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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PM SESSION

CONTINUED PUBLIC MEETING
on
PART 70 GUIDANCE DOCUMENTS

U.S. Nuclear Regulatory Commission
Two White Flint North
Room T3B43
11545 Rockville Pike
Rockville, Maryland

Wednesday, September 13, 2000

1 SHILTHELM: This only illustrates the disagreement
2 that permeates throughout this chapter. So we continue
3 through line by line and disagree line by line or not, or we
4 could wear each other out and sometimes we'd agree and not
5 agree just because we're worn out. But the bottom line is
6 we don't agree on a level of detail, if you want to call it
7 detail, Tom, that is necessary in a license application to
8 adequately describe a program.

9 ROCHE: We have agreed in some things. How would
10 you suggest we change this? Just to the first sentence and
11 that's it? And don't put the rest, even in the acceptance
12 criteria?

13 SHILTHELM: That's what NEI proposed.

14 ROCHE: Just the first sentence. But for Tom's
15 purpose, the reviewer will have to look at these things.
16 Would it make it better if we put in the acceptance criteria
17 or still, to you, that's prescriptive?

18 SHILTHELM: Yes.

19 ROCHE: Yes.

20 SHILTHELM: Or detailed, whichever you wish to
21 call it.

22 FREEMAN: If the basic principles are to retain
23 and retrieve the document, the method of doing that can be
24 as inefficient as you want to have it, as long as you can
25 still satisfy the retention and the retrieval of those

1 documents. And a document retention program can simply be a
2 pile of papers, that if you can produce it within the
3 timeframe you need to produce it in, satisfies the intent.

4 It doesn't need to be described in how you catalog
5 it, distribute it, and retrieve it. The policy part of that
6 is far beyond the requirement and the basic principle that
7 it's supposed to serve. That's what I think we mean by
8 prescriptive.

9 We want the ability to change our program. I
10 mean, if it's distributed a certain way today, it can be
11 distributed a separate way later, as long as it distributed,
12 retained and controlled.

13 ASTWOOD: And I understand that and I don't think
14 we want to unnecessarily restrict you from changing your
15 process. However, we have to make the determination that it
16 is an adequate process and I think if you describe, in an
17 application, that we just have a pile of paper on this desk
18 and I can retrieve it in five minutes, I think we would have
19 difficulty in being able to make the determination that that
20 is an appropriate method.

21 So I think we need to have some information on
22 what it is to make the determination that it's appropriate.
23 And if there is some way we can, as we have said before, put
24 in some principles or other words, but I think we are at a
25 standstill of we can't simply go with we will have a

1 commitment to do it.

2 I think we have to make that determination.

3 FREEMAN: We could add a few principles, but they
4 would be just that, basic principles of document control.

5 ASTWOOD: Let's talk about it. For example.

6 FREEMAN: Documents will be readily retrievable.
7 Safety documents under the document control system will be
8 readily retrievable. Why? How? Does that matter?

9 ASTWOOD: If we put this in here, I know NEI is
10 going to come back and say what's the definition of readily
11 retrievable, how quick is that.

12 COX: Let me suggest a rewording at the front end
13 of this first sentence. Suppose it said the reviewer
14 confirms that applicant has described a method to establish
15 and control documents, and then all the rest of that
16 sentence stays the same. Describe the method to establish
17 and control documents within the function, including those
18 listed items.

19 FREEMAN: I guess I disagree with the listed
20 items. I mean, you have the word in there called the
21 document database. That right alone assumes there is some
22 form of database on your documents, a file cabinet, the old
23 school way of doing it would not have a database.

24 COX: Would you say you wouldn't have a document
25 database?

1 FREEMAN: You may not. You may have a document
2 control system that's not database related.

3 COX: I don't think this database -- these two
4 words data base don't have to be interpreted as a
5 computerized database. This is just a collection of data.
6 It's organized. Are you thinking that that has to be a
7 computer database, the way you're reading it?

8 FREEMAN: I believe that's the way it came across
9 to me. In fact, in the last sentence, it's one word,
10 database.

11 COX: Suppose it said all relevant documents,
12 cataloging all relevant documents.

13 FREEMAN: Retaining all relevant documents.
14 Controlling, retaining, basic principles of the document
15 control system.

16 COX: Including retaining and controlling all
17 relevant documents. That would be the first item.

18 FREEMAN: The first sentence, in my opinion, is
19 adequate. If you needed to add a few basic principles after
20 that, it would still look like a very different paragraph
21 than what you have today.

22 SHILTHELM: The second sentence in NEI's proposal
23 is also very powerful. It says the applicant describes how
24 CM will capture the documents that are important to safety.
25 So that captures all those documents that are important to

1 safety.

2 I don't think you need a list of all the documents
3 that are important to safety to say that you've captured all
4 those documents important to safety.

5 COX: That doesn't ask for the list. It says it's
6 a description of how you will do it. What is the general
7 plan of your function, of your system?

8 SHILTHELM: That's my point, and what you're
9 proposing asks for a list, whether that list be complete or
10 incomplete.

11 COX: I don't see the requirement there for a
12 list. The applicant describes how CM will capture documents
13 that are relevant and relied on for safety. Where does that
14 -- how does that require a list?

15 SHILTHELM: This includes, yada, yada, yada, yada.
16 That's the list we're talking about.

17 COX: Well, yes, okay. But that's not a list of
18 specific documents. That's a statement by the applicant
19 that our system will pick up design requirements, as-built
20 drawings, specifications.

21 SHILTHELM: That's a list.

22 COX: The reviewer will be able to determine that
23 you, in fact, are addressing those items, if you say that
24 you are. If you don't say that you are, he has no clue as
25 to what the system is capturing.

1 SHILTHELM: Yes, he knows. He'll assure himself
2 that we have described how we will capture documents
3 important to safety. He should be able to assure himself of
4 that without us going through the list ad nauseum of exactly
5 what those documents are in a license application.

6 ASTWOOD: So it's only the question of whether the
7 things that we've listed here are what you would qualify as
8 important to safety.

9 SHILTHELM: I don't know if that list is complete
10 or not. I would venture to say it's probably incomplete.

11 COX: Well, I guess we'll have to disagree on that
12 point.

13 ROCHE: Wait a minute. How would you address, and
14 also what Tom's and Heather's concerns are, to address this
15 with that only one line, because you have to think what
16 we're trying to do this for.

17 SHILTHELM: Well, I think you're looking at each
18 individual section of this SRP far too narrowly and writing
19 it far too narrowly. There is a section in the SRP on
20 records. Okay. It's pretty comprehensive. Now, if those
21 records apply to items relied on for safety, then you don't
22 need to list those records again under the configuration
23 management function to say, oh, by the way, capture this
24 list of records.

25 The mistake we're making is looking at this --

1 each one of these little sections snapshot by snapshot and
2 not looking at Chapter 11 as a whole, because there is a
3 whole section on records. There is a whole section on
4 procedures.

5 That tells you and that should, when looked at as
6 a whole, should convince the license reviewer that you are
7 addressing what needs to be addressed.

8 The danger in this SRP and the redundancy built
9 into each one of these sections is going to be that the
10 license reviewer is going to narrowly focus on configuration
11 management, because he is the primary configuration
12 management reviewer.

13 And he is going to expect to see all this
14 information that has been prescribed or described, whatever
15 we want to call it, in this configuration management
16 section. He is going to expect to see that in his
17 configuration management section of the license application
18 and he's going to forget to look at the license application
19 as a whole, and that's -- when I read this standard review
20 plan, that's what I see was done.

21 It takes no account for the other sections of the
22 standard review plan and the information contained therein.

23 ASTWOOD: I think that is -- I've heard you say
24 those kind of issues before. I think that's slightly a
25 different problem, though, than what we were just talking

1 about.

2 If this type of information is in the records
3 department, where you say, yes, our CM function does apply
4 to the records in the records management, you know, go look
5 at that section, and that information there, we can see that
6 these records, we've identified whether this is right or
7 not, are controlled, I mean, that information is there.

8 So I think that's a slightly different issue than
9 saying this is too descriptive or prescriptive and would
10 limit our ability to function because we can't change it or
11 it would increase the paperwork, which is what I thought you
12 were saying the first time.

13 That this is information you don't think needs to
14 be submitted versus information that is going to be found
15 somewhere else. Did I misunderstand that?

16 SHILTHELM: The issue of being able to change your
17 program is an issue, but it's not, in my view, it's not a
18 huge issue.

19 The issue is to write a license that, in its
20 whole, clearly and concisely articulates the expectation in
21 the contract we have with NRC.

22 The license can't be considered part by part. It
23 has to be considered as a whole. And our experience, and I
24 know we've repeatedly heard how well our -- our reviewers
25 wouldn't do that. They'll look around in the license and

1 they'll find this stuff, but that's not been our experience.
2 Our experience has been that when you send a configuration
3 management reviewer to review, pursuant to this standard
4 review plan, he will generate a list of questions based on
5 his ignorance of information elsewhere in the license, not
6 based on the absence of that information.

7 And then we will go into a cycle of responding.
8 And when I say ignorance, I don't mean that badly. I mean
9 he just doesn't look at the license as a whole, at the
10 license application as a whole.

11 So by layering all the information in all the
12 sections over and over again, you're going to lead to a list
13 of questions and it's going to be -- it's going to turn into
14 nothing more than creating a road map to say, oh, this is
15 here versus in this configuration management section.

16 That's been our experience.

17 COX: Okay. I'd like to address your earlier
18 remarks, that you feel somehow that the material that's now
19 in the document control section that we're now discussing
20 should be covered by records management and a list, you
21 called it a list of records that are in the SRP here, the
22 records management section is not in there to define what
23 records are kept in the records management system, but
24 rather the policies and procedures and techniques for
25 keeping a records management system.

1 So the types of records that are to be kept that
2 have to do with CM are not specified that way in the records
3 management descriptions and the list at the back is an
4 example, it's an appendix, is an example of the types of
5 records that ought to be kept under the different sections
6 of the entire SRP.

7 And when it gets to Chapter 11 and talks about
8 configuration management, it does list several of the kinds
9 of records, starting with safety analyses, that ought to be
10 kept in the configuration management system.

11 However, that's still just an example listing. It
12 is only in this area that we're talking about, document
13 control, where that list there is really the specification
14 of the things that are important to CM for the IROFS, and
15 that's why it's there.

16 SHILTHELM: Well, then, why wouldn't that list and
17 the list in the appendix be consistent, because this whole
18 management measures applies only to IROFS and applies to
19 Subpart H of the rule. So why would those two lists not be
20 consistent?

21 COX: Well, I would agree they ought to be
22 consistent, though not mapping one to one, necessarily, in
23 each other, because the final list in the appendix is just
24 an example list, an example.

25 SHILTHELM: I would contend this is just an

1 example list, because I can't imagine it's complete.

2 COX: Because what?

3 SHILTHELM: Because I can't imagine it's complete,
4 knowing what I know about what exists at my facility.

5 COX: I'd be glad to add to it.

6 SMITH: I don't think -- you know, if you look at
7 the words of that sentence, it starts off "This may include"
8 and it ends with "and others that the applicant may deem
9 part of CM."

10 SHILTHELM: Okay. So it's an example list,
11 contrary to what Tom just said. It may include.

12 COX: Then we have two example lists. They're not
13 tied to the description of how you keep the records
14 management system.

15 ASTWOOD: On three, document control, I don't see
16 the "may."

17 COX: You don't see what?

18 ASTWOOD: The "may."

19 SHILTHELM: "This includes."

20 COX: Yes. It says "This includes."

21 SHILTHELM: Saying this is the minimum.

22 COX: I know, in the past, industry has not liked
23 language like this, "includes, but is not limited to," which
24 you will find rife in the NRR's SRP. But we feel that it
25 should include these things.

1 SHILTHELM: What about criticality safety
2 evaluations? It's not in the list.

3 COX: I would expect that might be subsumed under
4 design requirements.

5 SHILTHELM: I wouldn't think so. My point is your
6 effort is --

7 COX: And assessment reports --

8 SHILTHELM: Your efforts to generate information
9 aren't complete and aren't necessary because you have
10 experienced license reviewers who presumably know what a
11 configuration management system is. If not, they shouldn't
12 be reviewing our licenses.

13 They should be able to make a judgment. We have
14 described an adequate configuration management system in the
15 area of document control. If they can't, they have no
16 business reviewing a license.

17 COX: But if they don't see what you say as within
18 that CM system, how are they going to have anything to
19 review?

20 SHILTHELM: Going back to what we supposed, the
21 applicant --

22 COX: They should describe --

23 SHILTHELM: -- an acceptable method to establish
24 and control documents. They describe how the CM function
25 will capture documents that are important to safety.

1 I believe that with only those two sentences, an
2 experienced configuration management license reviewer ought
3 to be able to review the license and determine that it's
4 acceptable.

5 If they can't, they have no business doing that
6 job.

7 COX: I understand your comment, and I don't think
8 we're going to be putting totally inexperienced reviewers on
9 the job.

10 But I won't guarantee that that won't happen, in
11 which case I would hope they'd have good supervision or
12 mentors.

13 This document is to be written to help the
14 reviewers along and understand what it is they're supposed
15 to be looking for.

16 SHILTHELM: But our experience, and the prior EDO
17 acknowledged our experience, that this will become de facto
18 requirement and that was acknowledged in a public -- or in a
19 meeting with the EDO, the prior EDO, that SRPs have a way of
20 becoming de facto requirement.

21 COX: Well, that's not supposed to happen.

22 SHILTHELM: Well, he acknowledged that it does.

23 COX: Well, then, I assume he knew what was
24 happening and he didn't deny its happening, I guess.

25 SHILTHELM: That's why we don't believe the overly

1 detailed information that's found its way into this SRP is
2 necessary. I think this is going to continue all day.

3 COX: Yes. I think we may as well move from that.

4 SHILTHELM: Well, it's going to continue because
5 -- we can't let it continue just breezing over these
6 sections and nodding in silence because we're worn out. We
7 are not going to go past a section until it's right and
8 we're not going to get agreement on a section until it's
9 right.

10 ROCHE: But I don't think that's what you have
11 been doing yesterday. In fact, you wanted to continue
12 because we have made some progress. So I wouldn't put it in
13 such a negative light.

14 SHILTHELM: We made progress on the easy part of
15 the SRP. The easy part was the review, the purpose of the
16 review. We made a lot of progress on that, because the
17 purpose of the review is pretty clear. It's the acceptance
18 criteria that have always been the issue and have always
19 been where the major disconnect exists.

20 FREEMAN: I think unanimously we agree it's
21 prescriptive. You've heard us use that term probably
22 hundreds of times.

23 SHILTHELM: I'll never use it again. Too
24 detailed, it's overly detailed.

25 FREEMAN: It's nothing that seems to be going away

1 from our side.

2 GOLDBACH: Just to make an observation. I liken
3 this to our procedures, our operating procedures at our
4 plant. We have different tiers of information that we like
5 to consider. The first tier of information is what to do
6 and then below that, the tiers of information are how you do
7 it, why you do it, where you do it, the how to being the
8 most important.

9 Those lower tier things, how to, where to, that's
10 all in the training program that we have. It's not in our
11 procedures, and I'm kind of drawing an analogy to this SRP
12 that, for us, the what to do is okay, but what you're also
13 including in here is really the how to's.

14 So that your maybe not so experienced reviewer can
15 use the same document to look at the what's, but also the
16 lower level, how. But the problem is, and I understand
17 that, you're trying to give the reviewer enough guidance so
18 that they can make a decision on the appropriateness of the
19 license application.

20 The problem it generates for the licensee is that
21 we call it prescriptive because it prescribes what or how we
22 have to do things, not just the what, but how's, and those
23 details. That's where we get -- that's why I think we're at
24 this impasse right now.

25 ASTWOOD: And we could solve that problem by

1 saying you have to have an appropriate CM function and I'm
2 putting all this detail in the next document for an
3 appropriate -- you know, when you're doing this review,
4 based on this SRP, an appropriate CM function contains this
5 information.

6 I mean, that's why we wanted to have it here, so
7 that you would know what it was that the license reviewer is
8 going to see as acceptable and appropriate, so that we don't
9 have the battles at licensing time. That was the point.

10 COX: And it's fair enough that we're talking
11 about it and I think in most paragraphs, or it could be in
12 most paragraphs, we're talking here about what, not how.
13 You see these lists of things that tells the reviewer to go
14 and look for it, look for these things having been
15 addressed.

16 It doesn't say exactly how. We don't describe for
17 you how the CM system must capture -- in what way it
18 captures design requirements or the ISA. It simply says the
19 reviewer should look for your description of how this
20 happens.

21 We don't specify how it happens. We're saying
22 look for these topics, these articles, these kinds of
23 documents.

24 NAGY: It is de facto the same thing. When you
25 tell someone to go and look for a list of things and then

1 that other party is holding to having that kind of list of
2 things in their system, then their system, therefore, by
3 definition, must be designed around capturing that list of
4 things, and then it gets very, very important to what Steve
5 said earlier, is that list exactly correct.

6 And if we're not willing to say that this is the
7 list, absolutely, and maybe you are, but we're not, then I
8 don't think it serves us well.

9 This is why, on a number of issues, I've made the
10 statement that I think we need to stick with the principles
11 behind it. What type of documents are you -- what is the
12 reasoning behind the capturing of the documents? That will
13 tell the reviewer what kind of documents would be
14 appropriate.

15 So they would know when the licensee comes forward
16 and says, well, criticality safety evaluations or the --
17 whatever they call their engineering design specification
18 documents, whatnot, would fit into the right categories.

19 So maybe talking about what's and how's and things
20 is a little bit hard to do.

21 COX: But the principle stops with capture
22 documents that are relevant and relied on for safety.

23 NAGY: Right.

24 COX: That's it.

25 NAGY: Good. And if you stop there, then we

1 wouldn't have the problem.

2 COX: Are you saying that your CM system would not
3 capture as-built drawings, that you're afraid to have that
4 reviewer look for the fact that it was capturing as-built
5 drawings?

6 FREEMAN: They may not be relevant.

7 COX: Or are there any one of these things that
8 are wrong to capture in a CM system?

9 SHILTHELM: It clearly says they're going to
10 capture the documents that are important to safety. If an
11 as-built drawing is not important to safety, who cares?

12 COX: But you seem --

13 SHILTHELM: They just won't capture it.

14 COX: -- about the accuracy of the list. What I'm
15 saying is if the list is incomplete, but is itself, as far
16 as it goes, correct --

17 NAGY: I'm concerned with the certitude of the
18 list. The fact that we are, by -- we are de facto
19 certifying that this is, in fact, a correct and, I would
20 say, in this context, it would have to be complete, since
21 we're really not qualifying it very well, and I'm not
22 willing to do that.

23 COX: But it's not your list. It's the NRC's
24 list.

25 NAGY: It would be my list the minute you put it

1 out in the SRP, and that's my concern. When we go to write
2 our license and when the license reviewer comes back and
3 requests additional information or says we find that your
4 submittal is lacking because it doesn't contain -- I can
5 just tell you the text right now.

6 It will be a couple items straight off this list,
7 because if you really want --

8 COX: That's why I asked if there's anything on
9 that list you would not want to capture in the CM system.

10 NAGY: I don't know. I'll tell you after we go
11 through the process. I can't know a priori what exactly is
12 going to be -- I can tell you the principles behind it, but
13 until we try to apply the principles and come back and
14 capture it all, I don't know the detail of it. You can't
15 know up front.

16 COX: Well, what we're saying is that we think we
17 know that these things ought to be in the CM system already.

18 NAGY: Well, clearly.

19 COX: And Steve is saying the list isn't even
20 complete, that he's got more.

21 FREEMAN: You may have alternatives, also.

22 SHILTHELM: Our discussion is not about the
23 content of the list. It's about the existence of a list.
24 That's the point of our discussion. Let's not get caught up
25 in the contents of the list. It's the existence of a list

1 that's the issue.

2 FREEMAN: As far as whether or not this will
3 become de facto, a recent letter came out on the
4 streamlining process and there is some text in there that
5 says to ensure RAIs are appropriately focused, they will be
6 guided, to the maximum extent possible, by the use of the
7 available standard review plan.

8 The acceptance review says the staff will not
9 hesitate to decline to accept applications that do not
10 contain the appropriate scope of information to support a
11 technical review. Those two are linked.

12 If you don't have that list complete when you put
13 it in a license, we expect to get RAIs generated, and that's
14 not a good approach to licensing.

15 GOLDBACH: It gets back to the question that was
16 raised yesterday and was not answered, with Mike Weber in
17 attendance, and the question was how does the new rule in
18 this SRP, what does it mean as far as our licensing efforts
19 down the road compared to our current license.

20 That's where, again, we want to -- we fully
21 believe in the risk-informed performance-based approach. We
22 want to spend our time improving our safety margin where it
23 needs to be improved and to me and to us, I think, looking
24 at the way we're heading with this, this is going to require
25 an incredible amount of licensing effort down the road

1 that's going to add no value.

2 We raised the point yesterday and it was not
3 addressed, and I think that's also at the heart of the
4 impasse right now.

5 FREEMAN: It's going to become a defensive effort.
6 The question will be asked and you will defend it. Where is
7 your as-built drawing? Well, I don't have one, but I have
8 field measurements. It will be defensive at every single
9 point. That's what it's going to turn into.

10 You may have it. It's just not going to conform
11 to this process. I agree exactly with what Don said. Our
12 questions weren't answered.

13 COX: We can get into this deeper and deeper, but
14 I don't think field measurements that are not on a drawing
15 is an as-built drawing, if it's not on something that can be
16 called an as-built drawing.

17 FREEMAN: Correct. But it may be, if you want --
18 one issue important to safety is the spacing between two
19 objects and you took a field measurement and that's your
20 important measurement. It's not the as-built drawing.
21 There's a number of ways of alternatives. Your list -- I
22 agree with Steve, also, the list is incomplete. It's too
23 specific and alternatives exist in every facet of a design
24 or a process.

25 COX: Well, the fact that it says as-built

1 drawings here doesn't mean that the reviewer couldn't
2 consider an alternative that you might propose as an
3 as-built drawing.

4 FREEMAN: I would have to defend the lack of an
5 as-built drawing.

6 COX: That's right.

7 FREEMAN: Rather than --

8 COX: That would be the thing to do.

9 FREEMAN: Rather than the reviewer judging the
10 information submitted, as the information submitted.

11 COX: That would be the defense -- the defense of
12 the as-built drawing or lack thereof would have to be
13 considered by the reviewer as an acceptable alternative, and
14 it says that in the very front end of the SRP.

15 FREEMAN: And that's what the first sentence
16 covers, an acceptable method.

17 COX: But the reviewer -- well.

18 FREEMAN: Which is what I would present, an
19 acceptable method.

20 COX: We present what is an acceptable method. We
21 present what is one acceptable method. That's the whole
22 purpose of the SRP.

23 FREEMAN: That's fine, but it's pretty
24 prescriptive in the fact that it says "this will include."

25 ASTWOOD: I understand what you're saying with

1 that list. I don't think getting rid of the list would
2 prevent you from having to defend not having something in
3 it. I know what you're saying. I just want to throw that
4 out as an observation. I mean, having a CM expert review
5 your CM option could result in him coming up with a punch
6 list on his own of things he thinks are important.

7 SHILTHELM: I agree with you 100 percent, Heather.
8 I agree with. The difference is his question wouldn't be
9 arbitrary and capricious. It would be based on an informed
10 review of the process that we described.

11 ASTWOOD: And he wouldn't be able to say it was in
12 here in the SRP.

13 COX: An informed review. Suppose that -- let me
14 ask you a question. Suppose that sentence that starts "This
15 includes design requirements," suppose it said, as it once
16 said, "This may include design requirements," and so on and
17 so on, would that make any difference?

18 NAGY: How about if we just said the documents
19 should include those relevant to the engineering of the
20 plant from design phases through construction and as-builts
21 are something where you're generally speaking. Maintenance
22 functions or quality assurance program documents that
23 capture the end results of those analyses, instead of trying
24 to be so specific.

25 By saying as-built drawings, yes, that's one

1 engineering type of drawing that aren't in the engineering
2 departments can throw around. There's another 20 or 30
3 different types of things that the engineers use throughout
4 their entire process and change controls they use and
5 modification documents they have and redlines they use and
6 everything else.

7 We're not here to be experts in engineering, but
8 we're here to say what is it we need, what is it you want to
9 know.

10 COX: As-built drawings is a very generic,
11 industry-wide practice type term, but it is not specific. I
12 mean, it's not so narrow as to be unable to be interpreted.

13 NAGY: That was my point.

14 COX: That's been around for a long time.

15 NAGY: My point was it was one specific example
16 that you pulled out of a myriad of things that engineers use
17 in the process of doing what engineers do to maintain and
18 run and build safe facilities.

19 I just think by getting into this list, and any
20 list, it's not this list, I could care less about this list
21 and as-built drawings.

22 COX: I think that's the key there.

23 NAGY: Any list. We need to be guided by what is
24 it we're after in terms of -- what is the reasoning here
25 that we're trying to get. And the license reviewer, the

1 minute you introduce a standard list, you might as well put
2 a checklist together for the reviewer.

3 I think it takes away from the professional aspect
4 of the review. I think it takes away from the thoughtful
5 aspect that the licensee goes through in preparing what
6 they're going to submit to you.

7 I mean, the licensee may just turn around and
8 submit you exactly this list and not have really thought of
9 what you asked for. That's a danger to everybody here.

10 ASTWOOD: Along that line of thought, again, not
11 committing that we are actually going to change this,
12 because there are other people we have to check with, but
13 can we try to come up with some wording like he had just
14 mentioned, that gets across our point and doesn't limit you
15 to a specific list?

16 Can we try to say this includes -- would that
17 satisfy you?

18 SHILTHELM: The words that NEI proposed are
19 perfectly adequate.

20 ASTWOOD: I understand that.

21 SHILTHELM: IT captures the documents that are
22 important to safety.

23 ASTWOOD: I understand that.

24 SHILTHELM: There's a --

25 ASTWOOD: And I'm trying to come to a compromise

1 between the two.

2 ROCHE: Remember, Steve, yesterday, you were
3 saying don't put this here, put it in the acceptance
4 criteria, but that's where we are now and we have to offer
5 some guidance.

6 SHILTHELM: I never said we agreed with the
7 acceptance criteria.

8 ROCHE: I know, but you were saying don't put it
9 here. We're putting things in the acceptance criteria and
10 now you're saying, no, it's still item one.

11 Also, I sense a little bit of fear and speculation
12 as to this is going to become prescriptive. This is going
13 to become a requirement, this is going to become that.

14 You mentioned the streamlining letter. Well, that
15 letter, and what we meant precisely is to diminish the
16 number of RAIs, which takes your time, takes our time, or
17 filling in gaps when we don't know something with a license
18 condition, which we want to get away from, too.

19 FREEMAN: I agree.

20 ROCHE: And that's all we need. It is in good
21 faith. Now, where we look for alternative language that may
22 satisfy you better, we are not going to come up with a
23 complete list. You may have a better list and so forth, but
24 we have to give some guidance to our reviewer for
25 consistency and to accomplish what we said in our

1 streamlining letter.

2 And that's really where we're coming from. I
3 mean, this is not something to make your life impossible,
4 and you said you have all these there.

5 So we're going to have consistency or everybody
6 being treated the same way, in fairness. That's our goal.
7 When you speak, you sense, oh, I'm afraid of this, I'm
8 afraid of that.

9 Let's try it, because you even mentioned that you
10 didn't even know what this would be or how you would come
11 about it. Well, bring me a rock. We are giving you a rock.
12 It's a guidance rock, granted, but we have to satisfy our
13 needs, too.

14 SHILTHELM: I agree with what you said, Lidia, but
15 our experience doesn't support that and we had the
16 discussion with the entire staff, up to the EDO, about a
17 year ago as to precisely why we're so concerned about the
18 language in the SRP.

19 Our experience supports the fact that if you don't
20 do what the SRP says, you're branded as a rebel and you have
21 to explain your life away.

22 That is a fact and that is our experience.

23 ROCHE: This is your first SRP.

24 SHILTHELM: We've worked other SRPs. There are
25 transportation SRPs. We have worked SRPs before. We know

1 how the system works.

2 So you have to at least acknowledge and understand
3 our sensitivity about what's in this SRP.

4 ROCHE: I do. I understand what you're saying.

5 SHILTHELM: Now, we don't have to agree that that
6 will come to pass, but that's our experience.

7 ROCHE: Why don't we try? Let's go, let's move
8 on. Why don't we try and let's move on on these? Heather
9 and Tom will think about some alternative language that may
10 be more compatible, but, believe me, our purpose is just to
11 link this SRP as guidance with our streamlining, making it
12 easier on you, to be honest on you as to how you manage your
13 facilities, but, at the same time, satisfying our regulatory
14 needs.

15 FREEMAN: I understand and, in fact, when I read
16 this letter, I thought it was an excellent letter, until I
17 got to that part and I'm sure it is pertinent to my view at
18 this point. If I was an outsider, I would have thought this
19 was --

20 ROCHE: Let me tell you that part. If it's not
21 complete, we don't mean if it's not complete in one of these
22 or three or ten of these items in this particular section.
23 The intent there was it's not complete and somebody says I
24 want to do this new process and I'm going to follow every
25 one of your requirements, if they're short one letter or one

1 conversation or something, or a two-page letter, that's what
2 we're thinking of, and we have gotten those, too.

3 So you have your experience, we have our
4 experience, and this is what we're trying to do, to come up
5 with some grounds that we both can work.

6 SHILTHELM: The problem with moving on, though,
7 that I want to make very clear is as we sit here and we go
8 through this section by section and we sit silent, it's not
9 because we're in agreement. We are not in agreement over
10 the acceptance criteria that exists in Chapter 11 of the
11 SRP. We are not even close.

12 ASTWOOD: Let's work on it and get it close.
13 Don't just sit there and say --

14 ROCHE: That's what we want to do.

15 SHILTHELM: But as we go through section by
16 section, we don't reach agreement.

17 ROCHE: That's not what you said yesterday. You
18 said we have a lot of progress --

19 SHILTHELM: I said on the acceptance criteria. We
20 made progress on the purpose of the review. We're in
21 acceptance criteria now. Two different things.

22 COX: Well, we went through purpose and areas of
23 review.

24 SHILTHELM: Right. Two different things,
25 acceptance criteria --

1 COX: Do we get agreement that far, until we got
2 this acceptance criteria?

3 SHILTHELM: I think we're in pretty good shape
4 there.

5 COX: Okay. I'd like to just ask, because I think
6 -- and I'll tell you in a minute, I think we're going to
7 just get bogged down here. But could we just take five or
8 ten minutes, since things seem not to be going too smoothly
9 here, I'd like to get a statement written down, which I
10 think John Nagy has almost articulated reasonably well for
11 all of you, I guess, something about the guiding principles.

12 I'd like to start a sentence that says "Acceptance
13 criteria should be limited to a" -- can we make a statement
14 that describes what your feelings are about this?

15 And I know it involves the -- you want to limit it
16 to the statement of general principles describing an
17 activity or something.

18 I'd like to get a --

19 NAGY: How about instead of guiding -- "should be
20 limited to a set of guiding principles that assure the
21 effectiveness of the licensee, the licensee's program, to
22 meet the performance requirements of the regulation."

23 COX: Think about it a while. I can't write that
24 fast. "That assure the effectiveness of" --

25 ASTWOOD: "The licensee's program."

1 COX: "The applicant's program."

2 NAGY: Meet the performance requirements of the
3 regulation, to be more specific, but something like that,
4 which sets sort of the tone of what you're laying out for
5 both the reviewer, but then, of course, in the flip side, as
6 we look at it, what the licensee is trying to do in their
7 license language.

8 COX: Could we limit it to a set of guiding
9 principles that assure that applicant's function meets the
10 performance requirements?

11 NAGY: I wouldn't say limited, but that's the
12 idea. It should be a set of guiding principles. So that
13 the reviewer has a clear picture, in their mind, of what it
14 is that's needed here, what they're looking for the licensee
15 to be committing to, and that the licensee does.

16 COX: I think, without writing some more, I think
17 it's probably fair to say that your view of what those
18 guiding principles are would fit this markup that you've
19 given us of this, essentially the first sentence of a lot of
20 these paragraphs, because you've deleted usually after the
21 first or --

22 NAGY: Well, I can no longer speak for the
23 industry group, because I wasn't as involved in that.

24 COX: You weren't involved in writing this?

25 NAGY: From what I've seen so far, it does. I'm a

1 fill-in here, frankly, today. But, yes, I think what NEI
2 has presented with the industry comments kind of goes along
3 with the lines of thinking that I just espoused.

4 COX: Can I get a nod from the rest of you that
5 that's -- that you feel what is produced here and given to
6 us dated August 30, that that shows guiding principles and
7 that's what you're all talking about?

8 SHILTHELM: We didn't set out specifically to do
9 that, I don't believe. So it probably, in a lot of cases,
10 doesn't do that. We set out to work on the strawman and I
11 think that filtered -- those guiding principle ideas
12 filtered into a lot of our thinking, but it wasn't an
13 overriding consideration as we worked on this chapter.

14 VAUGHAN: It wasn't our principal mission. I
15 think it colored our thinking, but it was probably a second
16 tier effect in our thinking as opposed to the primary focus.

17 SHILTHELM: And I think it would look different,
18 probably substantially, in some areas, different, if we set
19 out with that as the mission.

20 COX: Okay.

21 FARRELL: There was an edit or an attempt by
22 industry and ourselves to rewrite Chapter 11. It must have
23 been a year ago and we really just focused on commitments
24 and what are the core elements that you should describe
25 under each of these acceptance criteria.

1 But that was radical surgery, and so, more
2 recently, we've just tried to just work, of course,
3 superficially, on the version that you gave out most
4 recently.

5 COX: Well, in some cases, then -- now, there are
6 some paragraphs here that you haven't changed a tremendous
7 amount and there are some of these areas where we have
8 modified to address, I think to address your concerns, and
9 we have some plain disagreements.

10 I might suggest that we try at least to get
11 through or keep working on this one and the maintenance one
12 and then maybe we'll have to stop, because among other
13 things, I don't have with me my comment document, it's been
14 misplaced or lost, that I had on procedures and audits and
15 assessments and incident investigations.

16 I was working with it yesterday and we got through
17 what we got through and now I don't have it to go through
18 for acceptance criteria, but I can tell you, I know ahead of
19 time, that there was very little of your comment in those
20 three items that we picked up and agreed with.

21 So perhaps it wouldn't be worth pursuing that
22 anyway, given your current -- what you've said so far today.
23 However, I do think that I could -- we could continue to
24 work through this CM and maintenance and also perhaps you'd
25 want to try QA and records management and the one other one

1 that we have.

2 SMITH: Training and qual.

3 COX: Training and qualifications. But I think
4 we're going to have problems with procedures and incident
5 investigations and audits and assessments.

6 So why don't we try to determine what we think is
7 a good way to use the next couple of hours. I have made
8 some changes in here, but as I say, I think I could work
9 through with you on CM and maintenance and what we could do
10 at least is establish where we disagree, where we still
11 disagree, I guess.

12 Do you want to do that or do you want to just say
13 that you don't think this is going to happen? You have had,
14 I guess, overnight to look at our Chapter 11 that we gave
15 you yesterday.

16 ROCHE: Let's move on then.

17 KILLAR: I would like to ask that maybe the last
18 15 minutes of this afternoon, if Heather or you could
19 present a little summary of how you're changing Chapter 3 of
20 the ISA, that's of great interest to us.

21 COX: Yes. We have those on the agenda. I'm
22 prepared to deal with that. But as you can see, we're
23 moving very slowly on this. So that's why I'm asking. Do
24 we have ideas here or what do you want to do? Do you want
25 to just move to the other things because they're important

1 to you? They were lower on the priority list than Chapter
2 11.

3 But I think if we work solidly on Chapter 11, we
4 probably won't get done with it before 4:30. So if those
5 other items are important enough to deal with today, maybe
6 we ought to do that.

7 SHILTHELM: Maybe we ought to take ten minutes to
8 decide what we're going to do with Chapter 11.

9 COX: Yes. You now know, if nothing else, the
10 difference between the Chapter 11 that's in front of you,
11 that I gave you yesterday, and your comment, August 30
12 comments. What I'm saying is in the areas of CM and
13 maintenance, the changes that we think are worthy of making
14 have been made.

15 So do you want to just caucus for ten minutes or
16 what?

17 GOLDBACH: I don't see any value to continuing the
18 line by line discussion that we've had. I just think
19 there's -- we're too far apart on some fundamental
20 philosophies. It's, personally, frustrating to me to go
21 through this line by line knowing that there's other higher
22 level issues hanging out there that haven't been addressed.

23 ROCHE: Why don't you go through the things you
24 have agreed with on this one and then we're going to have to
25 --

1 COX: That's a pretty good approach. Let's look
2 for something we agree on.

3 ROCHE: Let's look at the ones we agree with you
4 on that we have done.

5 COX: Is that okay with everybody?

6 SHILTHELM: Yes, we can try that.

7 COX: Maybe it won't take that much time.

8 GOLDBACH: My memory is not always that great, but
9 don't we come close with -- was it audits and assessments?
10 We went over one of them yesterday, I believe, and they
11 tended to be the guiding principle type things.

12 I think, if I remember, we came fairly close.

13 COX: We did on the areas of review and we
14 progressed --

15 GOLDBACH: Not the acceptance criteria.

16 COX: We didn't agree on the acceptance criteria,
17 I don't believe.

18 SHILTHELM: Well, we did work through examples of
19 license application that kind of focused us in on audits and
20 assessments.

21 ROCHE: Let's go through the ones we agree with
22 and then maybe --

23 COX: Well, document control, I can see that we
24 haven't had a meeting of the minds on.

25 ROCHE: Yes, okay. Change control.

1 COX: Looking at change control, I made some modifications
2 here, but, in fact, the NEI document does not -- well, we're
3 not deleting much in the change control paragraph at all,
4 except it refers to some text in parentheses, which was
5 called for to be deleted, which was like a line, two lines
6 worth.

7 ROCHE: Which we did.

8 COX: And we deleted them. But there are some
9 other modifications to the paragraph, I believe. So that's
10 perhaps an area where at least relative to this document,
11 the NEI document, we have --

12 ROCHE: Agreement.

13 COX: Pretty much, agreement. Do we have
14 disagreement with that statement?

15 FARRELL: One issue that several of the industry
16 folks brought to the attention deals with the last sentence
17 of item four.

18 COX: Oh, yes.

19 FARRELL: When a change is made according to
20 70.72, the affected on-site documentation must be made
21 within five working days.

22 COX: Right.

23 FARRELL: And that seemed to be unnecessarily
24 short.

25 COX: I simply could not resolve that one in the

1 week or so we were working on it, so I left that the way it
2 was.

3 As a matter of fact, Drew Persinko might want to
4 say something about that. Is he here?

5 ROCHE: No.

6 COX: This was an area that was worked on during
7 the rulemaking. Do you remember anything about that? There
8 was a need to define what "promptly" meant. Well,
9 "promptly" came up to be a few working days, if I remember
10 correctly. That's why this shows up. This is an artifact
11 of the rulemaking.

12 That's why I had to go back somewhere else to get
13 this resolved.

14 SHILTHELM: This is a tough issue, and I can speak
15 from experience in updating ISA summary documentation, as
16 you make changes in the facility and, generally, you can get
17 it done in 30 days. You can't get it done in five days.
18 There is too much administrativia associated with it to get
19 it done in five days and as hard as we have tried to work at
20 efficiency, it just still has its administrative burden
21 associated with it.

22 ASTWOOD: Yes. There was a lot of discussion
23 about what that time period should be, and, again, I was
24 only on the sidelines, but I remember it connected to
25 something, some other policy that was already in place.

1 So we'll have to find out about that and whether
2 or not it applies here, a definition of "promptly from
3 somewhere else."

4 SHILTHELM: I'll tell you what's important. To
5 think this through a little bit, the important thing is that
6 you update those documents that are going to be used,
7 procedures, training, extremely important.

8 In fact, they have to be updated and implemented
9 before you affect the change. So those are pre-operational
10 things that have to occur. When you update the ISA summary,
11 it is more a function of how long you can tolerate it not
12 being updated. That changes based on the circumstance. If
13 you've got three or four sequential changes that are going
14 to occur within a month in a particular operation, then
15 there is on real value-added to update the ISA summary four
16 times, when you can wait till all four are done and update
17 it once.

18 So if you could factor that thinking into that
19 definition, there are really two kinds of documents to be
20 updated, those that are important to the operation, to make
21 sure the operations stay safe, and those that are important
22 from an administrative standpoint.

23 VAUGHAN: The important thing there is that you
24 never use information that is not current, accurate or
25 up-to-date in your operations and decision-making. So if

1 you've made some changes and if there is lag time in the
2 system, as long as that lag time doesn't impact your
3 operations or decision-making, then you should be okay.

4 COX: We're talking here about documents that are
5 in the CM system, which is supposed to carefully assure that
6 things inordinate or inadvertent items don't happen in the
7 actual safety operations because of bad documentation.

8 VAUGHAN: Right.

9 COX: So it could be, in some cases, if you can't
10 do it in some X amount of time, maybe some process would
11 have to stop for some X amount of time.

12 NAGY: I think that's what is being said. The
13 norm is that we don't operate things until we get changes
14 made that we know we have a change. So the word "promptly"
15 is kind of irrelevant if you're not running it until you get
16 a change affected, but then what you don't want to have is
17 an administrative thing that says, well, all documentation,
18 even that that isn't relevant to this, as far as the safety
19 of the operation, like maybe updating the ISA summary itself
20 would fall into the same definition.

21 So it gets back to what are you really trying to
22 affect here. You don't want to operate with the wrong
23 information. That needs to be the standard.

24 ROCHE: We'll take a note on that and get back to
25 you. Let's move on the others.

1 COX: On number five, assessments, there were no
2 changes recommended by NEI that were not incorporated in
3 this paragraph you're looking at. I think that's a correct
4 statement. So we should be on the same wavelength there.

5 You can see that design reconstitution has been
6 eliminated, as you wanted.

7 We're now on maintenance. We did list -- we made
8 the change you called for in the first sentence, except I
9 didn't put the number four in there.

10 Under surveillance monitoring, I have a note in my
11 margin here from yesterday that John Nagy will provide a
12 list of principles.

13 ROCHE: Yes, and he did.

14 COX: We have it already. Okay.

15 NAGY: I should point out that that was sort of
16 done on the back of the envelope yesterday at lunch and what
17 I wanted to get my hands back on yesterday, and thanks to
18 Walt Schwink, I did, was the INPO, and I understand NEI had
19 a lot of involvement with this, document on principles for
20 self-assessment and corrective action programs.

21 The reason being is that there was a couple items
22 in here that basically say, okay, if we find a problem, what
23 are we going to do about it, and that really means, well,
24 when we identify it, are we, in a timely fashion, going to
25 communicate that to all the right parties, including, as

1 Part 70 requires for certain items, to the NRC and what is
2 our process for going through and looking at investigations,
3 setting up investigations, doing that in a standard way.

4 This document, in a very nice way, goes through
5 and talks about a lot of what's involved in that and I think
6 it might be something we want to at least look at, and I
7 have a number of copies here. I think some of the industry
8 people already have this. I don't know if I have enough for
9 everybody. If you have one, don't take it.

10 But if you go to page 15 of that document, there
11 is a summary list, summary of principles for effective
12 corrective action program, and I would submit to you that a
13 subset of that list might be those vital elements that are
14 worthwhile to actually list in a standard review plan for --
15 either in the context of a corrective action program in
16 general, or in following up with any corrective action you
17 might find, like is the case with the surveillance and
18 monitoring here, where you -- how did we respond to an IROF
19 failure or an adverse trend.

20 COX: I will look at this, but I would submit that
21 this we do, we use this information under audits and
22 assessments and incident investigations program, which,
23 together, are a corrective action program.

24 NAGY: If you want to, though, because one of the
25 specific things I was trying to deal with was the fact that

1 there is a commitment to respond to failures or adverse
2 trends of the IROFS. It's written in here. So how -- what
3 would the license reviewer need to see?

4 ROCHE: What page are you on?

5 NAGY: Well, I'm on page 11 of mine.

6 COX: That's right.

7 NAGY: It's 11-11.

8 COX: At the bottom, called surveillance and
9 monitoring.

10 NAGY: Right. And it says the applicant describes
11 how results from incident investigations, review of failure
12 records, and identified root causes are used to modify the
13 effective maintenance function or eliminate and minimize
14 root cause reoccurring.

15 What I had hoped most people would do there would
16 be to refer to their corrective action program, because
17 that's how you deal with all these type issues. So to that
18 -- with that line of thinking, I put together the strawman
19 that I gave out saying how you would respond.

20 COX: We'll do that. I wanted to -- I see
21 something here that's a little bit -- I can see something
22 that ought to change here, in that this paragraph is about
23 surveillance and monitoring, that function of maintenance.

24 It doesn't have to deal with corrective actions
25 and that sentence that you just read, I think you just read

1 that, about how results from incident investigations and
2 identified root causes are used to modify the effective
3 maintenance function, I would end that sentence right there
4 now and eliminate the part that says "and eliminate and
5 minimize the root cause from occurring."

6 That's not really what is intended to be dealt
7 with here. We're trying to make sure that the applicant has
8 a good surveillance and monitoring program in the
9 maintenance function.

10 NAGY: Okay, but I would submit to you that that
11 entire sentence really must go, because how results from an
12 investigation or the review of records are treated by your
13 program is part of your corrective action program, too.

14 So I think that entire sentence then would go and
15 then we'd be okay, because you would have your incident
16 investigation and hopefully your corrective action program
17 described somewhere else, and here you could just simply say
18 that we're committed to conduct documented surveillances at
19 minimum specified frequencies of IROF preventive
20 maintenance, et cetera.

21 COX: We would have to either refer to the
22 corrective action program or to incident investigations or
23 to audits and assessments. Back in that other section, we
24 would refer to the fact that that information might be used
25 to modify the surveillance program under maintenance. So

1 you're talking about cross-referencing in both directions
2 anyway.

3 NAGY: Exactly. Perhaps it makes a lot more sense
4 to describe that program elsewhere, not here.

5 COX: We'll consider that.

6 NAGY: And in -- I'm sorry, wait. Are we going to
7 talk about corrective action program stuff?

8 COX: Wait a second. We may. We're now going
9 through maintenance.

10 NAGY: What's that?

11 COX: We're now going through maintenance.

12 NAGY: I understand.

13 COX: We may get to --

14 NAGY: It got a little bit of a high priority
15 relative to -- from this morning's conversation. There is
16 an expectation that we will try to, at some point, come up
17 with a few key attributes of a corrective actions program
18 today at this meeting.

19 COX: I think what was said was --

20 NAGY: And we were trying to do that.

21 COX: What was said was the discussion of what
22 elements should be in a corrective action program, which we
23 define here in two different functions, should be discussed
24 this afternoon, because that's where we're going.

25 I didn't think it was -- well, I guess I did sort

1 of facetiously say we'll resolve that this afternoon, and I
2 don't know that we may not resolve it this afternoon.

3 GOLDBACH: We missed the sarcasm.

4 COX: Well, we can certainly address it.

5 NAGY: If I could just -- could I point one thing
6 out, then?

7 COX: Sure.

8 NAGY: Because we may not get back to it.

9 COX: Okay.

10 NAGY: My guess is we won't. On page 15 of what I
11 handed out, the INPO document, it has that list of 12 items.
12 My looking at this, now, these are all good things, believe
13 me, and I think most of us have tried to do all these
14 things, but one of the fundamental vital ones, I put two,
15 three, four, five and seven.

16 Okay.

17 COX: On your single sheet.

18 NAGY: On this page, as being the vital elements
19 of this program, the minimum stuff, the stuff your license
20 reviewer ought to be looking for. And I modified the number
21 two one, where it says "management formally defines problem
22 reporting criteria, the problem reporting system to be
23 used," I struck the rest of that sentence and then added
24 "and must include failure of items relied on for safety."

25 In other words, that's a minimum requirement of

1 this system is that when you have an item relied on for
2 safety failure, that it's going to be kicked directly into
3 the corrective actions program.

4 Now, that's just my recommendation. This is not
5 something that the whole team has looked at.

6 COX: How does what you just told us about this
7 page 15, how does that relate to this single sheet that you
8 -- or does it at all?

9 NAGY: See the bullets?

10 COX: Yes.

11 NAGY: Just strike my bullets, basically, on my
12 sheet.

13 COX: Strike your bullets.

14 NAGY: Yes. Those bullets were the ones off the
15 top of my head that I was trying to say what ought to be in
16 a good corrective actions program, but I think this
17 describes it better in the INPO document.

18 COX: Okay. So you're saying now this is your
19 suggestion rather than this single sheet.

20 NAGY: Yes, sir. That's right. I just didn't
21 have it in hand at the time.

22 COX: I understand that the SRP deals with
23 corrective action in two separate functions, that I'll call
24 audits and assessments and incident investigation. We don't
25 have a management measure called corrective actions.

1 NAGY: Yes.

2 COX: So these four or five items, however they're
3 used, might be split up between the two or they might wind
4 up all under one.

5 NAGY: Right. I haven't thought through it. I
6 just submit that for use, however we can be consistent with
7 it throughout this process and Walt Schwink's area.

8 COX: We will certainly look at that. Okay. Are
9 we still back on maintenance now?

10 FARRELL: In that same item number one,
11 surveillance monitoring, the next sentence after the ones
12 you're going to consider for putting in corrective action,
13 says "records showing the current surveillance schedule,"
14 that sentence. I'm just wondering now is that something
15 that really needs to be under maintenance or should that be
16 dumped into the records management measure, just for
17 clarity?

18 COX: Establishing PM requires looking at the
19 results of failure records and designing the PM function to
20 take account of what might be more frequent failures than
21 you thought, so you need to increase the frequency of PM.

22 NAGY: Unless you're starting new.

23 COX: Yes.

24 NAGY: So a priori, necessarily, it does not
25 necessarily. If you have that information, you can use it

1 and may use it as a function of importance, but that doesn't
2 mean you're always going to have failure records to guide
3 you when you go into establishing a PM program.

4 COX: I agree. If you don't have results, you
5 can't use them. But this addresses times when you have
6 results.

7 NAGY: I think your surveillance and monitoring,
8 in the strawman I put out there, and maybe it's a little bit
9 too simplistic, but you're looking here for a commitment to
10 conduct documented surveillances. You want a minimum
11 frequency specified for your items relied on for safety and
12 the preventive maintenance functional testing and failure
13 records area, I don't think it helps to get a lot more
14 specific.

15 COX: Okay.

16 FARRELL: Could you pass out a copy of your --

17 NAGY: The strawman thing?

18 FARRELL: Yes, please.

19 NAGY: I'm sorry. It's this thing.

20 FARRELL: This one?

21 NAGY: It's not much use, but it's just a sentence
22 or two.

23 VAUGHAN: I think the corrective action program is
24 stuck over in the other QA elements piece.

25 COX: I'm not sure I understand what you're

1 saying.

2 VAUGHAN: I heard a comment a while ago that said
3 that corrective action program wasn't specifically addressed
4 in the management measures.

5 COX: And you see something under other QA
6 elements that deals with it.

7 VAUGHAN: In the QA elements, down about number
8 16, is where it's really the corrective action statements.
9 I think it ought to be -- and it's really a management
10 action and not a QA action necessarily, because it is such a
11 cross-cutting function.

12 But I'd just introduce that because it really is
13 in here.

14 COX: Well, we haven't discussed QA yet.

15 VAUGHAN: I guess that was a marker, that's a flag
16 as to where --

17 COX: I see the word "corrective." No, I don't
18 see the words "corrective action" under item 16.

19 VAUGHAN: It doesn't say corrective action.

20 KILLAR: Actually, it's part of the corrective
21 action program, as the very last sentence on the bottom of
22 the left-hand side.

23 COX: Yes, yes, yes. I got it. "Or as part of a
24 corrective action plan." See, you can have a corrective
25 action plan and you can call it that. We will look for the

1 proper elements to be in it that we have listed under A&A
2 and incident investigations.

3 Okay. On PM, we made some modifications there. I
4 think we did not delete the last sentence because we don't
5 have a problem here with stating here and under functional
6 testing the same kind of statement. We feel like saying
7 under PM that if necessary, you have to do a functional test
8 after PM to provide the assurance that the device is still
9 there.

10 FARRELL: Why not put that under functional
11 testing? It just seems to be kind of a black sheep.

12 COX: I believe --

13 FARRELL: In fact, maybe it's already there.

14 COX: Well, yes. This is a reminder that under
15 the PM function, you may have to end up or, at the end, do a
16 functional test following PM. It in no way detracts from
17 what it says under functional testing, which describes what
18 the functional testing is required for.

19 If you found the same thing under functional
20 testing, and I don't see it exactly --

21 FARRELL: The sentence is in both PM and
22 functional testing. The same sentence occurs on the top of
23 page 11-13, the sixth line down.

24 COX: Yes. If necessary, a functional test is
25 conducted after conducting corrective maintenance and before

1 returning an IROFS.

2 FARRELL: I'm sorry. I didn't see it, sorry.

3 COX: So we just mention it in two places. I
4 don't think that's confusing. I think it makes certain that
5 the reviewer doesn't miss it, because it's important to both
6 the definition of PM and to a description under functional
7 testing of when you use functional testing.

8 ASTWOOD: Again, I think some of these changes, at
9 least my understanding, some are editorial and some are
10 important to you, as we've been talking about it. I know
11 you feel frustration in going line by line and you said you
12 don't want to sit there in silence with these other issues,
13 but it is beneficial for me and Tom to hear you say no, this
14 is really important, I don't agree, we need principles here,
15 or whatever you were saying before.

16 I don't want you to be frustrated with the
17 process, because it does help us. Some of this stuff, I
18 believe, may not be as important to you and we need to focus
19 on the areas that are.

20 So I just want to throw that out there.

21 COX: So far, we're taking the statements of
22 redundancy or repetition as not as important. I consider
23 them not as important as the following sentence is
24 unnecessarily prescriptive, that kind of a comment is a
25 little more weighty than.

1 ASTWOOD: I understand. I just wanted to make
2 sure that we're not --

3 COX: And in regard to that, under item three, PM,
4 the first comment I considered was -- well, the first couple
5 of comments were essentially editorial and the last comment
6 was one about unnecessary prescription.

7 License applicant will be saying -- so on and so
8 on. And I believe I agreed with you on that one. Let's see
9 here. PM. Took out the sentence that starts "A rationale."
10 We decided we do not need the rationale.

11 Okay. Functional testing.

12 ROCHE: Also, we will look at the whole document,
13 for what Steve also mentioned with --

14 COX: Let me back up for a second. Here is an
15 important point, perhaps. Steve made the general
16 observation that all of this is too prescriptive, and I
17 think I heard several of you back this up. Here is an
18 example of a paragraph we just went through where two of the
19 comments had to do with, first of all, a comment about a
20 log, which we took care of.

21 The next comment was about redundancy. The final
22 comment was about too much detail, and we took care of that.

23 Now, that's all that that NEI document said about
24 that paragraph. Now, it's essentially been taking care of.

25 Now, are you saying still you don't agree with the

1 paragraph on PM? All you have to look at is the NEI
2 document and if you agree that we've corrected those things.
3 Are we changing our mind to say, well, it's still too
4 prescriptive or what?

5 FARRELL: I'd go back to the rewrite of Chapter 11
6 I wrote about a year ago or 15 months ago, I don't remember,
7 and I think, at that time, that rewrite was a major surgery
8 on this and we pulled all this -- the prescriptiveness out
9 and went with -- tried to emulate the guiding principle
10 concept.

11 We realized that that was too radical an approach
12 and we backed off. You came out with the version, I think
13 it was July, I can't remember the date, and I said, okay,
14 let's be realistic, they're not going to go the way we think
15 we should be going, let's try to do the best we can. Get
16 the bandage box out and let's try to fix up what we think
17 are the glaring errors, but basically try to go along with
18 you.

19 So I would accept the fact that the statement that
20 we're not standing behind our principles, we tried that
21 once, but we're just now trying to make the best job we can,
22 because time is running out. We've got to try to get this
23 thing in order.

24 So I don't want you to put Steve on the hot seat
25 here, so to speak, and say do you no longer agree with what

1 NEI has done. We tried that, but now we're just trying to
2 do the best we can in a very short time.

3 COX: Okay. Well, maybe I asked that incorrectly.
4 I guess the point is where do we go from here. Are you
5 going to say, well, no, I mean, what would you do with this
6 if this comes out and this paragraph on PM is in here the
7 way you see it today, dated September 10?

8 SHILTHELM: From BWXT's standpoint, if this were
9 my product, I would start over. It's disturbing, and I'll
10 give you an example of why it's disturbing. You look at the
11 example in Appendix C on maintenance as a management measure
12 and the example of what would be acceptable in a license
13 application.

14 It takes less than two pages to present what would
15 be in the license application, but it takes nearly four
16 pages to say what should be in the application in the SRP.

17 Something is dramatically wrong with that picture,
18 okay, as a manager. We're getting all the technical detail.
19 Something is dramatically wrong with that picture.

20 And we went through this Appendix C yesterday and
21 came to some general agreement that it was acceptable. But
22 why does it take four pages to write about what you're going
23 to produce and two pages? That doesn't make any sense. And
24 how can that be a clear articulation of the expectation?

25 So if we had the time and wherewithal, I would

1 propose we'd throw it away and start over. I don't know
2 that we have the time or the wherewithal or the energy to do
3 that, and that, I think, is what we're struggling with
4 today, and I'm being perfectly blunt and I'm not blaming
5 anybody for where we are today.

6 We've all participated in getting where we are
7 today. It's just where we are. And I'm sitting here and I
8 don't know what to do at this point.

9 ROCHE: Let's move on to the parts where we agree.

10 COX: Okay.

11 ROCHE: Shall we?

12 COX: Okay. We won't call it agreement. We'll
13 just say we're going to go over it. Functional testing. I
14 think we essentially, at least down through their first --
15 through the comments on 11-16 of the NEI document. I
16 believe we did that.

17 Now, that's just through the bottom of 11-16, but
18 that's really the end of functional testing.

19 The next material on page 11-17 of the NEI
20 document is not functional testing anymore, but that's the
21 general acceptance criterion, which, in the NRC document,
22 occurs after corrective maintenance, which has been
23 reordered and placed after functional testing.

24 So we need to go -- if we follow the NRC document,
25 we now need to go back to corrective maintenance, but we've

1 already been over that one.

2 So we are at the paragraph that starts -- well,
3 the next paragraph in the NRC document is a paragraph that
4 wasn't there before.

5 NAGY: I've lost you, Tom. I'm sorry.

6 COX: I'm sorry?

7 NAGY: Where are you at now?

8 COX: We are at the NRC document, page 11-13,
9 first full paragraph, administrative controls. That's
10 addressed within the maintenance acceptance criteria and
11 addressed to administrative controls and it simply refers to
12 the recognition that the training and qualification
13 management measure is going to be used to assure that
14 administrative controls are there.

15 The reviewer will then have to go to the training
16 and qualification management measure.

17 Then we come to the paragraph that's headed
18 general acceptance criterion, which is -- you know where it
19 is in the NRC document. It's on page 11-17 of the NEI
20 document.

21 We think this is useful to reviewers who will
22 assure that -- just so they can assure that appropriate
23 commitments are made. It tells them what to look for,
24 methods or practices that should be applied and for which
25 the applicant should commit to prepare procedures.

1 It deals with work control methods, the whole
2 paragraph deals with work control methods. We didn't
3 combine H and I, because H, I believe, I think that H is not
4 necessarily IROFS. Where is H here? H is procedural
5 control of removal of components from service for
6 maintenance and for return to service. We would expect you
7 to have procedures there to deal with some components that
8 might not be IROFS, whereas I concerns removal of IROFS from
9 service.

10 There may be components which need controls for
11 removal because their removal could affect or adversely
12 affect the performance of IROFS, some power supply that may
13 not be considered an IROFS, but you take it out and the
14 IROFS doesn't work.

15 So we just didn't combine H and I, but that seems
16 -- it was a request to do it for simplicity. I don't
17 consider that a really weighty thing.

18 The next comment was add the suggested words to
19 balance the sentence contents with those of the third
20 sentence above. I think we did that and we put in words "as
21 applicable." We deleted a sentence at the end, all as
22 requested.

23 That's it for that paragraph.

24 The next paragraph is the same. Well, we put in
25 the word "test." We put in the word "test."

1 The next paragraph starts "The four maintenance
2 elements." That actually --

3 KILLAR: I might note that you actually took
4 exception to that in that you didn't have to call out
5 contractors specifically anytime they worked on an IROFS,
6 whether it's the company personnel or contract personnel,
7 the same thing applies and we don't distinguish between
8 contract personnel and company personnel.

9 COX: We know that company personnel are already
10 covered. This is particularly to address contractor
11 personnel.

12 KILLAR: Well, if the licensee is responsible.

13 NAGY: The contractor people are covered under our
14 license. I mean, anything we do under our license is under
15 our license, and, therefore, it doesn't matter who does it.

16 ROCHE: Yes.

17 ASTWOOD: I have a note that says were thinking
18 about --

19 ROCHE: We did agree.

20 COX: We agree.

21 ROCHE: Yes. We changed the words somehow to
22 reflect what they're saying. So we'll get back to that.

23 COX: What is it you would like said?

24 KILLAR: That there's no reason to call out
25 contract --

1 COX: You want that whole paragraph deleted?

2 KILLAR: That would be fine. Now, if you're
3 trying to particularly bring up functional testing, you have
4 functional testing covered under three. So I'm not sure
5 what you're trying to do, other than you're trying, I think,
6 to portray the perspective of contract personnel, and we see
7 no difference between contract personnel and company
8 employees when it comes to operations and repairs or what
9 have you to IROFS.

10 COX: All right. We'll consider deletion of that
11 paragraph. On the next paragraph, that starts "The four
12 maintenance elements," I would be willing to delete that
13 first sentence, even though I have an okay mark here, but it
14 didn't get into the final copy.

15 Now, we get down now to some material on QA that
16 has been added in here. I think Will can better explain or
17 perhaps more quickly than I could how we added material in
18 two places to make it completely flexible. Is that right?
19 To make the utilization of QA completely flexible as far as
20 the SRP is concerned.

21 We don't care whether you address this in a
22 management measure or in a separate QA section. But there
23 are some required QA elements that did not map into other
24 management measures. I mean, parts of the classical 18
25 criteria.

1 KILLAR: I have an issue with including the first
2 two of those, maybe actually all three of them in the
3 maintenance section, because if you're trying to pick them
4 up as your quality assurance program, as part of your
5 quality assurance program, particularly when you're starting
6 up a new system and you're doing inspection and functional
7 testing of that new system, maintenance isn't involved in
8 that time period.

9 Maintenance comes out after you've had the system
10 running and you're doing your preventive maintenance or
11 you're doing your repair or corrective maintenance and what
12 have you.

13 So by calling this section out, it almost implies
14 that you don't care about it when you start it up, it's only
15 when you're doing maintenance on it, and you already have
16 functional testing in your maintenance section.

17 So I'm not sure, by putting this in here, what it
18 does for you. To me, it adds confusion as to what your
19 intent is.

20 COX: I don't see how -- and by the way, I took
21 the suggestion of incorporating one and two into one.

22 It starts out saying "Inspections and tests are
23 conducted to verify that IROFS conform to specified
24 requirements."

25 How can that confuse anybody?

1 KILLAR: Because you've got it under maintenance.
2 When you buy and install an IROF, you have to do inspection
3 and testing to assure that it meets the function. That is
4 not necessarily a maintenance function.

5 COX: It's a procurement function, I guess.

6 KILLAR: It may be under procurement, it may be
7 under construction. I think by putting it in here when you
8 already have functional testing in another part of
9 maintenance, you're confusing what you're looking for.

10 COX: Let me make a note of that and talk about
11 that with a couple people. The point is made that it's
12 already covered under functional testing. That's item one
13 in the new NRC document. Correct?

14 KILLAR: Yes.

15 COX: Okay. While there has -- and items two and
16 three -- or three and four in the other document, in the NEI
17 document. Item -- the second to last item, I think, has
18 been modified as requested and the last item we did not want
19 to delete. Needs to know it so they'll check it, check it
20 in the CM function, too.

21 So that's where we are on that one.

22 FARRELL: Just a minor point. On number two, the
23 last couple words, you've got an extra preposition in there.
24 You should take out the word "on."

25 COX: Two in the NRC document, item two?

1 FARRELL: In the NRC document. Part of
2 maintenance or as part "of" QA.

3 COX: Yes. I want to leave the "of" and take out
4 the "on." All right. Now, we're into training and
5 qualification. Will, do you want to deal with this and look
6 for parts that we agree on?

7 SMITH: Right. Pretty much similar to what we
8 discussed yesterday in the area section. One, section one
9 or paragraph one on organization and management of training,
10 there was the comment that the following words are too
11 detailed and prescriptive regarding design, operation,
12 maintenance and so forth, and that sentence is proposed to
13 be reworded to combinate at least the first part of your
14 comments to the effect that the organization and management
15 of training, the training program, are acceptable if it is
16 organized -- if the -- if it's organized, staffed and
17 managed to facilitate planning, directing, evaluating and
18 controlling a training process that fulfills the objectives,
19 especially where human actions are relied on for safety.

20 COX: I should point out here, you won't see any
21 changes in the NRC document in this area, because we didn't
22 get to put those changes in, even where we think we will put
23 those changes in, as recommended by NEI.

24 So this document hasn't been revised. Will may be
25 covering with you areas where it will be revised.

1 SMITH: Where it's intended to be revised or is
2 proposed right now. There's also a comment regarding the
3 following -- the bottom of page 11-14 -- let's see --

4 COX: In the NRC document, right?

5 SMITH: Yes. I'm working off three copies here.
6 The bottom of 11-14, the first one did read or currently
7 reads "line management is responsible for the content and
8 effective conduct of the training." There was a comment
9 regarding line management and that's been modified.

10 Also, a comment to delete the second item there
11 and fold that in. Basically, one would now read
12 "Responsibility for the content and effective conduct of the
13 training and management of the training program is clearly
14 defined."

15 ROCHE: Does NEI --

16 SMITH: And that incorporates basically what the
17 NEI comments were in that area.

18 NAGY: Can you help me? The last sentence of the
19 paragraph preceding that section we just got into there, how
20 did that end up?

21 SMITH: That's regarding the application?

22 NAGY: Yes. The application should state --

23 ROCHE: They changed it to what you proposed.

24 NAGY: Not me, and that's why I'm asking.

25 ROCHE: NEI proposed the application should state

1 that training will be conducted and the planned procedures
2 for which training will be provided.

3 NAGY: Is there -- can I assume that that sentence
4 is directly linked to the one prior to it? So that when it
5 says "training may be either or both classroom or on-the-job
6 training, the application should state what type of training
7 will be. Is that what we're getting at here?

8 You're not looking for a list of the different
9 trainings. You're looking for whether we're going to use
10 classroom or on-the-job or a combination of the two. Is
11 that a correct statement?

12 SMITH: Yes.

13 NAGY: Okay. I just wasn't quite sure. I think I
14 would recommend you put in something like state what type of
15 training will be conducted, it would be clearer to me.

16 COX: Since the plant positions are being named
17 for which training will be provided, that's the intent,
18 Will?

19 SMITH: Yes. It's tied together in that
20 statement.

21 COX: Then all we want is for each plant position,
22 the kind of training that would be provided.

23 NAGY: Sure, that's fine.

24 COX: Type or kind.

25 NAGY: Maybe it's only a clarification for me,

1 because of my lack of grammatical skill or something, but
2 right there, I could interpret it a little differently and I
3 didn't want to. I want to be able to make sure it's linked.

4 ROCHE: That's fine.

5 SMITH: And the same listing, number three, there
6 was a comment regarding deleting performance-based and just
7 leaving it training. It would read, right now, according to
8 NEI, training is used as the primary management tool for
9 analyzing, conducting and evaluating training.

10 I don't see that that improves the clarity of
11 that. Was there a reason for deleting the performance-based
12 or is there some other -- I wasn't quite sure how to proceed
13 with that.

14 ROCHE: You're on number three?

15 SMITH: Yes.

16 COX: For clarity, combine one and two.

17 SMITH: One and two have been combined.

18 FARRELL: I think I missed a few words there. It
19 doesn't read quite right.

20 COX: What's the question, Will? I'm sorry.

21 SMITH: Number three, which reads
22 "performance-based training."

23 COX: Yes.

24 SMITH: They proposed deleting "performance-based"
25 and leaving it "training is used to evaluate training."

1 FARRELL: Whether it's performance-based training,
2 evaluating training or simply training to evaluate training,
3 that sentence needs a little editing.

4 VAUGHAN: I think what we were shooting at was the
5 prescriptiveness of the phrase performance-based as opposed
6 to training in general, because there's several --

7 COX: Maybe you want to say just performance is
8 used as the primary management tool for analyzing design.

9 SMITH: You use the term proficiency elsewhere.

10 NAGY: What is being desired here, that somebody
11 say they're going to evaluate the effectiveness of their
12 training?

13 KILLAR: Will, explain to us what you are trying
14 to say with number three and maybe we can figure out why we
15 said it was wrong.

16 COX: What did it say in the first place, Will?
17 It looked like it just said training is used.

18 SMITH: Originally, the latest version,
19 performance-based training is used as the primary management
20 tool for evaluating.

21 COX: Right.

22 NAGY: Does that make sense to you, Will? What is
23 performance-based training and how can that be evaluation of
24 training?

25 SMITH: Performance-based training.

1 NAGY: Do you mean a performance-based evaluation
2 is used to evaluate the effectiveness of training?

3 SMITH: Yes. You're using the tool.

4 NAGY: I just don't know what you were trying to
5 get to.

6 COX: I think that needs a little work, even as we
7 had it, performance-based training is used as a tool for
8 analyzing.

9 SMITH: I would have thought you would have
10 objected to the primary management tool.

11 FARRELL: One of the areas of review is how do you
12 evaluate the effectiveness of the training and I think we
13 made the point of how does the employee perform, his
14 performance as a measure of the effectiveness of the
15 training, and maybe that's what we're trying to express here
16 in the old number three.

17 COX: Could it be performance is used as the
18 primary tool?

19 KILLAR: Delete the based training and say
20 performance is used as a primary management tool for
21 analyzing, designing, developing, conducting and evaluating
22 training.

23 FARRELL: Or training effectiveness or whatever.

24 NAGY: What exactly -- maybe being new to this
25 process is helpful in this respect. I have no idea what

1 you're talking about. Are we talking about we learn from
2 our experience and we know how effective our training is
3 because we keep putting the stuff in the wrong bucket or are
4 we talking about we now have part of our program where we
5 formally go out and, say, kind of like an on-the-job
6 training evaluation, and that's our primary assessment of
7 whether or not we've trained somebody correctly?

8 I think we're wordsmithing something here, but we
9 don't know what it is we're -- the end point, at least I'm
10 not understanding it.

11 SMITH: We will come -- we will revise that item
12 to clearly state what the intent was.

13 KILLAR: Well, what is the intent? Can you
14 explain what you are trying to do, Will?

15 NAGY: Because at this point, my recommendation
16 would be to strike the item.

17 FARRELL: Back in Section 11.3.3, one of the areas
18 of review was to number eight, this is on the NRC, page
19 11-5, item number eight was you have to tell us how are you
20 going to evaluate the effectiveness of the training program.

21 And we made the argument, well, don't forget about
22 doing all the in-classroom testing and so on, can that guy
23 perform his job, and I think that's -- if we map over from
24 the area review onto the acceptance criteria, maybe that's
25 the connection.

1 NAGY: So on-the-job performance --

2 FARRELL: Precisely.

3 NAGY: -- is used as the primary management tool
4 for analyzing, designing, developing, conducting and
5 evaluating training.

6 FARRELL: The effectiveness of the training
7 program or the training effectiveness, something like that.
8 That's my guess.

9 GOLDBACH: To me, I think the key words, and,
10 again, I'm new to this process like John, but to me, I guess
11 the key words were "performance-based training," because
12 that means a certain thing. That means you poll your people
13 to find out what they need training on, you give them
14 training, and then you measure the effectiveness of the
15 training afterwards.

16 I think those were, just looking at it for the
17 first time, that's probably what was meant there, is my
18 guess, that the key words were "performance-based training
19 is used."

20 VAUGHAN: But then it can't be used in evaluating
21 training.

22 NAGY: It must be performance-based, proficiency
23 evaluation is used.

24 GOLDBACH: In a way, part of performance-based
25 training is evaluating the training itself, the way I

1 understand performance-based training.

2 COX: Why not just say job performance is used as
3 a tool for analyzing, designing? It's not necessarily the
4 primary one. I mean, you sit down and you design a job and
5 then you design some training before a man ever performs
6 that job, but having the training done and having a person
7 performing in accordance with the training, you can
8 certainly use that performance as a tool in evaluating.

9 So why not just say job performance instead of
10 performance-based training?

11 NAGY: Good. And you took out primary management.

12 COX: Took out "primary management," put in "a
13 tool."

14 SMITH: Now, the other items on that list, right
15 now, the other items four through seven, which would be
16 renumbered three through six, we are not proposing any
17 changes to those.

18 COX: Which four? The four through seven that are
19 part of item one?

20 SMITH: Right. There were no NEI comments on
21 those.

22 COX: Okay. I changed the word "system" to
23 "function" after CM. Now we're into that item two analysis
24 and the ID of activities requiring training.

25 SMITH: Right. And the comment was regarding the

1 wording of that regarding "activities do not require
2 training" rather than personnel do, and that section has
3 been reworded to appropriately address that, or is proposed
4 to be reworded, and would read to the effect "analysis and
5 identification of activities for which training is
6 required." Analysis and identification of activities for
7 which training is acceptable or activities required for
8 competent and safe job performance are identified,
9 documented and addressed by the training.

10 Your comments will be incorporated. "Is
11 acceptable if the activities required for competent and safe
12 job performance are identified, documented and addressed by
13 the training."

14 COX: All right. Now we're on the second
15 paragraph of that item.

16 SMITH: There's a comment regarding deleting the
17 balance of the sentence and right now those words are being
18 left as is on the first part of that. And in the middle,
19 each activity, that section is being reworded, to clarify
20 that it each -- again, similar to the paragraph above, each
21 activity for which training, initial or continuing, is
22 required for the specific activities.

23 Before it read "should be matrixed" and there was
24 an objection to that and we're proposing, rather than
25 matrix, something relateable or traceable to supporting

1 procedures and training materials, and you would have the
2 option of specifying the method or the approach by which you
3 could relate those two.

4 Then the last sentence of that would be "The
5 facility-specific activities for which training is required
6 and the applicable training materials should be reviewed on
7 an established schedule."

8 COX: Period after "schedule?"

9 SMITH: It continues to the end of that original
10 sentence, ending with job scope.

11 Did that clear up the thrust of your comment or is
12 it still considered to be too prescriptive?

13 ASTWOOD: Is this in the same line as the how to's
14 that we discussed before?

15 SHILTHELM: What are we trying to accomplish here?
16 We're trying to teach people how to do their job in relation
17 to the items relied on for safety and what's important to
18 them. That is pretty simple. And then you're trying to
19 evaluate the effectiveness of that and make sure that it's
20 working.

21 WEBER: But this acceptance criterion specifically
22 refers to the identification of which activities require
23 training.

24 SHILTHELM: Yes. That's teaching people how to do
25 their job in relation to items relied on for safety. Tie it

1 to "in relation to." So if you go items relied on for
2 safety dependent on people, you have to train them. The
3 statement goes backwards as well as forward in that respect.

4 There's a lot of words here about what the program
5 has to be, but no where is the mission clear in all these
6 words. The mission is lost in the words.

7 COX: We think the mission is described in the
8 topic sentence of that item, analysis and ID of activities
9 for which training is required.

10 SHILTHELM: So why don't we just say where human
11 actions are necessary to assure the integrity of an item
12 relied on for safety, the licensee will commit to have
13 training commensurate with that activity? Doesn't that
14 address the whole topic? Isn't that the identification of
15 what you train people in? One sentence.

16 COX: We want to tell the reviewer some items to
17 look for to get reasonable assurance that those things are
18 properly identified.

19 SHILTHELM: So if the licensee were to say, in the
20 application, for all aspects of items relied on for safety,
21 where human intervention or activities are necessary,
22 training shall be commensurate -- shall be developed,
23 implemented and evaluated commensurate with those items
24 relied on for safety.

25 If that statement were in a license, doesn't that

1 say how you've identified the activities requiring training
2 in relation to items relied on for safety which management
3 measures cover because of Subpart H, yada, yada?

4 It seems one sentence --

5 COX: I don't think so. We think we've given you
6 some words here which direct to the topics that we think are
7 important and, in fact, it serves as an example, if you
8 want, as to how to write -- what to write toward in an
9 application, so that the reviewer will find it acceptable.

10 SHILTHELM: So the sentence I just quoted would be
11 unacceptable in an application, would be insufficient in an
12 application, what I just said, that for items relied on for
13 safety, where human action is necessary, training shall be
14 designed, implemented and evaluated to assure that the
15 individual is competent to carry out the safety feature of
16 that item relied on for spent fuel.

17 If the license said that, that would be
18 inadequate? In relation to analysis and identification of
19 activities requiring training.

20 COX: That's what we're saying here by adding this
21 other material in that we think you should point out as
22 being done, other activities.

23 SHILTHELM: As a licensee, I think that's
24 unreasonable.

25 WEBER: It's not clear to me what we get out of

1 the additional text.

2 KILLAR: What you've done here with that second
3 paragraph under item two is basically set up a process.
4 What you've done is you've set a committee up. The
5 committee is going to be representatives of design,
6 representatives of constructions, representatives of
7 operations, representatives of training, as well as other
8 subject experts, as appropriate, which could probably be
9 your criticality, radiation protection, what have you, and
10 then this committee is only going to identify the activities
11 that require training.

12 And that's what the licensee is going to -- that's
13 what the reviewer is going to look for. He says what kind
14 of committee do you have to review your training to make
15 sure you've got all the bases covered.

16 Is that what you intend?

17 COX: I don't think we call for a committee. We
18 say that the design engineering supervisor and the
19 operations supervisor, other subject matter experts, as
20 appropriate, should think about what training is going to be
21 necessary.

22 KILLAR: But by listing design, construction,
23 operations, training and other subject matter experts, as
24 appropriate, should conduct an analysis -- to me, it sounds
25 like they're supposed to all get together and do that.

1 COX: It doesn't say anything about getting
2 together and forming a committee. No, it doesn't say that.

3 KILLAR: Then you go on to say that the training
4 has to take into consideration minimum -- those managers and
5 supervisors performing and verifying activities subject to
6 -- relied on for safety.

7 You don't need to get into that kind of detail.
8 Just as Steve pointed out, it says the training has to be
9 appropriate to the item relied on for safety.

10 By using these type words in this much text,
11 you're setting up expectations that the reviewer is going to
12 be looking for that are beyond what is necessary.

13 WEBER: We're describing how it's to be done, not
14 what's to be done.

15 KILLAR: Exactly.

16 WEBER: So this is consistent with our discussions
17 yesterday that set up the performance expectations and leave
18 it to the licensees to figure out how they're going to do
19 it.

20 GOLDBACH: Again, it's consistent with a pretty
21 long discussion we had before we came in this afternoon,
22 Mike, about where we are and where we seem to be, this chasm
23 between us that we just can't bridge.

24 WEBER: For now, let's offer to look at reducing
25 the text there to make it clear what's expected, with an

1 idea about eliminating the how and focusing on the what.

2 COX: For instance, this says that what is
3 expected is managing, supervising, performing and verifying.
4 It doesn't say how to do each of those things. It says
5 what.

6 WEBER: What is expected here, I believe, is the
7 analysis and identification of activities requiring
8 training. Right? That's the header on the acceptance
9 criterion.

10 COX: But then we need to instruct the reviewer a
11 little bit on what to look for to obtain that reasonable
12 assurance that that's going to be done well.

13 GOLDBACH: But, again, what that converts to for
14 the licensee is how to do it. Again, this is where we're
15 running into a problem. The guidance for the reviewer de
16 facto becomes the way we have to do it, the how to.

17 WEBER: Because you're concerned that it would be
18 viewed as a requirement, not as a guidance.

19 GOLDBACH: Right.

20 WEBER: I think we need to look at what they're
21 proposing and see what we can do. Should we go on?

22 SMITH: Number three, on page 11-15, beginning
23 with "Position training requirements," the NEI comment, the
24 balance of sentence is repetitive after the first two lines
25 and we're proposing deleting the next line or the rest of

1 that sentence, deleting "or who perform activities to
2 prevent and mitigate sequences described in the ISA
3 summary," leaving the last sentence, which is -- that's
4 integrating NEI's suggestion.

5 WEBER: So we're taking your comment.

6 ASTWOOD: That's right.

7 NAGY: On the previous paragraph, I'm not sure
8 there was a comment to be taken that satisfies what we're
9 going for here. Was there? I don't believe there was.

10 WEBER: Are you back on two?

11 NAGY: Yes. It took me a while to register that
12 we hadn't made a comment that was good on this topic. I
13 mean, there was a comment, I guess, but it didn't -- nobody
14 could convert this paragraph over into what we were trying
15 to get to, which is what are the key concepts or principles
16 or whatever. That's not been done.

17 COX: By simply accepting the comment, I think is
18 your point, does not convert the paragraph into what you
19 think is acceptable.

20 NAGY: Right. The comment doesn't go far enough.
21 We didn't do a good job commenting on that.

22 GOLDBACH: Right, less than adequate comment.

23 NAGY: Yes. Comment LTA.

24 SHILTHELM: For Mike's benefit, it might help to
25 back up just to what Clifton said earlier. We have come

1 down this road of massaging this thing without ever really
2 stepping back and saying what's necessary and agreeing on
3 what's necessary to be in this document.

4 And John had probably some good words, as an
5 outside observer looking in on this process, when he stepped
6 into it yesterday, that you're not stating the principles
7 here. You're talking a lot and saying a lot of words, but
8 you're not focusing on the principles that make an
9 acceptable program.

10 So to simply say that -- I think what you're
11 hearing is even if you just simply took all NEI's comments
12 and the proposed Chapter 11 we sent in, we're not
13 particularly happy with that, given the thinking we've done
14 in the last day or so.

15 WEBER: Do you want to take another crack at it?

16 SHILTHELM: I don't know. We're far down the
17 road. I don't know. We're trying to fix something --

18 KILLAR: Actually, Mike suggested earlier that
19 maybe what we ought to do is just start over for this
20 chapter from scratch.

21 SHILTHELM: I'd back off of start over. I think
22 we agreed yesterday that the --

23 KILLAR: Well, on the first --

24 SHILTHELM: -- review areas are probably pretty
25 decent, what we came through yesterday. It's the acceptance

1 criteria. If we could somehow keep that guiding principle
2 in mind that we're going to write down the principles that
3 --

4 WEBER: If you stated the guiding principles in
5 the areas of review section, they effectively would become
6 the acceptance criteria, I would imagine, and then that gets
7 back to one of your earlier comments about, well, why is
8 there overlap between areas of review and acceptance
9 criteria.

10 We tried to explain that previously to say really
11 the areas of review have been expanded somewhat because it
12 takes the place of the standard format and content guide.

13 And then the acceptance criteria are really the
14 meat for the staff, because that's where the reviewer is
15 told, okay, if it measures up to this set of criteria, then
16 it's acceptable.

17 But I think I understand your comment.

18 SHILTHELM: I'm willing to agree that there's
19 probably more meat that can go in the acceptance criteria
20 than is in the areas of review, as we left them yesterday,
21 but not a lot more, and I think this is a lot more. It's
22 dramatically more, ten to one sort of more. Maybe were it
23 two or three to one.

24 WEBER: That's a beneficial exchange. You're
25 providing comments and we'll have to go back and take a look

1 at it and figure out what makes sense, instead of looking
2 word for word, look at more from a what are we trying to
3 accomplish, what are the guidelines that need to be here.

4 NAGY: I think there is a way of looking at it
5 without looking at it as throwing it out, because I think
6 you don't want to do that, for a couple reasons.

7 Psychologically, you don't want to say you threw
8 out what you did, because you learned a lot and this whole
9 process has been very valuable, I'm sure, to everybody
10 involved in trying to understand better what it is you're
11 trying to do.

12 But I think if you are honest with yourself, and
13 this is something Steve said earlier, that if it was his to
14 do, if this was something he was doing in his organization,
15 and I would agree with this, at this point, what I would do
16 is I would put this aside, essentially, and I would use it
17 as a resource, but I would go through it again.

18 I would go through and pull those things that were
19 useful out of it and reconstitute what I really needed. The
20 best example I can give is that one of the biggest mistakes
21 that my staff routinely makes is they use the current
22 procedure to get to where they want to go. In other words,
23 they'll just make edits to it, and I have to routinely
24 almost take that procedure away and say don't, no, what I
25 want is a better procedure, stop, throw it away if

1 necessary, get out the pen and go to the blackboard and get
2 some people in the room and make a new procedure.

3 But simply editing what you have is not always a
4 very good process. But the process of coming up with what
5 was here helped everybody understand better what we're up
6 against.

7 So perhaps there is a way to use some of what is
8 here, but to not -- when we get to a section, don't ask,
9 well, here we have three pages, what do you think of the way
10 this is worded.

11 What should be in this section? We'd probably
12 move faster if we were doing that than analyzing the detail
13 of what is currently in these sections, when we get to these
14 later sections.

15 FREEMAN: I agree. I think the probability of
16 agreement would be substantially higher if we began with --
17 I mean, our current licenses, some of them may be inadequate
18 with a single statement that says thou will have a program.

19 That doesn't remove the fact that each of our
20 programs in-house do have those guiding principles. We
21 currently operate those programs. They have been inspected
22 over and over again. They hold up to guiding principles.

23 If we get back to that point that says you will
24 have a program, it will have the following guiding
25 principles, we may not all agree exactly between even

1 ourselves that each of our programs has every piece of that,
2 but we'll be a lot closer, I think. Fundamentally, we'll
3 agree that that's the function of that program.

4 I see agreement a lot quicker than breaking down
5 the novel we have in front of us.

6 WEBER: Could the industry identify those guiding
7 principles or guidelines or work among yourselves to frame
8 them out in an expeditious way?

9 NAGY: I certainly would be willing to try.

10 SHILTHELM: I think we have to. If we're going to
11 take that path, we have to commit to doing it and doing it
12 expeditiously.

13 FREEMAN: Cliff, how does that hold up?

14 FARRELL: Well, it needs to be revised.

15 FREEMAN: Substantially?

16 FARRELL: No, I don't think so.

17 KILLAR: Even I have a much better understanding,
18 after these dozen or so meetings we've had, as to what the
19 NRC's requirements are and where we're coming from. I think
20 there certainly is -- probably warrant the effort to try it
21 again.

22 KILLAR: Define expeditious. What type of timing
23 are you looking at?

24 WEBER: Well, my understanding is the rule gets
25 published in the FR next week, now, Monday, we expect.

1 ASTWOOD: Monday. So it's effective 30 days from
2 Monday.

3 KILLAR: I would think in a month we would be able
4 to turn around and get back this principle or what I call or
5 quantify from discussion, principles document, and we can
6 sit down and talk about the principles document.

7 WEBER: That's expeditious.

8 SHILTHELM: The rule is not really tied to the SRP
9 too much anymore anyway, is it? So there's no -- other than
10 we've all expended a lot of energy and we'd like --

11 WEBER: We want to bring this to closure, but
12 ultimately the product that's developed has to be one that's
13 going to stand the test of time, that's going to do what it
14 needs to do. It should not impose anymore burden on the
15 licensees than is necessary to satisfy ourselves that there
16 is adequate protection and that it's consistent with the
17 requirements of the rule.

18 COX: What did you say, Mike? That it shouldn't
19 put anymore burden on the licensee than what?

20 WEBER: Than what's necessary to have us have
21 confidence that there is adequate protection. That's what
22 we've been struggling on and we're approaching it from this
23 way and you're approaching it from that way.

24 So somewhere in the middle lies the answer.

25 FREEMAN: Do you currently have that confidence?

1 WEBER: With the current licenses out there today,
2 yes, we think that there is adequate protection. But that
3 confidence was gained through a very arduous, inefficient,
4 sometimes ineffective process and we don't want to have to
5 go back through that process.

6 In the future, I would hope that in most cases,
7 when you submit amendment requests, if they are submitted in
8 accordance with guidelines and the acceptance criteria and
9 what have you, that that will expedite our review process
10 and would cut back on the number of requests for additional
11 information and meetings and all that sort of stuff.

12 So I think that's -- all the stakeholders, I
13 believe, would agree to that basic objective. The question
14 is how do you get there from here.

15 ROCHE: Bob Freeman brought up the streamlining
16 letter and we discussed that and I think we are in agreement
17 and I think you understand a little better what we want,
18 correct?

19 FREEMAN: My comment was, Mike, that the principal
20 basis of the letter sounded great to me, until I got down to
21 a few paragraphs that stated there would be strict adherence
22 to the SRP and I wasn't liking the SRP. I didn't see
23 agreement existing at that point.

24 So until we got agreement here, that letter --
25 that phrase didn't sit well.

1 WEBER: It says there is strict adherence to the
2 SRP.

3 ROCHE: Incomplete applications.

4 FREEMAN: As much as possible will be used by
5 reviewers.

6 NAGY: It sets a high standard for this document,
7 as it should.

8 FREEMAN: It does.

9 NAGY: And what we need to do is meet that
10 expectation with an excellent document that we can all agree
11 to. We all have the same heart to do that here. It's just
12 that it's a little bit difficult.

13 SHILTHELM: And to your question yesterday, now is
14 the time to do it.

15 WEBER: Absolutely. We don't want to put out an
16 SRP and then a week later say, oh, gosh, what does this
17 acceptance criterion mean, because that won't benefit
18 anybody.

19 FREEMAN: And I don't think we want to fight it on
20 a one by one basis and just duplicate resources over and
21 over.

22 ASTWOOD: And just from earlier conversation, I
23 agree that we also have to not leave most of the licensing
24 basis to the inspectors, where performance -- I think the
25 guiding principles need to be specific enough that --

1 FREEMAN: Agreed.

2 ASTWOOD: -- that we can judge that it's an
3 adequate program.

4 NAGY: It takes a lot of thought to get those to
5 be that, and so it's easier for us to simplify it and
6 over-simplify it, which is what is happening here as we do
7 it on the fly.

8 And maybe it's easier when you guys write out your
9 thoughts, like you're doing here, which then worries us. So
10 it will take a lot of thoughtfulness on our part to make
11 sure -- and this is one of the reasons, like when I pull up
12 the INPO document, this is thoughtful stuff.

13 ASTWOOD: Right.

14 NAGY: I don't know who did this, but they did a
15 very good job. We need to be able to have that kind of
16 level of detail and content in what we provide for all these
17 things, and your document gives us a lot of good starting
18 points to understand what the NRC is considering and what's
19 in your mind relative to these sections.

20 So I think we can do that, at least come up with a
21 really good first cut at it as an industry, one that you'll
22 be pleased with, I think, and we can all get to rapid
23 resolution from that point on. That would be my
24 expectation.

25 WEBER: And where you find that there is industry

1 consensus standards there that you're all using that address
2 these same elements, by all means, raise those, because I
3 think that benefits us.

4 Actually, we are required by law to adopt
5 consensus standards, with some exceptions. So there's a
6 strong onus on the agency to try to apply those consensus
7 standard.

8 FREEMAN: Clearly, the appeal to guiding
9 principles removes the how and it allows a large flexibility
10 on how to accomplish that principle, and I think that's what
11 we're looking for.

12 WEBER: And from our discussions, I also
13 appreciate that you understand that it's not just a very
14 high level commitment. Yes, we'll have a training program.
15 I mean, that ain't going to cut it, because as Tom and
16 Heather and Lidia and Will have mentioned, there needs to be
17 enough meat there to have confidence, but not so much meat
18 that it's imposing an unnecessary burden, both on you and on
19 us and on all the other stakeholders that choose to read and
20 understand what's going on.

21 ROCHE: In fact, yesterday, when we were
22 discussing the previous sections, Steve many times pointed
23 out that should be in the acceptance criteria, but I guess
24 the objection when we get to the nitty-gritty of the
25 acceptance criteria is too much detail, too much

1 prescriptiveness and the problems that that may bring to
2 them, or perceptive problems.

3 SHILTHELM: Don't confuse the fact that we don't
4 want the how, some of the how information in the SRP, to
5 mean that we don't intend to put some of the how information
6 in the license application. They are two different things.

7 We don't want the how information in the SRP,
8 because that leads the reviewer to think that's how it
9 should be done, the only way it should be done.

10 WEBER: And a good example of that was yesterday
11 when we were talking about procedures and we had said, okay,
12 there's two types of procedures and if you don't have two
13 types, well, then you're wrong.

14 That wasn't our intent. That was just laying out
15 what --

16 NAGY: We have six.

17 WEBER: Then it's three times better. I've been
18 in and out of these discussions this afternoon, obviously,
19 and yesterday some. Did you ever discuss the general
20 comments that were on the front of the Chapter 11 strikeout
21 text?

22 COX: No, we did not.

23 WEBER: Given the hour, 20 of four, and given the
24 fact that we've kind of migrated to a different place than
25 we were headed, would it be productive at this point to

1 discuss those?

2 COX: There are a couple of items on the agenda
3 that we haven't gotten to yet that they wanted to -- I think
4 they wanted to get to. That will probably take at least a
5 half an hour.

6 WEBER: What's your pleasure? Do you think we got
7 the gist of the general comments? I mean, correcting
8 technical, grammatical, editorial errors, no problem there.
9 Reducing prescriptiveness, we've been talking about that
10 extensively, ensuring consistency in industry practice and
11 what's stated in the SRP.

12 I think we understand where industry is coming
13 from on that and you understand our need to have confidence
14 that it's going to be an acceptable program.

15 Reducing redundancy between the individual
16 sections, we just talked about that a little bit in terms of
17 comparing the areas of review and acceptance criteria review
18 procedures. Those are all, I think, generally good
19 objectives that are useful to NRC.

20 Do you want to elaborate on any of those or do you
21 think we got the message?

22 ASTWOOD: Left on the agenda are ISA summary
23 documents and NRC's revision of Chapter 3. Those are the
24 two things that are left over. You had mentioned
25 specifically our Chapter 3.

1 COX: What would you like to do first?

2 WEBER: Chapter 3.

3 ASTWOOD: I think that's in your packets, also,
4 isn't it?

5 NAGY: Heather, could you remind some of us that
6 may not be as attuned to this process what is the status of
7 Chapter 3?

8 WEBER: I think that's what we're going to
9 discuss.

10 ASTWOOD: Yes.

11 NAGY: Okay. Is it like Chapter 11, it's still
12 being edited?

13 ASTWOOD: Still being edited and we have, in your
14 packets, I believe it's in your packets, comments -- no,
15 that's the ISA summary.

16 KILLAR: I didn't see anything on Chapter 3.

17 ASTWOOD: It continues to be worked on. You have
18 sent in comments recently. We need to look at that.
19 However, based on the ranking of what was important for this
20 meeting, that was lower on the list than these things. So
21 that's what we worked on for the last week in preparation
22 for this meeting.

23 But Tom is going to address where Chapter 3 stands
24 at this point.

25 COX: I have a summary here. Essentially, Chapter

1 3 has been changed so far in four substantive ways and there
2 are yet editorial work to be done on it.

3 But the four substantive ways were in response to
4 comments that were made by NEI, but were received too late
5 for inclusion in the May draft and in the July 20 -- July
6 20, you received only a draft of Chapter 11.

7 There are essentially four change areas that I'm
8 going to review here. The first one had to do with the use
9 of N-sub-H, N-sub-I and the likelihood definition section.
10 If you remember that, we're talking now about Section
11 3.4.3.2, item seven.

12 WEBER: What's N-sub-H and N-sub-I?

13 COX: I'm going to get to that.

14 WEBER: Okay.

15 COX: Item seven in that section was approximately
16 page 3-15 in that copy and these are the number -- N-sub-H
17 are the number of high consequence accidents expected in the
18 industry, N-sub-I is the number of intermediate consequence
19 accidents expected in the industry.

20 As we studied that and kicked this around, I think
21 probably perhaps with some of your people, but certainly
22 within our own house, we've been trying to deal with the
23 difficulty of being in a situation where we must deal with a
24 number of accidents in the industry.

25 Well, we've got six or seven industry participants

1 and we don't know the sum of those kinds of accidents until
2 we see the results from the ISA.

3 So we had initially made an estimate of a thousand
4 for N-sub-H and N-sub-I was thrown in as about ten.

5 That section was written based on those numbers.

6 WEBER: To clarify this point, the number of the
7 intermediate is less than the number of high events.

8 COX: Yes. The intermediate range is about a
9 factor of four in likelihood and the highly unlikely range
10 goes over a much larger range.

11 So those were the numbers chosen and my point to
12 you today is we've softened up in the written part, in item
13 seven, which is called quantitative guidelines, we've
14 essentially softened up the language there that would box
15 anybody into particular numbers of accidents in that arena.

16 And it just points out that you'll have to select
17 something for your own work. We want you to select
18 quantitative guidelines, but we understand that the numbers
19 may have to change with time.

20 SHILTHELM: I'm sorry, Tom. You want us to select
21 quantitative guidelines for what?

22 COX: For -- well, at the very bottom of the tier
23 of quantitative selections, it starts you have these index
24 numbers and the matrix tables I have seen, you've got like
25 minus one's and minus two's, minus three's, or one's, two's,

1 three's, four's in various places.

2 We want table two or three says, in appendix -- in
3 the Appendix A of Chapter 3, we want you to make qualitative
4 assessments associated with numerical values. We want you
5 to be able to say we think this IROFS will fail in about --
6 perhaps as often as ten years, perhaps as often as a hundred
7 years. Make a judgment like that, and that number
8 eventually cascades down into a meaningful relationship,
9 only because we have had to peg those numbers that we're
10 looking for on an estimated number of those kind of
11 accidents that would occur in the industry.

12 In other words, an estimated total number of
13 accidents, high consequence accident sequence that might be
14 reported by all participants taken together.

15 SHILTHELM: So when you get -- when, as an
16 industry, we identify 10,000 sequences that could result in
17 a high consequence event.

18 COX: That would make the requirement for even
19 more reliable IROFS.

20 SHILTHELM: So that means an evolving definition
21 of highly unlikely.

22 COX: If the total number of accident sequences
23 changes markedly over time.

24 SHILTHELM: What happens if we build a MOX plant?
25 Do each of us have to --

1 COX: Then there will be better estimates.

2 SHILTHELM: I'm serious. Do each of us have to,
3 therefore, make all our controls that much more robust
4 because of the presence of a MOX plant? That's what you
5 just described.

6 COX: You mean because we're adding on a MOX plant
7 as another set of --

8 SHILTHELM: Because we're adding accident
9 sequences that could -- and each of them are highly
10 unlikely.

11 COX: I don't think that's the way it will go. I
12 think that -- I mean, I can't say with certainty at this
13 point, obviously, but we have a risk group working on that
14 right now to figure out how things might work out in that
15 area.

16 Maybe it will have safety goals of its own, I
17 don't know.

18 SHILTHELM: What is the agency's position on that,
19 Mike?

20 WEBER: Well, I think Tom has described it as
21 something that's under consideration by the risk group.
22 Clearly, you can't impose a requirement that as the number
23 of facilities changes, although you can change the rigor of
24 the controls, because that doesn't make sense.

25 But yet I think from a risk perspective, which is

1 we're trying to risk-inform this rule, there's got to be
2 some envelope, some overall objective that drives what is
3 required.

4 COX: The objective we selected was that there
5 wouldn't be a criticality or there shouldn't be a
6 criticality within a hundred years.

7 SHILTHELM: But how does that relate to making
8 accident sequences highly unlikely?

9 COX: When you work back through the numbers, as
10 represented in Chapter 3, by the way, you'll see that that's
11 how we come up with the ten-to-the-minus-five for highly
12 unlikely given a thousand high consequence sequences in the
13 industry.

14 SHILTHELM: That seems to be making policy rather
15 than SRP issues.

16 COX: The SRP has to interpret what is set out for
17 us.

18 SHILTHELM: The rule hasn't set a policy to
19 interpret.

20 COX: We have Commission documents that say --

21 SHILTHELM: It says highly unlikely.

22 WEBER: That's right.

23 SHILTHELM: Each accident sequence will be highly
24 unlikely and the standard for highly unlikely has always
25 been double contingency and 99 percent of the accident

1 sequences that result in a high consequence event are
2 criticality accidents that are for double contingency you're
3 saying might not remain the standard.

4 COX: I don't know how you say that the standard
5 has always been double contingency for highly unlikely. I
6 don't think those words are in the double contingency
7 principle.

8 SHILTHELM: So are you saying that highly unlikely
9 and double contingency aren't mutually consistent?

10 COX: We think they are, because the definition of
11 the double contingency principle in ANS -- what is it -- 8.1
12 or something, it says that each of the two occurrences shall
13 be unlikely, but we had to say what is unlikely and then
14 what is multiplying two unlikelies together, and then the
15 Commission said these high consequence events shall be
16 highly unlikely.

17 We had to take what we could and we took the
18 Commission's written declaration that there shouldn't be any
19 deaths from criticalities and realizing that you can't have
20 zero risk, we said that's -- we're interpreting that as no
21 deaths in a hundred years within the industry or no
22 criticalities within the industry within a hundred years for
23 the licensees we have.

24 SHILTHELM: The rule should say that, if that's
25 the rule, shouldn't it? I'm not trying to back up here, but

1 the SRP seems an odd place to deal with such a profound
2 issue.

3 KILLAR: I don't think you've thought this through
4 completely, because as the criteria, as you've established
5 it and the way you're interpreting it, gives some real
6 problems, as Steve already pointed out. With the creation
7 of a MOX facility, if you include it in this as a Part 70
8 facility, now what you've done is you've -- the other
9 facilities have to be better in order to account for the
10 additional risk by the MOX facility.

11 On the other account, if we have additional
12 consolidation in the industry, we shut down ABB-Combustion
13 Engineering facility, then Westinghouse has the ability to
14 be not as risky as they used to be, because now they have
15 more freedom.

16 WEBER: That's why our risk group is looking at
17 this whole issue.

18 COX: I don't think it's necessarily a given that
19 the MOX facility add-on of, say, high consequence sequences
20 is a significant add-on to the ones that we may define in
21 six or so ISA summaries of other facilities.

22 KILLAR: The rationale you're portraying right now
23 leads us to that analogy. Now, maybe that's --

24 COX: That's where we are right now. In other
25 words, you keep bringing the MOX facility up, but it's quite

1 possible that criticalities aren't the problem in a MOX
2 facility that we have in the sum of the other facilities.
3 It's all done in big hot cells.

4 KILLAR: So criticalities are acceptable if they're in a hot
5 cell.

6 COX: Criticalities what? No, no. I didn't say
7 they're acceptable, but --

8 KILLAR: Oh, okay.

9 COX: -- a lot safer than ones in a vessel sitting
10 out on the floor.

11 ASTWOOD: I'll make sure the risk people that are
12 working on this get a copy of this transcript and point out
13 your statements and your concerns.

14 COX: Let me just summarize by saying you're going
15 to see this in a chapter put on the web, but you're just
16 going to see a softening in this particular area dealing
17 with the quantitative guidelines.

18 The second area that has been changed is a
19 clarification of conservatism used in consequence
20 calculations. That appears in Section 3.4.3.2, same section
21 as before, item eight, called consequences, and it's Roman
22 Numeral (iii), in that item called consequences.

23 And it's simply a rewording of that paragraph,
24 which is only about five lines, and it deals with what we're
25 really trying to say about how to deal with a total range of

1 accident consequences.

2 I don't think it's going to be very substantive,
3 in your minds. It's an issue that we wanted to deal with.

4 The third change, again, in the same section,
5 3.4.3.2, this one is item six, quantitative standards for
6 chemical consequences, and it's dealing with the language,
7 again, that talks about what could endanger life or
8 injuries.

9 We wanted to make sure that the exposure standards
10 were understood to be conservative in the same sense as
11 AEGLs and ERPGs are conservative. We want to include
12 exposures that would result in death for average and
13 susceptible persons, but not for hyper-susceptible persons,
14 which is consistent with the way the AEGLs are defined.

15 They deal with average and susceptible people, but
16 not hyper-susceptible, not the last one percent of people or
17 not the first one percent that would die. So that's the
18 third change where the language has been changed.

19 The last change that was made was in -- it was an
20 editorial change that accepted and as embedded in the SRP
21 identical language proposed by NEI for the paragraph 3.3,
22 areas of review, within Chapter 3. And it provides a better
23 statement of what the reviewer is to review.

24 And frankly, I'm not sure what NEI document this
25 came out of at the moment, but we took it word for word.

1 It's about four paragraphs. So I think you'll find that
2 okay.

3 Those are the only substantive changes we made to
4 Chapter 3 and, as I say, we're working on editorial cleanup
5 of that chapter, also.

6 That's all I want to say about that.

7 ASTWOOD: Did you -- I might have missed it --
8 state that we were going to put this on the web when we were
9 done?

10 COX: It is. I thought I said that.

11 KILLAR: Do you have an idea about when -- what
12 the expectations are?

13 COX: Well, I've asked for about the end of this
14 month, which is only a couple of weeks away. I think we can
15 do that.

16 WEBER: So we're going to post a revised draft of
17 Chapter 3 of the standard review plan by the end of
18 September.

19 COX: Right.

20 WEBER: And that rationale that Tom was referring
21 to in terms of the total number of accident sequences,
22 that's laid out in Appendix A, right?

23 COX: The rationale is laid out in Chapter 3 in
24 that section 3.4.3.2 under quantitative guidelines.

25 WEBER: Okay.

1 COX: Okay. That was Chapter 3. If you want, we
2 can go to the summary guidance document, ISA summary
3 guidance document. You do have a handout on that.

4 ASTWOOD: Yes.

5 COX: So do I.

6 ASTWOOD: Comments on September draft of NEI
7 industry guidance document.

8 COX: Yes. The first paragraph of attachment one,
9 comments on the September draft, it's sort of an
10 introductory paragraph to the remaining five, but in that
11 paragraph, it does say that where we need specific items to
12 draw a conclusion of compliance, we'll probably just have to
13 stop the review until we get that information.

14 The text of the document, your current draft,
15 which I guess is September 12, says that certain information
16 required may not be presented in the ISA summary, but may
17 instead be found elsewhere.

18 Well, I guess maybe right now we're not certain
19 where that elsewhere will be.

20 KILLAR: The intent was that some of that material
21 will be in the license application itself. So maybe what we
22 need to do is clarify what we're trying to say there.

23 COX: I guess we'll assume that the license
24 application changed material or added material will be
25 available at the time the ISA summary is.

1 KILLAR: Right.

2 COX: Now, going to item two, it refers to the
3 discussions of measures that you have on page 13-29, that
4 certain methods and frequencies may not be presented in the
5 summary, but may be in the application or ISA documentation
6 at the site.

7 And then it refers to evaluate whether high
8 availability is reasonably achievable. We've got to have
9 information about the surveillance. Now, you mentioned,
10 somebody mentioned in a recent meeting that -- oh, no, I
11 know where that was. It was Steve's folks.

12 This information may or may not be obvious or
13 available to the reviewer, but the reviewer is going to need
14 it to evaluate the adequacy of the reliability and
15 availability of an IROFS.

16 And when I say surveillance, what I'm talking
17 about is the time that a particular piece of needed
18 equipment is out of service undetected is important to the
19 overall -- is important to the reliability of that piece of
20 equipment.

21 Now, we realize if it's undetected, it's
22 undetected, but when something occurs as a result of a
23 failure of a piece of equipment, you will, of course,
24 probably, in some incident investigation, find out that this
25 particular piece of equipment was failed and perhaps had

1 been failed for some time, and we expect that you will
2 probably have some idea of how long it was failed, simply
3 because you know how frequently it was inspected, if nothing
4 else.

5 And that kind of information we need to have fed
6 back into your licensing material over time and initially
7 you may have to guess at what are we -- a reviewer would
8 have to come up with an estimate of how long something could
9 fail without being detected. Of course, that has something
10 to do with your surveillance schedule.

11 We'll need that information in order for the staff
12 reviewer to evaluate the adequacy of the IROFS.

13 KILLAR: We have a real problem with that.

14 COX: I'm sorry?

15 KILLAR: I say I have a real problem with that,
16 because if you have an inspection frequency of six months
17 and five and a half months later you have an upset condition
18 that this system was supposed to have mitigated, but it
19 didn't, do we have to say, well, gee, it must have been out
20 of service for five and a half months because that's the
21 last time we inspected it?

22 COX: If you have no better information than that,
23 then that's all you know at the time.

24 KILLAR: Right. And that's not acceptable.

25 COX: We don't think it's acceptable either. If

1 it's --

2 KILLAR: You have to give us a reasonable
3 standard. You have to give us a reasonable standard, and
4 that's not a reasonable standard.

5 If I've got to guesstimate when this thing went
6 out of service, we have to have a reasonable standard.

7 COX: If you don't inspect the thing but every six
8 months, then it could be that it would be failed for six
9 months and that's one of the numbers that goes into a
10 reliability determination.

11 In other words, this beginning number would be, in
12 the first place, how often do you expect the thing to fail.
13 That's one. That's a failure frequency. But then, given a
14 failure frequency, what is the likelihood of not --

15 KILLAR: But if we've been inspecting something
16 for six months for the last eight years and you've never had
17 a -- every time you inspected it, it was always functional,
18 it was always what have you, it always met its criteria and
19 stuff, but then three months later, you had a failure, you
20 mean we have to say, well, gee, because it's been three
21 months since we inspected it, we have to assume it's been
22 failed for three months.

23 We've got eight years of experience that says it's
24 been highly reliable. That's what I'm saying. You have to
25 have some reasonable --

1 COX: The reliability is a function of two
2 numbers, the expected failure frequency, to begin with, and
3 then the time that it remains failed without being detected.
4 If the first number, which I think you are saying is very
5 good, that's a very low failure rate to begin with, in the
6 last eight years, then you could -- it might be all right to
7 have a relatively infrequent inspection frequency. You
8 would still come up with a good number for reliability.

9 But if you have a long-term inspection frequency,
10 and now I'm talking about equipment that needs to be
11 inspected to determine that it's failed, because if you have
12 an automatic failure enunciation of some type on it or it's
13 known when this device fails without inspecting it, that's
14 another matter.

15 But I'm talking about equipment that needs to be
16 inspected to determine that it is failed. You could have a
17 very low inspection frequency, long inspection frequency,
18 long time between inspections, if the equipment is very good
19 to begin with. If the equipment is not very good to begin
20 with; that is, it might be expected to fail inside of a
21 year, probably, then you may need a fairly high inspection
22 frequency on it to cut down the time that it could be failed
23 and undetected.

24 These things are -- and I'm not a reliability
25 engineer, but the two numbers I'm telling you about are like

1 A and B to people who understand reliability engineering,
2 and what we're saying here is that it's a different world
3 where if you were going to talk about risk-informing things,
4 we're going to have to put in the effort to do some
5 risk-informing and understand risk and reliability.

6 And this particular comment is pointing out that
7 in this situation, it will be necessary to know information
8 about the surveillance on this IROFS it's dependent on, it
9 would be necessary to know something about its inspection
10 frequency.

11 We already assume we're going to know something
12 about its failure frequency. But we are pointing out that
13 we also need to know how long could it be failed without
14 being detected. That's a key component of the reliability
15 assessment. That's really all this item two is about and
16 there is more information there, another paragraph and a
17 table, showing, in fact, approximate surveillance periods or
18 frequencies for IROFS that have a particular failure rate
19 goal.

20 The third item is -- it's simply a comment that
21 reviewing two tables, A-1 and A-3, they seem -- there is an
22 index method, there is an index lacking for this outage
23 duration, again, which is typically controlled by
24 surveillance measures, as it says here.

25 So we don't know what the answer is, because it

1 wasn't there, and that aspect is going to have to be assured
2 by some information provided elsewhere.

3 Item four deals with the guidance in section 6.1,
4 page 10, on definitions of likelihood terms. It says that
5 that section may give the impression that these definitions
6 may not need to be in the ISA summary, but 70.65 explicitly
7 requires that information. It says define these terms.

8 But we do see the required definitions in the
9 example method given in Appendix A. But the particular
10 example definition given for credible, one of the three
11 terms, is, in your document, listed as, quote, "expected to
12 occur in the life of the facility."

13 Now, we don't exactly know what that means.

14 KILLAR: We'll take that definition out of there.

15 COX: It depends on what the life of the facility
16 is, and, again, this is all discussed in the SRP chapter.

17 Okay. Item five now goes to your -- I think your
18 examples, table UD-2 and that column labeled there
19 controlled parameter limits. The comment is that in
20 general, such limits as that column labeled control
21 parameter limits really are -- we need them to show safety
22 margins.

23 It appears that your column there doesn't show
24 safety margins, but it shows the distance to a set point
25 which is something above normal, but not at the failure

1 limit.

2 For certain situations, such as reliance on
3 prohibited operations, operator actions, we need to see a
4 large margin between normal operating conditions and the
5 actual failure limit, because that's part of the rationale
6 for why the accident is highly unlikely. We're assuming
7 here that you need to show highly unlikely.

8 So it would be useful in cases like this, where
9 it's included in the safety rationale, we need to know the
10 failure limit, as well as the normal operating limit, and
11 some set point above that that's sort of arbitrarily chosen
12 for operating convenience.

13 SHILTHELM: Tom, that's a little bit tough because
14 it's not just the failure limit. It's the fact that you
15 know the value of the failure limit and the fact that you
16 know the value of the normal operating condition.

17 It doesn't necessarily tell you the margin. It's
18 how fast you can move along the curve that tells you the
19 margin of safety and what sequences move you along the
20 curve.

21 So knowing the failure limit, a perfect example is
22 reactor components, one is -- reactor assemblies, for
23 example, one is always safe, whether it's in water or air,
24 two are never safe. So is it one or two?

25 So you move very quickly, so the difference

1 between one and two doesn't seem very great, where you could
2 have a system that's operating at a KG that it takes 20 KGs
3 to make it a problem, but it can move from one to 20 very
4 rapidly by some scenario.

5 COX: But we would expect that we would know how
6 you get from one to 20 in the description of the limit, how
7 you got there.

8 SHILTHELM: I think the sequences give you that
9 information even in the absence of the actual parameter
10 value failure limit.

11 COX: If they give you that information, then it's
12 probably okay.

13 SHILTHELM: Okay.

14 COX: I'll give you an example of where we didn't
15 have information. The very typical limit is the
16 double-batching limit. Well, if it's easy for a guy to pick
17 up one bottle, it's pretty easy to pick up two bottles.

18 If we know that the failure limit is like eight
19 bottles, obviously the guy can't even carry eight five-pound
20 bottles, he can't hold them in his arms, that's a very
21 comfortable margin of safety.

22 But if we don't know that, then -- and you say
23 that double-batching is -- that's it, we have a rule that
24 doesn't allow that guy to more than double-batch. Well, if
25 two and a half batches are you're at criticality or .98 or

1 something, we aren't going to feel comfortable about that
2 being called highly unlikely.

3 That's the kind of thing I'm driving at. We need
4 to know the margins of safety in those cases where you're
5 going for highly unlikely in, say, a criticality sequence.
6 That's the only point this is making.

7 SHILTHELM: Again, I think you're going to have
8 trouble, because a lot of times the licensee doesn't know
9 the parameter margin. They know that this is safe.

10 COX: We think you ought to know whether it's
11 going to go critical at two and a half or six.

12 SHILTHELM: I think there are a few licensees who
13 actually parameterize that all the way out to failure. I
14 think that's just a fact.

15 COX: Up till now, we haven't been stressing what
16 does unlikely really mean in the double contingency
17 definition. Now it's another world.

18 SHILTHELM: It's just a fact.

19 COX: We're looking for what does robust mean,
20 what does unlikely mean, because the double contingency
21 principle has never challenged that and there is a tendency
22 to say we've got two of them, what more do you want.

23 Well, the definition has always included the terms
24 unlikely and the fact that unlikely has never been probed or
25 may not have been in some cases.

1 SHILTHELM: It's been probed ad nauseum.

2 COX: I know in some cases it has been looked
3 into. Anyway, that's what item five is all about. It's to
4 indicate the failure limit, as well as the safety or normal
5 operating limit in a table like UD-2.

6 Item six appears to be an inconsistency between
7 the definition of high consequence event in Section 70.61
8 and the treatment of intermediate off-site in table A-4. I
9 think if you read this, you probably understand what we're
10 driving at here. That seemed to be an inconsistency in that
11 whereas high consequence events have to be highly unlikely,
12 it didn't seem that that was coming out of table, I believe
13 it was A-4.

14 Table A-4 treats intermediate events as needing to
15 be only unlikely, but in the table on page 28, these events
16 exceed AEGL-2 for off-site individuals. Well, off-site --
17 exceeding AEGL-2 drives you into high consequence event,
18 which requires highly unlikely.

19 You get what we're driving at by that comment? We
20 think you have classified something as needing only to be
21 unlikely when, in fact, it ought to be highly unlikely.

22 SHILTHELM: We'll look at it. This is only an
23 example.

24 COX: Yes, but we don't look at table A-4 as only
25 an example, but rather sort of saying here is our risk

1 assessment table and here is the way we would construct it.

2 If you look at your page 22, on the September 12
3 issue, I think we're talking about the two center boxes
4 there, where the consequence level is intermediate off-site,
5 and I think it refers to those two center boxes.

6 Table A-4 treats intermediate off-site as needing
7 to be only unlikely, but in the table on page 28, if you go
8 over to 28 -- I think here I had a problem. Okay. At the
9 top of page 28, you see intermediate off-site and a little
10 table up there that says greater than AEGL-2, less than
11 three, but greater than two.

12 And the comment here is that this shows that that
13 off-site intermediate thing then should be required to be
14 highly unlikely.

15 VAUGHAN: I think that's a disconnect we have
16 identified in our example anyway. That was one of the
17 things that --

18 ASTWOOD: I guess the question these are complete
19 comments or is Dennis going to --

20 COX: This is all of our comments that I believe
21 we had on this. As was said in the beginning here, item
22 one, the structure of the document is pretty good and it
23 contains some useful information on what should be in an ISA
24 summary. I don't think it tells a lot about how to prepare,
25 but rather what should be in.

1 You can see it there, follow the content
2 requirements of the rule. I look on it as a pretty good
3 outline of what ought to be in there. But then we have
4 these other comments.

5 I have a feeling we probably could have more
6 dialogue on this, but these are our comments on your latest
7 draft.

8 ASTWOOD: I didn't want them to think we were
9 going to continue to work on it and give them something else
10 later. These are our comments to go back and think about
11 and revise your document as you see necessary.

12 The other document that you gave us was the change
13 control document. We simply didn't have time to review that
14 in the time that we had available. We are working on a
15 change control guidance document and we will consider that
16 when we do this. So hopefully we can talk to you at a later
17 date about that particular document.

18 The last thing on the agenda, and I believe Tom is
19 prepared to talk about it, is the status of the ISA
20 documents that are currently in-house from licensees, ISA
21 summary, information that's currently in-house from the
22 licensees.

23 COX: Yes. I tried to -- well, I did get sort of
24 a summary review here, not detailed review, of our status of
25 looking at documents that have been submitted to the NRC in

1 the general term of ISA material.

2 The NRC has reported that two licensees, NSF and
3 GE, or Global Nuclear Fuels, on materials submitted to them.
4 Of course, there's more to come.

5 With the publication of Subpart H, we will now
6 have to review material, as you know, on a schedule that's
7 somewhat established by the rule and will be fleshed out by
8 further guidance documents to come.

9 But as far as the submittals that we have done
10 some reporting on, neither of these were reviewed with
11 respect to Subpart H and both need considerable work to deal
12 with Subpart H. One has no address to likelihood at all.

13 Only one other licensee has submitted something
14 that we would call the ISA summary or the ISA, and that's
15 BWXT, and we have not reported to them. That's being
16 scheduled, being worked on as we speak.

17 And until we get a program established there, I
18 don't want to make a prediction. There is more material to
19 come, as you know. In the license, it talks about April
20 2001 for that.

21 WEBER: Tom, I think the licensees are looking for
22 feedback from the NRC on how do they measure up against the
23 rule and get an estimate of what, if any, changes would be
24 needed.

25 COX: Yes, I know.

1 WEBER: Against the new rule. I think we need to
2 provide the licensees with our schedule for how we're going
3 to provide that, what's our process, how fast are we going
4 to get back to them, so that they're in a position to do
5 their own internal planning.

6 I'm sure they'd all like us to get back and say no
7 changes are needed. Some may be that way and some may be
8 not that way. But can we, by the end of September, will we
9 be in a position to get back and provide at least a schedule
10 for either sitting down with licensees individually and
11 meetings open to the public or all together to discuss their
12 ISAs?

13 COX: That will depend on our ability to work out
14 the resource commitments, I'm sure. Have you got any
15 guesstimates on that?

16 ASTWOOD: No. We'll get back to you.

17 WEBER: Okay. Can we get back to them by the end
18 of September with -- if we don't have a schedule by then,
19 when we will have a schedule?

20 COX: We'll have some preliminary planning.

21 WEBER: Because now the clock starts ticking, or
22 at least soon, and --

23 COX: We have quite a number of priority items to
24 deal with.

25 WEBER: I know, I know.

1 ASTWOOD: I guess that's a question I have for the
2 facilities. Two of the things that I know have been
3 important in the past are the comments on the current ISA
4 summaries, but also the ISA plan document, because that's a
5 six-month turnaround. Which do you think would help you the
6 most?

7 COX: Of which two things?

8 ASTWOOD: Those two, developing the ISA plan
9 information or reviewing the ISA summaries in-house, because
10 both of those -- I mean, that's different information that
11 could help you.

12 VAUGHAN: It probably depends on who you're
13 talking to, because this year we're finishing. It probably
14 depends on which one of us you're talking to, because Global
15 Nuclear Fuel this year is finishing the first round of ISAs
16 for all of the processes and we will -- we have submitted
17 summaries for everything that we've done up until the work
18 this year.

19 So, obviously, to plan forward with a rule, we're
20 more interested in what do we do to get the documentation
21 squared away than we are doing more work. Everybody I think
22 has to answer that.

23 ROCHE: That's why we will get to you as soon as
24 possible on the schedule and discuss that.

25 COX: We can discuss it. I don't know whether you

1 want me to run over that now. We better discuss it with you
2 individually. But my information is a little bit different
3 than what you just said.

4 WEBER: How so?

5 ROCHE: I think maybe we should discuss it
6 individually, don't you think?

7 COX: If nobody else minds, we can talk about it
8 here.

9 SHILTHELM: I'd just as soon discuss it
10 individually.

11 COX: I thought you would prefer that. Okay.
12 That's basically all I have on the licensing status, without
13 going into more individual information on individual
14 licensees.

15 ASTWOOD: And that's all we had on the agenda.
16 I'll go over what I think are the commitments. Does anybody
17 have any other closing remarks or anything else?

18 WEBER: I had another item. The folder includes a
19 list of guidance documents.

20 ASTWOOD: Yes, I passed that out yesterday.

21 WEBER: And did you discuss it at all?

22 ROCHE: No, we never got there.

23 WEBER: Let's just take a couple minutes and raise
24 that to your attention. We have, for a number of years,
25 been working on updating regulatory guides, combining

1 regulatory guides, modifying them, coming up with new ones.

2 We don't have the resources to simultaneously
3 process all these things and so this was an attempt to rack
4 out for you what's in the queue. If you have strong views
5 that we really need to go forward on some of those documents
6 because you're anxiously awaiting receipt of that
7 information, it would be helpful to know that.

8 On the other hand, if you're looking at those
9 guidance documents and you're saying, whoa, from my
10 perspective, if you come out with this document, it's really
11 not going to help me, because I think I already have
12 everything in place in this area, that would also be helpful
13 to know.

14 We will be looking at our own internal resources
15 to accomplish the work, we've been doing that, we will
16 continue to do that, but my guess is that, at some point,
17 some of these documents will slide over to the hold status
18 until if and when we have the resources to work on them.

19 So we would appreciate your response, not today,
20 obviously, but down the road.

21 ASTWOOD: I had mentioned that they could send it
22 to Chuck and he would be looking in the next couple weeks to
23 get this information.

24 WEBER: I think a lot of the documents on the
25 front page are actually in Lidia's group.

1 ROCHE: They are actually my shop's. So why don't
2 you send it to me and then I'll compile it.

3 WEBER: And then the safeguards items are found at
4 Chuck's shop.

5 ROCHE: Yes.

6 WEBER: Okay.

7 ROCHE: And I set up the table for you to have
8 comments, but if you have more, that's okay. You can
9 expand.

10 WEBER: Is there a timeframe you're looking for
11 that feedback?

12 ROCHE: Well, they have so many things to do.
13 They're going to be working on the SRP. So let's say
14 between now and November, December, is that okay? November?
15 You can do better? And setting the expectations low so that
16 the --

17 WEBER: I would just offer, in the way of closing
18 comments, that we really appreciate your commitment of time
19 and energy to review these documents, to come in and discuss
20 them with us.

21 I think, like has been said earlier this
22 afternoon, we benefit from your review. I think it's often
23 like the saying goes, it's the process where the predominant
24 value is derived, not the actual product.

25 But having said that, there is recognition, as we

1 were talking about yesterday, that our staff is turning
2 over, your staff is turning over. If we can come to closure
3 on an SRP that will work for the NRC, that you all are
4 reasonably comfortable with, I think it will be a benefit
5 and certainly responsive to our performance goals under our
6 strategic plan.

7 Our hope and aim is to come up with a document
8 that's practical, that makes sense, that is risk-informed,
9 performance-based, that's responsive to the rule, doesn't
10 impose unnecessary burden, and that's -- those are our
11 objectives.

12 So anytime you see us going in the opposite
13 direction, please speak up. I'm sure you will, but I just
14 want to say we thank you for your involvement.

15 Heather, back to you.

16 ASTWOOD: All I was going to do was go over the
17 commitments I think that we had made in the meeting. From
18 the NRC standpoint, we committed to, by the end of
19 September, getting you some idea of when we might be able to
20 get you a date on the ISA reviews. So by the end of
21 September, you'll have a better idea of our status on that
22 and when we can get together and talk to you about that.

23 WEBER: If not the actual dates, then the schedule
24 for getting you the dates.

25 ASTWOOD: We're going to continue to work on the

1 change control and review your change control document. We
2 did not set a specific date for that. We do have the charts
3 that we're working on and we can talk to you about that,
4 what our plan is for that change control process, but I
5 don't have that with me right now.

6 We are going to work on Chapter 3 and get it on
7 the web by the end of September and I believe we owe you a
8 response on how this new Part 70 rule and this SRP are going
9 to affect your current license, as you brought up yesterday.
10 I believe we owe you a response on that.

11 From NEI's point of view, Chapter 11, with the
12 principles, by mid October sometime and you'll, I assume,
13 continue to work on the ISA summary guidance document.

14 KILLAR: We'll also provide you feedback by the
15 first of November on the reg guides.

16 COX: I'm sorry. Feedback on what?

17 KILLAR: The guidance documents, Lidia's and --

18 COX: The list of stuff.

19 ASTWOOD: We want to thank Walt Schwink for
20 letting us use his afternoon.

21 WEBER: Any other closing comments? You're not
22 recording. Come to a microphone.

23 SCHWINK: My recollection is there's 155 reg
24 guides that apply to fuel cycle facilities, 75 percent of
25 them are older than 15 years old. I thought, and I'm going

1 back in memory, which I have more senior moments as I get
2 older, I thought there was a conscious decision NMSS
3 office-wide to move away from reg guides and given we have
4 an excellent SRP evolving, that that would take care of it
5 and we wouldn't need to mother 155 reg guides.

6 Is that still the concept?

7 WEBER: That's the concept. With resource
8 constraints as they are, it's difficult to make the
9 commitment to convert some of those, all of those reg guides
10 into NUREGs. In some cases, what we're looking at is minor
11 updates to the reg guides to reflect new regulatory
12 citations, new technologies which have emerged.

13 The reg guide might be 85 percent sound, but we
14 want to update it with that extra 15 percent.

15 In other cases, these actions involve
16 consolidation of the reg guides. A lot of the reg guides
17 you'll see in that list are safeguards related, so they're
18 not even covered by our standard review plan that we've been
19 focused on for Part 70.

20 So for all those reasons, I think what you see
21 here is the continuation of some of the reg guides that are
22 in the queue.

23 One other thing I should mention is that back when
24 we came up with the master plan for how we were going to
25 update and withdraw and issue new reg guides, we picked up

1 some of the responsibility within NMSS for updating the
2 regulatory guidance that applies more broadly than the fuel
3 cycle facilities, and those include like the ALARA reg
4 guide, Reg Guide 8.10 or something like that.

5 So there is an agency need for that regulatory
6 guide, not just in the fuel cycle area.

7 SCHWINK: Okay. Thanks.

8 ASTWOOD: If there's nothing else, I think we are
9 finished. Thank you very much.

10 [Whereupon, at 4:31 p.m., the meeting was
11 concluded.]

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