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NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

ADVISORY COMMITTEE ON NUCLEAR
POWER PLANT CONSTRUCTION
DURING ADJUDICATION

SIXTH MEETING

Place - Bethesda, Maryland

Date - Friday, 6 July 1979

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON NUCLEAR
POWER PLANT CONSTRUCTION
DURING ADJUDICATION
SIXTH MEETING

Room 415
East-West Towers
4350 East-West Highway
Bethesda, Maryland

Friday, 6 July 1979

The Advisory Committee met, pursuant to notice, at 9:45 a.m.

PRESENT:

DR. GARY MILHOLLIN, Chairman
MR. JOHN FRYE
MR. STEPHEN OSTRACH
MR. JOHN CHO
MR. BRUCE BERSON
MR. GEORGE SEGE

P R O C E E D I N G S

(9:45 a.m.)

DR. MILHOLLIN: This meeting of the Advisory Committee on Construction During Adjudication shall now begin on the record.

We have before us as the first item on our agenda the workshop language which is to be sent to participants in the workshop. You all received a previous version of this, a draft. George and I worked on it yesterday to make some editorial changes, and I suppose there are a few changes which could be labeled as substantive. But the changes -- I don't believe the changes are very, very great.

So shall we take a few minutes just to go through it? And if anyone has questions or suggestions about changes, we can take them up page by page.

(Pause.)

Any comments? Are you all finished?

(No response.)

George, I noticed on the last page of the list of participants the typeface seems to be different, the spacing between the lines.

MR. SEGE: I don't think so. It's just a shorter list. They are not all the same length. Not all the lists are the same length, and sometimes people had two-line titles, sometimes one-line titles.

1 Wait a minute. You're right, it is a little bit
2 closer together.

3 DR. MILHOLLIN: It looks like it's double-spaced on
4 one and the other's a triple. But that's sort of a very
5 minimum suggestion for change. I suppose it's okay the way it
6 is. I just thought I'd point it out. I'm sure it doesn't need
7 to be changed.

8 MR. OSTRACH: I have three comments on the workshop
9 package. Page 7 of the general guidelines, first line, I think
10 it would be sufficient if we said, "Because of the Commission's
11 ex parte rule, there will be no discussion of the merits of
12 any matter at issue in any proceeding." If we say -- I just
13 think that would be adequate to avoid any ex parte problems
14 and wouldn't unduly constrain the discussions.

15 MR. SEGE: The merits of any matter.

16 MR. OSTRACH: Just add the words "the merits of."

17 MR. SEGE: Okay.

18 DR. MILHOLLIN: Yes, I think that's fine, because
19 literally read, you get the impression that you couldn't even
20 discuss the existence of the matter.

21 MR. OSTRACH: Page 11, three lines up from the
22 bottom, where it says "Panels 2 and 3," I believe that ought
23 to be "Panels 1 and 3."

24 DR. MILHOLLIN: Yes.

25 MR. SEGE: Yes.

1 MR. OSTRACH: And the only other suggestion -- this
2 is just a suggestion and probably not necessary -- on page 12,
3 Option 3-B, you might want to say, "The licensing board decision
4 is unanimous." It's obvious to us, but it might possibly be
5 ambiguous. It's a suggestion. I recognize that's not at all
6 necessary.

7 DR. MILHOLLIN: Why don't we say, "The decision is
8 unanimous by the licensing board," for the secretary to type
9 it easier.

10 MR. OSTRACH: She should put a tape over the whole
11 line, anyway.

12 MR. SEGE: All right, "The licensing board decision
13 is unanimous."

14 MR. CHO: I have a question on page 6, general
15 guidelines, the second sentence: "The workshop should explore
16 the possibility of changing. . . so as to avoid difficulties."
17 I'm not sure what it says.

18 DR. MILHOLLIN: You mean you think it doesn't add
19 anything to the first sentence?

20 MR. CHO: That and, beyond that, I just don't know
21 what it's intended to say. What do you mean, changing
22 practice to avoid difficulties in present rules? To avoid
23 changing the rules?

24 DR. MILHOLLIN: Maybe what we should say is "to
25 change the current rules so as to avoid difficulties with the

1 present practice."

2 MR. CHO: That would make sense.

3 DR. MILHOLLIN: That's a good point.

4 MR. FRYE: "Or any perceived difficulties," "perceived
5 or identified difficulties with present practice."

6 DR. MILHOLLIN: Okay. "To avoid perceived difficulties."

7 MR. SEGE: I don't think we need the "perceived
8 difficulties." We'd have to retype the page if we put that
9 word in, and it's really not necessary.

10 DR. MILHOLLIN: George is going to resist. We could
11 retype it by changing the two words, by reversing the words.
12 We wouldn't have to retype the page; is that right, George?

13 MR. SEGE: No, we wouldn't have to retype the page
14 for that.

15 DR. MILHOLLIN: But with "perceived" we might have
16 to.

17 MR. BERSON: Couldn't the word "changing," the first
18 word of that last line, be moved up one to the end of the
19 sentence, the line before it?

20 DR. MILHOLLIN: If we're all in favor of "perceived,"
21 yes. Would that be all right, George, to move "changing" up
22 to the next line? In my role as facilitator here.

23 (Laughter.)

24 MR. SEGE: But do we really need "perceived." It
25 isn't really questioned any more that there are difficulties

1 with that practice. It was the difficulty with the practice
2 that caused this Committee to come into being.

3 DR. MILHOLLIN: Or at least the Commission perceived
4 difficulties within it.

5 MR. SEGE: Okay, if it's the Committee's wish to
6 put in "perceived" before "difficulties," that would be fine
7 with me.

8 DR. MILHOLLIN: I really don't care.

9 MR. SEGE: I perceive no great difficulty in inserting
10 an extra word.

11 DR. MILHOLLIN: All right. Why don't we put "the
12 current rules"; is that possible? "The current rules," rather
13 than just saying "current rules, so as to avoid perceived
14 difficulties with the present practice."

15 MR. SEGE: So "The workshop should explore the
16 possibility of changing the current rules so as to avoid
17 perceived difficulties with the present practice," is that
18 right.

19 DR. MILHOLLIN: Yes, except Steve is now suggesting
20 we can delete "so as."

21 MR. OSTRACH: That saves you five or six spaces.

22 MR. SEGE: Okay.

23 DR. MILHOLLIN: Any other comments?

24 MR. BERSON: On page 8--this is a mere typo --
25 subparagraph (c), second word.

1 DR. MILHOLLIN: Oh, yes.

2 MR. SEGE: Okay, the word "alterantives" is being
3 changed to "alternatives."

4 MR. OSTRACH: It has a lovely Latin root to it,
5 doesn't it?

6 DR. MILHOLLIN: It sounds better, "alterantives."

7 Any suggestions for changes as to the workshop
8 participants list? I don't mean substantively for the moment,
9 just typos.

10 MR. CHO: I don't have that list, by the way.

11 (Pause.)

12 DR. MILHOLLIN: I take it there are no further
13 comments on the workshop package or the list of participants,
14 at least non-substantive comments?

15 (No response.)

16 DR. MILHOLLIN: Or substantive comments. I suppose
17 we can take up the question of other nominees. I thought we'd
18 take that up in a moment.

19 Have you all -- you haven't seen this list before
20 today? John, you haven't seen it?

21 MR. CHO: No. I saw an earlier version, which
22 included some of the names. It was not this particular list.

23 DR. MILHOLLIN: Oh, okay.

24 Shall we then take up any comments concerning the
25 list? If you have any comments about it, this would be the

1 MR. CHO: I take it all these people listed have
2 indicated willingness to participate?

3 MR. SEGE: That is correct.

4 MR. FRYE: Albert Butzel is a new name to me. Who
5 is he?

6 MR. SEGE: He was recommended by Myron Karman. He
7 is a lawyer representing an intervenor viewpoint. He has
8 appeared in several adjudications and is well regarded as an
9 articulate spokesman of that viewpoint. I believe that
10 Shoreham was one of the cases; a couple of others. He's in
11 New York. These have been New York cases that he's participated
12 in.

13 MR. CHO: I notice on Panel 3 there's no technical
14 viewpoint represented.

15 MR. SEGE: Yes. We thought it was too legal for
16 a technical guy to do much good there. There will be a technical
17 Committee member present as a resource person as far as
18 discussants are concerned. The planning group didn't feel that
19 the subject areas of this panel would be particularly contri-
20 buted to by technical people.

21 It's the exact opposite of Panel 2, where the
22 technical content would be quite high and there would be a
23 number of technical people.

24 DR. MILHOLLIN: While Steve is gone, I can give you
25 a couple of information items that he knows about. One is

1 that we discussed the arrangements for public participation
2 in the workshop a little bit, and I think we decided that the
3 best thing would be to simply allow members of the public to
4 go to the panel discussions and contribute at the discretion
5 of the chairman of the panel. And the same would be true with
6 the plenary discussions, rather than setting aside a special
7 time for public participation.

8 Does that sound agreeable?

9 MR. FRYE: I thought that worked quite well at the
10 seminar last year.

11 DR. MILHOLLIN: Okay. I thought the question might
12 come up, someone would look at the agenda and say: Well,
13 there's no place on here for public participation. And so
14 that would be the response if anyone asks the question.

15 And I suppose in my introductory remarks I should
16 indicate that that's what public participants are supposed to
17 do.

18 The other thing I'd thought I'd mention is that the
19 Commission has been considering the problem of how to treat
20 license issuances in the wake of Three Mile Island. The
21 Commissioners exchanged views on the subject in a meeting of
22 which George has a transcript. Are you all privy to that?
23 Would you like to look at it? I think we have a couple of
24 extra transcripts, so that if any of you want a transcript of
25 that exchange, I think George has an extra one. And maybe --

1 Steve, do you have an extra one in your office that you made
2 for me?

3 MR. OSTRACH: At least one, perhaps two.

4 DR. MILHOLLIN: If you want a copy of that.

5 MR. SEGE: We sent copies to everyone who made a
6 request in response to my memo. And if you haven't received
7 it yet, it should be in the mail. But anyone who has not
8 requested a copy and wants one, we have a couple extra copies.
9 So I can still quite easily accommodate any additional requests.

10 MR. BERSON: I'd like a copy.

11 DR. MILHOLLIN: There's also a memo drafted by
12 Steve which is before the Commission for its consideration,
13 concerning what the Commission should do about this question
14 of making licenses effective in the wake of Three Mile Island.
15 Would any of you like to have a copy of that? Do you think
16 it's appropriate to send around, Steven? Maybe it's not.

17 MR. OSTRACH: There are at least three memos that
18 I have sent to the Commission, one dealing with the subject,
19 two of which were already discussed, that were the subject of
20 discussion in open meetings. So far my batting average with
21 the Commission has been well under 100. They have shown no
22 particular interest in the recommendations of the Office of
23 the General Counsel, and the discussion has changed course
24 each time.

25 I don't know really how useful it would be to give

1 to the study group, our latest memorandum, because I no longer
2 have any reason to believe that that's the way, the direction
3 the Commission is going.

4 Certainly if the Commission does take any action
5 with regard to suspending the immediate effectiveness rule or
6 modifying it to take account of TMI, I'll distribute that to
7 the group. But I'm afraid I'm not any more privy to their
8 thinking than anyone else at this point.

9 MR. CHO: It might help, though, help us, I think,
10 to know what has not been successful or not been affirmatively
11 received by the Commission.

12 MR. OSTRACH: I'll be more than glad to send the two
13 previous ones to you, John.

14 DR. MILHOLLIN: Okay, fine. I'd like to see them,
15 too.

16 While we're on topics of that nature, I wonder,
17 Steve, whether you could give us a status report on the study
18 of the appeal board function, how that might be proceeding?

19 MR. OSTRACH: I think you might have been one of the
20 people on our list for getting the first section of the report
21 for comment.

22 MR. FRYE: I haven't seen it.

23 MR. OSTRACH: We sent it to Rosenthal and some other
24 people for the comment. That was just the history section.
25 I expect that by current guess, I will have the whole report

1 up through the public comment section. The outline of the
2 report is five sections. The fourth section is public comment,
3 and the fifth is analysis of public comment and final recommen-
4 dations.

5 The report, minus those things that inevitably await
6 preparation of a draft, should be ready by the end of August.
7 I have a law clerk working on it full-time under my supervision,
8 and she's going to leave then. So that's when that resource
9 runs out. And it's making quite a bit of progress. I hope to
10 have it by the end of August, or the draft that will be sent out
11 for public comment by the end of August.

12 MR. FRYE: I see.

13 MR. OSTRACH: In the past, however, I have said that
14 I would have it ready by the end of April and I didn't.

15 MR. FRYE: So that it would be published for a comment
16 period of approximately 30 days.

17 MR. OSTRACH: I expect, because our obligation is to
18 get it to the Commission quite a while ago, actually. So I
19 guess, having already missed my time deadline, I'm free to
20 slide still further behind. We're certainly hoping to get it
21 finished well before much into the fall, 30-day comment, a
22 fairly brief analysis of comments and then send it to the
23 Commission.

24 It's very likely that the recommendations section
25 will be of considerable interest to the licensing board, and

1 I think I will probably be calling you and Mr. Lazo, not in
2 your roles as study group representatives, but to discuss that
3 section of the report with you.

4 DR. MILHOLLIN: The outline of the final report was
5 presented, I think, to all of you by mail. This would be a good
6 time to go over it, if there are comments on its content. I
7 thought it was a very good outline. I'm a little reluctant to
8 begin the problem of making work assignments, since we really
9 haven't received very much information yet. But I suspect
10 that's going to have to happen.

11 I could make a few obvious assignments, but maybe
12 it would be better to hold off on making the assignments for
13 the time being.

14 MR. SEGE: Mr. Chairman, shall I give a copy of the
15 memo to the reporter, to place in the record?

16 DR. MILHOLLIN: Yes.

17 MR. SEGE: Of the general outline.

18 DR. MILHOLLIN: Yes, of the final report.

19 MR. SEGE: Yes, the general outline of the final
20 report.

21 DR. MILHOLLIN: Yes, thank you. That would be good.

22 (The document referred to follows:)

23

24

25



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

June 20, 1979

Insert
T.1

MEMORANDUM FOR: Advisory Committee on Construction During
Adjudication

FROM: Stephen Ostrach, GC *Steve Ostrach*
George Sege, PE *George Sege*

SUBJECT: GENERAL OUTLINE OF FINAL REPORT

At the Committee's June 4 meeting we were tasked to prepare a general outline for the Committee's consideration at the next meeting (July 6).

The draft general outline is attached. After revision in light of the study group's comments, this general outline is intended to become the basis for preparation of more detailed outlines of the various sections and for making writing assignments.

Attachment: Draft Outline

Distribution: Gary Milhollin
John Cho
John Frye
William Lovelace
Myron Karman
Darrell Nash
Theodore Quay

DRAFT
GENERAL OUTLINE OF FINAL REPORT
ADVISORY COMMITTEE ON
CONSTRUCTION DURING ADJUDICATION

Stephen S. Ostrach
George Sege
June 20, 1979

1. INTRODUCTION AND SUMMARY (about 10 pp.)

1.1 Background of the Study

History of the problem, 4/5/78 memo, Advisory Committee

1.2 Study Objectives

1.3 Study Scope

1.4 Study Approach

Structure, method, general description

1.5 Information Base

Very concise highlights of survey of cases, detailed case studies, FR questionnaire responses, workshop, other inputs

1.6 Public Participation

1.7 Conclusions and Recommendations

2. INFORMATION BASE (25-50 pp.)

2.1 Survey of Cases

2.2 Detailed Case Studies

2.3 Responses to Published Questionnaire

2.4 Workshop

2.5 Other Inputs

3. ANALYSIS OF ALTERNATIVES (25-50 pp.)

3.1 Criteria

3.2 Range of Options Considered

3.3 Present System

3.4 Delay in Effectiveness Options

3.5 Selective Effectiveness

3.6 Stays and Altered Appellate Procedures

3.7 Proceedings Other Than Direct Review

3.8 Application of Findings

4. CONCLUSIONS AND RECOMMENDATIONS (5-10 pp.)

General results of the analyses.

What needs changing, why, how.

Recommendations stemming from each major conclusion.

May include recommendations on related considerations or for further study of them (OL's, fuel cycle facilities, etc.)

APPENDICES

As needed, to keep report itself relatively concise. Expected to be needed especially for Subsection 1.1 and Section 2.

Total pages, excluding appendices: About 100.

1 MR. BERSON: Was that sent to Myron Karman?

2 MR. SEGE: It was sent to all the Committee members.

3 MR. CHO: You sent me one, but I don't have one here.

4 Do you have an extra copy, George?

5 MR. SEGE: I'm down to my last one, but I can share it.

6 DR. MILHOLLIN: I'll sneak over and look on with you.

7 (Pause.)

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1 DR. MILHOLLIN: No comments?

2 (No response.)

3 DR. MILHOLLIN: The deadline, of course, will not
4 expire on comments to this document, since there's no deadline

5 MR. FRYE: One very, very small comment. Section 2.3,
6 it should say summary of responses to public from this
7 questionnaire.

8 DR. MILHOLLIN: Okay.

9 MR. CHO: Mr. Chairman, do we have an understanding
10 that this outline is subject to change as we go along?

11 DR. MILHOLLIN: Of course.

12 MR. CHO: And get more deep into our study.

13 DR. MILHOLLIN: I assume that's understood.

14 MR. SEGE: That was certainly the intent of the
15 proponents of this general outline.

16 MR. CHO: Well, I think it looks very good, as
17 certainly a starting point.

18 MR. FRYE: I certainly agree.

19 DR. MILHOLLIN: I think it covers the subject very
20 well. About as well as it could be covered at this time.

21 We have the workshop coming up. We'll try to get
22 the package out today. Is that right, George?

23 MR. SEGE: Yes, that is correct. I will be
24 forwarding the changes that the committee decided on to
25 downtown. And then when those changes are made, the package

gsh 1 goes out in the mail so it will travel over the weekend.

2 DR. MILHOLLIN: We won't be having another meeting
3 before the workshop. So this would be the time for general
4 comments about the workshop, if you have them, or suggestions
5 or last minute thoughts.

6 MR. FRYE: There is one matter that is related to
7 this workshop. I don't know whether you want to take it
8 up now or not. But the response to our questionnaire. The
9 Department of Interior has asked for an extension of time
10 in which to make comments, I believe until July 27th, which
11 of course would be past the date of the workshop.

12 Our intention, of course, had been to hopefully
13 have the comments in hand by the time the workshop took place.

14 DR. MILHOLLIN: Let me ask you a question about
15 that, since this transpired since I was gone.

16 The Department of the Interior is responding to
17 which questionnaire?

18 MR. FRYE: The general questionnaire that was
19 published in the Federal Register.

20 DR. MILHOLLIN: The one for the litigants?

21 MR. FRYE: Yes.

22 MR. OSTRACH: Perhaps I can speak to this. There
23 were a number of telephone requests that were made for
24 extensions of time for other agencies and other groups, EPA,
25 for example. And each request I gave have responded to by

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1 saying that the purpose of the July 6 deadline was to enable
2 the comments to be considered by the workshop. Comments
3 received after that would not be considered by the workshop.

4 On the other hand, our records are open. We've
5 consistently said that we would always accept comments and
6 consider them to the extent possible.

7 And under those circumstances, I wasn't giving them
8 an extension of time; I was merely pointing out that any
9 comments would be received. However, we would appreciate it
10 if someone who did want to respond to the questionnaire in
11 a fashion that was out of time, if they could send us a letter
12 for the record before July 6th.

13 Other than Interior, I don't think that I've seen
14 any of those so far. I've received telephone statements that
15 people would be filing comments -- from the New England
16 Coalition, EPA, perhaps one or two other groups. In each
17 case, I've told them that we'd appreciate the comments by
18 July 6th. We need them for the workshop. If they're not
19 going to file by July 6th, we certainly would not reject
20 the comments out of hand.

21 So there are others in addition to Interior.

22 MR. FRYE: Well, I would suggest that we treat
23 Interior's request in the same way.

24 MR. OSTRACH: Oh, definitely.

25 MR. FRYE: I think that that's the reasonable way to

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1 do it.

2 DR. MILHOLLIN: So we need to take no further action
3 now.

4 MR. FRYE: Other than, I suppose, to respond to
5 them.

6 MR. OSTRACH: I think I already have. I'll check.

7 DR. MILHOLLIN: Okay. Any other items which have to
8 do with the workshop?

9 MR. BERSON: I had just one brief comment, and this
10 I don't know the answer to the question.

11 Are any of the panel chairmen anticipating having
12 handouts or written materials of their own at the conference?

13 The reason for the question is if they are, I'd
14 like to make arrangements to have sufficient additional
15 copies reproduced for members of the public who will be
16 attending.

17 I don't know if the chairmen --

18 DR. MILHOLLIN: All the chairmen are here, aren't
19 they?

20 MR. BERSON: Yes.

21 MR. CHO: I hadn't planned on having anything.

22 MR. FRYE: Nor had I.

23 MR. OSTRACH: I had. I was going to give out the
24 workshop package, and perhaps a few copies of the interim
25 report and also the April 5th memorandum that set up the group.

gsh 1 and just leave them on a pile in back of the room if anybody
2 wanted them.

3 MR. FRYE: That certainly makes sense.

4 MR. OSTRACH: But I don't know if anyone will. And
5 we have our own Xerox machine downtown, so I can take care
6 of it myself. And if either of the panel chairmen would like,
7 I could just crank up my machine for a few more copies.

8 I think we're all talking about the same distribution

9 MR. CHO: It might be a good idea to have those
10 available for anyone there who might want them.

11 MR. FRYE: I think, yes, that's a very good idea.

12 DR. MILHOLLIN: It might also be a good idea for
13 the chairman to have a copy of most or all of the crucial
14 documents themselves as a reference, if anybody brings them
15 up and wants to talk about them.

16 I'm thinking about the code of federal regulations.
17 It might be a good idea for each of you to have a copy of
18 the existing regulations because you can imagine a couple of
19 lawyers getting into an argument about what the present
20 rules already provide.

21 And so it would probably be useful to have something
22 quickly to refer to.

23 Any other matters having to do with the workshop?

24 MR. SEGE: Just two points, Mr. Chairman, that you
25 and I discussed before, that whatever results are apparent

gsh

1 from the questionnaire that John was discussing, you might like
2 an opportunity in your introductory remarks to mention anything
3 of that sort that might influence the workshop debate.

4 The other thing I wanted to mention is that we have
5 no estimate at all as to how many members of the public will
6 attend. So in terms of how many extra copies of the
7 information package do we have present, our plan now is to
8 make 14 extra copies and to ask Bruce Berson if he could
9 leave one copy with the secretary, so that if we need more,
10 additional copies could be made.

11 And we'll go over in a matter of minutes as soon as
12 we know that the crowds are bigger than the number of copies
13 that we provided.

14 DR. MILHOLLIN: If they line out in the street, we'll
15 need more Xerox copies.

16 MR. BERSON: That will be fine, George.

17 DR. MILHOLLIN: I wanted to ask you for suggestions
18 as to my introductory remarks. Chairman Hendrie is going to
19 welcome the workshop participants.

20 I was hoping to generate a fair amount of background
21 and other general information so I could give part of it to
22 him so he would have something to say, but then have enough
23 left for myself so that I would have something to say.

24 George has budgeted a whole hour for these two
25 addresses. So that's a considerable challenge, I think.

gsh

1 My plan was simply to remind them of what the
2 guidelines in the package already say and to explain the
3 logistics and so forth of the panels, explain the arrangements
4 for public participation.

5 I was planning to report on the questionnaires, if
6 there are enough to report on.

7 Beyond that, I'll have to confess that the well is
8 pretty dry.

9 So if you have right now or later -- preferably
10 right now -- any ideas about matters which you think I should
11 discuss, I'd appreciate having your views. I'd love some
12 inspiration from whatever corner it might emerge.

13 MR. CHO: How about mentioning some of the thinking
14 that went behind selection of the participants?

15 DR. MILHOLLIN: Okay. I would also, of course, give
16 the group, the attendants, the crowd, the masses here
17 collected there a report on the genesis of the group, what
18 we've done up to now and so forth.

19 MR. OSTRACH: That would be something similar to the
20 presentation that we gave before the commission on April 25th.

21 DR. MILHOLLIN: Yes.

22 MR. OSTRACH: I have a transcript of that and it
23 might be possible for you to look at the transcript of your
24 remarks and piece together another set of remarks.

25 DR. MILHOLLIN: I intend to ask people to pose

gsh

1 questions from the floor concerning the workshop.

2 Do you have any suggestions as to what kind of
3 questions we should anticipate receiving?

4 I had thought of the one on public participation,
5 but there may be others that we can anticipate which would be
6 useful to think about in advance.

7 MR. SEGE: One possible question might be, Mr.
8 Chairman, if some of the discussants feel that they want to
9 follow up on the workshop with additional detail, additional
10 exposition of something for which there wasn't enough time,
11 whether the committee would be in a position to receive and
12 consider those.

13 For example, a participant would say, I came across
14 this problem on that case, and say a few words about it and
15 then offer to report in more detail just what his perception
16 of that matter is.

17 That question may come up.

18 DR. MILHOLLIN: One response might be, as Steve has
19 pointed out, that the record of this group is always open.

20 MR. SEGE: Right. And also, the sooner, the better
21 because we turn into a pumpkin on the first of November.

22 DR. MILHOLLIN: Okay. It might also be well to ask
23 the person to furnish copies of that response to all other
24 members of his panel, or her panel, so that they could
25 respond if they think it's appropriate.

gsh

1 MR. SEGE: Yes, that sounds good. Any such response,
2 of course, would be voluntary because at that point, they
3 would no longer be under the arrangement for the workshop.

4 MR. OSTRACH: That raises an interesting question
5 about the continued utilization of the panel members after
6 the workshop is over.

7 We will have the panel members and perhaps those
8 members of the public who showed up and showed interest. We
9 will have a very valuable resource in the members of the
10 panel for reviewing the questions being addressed by the
11 group.

12 And I would strongly encourage them to keep these
13 people in mind when we publish our draft report and make very
14 sure that in addition to the notice in the Federal Register,
15 that it exists, and whatever other means of obtaining comment
16 we get, but that we also provide copies of the report to
17 members of these panels who showed interest to ensure that
18 we get their comments on that report.

19 That might be very valuable for getting a useful
20 commentary.

21 MR. SEGE: I suppose the practicality of that will
22 depend whether we are in a position to finish our report to
23 a meaningful, commentable draft stage well enough before the
24 deadline for submitting it to the commission to permit public
25 comment.

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1 MR. OSTRACH: What I had in mind was that even if
2 the group in its dying breath late on the night of October
3 31st handed a report to the commission, I assume that the
4 commission's first action would be to seek public comment on
5 that.

6 I wasn't contemplating us, this group, getting
7 public comment, necessarily, and then going back to the
8 commission with something that had already gone through public
9 comment.

10 It might be that this group will issue a report
11 and the commission would seek public comment on it. But while
12 collective identity might be lost, I believe our individual
13 existences would still be around. And then we could suggest
14 to the commission that in addition to whatever public comment
15 was provided, it also send them to these persons.

16 MR. SEGE: And these are the people who have shown
17 active interest in our work up to this point, and the
18 commission may be interested in particularly soliciting their
19 views.

20 MR. OSTRACH: Yes.

21 MR. SEGE: I understand.

22 DR. MILHOLLIN: Another matter which has to do with
23 the workshop is the question of whether we as a committee
24 want to meet after the workshop the second day in the
25 afternoon to discuss any matters which may be appropriate at

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1 that time.

2 What's your feeling on that?

3 MR. CHO: I think it's a good idea. I suppose we'll
4 have learned some lessons that perhaps we can put to better
5 use if it's really fresh in our minds right afterwards.

6 DR. MILHOLLIN: Maybe there are some things which have
7 come up that we would like to pursue immediately. And if so,
8 it would be useful to have a meeting right then so we could
9 decide what to do rather than waiting another week and a half
10 or two weeks until the next regular meeting.

11 MR. FRYE: It sounds useful.

12 MR. SEGE: It sounds good to me.

13 DR. MILHOLLIN: The schedule has us, I think,
14 adjourning at 12:45 on the second day. Would 2:00, 2:30 be
15 agreeable as a meeting time?

16 MR. SEGE: Either one.

17 MR. CHO: Depending on when the study actually
18 ends.

19 DR. MILHOLLIN: Okay. All right. So we'll meet
20 either at 2:00 or 2:30 in the afternoon, whatever time is
21 appropriate for a short meeting.

22 MR. SEGE: Bruce, is the Holiday Inn still going to
23 be there after lunch?

24 MR. BERSON: I don't know. That's a question I
25 would have to check with them as to whether we would be having

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1 the meeting.

2 DR. MILHOLLIN: If we can't have it there, maybe
3 we can come over here and have it here.

4 MR. FRYE: I see no reason why we couldn't.

5 MR. SEGE: Shall we just say we'll meet here?

6 DR. MILHOLLIN: Okay.

7 MR. BERSON: How about arranging for a reporter at
8 that meeting. Would that cause problems?

9 MR. OSTRACH: You mean the meeting back here
10 afterwards? Well, we probably would be making arrangements
11 for, I guess, three reporters over at the Holiday Inn.

12 MR. SEGE: One reporter on the second day because it
13 will all be plenary.

14 MR. OSTRACH: Then the only question is whether we
15 can instruct Chase to have that reporter go for the whole
16 day rather than just half the day.

17 Have you spoken to Chase about the workshop already,
18 George or Bruce?

19 MR. SEGE: I have not. Bruce has.

20 MR. BERSON: I've made arrangements for reporters
21 during the time we anticipate that the meetings will last.

22 MR. OSTRACH: Will you get back to Chase, or
23 whomever?

24 MR. BERSON: I'll do that.

25 DR. MILHOLLIN: We could just say the reporter will be

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1 needed at either 2:00 or 2:30 in the afternoon for an hour
2 or two, perhaps.

3 So, the remaining item I have -- I guess we have
4 two remaining items on my agenda, and then I'll throw it open
5 for other people to add items.

6 In the last meeting, I noticed as I read the
7 transcript that there was some discussion of interview
8 schedules for the people we intend to interview on the
9 licensing board, appeal board, and the commission.

10 What's your pleasure on that? It occurred to me that
11 it might be useful to incorporate in our interviews the
12 results of the charts by way of specific questions. The
13 chart identifies certain cases. These are the charts -- I
14 guess that you worked on the charts, John -- Bill Parler and
15 you worked on them -- that conclude that construction may
16 have prejudiced review.

17 It occurred to me that it might be useful to sort
18 of focus on those cases during the interviews. I suppose we
19 should talk about the content of the interviews to some
20 extent fairly soon.

21 So I just throw that out for your consideration,
22 the problem of the interviews and the content of the
23 interviews.

24

25

1 Probably we wouldn't be able to do the interviews
2 before the latter part of this month, given the schedule we
3 all have -- at least the schedule I have.

4 I thought I'd just bring that up for discussion.
5 Perhaps we could plan to do the interviews during the month
6 of August.

7 MR. FRYE: What's your thought, Mr. Chairman, that
8 we divide the group into interviewing teams or something of
9 that nature?

10 DR. MILHOLLIN: Well, I didn't have a particular
11 thought on it, but that's a possibility certainly. I think
12 we'll have to divide up the work, obviously, among ourselves
13 in some way.

14 MR. CHO: That's one of the items we can discuss at
15 our meeting, following the conference, In the meantime, we
16 can be thinking about the mechanics of how to conduct the
17 interview, substantive matters we'd like to get involved in,
18 and so forth.

19 DR. MILHOLLIN: All right.

20 Shall we do that, try to think about the content?

21 MR. CHO: And the mechanics, I think; right, whether
22 we'd be breaking up into smaller groups, what report we would
23 include for the record, things like that.

24 DR. MILHOLLIN: Okay.

25 So, we'll discuss that at our meeting on July the

1 19th.

2 That's the end of my list, except for possibly
3 discussion of the nomination of Chauncey Kepford and Judith
4 Johnsrud as participants.

5 MR. OSTRACH: Mr. Chairman, did I miss the
6 discussion on the New England meeting?

7 DR. MILHOLLIN: I'm sorry. There was a gap in my
8 agenda.

9 MR. OSTRACH: I was out of the room.

10 DR. MILLHOLLIN: No, we didn't miss it, and we should
11 talk about it; you're right.

12 Why don't we do that first?

13 I talked to George about this item yesterday. I
14 guess Steve and I also talked about it. My hope was that we
15 could find out something from our regional office, which would
16 tell us how likely it would be to get valuable public comment
17 if we were to go to Boston.

18 So far we haven't been able, so far as I can tell,
19 to get much information -- to get information which predicts
20 very much about what kind of public response will be forth-
21 coming.

22 Is that a fair characterization, George?

23 MR. SEGE: Yes, that is.

24 I've talked to Bob Ryan, the Director of the Office
25 of State Programs, and he didn't think there was anything that

1 he could do that would have predictive value on the extent and
2 quality of public participation, how many people would come,
3 and how interested in the various aspects that this committee
4 deals with they would be.

5 But he offered the services of his office in letting
6 potentially interested groups know if they should decide to go
7 ahead. He thought it was a good idea for us to have at least
8 one meeting outside the Washington area, particularly in the
9 Seabrook vicinity to show receptiveness to this sort of public
10 participation that may very well be available there, although
11 he didn't know.

12 I also talked to Fred Siegel, in the Office of the
13 Governor of New Hampshire, who is the Liaison Officer for the
14 State of New Hampshire, in connection with NRC licenses to
15 get his view about the sort of participation that would be
16 obtainable either in the Seabrook vicinity or in Boston.

17 His thought was that Boston would be better, because
18 it's more easily accessible from the nearby New Hampshire
19 areas, and he thought that interest would be considerable.
20 And he offered his own services in letting potentially inter-
21 ested people know.

22 I didn't get too good a feel from him as to how
23 focused such an interest on the part of the public would be
24 on the specific issues that this committee is charged to
25 consider, as distinguished from a general interest in the

1 area of nuclear licensing and interested in various viewpoints
2 with respect to that.

3 This is about all that I've been able to obtain by
4 way of aids to forecasting. They're of limited aid in
5 forecasting as to what sort of participation, public
6 participation, would take place in Boston.

7 DR. MILHOLLIN: I think, John, you commented last
8 time that you thought it would be easy to get the views
9 generally of people around the area as to whether they liked
10 or disliked Seabrook, but it would be more difficult to get
11 their views as to the problems that our committee is dealing
12 with.

13 MR. CHO: I still don't see any value from having a
14 meeting in the Boston area. I'm not sure that a meeting such
15 as this we're having now would be particularly helpful to the
16 public; and perhaps if the committee were holding a hearing
17 of some sort and allowed people to make statements, that might
18 be one thing. But just being observers and intending to
19 comment in our deliberations, I just don't see any value in
20 it at all.

21 MR. FRYE: You raise another point, too. I wonder
22 to what extent we can expect people, or the public at large,
23 to come in and address these specific, rather technical and
24 isolated questions we're dealing with.

25 As you point out, we could certainly find out

1 whether they liked or disliked Seabrook. But whether they would
2 really focus on the very narrow issues we have before us is
3 perhaps another question.

4 MR. CHO: I suspect that no matter how we try to
5 explain what we're doing, the public will visualize a public
6 hearing type of meeting, because I think that's what 're
7 used to. And I just wonder whether is what we have in mind
8 when we say, you know, let's possibly hold a meeting in that
9 area.

10 MR. SEGE: If this meeting were held there, I can
11 imagine a few dozen people from the public showing up and
12 being bored stiff.

13 MR. BERSON: I'm wondering if perhaps some indication
14 of the interest that various groups might have might be gleaned
15 from the response we get to the questionnaire that was sent
16 out?

17 MR. FRYE: I think that's a very good point.

18 I think perhaps, from a look at the responses we get
19 to the questionnaire, we can get some indication of the amount
20 of interest in the specific narrow issues we've been focusing
21 on.

22 DR. MILHOLLIN: Those responses were scheduled to
23 be in today; were they not?

24 MR. SEGE: The sun has not yet set.

25 MR. OSTRACH: Was the wording "received" or "filed"?

1 MR. FRYE: My recollection is the wording was
2 "received."

3 DR. MILHOLLIN: Well, is there any more discussion
4 on the subject of whether we should have the meeting there?

5 MR. SEGE: Yes, Mr. Chairman, I think the committee
6 should decide this morning, so that if the decision is yea,
7 there will be reasonable time to make arrangements.

8 I doubt that you're really going to find out so much
9 more in the next week or two that delaying a decision to our
10 July 19 meeting would really be worthwhile.

11 MR. OSTRACH: On the other hand, by the July 19th
12 meeting, we will have had the workshop. We also have a number
13 of group members who are not here today and present. And we
14 may even have some group members if we get some replacements
15 for the people who have resigned from the group.

16 Under those circumstances, we would certainly have
17 a larger group to obtain a consensus from. We'd only be losing
18 two weeks, and I, for one, would get a little more feel of
19 whether there is any interest outside the group here and the
20 few people we've gotten to sit on our panels, if absolutely
21 no person showed up at the workshop in Bethesda other than
22 the panel members.

23 I would be far from saying, what about the prospects
24 of getting anyone to show up at Seabrook.

25 If, on the other hand, we got 10 or 12 people, I

1 would think about it. I don't think that we'd lose very much
2 by waiting another two weeks, unless the plan was to have a
3 regular August meeting up in the New England area.

4 MR. SEGE: I thought that was the plan.

5 MR. OSTRACH: If that is the intent, then I guess
6 we should make the decision today.

7 The regular August meeting, of course, doesn't have
8 to be held on the first Friday in August. The primary
9 reason for selecting that date is no longer applicable.

10 DR. MILHOLLIN: We could put off the scheduling of
11 the August meeting until our meeting on the 19th. That would
12 solve the problem perhaps.

13 MR. OSTRACH: Well, yes, except that we have to give
14 15 days Federal Register notice before the next meeting. So
15 if we put off scheduling until July 19th, we could not probably
16 be able to schedule it the first week of August.

17 DR. MILHOLLIN: Suppose we scheduled the meeting
18 at the normal time in August, with the understanding that we
19 could cancel the meeting if we decided to reschedule it on
20 the 19th.

21 MR. OSTRACH: That certainly sounds good.

22 DR. MILHOLLIN: And scheduling the meeting here on
23 the first Friday in August.

24 MR. OSTRACH: Then why don't I, in my role as
25 Federal Register, amenuensis, for the next Federal Register

1 notice schedule the meeting for this room, the first Friday
2 in August, at 9:30, but with the proviso that the group is
3 considering rescheduling that meeting to the New England area
4 for a later date, and that will be decided at the July 19th
5 meeting.

6 The entire workshop has been noticed as a meeting of
7 the study group, so adding the afternoon session does not
8 require a separate Federal Register notice.

9 MR. SEGE: Steve, if you put such a notice into
10 the Federal Register and added a sentence asking for anyone
11 who has views on whether we should go to New England to write
12 us.

13 Do you think there would be any sort of response
14 that would be helpful to us in deciding?

15 MR. OSTRACH: I thought about that as I was just
16 speaking. There might possibly be a positive response. I
17 wouldn't view a negative response as really dispositive. I
18 think it would be kind of -- in an offhand way, we would be
19 raising the subject.

20 Certainly a positive response I would view as
21 significant. A negative response I would be uncertain about.

22 MR. SEGE: Do you think it would be worth adding
23 such a sentence?

24 MR. OSTRACH: Sure.

25 MR. CHO: You mentioned the New England area. I

1 wonder if this might generate some regional conflict -- other
2 people saying that, say, why not our area for a meeting? I
3 just wonder --

4 MR. OSTRACH: I would be overjoyed if we got a
5 strong tidal wave of support for the Marble Hill area, for
6 example.

7 (Laughter.)

8 MR. CHO: I don't mean necessarily a strong tidal
9 wave, but one or two letters from other parts of the country.
10 I just wondered whether it might be wiser just to say "possible
11 meeting out of town, out of the Washington D.C. area."

12 MR. OSTRACH: That would reduce the likelihood of
13 getting information about the New England region. So far our
14 discussions have been only about the New England Seabrook
15 region. I don't see why we shouldn't raise that.

16 If we do get responses saying, "Gee, how come you're
17 only thinking that; why aren't you thinking about our
18 part of the country," we ought to respond to it.

19 But if our focus is New England, I guess we want to
20 say that.

21 MR. SEGE: By the same token, Steve, would it be
22 worth mentioning the Boston area so that any response that we
23 get would be specific to the Boston area?

24 MR. OSTRACH: Something like New England, perh
25 Boston.

1 MR. SEGE: Something of that sort so that the
2 response could then indicate to us whether people would come
3 to Boston or whether they would come if it were in New Haven,
4 but not in Boston.

5 MR. BERSON: Steve, would the Federal Register
6 notice be sufficiently specific so as to alert people what we
7 would be going there for?

8 I guess I'm going back to the suggestion I made
9 a little earlier, using the questionnaire that we sent to
10 everybody who is presently active in the licensing proceedings;
11 and that if we don't get a response to that that was
12 specifically tailored to the work of this committee, if we
13 might be opening a Pandora's box so to speak if our Federal
14 Register notice is not very narrow so as to indicate what it
15 is, what type of interest it is we're looking for in going to
16 New England.

17 MR. OSTRACH: I don't understand your concern. Are
18 you concerned about getting affirmative responses that are
19 based on ignorance about the group's business?

20 MR. BERSON: Yes.

21 MR. OSTRACH: Since I view it as extremely unlikely
22 we'll get any affirmative responses based on anything at all,
23 I'm not too concerned about getting an overload of affirmative
24 responses, particularly since it would be in the context of
25 eighth or tenth, whatever it is, meeting of this study group.

1 I don't think that we will get unfocused responses:
2 perhaps we might.

3 MR. CHO: Then why go through the motions?

4 I agree with Bruce. I think the general public has
5 no comprehension of what we're about, and the specific subject
6 matter that is the focus of our study, and I suspect any notice
7 that goes out, unless it's very explicit and perhaps detailed,
8 they'll just picture a general hearing on nuclear energy.

9 MR. FYRE: That's my fear, as well.

10 DR. MILHOLLIN: Steve, couldn't you make it specific
11 and say specifically what the committee is interested in, and
12 we'd be going there for public views as to this specific thing
13 only, and so forth?

14 MR. OSTRACH: I'd like -- we started off -- this
15 was just a discussion about a routine Federal Register notice
16 about our meetings, and I was putting in a sentence that while
17 the meeting might not be held in Bethesda in August, it might
18 in fact be moved to later in August in another place.

19 The suggestion was, "Well, you'd better describe
20 what you're going to do," and it's gradually becoming a
21 solicitation for public views on that.

22 I don't think, as I said before, that this is a
23 particularly effective way of soliciting public interest in a
24 regional meeting.

25 I think Bruce's suggestion was much better, but I

1 don't think it should be viewed as a solicitation of public
2 views, but to respond to the more substantive concerns that
3 both Johns have just raised.

4 I agree that members of the public at large who are
5 not legally trained may find it difficult to give us the
6 technical and specific analysis that will be directly usable
7 in terms of should we alter the stay standards of Virginia
8 petroleum jobbers in adopting an equity balancing test.

9 On the other hand, I think members of the public
10 may very well have -- and have useful views on the subject of:
11 Is it outrageous to allow a plant to be built at the same time
12 you're telling people they're appealing a decision?

13 They may be unfocused, but they may be strongly
14 felt. And I think the legitimacy of the process is one of
15 the things -- the appearance of the legitimacy of the process
16 is one of the things the Commission asked us to investigate
17 in addition to the more narrow and technical questions that
18 we're to consider.

19 If there is a tremendous feeling that as soon as
20 I saw those bulldozers come in, I knew the game was up and it
21 was all a sham, that's widely held by people that participate
22 in the licensing process. It weakens the licensing process,
23 and it's a strong argument against continuing the present
24 Immediate Effectiveness Rule -- not necessarily a decisive
25 argument, but a strong argument.

1 And I, for one, would like to know whether that's
2 the presumption, or if people felt to the contrary: "Well,
3 yeah, I saw bulldozers going, but I knew that we still had an
4 appeal before the ever-watchful Appeal Board, so I wasn't for
5 a moment concerned."

6 I'd like to know if there are people like that
7 wandering around, too.

8 DR. MILHOLLIN: I think that's a good point. I'd
9 like to know whether there are people like that wandering
10 around. I guess my concern is whether we can find those people
11 and alert them that we're interested and we're coming in a
12 way which will get them before us.

13 MR. CHO: Mr. Chairman, if that's so significant,
14 why don't we just conduct a public opinion poll?

15 I think you can get that kind of reaction much
16 better from a straight public opinion poll than going through
17 the machinations we're doing in trying to really find out what
18 the advantages and disadvantages of particular rules in the
19 study are.

20 DR. MILHOLLIN: I don't think one is inconsistent
21 with the other, John.

22 I don't think a careful study is inconsistent with
23 finding out what the public thinks.

24

25

pv 1 MR. CHO: It may not be, but I am not sure I would
2 give it the emphasis and the significance that Steve has sort
3 of enunciated a few minutes ago, a few seconds ago.

4 DR. MILHOLLIN: I guess my view would be that that's
5 one of the factors we have to take into account when we decide
6 what we recommend. It could be that that's a very important
7 factor, or it could be that it's not.

8 MR. CHO: And you think you'll get what you're
9 perhaps thinking you might be getting by going to the Boston
10 area for that?

11 DR. MILHOLLIN: Well, I don't know. It seems to me
12 the Commission is concerned with the view of the process by the
13 public as legitimate or not, because I think the Commission
14 felt when it was deciding the Seabrook appeal it was in a
15 rather embarrassing posture with respect to the public's view
16 of the legitimacy of the process.

17 So, I guess I would say that that factor is
18 important. Whether you can find out the public's view as to
19 the process by going up to Boston and inviting people to come
20 in and talk to you is another question, and I have my
21 reservations about that, too.

22 I would be willing to push in favor of going there
23 if I thought that we could get what we're after by going to get
24 the public's views. I am not sure that we have any assurance
25 that we will.

pv 1 MR. OSTRACH: I have in the past expressed my
2 serious doubts whether we will actually get the sort of public
3 turnout that would be useful for elucidating the views that I,
4 for one, indicated I wanted to hear. And I don't know if
5 having a public hearing up there will do any good right now.
6 I seriously doubt that it would.

7 But the point that I was responding to was the
8 inference that I thought perhaps some members of the group were
9 making: that even if we could obtain those views, they would
10 not be of interest. On that point I disagree. It may not be
11 possible for us to get very good evidence on those views, and
12 we may therefore be forced to simply put that question back in
13 the Commission's lap.

14 But I am rather confident that the Commission, or at
15 least the Commission that set us up, was very concerned about
16 those questions. If we're unable to get answers on them and
17 data on them, that's unfortunate. But the questions are real
18 and legitimate.

19 MR. CHO: Let me make my position clear. I think
20 the record ought to be clear on this point. I don't want to
21 have what I said misconstrued to indicate that I don't value
22 public input into our study. I think everything we've done has
23 been geared to getting public participation. But I do
24 seriously question whether we will get the kind of public
25 participation by inviting them to a meeting such as we have

pv 1 been holding here today, for example.

2 DR. MILHOLLIN: Well, yes.

3 MR. CHO: If all we're doing is transferring from a
4 location to Boston and proceeding the same way as we're doing,
5 I don't think we're going to get the kind of public response
6 that I have heard.

7 MR. FRYE: I certainly agree with that.

8 MR. OSTRACH: And so do I.

9 DR. MILHOLLIN: Probably what we should do then is
10 just decide that we're going to separate the task of getting
11 public views from the task of having a meeting and treat it
12 separately. That is, we could have our normal meeting or not,
13 wherever we want to have it, but then decide whether we're
14 going to take the step of going somewhere else specifically to
15 get public views and then set up a system for getting the best
16 public views we can.

17 MR. OSTRACH: I think that's a good point, John.

18 DR. MILHOLLIN: So why don't we just separate those
19 two subjects, and schedule our meetings as meetings, and then
20 take up the question of going out for public input somewhere
21 else as a separate question, and handle it that way.

22 MR. FRYE: I think that way would be much more
23 productive than going up and having a meeting.

24 DR. MILHOLLIN: I don't see any point in going up
25 there just to talk to each other.

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MR. OSTRACH: It would still be a meeting, for purposes of the Federal Advisory Committee Act.

MR. SEGE: Mr. Chairman, I would like to place a piece of information in the record as background for this discussion. I have counted the numbers of members of the public present at this meeting, and that number is: one.

MR. MEUSER: About to be zero. Thank you.

DR. MILHOLLIN: All right.

MR. CHO: We might ask our public member whether he might have any observations he would like to pass on on this point of having a meeting out of town.

MR. MEUSER: I would agree with the point last made, that it would be somewhat fruitless to go out and have a meeting such as this. I find it somewhat interesting, but as far as substantive input, it was not available for me, if I would have chosen to do so. And I don't think any member of the public would get any substantive feeling for the issue by sitting in on a meeting like this.

Obviously, you have a lot of planning to do for your workshop, and it was necessary. But as far as getting public input, I would agree with the point last made: that it would have to be something specifically directed toward that.

DR. MILHOLLIN: Thank you very much.

MR. MEUSER: Thank you.

DR. MILHOLLIN: Then, if we all agree we should

pv 1 separate the question of having meetings from the question of
2 getting public input outside of Washington, can we go ahead
3 then and schedule our next meeting for the first Friday in
4 August here, and postpone further consideration of the question
5 of public participation for the time being?

6 MR. OSTRACH: Our next meeting after the workshop
7 meeting?

8 DR. MILHOLLIN: Postpone it to that meeting, yes.

9 MR. OSTRACH: I am sorry. I didn't make myself
10 clear. You said "schedule our next meeting for the first
11 Friday in August"?

12 DR. MILHOLLIN: I am sorry. Our next meeting will
13 be scheduled for July 19, which is after the workshop. That's
14 your point, right, Steve?

15 MR. OSTRACH: Yes.

16 DR. MILHOLLIN: Okay.

17 MR. SEGE: As a matter of fact, the workshop itself
18 is considered a part of the meeting of this committee; isn't
19 it?

20 MR. OSTRACH: Yes.

21 DR. MILHOLLIN: And we will postpone scheduling
22 further meetings until then.

23 Any other matters which anyone would like to place
24 on the agenda before we go on to the nominations for
25 participants?

pv 1 MR. SEGE: Mr. Chairman, I have received two
2 responses to the questionnaire. I may be one or two days
3 behind docketing on that. But at an appropriate time, if an
4 evaluation of these responses is assigned to someone, I guess,
5 tell me, and I will get those repsonses to pass on to the
6 person who will be looking at them.

7 DR. MILHOLLIN: Very well, the only remaining item
8 on the agenda I have here before me is this nomination of
9 Dr. Kepford. I did not receive a curriculum vitae for
10 Dr. Kepford in the letter I have. The letter I have is a Xerox
11 copy of what I presume is an original of the letter. The Xerox
12 copy I have includes a statement by Dr. Kepford and
13 Dr. Johnsrud. That statement was given to the House Interior
14 and Insular Affairs Committee -- excuse me -- the House
15 Interior and Insular Affairs Subcommittee on Energy and the
16 Environment.

17 Do any of you have any further materials on this
18 subject, materials beyond those I have?

19 MR. OSTRACH: I have a letter that I received from
20 the State of Delaware nominating Dr. Kepford. Is that the same
21 letter that you have?

22 DR. MILHOLLIN: No. The letter I have is signed by
23 Phyllis Zitzer, who is a board member of the Environmental
24 Coalition on Nuclear Power. I have no letter from the State of
25 Delaware.

pv 1 MR. OSTRACH: It wasn't from the State of Delaware.
2 It was from a person in the State of Delaware.

3 DR. MILHOLLIN: I have nothing from anyone in the
4 State of Delaware.

5 George, do you have any further materials on this
6 subject?

7 MR. SEGE: No, I do not. I saw what came in to
8 Steve that was primarily in connection with the opinion survey
9 questionnaire. But, incidentally, it also indicated the
10 nomination of Dr. Kepford as the candidate for participation
11 in the workshop. That letter bore the date of January 19,
12 and --

13 DR. MILHOLLIN: You mean June?

14 MR. SEGE: Pardon me. I mean June 19. That is
15 correct. But it bore a July 2 stamp of the date on which it
16 was received in docketing. And I don't know what happened in
17 between. So, we actually received it considerably after the
18 date that we are trying to affirm the list of participants.

19 DR. MILHOLLIN: Well, I have posed that since we
20 don't have before us materials which are adequate for us to
21 decide what to do about this nomination, that I work with
22 George and Steve and get the materials together, and then we
23 will make a decision. Is that agreeable?

24 MR. CHO: That's(niiz(enough.

25 DR. MILHOLLIN: Is that agreeable to you, Steve?

pv 1 MR. OSTRACH: That's fine with me.

2 DR. MILHOLLIN: Does anyone have a comment on the
3 general question of whether Dr. Kepford or Dr. Johnsrud should
4 be added to the panels which you would like for us to take into
5 account when we discuss it among ourselves?

6 MR. CHO: Are they both representatives of the same
7 organizations, or do they represent different ones?

8 DR. MILHOLLIN: I think they both represent the same
9 organization.

10 MR. OSTRACH: They in the past, to my knowledge,
11 have participated together in interventions. And at least my
12 tentative would be that if we consider putting either on, it
13 would only be one, not both. I would expect that they would
14 probably understand that. And most likely, if one were named,
15 both of them would come to the meeting, anyway; one on one side
16 of the table and the other on the other.

17 DR. MILHOLLIN: That exhausts my list of topics for
18 the day. Does anyone else have subjects of discussion?

19 MR. BERSON: Returning to the last item,
20 Mr. Chairman, I would just request that a determination be made
21 as soon as possible so that the necessary contractual
22 arrangements and so on and so forth could be made in a short
23 time.

24 DR. MILHOLLIN: Did you think it would be possible
25 still to make those arrangements?

pv 1 MR. BERSON: I think it might be possible, yes. But
2 the sooner, the better.

3 MR. CHO: Bruce, just for our information, could you
4 sort of describe generally what arrangements have been made to
5 bring these people for the study?

6 MR. BERSON: Okay. The individuals that have been
7 selected by the committee had been contacted informally by
8 various committee members. A list of those individuals was
9 provided to the Division of Contracts, who then contacted them
10 in an effort to determine their availability and any fee that
11 they may require to attend. And various documents have been
12 prepared -- paperwork, essentially -- to justify inviting these
13 people here and to begin the formal procurement process.

14 My understanding is now that all the initial
15 paperwork has been completed and is in the Division of
16 Contracts. I believe it's just a matter now of mailing the
17 contracts to the people for signature.

18 MR. CHO: Are we actually engaging these people
19 under contract for the study?

20 MR. BERSON: Yes. Those who are not NRC employees.

21 DR. MILHOLLIN: Including part-time employees.

22 (Laughter.)

23 DR. MILHOLLIN: That exhausts the items that
24 everyone has to discuss today?

25 Very well, the meeting is adjourned.

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(Whereupon, at 11:15 a.m., the meeting was

2 adjourned.)

end#4 3

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