

ORIGINAL

~~SECRET~~ TRANSCRIPT
PROCEEDINGS BEFORE

NUCLEAR REGULATORY COMMISSION
COMMISSION MEETING

CLOSED MEETING - EXEMPTION NO. 10

DKT/CASE NO.

TITLE DISCUSSION OF IMMEDIATE EFFECTIVENESS
ISSUES IN TMI-1 RESTART PROCEEDING

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DISCUSSION OF IMMEDIATE EFFECTIVENESS ISSUES IN
TMI-1 RESTART PROCEEDING

CLOSED MEETING - EXEMPTION NO. 10

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

Thursday, January 13, 1983

The Commission convened in closed session at
10:05 a.m.

COMMISSIONERS PRESENT:

- NUNZIO PALLADINO, Chairman of the Commission
- JOHN AHEARNE, Commissioner
- THOMAS ROBERTS, Commissioner
- JAMES ASSELSTINE, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

- S. CHILK
- J. ZERBE
- C. ROTHSCHILD
- R. LEVI
- J. MONTGOMERY

AUDIENCE SPEAKERS:

- J. ARON
- N. THOMASSON
- J. FOUCHARD

* * *

P R O C E E D I N G S

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CHAIRMAN PALLADINO: Good morning.

Today we resume our consideration of the draft order for the TMI-1 restart immediate effectiveness decision.

We have the redrafted order submitted by OPE and OGC on January 10th, 1983. A line-in/line-out version of the order was submitted on January 11th.

I suggest that OPE lead today's discussion of the draft order. I hope that we will be able to reach a consensus today on the order so that it can be revised if necessary and affirmed next week.

If there are no other further comments on the question, I will turn the meeting over to Mr. Zerbe.

Which document are you going to follow, the line-in/line-out?

MR. ZERBE: I would propose following the clean one because the other one is so full of ---

COMMISSIONER AHEARNE: I assume though that there is no difference between them.

MR. ZERBE: There is no difference but it is just easier to follow for us. We can follow either one though because we are prepared to do that if you so choose.

CHAIRMAN PALLADINO: Do you have a preference?

1 COMMISSIONER AHEARNE: I have marked up the
2 line-in/line out.

3 CHAIRMAN PALLADINO: So have I.

4 COMMISSIONER ROBERTS: So have I.

5 (Laughter.)

6 COMMISSIONER AHEARNE: I marked the plain one.

7 (Laughter.)

8 MR. ZERBE: We will use the line-in/line out
9 one.

10 CHAIRMAN PALLADINO: Incidentally, I should
11 mention that after I did I also marked up the clean one
12 so that I could follow either.

13 (Laughter.)

14 COMMISSIONER ASSELSTINE: I can on the
15 line-in/line out one.

16 CHAIRMAN PALLADINO: All right, let's try it
17 with the line-in/line out.

18 MR. ZERBE: I have a couple comments first.
19 What we have in this redraft are the changes requested
20 at our last meeting on December 17th. The major items
21 that are reflected in the new version are that we have
22 incorporated the ALAB 708 decision and we had sent a
23 separate paper around on that subject and we have
24 changed it to the order that it will be a partial
25 decision now and you would wait until that emergency

1 core cooling situation got resolved.

2 Also, the new draft reflects the staff's
3 resolution of two of the three issues outside of the
4 proceeding, the HBI nozzle cracking and the feedwater
5 sparger problems. We have included language
6 anticipating and recommending your approval of these
7 issues.

8 We have statements in here concerning the
9 resolution of the seismic qualification question and are
10 recommending that that be treated later as a generic
11 issue.

12 With those introductory remarks, I would
13 propose we go through the copy this. There are a number
14 of decisions inside this draft that the Commission would
15 have to decide which option they wanted and there are
16 some changes that we had made that aren't here that we
17 would like to bring to your attention as we go through,
18 just a few word changes that more clearly represent what
19 we think is the issue and I will bring those up to you
20 as we go through.

21 I am going to have to go back and forth now.
22 On page 2 ---

23 COMMISSIONER AHEARNE: May I raise a question
24 on page 1?

25 (Laughter.)

1 CHAIRMAN PALLADINO: On page 1 you say there
2 are three issues outside of this proceeding, including
3 the adequacy of steam generator repairs, et cetera. I
4 think it would be helpful if you referenced that they
5 are discussed later on page 4, for example.

6 MR. ZERBE: Reference to it where it is shown
7 in the document.

8 CHAIRMAN PALLADINO: Yes.

9 COMMISSIONER AHEARNE: My question is,
10 depending upon how we come out on the seismic issue, you
11 either should or should not mention it up here. So
12 perhaps we could discuss do we believe that the seismic
13 issue is something that has to be resolved prior to
14 lifting the immediate effectiveness.

15 CHAIRMAN PALLADINO: This is the seismic on
16 the emergency feedwater system?

17 COMMISSIONER AHEARNE: Yes.

18 MR. ZERBE: You want to talk about the seismic
19 issue right now?

20 COMMISSIONER AHEARNE: Or we can just make a
21 note that in one way or another it should be addressed
22 here and we can defer until we get to it in your order,
23 but there ought to be some mention that it is an
24 outstanding item.

25 MR. ZERBE: If you decide that you want to not

1 cover it in the proceeding, would you still want it
2 mentioned?

3 COMMISSIONER ASSELSTINE: You still need to
4 mention it, whichever way it comes out.

5 COMMISSIONER AHEARNE: I think you have to.

6 MR. ZERBE: All right, we will put it in.

7 Going on to page 2 then, just at the top of
8 that page there are a few areas where we refer to this
9 being a partial decision. We mention today's decision
10 addresses portions of the first and the second
11 constraints, the second being those two issues that I
12 mentioned earlier that we would hope to cover in this
13 decision.

14 I have no other items on that page.

15 COMMISSIONER AHEARNE: Let's see, I have two.
16 Down at the end of that first paragraph in the last
17 sentence you say "Since the Commission believes that all
18 but one of those concerns have been adequate resolved,"
19 and I think it is "have been adequately resolved
20 sufficient to lift the immediate effectiveness."

21 MR. ZERBE: Okay.

22 COMMISSIONER AHEARNE: We have not gone
23 through that merits review.

24 Then the second is down in your bottom
25 paragraph. You say "The Atomic Safety and Licensing

1 Appeal Board has already completed part of its review
2 and disagreed on one important issue." I think what you
3 really should say is they have disagreed on "an
4 important issue," because I am sure the Appeal Board
5 believes that their disagreement on, for example, the
6 emergency facility was important. But just say it
7 disagreed on an important issue and then go on and
8 discuss it.

9 CHAIRMAN PALLADINO: I had a minor question on
10 page 2, the second paragraph. It says "The Atomic
11 Safety and Licensing Board has conducted an exhaustive
12 hearing during which each of these concerns have been
13 examined." Is the antecedent of "each of these
14 concerns" clear? I wouldn't suggest spending a lot of
15 time on that, but you might just look at it because some
16 of the concerns we didn't consider.

17 MR. ZERBE: All right.

18 COMMISSIONER ASSELSTINE: That is right. It
19 doesn't look to me like the antecedent is very clear.

20 MR. ZERBE: On page 3 there are a number of
21 areas where we made minor changes. Well, there is an
22 area where we brought out the decay heat removal system
23 and then the paragraph that starts "There are several
24 reasons why." That is a new paragraph there that
25 pertains to why this is a partial decision.

1 On page 4 ---

2 COMMISSIONER AHEARNE: Wait.

3 MR. ZERBE: Oh, I am sorry.

4 COMMISSIONER AHEARNE: Up in the top, you say
5 in the last sentence in that top section "The Appeal
6 Board in its other decisions has found in favor of plant
7 operation." I think you should go on to say something
8 like although decisions are still forthcoming on ---

9 MR. ZERBE: Right.

10 CHAIRMAN PALLADINO: What was your suggestion,
11 although other decisions are still forthcoming?

12 COMMISSIONER AHEARNE: Some way of indicating
13 that there are other decisions that the Appeal Board
14 still has to issue.

15 CHAIRMAN PALLADINO: Although additional ---

16 MR. ZERBE: --- decisions are forthcoming.

17 COMMISSIONER AHEARNE: Then in the bottom,
18 first, this footnote does meet the request I think, but
19 I think it is also true there are several other places
20 where the footnote is not as complete where the
21 appendices are referred to. I wondered whether it would
22 be better either to have the same complete footnote
23 everywhere the appendices are referred to or to merely
24 put that phrase in the back. It is in the back now. It
25 is just that having some of the footnotes not have the

1 phrase can be misleading.

2 MR. ZERBE: Let's cross the phrase out.

3 CHAIRMAN PALLADINO: What are you going to do
4 here?

5 MR. ZERBE: You are talking about the phrase
6 that talks about the original decision on orders are
7 controlling?

8 COMMISSIONER AHEARNE: Yes. Each section
9 should start off saying that this is included for
10 reference and only the conditions in the original
11 decision are controlling. That would be adequate. My
12 suggestion is that either only put it in the appendix or
13 put it in every footnote. It is not good to put it in
14 some footnotes and not in others.

15 MR. ZERBE: Let's just put it in the appendix
16 and cross out those last two sentences here.

17 COMMISSIONER AHEARNE: But that does mean at
18 the beginning of each section it ought to be there and
19 it is not.

20 MR. ZERBE: We will put it in there.

21 Are there any other questions on page 37

22 (No response.)

23 MR. ZERBE: On page 4 in the second paragraph
24 there I would call your attention to that decision there
25 on how you would like word the decay heat removal

1 issue. The second one is there as a potential to give
2 you the freedom if you didn't choose to want to wait
3 until the Appeal Board reaches its decision. That was
4 the only reason to put the two possibilities there. I
5 guess we would sort of favor the alternate "A" and you
6 still have that option is you took alternate "B" but it
7 would make it clearer I think if you ---

8 CHAIRMAN PALLADINO: Alternate "A" implies the
9 issuance of the decision, the writing thereof.
10 Alternate "B" would permit you to have the decision
11 perhaps in draft form and not yet have completed the
12 action.

13 COMMISSIONER ASSELSTINE: You don't get Appeal
14 Board decisions in draft form though.

15 CHAIRMAN PALLADINO: We might have an
16 indication of what they are thinking.

17 COMMISSIONER ASSELSTINE: No.

18 CHAIRMAN PALLADINO: Don't we ever know what
19 they are thinking until we get the order?

20 COMMISSIONER ASSELSTINE: No.

21 CHAIRMAN PALLADINO: Any other feeling on this?

22 COMMISSIONER AHEARNE: I felt that
23 particularly given the "presently contemplates" phrase
24 that "A" realistically was the best way.

25 COMMISSIONER ASSELSTINE: I agree.

1 COMMISSIONER AHEARNE: If for some reason the
2 summer dragged on and the plant is ready and the Appeal
3 Board is still tied up and it has not done anything, at
4 that stage we or you could issue a request to the Appeal
5 Board asking for something or you could then say that
6 because of this situation we are taking it out. There
7 are a number of actions you could take, but for the
8 present time I think that "A" is the only ---

9 CHAIRMAN PALLADINO: I don't think we would go
10 ahead without gotten input from the Appeal Board.

11 COMMISSIONER AHEARNE: "A" doesn't permanently
12 commit you.

13 COMMISSIONER ASSELSTINE: Yes, I favor "A" and
14 I guess I would be very reluctant to act until we have
15 gotten the Appeal Board decision on that issue.

16 COMMISSIONER AHEARNE: Can I go to the top of
17 page 4. The first line, which is running over from the
18 previous page it says "On all those issues which it has
19 determined have been satisfactorily resolved in order to
20 put behind it most of the outstanding issues," there is
21 a connotation in the "put behind" phrase that I would
22 rather eliminate and say instead "to resolve most of the
23 outstanding issues or to address most of the outstanding
24 issues.

25 MR. ZERBE: To address.

1 COMMISSIONER AHEARNE: To address would be
2 fine.

3 CHAIRMAN PALLADINO: I thought that was a
4 legal phrase.

5 MR. ROTHSCHILD: OGC will take credit for that.
6 (Laughter.)

7 COMMISSIONER AHEARNE: The next sentence I
8 have a problem with says "Moreover, the other issues are
9 unrelated to the adequacy of core decay heat removal."
10 I don't think it is necessary to put that sentence in
11 and I don't think it is necessarily accurate.

12 CHAIRMAN PALLADINO: Later you actually refute
13 that sentence.

14 MR. ZERBE: Yes, we say something along that
15 line.

16 COMMISSIONER AHEARNE: So I am not sure what
17 it adds and it is questionable.

18 MR. ZERBE: I think that is a good suggestion.

19 MR. LEVI: Take out the whole sentence?

20 COMMISSIONER AHEARNE: I would take out the
21 whole sentence. Now if you want to put in there is no
22 reason to postpone a decision on issues which have been
23 adequately addressed, I would have no problem with
24 that. It is really the first half of the sentence I
25 have a problem with.

1 COMMISSIONER ASSELSTINE: Just leave it out.

2 CHAIRMAN PALLADINO: Cross out the whole
3 sentence?

4 COMMISSIONER ASSELSTINE: Yes.

5 MR. ZERBE: Any other items on page 4?

6 (No response.)

7 MR. ZERBE: At the bottom of page 4 there it
8 starts to talk about the two other issues, cracking of
9 the nozzels and the feedwater spargers and that
10 continues then on. That is a revision from the last one
11 on the top of page 5.

12 Any items on page 5?

13 (No response.)

14 MR. ZERBE: Down in the middle of page 5 we do
15 bring up that issue of those two items and at the bottom
16 there it says "The Commission accepts the staff's
17 findings." I presume that we leave that one in.

18 CHAIRMAN PALLADINO: Yes.

19 MR. ROTHSCHILD: I presume the Commission is
20 going to want to make that paper public at least by the
21 time they issue this opinion.

22 MR. ZERBE: Any items on page 6?

23 CHAIRMAN PALLADINO: Yes.

24 COMMISSIONER ROBERTS: Yes.

25 CHAIRMAN PALLADINO: Go ahead, Tom.

1 COMMISSIONER ROBERTS: This is a minor
2 editorial change. The second sentence in the second
3 full paragraph "It does not lift the immediately
4 effectiveness of the shutdown orders nor -- insert --
5 does it prejudice the ongoing review." Delete "is",
6 delete "to" and put does after "nor."

7 MR. ZERBE: Okay.

8 CHAIRMAN PALLADINO: I had one a little
9 further up on the page where it says "Today's decision
10 therefore has only one effect. It resolves most, but
11 not all, of the concerns which must be resolved prior to
12 lifting the immediate effectiveness shutdown orders." I
13 thought it resolved all but one, and I get uncertain as
14 to whether I am following it right when we depart from
15 that.

16 MR. ZERBE: Would you prefer to say it
17 resolves ---

18 CHAIRMAN PALLADINO: It resolves all but one.

19 MR. ZERBE: Okay.

20 CHAIRMAN PALLADINO: I had another one on page
21 6. At the bottom it says "It is identical to the
22 partial decisions issued by the Licensing and Appeal
23 Board.

24 MR. ZERBE: Maybe you want to say "similar."

25 CHAIRMAN PALLADINO: "Identical" is so strong

1 that I would prefer something like "similar," and I am
2 open to other suggestions.

3 John, you had one.

4 COMMISSIONER AHEARNE: Go up to the top. This
5 pretty much depends on what the Commission intends to
6 do. Starting on the previous page it says "The licensee
7 is to maintain Unit 1 in a shutdown condition until the
8 Commission is satisfied that the remaining concern has
9 been resolved." I only want to raise the question are
10 you sure that you want to be that firm? You may want to
11 keep it in a shutdown condition until the remaining
12 concern has been addressed. For example, you may at
13 some point conclude that you have enough confidence to
14 allow them to begin some kind of initial action before
15 you have finally resolved it. You might want to allow
16 some step prior to resolution.

17 MR. ZERBE: Say "address" rather than
18 "resolve."

19 COMMISSIONER AHEARNE: I am raising the
20 suggestion.

21 COMMISSIONER ROBERTS: I would make it
22 "address."

23 CHAIRMAN PALLADINO: We are talking about the
24 one condition?

25 COMMISSIONER AHEARNE: That is right.

1 CHAIRMAN PALLADINO: Yes, I would go with
2 "address."

3 COMMISSIONER AHEARNE: The other item is down
4 right after the point that Commissioner Roberts raised
5 in that same sentence. In the last section it says "or
6 possible additional review of those decisions by the
7 Commission itself," and I would prefer to say "review of
8 Licensing and Appeal Board decisions," because otherwise
9 it is sort of confusing. It sounds like the only
10 decisions mentioned are the Licensing Board decisions.

11 CHAIRMAN PALLADINO: What did you suggest?

12 COMMISSIONER AHEARNE: I would suggest "or
13 possible additional review of the Licensing and Appeal
14 Board decisions."

15 MR. ZERBE: Page 7.

16 COMMISSIONER AHEARNE: I had a comment right
17 at the bottom. On later pages I think you have met my
18 concern. I am still concerned about making sure that
19 the reader understands the difference between the
20 immediate effectiveness and the merits review. Here you
21 have on the bottom, you say "In the immediate
22 effectiveness review the focus is on the essential
23 adequacy of the opinion to predict health and safety,
24 while in the merits review the focus is on both the
25 adequacy of opinion to assure protection of health and

1 safety and on the legal sufficiency of the hearing
2 record in the procedures." It sounds when you read
3 that, and I realize the word "essential" is in the
4 first, but it sounds too much like as far as health and
5 safety it is similar.

6 So I would put in "while in the merits review
7 there will be a more detailed examination and the focus
8 is on both."

9 CHAIRMAN PALLADINO: Where you put that?

10 COMMISSIONER AHEARNE: Right after "merits
11 review" on the bottom. "While in the merits review
12 there will be a more detailed examination an' the focus
13"

14 MR. ZERBE: Any other items on page 7?

15 (No response.)

16 MR. ZERBE: Page 8.

17 COMMISSIONER AHEARNE: On page 8 I guess I am
18 confused by your footnote. So I would prefer to leave
19 in the paragraph that you took out striking the word
20 "unusual" and stick that up where you now have the
21 footnote and take the footnote out.

22 So I would prefer to say "While the basic
23 nature of the dual review remains the same here, the
24 present case is different in that it involves
25 immediately effective enforcement orders," rather than

1 "initial licensing action." "The Commission in this
2 case took the step of making its shutdown orders
3 immediately effective without providing the licensee an
4 opportunity for a prior hearing. Once those concerns
5 are satisfied, the Commission is legally required to
6 lift the shutdown orders. Apart from this, the basic
7 dual review remains unchanged. For this reason today's
8 partial decision deals with whether the concerns which
9 led," et cetera.

10 CHAIRMAN PALLADINO: Everything is crossed out
11 here?

12 COMMISSIONER AHEARNE: Yes.

13 CHAIRMAN PALLADINO: You took out "unusual"
14 though?

15 COMMISSIONER AHEARNE: Yes, I took out
16 "unusual."

17 CHAIRMAN PALLADINO: Any problem with that?

18 COMMISSIONER ASSELSTINE: No.

19 MR. ZERBE: Page 9.

20 COMMISSIONER ROBERTS: The 7th line. I would
21 do it the way you had before, "have been satisfied." I
22 would reverse what you have done.

23 CHAIRMAN PALLADINO: Where are you, Tom, at
24 the top of page 9?

25 COMMISSIONER ROBERTS: The end of the second

1 sentence.

2 CHAIRMAN PALLADINO: "The Commission has
3 determined ---

4 COMMISSIONER ROBERTS: --- has determined
5 . . . the conditions which must be met prior to restart
6 have been satisfied."

7 CHAIRMAN PALLADINO: Any problem with that?

8 COMMISSIONER ASSELSTINE: No.

9 COMMISSIONER AHEARNE: The next paragraph, we
10 say in the third line of the next paragraph "Although
11 the Commission is taking interim action on ALAB 698
12 . . ." The interim action is on the effectiveness of
13 698 or ---

14 MR. MONTGOMERY: The Commission would be staying
15 two of the ---

16 COMMISSIONER AHEARNE: I am just raising the
17 question of would it be better to have put in saying
18 interim action on the effectiveness of 698."

19 CHAIRMAN PALLADINO: The word "effectiveness,"
20 how do you use that?

21 MR. ROTHSCHILD: Couldn't you just say the
22 Commission is staying certain portions of ALAB 698?

23 COMMISSIONER ASSELSTINE: That is better yet.

24 COMMISSIONER AHEARNE: Well, we are also doing
25 our immediate effectiveness review of 698.

1 CHAIRMAN PALLADINO: Except we are postponing
2 part of it. So what are you going to do? You are going
3 to say the Commission is staying portions ---

4 MR. ZERBE: Staying certain portions of ---

5 CHAIRMAN PALLADINO: Certain or just portions?

6 MR. LEVI: Just portions.

7 CHAIRMAN PALLADINO: Just portions. I always
8 have trouble with "certain" because it is uncertain.

9 MR. ZERBE: Any other items on page 9?

10 CHAIRMAN PALLADINO: I have a question here
11 that I can't understand right now so I will pass on it.

12 MR. ZERBE: Page 10.

13 (No response.)

14 MR. ZERBE: Page 11.

15 COMMISSIONER AHEARNE: I would prefer at the
16 bottom to say "We expect that the hearing address."

17 CHAIRMAN PALLADINO: Where are you, John?

18 COMMISSIONER AHEARNE: Down at the bottom
19 before the two numbered paragraphs. "The Commission
20 directed that the hearing. . . ."

21 CHAIRMAN PALLADINO: "Address."

22 MR. ZERBE: Any other items on 11?

23 (No response.)

24 MR. ZERBE: Page 12.

25 COMMISSIONER AHEARNE: On page 12 on the

1 bottom, and my memory just isn't that good on this one,
2 has the Director of NRR given something that says I
3 certify? You say the Director has certified.

4 MR. ROTHSCHILD: I don't think he has used the
5 magic word "certify," but I think he has given us a
6 status report. I presume he intends that serve as at
7 least a partial certification. I really don't know if
8 he intends to send us the final pieces of paper. I
9 guess that is something the Commission needs to decide
10 what they want from him.

11 CHAIRMAN PALLADINO: But this says he has
12 already certified.

13 COMMISSIONER ASSELSTINE: "Notified the
14 Commission."

15 MR. LEVI: "Or stated."

16 CHAIRMAN PALLADINO: That one might be a
17 little more accurate.

18 COMMISSIONER ROBERTS: "As he has stated."

19 MR. ROTHSCHILD: It was the SECY paper giving
20 us the status reports.

21 MR. LEVI: Yes, he stated.

22 MR. ROTHSCHILD: We do have it in writing from
23 him, but he just doesn't use the magic word "certify."

24 COMMISSIONER AHEARNE: I guess I would rather
25 put it then in words such as "notified the Commission"

1 or "stated."

2 CHAIRMAN PALLADINO: "Has already stated." Do
3 you have to give a reference?

4 COMMISSIONER AHEARNE: I think it should be
5 "notified the Commission" because didn't the Board say
6 "certify to the Commission" or somethink like that, or
7 "notify the Commission"?

8 MR. ROTHSCHILD: The order said that the
9 Director was to certify to the Commission.

10 COMMISSIONER AHEARNE: Certify to the
11 Commission.

12 MR. ROTHSCHILD: What you have got is a SECY
13 paper to the Commission that says these items have been
14 done.

15 COMMISSIONER ASSELSTINE: How about "notified
16 the Commission."

17 CHAIRMAN PALLADINO: Yes. Do you want a
18 reference in there in parentheses?

19 COMMISSIONER ASSELSTINE: Yes, I think that
20 would be good.

21 MR. ZERBE: Well now, what we will want to do
22 though on this thing is maybe we will have another
23 reference because when this is ready to go out we would
24 want a completely up to date one and things have things
25 have continued to happen presumably since that last one.

1 CHAIRMAN PALLADINO: So you are saying you
2 don't want a reference because there will be more ---

3 COMMISSIONER AHEARNE: I think you need a
4 reference.

5 MR. ZERBE: We will reference it, but we don't
6 know what the reference is.

7 MR. LEVI: It will be a separate reference.

8 MR. ZERBE: It will be another reference that
9 we don't have yet because we will have them updated
10 right at the end.

11 COMMISSIONER AHEARNE: Fine, but I think we
12 need something from the Director of NRR to the
13 Commission which says anything we say here that NRR has
14 said has been completed, we need something as a
15 reference.

16 CHAIRMAN PALLADINO: So you will provide a
17 reference.

18 MR. ZERBE: Right.

19 Anything more on 12?

20 (No response.)

21 MR. ZERBE: 13.

22 COMMISSIONER AHEARNE: Yes. It is a good step
23 that you have got in that first paragraph and it goes a
24 long way towards meeting my concern of drawing the
25 connection between our initial orders and what the

1 Licensing Board has addressed and therefore what you
2 have discussed. I would like to, however, reword it
3 slightly. The rewording really is to accomplish the
4 following.

5 We didn't limit the scope of the proceeding to
6 whether the concerns specified by the Commission had
7 been resolved, but we did limit the scope of the
8 proceeding nevertheless. So what I would take is what
9 you have in the first sentence and I would go on and
10 strike "related to the accident at TMI-2 and see
11 Licensing Board 1979.)

12 So I would say rather "The Licensing Board
13 admitted contentions by the parties concerning safety
14 issues in order to determine whether the actions
15 recommended by the Director," et cetera. Then I would
16 add a final sentence ---

17 CHAIRMAN PALLADINO: John, I have lost you a
18 little bit. You are in the first paragraph?

19 COMMISSIONER AHEARNE: I am in the first
20 paragraph. I would keep the first sentence.

21 CHAIRMAN PALLADINO: Keep the first sentence.

22 COMMISSIONER AHEARNE: In the second sentence
23 I would strike the word "those" and say rather "The
24 Licensing Board admitted contentions by the parties
25 concerning safety issues." I would then strike from

1 "related to the accident" up to "1979." Then I would
2 say "Contentions by the parties concerning safety issues
3 in order to determine whether the actions recommended by
4 the Director were sufficient to adequately protect," et
5 cetera.

6 Then I would add a final sentence "However,
7 the Board also limited the scope to issues related to
8 the TMI-2 accident, see Licensing Board," and put in
9 that reference.

10 CHAIRMAN PALLADINO: Limited the scope ---

11 COMMISSIONER AHEARNE: --- to issues related
12 to the TMI-2 accident. So that way it would say that we
13 didn't say limited to our concerns. They did expand it,
14 but that expansion was limited to -- (Inaudible).

15 MR. ROTHSCHILD: I have got a little concern
16 with the word "safety" there because actually things
17 like emergency planning technically may not be safety
18 issues as we normally use that phrase.

19 COMMISSIONER AHEARNE: "Safety" wasn't my word.

20 MR. ROTHSCHILD: Let's see if we can come up
21 with a word ---

22 CHAIRMAN PALLADINO: Where, right before the
23 new sentence?

24 MR. ROTHSCHILD: It is the second sentence
25 that begins with the word "rather."

1 COMMISSIONER AHEARNE: You could say rather
2 "The Licensing Board admitted other contentions by the
3 parties in order to determine whether the actions
4 recommended. . . . "

5 CHAIRMAN PALLADINO: You don't consider
6 emergency planning safety?

7 MR. ZERBE: I meant that thing that Trip
8 just ---

9 (Laughter.)

10 MR. ZERBE: Any more on that page?

11 (No response.)

12 MR. ZERBE: Page 14.

13 (No response.)

14 MR. ZERBE: Anything on page 15?

15 COMMISSIONER AHEARNE: Let's see, on 15 I had
16 trouble with the antecedent ten lines down. It says
17 "Finally the Board retained jurisdiction to consider the
18 NRC staff plan for implementing its decision." I think
19 it would be clearer to say "for implementing the Board's
20 decision."

21 MR. ZERBE: Any other items on page 15?

22 (No response.)

23 MR. ZERBE: Page 16.

24 (No response.)

25 MR. ZERBE: Page 17.

1 (No response.)

2 MR. ZERBE: Page 18.

3 (No response.)

4 MR. ZERBE: Page 19.

5 (No response.)

6 MR. ZERBE: Page 20.

7 CHAIRMAN PALLADINO: I have one, but I have
8 decide for a minute, on page 20. I am working on the
9 sentence under Commission Decision. "This Commission
10 decision involved both the resolution" I think
11 a reference there would be helpful just to keep things
12 straight with regard to which are the two issues outside
13 the proceeding, a reference to where they are discussed.

14 MR. ZERBE: A reference to where they are
15 discussed in this document?

16 CHAIRMAN PALLADINO: That is right.

17 MR. ZERBE: You want that in the text though,
18 right?

19 CHAIRMAN PALLADINO: Yes, just see page or
20 section so and so.

21 MR. ZERBE: Anything on 21?

22 (No response.)

23 MR. ZERBE: 22.

24 CHAIRMAN PALLADINO: I had a question on
25 footnote 16. The second part of it says "Even if those

1 communciations were ex parte, they do not specifically
2 relate to the items required by the Licensing Board
3 prior to restart in this proceeding. Accordingly, our
4 failure to rule on this motion at this time could not
5 affect our immediate effectiveness review." I wasn't
6 quite clear why they couldn't.

7 MR. LEVI: They could affect it, but they
8 don't have to. The Licensing Board didn't require that
9 prior to restart. So the fact that they are asking for
10 deferral doesn't necessarily affect the Commission's
11 decision.

12 CHAIRMAN PALLADINO: Well, for example, I
13 think they are arguing about some of the issues that we
14 are still considering. I mean in their petitions they
15 bring up some of the items that we are still
16 discussing. I just didn't understand and it wasn't all
17 that clear that our failure to rule on this motion could
18 not affect it.

19 MR. LEVI: The immediate effectiveness
20 decision in effect will allow the plant to restart.
21 Since the Licensing Board didn't find that these items
22 had to be required prior to restart, it doesn't matter
23 for the immediate effectiveness decision whether they
24 are addressed now or not. If they are not required
25 prior to restart, there is no need to address them prior

1 to restart.

2 CHAIRMAN PALLADINO: I guess you are right. I
3 will leave it.

4 MR. ZERBE: There is a thing I just noticed
5 here between the clean draft and that draft. There is a
6 16 versus 15 in a footnote. So we will clear that one
7 up. The clean draft shows 15 and the one you are
8 looking at shows 16. So we will clear that one up.

9 CHAIRMAN PALLADINO: Okay.

10 MR. ZERBE: Page 23.

11 CHAIRMAN PALLADINO: Well, we have got the
12 decision again, and I guess it is still "A".

13 MR. ZERBE: Right.

14 CHAIRMAN PALLADINO: It is "A" again, right?

15 COMMISSIONER AHEARNE: Yes. In light of the
16 previous point I mentioned, I would change that first
17 complete sentence to say "The Commission is not lifting
18 the immediate effectiveness of the shutdown orders until
19 the core decay heat removal issue has been addressed.

20 MR. LEVI: Do you mean just been addressed or
21 addressed satisfactorily, because it can be addressed
22 just by ---

23 MR. ZERBE: We have left it addressed before.

24 COMMISSIONER ASSELSTINE: Just for myself I
25 would say it would have to be addressed satisfactorily.

1 COMMISSIONER AHEARNE: I would just leave it
2 has been addressed. I don't see a need to put the
3 Commission into a box.

4 CHAIRMAN PALLADINO: How would you say it?

5 COMMISSIONER AHEARNE: I would just say "is
6 not lifting the immediate effectiveness of the shutdown
7 orders until" and I would strike "it is satisfied with
8 the resolution of," and then at the end add "has been
9 addressed."

10 MR. ZERBE: ". . . until the core decay heat
11 removal issue has been addressed"?

12 COMMISSIONER AHEARNE: Yes.

13 MR. LEVI: Shouldn't it read ". . . until the
14 Commission has addressed the core decay heat removal,"
15 or ". . . until the issue has been addressed by the
16 Appeal Board"?

17 COMMISSIONER AHEARNE: I would have no problem
18 with until the Commission has addressed it.

19 CHAIRMAN PALLADINO: What are you putting in
20 there now?

21 MR. ZERBE: ". . . until -- and then the words
22 would be added "the core decay heat removal issue has
23 been addressed."

24 COMMISSIONER AHEARNE: And if you want to add
25 by the Commission.

1 CHAIRMAN PALLADINO: Well, I don't know. If
2 the Commission going to address it? I guess we will.

3 COMMISSIONER AHEARNE: Well, I think there is
4 no way that you are going to allow the plant to restart
5 without having addressed that issue.

6 MR. ROTHSCHILD: Under this draft of the
7 decision you are going to have to issue another
8 immediate effectiveness decision that says we are
9 lifting immediate effectiveness and at that time I
10 presume you are going to want to address the core decay
11 heat removal issue.

12 COMMISSIONER AHEARNE: Down in the third line
13 of the first full paragraph you should add "removal,"
14 the core decay heat removal issue will still be
15 addressed.

16 MR. ZERBE: That is right.

17 Any other items on 23?

18 (No response.)

19 MR. ZERBE: 24.

20 (No response.)

21 MR. ZERBE: Page 25.

22 COMMISSIONER ROBERTS: Excuse me, back up to
23 23. The next to the last sentence. "The licensee also
24 may not restart TMI-1 until the Commission is satisfied
25 the concerns regarding repair have been adequately

1 resolved." Is "concerns" questions?

2 MR. ZERBE: Until the repairs have been
3 completed?

4 COMMISSIONER AHEARNE: Oh, no, it is more than
5 that.

6 CHAIRMAN PALLADINO: Until the issues
7 regarding repair have been ---

8 COMMISSIONER ROBERTS: Issues.

9 COMMISSIONER AHEARNE: Issues.

10 MR. ZERBE: Okay.

11 24?

12 (No response.)

13 MR. ZERBE: 25.

14 (No response.)

15 MR. ZERBE: Page 26.

16 COMMISSIONER ROBERTS: Wait a minute. I have
17 got something on 25 and this is editorial. In the
18 middle of that last paragraph "The NRC, however, is not
19 such a legislative body and lacks discretion to act on
20 the basis of issues that are not within the scope of
21 laws established by the Congress and implemented by the
22 NRC." In other words, strike "in accordance with."
23 "That are not within the scope of laws established by
24 Congress and implemented by the NRC."

25 CHAIRMAN PALLADINO: I don't understand the

1 last part of what you said, Tom. Isn't it "That are not
2 within the scope of the laws established by the
3 Congress"?

4 COMMISSIONER ROBERTS: Fine.

5 I have got another one. In footnote 18, the
6 second sentence, I would propose the following change.
7 Delete the second word "votes." I would say "The
8 majority of those voting in all three counties opposed
9 restart."

10 COMMISSIONER AHEARNE: I recognize, Tom, that
11 that is an accurate statement.

12 (Laughter.)

13 COMMISSIONER AHEARNE: But the way it was
14 worded is also accurate.

15 COMMISSIONER ROBERTS: The votes didn't
16 oppose. It is not even technically accurate or
17 grammatically accurate.

18 COMMISSIONER AHEARNE: The majority of the
19 votes in all three counties were against restart, or the
20 majority of the ---

21 COMMISSIONER ROBERTS: --- those voting.

22 (Laughter.)

23 COMMISSIONER AHEARNE: One of the issues that
24 has been raised on those referenda is well, all of the
25 people who could vote didn't, and I would like to avoid

1 us trying to take sides on that issue and phrasing it in
2 such a way it looks like we are coming down on the side
3 of the people who say but that wasn't really the
4 majority of all who could vote. That is the one concern
5 I have with the way you directly phrased it.

6 MR. MONTGOMERY: You could change it and say
7 the results of these referenda are opposed to restart
8 and then you don't have to deal with the voting problem.

9 MR. ROTHSCHILD: Or the majority of the votes
10 cast in all three counties opposed to restart.

11 COMMISSIONER ROBERTS: Say that again?

12 MR. ROTHSCHILD: The majority of the votes
13 cast in all three counties opposed restart.

14 COMMISSIONER ROBERTS: I would agree with that.

15 MR. ZERBE: Any more on 25?

16 (No response.)

17 MR. ZERBE: 26.

18 CHAIRMAN PALLADINO: I have a little problem
19 with the sentence at the end of the long paragraph where
20 it says "Moreover, there is no reason to believe that
21 delaying restart would accelerate the clean-up."
22 Apparently a lot of people have reason to believe that
23 otherwise. I would suggest that if we want to keep it
24 in, "Moreover, the Commission believes that delaying
25 restart would not accelerate the clean-up." That is a

1 statement where the Commission believes something and
2 the other says there is no reason to believe. Some
3 people do have reason to believe.

4 COMMISSIONER ROBERTS: You want to say that
5 the Commission believes?

6 CHAIRMAN PALLADINO: Yes, that the Commission
7 believes that delaying restart would not accelerate the
8 clean-up.

9 MR. ZERBE: Anything more on 26?

10 COMMISSIONER ROBERTS: I am not wildly
11 enthusiastic about the paragraph that begins on the
12 bottom of page 26, but never mind.

13 MR. ZERBE: 27.

14 COMMISSIONER AHEARNE: At the bottom of 27,
15 the last sentence, I think what we find is the level of
16 protection existing is adequate for restart.

17 MR. LEVI: That is not exactly true since we
18 are not addressing other issues.

19 COMMISSIONER AHEARNE: That is right. My
20 concern is that it wasn't a complete decision on the
21 adequacy. It was as far as lifting the immediate
22 effectiveness before restart. It is not making that
23 final commitment in the paragraph.

24 MR. MONTGOMERY: We could add with regard to
25 the immediate effectiveness issues.

1 CHAIRMAN PALLADINO: But it does say is
2 adequate with regard to the issues it is addressing in
3 this opinion.

4 COMMISSIONER ASSELSTINE: If you just say with
5 regard to immediate effectiveness issues, that doesn't
6 do it either.

7 COMMISSIONER AHEARNE: They will still be
8 addressed in the merits review.

9 CHAIRMAN PALLADINO: So what did you suggest?

10 COMMISSIONER ASSELSTINE: Is adequate for
11 purposes of immediate effectiveness with regard to the
12 issues.

13 MR. ZERBE: Any more on 27?

14 (No response.)

15 MR. ZERBE: 28.

16 COMMISSIONER ROBERTS: Where are we?

17 MR. ZERBE: Page 28.

18 (No response.)

19 MR. ZERBE: Page 29.

20 COMMISSIONER ROBERTS: Back on 28 and I don't
21 know whether you want to say this or not. The second
22 sentence, "UCS and the Commonwealth of Pennsylvania
23" UCS did not participate in the cheating
24 hearing.

25 MR. ROTHSCHILD: No, they didn't, but they

1 were very interested because of its relation to the
2 findings in the first Licensing Board decision.

3 COMMISSIONER ROBERTS: Okay.

4 MR. ROTHSCHILD: So that is a true statement.
5 They did actually comment on the cheating. It was their
6 view ---

7 COMMISSIONER ROBERTS: They commented but they
8 were not participants.

9 MR. ROTHSCHILD: They had participated in the
10 earlier management phase of the hearing somewhat. They
11 were concerned about operator training, staffing and
12 that kind of stuff. The Licensing Board in its first
13 initial decision had found that the operator training
14 was fine, and UCS came back and said we have read the
15 cheating decision and it is our view that the findings
16 of the Special Master undermine the Licensing Board's
17 initial findings on operator training and staffing, et
18 cetera, and we urge that the decision not be made
19 immediately effective. If my memory is correct, I think
20 that is the trust of the UCS comments.

21 Is that correct?

22 MR. LEVI: Yes.

23 MR. ROTHSCHILD: So they got in through the
24 back door.

25 MR. ZERBE: Any more on that page?

1 (No response.)

2 MR. ZERBE: Page 29.

3 COMMISSIONER ROBERTS: Well, the same point.
4 The first paragraph, the last sentence, UCS, I would
5 insert "which did not participate in the cheating
6 hearing and believed that the Special Master was
7 correct."

8 COMMISSIONER AHEARNE: I guess at some point I
9 would agree to at least a note somewhere in here that
10 USC did not participate in the hearing.

11 MR. ROTHSCHILD: We can put that in a footnote
12 the first time we put UCS comments and put UCS
13 participated in the early phase and didn't participate
14 in the hearing, or something like that.

15 MR. ZERBE: A footnote on the preceding page
16 then.

17 MR. ROTHSCHILD: Yes.

18 CHAIRMAN PALLADINO: Where are you going to
19 put it?

20 MR. ZERBE: On page 28, the footnote.

21 MR. ROTHSCHILD: Right after the word "UCS,"
22 on the second line we would put a footnote right there.

23 MR. ZERBE: Any other comments on 29?

24 (No response.)

25 MR. ZERBE: Page 30.

1 COMMISSIONER AHEARNE: 30 on the bottom,
2 footnote 23, the last sentence, you say "The
3 determination of whether or not to institute a civil
4 penalty proceeding has no bearing on whether the plant
5 can be operated safely." I would prefer to say using a
6 phrase you had used earlier "The determination of
7 whether or not to institute a civil penalty proceeding
8 does not warrant maintaining the effectiveness of the
9 shutdown orders and therefore this matter may not be
10 addressed at this time."

11 MR. ZERBE: Anything else on 30?

12 (No response.)

13 MR. ZERBE: 31.

14 COMMISSIONER ASSELSTINE: At the bottom of 31
15 and the top of 32 there is not a Commission majority for
16 dealing with DD or Husted in a way different from the
17 Licensing Board. So that would be the first reference.

18 MR. ZERBE: Right.

19 COMMISSIONER ASSELSTINE: Then there is a good
20 deal of discussion a few pages beyond it that would all
21 come out.

22 CHAIRMAN PALLADINO: Say that again?

23 COMMISSIONER ASSELSTINE: After I talked with
24 Victor, there are not three votes for taking additional
25 action against DD.

1 COMMISSIONER AHEARNE: Oh, you were ---

2 COMMISSIONER ASSELSTINE: Victor is not in
3 favor of it. You and I were and Tom and Joe weren't and
4 Victor is not.

5 CHAIRMAN PALLADINO: I thought you were.

6 COMMISSIONER AHEARNE: I was.

7 COMMISSIONER ASSELSTINE: John and I were.

8 COMMISSIONER AHEARNE: I wasn't willing to go
9 as far as Jim, but I did believe we ought to take some
10 additional action.

11 MR. ZERBE: Okay, we are going to take that
12 out then?

13 COMMISSIONER ASSELSTINE: That is right.

14 COMMISSIONER AHEARNE: There is no majority.

15 COMMISSIONER ASSELSTINE: Or there is a
16 majority against it.

17 CHAIRMAN PALLADINO: "Has decided to accept
18 the conclusions of the Licensing Board" -- oh, with the
19 exception of ---

20 MR. ZERBE: We had meant to put a bracket
21 around that because we thought that was an item we
22 hadn't addressed.

23 COMMISSIONER ASSELSTINE: That is right.

24 MR. ZERBE: Down at the bottom of that
25 paragraph, I don't know whether OGC wants to under

1 under the circumstances change those words. It says
2 "the Board's judgment." Would you propose leaving it
3 that way or do you want to change it to factual
4 conclusion?

5 CHAIRMAN PALLADINO: You mean the sentence
6 that says "The Commission accepts the Board's judgment"?

7 MR. ZERBE: Right.

8 MR. ROTHSCHILD: Let's leave it the way it
9 is. We were thinking of changing that if the Commission
10 went the other way on the DD.

11 MR. ZERBE: Any other items on page 32?

12 (No response.)

13 MR. ZERBE: Page 33.

14 COMMISSIONER AHEARNE: Let me reask for a
15 reaffirmation on footnote 26. The Commission's staff
16 has reviewed each asserted arbitrary and capricious
17 conclusion and is advising that the Board's conclusions
18 are supported by the weight of the evidence? Is that
19 correct?

20 MR. MONTGOMERY: That is correct.

21 MR. ZERBE: Any other items on 33?

22 (No response.)

23 MR. ZERBE: 34.

24 CHAIRMAN PALLADINO: I was interested in who
25 that was, but I think I have got the answer. I am

1 looking at the footnote on 28. I have no problem with
2 that.

3 MR. ZERBE: 35.

4 (No response.)

5 MR. ZERBE: Page 36.

6 (No response.)

7 MR. ZERBE: Page 37. Here there are some
8 alternatives at the top there that didn't get resolved
9 in the last meeting. We I guess originally had it
10 written in that the Commission accept this commitment as
11 a condition for restart and there was some concern about
12 that, but I don't think it got cleared up whether you
13 wanted to put the alternate "B" or some other alternate.

14 CHAIRMAN PALLADINO: Let's see, what are we
15 talking about here?

16 MR. ZERBE: Page 37 at the top of the page.

17 CHAIRMAN PALLADINO: No, the "B" issue.

18 COMMISSIONER AHEARNE: It is back on page 36.

19 CHAIRMAN PALLADINO: This is on qualifications
20 of training instructors?

21 MR. ZERBE: Right.

22 COMMISSIONER AHEARNE: My preference would be
23 to take alternative "B" and put it as the last sentence
24 of footnote 30.

25 COMMISSIONER ROBERTS: I would pick

1 alternative "B." You put it at the end of the footnote?

2 COMMISSIONER AHEARNE: Yes.

3 CHAIRMAN PALLADINO: You want to put it as
4 part of footnote 30?

5 COMMISSIONER AHEARNE: Yes.

6 CHAIRMAN PALLADINO: Why did you want to put
7 it in the footnote? I agreed to "B" but I wasn't quite
8 clear why you wanted to put it in the footnote.

9 COMMISSIONER AHEARNE: I guess it should be
10 left out.

11 CHAIRMAN PALLADINO: I think it would be
12 better.

13 COMMISSIONER AHEARNE: If we have to, we can
14 put it there.

15 CHAIRMAN PALLADINO: On 37 I had another
16 question in the paragraph that has the sentence "It also
17 concluded that the program modifications it imposed need
18 not be made until after restart." What I was having
19 trouble with is it didn't follow from what went ahead.
20 We werent talking about modifications and all of the
21 sudden I was wondering which modifications. It says
22 "With regard to the assertions that the training program
23 has been inadequate, it should resolve the dispute
24 between the Master and the Licensing Board. The
25 Commission noted" Then all of the sudden they

1 talked about program modifications.

2 MR. MONTGOMERY: That should be modifications
3 to program administration, and I think that would fix it.

4 CHAIRMAN PALLADINO: All right, that ties it
5 in better, the modifications to program administration.

6 MR. ZERBE: Any more on 37?

7 (No response.)

8 MR. ZERBE: 38.

9 (No response.)

10 MR. ZERBE: Page 39.

11 COMMISSIONER ASSELSTINE: Again starting on
12 the bottom of 39 and 40 you have make the conforming
13 changes.

14 MR. ZERBE: Yes.

15 CHAIRMAN PALLADINO: What did we conclude?

16 COMMISSIONER ASSELSTINE: I guess the majority
17 would conclude "A".

18 MR. ZERBE: It crosses a out a lot on page 40
19 then.

20 COMMISSIONER AHEARNE: Alternative "B" was the
21 alternative that I had ---

22 COMMISSIONER ROBERTS: What was that?

23 COMMISSIONER AHEARNE: That is the one where
24 Vic no longer joined ---

25 COMMISSIONER ASSELSTINE: That is right.

1 COMMISSIONER AHEARNE: (Inaudible)

2 (Laughter.)

3 COMMISSIONER ASSELSTINE: I don't want to
4 characterize Brinker's(?) position, but I think the
5 thrust of it was that if nothing more was going to be
6 done to DD, that if he was going to be left there as
7 well after having had his training responsibilities
8 taken away that that was perhaps a worse outcome than
9 otherwise.

10 COMMISSIONER AHEARNE: Well, obviously you
11 aren't the one with whom I should debate that.

12 COMMISSIONER ASSELSTINE: That is right. I
13 would have agreed to "B".

14 MR. ZERBE: The total page 40 will be wiped
15 out.

16 COMMISSIONER ASSELSTINE: That is right.

17 MR. ZERBE: And all the way up to the first
18 two lines of 42.

19 COMMISSIONER ASSELSTINE: That is right.

20 COMMISSIONER ROBERTS: Say that again.

21 MR. ZERBE: The first two lines of 42 are part
22 of that problem.

23 COMMISSIONER ROBERTS: Page 41 drops out and
24 the balance of the 40?

25 MR. ZERBE: That is right.

1 COMMISSIONER ASSELSTINE: Through the first
2 two lines of 42.

3 MR. ZERBE: So we are at the Ammodts. Any
4 questions on page 42?

5 (No response.)

6 MR. ZERBE: Page 43 is all crossed out.

7 (Laughter.)

8 MR. ZERBE: Page 44.

9 CHAIRMAN PALLADINO: I had a comment though
10 and I coulin't understand what was over in the margin,
11 but that was beside the point.

12 (Laughter.)

13 MR. ZERBE: Page 45.

14 CHAIRMAN PALLADINO: I had a comment at the
15 bottom. Is that 45 or 46.

16 COMMISSIONER AHEARNE: 45.

17 CHAIRMAN PALLADINO: I am looking at the
18 footnote. "The Appeal Board reaffirmed the Licensing
19 Board on the December issue but modified the Licensing
20 Board decision regarding the Emergency Support
21 Director." My point was a reference would help.

22 MR. ZERBE: You want just a reference noted
23 there, right?

24 CHAIRMAN PALLADINO: Yes, or to where we
25 discuss it in the document, and maybe this is the place

1 where it is discussed.

2 MR. ZERBE: We will fix that one.

3 Page 46.

4 (No response.)

5 MR. ZERBE: Page 47.

6 MR. LEVI: On page 46 on the distribution of
7 TLD's?

8 CHAIRMAN PALLADINO: I have no problem with
9 that.

10 MR. ZERBE: Page 47.

11 CHAIRMAN PALLADINO: This question on the
12 TLD's is going to be updated?

13 MR. ZERBE: Yes.

14 CHAIRMAN PALLADINO: Have they made any more
15 progress?

16 MS. ARON: Yes. The Commonwealth and the
17 Licensee have reached agreement on the issue and the
18 agreement is being typed now by the Commonwealth and
19 will reach the Commission on Monday or Tuesday.

20 COMMISSIONER ASSELSTINE: Do we have any idea
21 on what the agreement was?

22 MS. ARON: Yes, the license will provide the
23 TLD's. It followed the Susquehanna case.

24 MR. ZERBE: 47.

25 (No response.)

1 MR. ZERBE: 48.

2 (No response.)

3 MR. ZERBE: 49.

4 (No response.)

5 MR. ZERBE: Anything on 49?

6 (No response.)

7 MR. ZERBE: 50.

8 (No response.)

9 MR. ZERBE: 51.

10 COMMISSIONER ASSELSTINE: I realize the UCS
11 used the reference to vessel level instrumentation, but
12 I guess I would prefer a more accurate description
13 because it is not really a level instrumentation any
14 more based on what we have done. It is a coolant
15 inventory instrumentation or whatever it is. We use the
16 VLI throughout here now and I would prefer something
17 different.

18 CHAIRMAN PALLADINO: They say also known as an
19 inadequate core cooling instrumentation.

20 MR. ZERBE: Those are not the words.

21 COMMISSIONER ASSELSTINE: That is not what ---

22 MR. ZERBE: We will use the words the staff
23 used.

24 Page 52.

25 COMMISSIONER ASSELSTINE: Oh, I had one more

1 on the top of page 52, deleting the word "eventually" in
2 the first line. In the very first line on page 52
3 delete the word "eventually."

4 MR. ZERBE: Okay.

5 CHAIRMAN PALLADINO: Didn't they say that it
6 should eventually be installed? Oh, I see, in keeping
7 with the schedule.

8 COMMISSIONER ASSELSTINE: Just should be
9 installed in keeping with the schedule.

10 MR. ZERBE: Any more on page 52?

11 (No response.)

12 MR. ZERBE: 53.

13 CHAIRMAN PALLADINO: The top paragrah gave me
14 a little bit of a problem with understanding. The
15 second sentence says "The Commission finds that these
16 concerns do not justify maintaining the effectiveness of
17 the shutdown order with the exception of the
18 relationship to decay heat removal issues being
19 addressed further by the Appeal Board." It wasn't clear
20 what relationship exists. This sort of negates
21 everything because they may have a relationship with the
22 decay heat removal problem.

23 MR. ZERBE: I guess the first two related to
24 the natural circulation capability and the natural
25 circulation capability is one of the things that is open

1 in the decay heat removal situation with the Appeal
2 Board.

3 CHAIRMAN PALLADINO: And how about the
4 pressurizer heater?

5 MR. LEVI: That is separate. We can make this
6 clearer to where it only refers to the first two.

7 CHAIRMAN PALLADINO: Yes, it would be clearer
8 if you did that.

9 MR. ZERBE: Okay.

10 CHAIRMAN PALLADINO: That is what I thought
11 contradicted something.

12 MR. ZERBE: Any more on 53?

13 (No response.)

14 MR. ZERBE: 54.

15 COMMISSIONER AHEARNE: Down at the bottom, I
16 think we have been talking about core decay heat removal
17 rather than shutdown.

18 MR. ZERBE: Yes.

19 Page 55.

20 (No response.)

21 MR. ZERBE: 56.

22 COMMISSIONER AHEARNE: Let's see now, at the
23 bottom of 56 where you have subsection 4 you have
24 "Instrumentation to help the operator detect inadequate
25 core cooling conditions," and you have a three more

1 words which indicates inadequate core cooling
2 conditions. So I think you have a redundant phrase.

3 MR. ZERBE: Yes.

4 Page 57.

5 CHAIRMAN PALLADINO: I have a problem with the
6 bottom paragraph on page 57. I did not think that
7 characterized the Appeal Board's position.

8 MR. ZERBE: We have a new paragraph for that.

9 (Laughter.)

10 CHAIRMAN PALLADINO: They emphasize the
11 adequacy of the record and I would suggest using some of
12 their own words here.

13 MR. ZERBE: This would replace the paragraph
14 starting -- well, it is page 58, the first paragraph
15 here.

16 CHAIRMAN PALLADINO: Well, wait a minute, I am
17 on 57.

18 MR. ZERBE: I am ahead of you then.

19 CHAIRMAN PALLADINO: I am on page 57, the
20 bottom paragraph. If you go back to 708, "We also offer
21 a preliminary view that there is insufficient evidence
22 of record to support the Board's finding that feed and
23 bleed" I am not sure that that paragraph
24 characterizes the true sense of 708. In another place
25 they say "We believe there is insufficient evidence

1 . . ." You could draw some of these inferences.

2 MR. ZERBE: We will go back and use their
3 words. I think it related to that first paragraph on
4 page 58. That paragraph as it is ---

5 COMMISSIONER AHEARNE: On page 57 there is the
6 same minor point in heading No. 2, the adequacy of --
7 (Inaudible.)

8 CHAIRMAN PALLADINO: What is the difference?

9 MR. MONTGOMERY: We will try to make it
10 consistent terminology.

11 (The handout containing the substitute
12 paragraph was distributed by Mr. Zerbe to all members at
13 the table.)

14 MR. ZERBE: This paragraph I have handed out
15 was suggested to be the one that takes the place of the
16 first paragraph on page 58. The first paragraph on page
17 58 just talks about the bleed and feed, but the Board
18 would be willing to use the natural circulation system
19 or bleed and feed, whichever could be shown to their
20 satisfaction to be acceptable.

21 COMMISSIONER AHEARNE: Did they find the
22 record unclear or insufficient?

23 MR. ZERBE: Well, I think it was unclear.

24 CHAIRMAN PALLADINO: There is insufficient
25 evidence of record.

1 COMMISSIONER AHEARNE: I just hadn't recalled
2 them using the words that the record was unclear.

3 MR. THOMASSON: On page 42 of the decision,
4 the first paragraph under "Conclusions," the Board says
5 that "The existing record is unclear as to whether
6 adequate core decay heat removal can be assured."

7 CHAIRMAN PALLADINO: What page, 42?

8 MR. THOMASSON: Page 42 of decision 708.

9 COMMISSIONER ASSELSTINE: The first sentence
10 under "Conclusion A."

11 CHAIRMAN PALLADINO: Oh, I am on 44. That is
12 why I can't find it.

13 COMMISSIONER ASSELSTINE: The very first
14 sentence under "A".

15 CHAIRMAN PALLADINO: So this replaces that?

16 MR. ZERBE: Yes.

17 Then the next paragraph, I think we have
18 already addressed this before and you chose Alternate
19 "A".

20 COMMISSIONER AHEARNE: I think though you have
21 to have one other item in there.

22 COMMISSIONER ASSELSTINE: That is right.

23 COMMISSIONER AHEARNE: It is reliability of
24 the feedwater system, the viability of boiler condenser
25 and natural circulation.

1 COMMISSIONER ASSELSTINE: And indicate the
2 ability of feed and bleed. You have to have all three.

3 MR. ZERBE: There insert there is the next
4 page. We had in there that the decision is made that
5 this subject on the seismic is outside of the proceeding.

6 COMMISSIONER AHEARNE: It is not clear the way
7 you have written it. You say "Because the Commission is
8 not making an immediate effectiveness decision on core
9 decay heat removal at this time, the Commission decided
10 to address the issue of seismic qualifications at a
11 later date." Now that leaves open the question of
12 whether or not the seismic issue must be resolved prior
13 to the immediate effectiveness and restart decision.

14 MR. ZERBE: That is not what we intended.

15 COMMISSIONER AHEARNE: I don't know whether
16 the Commission wants to make that decision at the
17 moment, but I would be prepared to.

18 COMMISSIONER ASSELSTINE: Doesn't it to a
19 certain extent depend upon what happens on the alternate
20 decay heat removal? If, for example, the Appeal Board
21 follows the track it seems to be on, which is that we
22 are not going to look at the reliability of the
23 auxiliary feedwater system and then we are going to go
24 ahead and look at these other three alternative means,
25 then we don't have to worry about the seismic

1 implications for the auxiliary feedwater system.

2 But if some reason they might go back and look
3 at the reliability of the auxiliary feedwater system and
4 use that as a basis for reaching some overall
5 conclusion, then it seems to me the seismic issue would
6 become relevant. I don't think that is likely.

7 COMMISSIONER AHEARNE: For myself it still
8 wouldn't be relevant to the restart issue. The
9 corrections that are required to be made for seismicity
10 are when I put in the probability of their being called
11 into play are not such that it would require me to keep
12 the plant down. They are such that it would lead me to
13 require a modification to be made on some kind of a time
14 scale, but not necessarily -- (Inaudible).

15 CHAIRMAN PALLADINO: Are you proposing to make
16 a change on 58A?

17 COMMISSIONER AHEARNE: I would put in
18 something to say that because there is a probability of
19 it being called into question or it is sufficiently low
20 or just simply say that it is a seismic issue that is
21 outside the proceeding and a decision will be made
22 outside of the proceeding and you don't want to get into
23 the other. This leaves the implication that they are
24 going to be licked.

25 CHAIRMAN PALLADINO: Yes, I had a question

1 what is the impact on the immediate effectiveness issue.

2 COMMISSIONER AHEARNE: I would have no problem
3 just saying the NRC staff is reviewing the seismic
4 capability of all PWR aux feed systems outside of the
5 TMI-1 restart proceeding and a decision will be made
6 outside ---

7 MR. ZERBE: Just cross out the one sentence.

8 COMMISSIONER AHEARNE: Then back on your first
9 page I would merely add in that the seismic decision is
10 going to be made outside the proceeding.

11 MR. LEVI: On the first page it says there are
12 three constraints on operation. Is the seismic issue a
13 constraint on operation?

14 COMMISSIONER AHEARNE: I am just saying that
15 somewhere on that first page the issue has to be
16 addressed. (Inaudible)

17 COMMISSIONER ASSELSTINE: Clearly it would not
18 be one of the constraints on operation.

19 MR. ZERBE: Any more on page 58?

20 (No response.)

21 MR. ZERBE: Page 59.

22 (No response.)

23 MR. ZERBE: Page 60.

24 (No response.)

25 MR. ZERBE: Page 61.

1 (No response.)

2 MR. ZERBE: Page 62.

3 (No response.)

4 MR. ZERBE: We are then back to the ---

5 CHAIRMAN PALLADINO: This says a decision. I
6 guess "decision" is the word.

7 COMMISSIONER AHEARNE: Well, also we are
8 saying the Appeal Board.

9 CHAIRMAN PALLADINO: Okay.

10 MR. ZERBE: John is going to go through the
11 appendix.

12 MR. MONTGOMERY: Since the pages aren't
13 numbered, does anybody have any comments within section
14 one?

15 MR. ZERBE: We will add that footnote though
16 in each section of the appendix.

17 (No response.)

18 MR. MONTGOMERY: If not, in Section 2 there
19 are some changes we need to make here. There were a
20 couple of headings dropped out of the earlier version
21 which showed differences between things that would be
22 done at restart, tech specs, et cetera.

23 CHAIRMAN PALLADINO: Which is this?

24 MR. MONTGOMERY: This is Section 2. We will
25 put those headings back in.

1 Another change we know we need to make refers
2 back to page 21 of Section 2.

3 CHAIRMAN PALLADINO: I had a comment earlier,
4 but go ahead and we can come back.

5 MR. MONTGOMERY: On both items 3 and 4 those
6 need to be a little better written so they are more
7 accurate descriptions of what actually is in the staff
8 enforcement plan and we will do that.

9 COMMISSIONER AHEARNE: I admit I was surprised
10 to see No. 4. I hadn't realized that the staff had
11 directed a PRA for TMI-1.

12 MR. MONTGOMERY: That is accurate. It is in
13 the Board order and staff enforcement plan.

14 If you would care to go back, Mr. Chairman.

15 CHAIRMAN PALLADINO: On page 10. I may come
16 up with a statement that says my approval of this
17 decision does not imply approval of the Board's
18 suggestions regarding use of placards, et cetera. It is
19 more for guidance generically than anything else.

20 COMMISSIONER ROBERTS: I will very likely
21 agree with you depending on what you say.

22 CHAIRMAN PALLADINO: Well, we will try to get
23 something drafted this afternoon.

24 COMMISSIONER AHEARNE: Let me just raise a
25 question in your minds. The Board only suggested it.

1 CHAIRMAN PALLADINO: I agree.

2 COMMISSIONER AHEARNE: If you go out the way
3 and say that you disagree with that suggestion, I think
4 that you are then putting yourself in the position in
5 the future. If the Board only suggests something, your
6 silence on it can be interpreted by the staff as
7 therefore you agree with that suggestion and they should
8 do it.

9 CHAIRMAN PALLADINO: I said I may do it.

10 (Laughter.)

11 COMMISSIONER AHEARNE: At the moment a Board
12 suggestion is not a Board order.

13 MR. MONTGOMERY: Are there any other comments
14 on Section 2?

15 COMMISSIONER ASSELSTINE: I just have one
16 other comment on one other item. One of my other
17 proposals was for reflecting in the order that we would
18 increase our inspection effort for TMI-1, that is, Joe,
19 if you still are in favor of that. Victor said that is
20 one he would agree with and it is not reflected in here
21 now, but that is the one that I raised some time ago.
22 John and Tom both said that they were not in favor of
23 that one.

24 CHAIRMAN PALLADINO: John pointed out that
25 what we really need is not so much more resident

1 inspectors except qualified people. The problem is I am
2 not sure that we are going to have available to us
3 qualified people by way of resident inspectors. I guess
4 I have decided not to go for that one.

5 COMMISSIONER ASSELSTINE: Okay.

6 Let me raise one other possible item as well,
7 and that would be perhaps indicating that we would like
8 the staff to give priority attention to the TMI-1
9 responses to the 50.54F letters on SECY-82-111 items.

10 CHAIRMAN PALLADINO: Say that again.

11 COMMISSIONER ASSELSTINE: That the staff give
12 priority attention to the TMI-1 responses to the 50.54F
13 letters that are going out in response to the
14 SECY-82-111 items because some of those are covered in
15 here and some of those were items that were flagged by
16 people as being of concern.

17 It seems to me it might be helpful to say that
18 at least we would give their responses priority
19 attention.

20 CHAIRMAN PALLADINO: The responses from all
21 the people:

22 COMMISSIONER ASSELSTINE: No, from TMI-1.

23 COMMISSIONER AHEARNE: I could live with that.

24 CHAIRMAN PALLADINO: You are asking the staff
25 to give priority?

1 COMMISSIONER ASSELSTINE: That is right.

2 CHAIRMAN PALLADINO: You will presume the
3 utility will give priority in answering?

4 COMMISSIONER AHEARNE: What Jim is really
5 saying is that there is a large volume of responses
6 coming in.

7 COMMISSIONER ASSELSTINE: That is right, where
8 it falls in the pile of 70.

9 COMMISSIONER AHEARNE: I would have no problem
10 with that.

11 MR. LEVI: Did you have any particular place
12 that you think it should go?

13 COMMISSIONER ASSELSTINE: No, I didn't.

14 MR. MONTGOMERY: We will try to find a place.

15 COMMISSIONER ASSELSTINE: Yes, because I
16 thought about that a little bit and I didn't see one
17 that jumped out at me as exactly the right spot.

18 COMMISSIONER AHEARNE: I had a couple of
19 questions on Section 3.

20 MR. MONTGOMERY: If I may before you ask the
21 questions, we intend on sending that back to the staff a
22 day or two before your vote and have them update it at
23 the time that the order comes out. Those dates are not
24 correct that are in there now. We have some updated
25 information on some of them.

1 COMMISSIONER ROBERTS: You are on Section 3?

2 MR. MONTGOMERY: Right.

3 COMMISSIONER AHEARNE: The first comment
4 though is, as I said last time, the top of page 2 is
5 confusing. That first item, the tech spec changes to be
6 completed 1/83, really I think fit under I&E Bulletins
7 on the previous page. It is a description and estimated
8 completion remarks rather than a title for what is going
9 on below.

10 COMMISSIONER ROBERTS: I agree.

11 MR. ZERBE: We should really try to put that
12 at the bottom of the page.

13 COMMISSIONER AHEARNE: This is the same
14 discussion we had last time.

15 (Laughter.)

16 COMMISSIONER ASSELSTINE: In fact, why not
17 carry the major headings through on each page to explain
18 what you are talking about.

19 COMMISSIONER AHEARNE: Yes, and you say you
20 are going to update it.

21 On page 6, you have the FEMA review is
22 complete 12/82.

23 MR. MONTGOMERY: In fact, these emergency
24 planning items, we know these are incorrect and we have
25 updated dates on those.

1 COMMISSIONER AHEARNE: The Appeal Board
2 imposed requirements, you have the Commission has stayed
3 the Appeal Board. So therefore the to be completed
4 1/83, you don't need anything to be completed.

5 MR. MONTGOMERY: Right.

6 One last answer I wanted to bring back. The
7 question was raised earlier whether or not GPU would
8 have any outside people helping them during restart and
9 the answer we received back from the staff was yes, they
10 will have some B&W people helping during restart, B&W
11 engineers.

12 CHAIRMAN PALLADINO: How long will they be
13 there?

14 MR. MONTGOMERY: That I really don't know.
15 They will have somebody working with the GPU test
16 working group during startup testing. They will have
17 two to three B&W engineers available during low power
18 natural circulation testing, and I really don't know how
19 long they will be there.

20 CHAIRMAN PALLADINO: I gather we have reached
21 a consensus.

22 COMMISSIONER ASSELSTINE: I am voting against
23 restart based upon the four elements that I had proposed
24 and the Commission had rejected principally having to do
25 with the conclusions in the decision on cheating and the

1 implications that has for the confidence in the
2 integrity of the operating staff.

3 CHAIRMAN PALLADINO: So you are voting against
4 this decision?

5 COMMISSIONER ASSELSTINE: That is correct.

6 COMMISSIONER AHEARNE: But you are not voting
7 against restart?

8 COMMISSIONER ASSELSTINE: That is right. I
9 would at least not lift immediate effectiveness for
10 those particular reasons. The other portions of the
11 decision I don't have objections to, but at least on
12 those ---

13 CHAIRMAN PALLADINO: What were the reasons
14 again?

15 COMMISSIONER ASSELSTINE: I believe that more
16 needs to be done before I would be prepared to vote in
17 favor of lifting immediate effectiveness on the cheating
18 issues.

19 COMMISSIONER AHEARNE: Actions against those
20 individuals.

21 COMMISSIONER ASSELSTINE: That is right,
22 actions against specified individuals in particular. I
23 also mentioned I think the need for additional
24 inspection activities as well. But the principal focus
25 will be on the portions of the decision that focus on

1 the cheating incidents.

2 COMMISSIONER ROBERTS: Does the response that
3 they will have some outside technical help give you any
4 comfort on that last issue?

5 COMMISSIONER ASSELSTINE: Some, and I think
6 that one will be much more in the form of, at least for
7 myself given the uncertainties that arise as a result of
8 my own views on the cheating incident, but that is one
9 reason why we need an additional NRC presence there.

10 CHAIRMAN PALLADINO: You said you had four?

11 COMMISSIONER ASSELSTINE: The four things that
12 I had originally proposed were, one, my particular
13 findings in terms of my view on the correctness of
14 Milholland's decision versus the Licensing Board's. The
15 second was additional action with regard to Mr. Husted.
16 The third was additional action with regard to a number
17 of other people, the ones that I specified where I would
18 prohibit them from being involved in further activities
19 related to TMI-1. Then the final element was my own
20 view that at least partially as a result of the cheating
21 problems that there is a need for an increased NRC
22 inspection presence.

23 CHAIRMAN PALLADINO: Would a change in vote on
24 that last one affect the way you vote?

25 COMMISSIONER ASSELSTINE: No. I think the

1 fundamental concern is the taint ---

2 CHAIRMAN PALLADINO: The cheating?

3 COMMISSIONER ASSELSTINE: That is right, the
4 lack of reliability of the TMI-1 operating staff.

5 CHAIRMAN PALLADINO: So you are saying you
6 would not start operating until they do the things you
7 have suggested?

8 COMMISSIONER ASSELSTINE: That is right.

9 CHAIRMAN PALLADINO: Well, let's see, John?

10 COMMISSIONER AHEARNE: I am going to vote in
11 favor of it. I think I may well end up agreeing with
12 Jim on his point No. 2 or saying something to that
13 effect.

14 CHAIRMAN PALLADINO: Husted, or DD, excuse me.
15 Tom?

16 COMMISSIONER ROBERTS: I am prepared.

17 CHAIRMAN PALLADINO: You will be voting in
18 favor of this?

19 COMMISSIONER ROBERTS: Yes.

20 CHAIRMAN PALLADINO: And you will, too.

21 COMMISSIONER AHEARNE: (Nodding affirmatively.)

22 CHAIRMAN PALLADINO: And I will, too.

23 I don't know where Victor stands.

24 (Laughter.)

25 COMMISSIONER AHEARNE: I will make a guess ---

1 (Laughter.)

2 CHAIRMAN PALLADINO: I could guess.

3 (Laughter.)

4 CHAIRMAN PALLADINO: Now do you know what you
5 need to do to advise us?

6 MR. ZERBE: We would propose to have the
7 revised version of this back by Monday. I don't know if
8 we can do it much sooner than that, with the exception
9 of that Section 3. We have to go to the staff
10 officially and get them to update that, but we would
11 attempt to get that by Monday.

12 CHAIRMAN PALLADINO: All right. Now, let's
13 see, when do we have this scheduled?

14 MR. ZERBE: The 18th is Tuesday.

15 MR. CHILK: You have time set aside on the
16 18th which is Tuesday at 11 o'clock.

17 COMMISSIONER ASSELSTINE: I will have my views
18 on Monday.

19 CHAIRMAN PALLADINO: Now let's see, is Joe
20 Fouchard here?

21 MR. FOUCHARD: Yes, sir.

22 CHAIRMAN PALLADINO: You were preparing some
23 comments that might be used at the Tuesday meeting.

24 MR. FOUCHARD: I have given you some evening
25 comments. I would suggest, if you have your order ready

1 and your individual comments, that that is the best way
2 to handle it. Obviously each of you on you individual
3 views speak out, and also have copies, please.

4 COMMISSIONER ASSELSTINE: Yes.

5 COMMISSIONER AHEARNE: Jim, your views are
6 going to be ready on Monday?

7 COMMISSIONER ASSELSTINE: I will have mine
8 ready on Monday so you will have them a day ahead.

9 MR. ROTHSCHILD: May I make a suggestion.

10 CHAIRMAN PALLADINO: Yes, go ahead.

11 MR. ROTHSCHILD: Until you really get some
12 kind of idea of when Victor's opinion is going to be out
13 and until you have had a chance to review it, I wouldn't
14 commit yourself to a date.

15 COMMISSIONER AHEARNE: I would agree with that.

16 MR. ROTHSCHILD: Because I think after you see
17 the dissenting opinions you may want to modify your
18 order to address some of the issues that he may raise
19 and because of the length of this order and just running
20 it off on a typewriter takes a while, and if you want to
21 add a paragraph here and there, then I would be real
22 hesitant to committing yourself to something for next
23 Tuesday at this point.

24 CHAIRMAN PALLADINO: Well, where do we stand?

25 MR. FOUCHARD: I haven't said anything. I

1 would rather be very firm when we go into this next one.

2 MR. CHILK: Let me just raise one problem. I
3 don't have any objection, but, Mr. Chairman, you travel
4 at the end of the week and all of next week at least one
5 Commissioner is out.

6 CHAIRMAN PALLADINO: That is the problem. Who
7 is out all of next week.

8 MR. CHILK: Mr. Roberts is out the beginning
9 part of the week, Mr. Gilinsky is out all week, and the
10 following week yourself. If is just if you want all
11 five of you here, it is a problem.

12 COMMISSIONER AHEARNE: I think Chip is
13 absolutely right.

14 COMMISSIONER ASSELSTINE: I think that makes a
15 lot of sense.

16 MR. FOUCHARD: I would certainly urge you to
17 have the whole ball of wax ready to give out and be
18 prepared to speak to it.

19 CHAIRMAN PALLADINO: I think we need the
20 time. Well, let's try for Monday anyhow in getting your
21 draft.

22 MR. FOUCHARD: You are not then planning to
23 take a public vote on Tuesday? Do I understand that?
24 If you do, I have an obligation to go out, but as I read
25 it the answer is no.

1 CHAIRMAN PALLADINO: Then we don't really come
2 out with a decision for what, about two weeks?

3 COMMISSIONER AHEARNE: I think what you were
4 suggesting is that when we have a public meeting that we
5 actually have ---

6 MR. FOUCHARD: Yes, indeed. I know I would
7 strongly recommend that.

8 COMMISSIONER ROBERTS: But you want to get it
9 out.

10 CHAIRMAN PALLADINO: I don't know that there
11 is urgency in getting it out. I think the main thing
12 was not to lose the momentum on at least the work we had
13 done. So I don't know that voting in two weeks is going
14 to cause any major distress on anybody's part.

15 COMMISSIONER AHEARNE: If you can check with
16 Vic then you might be able to get his.

17 CHAIRMAN PALLADINO: Okay. But to make
18 profitable use of any time we have got, if we can have
19 your revised version by Monday.

20 MR. ZERBE: We will shoot for Monday. I guess
21 what we had better do though, you don't want to have the
22 staff update Section 3 until we are ready to go.

23 MR. FOUCHARD: Then I will just continue to
24 tell people that the Commission has not as yet scheduled
25 its public vote and that I will let them know as soon as

1 I can.

2 CHAIRMAN PALLADINO: Is there anything more to
3 come before us today?

4 (No response.)

5 CHAIRMAN PALLADINO: Thank you.

6 We will stand adjourned.

7 (Whereupon, at 11:45 a.m., the meeting
8 adjourned.)

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