

NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DISCUSSION OF THREE-MILE
ISLAND INCIDENT

Place - Washington, D. C.

Date - Tuesday, April 3, 1979

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BACKGROUND INFORMATION

As the Three Mile Island situation developed beginning on Wednesday, March 28, the Commissioners met to discuss the nature of the event and scheduled a staff briefing held on March 29 at 9:50 a.m. The emergency nature of this situation at Three Mile Island led the Commission to go into "continuous" session for the duration of the event beginning on the morning of March 30. This meant that whenever a quorum was present, it was part of the continuous session. Because of the nature of these sessions, particularly on Friday, March 30, Saturday, March 31, and Sunday, April 1, most of the Commission meetings were held outside the Chairman's Conference Room which is equipped with magnetic tape recorders. Part of Saturday's and Sunday's meetings, for example, were at the Incident Response Center at Bethesda.

The nature of these meetings was informal and often interrupted. Commissioners and staff members came and went as conditions arose. During many of the sessions, multiple conference telephone calls and twoway telephone calls were made and received that were difficult to record and to transcribe.

These continuous meetings were for the most part recorded by several portable tape recorders using mini cassettes and regular cassettes. Nonetheless, in the fast moving events connected with this incident, there may have been times when Commissioners discussed matters which were not recorded.

The transcripts of the tapes of these continuous sessions, particularly where the meetings were held outside the regular meeting room, are a composite of several tapes. For all of the reasons above, these transcripts do not represent formal or official Commission statements on the matters discussed therein, nor have they been reviewed or edited by the Commission.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DISCUSSION OF THREE-MILE
ISLAND INCIDENT

Chairman's Conference Room
1717 H Street, N. W.
Washington, D. C.

Tuesday, April 3, 1979

The Commission met, pursuant to notice, at 10:10 a.m.

BEFORE:

- DR. JOSEPH M. HENDRIE, Chairman
- VICTOR GILINSKY, Commissioner
- RICHARD T. KENNEDY, Commissioner
- PETER A. BRADFORD, Commissioner
- JOHN F. AHEARNE, Commissioner

PRESENT:

Messrs. Bickwit, Kenneke, Chilk, Eilperin, Stoiber,
Kammerer, and Kelley.

(THIS TRANSCRIPT WAS PREPARED FROM A TAPE RECORDING.)

P R O C E E D I N G S

(10:10 a.m.)

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CHARIMAN HENDRIE: -- for which we were convened.

VOICE: Did you want (inaudible)--

COMMISSIONER GILINSKY: Yeah. Where is it?

VOICE: (Inaudible).

COMMISSIONER GILINSKY: . . . program.

VOICE: Suggest this change.

VOICE: In the middle -- (inaudible).

COMMISSIONER GILINSKY: Under water?

COMMISSIONER AHEARNE: . . . listen to me?

CHAIRMAN HENDRIE: How about "in the unlikely event that an emergency does not exist?"

VOICE: No.

VOICE: If he's announced (inaudible).

CHAIRMAN HENDRIE: Let's see. "Vested with the authority to make all decisions relevant to" watch out. You can't make --

VOICE: Yes, that's what I was --

CHAIRMAN HENDRIE: You can't say that. We ought not to say it.

COMMISSIONER BRADFORD: . . . heavilt technical -- (inaudible). This part is okay. That part syas DeCamp and his crowd could just shrug and sit at their desks and say, "Tell us what to do, Harold. It's your responsibility now. Tell us what to do. You want to pull a rod? Start a pump? Do we do nothing? You tell us." You can't go into that mode.

1 VOICE: Well, then maybe you need a narrow
2 formulation --

3 MR. DORIE: Hello.

4 VOICE: Hello.

5 MR. DORIE: Okay, are they read?

6 VOICE: Hello, Mr. Dorie?

7 MR. KELLEY: What we're looking at --

8 MR. DORIE: Yeah. We've got them on the squawker.

9 CHAIRMAN HENDRIE: Hi, Harold.

10 MR. DENTON: Good morning.

11 CHAIRMAN HENDRIE: How are you?

12 MR. KELLEY: This is something that we're suggesting
13 as an option. Here's a copy.

14 MR. DENTON: Everything -- the primary system
15 remains the same. It got in this mode a couple of days ago.
16 It's been deliberately held at 280 degrees and around 1000 psi
17 There was no change in that. The core thermalcouple readings
18 are relatively unchanged. The maximum temperature is about
19 477 degrees now, which is below the saturation temperature.
20 There are still two or three fuel assemblies reading above
21 400.

22 The gas bubble numbers derived by the operatio of
23 the company used are still bouncing around a bit, but early
24 morning indications of these values continue to be with
25 their own more sophisticated method indicates the bubble is

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gone. I think our own staff here feels that it's not there.

Whether the hydrogen combiner is operating, it's not reading nearly the kind of (inaudible) contact that I would think would go with that extremely high dome monitor

1 reading of 30,000 R. The recombiner readings -- and that's
2 a big type used, you know, coming from the containment to
3 the recombiner -- apparently up there is reading something
4 like 700 mr now on contact, so there's something (inaudible)
5 radiation level.

6 Efforts are still underway to get in a mode
7 whereby the waste gas treatment systems can be pumped back
8 into the containment. We have people running down where the
9 lines enter the containment, and whether or not a flame
10 arrester should be installed in the line, and how practical
11 that would be. That is a top priority item because of the
12 next item.

13 CHAIRMAN HENDRIE: Harold?

14 MR. DENTON: Yes, sir.

15 CHAIRMAN HENDRIE: I've got mixed reports. When
16 you and I talked last night, I figures that tank was about
17 half full of hydrogen. And then I had an analysis -- well,
18 report from Lee on a sample this morning that suggested
19 a much lower hydrogen content.

20 MR. DENTON: We're trying to get a better handle.

21 CHAIRMAN HENDRIE: I know. My feeling that that --
22 is probably contaminated by air and runs it out. I think
23 we're sampling with the gas now. That's the one that had
24 the hydrogen and oxygen in there.

25

JWB
CHAIRMAN HENDRIE: I -- Hello? Hello? We got cut off.

VOICE: I'll get the phone.

MR. DENTON: Hello?

1 CHAIRMAN HENDRIE: Yeah, you're back. Somebody took
2 you away for a minute.

3 MR. DENTON: I don't know where that's happening.

4 CHAIRMAN HENDRIE: No, I don't know, either.

5 MR. DENTON: But that's right. We did get that
6 second sample and (inaudible) is concerned, the expectation
7 is that the sample --

8 VOICE: (Inaudible operator.)

9 CHAIRMAN HENDRIE: Would the operations center please
10 leave this connection between the Commission and Three
11 Mile Island alone?

12 MR. DORIE: They must not cut in.

13 VOICE: I'll call them.

14 MR. DORIE: The operations center was not cut in.

15 MR. DENTON: Yes, I know the samples you are referring
16 to, and we've got people looking into that one. I myself
17 seem to think the thing will settle back down because
18 of the second sample -- (inaudible).

19 CHAIRMAN HENDRIE: Yeah, okay, so it's --

20 MR. DENTON: It kind of compoicates the situation.

21 CHAIRMAN HENDRIE: It's more like last night's
22 split on the gases.

23 MR. DENTON: Yes.

24 CHAIRMAN HENDRIE: Is there -- when you get that
25

1 hookup back to the containment, is there a way to throttle
2 down? Or do you just have to open up and let 80-pound pressure
3 waste gas whistle (inaudible).

4 MR. DENTON: I think it can be throttled. We've
5 got (inaudible) people working.

6 CHAIRMAN HENDRIE: Okay.

7 MR. DENTON: But we're not going to do it precipitous
8 ly until all these questions are answered, but -- and the need
9 for it is because of the flaps we get into regarding routine
10 releases each time there's a release either due to malfunction
11 or pressure builds back up in the system.

12 We have found -- let me turn to the iodine issue.
13 Yesterday's flap of the fact that a sample of -- a sample of
14 the industrial waste water which was being released showed
15 iodine just about at or above or right below mpc levels, that
16 the first one that showed anything other than noble gases did
17 cause a local flap. They wanted it stopped, and it is
18 stopped; it's not being released now.

19 We've got about 30 hours or so before -- 30 hours
20 before (inaudible) three times that (inaudible).

21 VOICE: Hello?

22 MR. DENTON: -- before we have to go back to
23 releasing or having it overflow the sewer lines.

24 My own view is that if they can release it within
25 Appendix I levels, they should be allowed to.

1 CHAIRMAN HENDRIE: Yes, I agree.

2 MR. DENTON: We're having a meeting this morning
3 that's probably already started between us, and the state, and
4 the licensee to try to get clear on the point.

5 CHAIRMAN HENDRIE: Yes, okay --

6 MR. DENTON: Also --

7 CHAIRMAN HENDRIE: Harold, is it -- are you fairly
8 sure about the 30 hours to full tanks?

9 MR. DENTON: No. They were the best estimates about
10 midnight last night, and I haven't heard any new numbers.

11 CHAIRMAN HENDRIE: Okay.

12 MR. DENTON: The 30 hours was -- the licensee said
13 he knew he had at least 30 hours --

14 CHAIRMAN HENDRIE: Okay.

15 MR. DENTON: -- and probably much longer, and he
16 thinks probably a generation of water.

17 CHAIRMAN HENDRIE: Okay, but at least we're not
18 going to run down on capacity by sundown.

19 MR. DENTON: Correct.

20 CHAIRMAN HENDRIE: Okay, good.

21 MR. DENTON: On the environment, our own samples
22 continue to show a very low, if any iodine. We've taken these
23 66 samples of milk from 17 towns, and so forth, that don't
24 show any. The FDA samples yesterday showed results from 14 to
25 40 that were reported in our pen(?). This morning, two

1 medical doctors and two staffers arrived from FDA. We've
2 gotten them together with our people on -- in this area.

3 So the levels that they found (inaudible) were about
4 three times what our own Appendix I Tech Spec level would
5 be for continuous release.

6 CHAIRMAN HENDRIE: That -- the higher one was something
7 like what? 40 microcuries per liter?

8 MR. DENTON: Yes.

9 CHAIRMAN HENDRIE: That came out of the FDA's
10 Winchester lab.

11 MR. DENTON: The FDA's actual limit for placing
12 dairy herds on feeds is 12,000 picocuries per liter. The
13 Chinese bomb fallout levels were around 100. So both these
14 issues last night, the Governor's office was a hot place
15 to be. Because after the favorable report on the core
16 conditions, the state people brought these two things up
17 in a rather negative way, prompting the Governor to think
18 he has got more decisions to make about banning the sale
19 of milk or the drinking of milk by pregnant women.

20 Their view seems to be more along the Delaney lines
21 that any release planned during an accident probably should
22 be treated differently than normal releases. So we've
23 got to get our medical scientists to talk to their medical
24 scientists to get to the rationality of it.

25 CHAIRMAN HENDRIE: Yes.

MR. DENTON: Actually, the view of the situation is something along about the routine Appendix I levels, and while they were over here a factor of 3 on this one sample, the overall situation is that we're going to cease this having to release once we get the pumpback system working, or the bulk of it.

I don't -- I'm trying to encourage the government up here not to overreact, but you know how that - the passions are high up here. But right now we are having this meeting with FDA, the licensee, and the state, and myself on the conditions.

CHAIRMAN HENDRIE: Is there any feeling --

MR. DENTON: Our estimate is that the plant has released (inaudible) iodine, we have now gotten enough (inaudible) cartridge samples out there at the release point to show what -- something like that -- since the accident began, and it's probably continuing right now at some rate. And I understand Appendix I levels, it's probably about half (inaudible).

CHAIRMAN HENDRIE: Yes.

MR. DENTON: I can't put my hand on the number that they've been releasing now. We're asking them to pull these carbo cars (?) in.

What really happened was that the early sampling they were doing and we were doing were causing a great debate in the sampling and we were not finding anything. But if you run the air samples off-site for seven days ... for seven days and so forth, large enough (inaudible) levels of milk perhaps (inaudible).

1 So it may be that the FDA numbers are just too close
2 to their thrushold.

3 CHAIRMAN HENDRIE: Yes.

4 Mr. DENTON: So I guess my overall assessment from
5 the big picture standpoint, we need to consider getting out
6 of the travelling mode now, and devise a system to bring
7 the plant -- the temperature of the fuel down to a colder
8 state as soon as we can do it safely from the present mode.
9 No one is anxious to go to RHR until a decontamination can
10 be done over there (inaudible) filters enable the system
11 to be maintained in a long-term mode (inaudible) ways of
12 lowering them.

13 CHAIRMAN HENDRIE: Yes.

14 MR. DENTON: Right now, the operation is focused on
15 maintaining (inaudible). The second kind of priority is
16 the way to bring the (inaudible) system pump back to
17 working, so that everytime that (inaudible) how long is
18 the system going to have to be in a state of readiness.

19 CHAIRMAN HENDRIE: Yes.

20 MR. DENTON: So that's, in a nutshell, everything
21 from this morning. (Inaudible.) ... one point nine

22 CHAIRMAN HENDRIE: Do people regard the one-nine as
23 significant against the two-and-a-fraction previous measure-
24 ments?

25 MR. DENTON: I don't. I'm not sure, though, that
other people seem to put more credence in the change in the
numbers than I do.

1 CHAIRMAN HENDRIE: Harold, there was discussion of
2 whether or not it would be a good idea to confirm by an order our
3 agreement with the licensee that he won't do anything without consulting,
4 and we were to send down a draft copy of that. Have you had any chance
5 to think about it in terms of the desirability of that confirmation in
6 a formal sense, whether it means anything adverse to your ability to
7 work closely with the plant staff, et cetera?

8 MR. DENTON: I did look at the order. The understanding now
9 is working very well, and they aren't making the changes without our
10 concurrence. So an order might say -- might be some confirmatory
11 order to confirm this understanding with the very specific understanding
12 that the more specific it is the harder it is to define, because there
13 are continually little minor operational changes that must be made
14 by the people in charge of the plant at the time that someone else
15 might interpret that "hey, shouldn't you have cleared that taking of
16 that sample?"

17 CHAIRMAN HENDRIE: Yes.

18 MR. DENTON: So when we ask for samples, we
19 recognize there is a certain release from the system
20 associated with sample taking. And I would hate --
21 unless you wanted just complete operational control,
22 you know, get specific, I would prefer, I guess, a broader
23 wording of the order. It seems to be working well now,
24 and I really haven't had a chance to focus on the policy
25 issue one way or another.

1 It's unnecessary at a practical level. I realize
2 the policies drive it that way, and it is not clear
3 if you really want us actually directing the operations
4 staff day to day. If you did sent the order out and
5 they failed to take action in a timely manner, because
6 we're not able to respond (inaudible).

7 CHAIRMAN HENDRIE: Yes.

8 MR. DENTON: I think we've got too many people up
9 there in the control room, now. We just got up a list of
10 how many people were in the actual building. Christ, it's
11 15 or 20 people watching their backs, and the demands that
12 we're making on our own people to monitor and control
13 everything, (inaudible) I think the best people to operate the plant
14 are the people on the shift and who have already been here.

15 CHAIRMAN HENDRIE: Yeah. As long as we've got the understanding
16 that they're not going to — it's clear that they're not going to go
17 to RHR, they're not going to change the (inaudible), they're not going
18 to start the pump backup, so we have identified as the time goes by,
19 those things that we consider significant. But one (inaudible) release
20 of water which they thought was within Appendix I when it got to be a
21 question (inaudible) and we asked (inaudible) stopped it in spite of
22 their own view that they were within tech spec. But I guess I really
23 haven't come down hard either line on the pros and cons of the order
24 I think as a practical matter, it won't have much effect; it would just
25 allow someone to assess blame either way later on.

1 CHAIRMAN HENDRIE: Yes.

2 Well, we'll probably discuss it further up here,
3 and what we will do is keep you informed of any developments
4 in our thinking and probably -- if we decide to go in that
5 direction, we'll shoot down to you, you know, the next draft
6 so you can look at the specific phrasing before we execute
7 anything. Okay?

8 MR. DENTON: I think it is -- I am still concerned
9 on the one hand about the -- while GPU is maintaining
10 the plant close to the present status as they can. They
11 themselves still aren't showing the emotion(?) toward
12 correcting the precipitation of the problems (?) that I'd like
13 The industry group, though, don't seem to be very active, and
14 I intend to interview(?) them in just a few minutes. If all
15 the talent they've got here recognize the problem and we can
16 get that group really moving in, (inaudible) recommendations
17 at GPU, I think GPU is capable of implementing them.

18 CHAIRMAN HENDRIE: Yes.

19 MR. DENTON: But they are not capable of coming
20 up with them on their own. And that kind of recommendation
21 (inaudible) proving or disproving.

22 COMMISSIONER AHEARNE: Joe, is he getting the
23 sense that the industry group then is not linked yet with
24 GPU?

25 CHAIRMAN HENDRIE: Harold, John was asking whether

1 your comment there suggests a feeling on your part that maybe
2 the industry group is not well linked to the GPU effort.

3 MR. DENTON: I've sent Stello and Mattson over
4 now to meet with the Executive Steering Committee of this
5 executive group, since it's obvious that the technical group
6 is doing a lot of thinking and critiquing each other's plans,
7 I think really that GPU is really just holding the reins;
8 they're holding the plant together, and they just don't seem
9 to be oriented toward the ultimate getting the plant down --
10 decontaminated kind of thinking.

11 They're fully occupied with just the day-to-day details, some of
12 which we're imposing on them for information, and just maintaining the
13 plant as stable as they can. They're very thin, with Arnold, Halpine,
14 Herman, the three of them are taxed to the limit to keep things where
15 they are.

16 CHAIRMAN HENDRIE: Yes.

17 MR. DENTON: I don't (inaudible) the depth you find in
18 (inaudible) and others, so these are the only three people that we're
19 dealing with in directing the operations back down. And they're also
20 the operational people of the day, too, and it's more like the situation
21 we were in up here earlier in which we'd fight every fire that comes
22 along and we don't have any time to do any thinking about what do
23 we do tomorrow.

24 I don't mention this to indicate that we ought to take over
25 the operation, because I'm not sure we could do any

1 better, either. But I do think we've got the industry group,
2 or B&W, or whoever is going to do this or to pass this
3 recommendation, to define who is going to ultimately be
4 proposing to us a solution to get the situation more -- in a
5 stable ultimate state.

6 And I don't think GPU has been pushing ahead in
7 that area as much as maybe the industry group (inaudible).

8 COMMISSIONER BRADFORD: Who will finally decide
9 among the recommendations for getting from here to there? It
10 sounds, from what you're saying, Harold, as though GPU is
11 spread almost too thin even to evaluate the various proposals.

12 MR. DENTON: I don't think -- they can't evaluate
13 them in terms of even the kind of detailed analytical effort
14 that we usually talk about. They can evaluate in terms of
15 their -- the operational aspects of putting it into place.
16 They know a lot about their plant, and I think it would end
17 up that once the industry group and B&W, for example, make a
18 recommendation, say, to lower the -- to raise the pressurizer
19 secondary side water level, and bring the core to 250, that
20 GPU is not in much of a position to evaluate the wisdom of
21 that move.

22 COMMISSIONER BRADFORD: So you think they would
23 simply carry it out at that point?

24 MR. DENTON: Well, they would -- we would certainly
25 review it and concur before they carried it out. But if we
did, I think they would carry it out. They just don't have

1 this capability themselves.

2 CHAIRMAN HENDRIE: Harold, I think you ought to
3 talk to DeCamp at a reasonably early time and see how he
4 perceives his forces to be arranged to deal with it.

5 Now you've obviously got the plant operating staff
6 under Herbein (phonetic) there, and they seem pretty good
7 for the things they do, but they -- and then the industry
8 group are certainly a batch of bright and innovative thinking
9 type people. What's in between? B&W? Presumably, it's
10 B&W, right?

11 MR. DENTON: Yes. B&W, from talking to, from people
12 who talked to McMullen (phonetic) say that they do have
13 now -- they are modeling the present condition of the core
14 the way they see it, and they are the group that seems to
15 presenting ideas to the industry group for critiquing.

16 CHAIRMAN HENDRIE: And presumably they would
17 detail out the sequences -- that is -- well, I think as you
18 get a chance, you ought to see if you can corner DeCamp and
19 see how he -- how he sees these various forces arrayed and
20 prompting to -- it just sounds to me like GPU's best
21 immediate resource for the kind of thing they need is B&W.

22 MR. DENTON: That's right.

23 CHAIRMAN HENDRIE: They know -- you know, they
24 designed the plant. They have extensive capability in
25 technical backup at Lynchburg, and I think if DeCamp -- now

1 he may not quite perceive his need to have that kind of
2 detailed engineering force in there to get things written
3 down carefully and checked in there between, on the one hand,
4 the plant operating people who are going to carry it out, and
5 who can tell you whether you've goofed in specifying a certain
6 valve and so on, on the one hand; and the industry group on
7 the other who are certainly a bright enough set of guys to
8 do a good chewing on things that are proposed to be done.

9 MR. DENTON: And what I think is the missing role
10 and the one Dick and Roger were earlier trying to simulate,
11 now is-- Let's get out of this flabby mode (inaudible),
12 and let's seriously consider ways and pros and cons for
13 getting this thing down. Because I don't think DeCamp has
14 any perception of the federal, state, and social costs
15 that are going on. He would probably be just as happy to
16 stay in this mode for the next six months -- you know, "don't
17 touch a thing."

18 You know, "We know what we're doing now, why move?"
19 And it's not a bad posture to be in if the whole social
20 system could stand it.

21 CHAIRMAN HENDRIE: Well, I got the notion that
22 GPU is still in a bit of shock -- a state of shock, in a
23 sense.

24 MR. DENTON: Well, I will be meeting with them.
25 I hope then to get my own operation here focused the same

1 way. I think Roger and I can start thinking about where we
2 want to be tomorrow, rather than blasting off at every latest
3 item of something wrong.

4 CHAIRMAN HENDRIE: Yes.

5 MR. DENTON: Get the priorities arranged and get
6 with Herman and see if he agrees that we ought to be moving in
7 a given direction, which has to be -- I guess it is the
8 sooner I look through the proposed past (?) the next move, and it's
9 not Herman. He's not, and it's got to be McMullen, B&W, or the industry
10 group themselves, and find or either us, who is the one that comes up with
11 where should the reactor be a week from now? What is our goal?

12 CHAIRMAN HENDRIE: Okay, well, keep us informed on this point,
13 and you know, it may be -- it may be useful for me to call some people
14 and jack this process up, but let me know.

15 Hang on a minute. We've got other questions.

16 I can't get the cord -- would you like to --

17 COMMISSIONER BRADFORD: That's okay. I think I
18 can -- I think Harold can hear me. Can you hear me, Harold?

19 MR. DENTON: Yes, Peter.

20 COMMISSIONER BRADFORD. What are you looking at now
21 in terms of the worst things that could go wrong, and the
22 warning times you'd have on them?

23 MR. DENTON: Well, my concerns are considerably
24 alleviated since we've come to a view regarding the
25 hydrogen -- regarding the

1 oxygen evolution(?) potential and the kind of a bubble, we've got a
2 list put together here of the kinds of things that could go
3 wrong at the moment would be -- they're things that could go wrong
4 that would affect the present state of cooling, such as the
5 loss of recirc pump, and the oxygen would be stuck in the
6 other recirc pump, go to natural circulation -- risks like
7 that are getting developed. I've asked people to think about --

8 Suppose we lose containment cooling somehow? Or, off-
9 site sink heat removal . . . that doesn't seem to be a big
10 concern because the core power generation is down like
11 7,6 megawatts now, and there would be a lot of time before you
12 heat up the containment to a point that that would start
13 forcing out the high levels of radioactivity that're in there.

14 I guess I don't have a good list, Commissioner,
15 in front of me here (inaudible).

16 COMMISSIONER BRADFORD: Do you have an estimate
17 as to the least amount of warning time you think you'd get?

18 MR. DENTON: I think it's very long now. The heat
19 in the core -- remember, in WASH-1400 there were the two types
20 of scenarios. The melt-through one that took a long time and
21 was a long duration release, and the atmospheric one which is the
22 loss of the containment very early on and had a pulse release.

23 I think with this low level of reactor heating,
24 the decay heat in the core, I just don't see mechanisms that --
25 in the absence of a hydrogen explosion, that wouldn't give

1 you long warning times before the containment would fail,
2 either melt-through or over-pressure.

3 The pulse, for example, if anymore heat is in
4 the system now than is recorded.

5 COMMISSIONER BRADFORD: By "long warning time,"
6 it's 6 hours, 10 hours, 12 hours?

7 MR. DENTON: Well, I think, if I can exclude the
8 potential for hydrogen, that 4 to 5 hours or longer. It
9 would probably be useful to get Saul's people to start
10 with a core that is five days cool and run out some of those
11 kinds of calculations.

12 My own view is that, except for explosion-wise,
13 time is on our side, and it's hard to come up with scenarios
14 which with fuel sitting at this low power level, that's anything like the
15 short warning time that would exist (inaudible) a LOCA at full power.

16 6 megawatts is not a lot of heat is what I'm saying.
17 It's about one-eighth (?) percent now of power production at full
18 power; whereas it's about 6 percent heat involving a shutdown.

19 COMMISSIONER BRADFORD: Is there any way that you
20 can have a significant release of radioactivity outside of the
21 containment in the present mode?

22 MR. DENTON: I was concerned about being sure that
23 when we hook up the recombiner and got it working, that the system
24 had been completely retested before we put it into operation.
25 They're a fairly big line that goes to the recombiner and

1 then it breaks down into the (inaudible) lines. The staff
2 did pour over the functionability of the valves in those
3 lines, and the ability of us to isolate it if anything went
4 wrong back in the recombiner somewhere. So the containment
5 seems to be performing superbly its intended function. There's
6 no indication I know of of leakage to any of these penetra-
7 tions and being in a negative pressure leakage would actually
8 begin.

9 CHAIRMAN HENDRIE: Is the containment non-
10 negative, Harold?

11 MR. DENTON: It's slightly less than a pound
12 negative. The containment coolers are working. The tempera-
13 ture is about 88 degrees inside. So as long as we can maintain
14 it in that kind of phase, Christ, I don't see a reasonable way
15 for a release of what's in there. But if you lost all coolant
16 outside the containment, I'm sure it would take a long time
17 to heat it out to a point where it would start pumping stuff
18 out.

19 CHAIRMAN HENDRIE: Yeah. Other questions?

20 (No response.)

21 CHAIRMAN HENDRIE: I think we'd better let you
22 get back to work. Give me a call if it seems -- you know,
23 if you get a chance to talk to DeCamp and there seem to be
24 useful things that we could do up here to encourage actions
25 or whatever, why give me a call.

MR. DENTON: I guess what I need a feel from you on is:

How critical is the need to show progress now? The whole — many of the technical staff, I am sure, would take the view that, "why rock the boat?" We can sit right here and next week the core power level will be 5 megawatts. You know, that's a — and why make any changes in the stable system so that you might have a prime release, or some problem would develop or something would happen?

(Simultaneous conversations:

COMMISSIONER BRADFORD: That sounds good to me.

COMMISSIONER AHEARNE: You've got to (inaudible) explanation to the public in that area. Three quarters of a million people sitting on the edge of their chairs, intense.

COMMISSIONER BRADFORD: Is that — (inaudible).)

MR. DENTON: But obviously, if you were here and looked out, the place has changed dramatically since we got here, you know, with the visitors centers, and there were five trailers, and now there are ten, and there are tents, and communications — they're even putting out a newspaper. The state is on readiness alert, and they're resources are thin. So there is high social and political cost in maintaining this kind of — this steady condition. I don't know — I guess I don't have a feel for how destructive this is for the whole governmental process.

CHAIRMAN HENDRIE: I think what I'd like to —

MR. DENTON: I think I will have to overcome the resistance of the staff, you know, to make any change. Obviously, there are a lot of views that just maintaining it right now, don't change a single temperature pressure or anything in the system, let's just hold it.

(Simultaneous conversation:

COMMISSIONER AHEARNE: That's an issue we're going to have to discuss (inaudible).

CHAIRMAN HENDRIE: Yes —

1 COMMISSIONER KENNEDY: What's to be gained in that posture,
2 Harold?

3 MR. DENTON: I guess it's fear of the unknown, in that --
4 This minimizes the unknown. It preserves all the backup systems that
5 if something did happen, you could always fall back to them; whereas
6 if you depart from this mode, there's a possibility of some new problem
7 arising. You can always fall back on HPCI or LPCI or RHR, as the
8 situation warranted (inaudible).

9 COMMISSIONER GILINSKY: Harold, are they saying, for moment,
10 they need more time to think it through?

11 MR. DENTON: I think the industry group is the group --
12 and B&W -- is the group that's focusing on that sort of thing.

13 I think it was a very good posture to be in, frankly,
14 for the first few days, in that -- . Obviously if you're in a
15 situation that's stable, and core temperature was dropping, and so
16 on, why rock the boat?

17 And I think I'm just trying to get them to start (inaudible)
18 thinking is how long can we maintain this state of readiness of the
19 whole federal-state governmental system?

20 COMMISSIONER AHEARNE: I think the governor has to be
21 drawn into that.

22 TELEPHONE OPERATOR: Excuse me, sir?

23 MR. DENTON: Yes?

24 TELEPHONE OPERATOR: (inaudible) Is the Operations Center
25 still

1 on?

2 MR. DENTON: I'm talking to the Commission,
3 operator.

4 TELEPHONE OPERATOR: Okay. We're getting a
5 disconnect from the operations --

6 MR. DENTON: Well, that's fine.

7 (Laughter.)

8 TELEPHONE OPERATOR: Thanks.

9 CHAIRMAN HENDRIE: Harold, are you still with us?

10 MR. DENTON: Yes.

11 CHAIRMAN HENDRIE: Several --

12 MR. DENTON: I don't know how long -- the state
13 will probably be the first one to feel the direct problems
14 They've still got the pregnant women and the
15 children out of the nearby vicinity. Their whole state
16 system is still geared up to a high state of round-the-clock
17 readiness, and this sort of thing, and they need some check-
18 mark or balance on it (?) as to when they can relax, because
19 they can't maintain those investments.

20 CHAIRMAN HENDRIE: Well, first of all, let's start
21 back down some of those lines.

22 The women and children recommendation to stay away
23 was based on the low-level releases that were occurring for
24 the most part, and then to some extent on the thought that if
25 a close-in evacuation were necessary at least those people

1 were particularly vulnerable people would for the most part already
2 have been -- already have left.

3 I think it would be useful, you know, as long as
4 you've got all the state health people and our folks in there
5 at this discussion about iodine, people might want to discuss
6 whether the site -- you know, the environs are at a level and
7 so on where that recommendation could be reconsidered.

8 MR. DENTON: One kind of checkpoint would be that
9 if we could get a pumpback system working, you could eliminate
10 this continuing source of release.

11 CHAIRMAN HENDRIE: Yes.

12 MR. DENTON: I think it really does have two
13 parts. That's one part.

14 The other part is the status of the core.

15 CHAIRMAN HENDRIE: Yes.

16 COMMISSIONER KENNEDY: But arguing against any
17 change in that connection -- I'm not arguing it, I'm just
18 raising the point -- is if we're going to change the
19 mode of operation -- that is, move to, in the next day or
20 so, to some steps toward further cooldown and shutdown, then
21 the question is: What release risks arise there? And are you
22 in a mode where you want to get them out again?

23 MR. DENTON: The helicopter is taking off here and
24 there's a pump starting up outside the window so the noise level
is going up high.

25 I've encouraged Dick and Roger meeting with the

1 containment group -- I mean, with the technical group right
2 now to look at just those kinds of considerations. It seems
3 to me if you can begin to lower the overall primary system
4 temperature incrementally with the present mode, we ought to
5 move toward that, and I think that the general -- I'd treat
6 at least a perception here that if we can get the temperatures
7 below boiling, the crisis is over in terms of the immediate
8 need for evacuation. There would just remain the long-term
9 decontamination and cleanup and control of release emission.

10 CHAIRMAN HENDRIE: Yes.

11 Well, I think they ought to, look they ought to keep

12 MR. DENTON: Once we're in shutdown, it's not all
13 that much different than over at Unit 1 which is also in cold
14 shutdown mode.

15 CHAIRMAN HENDRIE: Harold, they clearly ought to
16 pursue it. There are several directions. One of them would
17 be simply getting the primary bulk temperature down below
18 atmosphere -- the atmospheric boiling point in the present
19 cooling mode, which could certainly be done, and that
20 would not be very much of a -- you know, that would be a
21 modest evolutionary step in the situation. Vic was concerned
22 that he know what the boron levels are, ought to be, and will
23 be throughout the temperature range before anything happened,
24 and I assume he will get that sorted out in connection with the
25 discussions of cooling down. I think preparations to get onto
the RHR mode ought

1 go forward vigorously. The decision when to try to make
2 that step is still to be made.

3 MR. DENTON: (Inaudible) tells me that he does not
4 have the technicians, cannot buy the staff, (inaudible)
5 yesterday, to make a lot of headway toward getting that auxili
6 building suited up for RHR operations. I made him feel that h
7 should consider requesting laboratory DOE help from whoever
8 getting there, and as a first step we agreed to meet again tod
9 after the building has been surveyed -- (inaudible).

10 CHAIRMAN HENDRIE: Right. Well, you know, I
11 think clearly it's very desirable to get --

12 (Side A ends at this point. ~~Side B begins as~~
13 ~~follows.) (Not in chronological sequence.)~~

14 CHAIRMAN HENDRIE: -- all decisions relevant --
15 oh boy. That means, in principle and legally, they could be
16 considered not to be able to make immediate and necessary
17 little adjustments necessary to operate the plant without
18 our checkoff.

19 And even if you ~~back~~ that phrase out, as, you know
20 some of the markings-up did, and go on to the language,
21 "representatives of the licensee shall take no action of
22 safety significance relating to the present emergency," or the
23 other option which is they change their rate of release--
24 (inaudible).

25 COMMISSIONER KENNEDY: That was the one that Harold

1 (Side "B" follows.)

2 CHAIRMAN HENDRIE: If the Met Ed force can't do
3 it, why --

4 COMMISSIONER AHEARNE: I'm sure DOE would be quite
5 willing to help.

6 CHAIRMAN HENDRIE: I think -- Harold, let us think
7 some about the standing-down-from-alert propositions, and
8 rather than try to do it on a conference call on the telephone,
9 why, you know, you'll have it in mind as the day goes on, and
10 you have your meetings, and we'll discuss it some up here,
11 and we'll talk again, okay?

12 MR. DENTON: Okay, one last news item you should
13 know of. I was just handed a paper that says, "Governor
14 Thornburgh will issue a statement on iodine" (inaudible). So
15 apparently he -- I don't know what he's going to say, but
16 (inaudible).

17 CHAIRMAN HENDRIE: Well, all right. Well, let's
18 see what the Governor --

19 MR. DENTON: So we plan some sort of a briefing
20 of the press today to go over our views on the bubble, and
21 then bring them up to date on that, and whatever else.

22 CHAIRMAN HENDRIE: Yes. When are you doing that?

23 MR. DENTON: It's still sort of -- let me ask Joe
24 if he has some further thoughts on the time for a briefing?
25 I really need -- what we need is to have everybody who will be

1 feeding me information on these things all at the meeting.

2 CHAIRMAN HENDRIE: Yes.

3 MR. DENTON: Ideally, it will stretch out to
4 midafternoon or sometime, but I'm sure Joe worries that we
5 go too far after the fact.

6 Let me put him on to give you his views.

7 MR. FOUCHARD: I've been holding off, waiting for
8 the state to issue its statement.

9 CHAIRMAN HENDRIE: Okay, I think that's a good
10 idea.

11 MR. FOUCHARD: And I've been in constant contact
12 with the Governor's press secretary, and will in fact call us
13 with the statement as soon as they get it cleared.

14 I don't think that Harold will be in a position
15 to brief much before 1:00 o'clock, at the earliest.

16 CHAIRMAN HENDRIE: Okay, fine; I was just curious
17 is all.

18 MR. FOUCHARD: We've got to do it again today.

19 CHAIRMAN HENDRIE: Yes, I think you do have to do
20 it again today. But, you know, you make your judgment down
21 there when it fits with what you have to do.

22 MR. FOUCHARD: Gentlemen, if I sound silly, it's
23 because my last press call was at 4:00 a.m., but there are
24 no -- other than this iodine milk thing, there are no real
25 flaps up here.

1 I think the iodine in milk thing, you know, is
2 going to get to the reporters soon, so I'm hopeful that the
3 Governor will get moving.

4 CHAIRMAN HENDRIE: Okay, good-o. Anything else
5 here?

6 Good, let's unhang you so you can get back to work.
7 Thank you.

8 (The phone call is terminated.)

9 CHAIRMAN HENDRIE: The iodine-in-milk problem will
10 continue to be a problem as long as the situation goes on up
11 there. These measurements are tricky to make down at those
12 concentration levels of, you know, 10, 20 picocuries per liter
13 that just --

14 COMMISSIONER BRADFORD: What level do you start to
15 worry about it-any at all, I guess, you don't want --

16 CHAIRMAN HENDRIE: Let's see.

17 COMMISSIONER GILINSKY: They said 12,000, then they were
18 going to change the cows over to stored feed. He said the
19 numbers from the Chinese nuclear test were 100.

20 CHAIRMAN HENDRIE: Yes, something like that.

21 (Pause.)

22 And I -- I don't know. Do you have any feeling?
23 It seemed to me that 10, 20, 30, 40 picocuries per liter --
24 well, maybe 40, but it seemed to me -- the detection range, I
25 guess, is someplace, limited someplace down the line, at 10 or

1 15 --

2 COMMISSIONER AHEARNE: The news release
3 (inaudible) said 40 was the threshold.

4 CHAIRMAN HENDRIE: We talked about a number like 40
5 on Sunday night up at the Governor's place. There's a lab at
6 Winchester that the state health people say they've had bad
7 measurements, you know, from before, where they split a sample
8 and they sent it up there, and these guys come back and say
9 40, or 60, or whatever, and the state was saying "no, no, no,"
10 you know, and they they have to do it all again, and eventually
11 they get it sorted out.

12 At these -- you know, where your right down on the
13 threshold level, why intermittently you get particular data
14 point that's high, and the nature of the situation is that
15 people will want to run around and holler.

16 I'm surprised -- I'm surprised that, you know,
17 there's just been so little iodine come out of that system,
18 although there must have been some in the early stages; I don't
19 think there's been any recently, but there must have been some
20 iodine that would have come out, if through no other path,
21 containment -- primary system leakage in the B, or No. 2
22 generator, the secondary, some relief venting in the secondary;
23 not very much, you know, against an accident scale, not very
24 much, but traces. I'd be surprised if there hadn't
25 been some.

1 Apparently, after, I don't know, the first day or
2 something like that, the releases have been pretty well
3 confined to auxiliary building atmosphere releases; in there,
4 the filtration is pretty good, and it gets -- ah, dear, it
5 seems to me like, I don't know, a factor of 10^4 , or something
6 like that, on iodine. Does anybody remember?

7 COMMISSIONER AHEARNE: Does that still sort of
8 saturate after some --

9 CHAIRMAN HENDRIE: They will -- you know, if you
10 keep loading them up, why they'll come up eventually to --

11 COMMISSIONER AHEARNE: Would they have reached
12 saturation based upon what we expect is in the building now?

13 CHAIRMAN HENDRIE: In the auxiliary building?

14 COMMISSIONER AHEARNE: Yes.

15 (Pause.)

16 CHAIRMAN HENDRIE: I would guess not, because I
17 don't think there's much iodine in the auxiliary building.
18 The place you're worried about is the waste-gas tank.

19 COMMISSIONER AHEARNE: Right.

20 CHAIRMAN HENDRIE: You've got better than 100,000
21 cubic feet at 80 pounds.

22 What's -- as far as -- judging from the containment
23 atmosphere sample that's been taken, the iodine as projected
24 in the classic analysis is pretty well plated out. I
25 don't think it's -- so I don't think there's that much in the

1 auxiliary building.

2 COMMISSIONER KENNEDY: In the containment? Or in
3 the tanks? Or both?

4 CHAIRMAN HENDRIE: Well, I think probably not much
5 in the containment. You know, there's bound to be a chunk
6 over there, but, you know, just estimating against what the
7 filter loading capability is, (inaudible).

8 But that's the sort of thing that one could work
9 at Bethesda and get some at least order of magnitude numbers.

10 (Inaudible background discussion.)

11 COMMISSIONER GILINSKY: I've asked people to get
12 the best information they can get together in connection
13 with responding to Senator Mathias.

14 COMMISSIONER AHEARNE: I'm sorry, Vic?

15 COMMISSIONER GILINSKY: Senator Mathias raised all
16 these points.

17 COMMISSIONER AHEARNE: And of course the answer to
18 Mathias is slightly different than the original.

19 COMMISSIONER GILINSKY: Well, it wasn't answered
20 originally. We waited to get the facts.

21 COMMISSIONER KENNEDY: That's not too bad an idea,
22 generally.

23 COMMISSIONER GILINSKY: But it would have been, had
24 we responded immediately.

25 COMMISSIONER AHEARNE: So it's going to include this

1 latest stuff.

2 COMMISSIONER GILINSKY: Oh, sure. Of course.

3 COMMISSIONER AHEARNE: So it will track whatever
4 the Governor says.

5 COMMISSIONER GILINSKY: Oh, absolutely. It's going
6 to be identical.

7 (Pause.)

8 CHAIRMAN HENDRIE: Let's see. Do you want to
9 talk -- what would you like to turn to now?

10 The orders? Letters?

11 COMMISSIONER AHEARNE: We'd better talk about the
12 letter.

13 COMMISSIONER GILINSKY: Which letter is that?
14 Here's the draft.

15 MR. BICKWIT: Mr. Chairman, on this issue, I think
16 there is a legal basis for keeping the meeting closed, but I
17 think the Commission ought to address whether it wants to do
18 that. It's a different policy issue.

19 CHAIRMAN HENDRIE: Yes. It's clearly a related but
20 not identical matter to the operational control of the
21 situation, presumably whether to close.

22 Let's see. Let us see if our wish is to discuss
23 one or another of these letter versions. It seems to me if
24 we are going to do other than just sit going mum, why we'd
25 better; right?

1 COMMISSIONER AHEARNE: Yes, if we're -- well --

2 CHAIRMAN HENDRIE: You know -- we either ought to
3 decide we're not, or we are; and if we are, here's what we're
4 going to say; right? Or, we're not going to issue some other
5 kind of statement or whatever, we'd better decide what that
6 will be. Otherwise, we're sort of just sitting here mumbling
7 as events move on.

8 I think we ought to discuss it. Okay, good.
9 Having agreed to discuss it, what is your preference with
10 regard to opening or closing, and so on?

11 COMMISSIONER GILINSKY: What are we talking about?
12 This letter?

13 COMMISSIONER KENNEDY: Discussing these letters.

14 CHAIRMAN HENDRIE: The letter and the --

15 COMMISSIONER GILINSKY: I would have a closed
16 meeting.

17 CHAIRMAN HENDRIE: I think counsel's advice is that
18 there is a reasonable basis for closing the meeting, but he
19 points out that it's not quite the same issue on which to
20 continue in what I call "operations" meetings on Three Mile
21 are closed; that we ought to make a specific determination
22 of the discussion of issues -- this issue --

23 COMMISSIONER KENNEDY: What was your reason for
24 that?

25 MR. BICKWIT: The legal basis? The same reason as the

1 earlier, 9(b) of the Act, "Frustration of Purpose."

2 COMMISSIONER KENNEDY: All right, I would agree.

3 COMMISSIONER AHEARNE: I'd go either way.

4 CHAIRMAN HENDRIE: I guess since we're here and
5 so on, I will vote to close.

6 COMMISSIONER AHEARNE: Aye.

7 COMMISSIONER KENNEDY: Aye.

8 CHAIRMAN HENDRIE: So ordered.

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(Closed Session)

1 CHAIRMAN HENDRIE: Okay, we've got two versions of
2 the letter. Actually --

3 COMMISSIONER GILINSKY: Mine depends in part on what
4 in fact the state of affairs --

5 CHAIRMAN HENDRIE: On -- just so.

6 COMMISSIONER AHEANRE: Right.

7 CHAIRMAN HENDRIE: Do we know what you've been able
8 to get through to anybody, or has anybody called anybody over
9 there?

10 COMMISSIONER AHEARNE: We had that transcript of the
11 press conference and what Powell said, and what he said was
12 that Jody has the present directive that any study to be
13 done on safety regulations to be reviewed, and Powell said,
14 "There are discussions underway, but I think it is premature
15 to get into it now."

16 COMMISSIONER BRADFORD: And then he said a little
17 more at the end there.

18 COMMISSIONER GILINSKY: I guess I didn't see the
19 part at the end.

20 COMMISSIONER KENNEDY: I didn't either, what did
21 he say?

22 COMMISSIONER AHEARNE: "What other studies are
23 underway?" I think the question was, he said the discussions
24 had indicated they'd begun on the follow-up, and the whole
25 thing, "yes, but it's premature to get into this subject of
being further changed. Obviously any departments involved
at this point, the

1 discussions are centered within the task force. It involves
2 Energy, NRC, and a number of others."

3 COMMISSIONER GILINSKY: Well, I think we would
4 have to call over and find out what they regard themselves
5 still doing.

6 COMMISSIONER KENNEDY: Yes, or whether in fact that
7 was supplemented by a subsequent question, which is often
8 the case, where some writer is doing his piece and he calls
9 up and says, you know, "Can I say?" And the answer often is
10 "yes."

11 COMMISSIONER AHEARNE: Last night, certainly when
12 Peter and I talked to them, they were not --

13 COMMISSIONER BRADFORD: They certainly hadn't
14 decided in any great detail.

15 COMMISSIONER AHEARNE: Well, and also they felt
16 that the appropriate place was to put it in Energy.

17 COMMISSIONER KENNEDY: Yes, but the piece in The
18 New York Times this morning was rather more explicit than all
19 of that. It just says that in fact he did, you know, some
20 sort of a Presidential Commission.

21 COMMISSIONER GILINSKY: The Post said the same thing.

22 COMMISSIONER AHEARNE: Pardon me?

23 COMMISSIONER GILINSKY: The post had that same thing.

24 COMMISSIONER AHEARNE: That he did say that. I want
25 to see that.

1 Well, I guess where I would come out is, if he has
2 announced this --

3 COMMISSIONER KENNEDY: It certainly is clear in
4 The New York Times. It's the very top, the first paragraph.

5 COMMISSIONER AHEARNE: -- then it doesn't make any
6 sense for us to recommend it. That's clear.

7 COMMISSIONER BRADFORD: Well, or at least less
8 sense.

9 COMMISSIONER AHEARNE: If he has not announced it,
10 I would go with, again, the sense that I think it's appropriate
11 and advisable for us to be recommending it, and clearly the
12 discussions we had yesterday, their sense there was the same
13 way.

14 COMMISSIONER GILINSKY: Well, it's in The Times.
15 It's in the headlines. It says, "Presidential Study Group
16 Assigned."

17 (Simultaneous background discussion.)

18 COMMISSIONER AHEARNE: We can sort of check with
19 them.

20 MR. BICKWIT: Well, according to the press reports,
21 he was urging something different from what you were. He was
22 talking about a task force. NRC would be a member, and DOE
23 would be a member. You're talking about a commission.

24 CHAIRMAN HENDRIE: I had a -- I should also report
25 to you that just before I came in here I had a call from —

1 discussion going on about possible proposals, talking about
2 a searching review of all operating -- all 70 operating
3 reactors. The question was: Well, considering, what would
4 that mean to you?

5 Let's see. 70 reactors times 10 manyears. 10
6 years. That's what it means to me.

7 Well, could you keep up all the other things you're
8 doing while you did that?

9 And then, how long would it take?

10 Well, Infinity. That's how long. Because, you
11 know, if we keep up the things we're now doing, why there
12 aren't 700 manyears. There isn't one manyear.

13 Oh, well, could you give up some things?

14 Yeah.

15 How much?

16 I don't know. How much do you want us to give up?
17 We could do anything.

18 COMMISSIONER AHEARNE: Well, you could always shut
19 them all down, and then you'd free up all those people and --

20 CHAIRMAN HENDRIE: That's right, we can shut them
21 all down, and stop all the other work, and put the NRR on
the 700 manyear, or whatever.

22 COMMISSIONER GILINSKY: Well, this -- I don't
23 know whether it's accurate -- but it says, "President Carter
24 has ordered a federal inquiry into all aspects of the nuclear
25 accident at Three Mile Island," White House Press Secretary

1 Jody Powell said.

2 COMMISSIONER BRADFORD: It sure doesn't emerge
3 from that transcript.

4 COMMISSIONER GILINSKY: No, it's not.

5 CHAIRMAN HENDRIE: That's what I call "creative
6 reporting," from the remarks --

7 MR. BICKWIT: Does it say "task force" in
8 that, either in The Times or The Post?

9 CHAIRMAN HENDRIE: I feel for Jody. I've had the
10 same problem with creative interpretation.

11 COMMISSIONER AHEARNE: Yes. I guess I'd rather
12 stick with what the White House is saying, rather than what
13 The Post says.

14 COMMISSIONER GILINSKY: Well, but we have to ask
15 them.

16 COMMISSIONER KENNEDY: Well, what I'm trying to say,
17 you don't know what they're saying. You know, the mere fact
18 that you have the transcript, what usually happens is that
19 some guy calls up later and says, "Oh, hey, by the way, do you
20 mean -- is it okay for me to write " -- he's looking for
21 guidance. They say, "Yes, that's good, that'll be fine."

22 COMMISSIONER AHEARNE: Yes, we could shift to some
23 other subject.

24 COMMISSIONER BRADFORD: An unimportant one, I
25 guess.

1 COMMISSIONER AHEARNE: Well, no, why don't you just
2 have the call placed. Why don't we put that aside for a
3 minute and check with the White House and find out.

4 COMMISSIONER KENNEDY: You are going to check with
5 Powell. Generally speaking, he's the best authority on
6 what Powell said, I guess I would imagine.

7 CHAIRMAN HENDRIE: I think Peter's off to call.

8 COMMISSIONER KENNEDY: You know, like I said, I've
9 always found the best authority on what Powell said is Powell.

10 COMMISSIONER GILINSKY: There are two cases.
11 Either, (a) they have announced; or (b) they have not
12 announced. Okay?

13 COMMISSIONER AHEARNE: Right.

14 COMMISSIONER GILINSKY: Okay, in case (a), if they
15 have announced, I think this is the right thing to do.

16 In case (b) --

17 COMMISSIONER AHEARNE: You still think it's the
18 right thing to do.

19 (Laughter.)

20 COMMISSIONER GILINSKY: I would modify this
21 somewhat --

22 COMMISSIONER KENNEDY: Only in that first sentence
23 of the same paragraph.

24 COMMISSIONER GILINSKY: I would put it in some
25 tentative -- you know, "should you proceed this way?"

 COMMISSIONER KENNEDY: And I would agree with that.

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COMMISSIONER GILINSKY: This Commission, like the Supreme Court, reads the newspapers.

(Laughter.)

COMMISSIONER KENNEDY: Sometimes.

COMMISSIONER AHEARNE: And this is still the point that you had made, that you don't think it's appropriate to be asking -- you don't believe it's appropriate to be asking the President to set up something to look at us.

COMMISSIONER GILINSKY: I think this --

COMMISSIONER AHEARNE: Is that the point?

COMMISSIONER GILINSKY: I think this keeps it to what we ought to be telling the President, yes.

COMMISSIONER AHEARNE: But the point is, you don't believe it's appropriate for us to be suggesting that the President have an outside group to examine.

COMMISSIONER GILINSKY: Yes. I mean, undoubtedly he will, and we will want to cooperate with them. But that's his decision and, you know, it looks like they're headed that way, and that's fine; and that group will no doubt do a whole bunch of other things that don't relate specifically to our activities, too.

But just what they will be doing is something for them to decide, you know, and they may not want to look at other aspects of the problem. It's entirely up to them.

COMMISSIONER AHEARNE: I guess I'd still feel more

1 comfortable in asking. I think that they ought to look at
2 the broader aspects, and I feel that --

3 COMMISSIONER KENNEDY: But I think it's presumptuous
4 of us to suggest to the President that he ought to look at
5 the broader aspects. You know, that's sort of what his position
6 calls for, and he knows that almost as well as we do.

7 COMMISSIONER AHEARNE: Well, but, Dick, it's sort
8 of in the point that I think that we've got our own reviewers,
9 we're going to have to have, but I would also want to ensure
10 that there is a broader review.

11 COMMISSIONER GILINSKY: Well, then you're shifting
12 into a different mode. I mean, you're really giving them
13 advice.

14 COMMISSIONER AHEARNE: That's what recommendations
15 usually are.

16 COMMISSIONER GILINSKY: Sort of -- I mean, I don't
17 think there's any chance that he will fail to -- you know, to
18 take due accounting of, you know, of this course. You know,
19 it's not something that's going to slip between the cracks.
20 There are a lot of people thinking about it.

21 So --

22 COMMISSIONER AHEARNE: Well, I think that we've
23 got a short time and my conclusion is that we ought to
24 recommend it.

25 COMMISSIONER KENNEDY: I would just change it
(inaudible). In that case, (inaudible)

1 COMMISSIONER AHEARNE: But I have no problems with
2 recommending it, myself.

3 COMMISSIONER GILINSKY: I mean, you know, I also
4 think that one's got to look at the broader questions; there's
5 no question about that.

6 COMMISSIONER AHEARNE: The time is very short, and
7 so I think that you ought to put together what you feel
8 comfortable with recommending, and if I feel we should go
9 beyond that, I'll just put something in that I feel it should
10 cover.

11 (Pause.)

12 COMMISSIONER BRADFORD: Unless there is proprietary
13 information on Three Mile Island.

14 COMMISSIONER AHEARNE: Oh my.

15 COMMISSIONER BRADFORD: We certainly will have
16 unique knowledge when this is all over.

17 COMMISSIONER AHEARNE: Was this a scheduled --
18 the ACRS Subcommittee on Three Mile Island, was that previously
19 scheduled, or just accidental?

20 COMMISSIONER GILINSKY: Well, they're all here. They
21 were already assembled. What is this? Who --

22 COMMISSIONER AHEARNE: No, no, it is -- "ACRS
23 Subcommittee will hold a meeting April 4th to discuss the
24 incidents on March 28th."

25 (Inaudible background discussion.)

1 COMMISSIONER KENNEDY: Let me just say something to
2 that. An announcement is due but we'd better think about
3 whether it's today until somebody has some idea (a) what it's
4 going to do, and (b) how it can be organized --

5 COMMISSIONER AHEARNE: Yeah, once you make your
6 announcement --

7 COMMISSIONER KENNEDY: -- you're going to have to
8 answer a whole series of questions, you're not going to know
9 who's going to be in charge, how it's going to run.

10 COMMISSIONER AHEARNE: The details cover what the
11 time scale is.

12 COMMISSIONER KENNEDY: That's right. Maybe after
13 all these points we'd better not say anything we haven't
14 thought about yet.

15 COMMISSIONER AHEARNE: Otherwise it -- And then
16 it will look just as though we're just trying to get an announce-
17 ment out.

18 COMMISSIONER KENNEDY: That's right.

19 COMMISSIONER GILINSKY: Well, we're just making --
20 I don't think it's unreasonable that you're going to take some
21 time to find out how to do all that.

22 (Inaudible -- multiple voices.)

23 COMMISSIONER KENNEDY: There is a natural presump-
24 tion that in fact we're going to do that. What is called for
25 is at least an indication that in fact we have thought
through the initial notes about how we would structure it,
and how it would be conducted, and what --

1 COMMISSIONER GILINSKY: Well, that's going to take --

2 COMMISSIONER AHEARNE: That's interesting. For
3 instance -- what

4 COMMISSIONER KENNEEY: It ought to take about two
5 hours. What the principal considerations are going to be.
6 Now I'm not talking about, you know, all of the fine tuning
7 of all that. That can take lots of time, and should. But in
8 terms of its fundamental objectives, the basic questions --
9 some of the things that are in your letter, John, we talked
10 about yesterday, some of those things, plus a sort of a genera
11 idea of what the structure of the operation will be, and who
12 would be in it. That we ought to be able to get together in
13 a couple of hours.

14 (Inaudible -- Multiple voices.)

15 MR. DORIE: Bernie thinks we ought to get that
16 oiled --

17 CHAIRMAN HENDRIE: By God, that's what I call
18 policy analysis.

19 COMMISSIONER KENNEDY: If it's going to take us a
20 week to do that, I do feel we should do it.

21 CHAIRMAN HENDRIE: You work for the Secretary, oil
22 the door.

23 (Laughter.)

24 CHAIRMAN HENDRIE: Mr. Powell was with the
25 President, and I said, "Well, don't bother him now."

(Laughter.)

1 CHAIRMAN HENDRIE: I thought that was a -- I left
2 word, but I don't know whether he'll be able to call back or
3 not. You know, he'll come out of that meeting with about
4 7000 things shooting around his head.

5 COMMISSIONER BRADFORD: Vic, did you (inaudible)
6 Jessica -- that addendum or not? Do we know?

7 COMMISSIONER GILINSKY: There wasn't any clear
8 answer.

9 COMMISSIONER AHEARNE: When -- Did you talk to
10 Jessica this morning?

11 COMMISSIONER KENNEDY: Well, if we don't know, that
12 letter modified that way represents our state of knowledge at
13 the time we sign it, which you know is a reasonable proposi-
14 tion.

15 COMMISSIONER AHEARNE: And I'll just go on and add
16 some of my own views.

17 (Pause.)

18 (Someone enters -- Door noise.)

19 (Laughter.)

20 COMMISSIONER KENNEDY: That one comes under Security
21 a security lock or something.

22 COMMISSIONER BRADFORD: (Inaudible.)

23 COMMISSIONER KENNEDY: Inner Sanctum, well oiled.

24 CHAIRMAN HENDRIE: Well, keeps us from being snuck
25 up on.

I guess a subject before the house is: How sure

1 are you that you want to plunge out with the letter until
2 you are able to make some contact with one or another,
3 Kay, or Matthews, or Jack Watson's office, or someone?

4 COMMISSIONER AHEARNE: I'd feel a lot more -- I
5 think I'd feel comfortable with either Paul or Kitty because
6 they're directly in that loop. I'm not sure about the others.

7 COMMISSIONER KENNEDY: You're not sure about Watson?
8 I thought he was the general coordinator of this so far.

9 COMMISSIONER AHEARNE: I'm not sure as far as the
10 energy message is concerned.

11 COMMISSIONER KENNEDY: Oh, the energy message?

12 COMMISSIONER AHEARNE: Yes.

13 COMMISSIONER KENNEDY: Okay.

14 COMMISSIONER BRADFORD: And I guess what is the
15 right loop on this question of what was in the paper?

16 COMMISSIONER AHEARNE: The New York Times,
17 probably.

18 (Laughter.)

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1 COMMISSIONER KENNEDY: What is to be achieved
2 vis-a-vis the energy message at this juncture, and the letter?

3 COMMISSIONER AHEARNE: No, my fundamental points
4 are, I believe, first, that we have to make it clear -- and
5 Vic's letter does that, also -- that we are going to do our
6 own review, independent of what anyone else does. We have our
7 own responsibilities, we must make that review.

8 CHAIRMAN HENDRIE: I agree with that, John, and I
9 think furthermore some enunciation of that intent by the
10 Commission early on -- if not today, early on, appears to me
11 to be necessary so that people just understand that that's
12 where we've got to go to fulfill our own responsibilities.

13 In itself, that very well could -- doesn't need
14 to be in a letter to the President. That could be given in
15 a statement --

16 COMMISSIONER AHEARNE: I think that that ought to
17 be a -- that's a public statement, and I think we ought to do
18 that, I guess, reasonably soon.

19 COMMISSIONER KENNEDY: Yes, but that ought to be
20 coordinated with whatever the White House is doing in this
21 regard, simply out of deference to the President, in the sense
22 that it could look, given what we've seen in the -- particularly
23 what we've seen in the press, if we just came out with an
24 announcement today, for example, it could be seen as
25 preempting, in a way --

1 COMMISSIONER AHEARNE: You're right. It has to
2 be coordinated. But it shouldn't be "coordinated" in the
3 sense of making sure that we understand each other's --

4 COMMISSIONER KENNEDY: Well, also as to its timing.
5 If the President wishes to make some announcement, we ought
6 not to, you know, to rush in a way as though we have to get
7 out there 15 minutes before he did -- that's wrong.

8 COMMISSIONER AHEARNE: That's the first purpose of
9 the letter. The timing in the letter is that -- at least it
10 is my understanding as of last night, was that his announce-
11 ment was going to be in the energy message. And in order to
12 have that take into consideration that we're going to do our
13 own, that letter would have to be there by noon today.

14 COMMISSIONER GILINSKY: Well, wait a minute. He
15 doesn't need a letter for that.

16 CHAIRMAN HENDRIE: We could make that known to --

17 COMMISSIONER GILINSKY: Just tell him.

18 CHAIRMAN HENDRIE: -- an assortment of people over
19 there.

20 COMMISSIONER AHEARNE: Victor, it has been well
21 known in the past that this Commission, if it's something in
22 writing that the Commission has said, then they're sure it's
23 going to do it.

24 COMMISSIONER GILINSKY: Let me say, if they think a
25 letter is helpful, fine. I think that part of it is entirely

1 appropriate.

2 COMMISSIONER KENNEDY: Do they -- Has there been some
3 indication that they think a letter would be helpful in this
4 regard?

5 COMMISSIONER AHEARNE: Yes.

6 COMMISSIONER KENNEDY: And why?

7 COMMISSIONER AHEARNE: Because -- Well, one reason
8 is because the Commission in the past sort of has a reputation
9 you're -- they're five individuals --

10 COMMISSIONER GILINSKY: No, no (inaudible). I
11 mean, suppose we call over there and say, look, we plan to
12 put out this announcement -- statement today --

13 COMMISSIONER AHEARNE: Oh, if we agree on what the
14 statement is going to be --

15 COMMISSIONER GILINSKY: -- and then the statement
16 would just go out.

17 COMMISSIONER AHEARNE: Oh, hey, there's no doubt
18 about that.

19 COMMISSIONER GILINSKY: And then the President
20 could say, you know, the Commission has done this, and I plan
21 to do the following.

22 COMMISSIONER AHEARNE: My point was that we have to
23 really agree.

24 COMMISSIONER GILINSKY: Oh, fine; yes.

25 CHAIRMAN HENDRIE: I didn't understand that, but I --

1 COMMISSIONER GILINSKY: You mean something on
2 paper today --

3 COMMISSIONER AHEARNE: Yes.

4 COMMISSIONER GILINSKY: -- which may or may not
5 include the letter.

6 COMMISSIONER AHEARNE: Right. And it may or may
7 not be released today, but if we --

8 COMMISSIONER GILINSKY: Right.

9 COMMISSIONER AHEARNE: -- agreed that this is what--

10 COMMISSIONER GILINSKY: Fine.

11 COMMISSIONER AHEARNE: Because I also, Dick's
12 point, I believe that if we are going to put out an announce-
13 ment, we ought to at least have that coordinated with the
14 White House, so it doesn't look at the same time like we're
15 just trying to get ahead of an avalanche.

16 COMMISSIONER GILINSKY: Okay, that's point one.
17 Everybody's agreed on that.

18 COMMISSIONER AHEARNE: Now the second point is --
19 and this may be only my personal point -- I believe that a
20 broader review is required than what we are able to do. We
21 have to focus on some specific aspects of it which are NRC
22 aspects of it. I think a broader review is required, and I
23 believe that it would help the NRC to have that broader review
24 done and not by us.

25 COMMISSIONER GILINSKY: Is there any question that

1 that point will not -- has not been made already, or that --

2 COMMISSIONER BRADFORD: I agree with John that there's
3 something to be said for our in some way making it ourselves, as
4 well, just so there's no question of whether we're dragged
5 reluctantly into it, or whether we --

6 COMMISSIONER GILINSKY: Well, wait a minute. This
7 is not a matter of being "dragged reluctantly" into anything.
8 John is talking about something which goes beyond what we do.

9 COMMISSIONER ANEARNE: That's right. But our staff is
10 going to be involved in that, and we're going to be involved in
11 that.

12 COMMISSIONER KENNEDY: And what's important about that
13 is to recognize that it may or may not occur (a); and (b) to the
14 extent that it does, it is important for us to make clear at the
15 outset that we will be cooperative and assist in any way possible.

16 COMMISSIONER AHEARNE: Well, Dick, if there's any doubt
17 that it's going to occur, then I believe we definitely ought to
18 recommend it, because I think it definitely ought to happen.

19 COMMISSIONER GILINSKY: Well, but I --

20 CHAIRMAN HENDRIE: Well, (a) I don't think there's
21 much doubt that it's going to occur. If there is any doubt,
22 it's only about the number of times that it is going to occur.

23 (Laughter.)

24 CHAIRMAN HENDRIE: The Administration, from the
25

1 standpoint of a national energy policy, simply cannot ignore
2 a thing that has made -- been in the headlines for a week and
3 running. So there will certainly be an enterprise from the
4 Administration, in effect, on behalf of the national energy
5 policy. That is, what's going on here, and what does that mean, --

6 I dare say that we are also going to have parallel
7 efforts from the Hill. I could see -- let's see, if I could
8 count, I don't know, three or four major committees who are
9 all fully capable, and probably already are sketching down
10 their -- the members of their commissions, for the investigation
11 of the whole thing.

12 COMMISSIONER KENNEDY: That only thing that's going
13 to limit this is the number of available people to do this.

14 CHAIRMAN HENDRIE: Well, unfortunately there are a
15 large number of people who are available to do it. I used to
16 be a consultant myself, and you know, if there's anything a
17 consultant enjoys, it's a good investigative commission. By
18 George, you know, people don't question your vouchers, you
19 just send them along; it's wonderful.

20 (Laughter.)

21 CHAIRMAN HENDRIE: Have you seen that cartoon of
22 the dentist? The guy's got his mouth open. He's saying, "How
23 bad is it, Doc?"

24 The Doc's leaning out the door saying "Doris, tell
25 my wife to go ahead with the Mercedes."

1 (Laughter.)

2 CHAIRMAN HENDRIE: Okay, so I'm sure it will be done.
3 I will also comment, and I think it's sort of a side comment,
4 I don't have the least doubt about the ability of this
5 Commission, or everybody else in the government or outside
6 the government, to say "we're no longer interested in this
7 subject." I have no doubt about the ability of this Commis-
8 sion to think a little bit, and then go off and commission
9 that sort of broad-ranging study from a suitable independent
10 body or bodies, and then simply to stand back and order the
11 staff to be fully cooperative, and let it go forward, and let
12 the report issue as it will.

13 We could certainly do that. I think the circum-
14 stances are such that there will be other investigations and
15 reviews mandated that make it unnecessary for us to do that, but I
16 have no doubt that we could do it, and that it would be a fair
17 and impartial job.

18 COMMISSIONER AHEARNE: I think we could do part of
19 it, Joe. I don't think we could really get at the State of
20 Pennsylvania and the White House by a study.

21 COMMISSIONER GILINSKY: Well, but this puts us in
22 the position of recommending --

23 COMMISSIONER AHEARNE: In other words, to that
24 extent where an emergency response procedures really have to
25 get at the operations of the State of Pennsylvania and the

1 operations of the White House, an independent study task force
2 might not be able to get at that. All the rest of it I would agree.

3 But as you put out, as your premise --

4 CHAIRMAN HENDRIE: You know, I don't think it's
5 going to be -- we're going to find ourselves required to
6 exercise it.

7 All right, well, dear me.

8 (Pause.)

9 COMMISSIONER BRADFORD: There is a semantic change
10 that I could live with in either letter. I think I'd have as
11 slight preference for John's, if you phrase it that "we concur
12 in" either the need for a blue ribbon panel or the need for
13 an investigation of. Then I think you would have a set of
14 words which covers almost whatever is involved -- either has
15 or hasn't been announced.

16 If nothing's been announced, then we're saying that
17 we agree with the need for it among ourselves. If something
18 has been announced, then in fact we agree with the announce-
19 ment.

20 COMMISSIONER AHEARNE: I could live with that, but
21 I would stress the "blue ribbon panel," rather than -- there's
22 the one thing that someone read in the paper that's a little
23 disturbing. The approach is going to be to set up representa-
24 tives from just the federal agencies to deal with it.

25 MR. BICKWIT: That is the Times story.

1 COMMISSIONER AHEARNE: Yes, and I don't think that's
2 the right approach. That sounds more like the group task force
3 that got running (inaudible) the situation.

4 CHAIRMAN HENDRIE: I don't know.

5 COMMISSIONER AHEARNE: This is probably a less
6 consequential issue than the other things.

7 CHAIRMAN HENDRIE: Yes.

8 Let's see. It would also be possible for you to
9 form the essence of what is additional in yours over Vic's
10 in probably to a paragraph, which could add, if the majority
11 decided, to go over here.

12 COMMISSIONER AHEARNE: Absolutely.

13 CHAIRMAN HENDRIE: If some other majority of us
14 decided to have a letter.

15 COMMISSIONER AHEARNE: Yes.

16 (Laughter.)

17 COMMISSIONER AHEARNE: Absolutely.

18 COMMISSIONER GILINSKY: In the absence of a letter,
19 you can send a letter.

20 COMMISSIONER AHEARNE: (Laughing) That's true,
21 which I will.

22 CHAIRMAN HENDRIE: And, let's see.

23 COMMISSIONER KENNEDY: This reminds me of discus-
24 sions of legislation.

25 COMMISSIONER GILINSKY: Yes. I mean, the question

1 here isn't whether it's a good idea, or whether someone ought
2 to be looking into -- you know, looking over our shoulder.
3 It is a good idea.

4 The question is: Should we be the ones who are
5 rushing forward concerning that?

6 COMMISSIONER AHEARNE: I don't think this is rushing.

7 COMMISSIONER KENNEDY: It seems to me we need to
8 decide if there's going to be a letter.

9 If a letter is called for, if it is to do any good
10 other than -- look like a CYA enterprise, which I don't gener-
11 ally like to participate much in, it needs to go out this
12 morning. Otherwise, then there are other approaches to be
13 taken to the problem: (a) an indication in a telephone call by
14 you to Mr. Watson that that's what we're doing, we stand ready
15 to assist in any board or enterprise which the President or
16 others may feel appropriate; meanwhile, back on the ranch,
17 we're preparing and would like to issue a statement indicating
18 the nature of an investigation which we ourselves are commis-
19 sioning concerning the range of activities in which we are
20 directly concerned which have any effect on this issue.

21 COMMISSIONER GILINSKY: I think that is what I would
22 like.

23 COMMISSIONER KENNEDY: That's, I guess, what I would
24 like, too.

25 Then that, if we're in that mode, then it seems to
me the next step is, before you can issue any statement, (a) yo

1 have to decide what it's going to say; and (b) in order to
2 do that, you at least have to have the conceptual framework
3 of the investigation or enterprise that you're going to
4 undertake. It has to have at least the general outline of
5 the structure and its basic purposes.

6 Now that does not -- in that initial cut, if they
7 are done properly and broadly enough, they will cover any
8 additional variations that one needs to take account of as he
9 begins to spell it out in great detail.

10 But you can't go out with an announcement without
11 at least that initial framework which outlines (a) the
12 structure of the thing; (b) it's purposes, and it probably
13 ought to say who you want -- who are you going to propose to
14 do it.

15 Now getting to that latter, it seems to me that the
16 words of the Congressional Charter of 1863 for the National
17 Academy of Sciences, which reads: "The Academy shall, whenever
18 called upon by any department of the government, investigate,
19 examine -- "department of the government," it should then
20 recalled, there weren't anythings in the government then
21 except a handful of departments; they hadn't thought of the
22 multi-tier of institutions since created -- "whenever called
23 upon by any department of the government, shall investigate,
24 examine, experiment and report upon any subject of science or
25 art." And it seems to me it is a recognized independent body

1 of the highest order of scientific and engineering skills and
2 talents whose independence I think to be unquestioned, and
3 whose competence certainly can't be questioned, and whose
4 ability to call upon throughout the country the full range
5 of expertise necessary to do all sorts of --

6 COMMISSIONER AHEARNE: Why do go to NAS instead of
7 NAE?

8 COMMISSIONER KENNEDY: Well, I don't know. Maybe
9 there are some issues here that extend beyond the engineering
10 discipline.

11 In any event, the Academy could certainly go to
12 NAE for whatever assistance or participation it would want.

13 COMMISSIONER GILINSKY: We seem to be talking about
14 two things. It seems to me, first of all, that the NRC itself
15 has got to look into this accident, and we're going to do that.

16 COMMISSIONER AHEARNE: Absolutely.

17 COMMISSIONER KENNEDY: Yes.

18 COMMISSIONER GILINSKY: We're going to sit down and
19 work out the sequence and see what it means, and see what
20 happens, and (inaudible) our regulations and our procedures
21 in other reactors, and a whole bunch of other things -- our
22 ability to handle emergencies, and so on.

23 CHAIRMAN HENDRIE: And gathered into that effort
24 will be, I would think, the ACRS commentary and advice on it,
25 and certainly there will be consultants pulled in to aid the

1 staff effort. So that's --

2 COMMISSIONER GILINSKY: Right. And we may want to have
3 some kind of a group that supervises this that includes non-
4 NRC.

5 COMMISSIONER AHEARNE: On the Browns Ferry, did you
6 have anybody from the outside?

7 CHAIRMAN HENDRIE: I don't know.

8 COMMISSIONER GILINSKY: I don't think so.

9 CHAIRMAN HENDRIE: Al?

10 MR. KENNEKE: I don't think so. I think they
11 had some consultants --

12 MR. SNYDER: Consultants.

13 COMMISSIONER GILINSKY: We had consultants. But
14 you seem to be talking about -- what Joe earlier suggested is
15 a possibility, if no one else took an interest.

16 (Laughter.)

17 COMMISSIONER AHEARNE: I wouldn't be surprised --

18 COMMISSIONER KENNEDY: It's not only a possibility,
19 it is -- it's in the interest of the agency, it seems to me,
20 and the science and engineering involved, to have the highest
21 order of independent review of the question.

22 COMMISSIONER GILINSKY: But this sounds to me like
23 an audit, or an oversight --

24 COMMISSIONER AHEARNE: It's more like what any
25 Presidential --

end D

1 COMMISSIONER GILINSKY: -- with the primary effort,
2 which is the NRC effort, which is going to involve 100 guys,
3 or I don't know how many --

4 COMMISSIONER KENNEDY: That's true, and in fact in
5 my own view those two things, when you use -- I don't like
6 "audit" -- it depends on how you're using it. If you mean by
7 "audit", you know, these guys sit back and whatever they do
8 in the normal course, they continue doing it until our guys
9 are all finished, they take a look at this and say, "Gee, I
10 wish they'd done that," that doesn't help you very much.

11 It seems to me that what I'd like to see them do
12 is working along at the same time, so that it's almost as
13 though they were doing the thing all by themselves, but what
14 they're doing is -- they are, in a sense, but instead of going
15 out and collecting the data all by themselves, they're calling
16 upon our people who are already putting that data together to
17 deliver it to them, as well as to our own study.

18 COMMISSIONER GILINSKY: Are you talking about two
19 separate reviews here?

20 COMMISSIONER KENNEDY: Yes, uh-huh.

21 COMMISSIONER GILINSKY: I guess I'd want to think
22 about that one. But there's no question that the first
23 one --

24 COMMISSIONER KENNEDY: There's no question about it
25 obviously.

1 COMMISSIONER GILINSKY: And I expect that everyone
2 else who looks at it is going to be working off that base
3 effort, either looking over their shoulder, or whatever --

4 CHAIRMAN HENDRIE: Accumulated displays data, and --

5 COMMISSIONER GILINSKY: That's right.

6 COMMISSIONER KENNEDY: Sure.

7 COMMISSIONER GILINSKY: I mean, that would be a --

8 COMMISSIONER KENNEDY: What I'm trying to do is,
9 in a sense, collapse time frames, because you can do these
10 sequentially, you know, like forever, but I think you can
11 collapse time frames rather substantially if you recognize
12 them to be in a parallel but slightly sequentialized mode.

13 COMMISSIONER GILINSKY: But now suppose there is --

14 COMMISSIONER KENNEDY: So that our activity is
15 proceeding a bit ahead, but these guys are doing their own in
16 a parallel movement, so that they wind up almost at the same
17 time we do.

18 CHAIRMAN HENDRIE: Well, I -- you know, in many
19 ways, I think Vic's right; that that Academy level looks an
20 awful lot like what appears inevitably to be constituted by,
21 say, the Administration, or -- and the Congress, or the
22 Congress, you know.

23 COMMISSIONER GILINSKY: There you are beginning
24 to preempt.

25 CHAIRMAN HENDRIE: Well, to the extent that they
reach out --

1 COMMISSIONER GILINSKY: And we don't want to
2 involve the Academy.

3 COMMISSIONER AHEARNE: Don't want to what?

4 COMMISSIONER KENNEDY: Don't want to what?

5 COMMISSIONER GILINSKY: Don't want to involve
6 the Academy.

7 COMMISSIONER KENNEDY: But, you know, if they do,
8 splendid. But, you know, if they don't -- what I'm saying is,
9 if they don't --

10 COMMISSIONER GILINSKY: A lot of consultants are
11 going to be getting double --

12 COMMISSIONER KENNEDY: If they don't consult the
13 Academy, I think we should.

14 CHAIRMAN HENDRIE: What a time to be trapped in
15 the government.

16 (Laughter)

17 COMMISSIONER KENNEDY: If they don't -- what I'm
18 trying to say is, if they don't involve the Academy --

19 COMMISSIONER AHEARNE: Depending on how that works
20 out you may not have that problem.

21 (Laughter)

22 CHAIRMAN HENDRIE: How fast could I get business
23 cards printed?

24 (Laughter)

25

1 COMMISSIONER GILINSKY: Well, when I spoke of
2 announcing something, I would announce that basic NRC effort
3 and propose to them that that's what we would like to do.
4 And I would leave for the moment --

5 (Inaudible background discussion)

6 CHAIRMAN HENDRIE: Listen, when you're in the
7 consulting business, why you leave cards --

8 (Laughter)

9 CHAIRMAN HENDRIE: I used to go up and put them
10 into the intake ducts in the ventilators.

11 (Laughter)

12 CHAIRMAN HENDRIE: Even if you only get a 1 percent
13 yield, why it's something.

14 COMMISSIONER KENNEDY: Okay, we're back to the
15 basic question, which was: Do we write a letter? Or do we
16 handle it in the other mode? Which is --

17 COMMISSIONER GILINSKY: Well, whatever we do, we
18 want to talk to them first.

19 COMMISSIONER KENNEDY: Yes.

20 CHAIRMAN HENDRIE: I would -- I just feel, you
21 know, I would feel very uneasy launching a letter, in effect,
22 in the blind, not knowing where they believe they are. So I
23 think --

24 COMMISSIONER AHEARNE: Right, absolutely, I would
25 agree with that.

1 CHAIRMAN HENDRIE: Various people have been talking
2 to various people over there --

3 COMMISSIONER BRADFORD: Trying to.

4 CHAIRMAN HENDRIE: -- or trying to, and, you know,
5 maybe we ought to continue that effort.

6 COMMISSIONER KENNEDY: Let me note that I have not.

7 COMMISSIONER GILINSKY: But you have been talking to
8 people who have.

9 (Laughter)

10 COMMISSIONER KENNEDY: And as usual, getting at
11 least three and sometimes four stories about what they said,
12 none of which agrees with the other.

13 CHAIRMAN HENDRIE: Well Dick, you do seem to be a
14 minority of one in this matter, and --

15 COMMISSIONER KENNEDY: You're correct. And I might
16 say also that in that respect I'm not uncomfortable, because
17 I may be the only one not encumbered by a confusion of the
18 facts.

19 CHAIRMAN HENDRIE: What you have to realize is
20 that there are more people in the Administration to talk to
21 than there are Commissioners, and it's unfair of you not to
22 take --

23 (Laughter)

24 COMMISSIONER KENNEDY: If someone would assign some
25 to me, I'll be glad to.

 COMMISSIONER AHEARNE: Frank Moore.

1 COMMISSIONER KENNEDY: Fine.

2 CHAIRMAN HENDRIE: Well, presuming that our presence
3 here doesn't prevent anybody from falling back, I assume all
4 our offices will sprint in to say that so-and-so is on the
5 phone, rather than saying he's in a meeting. Do I have an
6 assistant left?

7 COMMISSIONER AHEARNE: They're all here.

8 COMMISSIONER BRADFORD: That is going on --

9 CHAIRMAN HENDRIE: Let's make sure that that's the
10 case, okay, though?

11 COMMISSIONER KENNEDY: I also would like --

12 CHAIRMAN HENDRIE: I have a notion --

13 COMMISSIONER KENNEDY: -- independently of this
14 particular meeting, I would like to pursue the evidence
15 which -- and I use that word sort of advisedly -- the
16 evidence which suggests that the Commission has spoken in the
17 past, and then changed its view.

18 COMMISSIONER AHEARNE: No, I didn't say they've
19 spoken. I'm saying --

20 CHAIRMAN HENDRIE: No, no, that was something
21 different. You know, I know what John means. It's just that
22 when we talk individually to people in the Administration,
23 why they have to recognize -- and I think we ought to prompt
24 them to recognize -- that it's an individual recommendation.

25 COMMISSIONER KENNEDY: I would hope that they
would recognize that.

1 CHAIRMAN HENDRIE: On the other hand --

2 COMMISSIONER KENNEDY: That's splendid. I'm
3 delighted they do recognize that. That's excellent.

4 COMMISSIONER AHEARNE: And that was exactly my
5 point, and so therefore --

6 COMMISSIONER KENNEDY: In such a case, the way to
7 solve that problem, if we should speak to them, is the
8 Chairman speaks, noting that he is doing so on behalf of
9 the Commission, which is sort of what the statute suggested.

10 CHAIRMAN HENDRIE: Yes. I think verbal communica-
11 tion by the Commission is perfectly feasible, but you just
12 have to make clear whether this is now a collegial position
13 that's going or whether it's an individual Commissioner's
14 feeling. Now I understood that, John.

15 COMMISSIONER KENNEDY: The drafters of the initial
16 statute recognized those difficulties when it conveyed certain
17 responsibilities and powers to the Chairman.

18 COMMISSIONER AHEARNE: I had spoken to the Chairman
19 before.

20 CHAIRMAN HENDRIE: If not the original drafters,
21 why the amenders, who conspired the year after.

22 What about -- let's see. I'll tell you what.
23 Rather than us attempting to do drafting, what I was going
24 to suggest was that you could usefully focus a little bit on
25 the -- on a sort of scope of the staff ACRS consultants,
you know, the sort of in-house effort.

1 But I guess, rather than us sitting here and
2 trading ideas much further, I think it would be useful --
3 why don't we ask OPE to try to put some items, sort of a
4 one-page --

5 COMMISSIONER KENNEDY: Carl already did something
6 along those lines.

7 COMMISSIONER AHEARNE: Carl reached the conclusion of
8 a blue ribbon panel, which I felt was an insightful and
9 masterful suggestion.

10 COMMISSIONER GILINSKY: Did he have any help?

11 COMMISSIONER AHEARNE: No, no.

12 COMMISSIONER KENNEDY: This agreed with my views
13 in general. Also, I thought he'd done a magnificent piece
14 of work. But that isn't -- The only question is whether we
15 have to tell someone else how to do that, the only question.

16 COMMISSIONER BRADFORD: Well, it's --

17 CHAIRMAN HENDRIE: I called him -- I called him
18 this morning to make sure that, in the case that was discussed,
19 that he knew about the thing I'd reported to you, that the
20 State said, you know, wait a minute. If you want us to do
21 anything on four -- any kind of evacuation on four-hour
22 notice, why, you know, choose options A, B, or C, and it's
23 1 mile, 5 miles, 10 mile circle, and that's it; you haven't
24 got any other options.

25 But I think there have been now discussions back
and forth with Pennsylvania's Col. Henderson, and Don Collins

1 and Brian is familiar with that, and so they are beginning
2 to, you know -- and as I said, if you're talking about
3 something that you're going to do two weeks down the line,
4 so there's -- why then I think it's --

5 COMMISSIONER GILINSKY: So they are in contact,
6 and that's being handled one way or another.

7 CHAIRMAN HENDRIE: Yes. And Brian understands
8 this now, you know. He understands it, so that whatever
9 he says in this briefing will take account of this point.

10 I think, provided they don't get to running in
11 different directions in unhelpful ways, why I think -- you
12 know, and having HEW poke in, and the FDA poke, and the EPA,
13 and so on -- it's a helpful proposition, particularly if
14 all the health experts get together down there and they can
15 get together on which measurement they believe and which not.

16 What I was going to say about Carl's thing was that
17 that's what more broadly than I think -- than we're talking
18 about here, and I think what we're talking about here is the
19 in-house effort.

20 And, Al, you will need to talk to Case and the
21 people out in the staff. Case, Davis is down there, Lee.
22 You can't -- you know, you can't command too much time
23 because the people in the Operations Center are going to
24 point out that, you know, the whole thing has not precisely
25 gone away at Three Mile, and while it's great to think ahead,

1 that doesn't mean you can take people off of what's going
2 on at Three Mile.

3 I think -- you know, I think their thoughts on the
4 scoping of the in-house review of this matter are essential
5 and it may take a bit to -- take a little time to --

6 COMMISSIONER GILINSKY: Do you remember how long
7 the Browns Ferry effort took? You probably ought to multiply
8 that by a factor of two.

9 COMMISSIONER KENNEDY: It seems to me like ah, it
10 was about four or five months, I think. Isn't that about
11 right?

12 COMMISSIONER GILINSKY: I guess this one ought
13 to be a year.

14 COMMISSIONER KENNEDY: Isn't that about right?
15 Is that your recollection, Bernie?

16 MR. SNYDER: I don't remember, I wasn't with the
17 agency at the time of the Hanauer Report, but that
18 sounds about right.

19 COMMISSIONER KENNEDY: It seems to me it was about
20 four or five months, for the Hanauer thing.

21 MR. KENNEKE: They reported in September as I recall
22 and the time was April.

23 COMMISSIONER KENNEDY: Yes, that's it.

24 COMMISSIONER AHEARNE: I've got a package, a memo
25 on that, I'm going to give to you, Al, and to the others,
I wrote last night. It puts out some of the things I

1 thought ought to be in, what kind of structure --

2 COMMISSIONER GILINSKY: But -- well, let's think
3 about -- I mean, suppose we do get to the point of saying,
4 or being in a position where it's okay to say something
5 today, how much do we really have to say?

6 CHAIRMAN HENDRIE: Not as much, by any manner of
7 means, as I would expect OPE would begin to pull together, and
8 so on. Nevertheless, I think it would be helpful in terms of
9 our thinking about what we had in mind when we say "an in-house
10 review," and I think some indication of the things we were
11 going to go after -- a non - you know, a loose one, a list
12 which is not --

13 COMMISSIONER AHEARNE: We need to get it started.

14 COMMISSIONER GILINSKY: Yes.

15 CHAIRMAN HENDRIE: -- all inclusive.

16 COMMISSIONER GILINSKY: But I think we also need --

17 COMMISSIONER AHEARNE: I didn't mean to get the
18 review started. We need to get the thinking on the structuring
19 started.

20 COMMISSIONER GILINSKY: Okay, how long is this going
21 to take?

22 MR. BICKWIT: Well, one of the problems would be -
23 is to get (inaudible)

24 COMMISSIONER AHEARNE: Well, Al ought to be --

25 MR. KENNEKE: Today. We could make an initial shot
today.

1 COMMISSIONER AHEARNE: Well, why don't you take a
2 little longer than that - do it tomorrow.

3 COMMISSIONER GILINSKY: Well, but it would be nice
4 if today we had a kind of rough cut at this that is just
5 satisfactory for our purposes.

6 CHAIRMAN HENDRIE: You mean in terms of a possible
7 public announcement.

8 COMMISSIONER GILINSKY: Yes.

9 CHAIRMAN HENDRIE: Sort of a one-page press release.

10 COMMISSIONER GILINSKY: Right. No more than that.
11 Absolutely.

12 CHAIRMAN HENDRIE: That said today we intended to
13 carry out --

14 COMMISSIONER GILINSKY: We've got a bunch of
15 people working on, you know, the scope of it, and --

16 COMMISSIONER AHEARNE: The "scope" of it, not
17 "on" it.

18 CHAIRMAN HENDRIE: Al, you might sort of as the
19 lead argument --

20 COMMISSIONER KENNEDY: I think you need to be very
21 careful about that, you know. If all you say -- you want to
22 be careful about how you phrase anything. If you go out
23 with something that suggests -- what you have decided is you're
24 going to make a big study, but you haven't decided on how to
25 do it or what it's going to cover "yet," you're making a
mistake, I believe.

1 You ought to be able to have the basic conceptual
2 framework of the thing already spelled out.

3 COMMISSIONER GILINSKY: Well, suppose somebody
4 asked you right now, "Are you going to do a study?"

5 Your answer would be of course we're going to do it.

6 COMMISSIONER KENNEDY: Of course we're going to study
7 it, yep.

8 COMMISSIONER GILINSKY: Well, I'm thinking of it
9 in terms of that, "of course we're going to do it."

10 COMMISSIONER KENNEDY: Yes, but when you issue a
11 press release, you're immediately going to get 45 questions.
12 You know, "Who's going to do this?" "Who's going to head it?"
13 "When's it going to start?" "When is it going to be finished?"
14 "What's it going to cover?" "How many people are going to be
15 involved?"

16 Now if you don't know the answers to any of those
17 questions, somebody's going to say -- you don't have to have
18 them in precise terms, but you've got to have them in enough
19 terms that it looks like you've really thought about it and
20 just haven't put a press release out for the sake of putting
21 a press release out. That's the point.

22 And that, I think, can be done.

23 COMMISSIONER GILINSKY: How long --

24 COMMISSIONER KENNEDY: But I think it would take
25 good smart guys like Al about two hours to do that.

 MR. SNYDER: Well, except I think we need to talk to
Gossick and Case.

1 COMMISSIONER KENNEDY: Of course.

2 MR. SNYDER: -- and that takes a little time.

3 COMMISSIONER KENNEDY: All right, four hours.

4 Double it. How's that?

5 CHAIRMAN HENDRIE: It may be longer. Lee, at the
6 moment, is trying to figure out what to do with 280,000
7 gallons of toilet flushings and industrial waste.

8 COMMISSIONER AHEARNE: Yes. We really have to
9 separate getting ready for the review that we're going to
10 have to do. We can't start interfering with the guys who are
11 still trying to get that reactor down and get all of those
12 subsidiary problems related to potential releases in hand.

13 And they've got so many hours in the day. There
14 are only so many things they can concentrate on. And you
15 can stretch them to the point where I think you will find,
16 when people review what happened, that we started interfering
17 with their processes.

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1 COMMISSIONER KENNEDY: You mean, we continue
2 to interfere with their process.

3 COMMISSIONER AHEARNE: The friction increases.

4 COMMISSIONER KENNEDY: Yes.

5 COMMISSIONER AHEARNE: The impact level --

6 CHAIRMAN HENDRIE: Yes, there are going to be --
7 both in terms of what we feel a need to get moving and what
8 others will try to impose on us in the way of hearings, there
9 is from now on going to be a steadily increasing pressure of
10 that kind of stuff, and we're going to protect the integrity
11 of the technical support effort at Three Mile Island with
12 great difficulty.

13 COMMISSIONER AHEARNE: That's right. But that's
14 why I think that Al and his people can take that cut, and
15 then as prudently as possible get Ed and those guys to look
16 at it.

17 MR. SNYDER: Let me comment that I spent early
18 yesterday morning through the middle of the day with Ed Case
19 in this concern. There was opportunity to have side
20 conversations.

21 I mean, it's not as though it was the way it was
22 on Saturday night and early Sunday morning where there was
23 no opportunity, things would happen.

24 (Simultaneous background discussion)

25 CHAIRMAN HENDRIE: If you can go out there and
sit there and when something comes up, you back off, and he

1 does that, and it's straightened out, and then you get a lull.

2 MR. SNYDER: He just tells you to be quiet; that
3 was the position --

4 CHAIRMAN HENDRIE: You get a lull, and you can
5 kick around the subject.

6 MR. KENNEKE: I suspect Steve Hanauer has already
7 begun thinking about this, in light of his current
8 (inaudible) and experience.

9 COMMISSIONER AHEARNE: That would also be very
10 valuable, because he's already been through the --

11 MR. KENNEKE: I'd think just a call out there to
12 Steve and have him put the others on sort of mental notice,
13 if they're not already, and that we'll be calling them back for
14 input, and then we'll draft something they can take a look
15 at.

16 CHAIRMAN HENDRIE: I think -- look. I think the
17 mode ought to be --

18 MR. SNYDER: No, I don't think you ought to do it
19 on the phone.

20 CHAIRMAN HENDRIE: -- you go out to the Response
21 Center and stand there, and when they have time and the energy
22 to turn to have a word with you, they'd do it, so long as
23 you don't bother them.

24 VOICE: Right. A phone call to warn them that it's
25 coming; that was my own thought. Just to put them on mental
alert, if they're not already.

1 CHAIRMAN HENDRIE: Why don't you just go out and
2 explain what you're doing. They've got more phone calls to
3 be mentally alerted than they can goddamn well stand. And
4 furthermore, Hanauer better be spending a good part of his
5 time on when we're likely to start having further instrument
6 difficulties in the radiation field in that containment, and
7 what exactly we're going to do for each of the essential
8 instrument systems to be able to operate the system if they
9 do go out.

10 And let me tell you. There ain't a great deal
11 we've talked about this morning that I would regard as
12 comparable in pertinence to the public health and safety.

13 COMMISSIONER KENNEDY: Correct.

14 CHAIRMAN HENDRIE: So, you know, if Steve tells
15 you to get the hell out or, you know, he'll cripple you,
16 why go -- you know, go quietly.

17 COMMISSIONER KENNEDY: Choose either to leave or
18 be crippled. Don't offer another alternative.

19 (Laughter)

20 CHAIRMAN HENDRIE: I think his experience is
21 extremely valuable, and I think he will be glad to talk
22 to you, and on the kind of basis that Bernie has outlined,
23 I think that is a practical --

24 I was out there the other night when we felt we
25 were going to lose the pressurizer level, and he and Warren
Owen were on the phone figuring out to run the systems solid.

1 You did not interfere with those deliberations (inaudible).

2 Okay, well, go and try as best you can - all right?

3 Let us see the early cuts, and the later cuts.

4 Let me raise the question, because maybe, until
5 we get some sense back -- would Peter --

6 COMMISSIONER AHEARNE: He's on the line.

7 COMMISSIONER GILINSKY: Let me ask you -- let me
8 just go back to the previous point, on this memo we prepared,
9 getting together with the State and all that -- is
10 there anything more that needs to be done? Or is that
11 being, you know, matching the scenarios --

12 CHAIRMAN HENDRIE: I don't know what's going on
13 there. That was kind of -- you have to leave. I think --

14 COMMISSIONER GILINSKY: I will get John to --

15 COMMISSIONER AHEARNE: What is that?

16 COMMISSIONER GILINSKY: Well, we turned out this
17 memorandum, and then it doesn't match up with the State plans -

18 COMMISSIONER AHEARNE: Oh, you mean the 1-5?

19 COMMISSIONER GILINSKY: Yes: Why don't we just
20 follow that up and find out what's going on.

21 CHAIRMAN HENDRIE: I think probably Brian is,
22 because when I told him to watch out, that the State had
23 this problem with our scenarios, why he had heard about it
24 and he was looking --

25 COMMISSIONER GILINSKY: Does he know who to get
together with?

1 CHAIRMAN HENDRIE: Brian knows enough about the
2 subject to know who to pat, and where to go, and he's got
3 enough sense to make it come out.

4 I would just give him a call on it.

5 COMMISSIONER GILINSKY: Okay, well, he's going to
6 be back here.

7 CHAIRMAN HENDRIE: When he gets back, then we can
8 ask him.

9 COMMISSIONER AHEARNE: What are we going to do
10 with this order?

11 CHAIRMAN HENDRIE: Yes. I was going to say, do we
12 have a -- if we have a moment, what do we do with the order?

13 In the language as constituted, Len, I underlined
14 some things that have got to come out if we do it.

15 COMMISSIONER KENNEDY: Could we talk about the
16 general question of an order and its pros and cons?

17 COMMISSIONER GILINSKY: That's right.

18 COMMISSIONER AHEARNE: Yes, because I was kind of
19 surprised to see it.

20 COMMISSIONER KENNEDY: Me, too.

21 COMMISSIONER AHEARNE: What was the need for it?

22 COMMISSIONER KENNEDY: Yes. What is the felt need
23 here?

24 CHAIRMAN HENDRIE: Somebody -- somebody raised the
25 question --

1 COMMISSIONER KENNEDY: What question -- what
2 question is this the answer to?

3 MR. BICKWIT: The question is: Is it conceivable
4 that there would be circumstances under which the utility
5 and the Commission might disagree, and the utility might
6 not feel bound to honor the Commission's judgment?

7 COMMISSIONER GILINSKY: Well, maybe that's the time
8 to --

9 MR. BICKWIT: That's the answer we were trying to
10 zero in on.

11 CHAIRMAN HENDRIE: The question you were trying to
12 answer.

13 Let me tell you how I see the configuration. The
14 licensee agrees, the plant super agrees, DeCamp and everybody
15 agrees, that Harold Denton or his designee is empowered, in
16 writing or verbally, to issue an immediately effective order
17 on behalf of the Government of the United States that's
18 binding with the force of law on everybody up there that works
19 in that plant.

20 There's nobody who has any question about that.
21 I talked to DeCamp about it, and Jack Herbein, and it is
22 absolutely clear.

23 Now that means that -- and Harold has said, "Don't
24 make significant safety related evolutions without checking
25 with our people." They don't have to check with Harold, just
cognizant staff on this issue.

1 I think that's -- as I think of it, that's the
2 better configuration to be in than to issue an order saying
3 that -- that may sweep too far, the question that Harold
4 raised.

5 (End Side C)
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1 ~~go forward vigorously. The decision when to try to make~~
2 ~~that step is still to be made.~~

3 MR. DENTON: (Inaudible) tells me that he does not
4 have the technicians, cannot buy the staff, (inaudible)
5 yesterday, to make a lot of headway toward getting that auxil:
6 building suited up for RHR operations. I made him feel that
7 should consider requesting laboratory DOE help from whoever
8 getting there, and as a first step we agreed to meet again to
9 after the building has been surveyed -- (inaudible).

10 CHAIRMAN HENDRIE: Right. Well, you know, I
11 think clearly it's very desirable to get --

12 (Side A ends at this point. Side D begins as
13 - follows:)

14 CHAIRMAN HENDRIE: -- all decisions relevant --
15 oh boy. That means, in principle and legally, they could be
16 considered not to be able to make immediate and necessary
17 little adjustments necessary to operate the plant without
18 our checkoff.

19 And even if you back that phrase out, as, you know
20 some of the markings-up did, and go on to the language,
21 "representatives of the licensee shall take no action of
22 safety significance relating to the present emergency," or the
23 other option which is they change their rate of release--
24 (inaudible).

25 COMMISSIONER KENNEDY: That was the one that Harold

specifically addressed himself to and said --

1 CHAIRMAN HENDRIE: Until after they've consulted
2 with and obtained concurrence. There's a question whether
3 you're binding the system --

4 COMMISSIONER AHEARNE: Too much.

5 COMMISSIONER KENNEDY: Yes. That's what Harold
6 was concerned about.

7 CHAIRMAN HENDRIE: -- unnecessarily.

8 COMMISSIONER GILINSKY: Well, usually in circum-
9 stances when you send orders, you're not there with 100
10 people to watch it all.

11 COMMISSIONER AHEARNE: Yes, but we are.

12 CHAIRMAN HENDRIE: Yes.

13 COMMISSIONER GILINSKY: Well, what I'm saying is,
14 we're right there in force and --

15 COMMISSIONER AHEARNE: I'm still trying to
16 grope for it. Where did -- why was --

17 COMMISSIONER KENNEDY: Yeah. Why?

18 COMMISSIONER GILINSKY: Well, I think -- to make
19 unambiguous --

20 MR. KELLEY: Can I respond to that? Can I respond
21 to that?

22 COMMISSIONER AHEARNE: Someone thought there was a
23 problem. Yeah, please.

24 MR. KELLEY: Okay. The question -- frankly, I thin
25 maybe we should have come up with the suggestion last Thursday
it might have been more timely. But the point is that we have
been asked -- we have not talked to the Commission. Vic

called me Friday morning and said, "Look, can we call the
1 shots up there or not?" And I said, "Yes." And I think
2 that's our unanimous view. But that's not the world's
3 unanimous view outside of Three Mile Island, according to
4 the newspapers. Senator Hart is saying, "Gee, the NRC
5 may not have the authority it needs, and I'm going to
6 introduce legislation." I had a call yesterday from DOE.

7 COMMISSIONER AHEARNE: Yeah, but that's all right
8 If he introduces legislation, then there's the normal legis-
9 lative process where the issues get argued, debated, and --

10 MR. BICKWIT: I think the newspapers were what
11 prompted us.

12 MR. KELLEY: Well, that's part of it, I was talking--

13 MR. BICKWIT: I wanted to know whether those
14 were accurate.

15 COMMISSIONER AHEARNE: Yeah, you're right. The
16 newspapers (inaudible) have been very fond of picking on this.

17 MR. KELLEY: All right, I was talking yesterday to
18 Dave Vardine (phonetic). He says, "Who's in charge up there?
19 Can't you guys call the sjpts?" What's the answer to that
20 question?

21 COMMISSIONER AHEARNE: And it's --

22 MR. KELLEY: Okay, and moreover, if you have -- if
23 you have a situation where there is some question about who
24 wins an argument, that ought to be clear, it seems to me.
25 Now you're still in the situation where things

1 look better, but you've got decisions to be made, tomorrow,
2 and the next day, and the day after that. And the time may
3 well arise, when someone will say, "Well, was it clear?"

4 And if everybody is satisfied it's clear, then
5 that's one thing. But I think we feel an obligation to at
6 least raise it and say, "Look, you've got the authority to
7 take that place over all the way down to the minor decisions."

8 And you may decide that you don't want to do that
9 for good and sufficient reasons, but there shouldn't be any
10 question that you can do it.

11 And there has been question.

12 MR. BICKWIT: The question is: Is it CRITICAL.

13 VOICE: I think it's not timely, that's my
14 problem. You know, I think that the concept is right, and
15 I think -- and it definitely does have to be clarified for
16 emergency procedures, because it was not clear to our people
17 that first day.

18 But that was -- but there's a difference now that
19 we're there en masse. I don't think there's any doubt.

20 COMMISSIONER KENNEDY: There are different questions.
21 It's one thing to say the licensee can't take step A without
22 our approval. It's a different thing to say "we take over
23 and run the reactor."

24 MR. BICKWIT: No, we don't --

25 MR. KELLEY: Absolutely. Ant the latter may be a
mistake.

1 COMMISSIONER KENNEDY: What's where some of --
2 that's right. Although there are a lot of reasons for that.

3 MR. KELLEY: So you take a narrower
4 approach.

5 COMMISSIONER KENNEDY: Yes.

6 MR. KELLEY: But it ought to be clear
7 that the basic safety decisions -- should we let all the
8 water out, or should we sit there another week -- is up to
9 Harold Denton, and that's his decision.

10 COMMISSIONER KENNEDY: So far as I know, that is
11 clear, and --

12 MR. KELLEY: If everybody's satis-
13 fied that is the case, then arguably you're better off
14 without an order.

15 COMMISSIONER KENNEDY: What is your impression?
16 That is my impression. That's what Harold said was the case.

17 CHAIRMAN HENDRIE: As long as Harold feels that
18 an order -- that he doesn't need an order, and that indeed
19 it could be interpreted in some ways as being more -- being
20 a deterrent on an effective management of the system, why
21 then I would not --

22 MR. BICKWIT: Well, that's our judgment, also. We simply
23 wanted that issue addressed.

24 COMMISSIONER AHEARNE: I'd really have to go with
25 Harold's judgment.

COMMISSIONER KENNEDY: Mine, too.

MR. BICKWIT: So would we.

CHAIRMAN HENDRIE: Okay, I think -- well, we've got draft language to work further on if we change --

MR. BICKWIT: You still, I understood from your conversation with Harold that you would be talking to some of the utility people--

CHAIRMAN HENDRIE: Yes, depending on how his conversation turns out.

MR. BICKWIT: You can get a further feel for this.

COMMISSIONER AHEARNE: I don't think there's any doubt in any of us that if the utility starts saying "no," that we feel that we have --

COMMISSIONER KENNEDY: Nor is there any doubt in my mind that if an important question arises and Harold is not confident that they are getting the message, that he will fail to tell us. There's no question in my mind he will be telling us immediately.

COMMISSIONER AHEARNE: And obviously, at that stage, we would go immediately.

CHAIRMAN HENDRIE: As a matter of fact, you know --

COMMISSIONER KENNEDY: You know, -- he had the order within an hour on the FAX machine.

CHAIRMAN HENDRIE: This is a Commission order, but Harold is empowered, as Director of --

COMMISSIONER KENNEDY: To issue the order himself.

1 CHAIRMAN HENDRIE: Nuclear Reactor Regulations, to issue
2 orders in his own name —

3 MR. BICKWIT: That's right.

4 COMMISSIONER KENNEDY: Oh, yes.

5 CHAIRMAN HENDRIE: And they — you know, they have all the
6 bang — unless we just choose to undercut him — they have all the bang
7 that these do.

8 COMMISSIONER AHEARNE: That we have. That's right.

9 COMMISSIONER KENNEDY: Exactly.

10 COMMISSIONER AHEARNE: Very good.

11 COMMISSIONER KENNEDY: Exactly.

12 Mr. Bickwit: Well, the issue we were raising, is it
13 clear that the authority — we know the authority is there to issue that
14 order. Is it clear to the utility and everybody else there, that the
15 authority is there?

16 COMMISSIONER KENNEDY: Oh, they understand.

17 MR. BICKWIT: If they understand that —

18 COMMISSIONER KENNEDY: I think the one thing the utilities
19 generally understand is the authority of the Director of NRR to issue
20 orders. I think they do have that, pretty clear don't they?

21 CHAIRMAN HENDRIE: Well, my impression of the poor guy
22 down there the other day was that if I cared to tell him "I'm taking
23 over this operation, would you please stand by to carry out the
24 instructions I'll now be giving you? Whew!" (Laughter.)

25 COMMISSIONER AHEARNE: I see.

1 CHAIRMAN HENDRIE: The word from our Nation's Capitol.

2 COMMISSIONER BRADFORD: As I understand it, and I —

3 COMMISSIONER KENNEDY: Who? (Laughter.)

4 COMMISSIONER BRADFORD: At least I understand that under-
5 standing accurately, there is nothing beyond what Jody Powell said at
6 the press conference. It's not an issue that's been yet presented to
7 the President for a decision. And some other people may have gotten
8 some other interpretation, you know, but there's nothing that can be
9 taken as a presidential —

10 COMMISSIONER AHEARNE: This was Kitty?

11 COMMISSIONER BRADFORD: Yes.

12 CHAIRMAN HENDRIE: Did she have any sense that there may
13 be groups in various places trying to shape some kind of a recommendation
14 along this line for consideration?

15 COMMISSIONER BRADFORD: Yes, both —

16 CHAIRMAN HENDRIE: Because I talked to Al Alm (phonetic)
17 earlier, and he wanted to know — that was the business about
18 suppose we did the search and review of all the operating plants,
19 would that have much of an effect on your operation?

20 COMMISSIONER BRADFORD: Yes.

21 I wouldn't have expected that question from there,
22 but —

23 COMMISSIONER AHEARNE: I doubt if he had asked upwards
24 through the —

25 COMMISSIONER GILINSKY: Could you just give me a

capsule version of that?

1 COMMISSIONER BRADFORD: There really — there's nothing
2 really beyond what you have in Jody's press conference —

3 COMMISSIONER GILINSKY: Okay. It's a proposal.

4 COMMISSIONER BRADFORD: — that can be said to speak
5 for — the President, the President himself has not approved any particular
6 position or approach.

7 COMMISSIONER GILINSKY: Okay.

8 CHAIRMAN HENDRIE: At times, it goes a little beyond
9 where they really —

10 COMMISSIONER BRADFORD: Well, who knows what sources
11 they may have had for that further interpretation, but as far as Kitty
12 was concerned, anyway, we shouldn't take it as being dispositive —
13 they welcome whatever — I shouldn't say whatever they get, but —

14 COMMISSIONER KENNEDY: Well, my own — you know, I'm not
15 going to make a big thing of it in that connection. My own preference
16 is — now that we do understand the factual situation, my own
17 preference would be the course of Joe picking up the phone, saying
18 we've discussed this thing. We (a) should they elect — should the
19 President elect to go ahead and do this, we, and do a broader review,
20 certainly believe that that's appropriate, and we would want to assure
21 that everyone understood, and he should feel free to say indeed that we
22 have offered our full support and cooperation in any such
23 effort.

24 But independent of that, we — and whatever that course
25 may be — the Commission itself is under a wide-ranging

and searching examination in its sphere of responsibilities of all
1 aspects of the incident.

2 COMMISSIONER AHEARNE: I would go one step beyond
3 that --

4 COMMISSIONER GILINSKY: And then Commissioner
5 Ahearne adds -- (Laughter.)

6 COMMISSIONER GILINSKY: -- or would add.

7 COMMISSIONER AHEARNE: Adds.

8 COMMISSIONER GILINSKY: Listen, while Joe is out,
9 I arranged a meeting for 1:00 p.m. tomorrow on this B&W--questi

10 COMMISSIONER KENNEDY: 1:00 p.m.?

11 COMMISSIONER GILINSKY: Apparently they have a
12 meeting with the ACRS at 2:00, which could be put off, except
13 the ACRS has some kind of notice porble.

14 COMMISSIONER AHEARNE: It's in the Federal Register

15 COMMISSIONER GILINSKY: Oh, I see.

16 COMMISSIONER AHEARNE: We have a letter from Mr.
17 Pryor, complaining on this.

18 COMMISSIONER KENNEDY: What is he saying?

19 COMMISSIONER AHEARNE: Well, he questioned the Thre
20 Mile Island being closed because it's going to have matters
21 involving proprietary information.

22 COMMISSIONER GILINSKY: Oh? Is it a closed meeting?

23 COMMISSIONER BRADFORD: I think, it said parts
24 of it might be, I think, I don't know.

25 COMMISSIONER GILINSKY: I see. Well, you know, if

1 we had it earlier, they'd have to go at 11:30 --

2 COMMISSIONER KENNEDY: No, that's good. That's
3 good, as a matter of fact.

4 COMMISSIONER GILINSKY: So the ACRS members will
5 sit in on our meeting, listen to that, and then we can sit
6 in on their meeting.

7 COMMISSIONER KENNEDY: Which will -- that will
8 actually, it will probably save the staff's time. They
9 won't have to answer the same questions twice --

10 COMMISSIONER GILINSKY: Well, that was the point.

11 COMMISSIONER KENNEDY: -- and that's useful.

12 COMMISSIONER GILINSKY: Okay, that's the way we
13 arranged it.

14 And what I propose to do is give someone in the
15 State of California a ring and say, "If you want to have
16 somebody here, we're going to have a meeting."

17 COMMISSIONER KENNEDY: "Be our guest," of course.

18 COMMISSIONER GILINSKY: Now let's see. The ACRS
19 meeting is closed, but our meeting is open?

20 COMMISSIONER KENNEDY: Well, parts may be.

21 COMMISSIONER AHEARNE: Parts may be closed because
22 it involves matters of proprietary information.

23 COMMISSIONER GILINSKY: We're having an open
24 meeting, as I understand it.

25 MR. BICKWIT: You can close your meeting.

1 COMMISSIONER GILINSKY: We can close our meeting?

2 COMMISSIONER BRADFORD: On the same rationale that
3 we've been closing.

4 COMMISSIONER GILINSKY: What would be the rationale?

5 MR. BICKWIT: The rationale would be Exemption 10, which
6 is that this is equivalent of what -- what Brown has sent
7 you is equivalent to a 2.206 petition. Therefore, this
8 relates to the initiation -- possible initiation of adjudica-
9 tion.

10 COMMISSIONER KENNEDY: Yeah. I thought I asked about that

11

12 COMMISSIONER GILINSKY: Well --

13 MR. BICKWIT: You didn't ask me.

14 COMMISSIONER GILINSKY: How do you think we ought
15 to do it?

16 COMMISSIONER AHEARNE: What is the current status of your
17 proposed response to Brown?

18 COMMISSIONER GILINSKY: Well, do you want to hear
19 what --

20 COMMISSIONER AHEARNE: Something, yes.

21 COMMISSIONER GILINSKY: You know, it depends on --

22 COMMISSIONER KENNEDY: I dictated one which you
23 said looked okay to you, and Joe said it looked okay to him,
24 and Victor --

25 MR. BICKWIT: Well, do you want to go into this now? If

1 you do, then you ought to address the Sunshine question in
2 this issue.

3 COMMISSIONER KENNEDY: On this -- (Laughter.)

4 COMMISSIONER GILINSKY: The reactor must be getting
5 better.

6 COMMISSIONER KENNEDY: But do you notice, what
7 happens here is little wispy clouds keep going across, you
8 know? And all of a sudden, the sun gets blocked out for a
9 second. And then counsel recalls that, by gosh, the sun's
10 coming through again, fellows. You're either going to have
11 to move over here and keep under the cloud, or --

12 COMMISSIONER GILINSKY: Well, no --

13 MR. KELLEY: It's kind of like the meeting of three
14 weeks ago shutting down on that seismic problem, where you
15 voted to close, but then we released the transcript and there
16 was fairly strong sentiment that maybe it should have been
17 open in the first place.

18 COMMISSIONER AHEARNE: Well, is this going to be
19 treated as an adjudicatory --

20 MR. BICKWIT: What? This discussion right now?

21 COMMISSIONER AHEARNE: Yes.

22 MR. BICKWIT: You could.

23 COMMISSIONER KENNEDY: I guess this is -- well, if
24 we're discussing whether it's an adjudicatory matter or not,
25 it clearly is an adjudicatory session, is it not?

1 VOICE: Yes. It's clearly one that qualifies for
2 Exemption 10.

3 COMMISSIONER KENNEDY: Well, why don't we say it
4 is, and go on and discuss the question of whether the thing is
5 an adjudicatory session tomorrow, whether what we have here
6 is an adjudication.

7 COMMISSIONER BRADFORD: If you don't decide it's
8 an adjudication first, won't you have some trouble with
9 Exemption 10?

10 MR. BICKWIT: No.

11 COMMISSIONER BRADFORD: If it might be adjudica-
12 tory, then --

13 MR. BICKWIT: Yes. Yes. But that's simply --

14 COMMISSIONER KENNEDY: So it is, or isn't it?

15 MR. BICKWIT: It is. It is. But that doesn't -- that
16 doesn't satisfy or resolve the policy issue of whether you
17 want to open it.

18 COMMISSIONER KENNEDY: Which is a different ques-
19 tion.

20 MR. BICKWIT: Yes.

21 COMMISSIONER KENNEDY: But in your judgment it is
22 clearly an adjudicatory matter.

23 MR. BICKWIT: Yes. It's clearly -- yes.

24 COMMISSIONER KENNEDY: Okay.

25 COMMISSIONER AHEARNE: Now Governor Brown's --

1 Is it more past the telegram?

2 COMMISSIONER GILINSKY: No, but I -- not with any
3 communication, one way or the other, on that subject, but --
4 or the substance, but I told them I'd get back to them by
5 phone today.

6 COMMISSIONER BRADFORD: The subject of the meeting is
7 possible defect to B&W -- possible generic defects to B&W --

8 COMMISSIONER GILINSKY: Well, the question is: Is
9 there something that, yeah, that we see as a result of this
10 experience that tells us that -- that would affect these
11 other plants in some important way?

12 COMMISSIONER AHEARNE: On a very preliminary basis.

13 COMMISSIONER GILINSKY: Yeah, as a very preliminary
14 judgment.

15 COMMISSIONER KENNEDY: The request is, that while
16 we examine that question, we shut the reactors down. That's
17 what the call -- that's what the petition is.

18 COMMISSIONER AHEARNE(?): It is a petition, you're
19 saying?

20 MR. BICKWIT: Yes, equivalent to a petition.

21 COMMISSIONER GILINSKY: Well, do we have to treat
22 it as a petition?

23 MR. BICKWIT: Yes.

24 MR. KELLEY: Yes. We went over this yesterday. It's a
25 very sophisticated telegram. It says, "Shut it down," and it

1 doesn't have to be labeled "petition."

2 COMMISSIONER GILINSKY: When you were shaking your
3 head, you said --

4 MR. KELLEY: Let me nod, instead. It's a petition.
5 Now we have treated documents much less formal than that as
6 enforcement petitions. This is a straightout request, he
7 wants what he calls a precautionary shutdown while we figure
8 out whether there's some generic question, and I don't see
9 how he could have made it any clearer.

10 COMMISSIONER AHEARNE: Did you get your sense,
11 when you talked to someone in California, were they coming
12 across that.

13 COMMISSIONER KENNEDY: Be careful, you'll wind
14 up disqualified.

15 COMMISSIONER BRADFORD: Do any --

16 COMMISSIONER GILINSKY: Oh, that's a good point.

17 COMMISSIONER AHEARNE: Wait a minute, if he tells
18 us what he said, we may all have become disqualified.

19 COMMISSIONER KENNEDY: -- ex parte rules.

20 MR. BICKWIT: No, it's a petition. You haven't
21 got a proceeding.

22 COMMISSIONER BRADFORD: Do any of the real lawyers
23 in the room -- (Laughter.)

24 COMMISSIONER BRADFORD: -- have a feeling as to
25 whether Governor Brown could in fact shut the plant down?

MR. BICKWIT: We've discussed this. Our initial
reaction

1 is that he could not — that he'd — clear that he was acting for some
2 reason other than radiological health and safety that he could. I think
3 it would probably not be clear that that's what he's doing.

4 COMMISSIONER GILINSKY: Well, he also hasn't told them
5 that he wants them to, which he could, whether or not he had the
6 authority to do it.

7 COMMISSIONER BRADFORD: They might infer it. They've
8 gotten copies of the telegram.

9 MR. BICKWIT: I read that he's decided not to do it.

10 COMMISSIONER KENNEDY: That's what I thought he said.

11 MR. KELLEY: He said he was going to ask the NRC. Which
12 he's done.

13 COMMISSIONER AHEARNE: Okay, if it's a petition, then,
14 does that adjust the procedure we have to follow? For example, can
15 we invite —

16 MR. BICKWIT: Oh, yes. There's no — there's no ex
17 parte problem.

18 COMMISSIONER GILINSKY: My inclination is not to treat
19 it as a formal petition if we don't have to but —

20 COMMISSIONER BRADFORD: Is the meeting to focus considerably
21 just on Rancho Seco? Or would it be —

22 COMMISSIONER GILINSKY: No.

23 COMMISSIONER AHEARNE: B&W.

24 COMMISSIONER BRADFORD: But except for Rancho Seco, you
25 have no petition.

1 MR. BICKWIT: That's true.

2 COMMISSIONER AHEARNE: I thought Vic's point would be
3 invite -- to tell him we're addressing some of the general questions
4 that he had asked about, and if they want to send a representative --

5 COMMISSIONER GILINSKY: Well, what I would tell
6 him -- told him today, would be that we'd schedule this meeting
7 for tomorrow, and that they could come and hear it, but of
8 course they couldn't if it was a closed meeting.

9 MR. BICKWIT: That's right. But it doesn't have
10 to be.

11 COMMISSIONER GILINSKY: I know, that's why I'm
12 hiding back from the door.

13 COMMISSIONER BRADFORD: Is it true that if you
14 close the meeting you can't let some one person in?

15 MR. OSTRACH: Well, you can generally let people
16 outside the Commission attend a closed meeting; you've done
17 that in the past. The problem would be, if you were closing
18 it on the basis of it being potential adjudication, it would
19 look odd to let one party to the adjudication appear and not
20 have the staff or potential intervenors show up.

21 COMMISSIONER BRADFORD: I would think offhand it
22 would be better to start at least with the meeting open, and
23 if we found ourselves in a constrained --

24 COMMISSIONER GILINSKY: Evacuate 200 people.

25 COMMISSIONER KENNEDY: It's all right with me.

COMMISSIONER BRADFORD: You can always close the

1 meeting.

2 COMMISSIONER GILINSKY: We have that curtain.

3 COMMISSIONER KENNEDY: It's alright with me.

4 COMMISSIONER BRADFORD: But I haven't thought a lot
5 about it. If those of you who have thought about it a little
6 more, do you see difficulties in having the meeting open?

7 COMMISSIONER KENNEDY: No.

8 COMMISSIONER BRADFORD: Then I would do it.

9 COMMISSIONER KENNEDY: Does the staff?

10 MR. OSTRACH: I think not, because the ACRS --

11 MR. BICKWIT: No, they do not.

12 COMMISSIONER KENNEDY: No, they're going to be
13 down at the ACRS.

14 MR. KENNECKE: They're preparing for it as an open
15 meeting.

16 COMMISSIONER KENNEDY: Sure.

17 COMMISSIONER AHEARNE: So then your response to the
18 Governor is going to be, "We're looking at the question through
19 this preliminary review?"

20 COMMISSIONER GILINSKY: Well, we were hoping to
21 send him a --

22 MR. BICKWIT: Well, now let's talk -- excuse me.
23 Let's talk about what you want to do here, about whether this
24 should be open or closed.

25 COMMISSIONER GILINSKY: Can we close this?

1 MR. BICKWIT: Yes.

2 COMMISSIONER GILINSKY: On what basis?

3 MR. BICKWIT: Adjudication and frustration of purpose

4 MR. KELLEY: If we're just talking about whether to
5 open or close the meeting, that's -- a non-meeting.

6 MR. BICKWIT: No, no, but you're not talking about
7 that now. Do you want to talk about something other than
8 that? I think you do.

9 COMMISSIONER KENNEDY: Up to now --

10 MR. BICKWIT: Up to now, you've been talking about
11 whether to open or close the meeting.

12 COMMISSIONER KENNEDY: That's a non-meeting.

13 MR. BICKWIT: That's right. Now, if you want to
14 talk about something else, which I gather you've just decided
15 to do, you ought to focus on whether we should switch to an
16 open mode.

17 COMMISSIONER AHEARNE: Len is working hard to keep
18 us honest.

19 COMMISSIONER KENNEDY: I think we ought to send a
20 recommendation to Senator Chiles. (Laughter.)

21 COMMISSIONER BRADFORD: Well, that's clearly in order
22 as to the situation at the end of this week. I don't know
23 that it matters as much now.

24 MR. BICKWIT: There's another basis for closing this,
25 which is the frustration-of-purpose exemption, where --

COMMISSIONER GILINSKY: Where you then release

1 it after you've sent whatever it is you're going to send?

2 MR. BICKWIT: Yes. Yes. And there's a theory that
3 he ought to be the first one to get the letter.

4 COMMISSIONER GILINSKY: Well, is that a reasonable
5 approach?

6 COMMISSIONER KENNEDY: It seems to me a reasonable
7 approach. If you're talking about the letter we're going to
8 send, he ought to read the letter before he reads it in the
9 newspaper.

10 COMMISSIONER GILINSKY: Those in favor of a short-
11 notice meeting?

12 COMMISSIONER BRADFORD: Aye.

13 COMMISSIONER KENNEDY: Aye.

14 COMMISSIONER GILINSKY: Aye.

15 COMMISSIONER AHEARNE: All right, now, you were
16 saying --

17 (Chairman Hendrie enters the room.)

18 MR. KENNEKE: It's a closed meeting, sorry.

19 (Laughter.)

20 CHAIRMAN HENDRIE: No, no, it's a "close" meeting,
21 and I'm going to open the door, in hopes that I can relieve
22 that.

23 (Laughter.)

24 CHAIRMAN HENDRIE: Pew! You mean you have been
25 breathing in here all this time?

1 MR. KENNEKE: It got a little warm for awhile.

2 CHAIRMAN HENDRIE: That was Mr. Powell.

3 He says indeed that his press conference transcript
4 comments fairly represent the situation; that The Times
5 story, while not factually incorrect, just leans more --
6 seems to suggest a more -- a decision process further along
7 than it is, and courses of action more clearly enunciated
8 than they are.

9 He says Watson and that crowd have I guess the
10 lead on discussion of these various things, and recommends --
11 we talked some about the merits of letters and so on versus
12 input to that group, and he wasn't -- didn't seem notably
13 enthralled with a letter at this time, thinking that it was
14 in many ways probably a little premature; that the President
15 has to answer it, either directly or buck it off to somebody
16 else.

17 He thought if we made our inputs to the Watson
18 process and coordinated Commission statements, from their
19 standpoint that would be a helpful way to proceed.

20 COMMISSIONER GILINSKY: How do we feel about our
21 own statement, about our own review?

22 CHAIRMAN HENDRIE: We didn't discuss it much. I
23 just pointed out that one of the considerations was that, you
24 know, we had to do certain work and it had to fit together.
25 I think -- I don't -- my impression then is that his office

1 is not the primary lead on these matters. Obviously he'd
2 keep track of it, as he has to on all aspects of the operation
3 of public information standpoint he effects for the President.

4 COMMISSIONER KENNEDY: Then I would think the next
5 step that needs to be taken is a call to Watson saying we are
6 contemplating putting together a release which we would like
7 to make, announcing that in fact we the Commission are
8 undertaking a broad-ranging review within the limits of our
9 responsibilities, et cetera, and, you know -- but on the
10 other hand, we do not wish to do this in a time frame which
11 would seem to preempt anything that the President would have in
12 mind. We would like this to be a coordinated effort and
13 could he give us some guidance in this regard.

14 CHAIRMAN HENDRIE: And how good are -- you guys
15 who have kept track of that, for those of you who have been
16 talking to various people over there -- how good do you think
17 the input is?

18 COMMISSIONER AHEARNE: Into that process down there?

19 CHAIRMAN HENDRIE: Yes, ideas and so on.

20 COMMISSIONER AHEARNE: Well, the sense certainly
21 that I had from when Peter and I went over last night, was
22 that they were just beginning to construct the thoughts;
23 that Frank Press had come up with some ideas; he was leaning
24 towards the Presidential Commission approach; but that the
25 others hadn't really thought very much about it. They had just
begun

1 to think of ideas.

2 CHAIRMAN HENDRIE: It seems at a fairly early
3 stage. When is the -- if this is headed for an after the message --

4 (Laughter.)

5 COMMISSIONER GILINSKY: Well, I mean, this all
6 ends up as one sentence.

7 COMMISSIONER AHEARNE: Well, what it really ends
8 up being is in the fact that it goes along with it. You know, after
9 the President speaks, they also put out a fact sheet which
10 explains what --

11 CHAIRMAN HENDRIE: What the one line meant.

12 COMMISSIONER AHEARNE: That's right, sort of a
13 scriptural interpretation.

14 COMMISSIONER KENNEDY: Where is this address to
15 begin with?

16 COMMISSIONER AHEARNE: I have no idea.

17 COMMISSIONER GILINSKY: ANS review.

18 COMMISSIONER KENNEDY: I understood it was not going
19 to be a major address.

20 COMMISSIONER BRADFORD: I'll tell you where this
21 sentence goes in, it's in place of the sentence that used to
22 be on the siting licensing.

23 (Laughter.)

24 COMMISSIONER GILINSKY: Joe, we broke in for a momen
25 talking about the briefing at 1:00 o'clock tomorrow.

26 CHAIRMAN HENDRIE: Is that the right time?

1 COMMISSIONER GILINSKY: Yes, that's convenient for
2 Ed; in fact, that's the most convenient time.

3 CHAIRMAN HENDRIE: 1:00 o'clock tomorrow?

4 COMMISSIONER GILINSKY: Yes.

5 We talked a little bit about whether it would be
6 opened or closed, and I think open --

7 COMMISSIONER AHEARNE: Well, also point out, it
8 follows -- it precedes the ACRS.

9 COMMISSIONER GILINSKY: Yes. The ACRS group is
10 having a meeting with them, too --

11 COMMISSIONER AHEARNE: On Three Mile Island.

12 COMMISSIONER GILINSKY: -- and apparently it's
13 already in the Federal Register, and so on, so to avoid them
14 having to move back and forth so many times, we set ours at
15 1:00 and if it runs over a little bit, it's all right.

16 The ACRS will sit in on our meeting, and we can
17 sit in on their meeting.

18 CHAIRMAN HENDRIE: Yes.

19 COMMISSIONER GILINSKY: The question was raised
20 whether we wanted to treat it as an adjudicatory matter, and,
21 you know, close it, in which case we wouldn't call anybody to
22 tell them to come.

23 CHAIRMAN HENDRIE: Well, it's an information-
24 gathering session for the Commission which might then have a
25 session -- a subsequent closed session. To say, "Well, now in

1 light of what we learned at that briefing and the discussions
2 there, what do we think we ought to do?" And, "We're closing
3 this because it could be adjudicatory."

4 COMMISSIONER GILINSKY: You could. Yes, you could.

5 CHAIRMAN HENDRIE: But it could be a 9(b).

6 MR. BICKWIT: Or it could be a -- no, it could be a 10,
7 adjudication. We didn't see any policy interest.

8 CHAIRMAN HENDRIE: The briefing itself, it was
9 your opinion that it ought to be open. Presumably it ought to
10 be open unless it was the Commission's intention to move, in
11 that meeting, along with getting staff viewpoints, to move
12 immediately into a discussion of courses of action and possible
13 options -- litigation risks, and all of that there stuff.

14 MR. BICKWIT: And you could make that determination at --

15 CHAIRMAN HENDRIE: But the intention at the moment
16 was not to involve all of that sort of discussion -- my
17 feeling was, not to sweep all the way down that trail, to have
18 Ed and his people come in to spare us an hour if he can and
19 tell us what they think about the -- anything they can perceive
20 out of the Three Mile incident that has generic connection
21 back through the others.

22 And there are some threads there that need to be
23 discussed and understood. And then I thought the Commission
24 would subsequently --

25 COMMISSIONER GILINSKY: So we're talking about an

1 open meeting.

2 CHAIRMAN HENDRIE: I think so, unless people --

3 COMMISSIONER GILINSKY: Right. So I would propose,
4 then, to give them a ring, and --

5 COMMISSIONER AHEARNE: But now you're also saying--
6 proposing to send the Governor a letter?

7 COMMISSIONER GILINSKY: Well, we were originally
8 talking about having such a meeting today -- in fact, early
9 today. And we had hoped we would, as a result of that, come to
10 some sort of view and be ready to respond, either with a
11 letter or an order.

12 COMMISSIONER AHEARNE: I see. So you would propose
13 then to defer until after the meeting tomorrow?

14 COMMISSIONER GILINSKY: What I would like to do is
15 give them a ring today and tell them that we're going to have
16 a meeting tomorrow and suggest that they send somebody over.

17 COMMISSIONER KENNEDY: But that's not going to
18 tell them what our conclusion is going to be.

19 COMMISSIONER AHEARNE: Yes. What's our response
20 to their request?

21 COMMISSIONER GILINSKY: Well, I'd like to hear
22 what people say in this meeting.

23 COMMISSIONER KENNEDY: You would -- yes --

24 COMMISSIONER AHEARNE: Okay, so you would propose,
25 then, to defer any action until after we hear from Ed,

1 COMMISSIONER KENNEDY: Right.

2 COMMISSIONER GILINSKY: Yeah.

3 COMMISSIONER AHEARNE: That sounds fine.

4 CHAIRMAN HENDRIE: And you were going to — if there's a
5 State office in town, you could call and say we're having this meeting
6 to look at the subject, would you like to come and hear it.

7 COMMISSIONER GILINSKY: Right.

8 MR. KELLEY: Do you want to broaden at all, the list of
9 invitees? For example, Babcock & Wilcox?

10 COMMISSIONER KENNEDY: I would think so.

11 COMMISSIONER BRADFORD: I guess I misunderstood. I thought —

12 MR. KELLEY: I'm not recommending it; I'm just raising
13 the question.

14 COMMISSIONER BRADFORD: I thought B&W was going to be there?
15 I'm wrong about that? Unless we invite them?

16 COMMISSIONER KENNEDY: The staff is going —

17 CHAIRMAN HENDRIE: It's a matter of notice.

18 MR. KELLEY: They'll come if they hear about it.

19 CHAIRMAN HENDRIE: There are certain — you're going on
20 short notice —

21 COMMISSIONER BRADFORD: Well, on short notice with an open
22 meeting like this, they ought to be called up.

23 MR. KELLEY: That's the question we're asking, just
24 sort of the relevant people that are obvious, and there may be
25 some others. But there will be a notice downstairs, and we

1 may as well call people that we think might want to know about
2 it.

3 COMMISSIONER GILINSKY: I will go and do that,
4 now -- I will just deal with that one item --

5 MR. BICKWIT: Before you go, you ought to vote a
6 short-notice meeting for -- tomorrow.

7 CHAIRMAN HENDRIE: I move a short-notice meeting

8 COMMISSIONER GILINSKY: Aye.

9 COMMISSIONER KENNEDY: Aye.

10 COMMISSIONER BRADFORD: Aye.

11 COMMISSIONER AHEARNE: Aye.

12 CHAIRMAN HENDRIE: Aye. So ordered.

13 COMMISSIONER AHEARNE: Time?

14 MR. BICKWIT: 1:00.

15 COMMISSIONER AHEARNE: Did you have any other --

16 CHAIRMAN HENDRIE: No, I just -- why don't I try
17 to call Watson and see if I can get these points in, and
18 then see where he'd like to go from there, and then holler
19 if it looks like it'd be useful for us to convene again.

20 I can't always tell, you know, if Watson's working
21 on a thing addressing domestic staff, is he up on it? I
22 suspect it's like our operation. It may or it may not be;
23 you can't count on it.

24

25