE analysis of Board decision on cheating
6 and implementation of restart conditions, May 19th.

7 MR. REMICK: Mr. Chairman, I might add that I had
8 intended to ask the Commission whether they do want OPE to
9 perform analysis. We have assumed at our table.

10 COMMISSIONER AHEARNE: Before you get to that,
11 Trip, can you tell us how likely the April 1st date is?

12 (Laughter.)

13 COMMISSIONER ROBERTS: If I may interrupt, is
14 this what initially was going to be January 15th?

15 MR. ROTHSCHILD: Yes, sir.

16 CHAIRMAN PALLADINO: It is April 1st then.

17 COMMISSIONER AHEARNE: How likely is that?

18 CHAIRMAN PALLADINO: Is he back from Europe?

19 MR. ROTHSCHILD: Yes, he is. He has been working very
20 hard on this. He has been working full time on this for a
21 long time. What he is requesting from Ivan is additional
22 help in the way of staffing from the Licensing Board to help
23 him write this thing in order to meet the April 1st date. I
24 understand that he just made that request this week.

25 They still hope to hit April 1st and they assume

1 they can get him additional staffing. But they are not
2 promising anything.

3 COMMISSIONER ROBERTS: It sounds like a gigantic
4 make work project.

5 MR. ROTHSCHILD: This has been a difficult opinion,
6 I gather, for them to write and let me explain why, if I may.
7 Usually when you hear a case, you a little bit on contention
8 one, a little bit on contention two and you have a very
9 concise record and if you look at 20 pages, that is everything
10 on contention one.

11 Here because the were calling operators and every-
12 thing there is no order and they have a record of something
13 like 3,000 pages and it skips from issue to issue to issue
14 in every person's testimony.

15 It is a much bigger job of going through testimony
16 and putting everyone's views together than it would be in a
17 normal proceeding where all you have to go is get a nice
18 compact 50 pages. This is an unusual case.

19 I know he has been working very hard on this stuff.

20 COMMISSIONER AHEARNE: Does that also mean that
21 the Board decision may take a lot longer than the one month
22 it is allowed.

23 MR. ROTHSCHILD: No. Actually, Ivan is of the view
24 that this is beneficial in a certain sense. The more
25 thorough Milhollin's opinion is, the greater the expectation

1 the Licensing Board won't have to do very much. I think what
2 Ivan in his ideal world would like is to have a first-rate
3 opinion out of Milhollin, the Licensing Board going out and
4 getting the parties' comments on the Special Master's Report
5 and I think he is contemplating about a 10 day time limit
6 period or two weeks. They have not issued an order on what
7 that comment period would be and then issuing a short order
8 saying we affirm what Gary Milhollin did.

9 He certainly hopes to have this done in less than
10 a month.

11 COMMISSIONER AHEARNE: So he sees no problem. If
12 Milhollin meets April 1st, he sees no problem in meeting the
13 May 3rd.

14 MR. ROTHSCHILD: Presuming that they don't have
15 major problems with what Gary Milhollin does. They believe
16 that this thing should be thoroughly addressed and the
17 issues put to bed one way or another. The less thorough
18 Gary's opinion is, the more work the Licensing Board is going
19 to have to do. So that is the tradeoff as I would see it.

20 MR. REMICK: That is our understanding, too, as
21 Trip just indicated and we did add a couple of days. We were
22 told the end of March and the end of April.

23 COMMISSIONER AHEARNE: I thought you chose April 1st
24 deliberately!

25 (Laughter.)

1 COMMISSIONER AHEARNE: Implementation of the restart
2 conditions, that is this question that earlier some of the
3 items that the Board had referred to -- how likely are they
4 to be able to issue that also on May 3rd?

5 MR. ROTHSCHILD: Their expectation is that they might
6 issue this decision and not wait for the cheating and just have
7 a separate PID on the enforcement thing.

8 COMMISSIONER AHEARNE: Where in that does this
9 preliminary hearing on the Martin Report fit?

10 MR. ROTHSCHILD: The preliminary hearing is going to
11 be the 18th of this month in Bethesda.

12 COMMISSIONER AHEARNE: This schedule that he has
13 predicted himself to be on, May 3rd, does that basically assume
14 that there will be no additional hearing past the preliminary
15 hearing?

16 MR. ROTHSCHILD: I think it was his anticipation in
17 all the orders he has issued that the parties would be able
18 to work this out and there would not be an evidentiary hear-
19 ing on this.

20 It is certainly written saying that if the parties
21 disagree with this, they can file motions and we will certainly
22 consider them, but the tone certainly seems to be one of
23 hoping that there won't be a hearing.

24 CHAIRMAN PALLADINO: If there is a hearing, then
25 I think this schedule gets modified.

1 COMMISSIONER AHEARNE: Yes. I didn't quite read
2 the last order that way.

3 MR. ROTHSCHILD: That is the way I read it. It is
4 certainly open on it.

5 COMMISSIONER AHEARNE: I guess the answer to my
6 question is that, yes, this schedule would presume that there
7 is no further hearing, is that correct?

8 MR. ROTHSCHILD: Yes.

9 COMMISSIONER AHEARNE: All right.

10 MR. ROTHSCHILD: That issue is rather narrow.
11 I assume the hearing wouldn't take too long. The question is
12 what you do in discovery and everything else even before you
13 start.

14 COMMISSIONER AHEARNE: I would imagine that the
15 issue is going to turn on, is UCS able to make enough of the
16 case that there was strong staff support which would then
17 support their contentions and then require readdressing of
18 those issues. I imagine the case turns on that.

19 MR. MONTGOMERY: As the Board said in their order,
20 it won't be enough just the conclusions that there will have
21 to be a substantial showing.

22 COMMISSIONER AHEARNE: Right. I imagine what UCS
23 hopes to be able to do is put the authors there and get them
24 to say, (a) prove that they are technically competent and
25 then (b) get them to say, yes, they thought that is what
really should be done and then (c) here is why at which time

1 they would take it to the Board and say that we really have
2 to reopen it because this is now different than where you came
3 out.

4 MR. ROTHSCHILD: There are affidavits that have
5 been submitted by alot of these members if I am correct in
6 a response to one of these motions where they have taken
7 the position that they view that they present at the hearing
8 is the current view of the staff and these people do not
9 vehemently disagree.

10 COMMISSIONER AHEARNE: I would agree with you that
11 it is not likely that it would go on. I just wanted to make
12 sure that I understood it.

13 I would answer Forrest's question on number four,
14 yes, I would like particularly if embedded in here we are
15 going to have Milhollin summarizing 3,000 pages of testimony.
16 That means that it is not just the Board decision on the
17 cheating, it is on the Special Master's Report and the
18 Board decision.

19 CHAIRMAN PALLADINO: Now step number 5 is the same
20 on both. Parties' written comments on Board decision on
21 cheating and implementation on restart conditions and that
22 assumes a 14-day comment period plus the time necessary to
23 get things turned around.

24 On number six, we put in there plan and schedule for
25 staff certification of licensee compliance with restart

1 requirements. I think we ought to have a plan and a schedule
2 by which the staff will achieve the necessary milestones to
3 get certification.

4 COMMISSIONER AHEARNE: This would be something that
5 would be provided by the staff.

6 CHAIRMAN PALLADINO: I would ask them for that, yes.
7 Forrest had Commission decision on whether to hold oral
8 argument if not made at March 10 meeting and I will have to
9 come back to that but I didn't include it because I had an
10 assumption.

11 Then number seven, the parties' replies to comments
12 on Board decision on cheating is the same, OGC/OPE analysis
13 of parties' comments and replies, I would expect that we would
14 want that.

15 Then we come to Commission meeting to be briefed and
16 to discuss Board decision on cheating and implementation of
17 restart conditions. There is a major modification so as to
18 indicate that we want to be briefed on it as well.

19 Now I come to my assumption. I know we have
20 requests from a number of people but I think most significant
21 from our advisory panel that we would hold the meeting in
22 Harrisburg and I said that if we are going to have an oral
23 argument on all Board decisions other than the first PID,
24 then that would be a good one to have in Harrisburg.

25 Tom, I believe you had a comment.

1 COMMISSIONER ROBERTS: I won't be as generous as
2 John. I won't give you my blanket proxy but I certainly
3 am willing to be persuaded if you think that is a beneficial
4 thing to do. My initial reaction is no, not to do it in
5 Harrisburg. There is a different issue on whether you hear
6 the oral argument.

7 CHAIRMAN PALLADINO: There is psychological stress,
8 and I don't know whose stress.

9 (Laughter.)

10 COMMISSIONER AHEARNE: As I mentioned to you,
11 I will give you my proxy to hold a meeting in Harrisburg. If
12 you are going to hold a meeting, my problem with what you have
13 here are really two problems. First, at least as I read
14 and I didn't talk to John Minnich so all I have is the
15 material that was sent in and I guess we are having a meeting
16 with that Advisory Panel sometime.

17 CHAIRMAN PALLADINO: The latter part of March.

18 COMMISSIONER AHEARNE: The latter part of March.
19 So I am willing to give you the proxy and obviously you believe
20 that we should have the meeting up there so I would agree to
21 hold a meeting up there. I prefer to defer until we have
22 a discussion with them to figure out what kind of a meeting is
23 really going to meet their requirements or request.

24 I doubt that an oral argument on Board decisions
25 specifically that don't address management, given the

1 structure that we have to then hold which will mean that
2 the audience isn't allowed to say anything and that when
3 someone tries to raise the issue that Met Ed is not competent,
4 we say, no, that is not the issue that you are here to discuss.
5 I don't think that is going to solve your problem of trying
6 to give us a semblance of really listening.

7 CHAIRMAN PALLADINO: You are suggesting that if we
8 have it, we should cover all issues.

9 COMMISSIONER AHEARNE: I suggest that if you have
10 it, you ought to accept that the people coming into talk
11 are going to cover all and you ought to address in advance
12 are you then going to say, "No, you can't talk about that."
13 I don't think that would be too good of an approach.

14 So I would prefer if we are going to hold an oral
15 meeting up there to think through what is our purpose in
16 being there and then make sure that the structure meets that
17 purpose and if one of the purposes is to respond to the
18 advisory committee, then I think we ought to wait and listen
19 to the advisory committee and discuss it with them.

20 CHAIRMAN PALLADINO: Incidentally, "other than
21 the first PID" you will notice is in pencil. The first
22 recommendation that I had from my staff was to cover all items.
23 I just wasn't sure if we wanted to rehash all of them.

24 MR. BICKWIT: On your other point, John, as I
25 remember the Commission considered whether we would have

1 participation from the audience and I remember the Commission
2 having decided that they did not want to go that way.

3 COMMISSIONER AHEARNE: I agree. I have been to the
4 public meetings in Harrisburg and certainly Joe and Forrest
5 should well recognize it and if you are sitting there in this
6 public meeting and you say that no one out there can talk
7 and anybody up here who is raising issues on the competence
8 of Met Ed, can't speak to that. It doesn't jive.

9 CHAIRMAN PALLADINO: I didn't attempt to discuss
10 the format of the meeting. I really think that if we had
11 a meeting, we really ought to face up to allowing an hour
12 or whatever you call them.

13 MR. REMICK: Limited periods.

14 CHAIRMAN PALLADINO: Limited period comments.

15 COMMISSIONER ROBERTS: With anyone in the audience
16 participating?

17 CHAIRMAN PALLADINO: I can tell you, that is what
18 the public up there wants.

19 MR. BICKWIT: That is what Minnich wants.

20 CHAIRMAN PALLADINO: Yes.

21 COMMISSIONER AHEARNE: What I would suggest to you --

22 COMMISSIONER ROBERTS: I may not go.

23 (Laughter.)

24 COMMISSIONER ROBERTS: I might vote for the meeting
25 and not go.

1 COMMISSIONER AHEARNE: In order to honor holding
2 a meeting up there, I would recommend we hold a meeting in
3 which it is not part of this formal structure and the meeting
4 is to take two hours and allow the people to sign up and
5 present their views and it isn't one where we are going
6 through the formal adjudicatory process.

7 CHAIRMAN PALLADINO: The reason I had thought of
8 this was because you said earlier or I thought you said
9 earlier if we have to have a meeting and you think it is
10 appropriate to have it in Harrisburg, okay, but you
11 weren't enthusiastic at least about having a special meeting
12 just for Harrisburg.

13 COMMISSIONER AHEARNE: Frankly, I was hoping to
14 persuade you not to hold it at all. For example, if you
15 want to talk about the cheating, that you might be able to
16 get by with a much more limited issue. Now if people want
17 to expand it, you could have limited appearances in that.

18 I just don't think if you are going to hold a full-
19 blown meeting here on all of these issues but leave out
20 management competence that you are in any way meeting the
21 concerns of the people. The people are primarily concerned
22 about getting the plant started and I think they end up
23 focusing very specifically on Met Ed.

24 (At this point, Commissioner Bradford left the
25 meeting.)

1 CHAIRMAN PALLADINO: So you would suggest if we have
2 one in this format, it should include all items including
3 the management competence.

4 COMMISSIONER AHEARNE: I think it will end up being
5 included.

6 CHAIRMAN PALLADINO: You are saying, recognizing
7 you are going to end up including it.

8 COMMISSIONER AHEARNE: That's right.

9 CHAIRMAN PALLADINO: My thought was that we have
10 already had oral arguments on those and why should we have
11 them again.

12 COMMISSIONER AHEARNE: But the people who want to
13 talk to us haven't heard them and many of them weren't here
14 to talk.

15 CHAIRMAN PALLADINO: I was thinking for this part
16 of it, these would be the parties and if we want to have a part
17 where the people can have limited appearances, that would be
18 a separate item.

19 I had an item six up there that Forrest had said,
20 Commission decision on whether to hold oral argument if not
21 made at the March 10 meeting. I think we ought to put
22 something back on there or maybe just leave it and make it
23 such that it would be after the discussion with Minnich.

24 COMMISSIONER AHEARNE: Fine.

25 CHAIRMAN PALLADINO: I would be inclined in addition

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1 to this item six to put Forrest's item six and then go to
2 Forrest's oral argument, if held.

3 The other items are briefing on status of staff
4 certification of licensee compliance with restart requirements
5 and then I tried to put a date on what early July meant.

6 I gather that Forrest believes that we ought to
7 issue such a schedule.

8 MR. REMICK: At least a schedule on when you
9 want to receive written comments which I believe you agree
10 upon. I think you should do that and if you have decided
11 on oral, we think you can but that is not necessary. That
12 is why we put the clean-up item that if you don't decide
13 today on oral, that there is a later date by which you
14 should do it so the parties are properly notified.

15 CHAIRMAN PALLADINO: That is why I came back to
16 your item number six. Cross out, "if not made at March 10
17 meeting," because we are not making it.

18 Would this be something one distributes with an
19 order? Would you recommend that it be distributed with
20 the order that you have appended?

21 MR. REMICK: I think the schedule that we were
22 referring to is that optional paragraph that is in the
23 order. Am I correct on that, Trip?

24 MR. ROTHSCHILD: Yes. There was no contemplation
25 that that schedule would ever be made public.

1 CHAIRMAN PALLADINO: I see.

2 MR. ROTHSCHILD: That is just for our own internal
3 planning.

4 CHAIRMAN PALLADINO: You would not share this with
5 the parties.

6 MR. ROTHSCHILD: Not with anyone. That is just for
7 internal planning.

8 CHAIRMAN PALLADINO: Suppose we issued a revised
9 version based on our discussion here? It would only be
10 slightly revised.

11 COMMISSIONER AHEARNE: Issued to whom?

12 CHAIRMAN PALLADINO: For the Commissioners.

13 COMMISSIONER AHEARNE: Fine. Just because those
14 things have a habit of getting lost, I would suggest you
15 add a third asterisk after number 12 to make that, "subject
16 to the resolution of psychological stress."

17 CHAIRMAN PALLADINO: I also had a note on one
18 of my earlier versions where maybe we wanted to say that
19 the Board hearing on significance of the Martin Report could
20 impact on the schedule. Perhaps we need a clever way to
21 say, "Martin Report."

22 I will plan to get my staff together with Forrest
23 and come out with what we can call a revised schedule. I
24 don't know if we have to distribute it with a memo or not.

25 COMMISSIONER AHEARNE: I don't think so, no.

1 CHAIRMAN PALLADINO: The other item that I would
2 like to call your attention to is the order that is appended
3 to the March 1 OPE letter and I guess if we are going to issue
4 that, we ought to vote on it. What is your will on this?

5 COMMISSIONER AHEARNE: I would keep, as you said,
6 the paragraph in.

7 CHAIRMAN PALLADINO: May I have a vote on that
8 proposal?

9 (Chorus of ayes.)

10 COMMISSIONER ROBERTS: It was a unanimous vote.

11 COMMISSIONER AHEARNE: Do Peter and Victor have
12 positions on this?

13 CHAIRMAN PALLADINO: I don't know. The only thing
14 that Peter gave me is, if I need him to vote on whether we
15 go to Harrisburg or not, he would be in his office.

16 (Laughter.)

17 CHAIRMAN PALLADINO: Otherwise, he spoke not at all
18 on the other issue. So I gather we are going to issue this
19 order with the paragraph and with the necessary footnote.

20 Is there anything more we need to do on TMI-1
21 restart at this time?

22 MR. REMICK: Not that I can think of, Mr. Chairman.

23 CHAIRMAN PALLADINO: Fine. Thank you. We are
24 adjourned.

25 [Whereupon, the Commission meeting was adjourned
at 11:35 o'clock a.m., to reconvene at the Call of the Chair.]

NUCLEAR REGULATORY COMMISSION

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

in the matter of: DISCUSSION OF TMI-1 RESTART PROCEEDING

Date of Proceeding: Wednesday, March 10, 1982

Docket Number: _____

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

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

LYNN NATIONS

Official Reporter (typed)

Lynn Nations

Official Reporter (Signature)