

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Reactor Oversight Process Initial
Implementation Evaluation Panel
Fourth Meeting

Docket Number: (not applicable)

Location: Rockville, Maryland

Date: Tuesday, February 27, 2001

Work Order No.: NRC-093

Pages 377-619

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
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FOURTH MEETING
+ + + + +
REACTOR OVERSIGHT PROCESS
INITIAL IMPLEMENTATION EVALUATION PANEL

+ + + + +

TUESDAY,

FEBRUARY 27, 2001

+ + + + +

ROCKVILLE, MARYLAND

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The Panel met at the Nuclear Regulatory Commission, Two White Flint North, Room T-2B3, 11545 Rockville Pike, at 8:00 a.m., Loren Plisco, Chairman presiding.

COMMITTEE MEMBERS:

LOREN PLISCO	Chairman
RANDY BLOUGH	Member
BILL BORCHARDT	Member
KEN BROCKMAN	Member
MARY FERDIG	Member

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1 COMMITTEE MEMBERS: (cont'd)

2	STEVE FLOYD	Member
3	DAVE GARCHOW	Member
4	RICHARD KRICH	Member
5	JIM MOORMAN	Member
6	ED SCHERER	Member
7	JIM SETSER	Member
8	RAY SHADIS	Member
9	JIM TRAPP	Member

10

11 ALSO PRESENT:

12	CHIP CAMERON, NRC/OGC
13	BILL DEAN, NRC
14	VICTOR DRICKS, NRC Public Affairs Office
15	ROGER HUSTON, Licensing Support Services
16	STEVE KEREKES, NEI
17	ALAN MADISON, NRC/NRR
18	JOHN MONNINGER, NRC/NRR
19	SCOTT MORRIS, NRC
20	CHRIS NOLAN, NRC/OE
21	DEANN RALEIGH, LIS/Scientech
22	AUGUST SPECTOR, NRC/NRR
23	JENNY WEIL, McGraw Hill
24	SUSAN YIM, Winston & Strawn

25

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P-R-O-C-E-E-D-I-N-G-S

(8:05 a.m.)

CHAIRMAN PLISCO: The agenda for today, this morning we'll have stakeholder presentations from NRC Public Affairs Office, Inside NRC, and the NEI Public Affairs Office. They'll be ready at 8:30.

And then, after those presentations -- I don't anticipate they're going to take all morning as the schedule shows. We should have some time later in the morning to finish our initial prioritization. We have the overall category still to do, and we have a couple revisits to go back to in a couple of the other categories. And we'll do those and finish those up today.

MEMBER GARCHOW: Did you check out people's flights and such, when they have to --

CHAIRMAN PLISCO: I know several people have time restraints this afternoon. That's why I'm going to try to push to get through these other initial prioritizations before noontime. And as time permits, we can go back through some of the ones that we had -- some discussion items that we have some new information because of the presentations and revisit some of those.

MEMBER GARCHOW: So do you have a target

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1 adjournment time based on people's schedules?

2 CHAIRMAN PLISCO: Well, I know a couple of
3 people have -- I've heard 2:30.

4 MEMBER GARCHOW: Shooting for somewhere
5 around 2:30, 3:00, is that --

6 CHAIRMAN PLISCO: Yes.

7 MEMBER BROCKMAN: How's this, Loren?

8 (Laughter.)

9 MEMBER FLOYD: Well, it says 5:00 right
10 here.

11 CHAIRMAN PLISCO: And several people I
12 know have some --

13 MEMBER BROCKMAN: Zulu time.

14 (Laughter.)

15 CHAIRMAN PLISCO: -- have some issues this
16 morning, too, that they're going to be in and out of.

17 MEMBER GARCHOW: It sounds like around
18 3:00 you're targeting.

19 CHAIRMAN PLISCO: Yes.

20 And because of that, what I was thinking
21 about we'd do, we have a couple of minutes this
22 morning, is to essentially do our agenda planning
23 between now and 8:30 and confirm it. I think we had
24 -- we picked some tentative dates at our last meeting,
25 April 2nd and 3rd. I want to confirm those to see if

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1 there's any problems.

2 MEMBER GARCHOW: Is this framing up,
3 Loren, for you, that you can think of the deliverable
4 and work backwards? I mean, I can sort of see how
5 this is sort of coming together now.

6 CHAIRMAN PLISCO: Yes, that's --

7 MEMBER GARCHOW: Do you have something in
8 mind?

9 CHAIRMAN PLISCO: The way I see April 2nd
10 and 3rd is really just the Panel working for two days
11 and working through trying to finalize our positions.
12 You know, now that we've done the initial
13 prioritization, now go back.

14 Between now and April, John and I will
15 work on taking the bullets and the initial categories
16 and -- I don't want to say write the final report, but
17 the one step before the final report is -- is trying
18 to write a narrative for each one of those sections
19 based on the comments and the discussion that we've
20 had.

21 MEMBER GARCHOW: We'll get --

22 CHAIRMAN PLISCO: And send that to you
23 before the meeting.

24 MEMBER GARCHOW: Right.

25 CHAIRMAN PLISCO: And then we'll work

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1 through that April 2nd and 3rd.

2 MEMBER GARCHOW: But it's your thought
3 that by the 3rd we'll have this pretty much where --
4 enough for John to write a letter to get one more set
5 of comments and be done?

6 CHAIRMAN PLISCO: Right.

7 MEMBER GARCHOW: Is that --

8 CHAIRMAN PLISCO: Right. We'll write the
9 report after this meeting. I think early on we had
10 talked about the possibility of having a one-day
11 meeting to come back to go through that final report.
12 And we probably should talk about that.

13 I know the previous panel did it all
14 electronically, and there were some people that
15 thought that worked well and others that thought it
16 might have been worthwhile to come back and have a
17 one-day --

18 MEMBER BROCKMAN: It was painful.

19 (Laughter.)

20 CHAIRMAN PLISCO: It would probably be
21 easier for me to come back for a one-day meeting,
22 rather than deal with, you know, 16 sets of e-mail
23 comments.

24 MEMBER BROCKMAN: I can promise you it was
25 easier for him.

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1 CHAIRMAN PLISCO: Yes.

2 MR. MONNINGER: I second that.

3 MEMBER GARCHOW: Great. So we have a
4 framework to --

5 CHAIRMAN PLISCO: Yes.

6 MEMBER GARCHOW: -- to get done.

7 CHAIRMAN PLISCO: So maybe we can pick a
8 tentative date for this one-day like report
9 finalization meeting, probably near the end of April.

10 MEMBER BLOUGH: Plus, the end of April and
11 the beginning of May is -- it's hard to even get a
12 date at all four regions for --

13 MEMBER BROCKMAN: If I were to shoot, I'd
14 pick that week of 23 April. I mean, that's --

15 CHAIRMAN PLISCO: Well, that's --
16 actually, that's what we had I think mentioned last
17 time was looking at that week.

18 MEMBER SCHERER: I will not be available
19 that week on, because I'm off to an INPO senior
20 management course, so I'll be traveling.

21 MEMBER GARCHOW: That week on until when?
22 When do you --

23 CHAIRMAN PLISCO: Well, my target
24 originally was end of April or early May, April 29th
25 timeframe, based on getting something in Sam Collins'

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1 hands long enough before their final paper is due to
2 the Commission. Now, they've actually moved that back
3 to the end of June. I think June --

4 MEMBER KRICH: So that's changed already?

5 CHAIRMAN PLISCO: Yes. They moved it
6 back. So I -- yes, originally, I -- I said originally
7 I had April 29th. So I have a little more -- I think
8 I have a little more room now than I had before.

9 MEMBER GARCHOW: Can we move it into like
10 the middle of May when everyone's outages are over?
11 I mean, if we had more time, then -- I'll just throw
12 that in there. Our outage gets over May 8th.

13 MEMBER FLOYD: I would vote for trying to
14 move it -- trying to get it in -- finished in April if
15 we -- if we still can meet that date, not just delay
16 it. That'll just generate into having another round
17 of meetings probably, if we just delay it, just
18 because the staff schedule has moved a little bit.

19 CHAIRMAN PLISCO: Right. Does anyone else
20 have a problem with that week of April 23rd?

21 MEMBER FERDIG: I'm out on Monday and --
22 I'm not available on Monday and Friday.

23 MEMBER BROCKMAN: Well, Tuesday,
24 Wednesday, Thursday is nice.

25 MEMBER GARCHOW: Just one day, right,

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1 Loren?

2 CHAIRMAN PLISCO: One day.

3 MEMBER FLOYD: How about Tuesday?

4 CHAIRMAN PLISCO: Can you get here on
5 Tuesday?

6 MEMBER FERDIG: I cannot get here on
7 Tuesday. I can get here by -- sorry. I've got a
8 meeting that goes until 9:00 Monday night.

9 MEMBER SCHERER: Is it possible to do it
10 the week before? The week of the 16th?

11 MEMBER GARCHOW: That gives John just a
12 couple of weeks to put this all together.

13 MEMBER FLOYD: That's probably pushing it.

14 CHAIRMAN PLISCO: Yes. Yes. Well, not
15 only that, we wanted to get it to you and you have
16 time to read it before we have that meeting and
17 develop your own sets of comments.

18 MEMBER GARCHOW: There are 168 hours in a
19 week, John, so that gives you 336 hours --

20 MEMBER SCHERER: What about Wednesday?

21 MEMBER FERDIG: Wednesday/Thursday of that
22 week?

23 MR. HILL: The 25th or 26th. I've got a
24 problem with Thursday. I'm okay on Wednesday.

25 MEMBER SCHERER: 25th?

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1 CHAIRMAN PLISCO: April 25th?

2 MEMBER GARCHOW: I have a question.

3 CHAIRMAN PLISCO: We can do it through
4 e-mail.

5 MEMBER GARCHOW: Does anybody have -- I
6 mean, are you equipped here for videoconferencing? I
7 mean, we are where we're at. I mean, it would save
8 our coming down here, and it would save you coming all
9 the way here.

10 MEMBER MOORMAN: I've got a field trip
11 planned.

12 CHAIRMAN PLISCO: Why don't we -- okay.
13 Let's -- why don't we say the 25th.

14 MEMBER SHADIS: What date did you just
15 say? Excuse me.

16 CHAIRMAN PLISCO: April 25th, a Wednesday.

17 MEMBER GARCHOW: Is it possible to start
18 a little later, like 9:00 or 8:30?

19 CHAIRMAN PLISCO: Yes. Actually, I was
20 going to talk about that. Someone has suggested that
21 for Monday morning on April 2nd also.

22 (Laughter.)

23 Since we've had trouble getting started at
24 8:00.

25 MEMBER BROCKMAN: Put a European flavor to

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1 it and --

2 MEMBER GARCHOW: That would save me a
3 hotel room. I could just come up on Monday morning if
4 we started at 9:00.

5 CHAIRMAN PLISCO: So why don't we say 9:00
6 to start on both days, April 2nd and 25th.

7 MR. HILL: We should plan on working,
8 then, probably a little later on Monday if we're not
9 going to start until 9:00.

10 MEMBER GARCHOW: We might be done.

11 MEMBER SHADIS: April 2nd is a one-day
12 meeting?

13 CHAIRMAN PLISCO: 2nd and 3rd, two days.

14 MEMBER FLOYD: The 3rd you'd start at
15 8:00 a.m., though, right?

16 CHAIRMAN PLISCO: Yes.

17 MEMBER FLOYD: Yes.

18 MEMBER SCHERER: And for those of us that
19 can't make it on the 25th, we'll get it
20 electronically, so that --

21 CHAIRMAN PLISCO: Yes.

22 MEMBER SCHERER: -- we can comment?

23 CHAIRMAN PLISCO: Yes. If you can send us
24 comments electronically before the meeting, then John
25 and I, you know, can go through your comments.

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1 MEMBER SCHERER: I'm sure I can send
2 comments before the meeting, because I won't be able
3 to send anything after.

4 MEMBER KRICH: So the meeting on the 25th
5 will also start at 9:00?

6 CHAIRMAN PLISCO: Yes.

7 MEMBER GARCHOW: How long do you think
8 we'll need to go on the 25th?

9 CHAIRMAN PLISCO: It depends a lot on how
10 many comments we -- yes, I suspect it will be all day
11 to work -- work through the issues that come up on the
12 comments.

13 MR. MONNINGER: Then, for the 3rd, the
14 Tuesday, do you want to say end at 3:00, so people
15 can --

16 CHAIRMAN PLISCO: Yes.

17 MR. MONNINGER: -- make their plans?

18 CHAIRMAN PLISCO: We'll end at 3:00.

19 And as far as getting input from other
20 people, we still have -- I think we've got everyone
21 covered that the Panel asked for, except for a
22 congressional viewpoint. We're going to try to do
23 some more work and see if we can get anyone for that
24 April meeting. With the administration changes and
25 all that, it was -- we weren't high on the list, but

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1 we'll see if we can get that.

2 MEMBER GARCHOW: Did I see that -- that's
3 Hillary Clinton that's on the NRC Oversight --

4 MEMBER FLOYD: Yes.

5 MEMBER GARCHOW: -- Panel, right?

6 MEMBER FLOYD: Yes. Can we get her?

7 MEMBER GARCHOW: Could you --

8 MEMBER KRICH: In fact, just last week had
9 the -- had Andrew Weiler, who is the head of the staff
10 for that subcommittee, the Senate subcommittee that
11 has oversight of NRC, was just out.

12 CHAIRMAN PLISCO: All right. So I'll see
13 what I can do on that.

14 MEMBER KRICH: So, I mean, if I could --
15 I could call him if -- if you have any difficulty, see
16 if he could help us out.

17 CHAIRMAN PLISCO: Yes. Well, I'll talk to
18 you afterwards and we'll see.

19 We also have been trying to get Jim
20 Riccio, and I know he couldn't support this meeting,
21 and I think -- did we talk to him about April, whether
22 that was a possibility?

23 MR. MONNINGER: In general, he did not
24 express interest, but I think it would be a good idea
25 to keep asking.

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1 CHAIRMAN PLISCO: Yes. We'll ask him one
2 more time and see if he can support the April meeting.
3 I think those are the only two outstanding --

4 MR. MONNINGER: What was the first
5 outstanding --

6 CHAIRMAN PLISCO: The congressional input,
7 and we'll see if we can get anything for April for
8 that, to get that perspective.

9 Anything else as far as any other input
10 that we need?

11 MR. MONNINGER: But I think most of the
12 April meeting will be really the Panel working through
13 the issues. Is there any need for any further input
14 from the staff or a presentation from the staff? I'm
15 not sure if additional input will come in. I guess
16 the lessons learned workshop, external, end of March
17 -- whether you would consider feedback from that
18 workshop?

19 CHAIRMAN PLISCO: Well, I think a lot of
20 the Panel members will be there. I know I'm planning
21 to go myself.

22 MEMBER FLOYD: I'll be there.

23 MEMBER GARCHOW: Would that -- I just see
24 Alan came in. Would it be worth just giving Alan an
25 hour or something? Is there anything --

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1 (Laughter.)

2 MEMBER BROCKMAN: We all know Alan. We've
3 got his name out.

4 (Laughter.)

5 CHAIRMAN PLISCO: That's good timing. We
6 can give you -- if you'd like, we can give you an hour
7 in our April meeting and --

8 MR. MADISON: When is your April meeting?

9 CHAIRMAN PLISCO: The 2nd and 3rd.

10 MR. MADISON: I'll be in town then.

11 (Laughter.)

12 MEMBER GARCHOW: I'm just wondering
13 because the last time he was here -- I mean, kidding
14 aside, there was a lot of things they were doing that
15 I -- and I would think there would be, you know, a
16 half hour for him just to say what's transpired, not
17 recreate the whole wheel, and then give the Panel a
18 chance to ask -- you know, because there was about
19 four or five of these initiatives that, like Steve
20 mentioned yesterday, that some of these areas we're
21 talking about are being worked on.

22 And between the next month some of them
23 might be solved, and I think it might be just worth
24 having Alan in here to give us an update on this.

25 MEMBER FLOYD: It might save a lot of

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1 discussion on wording for the final report if the
2 issue is done. I mean, we don't need to spend a lot
3 of time worrying about it.

4 MEMBER GARCHOW: That's exactly where I
5 was headed. I mean, why fuss with it. If it's done,
6 we'll acknowledge, you know, prompt action was taken.

7 MEMBER BROCKMAN: Even more important,
8 there will probably be some stuff that comes out of
9 the internal workshop on that that would be --

10 MR. MADISON: Yes. And we'll have some --
11 probably have some preliminary outcomes from the
12 external workshop as well, and we'll try to include
13 some of that in there.

14 CHAIRMAN PLISCO: Okay.

15 MEMBER GARCHOW: Sorry, Alan. You were in
16 my line of sight.

17 CHAIRMAN PLISCO: Anything else for April?

18 MR. HILL: Both of those are going to be
19 here?

20 CHAIRMAN PLISCO: Yes.

21 MEMBER GARCHOW: Try to get this room if
22 you can.

23 CHAIRMAN PLISCO: Actually, John and I
24 were just talking about that.

25 MEMBER GARCHOW: Very good room.

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1 CHAIRMAN PLISCO: We're going to check on
2 availability this morning for that.

3 MEMBER GARCHOW: This is the best place we
4 have, actually.

5 CHAIRMAN PLISCO: Obviously, the ACRS has
6 bumping rights, so we -- since we already picked our
7 date, now we've got to check their calendar.

8 MEMBER SCHERER: Well, we're both federal
9 panels.

10 CHAIRMAN PLISCO: That's true.

11 MR. MONNINGER: And I guess second choice
12 we try for the Commission Conference Room, and then
13 third choice would probably be an off-site hotel.

14 CHAIRMAN PLISCO: The homework for John
15 and I would be to go ahead and give you a summary of
16 the initial prioritization, and then try to write a
17 narrative for each one of those bullets as a
18 preliminary step to the April meeting, in preparation
19 of writing the report.

20 Let's see. I think that's it. Any
21 other --

22 MR. MADISON: Before that meeting, maybe
23 John can give us some bullets on specific topics we
24 want to make sure we cover.

25 CHAIRMAN PLISCO: Yes. And I was going to

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1 talk to John. What we can do is as we write the
2 narrative and go through the discussions we've already
3 had, I think that'll highlight some of the areas we
4 think we need -- we'll give you a heads-up as far as
5 things to cover and give us the status on.

6 MR. MADISON: Great.

7 CHAIRMAN PLISCO: Okay. Anything else for
8 agenda planning? Is Victor here yet?

9 MEMBER SCHERER: Before we get to today's
10 agenda, I just had one quick item that I'd like to get
11 some feedback on. In the presentation yesterday from
12 Pennsylvania, one of the comments was that the NRC
13 inspectors are spending more time on reviewing
14 documents and less time on actual physical
15 inspections. And we have at least one resident
16 inspector here and other NRC people.

17 That was a bit of a surprise to me,
18 because I hadn't noticed that, certainly not in the
19 limited observations at our plant, nor had I heard
20 that as a comment in Region IV, so -- from other
21 utilities. I'd like to get other people's reaction to
22 that comment, whether that -- that was a surprise to
23 them or whether the -- is it your perception that
24 they're spending less time in the plant?

25 MEMBER MOORMAN: No. It's not my

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1 perception that they are spending a lot less time in
2 the plant. Now, there are some of the -- some of the
3 inspection attachments that drive us to more of a
4 documentation review. But the opportunity is there
5 for the inspectors to spend as much, or even more,
6 time in the plant, depending on what the issues are.

7 So if that's his perception, then I'm not
8 sure where he's gotten it. But, you know, from my
9 experience and the other residents that I've talked
10 to, that -- the program does not drive you to spend a
11 lot less time.

12 MEMBER BROCKMAN: I can probably comment
13 on that from a regional viewpoint. The documentation
14 is down compared to what it used to be, the time spent
15 on documentation. However, our overall preparation
16 and documentation time, compared to inspection, is up.
17 So there is definitely more time spent on preparation
18 than there was in the past.

19 A great deal of that is making sure and
20 looking -- going through the documentation to make
21 sure you fully understand the program and selecting
22 your samples, and all that type of stuff for the risk
23 informed samples. So the aspect of spending more time
24 on documentation review prior to an inspection I would
25 say is true, within the realm of preparing more for

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1 the inspection.

2 However, in Region IV, you know, I can
3 certainly say that the amount of direct inspection
4 hours in the field this year will be more than has
5 been seen in Region IV in four years.

6 CHAIRMAN PLISCO: And I think, especially
7 early in the process, we saw there was, you know, a
8 learning curve issue this first year. There was a lot
9 more time spent on inspectors, you know, looking at
10 the inspection procedure, gathering information to
11 review in preparation for the inspection, especially
12 in the areas where we hadn't done a lot of heavy
13 looking before.

14 I mean, one particular procedure I know,
15 like flood protection, that was an area we hadn't done
16 a lot of detailed inspection before. And so there was
17 a lot of looking at documentation and analyses and,
18 you know, engineering information that we hadn't
19 looked at before.

20 So I think in that first year -- I think
21 the same in some of the fire protection issues. There
22 was some preparation that we hadn't done before. But
23 I think that's going to -- you know, now that we have
24 that information and the inspectors are familiar with
25 it, I think that's going to flatten out.

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1 MEMBER MOORMAN: Yes. That's consistent
2 with my experience. We spent a lot of time learning
3 what we were inspecting, and then as it -- as we got
4 more comfortable with it, the contact time in the
5 field went up.

6 MEMBER SCHERER: Thank you. I hadn't been
7 surprised at his bullet A, which was, "NRC inspectors
8 are focusing more on inspection preparation and less
9 on inspection documentation." It was his comment B
10 that sort of caused me to have some second thoughts.

11 Thank you very much.

12 MR. MONNINGER: I guess just -- just for
13 your information, I did give -- or pass out two things
14 yesterday that we really did not discuss, but they
15 will be within the meeting minutes. The first one was
16 the two-page handout from the staff, "Initial SDP
17 Determination Downgraded Insignificant."

18 That was a followup item that staff had
19 had from the January meeting, and it discusses the
20 logic or the rationale as to initially a finding might
21 have been a yellow and it was switched to white. It
22 has the five enforcement actions relating to that.

23 The other was a report done by Dave
24 Lochbaum that Ray Shadis provided the Panel, "Nuclear
25 Plant Risk Studies: Failing the Grade." That will

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1 also be included with the meeting, unless anyone would
2 want to discuss either of those documents.

3 CHAIRMAN PLISCO: Yes. The SDP paper is
4 in response to a question the Panel asked when the
5 staff gave a presentation about how many issues
6 actually were changed during the process of the
7 evaluation and what the rationale for that was. So I
8 think Doug Coe put this together to answer that
9 specific question.

10 MEMBER FLOYD: And the other one?

11 CHAIRMAN PLISCO: The other one was just
12 unsolicited feedback coming in. It wasn't to address
13 a specific question, was it? I don't know.

14 MEMBER SHADIS: We're trying to reduce our
15 paper burden.

16 CHAIRMAN PLISCO: Ah, okay.

17 MEMBER FLOYD: That's just an FYI.

18 CHAIRMAN PLISCO: FYI. Okay.

19 MEMBER GARCHOW: So should we let the
20 meeting notes reflect that really wasn't discussed,
21 wasn't stipulated? I mean, there's -- I would not --
22 I read through that last night, and I guess I have
23 some issues with even some of the factual basis.

24 So I would not want it -- I would not want
25 my name associated on this panel with any thought at

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1 all that this panel deliberated on that document and
2 found it to be, you know, correct, not correct, you
3 know, accurate, not accurate, because the fact is we
4 didn't even discuss it.

5 So if this shows up in the minutes,
6 somehow you have to put a statement that this was, as
7 Ray said, just provided for information and background
8 and was not discussed, and no conclusions by this
9 panel on the validity of any of the information or the
10 conclusions.

11 MR. MONNINGER: Right. That's typically
12 what is done. We -- you know, I say, you know, it was
13 provided similar to I guess the e-mail and the Indian
14 Point-2 steam generator tube inspection findings. You
15 know, it was provided to the Panel for their
16 consideration, you know, and development of issues,
17 but nothing further.

18 CHAIRMAN PLISCO: Background information.

19 Still waiting for one more panel member?
20 I guess while we're waiting what we might want to do
21 is get -- okay. Yes, we wanted to get all three of
22 the members here, because of some of the issues that,
23 you know, I think -- the synergism as far as issues
24 come up.

25 MEMBER SHADIS: There was one thing from

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1 yesterday, Mr. Janati from Pennsylvania said that he
2 thought the quality of the inspection reports had gone
3 up under this program. And I thought that was an
4 interesting observation. I don't know just from the
5 few that I've read if I would agree with that or not,
6 but I'm wondering if the staff people, regional
7 people, have any comment on that.

8 CHAIRMAN PLISCO: I'd like to speak to it
9 from a couple of different perspectives. One is the
10 feedback we get from Region II, our licensees, is they
11 think they're better because they -- it's more focused
12 on what the important issues are, rather than trying
13 to dig through 50 pages which a lot of times was
14 essentially a journal of what the inspector did, you
15 know, for the six weeks.

16 The important issues are -- that's all
17 that's discussed, so it's much clearer to them what
18 the issues are of importance that need to be
19 addressed.

20 And I think the rigor that's in the
21 report-writing process now, even though we're still
22 working -- we've had a couple of bugs, and it has also
23 been a moving target. The guidance has changed
24 through this first 10 months. But the feedback we're
25 getting from the staff, at least from Region II, is

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1 that it is I guess easier to put the report together
2 and focus on the important issues, because the
3 guidance is much clearer now.

4 And, historically, and even when I was an
5 inspector, there was a sense that the longer report
6 you wrote the better job you did, you know, as far as
7 justifying, you know, all of the time you spent in the
8 field. And that has been a culture change. We're
9 working through that I think with inspectors. I don't
10 know if Randy and Ken have seen the same thing.

11 There used to be a sense of the more stuff
12 you had in your report the better inspector you were.
13 And we're changing the culture a little bit as far as
14 what, essentially, the value-added of the inspector is
15 and how you get your sense of accomplishment.

16 It's not by the thickness of your report
17 anymore, and -- but I think, in general, I think the
18 reports are better because they -- especially from the
19 perspective of we spend a lot more time describing why
20 the issue is important and what the risk significance
21 is and trying to clarify that. And I think there's a
22 lot of comfort in being able to do that and
23 communicate that better than we used to be able to.

24 Rather than just issue a violation like
25 they did in the past, now they can describe why this

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1 is important and what the safety significance was.

2 MEMBER SHADIS: There was something else
3 that came out in talking with Dave Lochbaum after the
4 meeting yesterday. There was a constant reference to
5 comparing the present system to the old, and I
6 thought, you know, that was -- that was interesting
7 but not the point; the point being, what would we want
8 to get out of the present system?

9 And I'd just like to offer that for
10 consideration. I mean, I understand we have these
11 objectives laid out, you know, but then there are
12 probably -- strung through that there is probably a
13 thread of what we really would hope this ROP would do.
14 And I don't know if that needs -- if I'm making myself
15 clear or not. I don't know if that needs
16 clarification.

17 But there are defects probably in the old
18 system we had hoped this system would do away with.
19 And that may or may not be the case.

20 CHAIRMAN PLISCO: What do you think?

21 MEMBER MOORMAN: Well, my observations are
22 consistent with yours. The feedback I've gotten is
23 that the inspection reports were focused on the
24 important issues, and the underlying small things that
25 are within the licensee response band are still passed

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1 on and addressed.

2 And that seems to be fairly well received,
3 like the -- the ability to know what we think is
4 important, and sometimes that didn't always come
5 through in the old program. We had a list of the
6 inspector's log. It was the report, and we could pick
7 out what we wanted from that to -- to build into
8 issues.

9 I think we still have sort of a change
10 management issue internally to be able to deal with
11 the smaller amount of information that we have and
12 still provide an assessment that we're all comfortable
13 with. So I think we're still working on that.

14 MEMBER BLOUGH: Region I on the inspection
15 reports, we think the reports are better. There was
16 just too much detail in the -- much detail in the
17 previous reports that didn't really contribute to
18 understanding what was important and what was found.
19 It is -- there's a lot of change management that goes
20 along with that. I think we're making progress.

21 We need to look at -- and Rich Janati, you
22 know, he tells me the reports are more focused. You
23 can read -- you can see what's important. You can get
24 the whole way through the thing without getting mired
25 in, you know, frivolous detail, really, and that's why

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1 he likes it.

2 The other feedback we've gotten has been
3 generally positive. Had a couple -- couple cases
4 where we got feedback saying that -- a couple of
5 utilities had said, "Well, members of our off-site
6 review committee who are trying to review what's going
7 on at the plant don't like the new reports as well,
8 because they liked all of this detail. They could
9 kind of put a whole picture together from them."

10 The other thing we've gotten from external
11 stakeholders is at times when there's something that
12 -- when there's an issue at the plant that's a matter
13 of a lot of public interest, they like to see more
14 detail in the report, and we're working on that. It's
15 -- we don't think in Region I we've used the
16 flexibility that's in the guidance relative to the
17 scope section of the inspection report.

18 You can -- if you know there's external
19 interest in it, then you can add a little more detail
20 in the scope section of the inspection report that
21 just says a little bit more about what the issue was
22 and what you looked at without being -- without -- put
23 it better into context without getting into too much
24 detail that doesn't lead to any particular -- lead to
25 any particular finding.

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1 But issues like at Oyster Creek when they
2 had a problem with their new fuel inspection, where
3 their actual -- two of the bundles actually toppled
4 over when they were putting them in the inspection
5 stand. At Salem, when they did the steam generation
6 inspection, there's a lot of public interest in that
7 and we did a good -- we did a good NRC inspection of
8 that, and we didn't really find anything.

9 But, again, you know, the stakeholders
10 would like to see a little bit more in the inspection
11 reports. But we think we can do that without letting
12 it get out of hand.

13 MEMBER GARCHOW: I guess I'd like to
14 comment -- and I know I'm speaking for other utility
15 members -- but it was hard to read the entire reports
16 before. You know, I mean, it wasn't hard for the
17 licensing engineer, but for senior management, I mean,
18 that was a pretty healthy document to read every page.
19 But now it's very easy to read the reports cover to
20 cover.

21 So I think you're getting a lot broader
22 review of the entire report by the entire management
23 team at the station, where before, I mean, I'll admit
24 I just was reading the Executive Summary, going to the
25 parts that might have interested me for the detail,

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1 but leave, you know, the licensing engineers to comb
2 over every word.

3 And I think it's a lot more valuable. I
4 mean, I don't want to talk for Ed or Richard. But you
5 can actually read the entire report, so you're getting
6 a much broader read by the entire management team at
7 the stations, I would suspect.

8 MEMBER SHADIS: I was glad to hear Randy
9 say that there would be some additional attention paid
10 to those issues that have heightened public interest.
11 And the thing that got me started down this track
12 initially was an inspection report on Millstone Units
13 2 and 3.

14 And I was just now leafing back through
15 trying to find the exact quote. But, in essence, the
16 inspector said, "And I inspected fire seals." And it
17 was that short and sweet. There wasn't an awful lot
18 more beyond that.

19 CHAIRMAN PLISCO: And I think as Randy
20 mentioned, internally we're working on beefing up --
21 especially the areas where a finding may not be
22 identified to beef up in the -- what we call a scope
23 section in the report to describe in more detail what
24 was looked at and what the criteria, you know, that
25 they were looking for, so that's better described.

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1 And you're right, a comment like that
2 doesn't help you that much.

3 MEMBER SHADIS: We're presuming all is
4 well, but we don't know.

5 CHAIRMAN PLISCO: Right.

6 MEMBER SHADIS: And a fire seal inspection
7 is -- what does that mean? Does it mean 10, or does
8 it mean the whole plant?

9 MEMBER MOORMAN: Yes. A lot of the
10 inspectors are still learning how to use Manual
11 Chapter 0610*. And to try to come to the right level
12 of documentation so that everybody -- everyone's needs
13 are met, whether our management's needs are met,
14 whether our needs as inspectors, and as the public,
15 you know, their right to have the information. So
16 we're still grappling with actually how to do that.
17 As we get better, I think you'll see the level of
18 documentation go up.

19 CHAIRMAN PLISCO: And one other thing. I
20 didn't want to belabor the point, but as far as
21 getting consistency among the regions, one thing they
22 just started is -- I mean, Al Madison is here. He
23 might want to say something about it. But they've
24 started an audit process, where once a week they take
25 reports from all of the regions, and they have a panel

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1 that goes through the report and looks to see whether
2 it is meet the requirements of the manual chapter and
3 looking for inconsistencies.

4 They're looking for issues, and maybe the
5 report is not meeting the standard, but they are also
6 going back and looking at maybe the guidance needs to
7 be corrected, too, to clarify some things as they see
8 them in their report. So we just started that two
9 weeks ago.

10 MEMBER SHADIS: Is that manual chapter
11 publicly available? Can I get a copy?

12 CHAIRMAN PLISCO: Yes. 0610*.

13 MR. MADISON: 0610* is. But your concern
14 is on the guidance for the audit? Is that what you
15 were asking about, Ray?

16 CHAIRMAN PLISCO: Or the guidance for
17 writing the report. There's actually guidance for the
18 audit that they're doing, too. That's what he's
19 asking. Or just the guidance on how to write the
20 report and what should be in the report.

21 MEMBER SHADIS: No. I'm -- I presume that
22 that manual chapter covered both.

23 MR. MADISON: It doesn't.

24 MEMBER SHADIS: Okay. Thank you for
25 asking that question. Yes, I really would like to

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1 look at both of those.

2 MR. MADISON: That's under development.
3 It's being drafted.

4 MEMBER SHADIS: Okay.

5 MR. MADISON: It's in draft form. When
6 that becomes available, we'll make sure we share that
7 with you. We discussed it when we talked about the
8 inspection portion, major component, during self-
9 assessment discussions.

10 MEMBER SHADIS: Right.

11 MR. MADISON: Because that -- the audit
12 satisfies a number of the criteria there.

13 MEMBER GARCHOW: So, Alan, when you find
14 a really good example, are you using that in your
15 inspector training program? So if somebody writes a
16 really good report that the Panel sees is, you know,
17 of exceptional quality, is there a way of getting that
18 out to the regions to say that, you know, "Here is an
19 example of one that really looks like it hits most of
20 the -- most, if not all, of the objectives and clarity
21 and everything else that goes with a good report"?

22 MR. MADISON: The short answer is yes.
23 But I see Loren wants to make -- add something there.

24 CHAIRMAN PLISCO: Well, I was just going
25 to say we -- the result of that audit goes to all of

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1 the regions, and we get not just our results but from
2 the other regions. So, I mean, common sense is what
3 we're doing -- is when they say, "This report is
4 really good," we pull that out and take a look at it.

5 MR. MADISON: What we're trying to avoid,
6 though, in reality, is a cookbook. We don't want to
7 generate a cookbook of -- like some folks have used
8 before called boilerplate. We're trying to avoid
9 that. But we are trying to provide good examples and
10 training, national formal training.

11 And a good example being this last week
12 where TTC is working on developing I think they said
13 12 examples for the SDP. And they're utilizing some
14 actual real-world cases during initial implementation.
15 As part of those -- some of those examples, they can
16 run the -- for example, fire protection issues through
17 and actually train on actual real-world cases.

18 MEMBER GARCHOW: Great.

19 CHAIRMAN PLISCO: Ray, I apologize. I
20 keep bumping you. If you don't mind sitting next to
21 me, because I know Bob is not going to be here this
22 morning, and I was going to try to set the Panel up
23 and --

24 MEMBER SHADIS: I'm sure you --

25 CHAIRMAN PLISCO: Sorry.

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1 MEMBER SHADIS: -- set it up this way.

2 (Laughter.)

3 CHAIRMAN PLISCO: Actually, we didn't use
4 name tags this time, so -- sorry.

5 Hi, Victor.

6 MR. DRICKS: Hi. Let me -- can you hear
7 me okay? Let me begin by introducing myself. I'm
8 Victor Dricks. I work in headquarters here in the
9 Office of Public Affairs. I've worked in headquarters
10 as a Public Affairs Officer for about five years.
11 Prior to that I worked in Region I at a time when all
12 of the events at Millstone began to unfold.

13 And by way of background, I was a
14 newspaper reporter for 18 years. I worked in Texas
15 and Arizona, and I covered the nuclear industry for
16 about 12 years, all of which I think gives me an
17 interesting perspective in dealing with the press.

18 What I did to try to give you some insight
19 into how the -- two areas. One is, what do the
20 reporters feel about the last year and the new revised
21 oversight process? And what opinions do the Public
22 Affairs officers themselves, who are in the regions
23 and headquarters, have? And I'd like to share some of
24 that with you.

25 By way of methodology, what I did was a

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1 year ago, at the request of the first panel, I had
2 sent an e-mail questionnaire to about a dozen
3 reporters around the country asking them to take a
4 look at the new website and the information that we
5 began posting on the website on the pilot plants.

6 I made an effort to recontact all those
7 reporters and also get some opinions from other
8 reporters who I hadn't contacted initially, and get
9 their sense of how useful the information was, how
10 user-friendly it was.

11 I should add that a lot of what I'll say
12 inevitably deals with the website as well as the
13 process itself, and I know there are some people in
14 the room here who -- Alan and Augie, who have been
15 very instrumental in working on the website. And I
16 hope they won't take any of the feedback as criticism
17 of their efforts, because I think they've done really
18 a terrific job.

19 Let me begin by sharing with you a comment
20 which I got from a young reporter who works for a
21 newspaper in Vermont with a circulation of about
22 12,000. She's been a reporter for only two years, and
23 about six months ago to her horror found herself
24 assigned to cover the nuclear industry and the Vermont
25 plant.

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1 And I say "to her horror" because she
2 says, "I'm a police court reporter on a paper with a
3 staff of five. And I'm 21; I've been a reporter for
4 two years." And so I'll share with you what I think
5 is a remark that really puts into perspective what we
6 heard from a lot of people. And I'll read it.

7 She says, "As someone who began reporting
8 with no background in nuclear power, I found your site
9 very daunting at first. I distinctly remember being
10 about a week on the beat -- I used to cover town
11 government -- and downloading some information on a
12 new process. I read it until my head spun and I
13 didn't understand a thing."

14 She then goes on to talk a little bit
15 about the use of technical jargon, or what she
16 considers to be technical jargon. And, specifically,
17 she says, "In your explanation on the website of the
18 seven cornerstones, the website talks about reactor
19 trips and SCRAMs. The average citizen or brand-new
20 nuclear reporter like myself doesn't know what a trip
21 or a SCRAM is, and there is no immediate referral to
22 a glossary or a definition of the terms."

23 I know she's wrong about that. I know
24 that you folks have gone to great lengths to include
25 a glossary. But she couldn't find it, and I think

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1 that's worth noting.

2 The other -- her other criticism about the
3 revised oversight process was that website made a lot
4 of information very readily available, but she felt it
5 was not accessible. And by that she meant she didn't
6 understand it.

7 She felt a lot of the information used
8 technical terminology, and she says, "I learned most
9 of what I know about the oversight process by going to
10 public meetings and conversations with NRC spokesmen."
11 But she liked the website and she thought we were
12 doing a very good job and applauded our efforts of
13 that kind of outreach.

14 I also asked Paul Choinere, who I think is
15 familiar to at least many of you, he's a reporter with
16 the New London Day, and he wrote very exhaustively
17 about Millstone. And his feedback was that he thought
18 the information was very accessible. He applauded our
19 efforts to make -- the new oversight process made a
20 wealth of information available in a more timely
21 fashion, and he found that very usable and useful.

22 Another reporter said also that they felt
23 the information on the website and our description of
24 the oversight process was very, very helpful. He said
25 some of the reports may be more accessible to the

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1 general public if they were in plain text rather than
2 pdf format. And, again, he's just critiquing the
3 format that we use to post the information.

4 The response from the reporters to
5 providing us with feedback was a little underwhelming,
6 and it was difficult to get these guys to share their
7 views with us. But the Public Affairs Offices in the
8 regions were a lot more forthcoming, and I'd like to
9 share with you some of what they had to say, because
10 they deal with the reporters on a daily basis.

11 And a lot of their basis I think for
12 comparison was with the SALP process and the product
13 that that presented and the way they used that as
14 opposed to the new oversight process, and
15 communicating to the public and reporters about
16 specific events at plants or -- or in a general sense
17 about how plants performed.

18 One of the things that the Public Affairs
19 Offices are frequently called upon to do is we get a
20 lot of calls from members of the public who are
21 thinking about moving in an area near a plant. We get
22 them here at headquarters. We get them in the
23 regions. And people frequently want to know, "Is the
24 plant safe? I'm thinking of moving into a town, and
25 I looked up and I saw these things and they were --

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1 they're cooling towers. And I haven't closed on the
2 contract yet, but I thought I should do some
3 research."

4 And they generally want -- they ask --
5 they come to the Public Affairs Officer with a real
6 bottom-line question. And speaking personally, what
7 I always did is refer them to a SALP report. And I
8 would generally say, "Yes, the plant is safe. And if
9 you want detail about the plant's performance, I could
10 mail you a copy of the most recent SALP report, which
11 is like a reportcard, and you can read for yourself a
12 little bit about the plant. And if you have
13 questions, you can call back."

14 One of our Public Affairs Officers is
15 relatively new, and I thought she had a very
16 interesting observation about the oversight process.
17 And she said, "While trying to provide the public with
18 lots of detailed information about our processes is
19 noble, the bottom line is neither the public, nor
20 certainly the reporters who are working on daily
21 deadlines, want to plow through layers and layers of
22 details about the process. They want to get to the
23 crux of the matter: is the plant safe? Were there
24 problems at the plant that could have and should have
25 been addressed better? And what are we, the NRC,

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1 doing to ensure that an identified problem won't
2 happen again?"

3 And I think this is a theme that I heard
4 repeated over and over again from the Public Affairs
5 Offices, so let me read to you a few of their
6 comments. And I'll give you -- I'll leave with the
7 Panel a compilation which I put together of all their
8 comments, so you'll have them for yourself.

9 I tried to be scientific, and so I sent an
10 e-mail questionnaire to all of the regional Public
11 Affairs Offices and asked them the same questions.
12 The first question I asked was, "What level of
13 interest is there by the media in the new process? Do
14 you get many questions about plant performance or
15 about the oversight process itself?"

16 The general response was interest in the
17 process itself was minimal. Reporters ask questions
18 about the process only when there is a specific
19 reason. One Public Affairs Officer said, "In the past
20 we'd get phone calls from reporters when we issue the
21 press release announcing a fine of any significance --
22 generally, \$100,000 or above. We've not issued enough
23 press releases regarding enforcement actions under the
24 new oversight process to get a good sense of how most
25 reporters view the new system.

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1 "Indeed, the number of press releases
2 about specific plants has dropped dramatically under
3 the new program. As a stand-alone proposition, the
4 level of interest in the new program appears to be
5 minimal, as was demonstrated by the rather sparse
6 media turnout at the meetings about the new program
7 held at plants across the country.

8 "But, again, it's not surprising that
9 reporters would show little interest in a program that
10 has little direct relevance to them unless they are
11 writing a story about why the plant they cover is the
12 subject of an enforcement action."

13 Another Public Affairs Officer said, "We
14 get no questions on the oversight process. Period.
15 Only on the results of the oversight process. The
16 media and the public don't care about the kind of
17 inspection and assessment program we have. They just
18 want us to have one that works.

19 He goes on to say that the news coverage
20 of one plant's white preliminary finding and a
21 regulatory conference didn't even mention the white
22 finding in the news report.

23 What can you write about a bunch of green
24 squares on a computer screen? There is coverage --
25 and that's a comment that -- again, that we heard

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1 again and again, and it's difficult to glean from that
2 matrix, that data matrix, a story. That it's hard to
3 understand what the data means, and that prior to the
4 new revised oversight process the reporters had a SALP
5 report that subjectively told them what the data
6 means.

7 Another Public Affairs Officer said, "The
8 new revised oversight process makes it a lot harder to
9 rate the performance of a plant and to compare it to
10 other plants. I sometimes say simply that all their
11 performance indicators are green, which means they're
12 performing up to NRC safety expectations."

13 I then asked the Public Affairs Officer,
14 "Is there more or less interest in reporting of plant
15 performance with the new revised oversight process
16 compared to the SALP?" And they -- one said,
17 "Generally speaking, there's a great indifference to
18 the new plant performance data."

19 When the vast majority of the performance
20 indicators are green, it makes it awfully difficult
21 for a reporter, or a member of the public for that
22 matter, to get an accurate read on how the plant or
23 plants they cover are performing. Under the former
24 program, reporters could rummage through the SALP
25 reports and get a better feel for whether different

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1 aspects of plant performance were declining,
2 improving, or staying the same, from one assessment
3 period to the next.

4 And that's primarily what a reporter wants
5 to do. Reporters rarely will compare the performance
6 of the plant that they cover with a plant across the
7 country. That's just not of much interest to the
8 reader. What a reporter wants to be able to tell the
9 reader is, "Is this plant that I write about, is their
10 performance in a particular area improving or
11 declining?"

12 This Public Affairs Officer goes on to say
13 that any nuance on performance now gets lost in a sea
14 of green indicators. The letters containing
15 information about quarterly performance assessment are
16 almost devoid of detail. It's also worth noting that
17 when we issued SALP reports we would issue a press
18 release informing reporters who covered specific
19 plants that the information was now available.

20 These days we issue a general press
21 release for all of the plants, letting reporters know
22 that the data is posted to the website. It's probably
23 inevitable that the general press release would garner
24 less attention than ones targeted at specific plants.

25 On the positive side, the few reporters

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1 who do check the performance indicators section of our
2 external website seem to appreciate that the
3 information is more timely. They also like the fact
4 that we had placed these inspection reports at their
5 fingertips.

6 Another question I asked the Public
7 Affairs Officers was could they tell whether the new
8 information on the plant performance has contributed
9 to more accurate stories. And one said, "Across the
10 board, no, it would be hard for me to tell." As a
11 matter of fact, reporters have a hard time
12 understanding what a red finding is, that it's not an
13 overall assessment of plant performance but an
14 assessment of performance in a particular area.

15 They understand SALP, where we gave a
16 grade in a list of areas. They don't understand what
17 a green indicator means.

18 Another report -- another Public Affairs
19 Officer in Region I made an interesting comment about
20 the red finding that was recently issued on Indian
21 Point-2, and let me share that with you. He said,
22 "It's probably too early in the new process to assess
23 this on a comprehensive basis. But, anecdotally, the
24 new program has definitely generated some confusion
25 when reporters try to make sense of our enforcement

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1 actions.

2 "A vivid example is a red finding we
3 issued to Indian Point-2 over its steam generator tube
4 inspections in 1997. One TV reporter traveled from
5 New York to interview the Regional Administrator about
6 what the finding meant. When the Administrator tried
7 to put the finding into context and downplay its
8 significance, the reporter became more and more
9 bewildered."

10 Does this mean the NRC could shut down the
11 plant? the reporter wanted to know. "Well, we're a
12 long way from that," the Administrator responded.
13 "Well, isn't this a big deal, since this is the first
14 red finding issued by the NRC under the new program,"
15 the reporter asked? "Well, not really," the
16 Administrator responded. "It's just one part of our
17 assessment of the plant."

18 "What's important to remember is that the
19 plant is safe to operate," the Administrator said
20 repeatedly. Given that one of the biggest selling
21 points of the new program was that we could shut down
22 a plant for red findings, this Public Affairs Officer
23 says, "I could understand why the reporter was
24 perplexed. Other reporters have referred to the NRC
25 giving Indian Point-2 'a red flag' or putting the

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1 plant on 'its red list.'

2 "I'm sure the only impression the public
3 is left with is that the NRC considers the plant to be
4 bad. In other words, the press has had a hard time
5 getting its hands around how the new program works in
6 terms of enforcement.

7 "The fact that many staff members still
8 seem to be confused about how many red findings it
9 would take to shut down a plant, or what the true net
10 effect is of a red finding versus a yellow finding,
11 and other issues, surely doesn't help. More education
12 of the staff on the new program would probably help
13 the situation."

14 Another Public Affairs Officer said, "I'm
15 not certain that the new plant performance information
16 is much of a factor in the accuracy of the stories.
17 Much of the content still depends on discussions with
18 NRC staff and the licensees to provide context and
19 explanation. If anything, I suspect that the color
20 scheme has sufficiently obscured the findings so as to
21 result in less coverage of plant performance."

22 And still another Public Affairs Officer
23 said, "Everything is a lot less clear for the media
24 than it used to be. Before we had a number grade for
25 SALP. We issued fines when something went wrong, and

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1 it all seemed easy. Now we have a press release
2 announcing white findings, but there won't be a fine
3 or a drop in the SALP grade, just a change in -- to
4 white in one cornerstone.

5 And it's harder for a reporter to put all
6 of this in understandable context. Given their
7 negative bias, it probably results in more negative
8 story potential than before.

9 This I think was an interesting question.
10 I asked the PAOs, "Is it easier or harder for you to
11 explain to reporters what a plant assessment means
12 under this new process as opposed to the old process?
13 In other words, has the new process made your job
14 easier?"

15 One PAO said, "It was easier to explain
16 things under the old program, where we had severity
17 levels and letter grades. It's difficult to get
18 people to understand that increasing our level of
19 inspection is the outcome of a red finding but a fine
20 is not. I don't think anyone is buying our reasons
21 for dropping fines."

22 Another PAO said, "It has made our jobs
23 more difficult. In theory, it should be easier. That
24 is, a system that uses a progression of colors to
25 indicate how a plant is performing would, on its face,

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1 seem to be pretty transparent. The problem is that
2 the vast majority of the performance indicators are
3 green, which gives the impression that almost all of
4 the plants are doing just splendidly."

5 I'm sure that you're probably -- your
6 stomach is rumbling as I'm reading this. But that's
7 the problem and it's not the problem. And it's an
8 interesting insight from the Public Affairs Officer.

9 He's saying the bad performers end up in
10 the same sea of green as the good performers. As I
11 mentioned in the previous answer, nuance is lost.
12 With the issuance of fines under the previous program,
13 reporters had something concrete that they could get
14 their hands around. Now we offer up colors, the
15 impact of which some inside the agency don't even seem
16 to understand -- more difficult if we're comparing the
17 revised oversight process to the SALP process and the
18 watch list process.

19 Try to explain what a preliminary white
20 finding is to a reporter or, even more challenging,
21 try to explain what the NRC is going to do if the
22 white finding survives the complicated process of
23 reviews and regulatory conferences and more reviews.

24 The reporter's question, after yesterday's
25 regulatory conference, was, "Will there be a fine?"

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1 Well, enforcement action has become an additional
2 meeting, an inspection, and maybe a news release.
3 Similarly, try to interpret that sentence above from
4 the latest plant performance review letter. How is
5 the plant doing?

6 "Oh, well, we read from the letter that
7 says, 'Within the licensee response column of the
8 NRC's action matrix.' The PPR letter is nothing more
9 than a transmittal letter with the inspection plan.
10 We shouldn't try to sell it as performance
11 assessment."

12 And another PAO said, "It's difficult in
13 one sense to explain what the plant assessment means
14 under the new system, because we don't have the
15 falsely simple number grade we had before." Now,
16 that's an interesting comment, isn't it?

17 So as you can see, there are pluses and
18 minuses. And I guess I'll conclude my remarks by
19 saying that I see this as an inevitable consequence of
20 what the NRC and the Panel set out to do two years
21 ago, which was to take the subjectivity out of the
22 oversight assessment process and replace it with more
23 objective measurements.

24 And on the plus side, I think that the new
25 system has been very, very successful in doing that.

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1 However, on a down side, it has done that at the
2 expense of clarity, so that we provide the public and
3 the media with a wealth of information about plant
4 performance.

5 But there isn't a bottom line to it. And
6 when somebody asks us, "What do you think about how a
7 particular plant is performing?" we refer them to a
8 matrix, and we give them data, and we don't have a
9 bottom-line assessment. I hate to use the word
10 "opinion," but that's really what was in the SALP
11 report at some level, is an opinion, hopefully based
12 on objective information.

13 I think as anybody who has had the
14 misfortune to work for a supervisor who gets an unfair
15 idea in their head about an employee's performance,
16 fighting that can be an uphill battle. And often an
17 employee will say, "Hey. You know, you say I'm not
18 doing such and such, and I have a problem in this
19 area. But you can't point to any specific incident
20 over the last year or two where I failed to perform my
21 job function."

22 And anybody who has ever been in that
23 situation knows how unfair it can be, and I think the
24 Panel heard a lot of testimony from licensees who said
25 they felt they were in that kind of situation, and

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1 that the subjective evaluation that somehow found its
2 way into a SALP from time to time could be unfair.

3 On the plus side, that unfair subjective
4 analysis was an easy tool for the NRC or a Public
5 Affairs Officer to use and say, "This is what we
6 think." In many cases it was accurate. In some
7 cases, it wasn't.

8 I think, in summation, the problem that
9 you're hearing or that the Public Affairs Office feels
10 is that somehow we've made great improvement in
11 replacing a system that tended to be overly subjective
12 with one which is much more subjective. The challenge
13 may be in learning how to communicate these results
14 better, in the way that's more understandable to John
15 Q. Citizen and to reporters.

16 And with that, I'll conclude my remarks.

17 MEMBER FLOYD: I have a couple of
18 questions. How much formal training did the Public
19 Affairs Officers receive on the new oversight process,
20 so that they could understand it when they got
21 questions? Did they get much, or did they get any?

22 MR. DRICKS: They got some.

23 MEMBER FLOYD: Got some.

24 MR. DRICKS: As I'm sure you know, our
25 Public Affairs Officer in Region III immersed himself

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1 in SECY 007 -- 00-007, which is about "yo" thick, and
2 boiled it down to what we think is a pretty excellent
3 primer that we posted to the website and distributed
4 at all the public meetings.

5 We have an annual counterpart meeting, and
6 when they came in we had people from the Inspection
7 Branch talk to them one on one about the new process.
8 I think their level of understanding is pretty good.
9 I'm not sure that's the problem. I think you hear
10 them struggling with some aspects of it.

11 I think, as Public Affairs Officers, we
12 like to have something in writing, in black and white,
13 that we can fall back on to read to a reporter from,
14 or to a member of the public from. So that when
15 somebody says, "What do you think?" we pull up a
16 report and look at it real quick and say, "Okay. And
17 I'm not shooting from the hip here. I have data to
18 fall back on." And I think that that's harder for
19 them to do.

20 MEMBER FLOYD: Yes. Okay. My second
21 question is, Dave Lochbaum yesterday made a suggestion
22 that I thought made a lot of sense, and I just
23 wondered if you would agree with that from -- it seems
24 to fit in with some of the comments you've gotten from
25 the Public Affairs Office.

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1 Right now, when a reporter, a member of
2 the public, or anybody calls up one of the plants on
3 the website and clicks on it, the first thing they get
4 is the sea of green performance indicators with a few
5 smattering of color differences, if there are any.

6 And then they scroll down and they get a
7 similar picture with the inspection findings, and you
8 really do kind of have to understand how the program
9 works to mentally integrate what it means to have a
10 couple of white PIs or a yellow PI and a couple of
11 white or yellow inspection findings, and whether they
12 align up or not.

13 And it's really the action matrix that
14 does that. And if you think about it, the only
15 purpose of the PI summary results and the inspection
16 finding summary results is to feed into the action
17 matrix to provide that overall characterization of the
18 plant.

19 Dave's suggestion yesterday was when you
20 click on the plant, why don't you go to the action
21 matrix first, and then you can see. Because right now
22 there is a difference in performance. We've got 79
23 units in the licensee response column, 16 in the
24 regulatory response, five in the degraded, and one in
25 the multiple degraded cornerstone column, with an

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1 explanation of the overall characterization of the
2 performance of what it takes to be in one of those
3 columns of the action matrix.

4 And then from there, if they could see
5 that page first, then they would get an overall
6 picture of, well, should I worry about the performance
7 of this plant? You know, where is this plant relative
8 to other plants in the country? Or, you know, do they
9 have a declining trend or some issues that are getting
10 some elevated attention?

11 And then you can click on the action
12 matrix and then drill down, and then go to the PI and
13 inspection finding results. Do you think that would
14 be a better progression?

15 MR. DRICKS: I think that would be
16 helpful.

17 MEMBER FLOYD: Would that help?

18 MR. DRICKS: Absolutely.

19 MEMBER FLOYD: Okay.

20 MR. DRICKS: Absolutely. One thing, just
21 to share with you, that we in Public Affairs pushed
22 for -- and I should have said that at headquarters I
23 oversee NRR, so I'm the OPA point of contact for
24 everything that happens with reactors.

25 And when we first a year ago looked at

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1 issuing a press release and the first batch of letters
2 about plant assessment were going to be sent out, I
3 pushed very strongly for the inclusion of language in
4 those cover letters to the licensees that might
5 somehow capture in a "Executive Summary form" what we
6 actually thought about that plant's performance. And
7 there was a lot of resistance to that.

8 But I think short of doing that, I
9 certainly think that would be something we could do
10 that would make -- would help people who go to the
11 website. People don't have the time or the patience
12 to wade their way through that data. They want the
13 bottom line. They want to know, you know, is the
14 plant safe? And once we say, "Yes. Yes, it's safe,"
15 because we say that, they want a little more detail.
16 And they may say, "Well, do they have problems in a
17 particular area?"

18 And, again, the Public Affairs Offices in
19 the regions aren't familiar with the performance of
20 the plants in their region. But it's difficult to
21 provide a document to John Q. Citizen or stuff
22 something simply into an envelope and say, "Here's
23 what we think."

24 MEMBER FLOYD: Okay.

25 MEMBER BORCHARDT: Vic, you referred to

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1 some comments that reporters saw some benefit in the
2 old SALP process, or SALP reports anyway, maybe not
3 the process. But, of course, that -- SALP reports
4 have been around for many years, so there was a
5 comfort level that's gained through many years of
6 experience.

7 Do you have any views as to whether or not
8 this new process would be conducive to a learning
9 curve, that they would become more comfortable with it
10 over time?

11 MR. DRICKS: I was very surprised, and I
12 think everybody in our Office of Public Affairs was
13 surprised by how smoothly the transition to the new
14 process went. We expected to hear a hue and a cry
15 across the land from reporters who would say, "Hey, we
16 love the SALP process. Don't take that away from us."
17 But we didn't hear that.

18 We didn't hear difficulty of the kind that
19 you're identifying of people who are saying, "Gee, we
20 like the old process. This new one is unfamiliar.
21 It's hard to understand." I don't -- I think,
22 clearly, there will be a learning curve. I think the
23 challenge, though, is to figure out how to somehow
24 capture the clarity and the cogency of the SALP
25 without reinserting subjectivity into the process.

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1 And that's something that I think is a real challenge.

2 But I think what we're hearing from people
3 is that it's -- the process itself is harder to
4 understand, but there's no bottom line to it. There
5 is no reportcard or letter grade that is simple for me
6 to understand. But, yes, I clearly think it will gain
7 wider acceptance through time.

8 MEMBER BORCHARDT: Well, where I was going
9 -- and this follows up I think on what Steve was
10 talking about -- the action matrix. To a large
11 extent, which column a plant resides in is I think as
12 close to the overall reportcard as this process will
13 get. And it's not all that dissimilar in some
14 respects to a SALP grade. In fact, now there's four
15 columns that a plant could potentially reside in.

16 MEMBER BLOUGH: Five columns.

17 MEMBER BORCHARDT: I'm sorry. Five, yes.

18 And my original question was, do you think
19 that the press and the stakeholders that you deal with
20 will grow comfortable with those five columns, and
21 using that as a way of having a quick way of
22 describing overall performance?

23 MR. DRICKS: Yes. I also fear that in the
24 absence of an overall assessment that either reporters
25 would be tempted to develop their own and creating the

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1 potential for inaccuracies and mistakes that other
2 people would offer them assessments. And, again, I've
3 been surprised the financial community hasn't done
4 that.

5 They haven't come back and said, "Well,
6 we're going to consider -- we're going to begin to
7 quantify these colors, and we're going to use the NRC
8 system to develop our own system to rate plant
9 performance and replace the watch list with an even
10 more precise way of measuring plant performance." And
11 they haven't done that.

12 MEMBER BROCKMAN: Victor, there was one
13 comment which you brought up which was the aspect of
14 being able to compare performance within a plant over
15 a period of time. And where the program has gone to,
16 it has intentionally changed the thresholds for that
17 comparison. And, in fact, with the green now set, it
18 is improper to compare performance as long as it's
19 within that band.

20 And I hear that that's really a hue and
21 cry, as you brought it out, that they're looking for.
22 And if you want to call it making a mountain out of a
23 mole hill, they're looking for something to say is a
24 change even if it's an invalid change. And this
25 program is intentionally not giving them that data.

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1 I wouldn't hear you saying we need to
2 create data like that to give them.

3 MR. DRICKS: Oh, no.

4 MEMBER BROCKMAN: Thank you.

5 MEMBER FERDIG: I just have a question
6 that came into my mind when you said that you were
7 surprised and presumably relieved that people weren't
8 trying to make up their own system of finding the
9 bottom line. Do you think there's a potential for
10 that to happen yet as people think they get more
11 familiar with understanding this process?

12 MR. DRICKS: I think reporters are, by
13 their nature, reluctant to do that, because they all
14 know that this is highly technical material. And they
15 really -- they are timid in that regard. They want to
16 know what our opinion is. And absent our providing
17 one they won't -- they -- I don't think they'll offer
18 one themselves.

19 I think the danger might have been that
20 they could have gone to an activist group or an
21 opponent and say, "Tell us what you think," and we
22 wouldn't be in a position to refute it by saying,
23 "That's not our opinion. Here's our opinion," because
24 we don't have one now. We have information. We have
25 data.

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1 MEMBER TRAPP: Victor, a question --

2 MEMBER KRICH: Go ahead, Jim. I'm sorry.

3 Go ahead.

4 MEMBER TRAPP: Have you ever contacted --

5 I imagine like FAA is in sort of the same boat as we

6 are, and if I call FAA -- I mean, I've never done

7 this, but I'd be curious, actually, to try it. I say,

8 "I can fly American. I can fly USAir. Any

9 suggestions which airline, you know, which is safer?"

10 MR. DRICKS: They won't tell you.

11 MEMBER TRAPP: They won't tell you.

12 MR. DRICKS: No. And I applaud the Panel

13 and the NRC for moving in the direction that it has.

14 One of the criticisms, one of the frequent criticisms

15 of the FAA by the media is that they won't do what you

16 just asked for. And I think that would be

17 inappropriate, and I think a good FAA Public Affairs

18 Officer would say, "We wouldn't allow planes to fly if

19 we thought they were unsafe. They'd be grounded."

20 And we say that to people to call in. We

21 don't allow plants to operate if we feel that they are

22 unsafe. You know, that's the bottom line.

23 MEMBER TRAPP: So you see us heading in

24 that -- sort of the FAA's mold or that direction and

25 --

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1 MR. DRICKS: The FAA didn't traditionally
2 make inspection reports public either, and I think
3 they have begun to do that. And so I think there's a
4 move -- it's interesting they're both moving towards
5 a middle ground, which I think is a very good place to
6 be.

7 MEMBER TRAPP: Thanks.

8 MEMBER KRICH: Victor, I was going to ask,
9 do you get calls from the Congress, from the
10 congressional aides, any of that, call your office for
11 information?

12 MR. DRICKS: They do. When they do, we
13 generally will refer them to our Office of
14 Congressional Affairs.

15 MEMBER KRICH: Okay. And they basically
16 get the same information that you would give out to
17 the --

18 MR. DRICKS: Right.

19 MEMBER SHADIS: I noticed that you -- you
20 mentioned that on occasion you get inquiries from the
21 press, and in the past you were able to -- you know,
22 if they had gotten a comment from an activist group,
23 you were able to refute it. I'm presuming the same
24 thing holds true if the press had gotten comment from
25 the licensee. That was incorrect. You would also be

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1 able to refute that. But I make note that you didn't
2 choose to say that.

3 MR. DRICKS: It was a sin of omission
4 rather than commission. We do that. We are still
5 able to do that if we feel a licensee is
6 inappropriately characterizing an inspection finding
7 or a problem that the staff has concern about and a
8 licensee tends to minimize it. We certainly offer our
9 view and our opinion regarding that.

10 What I was referring to specifically would
11 be a potential which has not materialized of an
12 activist group saying this plant should be shut down,
13 or they have a problem because of this most recent
14 inspection, and here's our opinion. No, we would
15 refute. We certainly have the data to do that.

16 But because we've eliminated the watch
17 list, roughly about the same time that the revised
18 oversight process has been implemented, it has just
19 created different challenges for us as Public Affairs
20 Offices.

21 MEMBER SHADIS: Do you have a process
22 within the Office of Public Affairs to keep track of
23 the occasions to fall on one side or another of
24 statements from the industry or from activist groups?
25 Do you sort of monitor that to -- you know, to look

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1 after your own quality of impartiality?

2 MR. DRICKS: That's a difficult question
3 to answer. I guess the short answer would be no,
4 because it's what we do all day long. We rarely find
5 -- generally, when there are opinions expressed by
6 either a licensee or an activist group, they are
7 usually about operational events. And those
8 frequently we have a different view of the
9 significance of an operational event and the licensee,
10 or an activist group in a particular area.

11 I guess what I was thinking more about in
12 terms of the comment I made was an opinion that might
13 be expressed about a trend in a plant performance.
14 And there's probably less disagreement about that.

15 MEMBER FERDIG: What do you send a new
16 home buyer who calls and wants information about the
17 plant that's going to be in their area?

18 MR. DRICKS: I personally offer what I
19 call the short answer and the long answer. And when
20 somebody calls I say, "To answer your question, I
21 wouldn't worry about moving next to a nuclear plant."
22 I myself have done it. I lived within a few miles of
23 the Limerick plant when I worked in Region I.

24 I'll share information with them about
25 that particular plant's performance, but I always add

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1 the caveat, I say, "If, however, after looking at all
2 of this data, and looking at the information" -- I
3 will generally put together an information packet that
4 I'll offer to send them. I'll say, "If you're going
5 to lose sleep at night worrying about what might
6 happen at that plant, then that's something you should
7 take into account, because that's really independent
8 of how safe that plant is."

9 I really enjoy those calls from the
10 public, and they generally -- I'll spend 30 minutes
11 with them, or 45 minutes with them, as I know a lot of
12 the Public Affairs Officers do because they ask good
13 questions, they're open-minded.

14 We rarely, as I think you could tell, get
15 a call from somebody who says, "I hate nuclear power,
16 and I'm thinking about moving near a plant." They are
17 generally people who haven't thought much about it and
18 suddenly have to, and so they want to do some
19 research. And I always view that as a challenge, and
20 they generally are very appreciative of the
21 information we send them. We really try to be very
22 objective and unbiased, and they seem to appreciate
23 that.

24 CHAIRMAN PLISCO: Ready to move, Jenny?
25 Thank you for coming.

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1 MS. WEIL: Thank you. Good morning.

2 MEMBER SHADIS: That was inspected just
3 recently.

4 (Laughter.)

5 MS. WEIL: I'm Jenny Weil, and I work for
6 Platts, which is a division of the McGraw Hill
7 Companies. I was asked to provide a viewpoint from
8 the media, and I think in some respects it's probably
9 not typical because we put out three publications on
10 nuclear issues. And we have the luxury to spend the
11 time to try and understand the process and report I
12 think a little bit more fully.

13 Also, we are sort of past the "what is
14 risk informed?" so when we cover something we don't
15 have to start back at ground zero.

16 But we have hired a new reporter recently,
17 and it's been interesting to see how he views the
18 process, and some of the questions that he has asked
19 I think bring some clarity to how the new process is
20 understandable, some of the difficulties of trying to
21 explain a white finding or a green finding, and
22 journalists I think tend to try and summarize things
23 and look for shortcuts to explain quickly and briefly
24 the ideas and the performance behind how a plant is
25 doing.

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1 Just briefly, I've summarized a few points
2 that I think are areas where you're still having some
3 difficulties trying to explain. No color findings;
4 that one is particularly tough, trying to explain what
5 it is, where it falls in, and how it's being
6 inspected, and just overall how it fits in.

7 Cross-cutting issues; that's another area.
8 The transition of a plant from the 0350 process to the
9 reactor oversight process; that's also been an area
10 that I wouldn't say has been extremely challenging,
11 but it has been a little bit more difficult.

12 Initially, we found that the definitions
13 for PIs and the changes to the definitions were a
14 problem, because it seemed they were constantly
15 changing, and we didn't really have a point or a place
16 to find out that those changes were taking place. So
17 we'd write something, and we'd get a phone call, "Oh,
18 no, that's not the definition anymore." And so, "Oh,
19 okay."

20 That's probably not something that a
21 general reporter would have a problem with. But I
22 think some of the comments that Victor has summarized
23 from the reporters are still some of the same
24 challenges that we found early on.

25 The last thing that I would bring up was

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1 -- and this is something from our new reporter, is the
2 FAQs. I think he went to a meeting and just came back
3 baffled. "Well, why were they talking about the FAQs
4 the whole meeting when it was supposed to be about the
5 performance and areas of the -- areas that the plant
6 was having troubles or needing some additional
7 attention to?"

8 So that sort of summarizes the issues that
9 we've been having some challenges in, and I'm open to
10 any questions.

11 MEMBER GARCHOW: For the record, what are
12 the three -- I know two of your three publications.
13 Could you list all three of you --

14 MS. WEIL: Sure. Inside NRC, Nucleonics
15 Week, and Nuclear Fuel.

16 MEMBER FERDIG: I'm sorry. The last one?

17 MS. WEIL: Nuclear Fuel.

18 MEMBER FERDIG: And who are these
19 audiences?

20 MS. WEIL: They're industry, government.

21 MEMBER FERDIG: So can a member of the
22 public subscribe to those or --

23 MS. WEIL: They're pretty pricey, so --
24 they can, but they'd have to have a lot of interest
25 in --

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1 MEMBER FERDIG: Are they online or
2 available to the public?

3 MS. WEIL: No. You can purchase an
4 individual -- you can subscribe, or you can purchase
5 an individual copy.

6 PARTICIPANT*: Tell them what the
7 subscription costs.

8 MEMBER GARCHOW: Yes. It's capitalism at
9 work.

10 (Laughter.)

11 PARTICIPANT*: When she says "pricey," she
12 means pricey.

13 MEMBER FERDIG: And I asked the question
14 because I've been doing research on this whole
15 project, and I can't even see one of those

16 MS. WEIL: An individual copy would be
17 about \$50.

18 MEMBER FERDIG: Okay. Inside NRC,
19 Nucleonics --

20 MS. WEIL: Nucleonics Week.

21 MEMBER GARCHOW: They're actually very
22 well written, actually. I think pretty much in here
23 everybody reads them. I have a subscription.

24 MEMBER FERDIG: So your audience is
25 industry, primarily? NRC?

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1 MS. WEIL: Industry, government, NRC, DOE.
2 I think it hits EPA. On the Hill there are some
3 subscriptions.

4 MEMBER FLOYD: Jenny, do you get inquiries
5 on --

6 MEMBER KRICH: I just showed her one.

7 MEMBER FLOYD: You're not going to report
8 me, are you, Jenny?

9 MS. WEIL: Is that a bootleg copy?

10 MEMBER KRICH: No.

11 (Laughter.)

12 MEMBER KRICH: I am a subscriber.

13 MEMBER SCHERER: Your rate just went up,
14 though.

15 MEMBER BROCKMAN: It's an advertising.
16 It's a market report.

17 MEMBER SCHERER: Just curious. Do you get
18 requests from other media to help explain?

19 MS. WEIL: Yes. Not frequently, but we
20 have received phone calls. I personally have received
21 phone calls and asked for sort of an informal
22 exchange. Since they're local they'll say, "Well,
23 I'll give you a heads up on what's happening locally,
24 if you can send me last article, if you can explain
25 this to me."

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1 MEMBER SCHERER: Let me add to that. When
2 I was a reporter writing about Palo Verde, I wanted to
3 get a subscription. I think at the time it was about
4 \$1,500 or something, and my editor just, you know,
5 threw the phone book at me. And I called the editors
6 there and I said, you know, "If I free lance for you,
7 can I have a subscription?" They said, "Oh, yes.
8 Sure." You know?

9 So that way I was able to see articles
10 that I thought would be of interest that would enable
11 me to write more intelligently about the industry.
12 But by and large, reporters don't see that
13 publication.

14 And I will say, though, that when I was a
15 reporter I frequently turned to members of the staff
16 to ask them for help in understanding things. But it
17 isn't like most -- you'll rarely, if ever, see a news
18 story that says, you know, that such and such was
19 reported in Inside NRC, because unlike a lot of other
20 publications the general press just doesn't have
21 access to it.

22 I also wanted to pursue one quick
23 question. You were pointing out areas you were having
24 trouble explaining, like no color findings. Is it --
25 was it your position that you and your reporters are

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1 having trouble explaining it or understanding it?

2 MS. WEIL: I think more so explaining it
3 in brief, without going through everything and saying,
4 "Well, these changes are coming." And just for the
5 here and now, what does it mean? How does it fit in?
6 Why is it in a separate category? I mean, they know
7 that there's changes on the way, but it's more of a
8 here and now kind of an issue.

9 MEMBER KRICH: You were are reporter when
10 the SALP process was in place, right?

11 MS. WEIL: Sure.

12 MEMBER KRICH: So if you compare the
13 information that you have now under this process
14 versus the information you had under the old process,
15 the SALP process included inspection reports and all
16 of the things that went along with that. What do you
17 find -- what's your opinion in terms of what gives
18 more objective information, easier to understand?
19 Just in general, what's your sense?

20 MS. WEIL: Well, I think reporting-wise --
21 well, there is a learning curve, and I think as we
22 become more accustomed to -- we are going to explain
23 what the findings mean. It will become easier, but
24 the SALP was around for so long and it was just
25 standard. I mean, someone just banged it out, and it

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1 was a pretty quick process.

2 And now, you know, two or three of us will
3 get together and we'll say, "Well, you know, should we
4 focus on the fact that it's in this column, or that
5 it's getting increased inspection attention, or that
6 the safety margin is, you know, not the same as under
7 a green finding?" We're still sort of struggling with
8 which aspect to focus on.

9 MEMBER KRICH: Do you use the inspection
10 reports as much now as you did before, or do you use
11 the special reports at all?

12 MS. WEIL: No. We do use inspection
13 reports.

14 MEMBER KRICH: And how do you find the
15 information now compared to --

16 MS. WEIL: I would say it is a bit more
17 sparse and vague, but more concise in some respects.

18 MEMBER KRICH: If you had a preference,
19 which one would you take? Or would you take something
20 that -- you know, door number three?

21 MS. WEIL: Well, you know, it's -- we'll
22 take whatever you give us, but --

23 MEMBER KRICH: If you had a preference.

24 MS. WEIL: I think it was easier to write
25 about something where the categories were a little bit

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1 easier to write about. It was just a little bit -- it
2 was more straightforward under the SALP process.

3 MEMBER SCHERER: Do you use the NRC work
4 site?

5 MS. WEIL: Every day.

6 MEMBER SCHERER: And how do you find that?

7 MS. WEIL: Well, I think the suggestion
8 that Steve made about -- or Dave Lochbaum made about
9 putting the action matrix out front would be very
10 helpful, because when the mid-cycle reports came out
11 we started downloading everything. Of course,
12 everything -- some of the stuff fell off the page when
13 it was actually printed.

14 But trying to figure out how you got your
15 PIs and your inspection findings to the very end was
16 sort of a mystery, and we thought, well, where is the
17 very end? And so I think having that out front would
18 be very helpful.

19 MEMBER FERDIG: Do you have a sense about
20 how your readers feel about the ROP in this process?
21 I mean, what is your reading of their evaluation?

22 MS. WEIL: I think most of the readers --
23 a lot of the readers, I would say, are the utilities
24 themselves. And they seem to like the process. But
25 as there seems to be more and more of a move to have

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1 everything in the green findings, it gives the white
2 a little bit more significance.

3 MEMBER FERDIG: Among your perhaps
4 government readers who are looking for information to
5 be smarter, are there other than utility -- and I'm
6 just I guess trying to get a feel for your readership
7 and what it is they come to you for when they read
8 your material.

9 MS. WEIL: We haven't had a lot of
10 questions outside --

11 MEMBER FERDIG: Okay.

12 MS. WEIL: -- about the process.

13 MEMBER FERDIG: Okay.

14 MEMBER BORCHARDT: Jenny, through your
15 interactions with your colleagues that cover other
16 industries, do you have a -- kind of a view of how
17 this process is perceived by those other industries?
18 Or maybe your knowledge of those other industries.
19 You know, we've mentioned FAA earlier today, EPA.

20 There are other regulatory agencies that
21 have other processes. Do you have a view, you know,
22 from a fairly high level about how this new process
23 compares to how other agencies do business?

24 MS. WEIL: Well, we -- the newest reporter
25 in our group came from EPA. And I would say he came

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1 with no knowledge of NRC, and so was completely
2 baffled by some of their -- you know, how to express
3 some of the findings, and so forth.

4 But to answer your question on how it
5 compares to other agencies and their processes, I
6 don't really have discussions on, you know, how
7 they're rating this or that. So I think, you know, I
8 need to --

9 MEMBER GARCHOW: Mary, to go back to your
10 question, I think just for general knowledge I would
11 say probably the utilities weren't really counting on
12 her publications to give us our knowledge on the
13 oversight process, because NEI was -- as this thing
14 was building was just very, very accountable I guess
15 to their mission of sharing just lots of information.

16 So I would say the utilities probably got
17 most of the information from either, you know, the
18 NRC, because these were public documents, or the stuff
19 Steve was putting out through his group. Her
20 documents are, you know, I'd say little capsules of
21 information as opposed to, you know, 50-page articles
22 on something.

23 MEMBER SHADIS: Jenny or Victor, or both,
24 you recall the GAO report that came out early in this
25 process regarding the staff's confidence in the

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1 process. And I know that Inside NRC had some coverage
2 on it. Have you gone back to that issue? Has there
3 been any additional feed in of information regarding
4 any changes in staff confidence?

5 MS. WEIL: Now, are you referring to staff
6 confidence -- oh.

7 MEMBER SHADIS: Staff confidence in the
8 new reactor oversight process.

9 MS. WEIL: Well, we wrote about an
10 internal survey early on, and that was before the new
11 reactor oversight process was initiated across the
12 board. I don't know if there has been a follow up to
13 that or not.

14 MEMBER TRAPP: They just filled out a
15 survey form. I think it closed last week, right?

16 CHAIRMAN PLISCO: It closed on Friday.

17 MEMBER TRAPP: Yes, I just filled it out
18 last week.

19 MEMBER SHADIS: Is that GAO back again, or
20 is that --

21 MS. WEIL: The initial study was also an
22 NRC study. So I'd be interested to see the results.
23 I know I went to a meeting last week on a particular
24 performance indicator, and one of the staffers there
25 seemed to have some confusion about how many findings

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1 you needed to move it into a separate column. But
2 that was just one staffer. I don't know if there's
3 others who still feel some confusion or how they feel
4 overall about the new process.

5 MEMBER SHADIS: Okay.

6 MR. DRICKS: I, in the beginning, picked
7 up a lot of -- in talking to people around the agency,
8 which I do informally, falling back on my tendency as
9 a reporter to pick up on scuttlebutt wherever I can
10 get it, I think there was a lot of anxiety among the
11 inspectors and among some of the staff about the
12 process.

13 And I think that's really changed, and I
14 think that that was largely the result -- I don't
15 think that we, as an agency, did a very good job in
16 explaining to our own people what it was that we were
17 setting out to do. And I think that many of the
18 inspectors who were used to inspecting in a certain
19 way were very anxious about the changes that were
20 coming down the pike.

21 But I do get the sense in talking to
22 people that there has been a lot of acceptance over
23 the last year now about what the new process means and
24 what it is that we're trying to accomplish, what it --
25 I think that -- I'd be surprised if that wasn't

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1 reflected in a follow-up survey. So I -- I think that
2 -- I was surprised by that.

3 MEMBER SHADIS: Surprised by which part?

4 MR. DRICKS: I was surprised by the fact
5 that there was that much anxiety among the inspectors
6 and in the regions about it, and I -- it's something
7 that I heard a lot about because we in Public Affairs
8 wanted to prepare ourselves to be able to respond to
9 questions if we got them from the press about it.

10 And I think that was largely -- I think
11 we, as an agency, started way too late in trying to
12 inform our own people on what it is that we were
13 setting out to do and how we were going to do it.
14 Often, by the time that we held large meetings with
15 several hundred people, you know, it should have been
16 done earlier in the process. And I think that would
17 have really reduced anxiety and built confidence in
18 the process. But I really think that, over time, the
19 confidence in the process has really increased.

20 MEMBER SETSER: Well, this is -- but you
21 think this is just straightforward global change? I
22 mean, are books on the subject to explain the process,
23 that it all goes to the same process? Because 50
24 percent of your internal staff are from Missouri, need
25 to be convinced. And as they are convinced, they

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1 become buyers. They become owners of the whole thing,
2 and that's what it's all about.

3 You're never going to deal with the 25
4 percent that's biased and 100 percent of the 25
5 percent that will never buy in.

6 MR. DRICKS: Well, and remember, also,
7 you're dealing with inspectors who hopefully, by their
8 nature, are skeptical.

9 MEMBER SETSER: Sure.

10 MR. DRICKS: And have a questioning
11 attitude.

12 MEMBER SETSER: Yes.

13 MR. DRICKS: And so I think that they
14 picked up on what was happening, and there were fears
15 behind the scenes that we were getting ready to
16 abandon the entire inspection process.

17 MEMBER SHADIS: I'm just struck by the
18 notion, you know, that we didn't explain it to them
19 carefully and well and well in advance, with a lot of
20 preparation, etcetera. But at the same time, we're
21 talking now about explaining it to the public.

22 And so we have people are trained in the
23 field who understand the basic terminology, who have
24 everything going for them in terms of being able to
25 understand the process, who fail to understand its

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1 full ramifications and accept it, and, you know, but
2 now we're talking about getting people who don't know
3 the terminology, who aren't nuclear experts, to be
4 able to understand it and accept it.

5 And I think those two things go together,
6 don't you? To understand it and accept it?

7 W*: But we're talking about explaining
8 two different things. On the first hand is the
9 challenge of explaining the process itself to those
10 people who have to use it. On the second level of
11 challenge is explaining the results of that process to
12 reporters and the public.

13 And as I think you heard the Public
14 Affairs Officer say, the public and the reporters are
15 not that interested in "the process." We are because
16 it's the sea in which we swim. But they're more
17 interested in -- the external stakeholders are
18 interested in the product of the process.

19 So I don't think it would be fair to say
20 that because we didn't do a very good job
21 communicating internally that that's made it more
22 difficult to communicate externally. I don't see that
23 as the problem. I --

24 MEMBER SHADIS: I didn't say this cause
25 and effect. I was just trying to draw the comparison

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1 of difficulty of what you're understanding. That's --
2 you know, so -- and I don't know if that's unfair or
3 not.

4 MEMBER FLOYD: I think I'd tend to agree
5 with Jim. I don't think you could have done enough
6 communication to overcome the change management
7 issues. I mean, we did a tremendous amount in the
8 industry. Could we have done more? Sure.

9 But I can tell you there was as much
10 anxiety in the industry about changing to the new
11 process as you probably saw within the staff. And yet
12 we went to great lengths to try to explain it at all
13 levels of the industry. It's just a change management
14 issue. Until people see how it works and get
15 comfortable with it, they're going to be very
16 skeptical and anxious about it. So --

17 MEMBER MOORMAN: I don't think any amount
18 of explanation would have assuaged the fears of
19 inspectors out there who were paid to be skeptical.
20 You could have trained us two hours a day, and it
21 wouldn't have happened.

22 CHAIRMAN PLISCO: Yes. Until you start
23 doing it yourself --

24 MEMBER MOORMAN: And that's what I needed
25 to understand it.

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1 MEMBER SETSER: I think that there's
2 probably a couple of issues here, though, that are
3 pointed up in this situation. PIOs are part of a
4 culture also. They function under an old cultural
5 standpoint.

6 So the point in the question you raised
7 earlier about the amount of training, I think that
8 until you get the PIOs comfortable that they have the
9 ability to explain in layman's terms what's going on,
10 there's always going to be a great deal of anxiety at
11 the PIO level.

12 So I think there's a need for some
13 extensive, you know, training. And I don't know
14 whether "training" is the right word. Reeducation,
15 cultural emphasis, whatever. But the need to equip
16 them with some sense of confidence that they know what
17 they're talking about and can explain the process.

18 Second, as we've talked about yesterday,
19 there's a need to go beyond the news media, the
20 reporter, as normal conveyances who are primarily
21 reactive to situations and jump on it from that
22 standpoint, and go with a proactive outreach education
23 program, primarily at the local level, to cover just
24 those kind of questions you raised -- is it safe for
25 me to move into that house?

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1 And I get those questions two or three
2 times a week. Is there any hazardous waste on this
3 facility? You know, all those kinds of things also of
4 a parallel nature.

5 So I think that part of this cultural
6 change initiative is acceptance of the fact to be
7 proactive, and that's difficult for us in the
8 regulatory arena to be, because we're comfortable
9 being reactive. That's where -- we're sort of secure
10 there. So I think that there's probably a need to
11 look at those two areas more, and I'm sure NRC is
12 doing just that.

13 CHAIRMAN PLISCO: We still want to get to
14 Steve's viewpoint.

15 MR. KEREKES: Steve Kerekes. I'm the
16 Director of Media Relations for the Nuclear Energy
17 Institute. I've been with NEI for about four years
18 now, started a newspaper some years back.

19 I started in governmental affairs
20 reporting and then have been in -- doing public
21 relations in one capacity or another here in the D.C.
22 area for about 15 years, a little time on the Hill,
23 Capitol Hill, included in that.

24 I guess my reaction to some of this would
25 be, one -- and I'm just going to -- let me get this,

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1 just to put it on the table in the context of your
2 remarks here the last couple of minutes.

3 When I joined NEI, within the first month
4 what I had our graphics people do was do a little
5 poster for me that I put on my wall that says, "Death
6 to Acronyms." And to the extent that you guys are
7 ever going to try to really communicate this to the
8 public at large, there is such a huge change that has
9 to take place in the parlance in the way that you
10 communicate. I mean, it's just monumental.

11 Because the acronyms are just -- I mean,
12 you talk about just the website being daunting and
13 that for first-time visitors. I mean, just the
14 language, it's overwhelming for anyone in the general
15 public. It just really is.

16 I think with regard to the oversight
17 process itself, from a media standpoint, I would argue
18 that what you're looking at really is a very, very
19 small universe of people. I mean, Victor mentions
20 Paul Choinere. You know, there's Tom Henry at the
21 Toledo Blade.

22 You can probably, you know, rattle off a
23 core group of about 15 to 20 reporters I would say
24 maximum on the daily newspaper side, and it could
25 expand somewhat for the trade press, but of people who

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1 are really with any kind of real regularity going into
2 the site and looking at what's going on at plants.

3 I mean, even, again, you think of --
4 you've got what, 65, 66 plant sites around the
5 country, that's just not a large universe of reporters
6 that are really digging in here.

7 And, you know, I think to -- to the extent
8 that you've got folks like Paul Choinere up in
9 Connecticut, they are veterans, and they have an
10 understanding at this point of what's going on. But
11 I think the other group is really -- I mean, there's
12 passing interest, and it's the nature of the beast.

13 People do not generally care about what's
14 going on day to day unless and until there is some
15 kind of an event to trigger their attention. And
16 that's -- it's always going to be that way on the
17 media side.

18 Having said that, and I -- I would agree
19 as well that as far as the interest in this process
20 overall there has been -- "minimal" is a good word.
21 I was tempted to use the word "non-event." I'm not
22 sure it's quite at that level, but we held -- what we
23 did on the industry side here over the last couple of
24 years was hold a couple of press events partly in
25 conjunction with the annual results that get released

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1 from the World Association of Nuclear Operators and
2 the Institute of Nuclear Power Operations.

3 And I can tell you, for example, we did a
4 -- in 1999, knowing that this process was unfolding,
5 we held like a telephone -- a teleconference for
6 reporters, and we had virtually nobody, really, who
7 was interested in taking part in that. I mean, just
8 no interest.

9 And then, as it turned out, we had our
10 other one scheduled for late September of 1999, and
11 that was scheduled to happen the day after Tokai Mora,
12 so we actually did get some interest in that one,
13 although for a different reason.

14 But what I would say is that I think of
15 this from a reporter standpoint. And let me -- well,
16 let me say first, I think -- and I won't pretend to be
17 any kind of expert in the appropriate way to tweak a
18 website to make it more accessible, and that kind of
19 thing. But I will say, I would applaud you for the
20 fact that you have a website that's functioning,
21 because I do think that's a big advantage.

22 Are there ways to improve it? I'm sure
23 there are. But I think it's a big plus for the
24 general public and for reporters.

25 From a reporter standpoint, I think of

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1 this in two ways. And, Victor, you can disagree.
2 What I hear sort of coming here is that the reporters
3 who were writing on a release of results, or writing
4 for the next day's newspaper, those are the folks that
5 I hear having a little bit of trouble with the
6 existing system.

7 They don't know, you know, how does a
8 three equate to a white? I mean, how do they rate the
9 thing? You know, how do they boil that into the lead
10 for their news story, so that they can try to capture,
11 really, what's going on here in terms of the immediate
12 news development?

13 But the other kind of story that I would
14 argue that if it isn't getting written it should be
15 written by most reporters around the country, those
16 who in any way are covering their particular plants,
17 are to look at what's on the website.

18 And here I think that the idea of being
19 able to compare, and if you see a sea of green and
20 then you look to your specific plant and it's got
21 whites, or it's got, you know, a red or two in there,
22 you know, I think that that is valuable because it
23 doesn't mean that I'm going to turn around the next
24 day and write a story on that.

25 But if I'm any kind of reporter at all,

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1 that ought to tell me, "Hey, I've got a plant here
2 that isn't keeping par with the industry. And I
3 should go -- and I ought to start talking to the NRC
4 people around here. And I ought to go talk to the
5 folks at the plant. And I've got a story here that
6 basically examines what's going on at this plant that
7 it's not keeping pace with its peers in the industry."

8 And I just don't know that there are a lot
9 of those stories that really get done. But I think
10 from the standpoint of that kind of story, which
11 arguably should get done, the -- at least the matrix
12 that's up there I think has a lot of value. I really
13 does -- I really do.

14 And to the extent beyond that that -- I
15 think it's an open question as to whether even what
16 you have on there can serve both the press at one time
17 and equally serve the general public. I mean, just
18 because -- for any member of the public to try to
19 delve into this issue without any deep knowledge is
20 pretty difficult.

21 I think those are kind of my initial
22 comments, and I'll leave it at that.

23 MR. DRICKS: If I could follow up on a
24 couple of points he made. I absolutely agree there
25 are relatively few reporters who are writing about

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1 plants on a regular basis. And that creates a very
2 special challenge for the NRC and the industry,
3 because what generally happens is you have generalists
4 who know nothing about nuclear power. If there is an
5 event at a plant, they are suddenly thrown into the
6 story, and they want to be brought up to speed real
7 quick and that's very hard to do.

8 It's interesting that at a time where the
9 internet has, over the last few years, achieved, you
10 know, widespread use and familiarity, and it can be
11 used as a tool to communicate directly with the
12 public, which I think is what you were -- you alluded
13 to earlier, and which I really think is an important
14 thing to do, we've replaced the simplicity of the SALP
15 process with a process that's transparent but
16 difficult to understand. And that creates -- again,
17 it creates a challenge.

18 More is not necessarily better. And while
19 I think more is a good thing, and timely information
20 is a very good thing, it's difficult for somebody,
21 either a reporter or a member of the public, to click
22 onto the website and quickly get a sense of what they
23 think or what the NRC thinks about a particular plant.
24 And that's a challenge that somehow we have to deal
25 with.

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1 But Steve's absolutely right that it's --
2 that there are fewer and fewer reporters with
3 expertise, and that creates real challenges for us.

4 MR. KEREKES: If I could -- I think,
5 obviously, you know, the reporters who are having
6 trouble interpreting the system -- I mean, that are
7 looking to write something -- I personally -- I have
8 to -- as you can imagine, I don't have a -- I don't
9 lose sleep over the fact that somebody sees a sea of
10 green and says, you know, "Gee, gosh, I can't -- I
11 don't really have something I can write about."

12 I mean, if the bottom line is that if the
13 information that's there -- if it's put together in a
14 way that it means that you can -- that the plant is
15 operating as it's supposed to function, and public
16 health is being protected, I personally don't have --
17 I just don't have a problem with that reporter not
18 being able to do a story on it.

19 MR. DRICKS: Right. And it's real
20 interesting. You know, what I frequently heard within
21 the agency about the SALP process was because the
22 plants have made such dramatic strides in improving
23 their performance over the last decade, there were
24 fewer and fewer plants that we really needed to watch
25 closely. And the tendency became when it came time to

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1 write a SALP report to focus more and more attention
2 on things that perhaps really weren't safety
3 significant, because you have to fill that report with
4 something.

5 And you're absolutely right. It's not
6 news when there's a sea of green. I don't have a
7 problem about the reporters not writing about it
8 either.

9 MEMBER FERDIG: I think I am experiencing
10 a potential for us to operate on some kind of a
11 function about the public interest ability to
12 understand, make sense of, and participate in any way
13 in what it means to produce and consume nuclear energy
14 in this country in a way that somehow almost reflects
15 a certain arrogance that we have to be careful of,
16 where there is a presumption about that that it -- I
17 think we're stepping into a different paradigm when we
18 begin to think about partnership communication with
19 everyone who somehow has a stake in what it is that
20 goes on in this industry.

21 And I just -- I just offer that as an
22 observation that I hear us all doing. It's very
23 difficult to participate in these conversations as a
24 member of the public with no technical background,
25 even -- I speak from my own experience.

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1 And to raise a question that's in my mind,
2 but I know by the very raising of it it's probably not
3 even fitting in what the particular conversation is in
4 the moment. I have a tendency to join in that
5 arrogance. As I'm writing about this, and I'm dealing
6 with committee members and people who are reading my
7 work who have no clue about the nuclear industry but
8 are highly intelligent people, are questioning me
9 about what this acronym means or what I'm talking
10 about.

11 And I assume this sort of sense of having
12 to stop and explain to them because of their
13 ignorance. So I join in that's -- do you see what I'm
14 saying? It's very easy for us to get caught up in
15 this "in group" sense, and that if our true paradigm
16 is this notion of inclusion we have to really
17 challenge ourselves in our ways of thinking about it.

18 MEMBER SCHERER: And that's why -- I think
19 that's a good point, and that's why I think some of
20 the questions, in particular, in Victor's earlier
21 comments about the -- is it safe -- in my mind
22 communicates the issue, if I call the FAA and I want
23 to know about the airplane I'm flying back on, it's
24 important to me that I understand whether or not that
25 airline is found airworthy. Is it safe? Should I get

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1 on the airplane?

2 I'm not sure I'd understand all of the
3 acronyms. I asked the question earlier -- I have
4 trouble explaining to very sophisticated nuclear
5 engineers what a no color finding is, or to people
6 that aren't intimately involved what an RHR mitigating
7 system PI is, how it is exactly defined. And I think
8 when we go to a meeting with our local public, they
9 want to understand whether the plant that we operate
10 is safe and is at risk and how is our performance.

11 I disagree with one comment. I think
12 there is a natural tendency to try to look nationally.
13 Is it in the bottom quarter? Is it in the top
14 quarter? Is the event that we just declared the
15 highest event or the lowest-ranking event?

16 So there is a natural tendency to --
17 before you came, I'd say unless you're living in Lake
18 Woebegone, you know, there's always going to be
19 somebody below average. And the tendency will be to
20 go to that and say, "Well, this plant is operating
21 below average." I don't think that's -- personally,
22 I don't think that's germane.

23 I think the issue, as I said in an earlier
24 session, if I'm flying home tonight, I'm personally
25 involved in that. You know, I'd like the pilots to

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1 have all graduated in the top 10 percent of their
2 class. I'd like the mechanics to all have gone
3 through and had sterling performance. I'd like their
4 maintenance program to be rated first in the country.

5 But what the FAA will tell me is, are they
6 airworthy or not? And very seldom do I see a story,
7 American Airlines has been deemed today to be
8 airworthy.

9 MR. DRICKS: That's not news.

10 MEMBER SCHERER: That's not news. Now, if
11 an airline finds ValuJet to be -- if FAA finds it to
12 be unairworthy or if it grounds their airplanes, that
13 is news. And it's appropriate news.

14 So it may be Inside NRC can explain no
15 color, and the reporters are comfortable explaining
16 what a no color finding really is or what the RHR
17 mitigating system PI changes really are. But there's
18 very, very few reporters I think that are going to be
19 interested in understanding -- and I think that is a
20 technical arrogance.

21 I think that if you have to be able to
22 master what a SCRAM is to understand whether manual
23 SCRAMs should or should not be counted, is technical
24 arrogance.

25 MEMBER BORCHARDT: Well, I think it

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1 identifies a need to have parallel communication
2 processes or -- or documents, because there's
3 different levels of understanding that people enter
4 into the issues with, and there's different levels of
5 understanding that they even want to come out with.

6 Whereas, a lot of the public wants just
7 the simple bottom line, which if -- recalling David
8 Lochbaum's comments from yesterday, if you gave him
9 just the simple bottom line, he would find that to be
10 grossly inadequate because it doesn't provide the
11 technical basis for it.

12 But there are different readers, and maybe
13 we need to recognize that a little more clearly and be
14 willing to put out a document that is very simple,
15 doesn't provide the background. But that's not for
16 David Lochbaum; that's for the person who is just
17 going to have a quick look, who doesn't have an
18 indepth technical understanding, doesn't use any
19 acronyms, but would be grossly inadequate from a
20 technical perspective.

21 MEMBER SCHERER: But then, you could do
22 that in the process and get the details.

23 MEMBER BORCHARDT: Right.

24 MEMBER KRICH: I think what we're heading
25 towards is you have different audiences, and you can't

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1 -- we don't seem to be able to satisfy any one of the
2 audiences. So for the general public -- and you tell
3 me if this --

4 MR. DRICKS: I wouldn't say that. I mean,
5 if you notice, with many NRC documents now there is an
6 executive summary that prefaces the document. And
7 that's an attempt -- something that Public Affairs
8 pushed for and said, "Look, we need to address this.
9 And if people want the technical detail, they can read
10 the 200-page report. But here's an abstract; here's
11 a one-page executive summary." And we've tried to
12 push for those executive summaries on every document
13 that gets released to the public.

14 But I think -- I think Bill's point is
15 absolutely right. Not everybody wants that level of
16 detail, and for those who do it should be available.
17 And, conversely, those who want a simple bottom-line,
18 you know, capsule summary should be able to get it.

19 MEMBER GARCHOW: There's another type of
20 arrogance, too, that I think we have to be careful of,
21 and that's the arrogance that thinks that the
22 community really wants all of this information. When
23 we go out by our plants, I mean, most of the people
24 that you talk to are counting on the utility to
25 operate the plant safely and have some belief that

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1 they're doing that, and the check is the NRC oversight
2 making sure that that occurs.

3 Beyond that, even if you can get them in
4 that kind of dialogue, beyond that the average person
5 by far is not looking at the NRC web page, doesn't
6 come even if we offer them free dinner, cookie,
7 whatever, to get somebody to a meeting to even hear
8 about the oversight process. Nobody comes.

9 They're leading their lives on the
10 assumption that the operators are operating it safely
11 and that the NRC is the check to make sure that
12 occurs. And the average citizen doesn't care; that's
13 what our surveys show.

14 Now, there are people that aren't average
15 citizens, and I think our outreach is very good and
16 the website, and there's an audience for those types
17 of people. But I think we're somewhat arrogant of
18 thinking that we're going to create this web page.
19 It's like build it and they will come.

20 But, I mean, I just don't -- I just don't
21 see it. The average people don't care, and we need to
22 recognize that.

23 MEMBER KRICH: Until there's an event.

24 MEMBER GARCHOW: Until there's an event.

25 That's right.

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1 MEMBER SHADIS: I need to get into this
2 conversation about that.

3 MEMBER GARCHOW: So let me close on --

4 MEMBER SHADIS: Sure. Sorry.

5 MEMBER GARCHOW: I'm saying that there is
6 an audience. I'm saying -- I believe we need to be
7 inclusive, and we need to -- all of the stakeholders
8 have -- have a reason to have information. And we
9 need to go out of our way to be inclusive.

10 So I'm not suggesting that. I just sense
11 sometimes that there's a way that we could build this
12 perfect system where everybody would care, a lot more
13 people would care than care right now, and our data
14 from around our plants wouldn't suggest that to be
15 true. They're leading their lives, and they really
16 don't care. I mean, they don't.

17 MEMBER FERDIG: I would agree with that.
18 I think that it's easy to make assumptions based on
19 what -- the kinds of questions that you've asked in
20 those surveys, and the kinds of experiences you've had
21 so far, to reinforce a view that you already have.

22 So there might be some other way of
23 beginning to engage in conversation with the public
24 that would -- that we haven't thought of yet that are
25 completely different.

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1 The other thing I would like to just
2 overall say is that I don't think an answer is to
3 simplify and reduce to a reportcard that people have
4 liked in the past in the form of the SALP what is a
5 very complex set of information about how an industry
6 and a plant is doing.

7 So I think we would err to give them what
8 they want, so to speak, to make it too easy to
9 misrepresent the complexity of what really goes on in
10 a powerplant. And as a member of the public, that's
11 not what I want.

12 MR. DRICKS: And that, in and of itself,
13 you're now doing what you -- what you expressed
14 concern about a few minutes ago, which is -- it is,
15 how do we communicate this in a way that doesn't
16 exclude our audience but presents something that will
17 be understandable?

18 I happen to like simplicity. I don't think
19 that necessarily means simplicity is a bad thing. I
20 like detail, but there's a certain level of detail
21 that we have to make some kind of judgment on and say,
22 "This information may be of interest to the average
23 citizen. This information may not be." And if they
24 this -- that kind of information, it's available to
25 them.

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1 The other thing I would share is is that
2 this is a very noble undertaking in many ways. Here
3 you have a government agency struggling with issues
4 of, how do we do a better job to communicate
5 information with the public? There aren't very many
6 government agencies that have those kinds of
7 conversations.

8 I could tell you from personal experience,
9 try to go see the inspection results for restaurants
10 in Montgomery County. You will fight an uphill
11 battle. I mean, I asked a Montgomery County food
12 inspector to inspect a particular restaurant. Even
13 afterwards they wouldn't show me the result.

14 So I think what we're doing is -- is, you
15 know, certainly in the public interest, and there
16 aren't these kinds of conversations going on in too
17 many places in government.

18 MEMBER GARCHOW: So the openness, I mean,
19 builds the credibility.

20 MR. DRICKS: Absolutely.

21 MEMBER FERDIG: Absolutely.

22 MR. DRICKS: Absolutely. And we talk
23 about, how do we build public confidence? One way we
24 do it is by -- by having a process that people can
25 understand, that they say is fair, that's predictable.

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1 And that if people want the information, it's
2 available. If they don't want it, it's no problem.

3 MEMBER FERDIG: And they somehow feel
4 welcomed into it.

5 MR. DRICKS: And included.

6 MEMBER FERDIG: Right.

7 MR. DRICKS: Rather than excluded.

8 MEMBER FERDIG: And it is a paradox, and
9 I don't know the answer. But I just -- I had to add
10 that bit, that I don't think cutting to chase with the
11 bit of information that is distorting --

12 MR. DRICKS: Right. There maybe is -- you
13 know, for me to say, "Well, let's go back. I like
14 kind of what you had back there." I guess the message
15 I would leave you with is, there was something there
16 that the public found useful. And it was that kind of
17 synopsis, and in some kind of shape or form it would
18 be nice to have something like that or some simple way
19 that we could communicate what the inspection findings
20 are.

21 That's something that is -- has been lost,
22 and it -- I don't have a solution for you or a
23 recommendation on what -- what to do.

24 MEMBER FERDIG: Well, your perspectives
25 are very helpful in getting --

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1 MEMBER GARCHOW: I guess I have a question
2 for Ray, because he's like the consumer.

3 MEMBER SHADIS: I'm over here panting at
4 the microphone.

5 (Laughter.)

6 CHAIRMAN PLISCO: He keeps trying to get
7 in.

8 MEMBER GARCHOW: You're a consumer of the
9 information, right? You're doing what you do.

10 MEMBER SHADIS: A critic of it, too.

11 MEMBER GARCHOW: A critic.

12 MEMBER SHADIS: You fairly said --

13 MEMBER GARCHOW: You're counting on the
14 web page, you're counting on NRC press releases,
15 you're counting on inspection reports as a lot of the
16 information for you to accomplish what you're trying
17 to accomplish. So I guess I'd -- so you're -- as Mary
18 was talking about, there are diverse users. You're a
19 type of user for the information.

20 I guess I would like to hear your
21 perspective on the comments on the outreach and the
22 useability. I mean, you've sort of given that along
23 the way in this panel, but now I guess it's the time
24 to get your thoughts foiled in.

25 MEMBER SHADIS: Yes. I have a computer

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1 that's a home-built computer, five or six years old.
2 It's running a Pentium 60 chip. And I've just now
3 replaced it with an 800, but I haven't plugged it in
4 yet.

5 However, I figure that I'm not so atypical
6 of John Q. Public out there. some of them still
7 running a 486, or whatever it may be, trying to access
8 a website. And it's there, the stuff comes up on the
9 screen okay. But, you know, it takes time to
10 transition from one screen to another, to take one
11 link to another link, and so on and follow through.

12 And if you start, as they say, with this
13 sea of green, and then you try to get further into it,
14 it takes time. A lot of people don't have the time to
15 sit there and dig and plow through to find out what
16 the basics are.

17 Somewhere back in the fourth century this
18 Augustine fellow gave instructions on teaching his
19 nieces, and he said, "You start with the simple stuff.
20 Progress to that which is more complicated. Don't
21 ever start with the complicated stuff." And that I
22 think is somewhat close to what Dave was saying. It
23 would be a good lesson for the website or for any
24 communication that goes out.

25 And it's not just an executive summary.

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1 I mean, there is a way of presenting information that
2 leads you to it. It's nice that every single NRC
3 document that goes out uses the full terminology for
4 whatever item it is, and then parenthesizes, "Here's
5 the acronym for it," and hopefully you can remember it
6 through to the end of the document.

7 But at least you have that reference
8 there. So, you know, there is no -- there is no
9 mystery in it, and that's appreciated.

10 I wanted to respond to some comments here,
11 and one is getting people to your meetings, or to come
12 out to things. Once or twice, if they experience it
13 once or twice, within a broad category they know what
14 you're going to say.

15 So they're likely not to come back for
16 more. They're probably making up their mind about
17 your facilities or your inspection process using other
18 sources on their own. They're apt to suspect that
19 anything they do about it, or might hope to do about
20 it, is futile. So they're not going to come out and
21 play the game.

22 They've watched the activists be silly and
23 knock themselves silly trying to get into the game and
24 play the game. And the general run of public, once
25 they're confronted with a broad array of acronyms, and

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1 so on, they just don't want any part of it. They just
2 don't want any part of it.

3 But you know as well as I do that if you
4 go down the street and poll those people you'll find
5 out that their confidence, even in California, is not
6 very high for nuclear energy, nor do they necessarily,
7 you know, deem it safe. So they're playing their
8 cards close to their chest. They're divorced from
9 government with plenty of reason.

10 We've seen the examples of behavior in the
11 White House or the new man's inability to make a clear
12 statement, and so there's reasons for them to be that
13 way.

14 I have reasons, too, as a consumer of this
15 information to not have much confidence in the new
16 process. This is not to say it's not better than the
17 old process, but we had almost no confidence in the
18 old process.

19 I get Victor characterizing the monumental
20 strides the industry has made toward running safer,
21 better plants in the last 10 years. I mean, that's
22 not unfair. I mean, it's pretty much what you said.
23 And it's not ancient history to go back to 1996 -- and
24 this is my single plant experience -- when Maine
25 Yankee was receiving the very highest SALP scores that

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1 you could get when they had record production runs,
2 when they had record duration runs of the plant.

3 You know, so there weren't the trips, and
4 so on. I mean, this thing was really humming, and it
5 was getting high scores from NRC, and from INPO by the
6 way. And a year later it was on the watch list. It
7 was shut down. It was never to run again. And there
8 was a list of fix-its, some of them involving design
9 issues, that was, you know, a yard long.

10 This was a shambling wreck, and it -- and
11 it was running next door to us. And we never really
12 heard anything negative from the NRC about that plant.
13 In fact, was it Tim Martin? Is that his name? Was
14 the Region I guy at the time? Yes. I mean, he
15 stepped forward to -- you know, we had fuel
16 mishandling accidents.

17 We had people yanking out control
18 assemblies along with the fuel assemblies when they
19 were trying to load fuel. And then it turned out
20 that, gee, they forgot to realign the filters and the
21 vents, so that the vents on the containment were open
22 and the filters weren't lined up.

23 And this was considered a housekeeping
24 issue. No importance. That's the way it was related
25 to the press. I could go on, because there's a

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1 zillion examples. But the basic point is, in terms of
2 public confidence, in our state, in our area next to
3 our plant, the old process didn't work at all.

4 There was -- and I've had industry
5 executives tell me right up front, "There's something
6 very wrong in that NRC can't catch a problem plant,
7 and INPO can't catch a problem plant." We're not
8 looking at these things right for some reason.

9 I'm hoping the new process is better, but
10 I -- but I can tell you that as long as, you know, NRC
11 spokespersons, Office of Public Affairs persons, step
12 forward and say, you know, "Look at the wonderful
13 strides we've made in 10 years," it -- it just -- it's
14 strains credibility. The experience has been that the
15 measurements that you take may not be measuring what
16 you think they're measuring.

17 And I -- and, finally, this constant
18 comparison with other agencies. I think part of NRC's
19 willingness to have public outreach and public
20 involvement comes with some kibitzing and some
21 pressure from Congress. I don't think this is the
22 agency's benevolent outlook that's developed solely
23 in-house. I think that the agency has been in
24 trouble, and I'm glad they're doing it.

25 But it's not noble. It's self-

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1 preservation, like everything else. And comparison to
2 other agencies is not the point, because you're not
3 regulating air traffic, and you're not regulating
4 pharmaceuticals. You're regulating an industry that
5 could have a real solid impact all at once in one
6 place, and you don't want it to happen.

7 And I -- and I -- just in terms of
8 airworthiness and ValuJet, it was the alligators and
9 the passengers and the air crew that finally
10 determined the airworthiness of ValuJet. And that's
11 not a real good example of regulation, if it's FAA
12 that we're looking at.

13 So that's my speech. But I hope you
14 understand that that's been our experience, you know,
15 and we can take it apart every which way.

16 But, again, and it goes back to my earlier
17 comment, I hope that this process is compared against
18 the goals, the objectives, and not validated as a
19 comparison against what existed before, because we
20 don't have a lot of confidence in what existed before.

21 MEMBER FLOYD: Just a question to follow
22 up. Ray, you said you don't have a lot of confidence
23 in -- you didn't think the public had a lot of
24 confidence in nuclear power, and you think it's
25 relatively low. I was wondering if any of the panel

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1 members had any -- and I was wondering what the basis
2 for that comment was.

3 And I was wondering if the any of the
4 panelist members had any insights from polling that
5 might have been done, or anything like that, your
6 perspectives on how you think the public perceives
7 nuclear power. What was your source for thinking that
8 most people would have very, very low confidence in
9 nuclear?

10 MEMBER SHADIS: It varies from state to
11 state. And recently, a week ago, there were polls
12 published coming out of California, and there was
13 about a 50 percent approval rating but not when it
14 came to if one of these things was going to be next
15 door. Then it went down from there.

16 MEMBER FLOYD: That probably holds true
17 for any facility being put next door to anybody in the
18 country today.

19 MEMBER SHADIS: I don't want this to
20 degenerate --

21 MEMBER FLOYD: I understand.

22 MEMBER SHADIS: -- into a debate about
23 this thing. I can tell you in Maine that, you know,
24 we've done polling in terms of credibility for the
25 agencies, for the utility, for the activist, for the

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1 governor's office, and so on. And the utility and the
2 agency didn't rank in the top, I can tell you that.

3 So, you know, there you have it. If you
4 would like I can probably run out and collect a bunch
5 of current polls that are being done and e-mail them
6 to you, you know.

7 MEMBER FLOYD: Sure.

8 MEMBER FERDIG: I haven't seen these
9 polls, and I, too, would be interested in that. I
10 find myself taking a position or imagining myself
11 holding a position in this committee as a
12 representative of this kind of ambiguous middle group
13 of interested public that is certainly not an
14 activist, certainly not technically trained, and
15 doesn't have a particular agenda.

16 I just am a consumer of the 19 or whatever
17 percent of electricity that is generated through this
18 industry relative to the whole, and I am observing the
19 greater dependence that we have on the sources of
20 electricity that we depend on.

21 And I also am -- particularly with
22 California and other of the news recently, and I also
23 am listening carefully to the environmentalists, who
24 have come to a place where they're saying, "Well,
25 we've got this radioactive material anyway." And the

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1 use of it is less detrimental to the total environment
2 than other alternatives, so there's an appreciation
3 there that people that I know in my life are not among
4 those that do not have confidence in the industry
5 overall.

6 So I just -- I think that there is another
7 point of view that is -- are those that might be
8 interested in knowing more. And I think that the
9 credibility or the confidence factor for me is higher
10 as a result of my learning about what I think is the
11 integrity of the people in this industry, whether
12 they're the regulators or the plant owners, or in
13 either of those contexts, and the public folks that
14 I've met, like Dave and Ray and others, who have the
15 interest of public health at the center of every
16 decision they make.

17 And so exposing information to the public
18 to let us know about that level of integrity with
19 which you work I think is your biggest asset of
20 confidence-building capability available. I'm not
21 perhaps saying this as succinctly as I'm feeling it,
22 but I think there's some real potential for
23 conversation around that.

24 MEMBER KRICH: Ray, if I could ask a
25 question. I realize that you're not one of the

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1 panelists, but --

2 MEMBER SHADIS: No. We're having a
3 conversation, I think, aren't we? We'll try to
4 include you folks.

5 (Laughter.)

6 MEMBER FERDIG: Well, you've obviously
7 triggered some great thinking.

8 MEMBER KRICH: Maybe this is too much of
9 an open-ended question. But you didn't like the old
10 process. You said you didn't like the old process.

11 MEMBER SHADIS: It failed for us.

12 MEMBER KRICH: You didn't have any faith
13 in the old process.

14 MEMBER SHADIS: Yes.

15 MEMBER KRICH: You don't have any faith in
16 the new process. Can you, at a very high level, give
17 an idea of what a process would look like that you
18 could have some faith in?

19 MEMBER SHADIS: No.

20 MEMBER KRICH: Okay.

21 MEMBER SHADIS: But I appreciate the
22 question, and I understand, you know, I think where
23 you're coming from with it.

24 I think I agree with Dave Lochbaum in the
25 sense that the new process looks better than the old

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1 process. But I'm thinking, what are -- what hopes do
2 we have for an NRC inspection and oversight process.
3 And the hopes that we have for it is that it would
4 identify plants that have a potential problem, that it
5 would serve to prevent an accident or a release.

6 They're the same things I think that --
7 that underlie the motivations of the industry. I
8 don't think anybody wants an accident or the
9 regulators, you know.

10 But I think we have to keep -- you know,
11 from our sense, we keep coming back to that. And,
12 again my experience with Maine Yankee, which by the
13 way was validated by Commissioner McGaffigan at the
14 meeting we just had on the spent fuel fire issue, in
15 which I said, you know, I had not heard NRC crossing
16 the industry very often.

17 And he jumped right down my throat and he
18 said, "Oh, yes. What about the 1996 ISAT in which
19 Maine Yankee plunged from top ratings to the watch
20 list overnight?" You know, it was -- so he
21 memorialized that also. I mean, and that was our
22 experience, and it was a shocker for us because the --
23 we were looking at -- at an accumulation of small
24 issues.

25 And I think -- I hope, in fact, that

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1 Victor's right that the industry has made these
2 remarkable strides in terms of safety. I hope that
3 the advocates of nuclear energy are right. I would
4 rather they were right than I was right in my
5 suspicions and my fears and my anxiety about the
6 industry. However, you know, we want a process that
7 will prove that.

8 MEMBER KRICH: Right.

9 MEMBER SHADIS: Yes.

10 MEMBER KRICH: So what would be the
11 elements that would give you some sense of confidence?

12 MEMBER SHADIS: So if we make Dave
13 Lochbaum the head of NRR --

14 MEMBER FERDIG: More information, right?
15 I mean --

16 MEMBER SHADIS: Pardon me?

17 MEMBER FERDIG: -- access to as much
18 information as you want, so that you --

19 MEMBER SHADIS: Well, yes. I think the
20 process that -- is one thing, too, that -- the process
21 has to be open to have -- to risk having the public
22 mistake raw information as it's being processed
23 around. I think that the memoranda within the agency,
24 the telephone calls, have to be logged and logged
25 accurately, so that the content of them is accurate,

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1 really reflected when the regulator is in touch with
2 the industry.

3 The exit meetings should certainly be
4 open. You know, this is -- all of that correspondence
5 really ought to be there. We don't -- we have the
6 idea, at least with some plants, that there is no
7 correspondence going on because we can't find any, or
8 very little. So that openness, anyway, is a real
9 issue, to make it accessible and -- and transparent.

10 The other thing is I -- I'm not certain
11 yet, because we're still weeding through this ROP, if
12 it is as -- if it answers the question, if these
13 performance indicators really tell us anything about
14 the condition of the plant at day's end.

15 So, and I guess what I'm -- you're asking
16 me to build a process here extemporaneously, but --

17 MEMBER KRICH: No. I said at a high level
18 -- at a high level, right?

19 MEMBER SHADIS: Yes. Yes.

20 CHAIRMAN PLISCO: I don't want to cut this
21 off, but we've been here three hours and -- or two
22 hours. I just want to take a break. We can continue
23 this I think, but I -- our panel members have been
24 gracious to come here and give up their time. And I
25 didn't want to keep them tied up here because we can

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1 continue this part of the discussion later.

2 Are there any other questions? We
3 appreciate you taking your time. It was very
4 informative and obviously generated a lot of other
5 discussion, too. Thank you.

6 (Whereupon, the proceedings in the
7 foregoing matter went off the record at
8 10:36 a.m. and went back on the record at
9 11:02 a.m.)

10 CHAIRMAN PLISCO: Ready to get started?
11 What I'd like to do next is finish up our initial
12 prioritization. We had held off on the overall topics
13 until today. We're going to have to try to survive
14 without Chip. We failed to notify him we're ahead of
15 schedule, so he's planning to be here this afternoon.
16 We'll have to do it on our own.

17 MEMBER FLOYD: It serves us right for
18 getting ahead of schedule.

19 (Laughter.)

20 CHAIRMAN PLISCO: That's right. That's a
21 first. Yes.

22 MEMBER GARCHOW: I'll reserve my
23 conclusion until it's 3:00 and --

24 (Laughter.)

25 CHAIRMAN PLISCO: So what we'll do is go

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1 through the five overall categories, and then there's
2 a couple that we held off on and we'll go back to
3 those also.

4 The first overall category, O-1, had to do
5 with the need for multiple avenues for all
6 stakeholders to provide feedback, and a method of
7 accumulation of lessons learned, and an infrastructure
8 to make a timely program, which is -- there are a
9 number of comments about just making sure we had a
10 structured process, to continue to learn from the
11 process, get feedback and improve the process.

12 MEMBER GARCHOW: We sort of covered this
13 in the -- yesterday, right, on the topic of just --
14 the part of the program, ongoing review assessment
15 changes as necessary.

16 CHAIRMAN PLISCO: Right. And yesterday we
17 sort of talked to it in the context of just the PIs.
18 But this is really, you know, everything, across the
19 board, all of the parts of the program.

20 One specific suggestion had to do with the
21 -- you know, the FAQ process, work for the PIs, why
22 don't we apply it to the whole process and have a
23 structure to do that. And I think we also --

24 MEMBER FLOYD: We don't have to worry
25 about resources, right? We just -- we can --

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1 CHAIRMAN PLISCO: We'll make a
2 recommendation that --

3 (Laughter.)

4 And a different angle on that was also
5 public accessibility, and even one suggestion was
6 public access to ask questions, you know, themselves
7 and to put that in that same place. I think that was
8 the gist of most of those comments.

9 And if you'll look at what we got on
10 everyone's homework assignment, there were 10 twos and
11 five ones. Any comments? Discussion on what the
12 issue is?

13 MEMBER GARCHOW: Is it fair to say there's
14 a consensus we all agree that we'd need to have a
15 check and adjust piece of this? And I think we've all
16 agreed on that. I guess it's just a question of -- of
17 what we're doing now, is it -- would it have to be
18 done differently? You know, more --

19 MEMBER BORCHARDT: Yes. I think I came to
20 a two position, just on the premise that there is a
21 process in existence now. It's maybe not perfect, but
22 it's -- it's pretty good. It's something that needs
23 to continue. But the changes that might result from
24 any improvements don't need to be placed in the
25 highest priority category.

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1 MEMBER SCHERER: I guess I had looked at
2 it. If you had asked me, is there -- I would say
3 there's an important need to have a feedback process,
4 but I think there is one. And I also came to a two
5 priority because most of the questions that I saw need
6 to be considered as potential improvements to that
7 feedback process.

8 It isn't a question of, should we have a
9 feedback process? I think we do. My presumption is
10 we will continue to have a feedback process. So the
11 questions that we're being asked in order to be
12 considered is -- is potential improvements to that
13 feedback process, including public input, expanded use
14 of FAQs, all of those issues should, in fact, be
15 addressed. But they're not a critical priority item.

16 But as I said, if the question had been
17 phrased, should there be a feedback process, that to
18 me is vitally important.

19 MR. HILL: Do we need to change this
20 wording here to say "need for improvement of multiple
21 avenues" or something like that?

22 MEMBER FLOYD: Yes. You mean for enhanced
23 multiple avenues.

24 MEMBER SCHERER: I think in the text it
25 ought to reflect the fact that there's -- there is an

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1 important need -- at least in my mind an important
2 need to have a feedback process, a self-evaluation
3 process. And the priority two is to -- this list of
4 suggested improvements to that process.

5 MEMBER BLOUGH: I'm just curious about
6 whether anything we heard from Dave Lochbaum or from
7 the State of New Jersey impacts the priority on this,
8 because they -- I think they both expressed some
9 frustration of, you know, having felt they provided
10 feedback and expressing that they didn't get an
11 answer, or they tried multiple times, or they don't
12 know what was done with it, or they think they're not
13 heard.

14 So I just --

15 CHAIRMAN PLISCO: You know, I think Dave's
16 question is actually in here, this one on how you get
17 issues into the frequently asked questions, and how
18 does the public get information on past questions and
19 answers. That came directly from his input when he
20 was a member of the Panel the first meeting.

21 MEMBER BROCKMAN: And the current process,
22 I believe, is to look at whatever the latest rev is,
23 and when you read it you'll be able to figure out what
24 was the answer to the question you asked.

25 CHAIRMAN PLISCO: Yes. But I think the

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1 gist of this comment, coupled with some of the other
2 ones you see in here, is expand the use of frequently
3 asked questions to the entire program, not just
4 performance indicators.

5 And, you know, allow other stakeholders,
6 you know, to submit questions and get those included
7 on the list. That's the way I've read some of these
8 suggestions of comments is to really expand -- because
9 right now it is just the performance indicators is
10 where it's really only used.

11 MEMBER BROCKMAN: But Randy's viewpoint is
12 also I think an extremely valuable one, that the
13 feedback process has to incorporate into it a feedback
14 process that's more aggressive than it currently is.
15 One of the other things that's been brought up -- the
16 need for a feedback loop.

17 You shouldn't read the latest revision and
18 then have to go hunting to see if your comment was
19 incorporated in there or not.

20 MEMBER BLOUGH: An individual feedback
21 loop is resource-intensive. It might be the way to
22 go. But also, just, you know, a clear statement of
23 what -- a clear statement and really outreach to
24 people who are likely contributors to feedback, so
25 they know what to expect -- a better -- a better

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1 understanding of expectations, because it seems that
2 at least in those two cases I mentioned that the
3 stakeholders feel that they had an expectation that
4 wasn't met.

5 And I guess I didn't really think at the
6 time to explore as to whether -- you know, whether it
7 was just that their -- you know, they were told what
8 they could expect, or it was clear what they could
9 expect, and they just disagreed with that, or it was
10 kind of unclear, so they kind of established their own
11 expectations. And that's what wasn't met.

12 So I'm just --

13 CHAIRMAN PLISCO: And I know early in the
14 process the resource-intensive nature of -- you know,
15 even internally the questions came up from inspectors.
16 It also had quite a burden on the program office
17 staff, and I would expect, you know, that to drop off,
18 level, as people understand the program more and get
19 used -- and as some of the changes are made that
20 should level off.

21 MEMBER FLOYD: I originally made it a two.
22 I could be convinced to go with a one on this, given
23 the importance of making all of the stakeholders feel
24 part of the process here, and giving them the
25 opportunity to comment and give feedback on the

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1 matter. I have no problem with that.

2 MEMBER MOORMAN: As a consumer of some of
3 the information, I gave it a one, because we're trying
4 to maintain consistency in the application of the
5 inspection program. And I see that as one of the --
6 the best ways for us to do that across the four
7 regions, which has been an issue with the NRC. We're
8 not really consistent sometimes.

9 CHAIRMAN PLISCO: And one of the problems
10 we've had internally with it, we have an internal
11 feedback process with the inspectors. They fill out
12 a recommendation for a change for the procedure. That
13 gets sent in. No one else sees that. You know,
14 unless that change is directly incorporated into a
15 procedure, someone else may have that same question,
16 or same interpretation. And they may not see that
17 form.

18 And the way we recognize it internally, we
19 need to find a better way to do that, to make sure
20 that gets -- whatever the answer turns out to be ought
21 to be disseminated so they see that.

22 MEMBER MOORMAN: Yes. One of the most
23 interesting questions I've been asked by a utility
24 manager was, "Does the NRC have a corrective action
25 program?"

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1 MEMBER GARCHOW: That's what I was just
2 thinking. That sounded like all of the issues we deal
3 with with our corrective action program.

4 MEMBER MOORMAN: And I -- I can't answer
5 that.

6 CHAIRMAN PLISCO: Yes. Well, there's a
7 formal procedure. They will prepare -- for the ROP,
8 the answer is almost. They've written a draft. It's
9 a Manual Chapter. But I know I've seen in the region
10 a draft of it that formalizes the feedback form and
11 how -- what the milestones are as far as response
12 times and incorporation back into the process.

13 And it's -- it documents the process that
14 was used in the development of the ROP -- you know,
15 the feedback forms that we use internally. It makes
16 that part of the Manual Chapter. That I think is
17 going to be employed soon.

18 MEMBER FLOYD: Have you bounced it against
19 the criteria in the PI&R inspection module to see if
20 it's an adequate corrective action program?

21 (Laughter.)

22 CHAIRMAN PLISCO: I have not personally.

23 (Laughter.)

24 MEMBER MOORMAN: I guess one of the things
25 that really made it important in my mind was reading

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1 the NRC's strategic plan again on the plane out here.
2 And some of our goals to be reliable and
3 understandable is -- that seemed to be at odds with
4 that.

5 MR. HILL: I guess one thing that comes to
6 mind when you say -- there's a question of whether you
7 have a corrective action program, one of the things
8 that we were looking at as one of our goals was the
9 idea of a self-assessment program that the NRC had
10 which would then have to have corrections to it. If
11 there's not a corrective action program to get those
12 corrections done, that seems like a major hole.

13 CHAIRMAN PLISCO: Well, that's -- that's
14 really number three. I separated those out. One is
15 really specific questions and comments that
16 individuals have.

17 MR. HILL: Save that for three, then.

18 CHAIRMAN PLISCO: Yes. And maybe that's
19 something we can talk about. We can roll them
20 together, depending on how we want to communicate what
21 the final message is.

22 But one we tried to capture, you know, if
23 an inspector has a question, if a member of the public
24 has a question, or if a licensee has a specific
25 question about part of the program or interpretation,

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1 you know, how can they get the question asked? And
2 how can they get a response? And then, how do we
3 document that? That's what that was trying to
4 capture.

5 The lessons learned and long-term program
6 evaluation that the staff is doing is what three is
7 all about.

8 MEMBER FERDIG: With regard to the way I
9 -- I was one of those who rated it as a number one
10 priority, and my reason for that is that, from my
11 perspective, a fundamental characteristic of this
12 program is the dynamic interaction that occurs among
13 stakeholders to clarify and get to the right answers.

14 And so it seems to me that in addition to
15 the -- the outcome that you were referring to, the
16 sort of answer and figuring out the logistics of
17 getting it distributed, and so on, I think is the
18 systemic process to include that capability as key.
19 So I think it's a priority.

20 The other comment that I want to make
21 about that has to do with the label "frequently asked
22 question," and we touched on that yesterday. But I
23 just wanted to note Jenny's reporter's experience of
24 having gone to a meeting and came back and said, you
25 know, "All they talked about were FAQs." Well, it's

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1 like, yes, because FAQs means much more than FAQs in
2 terms of dealing with whatever the most relevant
3 issues of that particular meeting were.

4 So we have to -- language matters, and
5 that may be yet another example of labeling.

6 MEMBER SHADIS: On the language thing, I
7 can't remember, I think I might have actually put this
8 thing out at priority two, because to me priority is
9 practically synonymous with urgent in terms of
10 ranking. It's not necessarily its importance, which
11 is I think not disputable, but it's like, when do you
12 handle this? Can you handle this sometime in the
13 process, or do you handle it, you know, first writeup
14 and then -- so I'm presuming now, from what I hear
15 around the table, that we're saying priority means
16 it's important.

17 CHAIRMAN PLISCO: Yes. Yesterday morning
18 when you were trying to -- that's what we talked -- we
19 had this discussion yesterday morning, that the focus
20 is going to be on importance rather than --

21 MEMBER SHADIS: Okay.

22 CHAIRMAN PLISCO: -- rather than
23 timeliness.

24 MEMBER SCHERER: Most of them I did -- we
25 said that we wouldn't take into account the current

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1 process, whether we thought it was adequate or not.
2 So I guess I'm changing my mind in my actual vote and
3 think that this -- probably I'd be comfortable with
4 this being a priority one, since I think it's an
5 overall important issue, but it's being addressed.

6 MEMBER GARCHOW: We may need to aggregate
7 a couple together, since there are --

8 MEMBER SCHERER: Yes.

9 MR. HILL: I think I understood a little
10 bit different than what I just heard you say relative
11 to something being addressed. This is something
12 that's actually ongoing, established. I thought what
13 we were talking about, if something is being worked
14 on, being considered, it could be dropped. And,
15 therefore, we wouldn't consider it that way.

16 I didn't gather that this is something
17 that's only being considered and could be dropped.

18 CHAIRMAN PLISCO: And I think there's a
19 number of us, including myself, that think there's
20 more improvement still to be made. Even what's being
21 worked on has not been tested. You know, it hasn't
22 been put into use.

23 MEMBER SCHERER: I would drop something if
24 it -- if the work on it had been completed, and the
25 issue is now closed. But I don't consider this one

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1 completed or closed, and I think that this is an
2 ongoing effort. In fact, I think it may never get
3 completed.

4 MEMBER MOORMAN: I think there's --

5 MEMBER SCHERER: Certainly, item three
6 wouldn't.

7 MEMBER MOORMAN: There's a certain
8 opportunity cost here that we could miss out on if it
9 doesn't get priority now, because there is still some
10 enthusiasm for change. And people being the way they
11 are, you know, as we go two to three years we would
12 lose that.

13 CHAIRMAN PLISCO: Now is the time to put
14 that infrastructure into place.

15 MEMBER SCHERER: Is there anybody that
16 wouldn't be comfortable with it being a priority one?

17 MR. HILL: I just want to make sure I
18 understand the way we're wording this. Is this the
19 fact that there's a need for it is a priority one, or
20 that there is a need for improvement is a priority
21 one? I sort of get the feeling that it's being
22 discussed two ways.

23 CHAIRMAN PLISCO: Well, there are a number
24 of issues in here. Some things have not been
25 addressed at all, and there are parts of it that are

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1 in process. You know, the part, as far as applying
2 FAQs to all of the other parts of the program, that's
3 not in place. And I don't know of any current program
4 right to do that.

5 And as far as, you know, having a
6 methodology for other external stakeholders to ask
7 questions and get responses, I don't think there's a
8 formal -- you know, other than a typical letter,
9 correspondence, there's no formal process in place to
10 handle, you know, just questions about the program.

11 So there isn't anything in place and
12 nothing ongoing that I know of to answer those parts
13 of the question. But there are -- the part I was
14 mentioning is the inspector part where they can ask --
15 or make a recommendation for a change in the
16 procedure. That's -- that is in place and that's
17 being formalized, but just that part.

18 MEMBER SETSER: Well, I think --

19 CHAIRMAN PLISCO: But I think the answer
20 is both.

21 MEMBER SETSER: Well, I think it's
22 important that we go ahead and get by this, because
23 the biggest danger to any change process is that you
24 do something, declare success, and think you're done.
25 And that's what we'll do here. So this is a

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1 continuing, ongoing, uphill change. So I think we
2 need to focus on that. In fact, all of these issues
3 here fall into that same kind of category.

4 MEMBER GARCHOW: So the check and adjust
5 model will need to be in the check and adjust for a
6 fair amount of time here.

7 MEMBER SCHERER: Would it make sense to
8 simply lump item three in with item one, the way we're
9 defining it?

10 CHAIRMAN PLISCO: But I was going to hold
11 off until we got to three and talked about those
12 issues, and then make a call, because there are some
13 other things buried in this one that we have to talk
14 about. We'll see if it's too big of a message to
15 communicate in one breath.

16 MEMBER GARCHOW: So Richard asked, do we
17 need to reword the first one? I mean, is this the
18 word -- the words that stay or is there a better set
19 of words to sort of wrap of this conversation? I
20 think we are nearly consensus.

21 CHAIRMAN PLISCO: Well, I scribbled in
22 here now the need to improve and pursue avenues for
23 all stakeholders to provide feedback -- really,
24 improve what things we have now and pursue other
25 avenues for other stakeholders.

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1 MEMBER BORCHARDT: And then I heard a
2 discussion about the timeliness of communicating those
3 changes. I saw that there was more advertisement
4 given to the issues that have been raised so that
5 other stakeholders could see what others were raising;
6 whereas, the way it's worded now, it's pretty one-
7 directional. It's the ability of stakeholders to
8 provide comments. But what we want is the comment to
9 come up with words to reflect a more continuous,
10 complete cycle.

11 CHAIRMAN PLISCO: Right. They may not
12 have put in here timely responses and program changes.

13 MEMBER GARCHOW: So it's an infrastructure
14 issue, to continue to develop a robust infrastructure
15 that allows for the two-way -- effective two-way
16 communication between the agency and stakeholders.

17 CHAIRMAN PLISCO: Right. And as I
18 mentioned before, not just communication back to the
19 person that asked the questions, but for everyone
20 else.

21 MEMBER FERDIG: It's that Level II check
22 system that you were referring to that will never end.

23 CHAIRMAN PLISCO: Okay. Sounds like a
24 one? Okay.

25 0-2 is the need for public access to ROP

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1 information. One of the issues had to do with the
2 availability and access of PRA information. One
3 question had to do for those that are not computer
4 enabled, how do they get their information?

5 MEMBER BROCKMAN: This would include
6 improvements in the website, a lot of the stuff we've
7 been talking about, coming up with the graduated
8 tiered approach and what have you?

9 CHAIRMAN PLISCO: Right.

10 MEMBER FERDIG: I put it a two, but I'm
11 wondering, if there is not enough work involved, that
12 for a while at least it ought to be a one.

13 MEMBER BROCKMAN: With everything we have
14 heard over the last two days from the various
15 stakeholders, I mean, if you are going to reach
16 externally, my thoughts are that this is a no-brainer
17 one.

18 MEMBER FERDIG: There's a lot of work to
19 be done. Yes, there's a lot of work to be done.

20 MEMBER SCHERER: I believe this is a one,
21 because I believe that -- I sort of like comments made
22 by both Victor and Ray, that we ought to be in a
23 position to answer the simple questions first and be
24 able to drill down through the process and get more
25 and more detail.

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1 We don't currently have that as part of
2 the public access to reactor oversight process
3 information, and whether that is specifically here in
4 the question, certainly what I've heard in the last
5 day and a half and in the earlier sessions, there's a
6 ways to go in terms of how the information is
7 formatted, how you can get the information.

8 I think it's all there, but it's sort of
9 like in a horizontal format where you have to go look
10 for it and find the pieces, as opposed to what I think
11 we've been describing recently, in my terms, as a
12 vertical format where you can go get a summary, get a
13 simple answer. If that satisfies you, fine. If it
14 doesn't, you can drill down and get deeper and deeper
15 and deeper information, and down into the details of
16 the inspection.

17 So I tend to believe that, from a public
18 confidence standpoint -- and I notice that comments
19 are predominantly in the public confidence area --
20 that there is more work that needs to be done, and it
21 should be done in relatively short term priority one,
22 because otherwise people will become accustomed to the
23 current system.

24 MEMBER FLOYD: Yes. I concur with that,
25 with the addition of the comment that Ed had. I think

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1 that would be very important to be responsive here to
2 the need to drill down from top to bottom.

3 CHAIRMAN PLISCO: Start at high level.

4 MR. FLOYD; Yes, start at a high level and
5 work your way down to greater detail, if you want it.

6 MEMBER GARCHOW: The first comment on the
7 access of PRA data: Just listening to what we heard
8 today and even yesterday from Dave was -- I mean, you
9 could provide all that data, and we heard that -- I
10 mean, that introduces a lot of jargon. I mean, that
11 would just open up another Pandora's Box with trying
12 to get the PSA simplified in a way that somebody could
13 make sense of it that wasn't technical.

14 What I heard Dave talk about yesterday
15 wasn't so much the PSA available, but the actual
16 decision making logic. As he pointed in his
17 presentation, a couple of good examples were you could
18 work through how the interchange and the licensee's
19 PSA with the NRC models was effective, and you could
20 follow the progression. Then he gave us some examples
21 where it just sort of said, you know, we came to this
22 conclusion, and the reader sort of had to guess those
23 steps.

24 So I guess I'm not really sold yet on that
25 we would have a great benefit of having everybody's

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1 PSA available to all stakeholders, but I did sort of
2 agree with Dave's comment that seeing the path,
3 simple, and the inspection report on how you got from
4 A to B was an issue that, I think, would solve a piece
5 for whoever had this concern.

6 CHAIRMAN PLISCO: And we can for some of
7 that in our STP issues that we discussed already. I
8 as just looking at them. There's one about clarifying
9 the process for evaluating and communicating the STP
10 results, and we talked about that, you know, improving
11 how those results are communicated and the basis of
12 the decisions.

13 MEMBER TRAPP: I guess when we put that
14 bullet back with the STP, this is probably more
15 appropriate than overall, but I think the concept that
16 the need for PRA data -- I mean, even between the
17 licensee and the NRC -- is an issue, a topic of
18 discussion that we shouldn't lose. We don't have
19 access to that information either. It's just not
20 external stakeholders.

21 You know, what we are dealing with is ten-
22 year-old PRA information that, you know, we call up
23 and they say that's out of date.

24 MEMBER GARCHOW: So we should get that
25 back into the STPs.

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1 MEMBER TRAPP: It's more appropriate, yes.

2 MEMBER GARCHOW: This one is public
3 access.

4 MEMBER FLOYD: That is changing with these
5 FAR model updates, though, right?

6 MEMBER TRAPP: No.

7 MEMBER FLOYD: That is still based on the
8 IPE results? I thought they were --

9 MEMBER TRAPP: No, because we make site
10 visits, but we will have our own model. But when you
11 give us information that's based on your latest PSA --
12 and a lot of people read on the documentation. We
13 don't have that.

14 MEMBER FLOYD: Sure. Okay.

15 MEMBER KRICH: Loren, I would just like to
16 make sure. I think it was captured in Ed's, but I
17 just want to make sure that we got Bill Borchardt's
18 concept here, that what we are looking at here is some
19 type of layering where the information is available at
20 a high level for those people who only are interested
21 in the -- give me the bottom line, and then you could
22 get more -- The Ray Shadis people who want more
23 information, more detail, you can get to that without
24 too much difficulty. So that there's layers of
25 information that address different needs within the

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1 stakeholders.

2 CHAIRMAN PLISCO: Yes. I would just now
3 add that in the narrative in that section, and also
4 some of the comments we've gotten from the panel this
5 morning, I think, help me write that.

6 MEMBER SHADIS: I'd like to just -- Before
7 it gets lost completely, the last item under 0-2 is,
8 I think, something I wrote in comments to the panel.
9 It's just a way of trying to say on a plant-specific
10 basis, plant by plant, it would really be nice if you
11 could go to the plant, find what you needed right
12 there.

13 CHAIRMAN PLISCO: By plant?

14 MEMBER SHADIS: Yes. And the thing that
15 I have the most difficulty with is finding out what's
16 going on presently in terms of the relevant meetings
17 that are going on with respect to the plant, any
18 licensing things that may be underway. You know,
19 where are they? Was it in the Federal Register?
20 When? You know, that kind of thing, and then down to
21 inspection and right on through this program.

22 So I guess that I'm almost asking for a
23 revamp of the whole website to concentrate on it, you
24 know, on a plant by plant basis.

25 MEMBER BROCKMAN: What it really is is an

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1 expansion of the website as it's currently designed to
2 pick up the entire NRR side of the house. The only
3 thing that I see that you are probably asking with
4 respect to the inspection and assessment process on
5 there is what it -- would be adding on there what
6 inspections are scheduled.

7 That is currently put out in a different
8 manner, but that is probably not a difficult thing to
9 do. But you're really --

10 CHAIRMAN PLISCO: Keeping it updated.

11 MEMBER BROCKMAN: You are really saying,
12 yes, an integrated page of the NRC's actions with this
13 licensee as opposed to just the inspection and
14 assessment component.

15 MEMBER SHADIS: Right. And then cross-
16 referencing to issues. If it's Indian Point-2 and
17 there are technical meetings dealing with steam
18 generator tubes, it ought to be something that a
19 person going to the Indian Point-2 site could then
20 link to easily, you know, if that's something that is
21 ongoing.

22 MEMBER GARCHOW: Well, you're just talking
23 about -- I heard your question a little differently
24 when you started. We got back to the web page, but
25 you actually started by, you know, there may be people

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1 that don't have access to computers or don't know how
2 to do it --

3 MEMBER SHADIS: Well, that's another
4 thing.

5 MEMBER GARCHOW: You started that question
6 by saying something posted at the plant or in the
7 public document room that sort of have some sort of
8 summary, at least starting somebody on where to look.

9 MR. BROCKMAN: It's on the website. You
10 can get to it through the electronic PDR.

11 MEMBER GARCHOW: I just hear him saying
12 about something being posted. I mean, I don't think
13 people -- I'm not sure people drive to the plant
14 looking for information much, although they might.
15 I'm not aware that we get too many people to show up
16 at the front door of our Admin building looking for
17 some Colonel. I mean, I'm sure it does happen, but
18 I'm sure it's pretty infrequently.

19 MEMBER SHADIS: I think, when I put that
20 comment in my written material, I was talking about
21 people that have been identified as stakeholders,
22 making certain that they are included on the service
23 list for these things and they get a hard copy. And
24 the reason --

25 MEMBER GARCHOW: Do you find that works,

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1 because I know we send stuff out to -- I know some of
2 the NRC documentation coming to us, there's, I'll say,
3 private citizens or interested citizens that are on
4 the distribution list.

5 MEMBER SHADIS: It makes a difference for
6 me, getting stuff in the mail. I feel obliged to open
7 it. I feel obliged to look at it. A lot of things
8 that are going down, I wouldn't be aware of at all if
9 it were up to me to think about whether or not they
10 might be on the homepage and then go look for it, you
11 know.

12 For example, Jim Riccio, who may be
13 appearing here, or one of the other activists, Paul
14 Gunter, will often skim through the Federal Register
15 notices and, if they see something that's relevant to
16 a plant that we are dealing with, they will e-mail it
17 to us.

18 It's an active kind of service; whereas,
19 I don't have the time to go skimming through there
20 looking for stuff relevant to Maine Yankee or any
21 other plant.

22 CHAIRMAN PLISCO: And we do have processes
23 in place internally if we know a group that is active
24 and they have a lot of interest. We put them on the
25 service list and send them -- We have a process.

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1 MEMBER SHADIS: I noticed that. And it's
2 improved a lot over time, too, that particular
3 process.

4 CHAIRMAN PLISCO: I'm satisfied.

5 So one for 0-2? Is that what I hear?

6 0-3: This is the need for a structured
7 process to evaluate the long term program
8 effectiveness and to continue to test the program
9 assumptions. I won't go through all those comments,
10 but the gist of them is just to make sure we have a
11 process that assesses the program on a periodic basis,
12 makes program changes where we need to, and measures
13 the success of the program or identifies problems and
14 corrects them, especially in the long term.

15 You know, even in this first year, there
16 are certain parts of the program -- I think when the
17 staff talks about their self-assessment, you know, we
18 really don't have the data yet to answer the question
19 definitively, you know, until we have a longer period
20 of testing the program.

21 MEMBER GARCHOW: We have been joking about
22 it, you know, in another panel. I say that joking,
23 but you have an oversight panel to the NRC, and it
24 would seem to me that, much like we have our Nuclear
25 Review Boards and we have a structured process that

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1 helps assure our oversight, seems like this self-
2 assessment results would somehow be hard-linked into
3 the ACRS, and they would be getting into some
4 scheduled review of the program with indicators or
5 something hard-wired like that.

6 CHAIRMAN PLISCO: Right now it is going
7 directly to the Commission.

8 MEMBER GARCHOW: Right. I mean, I know
9 what the ACRS reviews, and I don't know if this is
10 something that's in their purview or not. It just
11 seems like this panel -- You know, we have had two
12 panels, and somebody thought there was value in it.
13 So how do you keep some overview?

14 MEMBER SCHERER: You're just trying to
15 avoid volunteering for this.

16 MEMBER FLOYD: AS much as you want to get
17 out of it, Dave, I respectfully disagree, that I think
18 the ACRS would be the right body to do this. I mean,
19 that's a body that was primarily set up for their
20 technical expertise in evaluating technical issues
21 from a safety perspective.

22 Most of them -- I mean, this is not a
23 criticism. They are all from academia, by and large,
24 and that's exactly the type of focus that you are
25 looking for, for that high technical oversight. But

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1 very few of them have much in the way of experience of
2 either being involved in the direct day to day
3 operations of a plant, which is where this program
4 really has to work, and in the oversight of management
5 type programs, which is a key element of this program.

6 I think it's outside of the area of the
7 specific expertise.

8 MEMBER GARCHOW: I don't want to solve the
9 problem. Maybe NRC can --

10 CHAIRMAN PLISCO: I was just going to say
11 that. We don't want to tell them the answer. What we
12 are saying is there's got to be a structured process.

13 MEMBER GARCHOW: It has to be robust. A
14 part of that might have an oversight point to it, to
15 the extent that that adds value in other forms, even
16 if it's an internal NRC oversight panel.

17 MEMBER SCHERER: But just like a good
18 nuclear plant needs an aggressive self-assessment
19 process, I think this process needs an aggressive
20 self-assessment program. I continue to believe, as
21 I've said, unintended consequences are very important,
22 and they will change over time.

23 The concern I have for false negatives,
24 any false negative will essentially destroy the
25 credibility of the program. But we do want to also

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1 have an effort to minimize false positives. It's the
2 question that we were struggling with of changing a
3 white or a yellow to a green, and the perception
4 issues that exist.

5 The NRC and the industry and the other
6 stakeholders all want the correct answer, but you want
7 to have a conservative process. So how do you tune
8 that? I think you need -- There is not going to be a,
9 quote, "right answer." We are never going to get to
10 a final program, and I feel strongly that we need to
11 have an ongoing self-assessment process.

12 MR. HILL: Tied along with that, I guess,
13 is the concern I have, if I understood it right this
14 morning, that there is not a formal corrective action
15 process.

16 That really concerns me, and we don't have
17 that -- That is not captured in here anywhere, that
18 there needs to be a corrective action process as well.
19 I think we ought to have those words in some way.

20 MEMBER SCHERER: After making that
21 impassioned speech on my part, by the way, I found I
22 had voted a two on that, which was --

23 MEMBER BLOUGH: Likewise.

24 MEMBER SCHERER: -- which I consider a
25 typo. So if you will let me correct it --

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1 MEMBER BLOUGH: I had voted 2 on this one,
2 primarily from the standpoint that I know that there
3 is a lot going on in this area, and there is a staff
4 self-assessment process in place now.

5 We've got a lot of things, and there are
6 three new things that I wrote that I think, from my
7 understanding of what the staff is looking at with the
8 current assessment process, that it pretty much gets
9 at just about all of them, in one way or the other.

10 That's why I voted it 2. I wouldn't
11 object to voting a 1 on this, although thinking down
12 the road to the next meeting or the next three
13 meetings of this group, whichever the case is, it may
14 be just as simple as to want the Commission to include
15 a statement in their SRM or to Sam Collins' statement
16 in the Commission paper that there is a long term
17 commitment to a self-assessment process, and it may be
18 as simple as that.

19 MEMBER FLOYD: I voted it 2 personally.
20 I just checked my vote sheet.

21 MEMBER BLOUGH: I checked my vote sheet
22 also, and it was a 2, but I could easily go to a 1.
23 I mean, this is important to have a long term process.

24 MEMBER SCHERER: I am trying to remember.
25 We agreed that we were going to discount, if we knew

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1 the current process was ongoing. We were still going
2 to vote it based on importance.

3 CHAIRMAN PLISCO: Unless it's done and the
4 action is complete or it's a decision, if a decision
5 has been made.

6 MEMBER GARCHOW: This probably is a 1.

7 CHAIRMAN PLISCO: Okay.

8 MEMBER SHADIS: When you draft your -- I'm
9 looking at this, and I just see an awful lot of stuff
10 stuffed in this box that appears in other words under
11 other items.

12 CHAIRMAN PLISCO: Yes.

13 MEMBER SHADIS: And I want to make certain
14 that -- one way or another, that those issues aren't
15 displayed some other place.

16 MEMBER FERDIG: That these items were
17 accounted for.

18 MEMBER BROCKMAN: That's really what we
19 expect in the overalls. I would expect every one of
20 the overalls to be a wrap-up of -- Every item that I
21 see in an overall should probably be tucked away
22 somewhere in a different one.

23 CHAIRMAN PLISCO: Many are duplicated.

24 MEMBER FERDIG: But do what I hear you
25 saying is just to double-check and make sure that

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1 these fine items don't get lost in the roll-up?

2 MEMBER SHADIS: I guess it's got to do
3 with formatting whatever kind of document comes out,
4 to be certain that, you know, if there is
5 consideration that needs to be given to these things
6 separately, that it be given.

7 MEMBER FERDIG: What about Richard's point
8 about a corrective action program? Where did we go
9 with that?

10 MR. HILL: Yes. I'm curious. There's
11 been no discussion on that. Am I missing something
12 here?

13 MEMBER FERDIG: I think I heard Randy say
14 it might be simpler than that, and it may well be. I
15 think I have some question with the language of
16 correction action, because I envision it to be more,
17 you know, continued enhancement and ways of staying
18 current with what's happening in the program and what
19 tweaks and adjustments need to be made.

20 I don't want us to just ignore you.

21 MR. HILL: A basic element of this whole
22 program is that the licensees have a very definite,
23 defined corrective action process, that we identify
24 problems, and we fix them, and we document them.

25 It would just surprise me if the NRC

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1 doesn't have such a process when their self-assessment
2 program identifies problems and they don't have a
3 corrective action program to fix it.

4 MEMBER BROCKMAN: If you are looking for
5 a manual chapter that says the NRC's corrective action
6 program, there is not such a manual chapter.

7 CHAIRMAN PLISCO: There's one on the self-
8 assessment. Yes.

9 MEMBER BROCKMAN: If you look at the self-
10 assessment and look for the components that you would
11 expect to find in there, which is gathering of
12 information, the processing of that information, the
13 assessment of that information, corrective actions
14 being developed with respect to that information,
15 assigning actions out of that, and then a feedback
16 loop to ensure they are done, that is within -- all
17 those precepts are within the concept of the self-
18 assessment activity.

19 So I mean, when you say we don't have a
20 correction action program -- and there's parts of it
21 that aren't as strong as in other things like the
22 individual feedback part, that anybody who puts in a
23 piece of paper gets the bottom of the piece of paper
24 sent back to them with the resolution on it.

25 We are working to that area, but it's not

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1 there, and there is not a commitment made out for
2 every piece of paper to be done that way from
3 everybody that submits a piece of paper into the NRC.
4 But the concepts of a correction action program are
5 fully embedded within that self-assessment.

6 So I mean, yes, there is; no, there isn't.

7 CHAIRMAN PLISCO: Yes. We can get you a
8 copy of that. That should be issued soon.

9 MR. HILL: Well, I only go by what I heard
10 of him not knowing how to answer do they have a
11 corrective action program.

12 MEMBER MOORMAN: And Ken is right. We do
13 -- The parallel is targeted self-assessments is kind
14 of what we do. Management looks at problems,
15 addresses those.

16 So in a sense, we do have feedback. But
17 what I was looking at is an inspector level document
18 that, if I have a question about an inspection
19 attachment, I can write that or am I doing this right,
20 send it in, get a fairly rapid turnaround on that, and
21 then have that put in a position where all the other
22 inspectors can have access to it.

23 So in that sense -- or other -- if we have
24 other higher level questions with the program: Okay,
25 hey, is this what you intended? This is what I'm

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1 seeing. Is this what you intended? Let's document it
2 and get it up there.

3 MEMBER SCHERER: I thought that was
4 subsumed into Item 1. Isn't that what we were
5 discussing?

6 MEMBER MOORMAN: Yes. And that's what I'm
7 trying to -- I think it is in Item 1, and that's --
8 The way I see Item 3 is a little bit, I guess, broader
9 picture.

10 MEMBER BROCKMAN: It's the feedback form.

11 MEMBER SCHERER: Feedback is one thing.
12 Corrective action is another, and I'm not sure that I
13 would be satisfied with an answer when we reverse
14 that.

15 I don't think you would be satisfied if
16 you were inspecting and we said, well, that's our
17 corrective action program. I'm not quite satisfied
18 that a feedback process for good and valid comments or
19 any comments into the program is --

20 CHAIRMAN PLISCO: I think we're talking in
21 a do-loop. There's two programs and two manual
22 chapters. One handles individual feedback and
23 questions on the process. That's number one.

24 There's one on self-assessment to look at
25 the overall program, evaluate its effectiveness,

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1 implement corrective action and change the program and
2 solicit feedback, to the internal surveys. That's
3 number 3. Really, it's two different programs.

4 There is some communication between the
5 two, obviously. You know, if a lot of questions come
6 out of some part of the program and we're having a
7 problem, that gets fed into the self-assessment.

8 MEMBER SCHERER: It sounds like there's a
9 need for something in between those two, which is --
10 The first one, as I heard it, was I have a question or
11 an input or I need clarification. So I put it into
12 the process, and I get back an answer: Interpretation
13 is, or the feedback is.

14 The second program that you described is,
15 you know, we're going and we're doing what we would
16 call a directed self-assessment. Okay. But in
17 between, if I find a defect or problem, how do I go
18 about getting it corrected?

19 Well, somebody has to -- Is it a question
20 or a defect?

21 CHAIRMAN PLISCO: No. Any inspector can
22 say change this procedure, this is wrong, this is what
23 it should be. And that gets into the program, and the
24 Program Office, obviously, makes a decision whether
25 they agree or not and makes a change.

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1 MEMBER BROCKMAN: A feedback form is just
2 like a PIR, a critter wherever you -- whatever --

3 CHAIRMAN PLISCO: It can be a question.
4 It can be an interpretation or it can be a
5 recommendation.

6 MEMBER FLOYD: And your assessment process
7 prioritizes those and has a prioritization scheme
8 embedded in it for determining which ones need to be
9 worked off faster than others?

10 CHAIRMAN PLISCO: I don't know if --

11 MEMBER GARCHOW: There's a lot of
12 elements.

13 MEMBER SCHERER: It's managed? Does it
14 have all of the elements of a corrective action
15 program? You know, is each one captured? Are you
16 able to track it? Do you know where it stands? Are
17 there deadlines established? Those are all elements
18 that we would say are minimum elements in a corrective
19 action program.

20 CHAIRMAN PLISCO: That's in there.

21 MEMBER TRAPP: Yes, but the reason you
22 have that corrective action program with all the
23 formality is because you're trying to keep a lot of
24 curies in a can. It seems like the program is a
25 little different here. I think we have to realize

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1 that there's a whole difference here.

2 I wouldn't expect the NRC for this
3 oversight program to have a formality program that you
4 guys would have for corrective actions, because the
5 goal isn't quite as severe.

6 MEMBER GARCHOW: I was going to make that
7 point.

8 MR. HILL: Where does your accountability
9 go then, if you basically say you really don't have to
10 have that kind of control?

11 MEMBER GARCHOW: But occasionally, you
12 know, I get reminded by a regional administrator like
13 I am the licensee. I'm the one operating the plant.
14 I mean, Appendix B applies to you, because you're
15 operating a power plant, and they are not.

16 MEMBER SCHERER: I'm just trying to get
17 the opposite -- not get to the opposite extreme where
18 evidently David felt he had made some comments, and
19 not heard anything back. Is there a process -- Are
20 his comments somewhere in an NRC process or not?

21 He should be able to get a clear answer to
22 the question, yes, we're looking at it, and we'll get
23 an answer to you in six months or -- If the answer is
24 I have no idea what happened to your comment, then I
25 recognize it's not an Appendix B program, but --

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1 MEMBER GARCHOW: So the middle ground --
2 right? -- is -- I mean, there should be a process. I
3 mean, the corrective action program has a lot of
4 elements of, I think, what Richard is talking about,
5 is that type of process. You notify if there is a
6 defect. Somebody looks at it. It either is or isn't
7 a problem. That's determined in a timely manner.
8 Somebody gets assigned to develop a corrective action.
9 There's some hope that that would get tracked until
10 it's done and you could follow the trail.

11 I mean, those are all elements that, I
12 think, for this oversight process -- and I think this
13 is where you were coming from, Richard. If you are
14 going to take the time to do the self-assessments, you
15 ought to have the rigor around are you doing something
16 with what you found and can somebody find out what
17 that is easily.

18 MEMBER BROCKMAN: Remember that what we
19 changed go, one, to the infrastructure to make timely
20 responses to program changes is exactly -- To be able
21 to do that, you have to have all those things there.
22 You've got to be able to get back to the people.
23 You've got to be able to assess it. You've got to be
24 able to prioritize it. You've got to be able to do it
25 in whatever is an appropriately timely manner.

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1 We hit that, but that's needed in 0-1.

2 MEMBER SCHERER: Okay. But my
3 understanding of the NRC process is, if somebody that
4 on a docket, any docket, it would be tracked, and it
5 would get a response.

6 My question is: Here there is no docket.
7 It's a program. Does it have an equivalent system?
8 I'm not suggesting that it has to be a formal Appendix
9 B program. I'm not suggesting that it has to be, you
10 know, computerized in a database and instantly
11 available on the Website. But if they wrote a letter
12 or raised an issue on any docket, they would have a
13 project manager who is responsible to manage it and
14 ultimately respond in a timely manner.

15 MEMBER BROCKMAN: Ed, I'm in violent
16 agreement with you, and we changed one and said that's
17 needed.

18 MEMBER SCHERER: Okay.

19 CHAIRMAN PLISCO: That's Number One.

20 MEMBER BROCKMAN: We must develop an
21 infrastructure to make timely responses and program
22 changes with the avenues for the feedback. I mean, I
23 think that's -- I'm reading that as being exactly what
24 you are saying.

25 I agree with you, it's needed. We need to

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1 make improvements, and I think we've got it --
2 captured the issue.

3 MEMBER SCHERER: Okay.

4 CHAIRMAN PLISCO: And it's really an
5 informal process right now. We have another process.
6 Any formal questions -- I mean, someone puts on a
7 piece of paper and sends to us in the mail, we
8 respond. Whoever it comes from, we write answers.

9 MEMBER BLOUGH: It will be tracked in one
10 of several systems.

11 CHAIRMAN PLISCO: Milestones and deadlines
12 and all that.

13 MR. HILL: When you say anybody who sends
14 something, I thought that was David's concern, that he
15 had sent you questions and they never got answered.

16 CHAIRMAN PLISCO: Well, you heard the
17 staff vehemently state in that same session that they
18 had sent written responses to his questions, the ones
19 they had received in writing.

20 Now if he's talking about things in a
21 meeting and issues, I don't know how those would --

22 MEMBER BROCKMAN: As an example, I know
23 Loren, Randy, myself, we all go out to visit power
24 plants, and one of the questions I'm always asked when
25 I go out, what problems do you have, what feedback do

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1 you have to give. I do that if I'm talking with
2 intervenor organizations.

3 We come back and fill out a feedback form
4 for all those activities that we go on, and they go
5 into the system. That is more of an informal input.
6 I mean, it's going through us as opposed to a docketed
7 correspondence from Ray, a docketed correspondence
8 from Ed or what have you along those lines, which will
9 then get a magical tracking number, what have you.

10 These other ones go into our feedback form
11 process, which I'm admitting right there does not have
12 "tear off the bottom of the form with a resolution"
13 and get it back to you. We've said we need to have
14 that to go into the infrastructure here, but it does
15 go in there. It gets in there, and it's being
16 tracked, and it gets a decision made on it.

17 MEMBER FERDIG: What I'm hearing in this
18 conversation is some general interest in
19 accountability for continued success of this program.
20 Is that right? I am also hearing some -- You know,
21 it's like who owns this program? Well, the NRC owns
22 it. So it becomes then a part of the existing
23 internal NRC practices for self-assessment. That
24 would extend beyond just this program. Am I hearing
25 that correctly, the two policies that you have cited

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1 that exist?

2 CHAIRMAN PLISCO: Well, I think in number
3 one we were talking about we have an internal process.
4 That needs to be expanded. So other stakeholders,
5 other than just the inspectors, can ask questions, get
6 interpretations, and that information somewhere is
7 available to everyone.

8 So if Jim asks a question on an inspection
9 procedure, then even my inspectors in Region II can
10 see the answer.

11 MEMBER FERDIG: Okay. Or if I ask a
12 question --

13 CHAIRMAN PLISCO: That's not in place
14 right now. He'll get the answer, but no one else sees
15 these.

16 MEMBER FERDIG: And that's what we mean by
17 0-1?

18 CHAIRMAN PLISCO: Right. Yes.

19 MEMBER FERDIG: And so that this is a meta
20 level question about the overall process itself and
21 evaluating the process as opposed to responding to a
22 particular question.

23 CHAIRMAN PLISCO: Right. The
24 effectiveness of the process.

25 MEMBER FERDIG: What I'm curious about as

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1 I'm listening to all of this is what is it that's been
2 happening just now, that these NRR guys, Alan and
3 others, are doing when they are sending out these
4 surveys and they've got some public register notice
5 and so on? Is there a mechanism that exists now that
6 suggests that this continued effort -- that what we
7 are seeing right now will be continued at periodic
8 intervals in the future to learn about how effective
9 this program is?

10 CHAIRMAN PLISCO: Yes. That's the intent,
11 and they are putting that in place. I've seen some
12 draft procedures to put that in place.

13 MEMBER FERDIG: So what I am --

14 MEMBER KRICH: I think, if I could -- and
15 I like the way you're saying it, is that that's what
16 0-3 is all about, is just to make sure that that does
17 get put in place and that there are periodic
18 assessments and evaluations done of the program so
19 that we don't just keep going down the road without
20 any feedback on how effective it's been.

21 MEMBER FERDIG: And I think to relate to
22 that, I'm hearing some shared ownership about that.
23 So it's like, sure, it's the NRC's program and the
24 NRC's internal systems already for assessing itself
25 are relevant, but to make sure that when there are

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1 these things that are happening now that we are saying
2 we want to continue become a part of shared, you know,
3 exploration and consideration about what to do about
4 what those findings would suggest, that might expand
5 beyond what I think I'm hearing us trying to narrow
6 into what is included in P-1.

7 MR. HILL: Shared by who?

8 MEMBER FERDIG: People like those who are
9 around this table now.

10 MR. HILL: Well, the self-assessment and
11 everything is strictly the NRC's process and program
12 without our input into it or seeing it. So I don't
13 know how we could share the responsibility for the
14 assessment or fixing it.

15 MEMBER FERDIG: That's why I'm suggesting
16 that P-3 and P-1 are two different items. They are
17 two different kinds of activities perhaps, because I
18 would assume that what's happening now with regard to
19 the evaluation stuff that Alan and others are doing is
20 information that will come back to those who have been
21 stakeholders in the development of this ROP, which
22 includes more than just the NRC.

23 Am I not hearing this right at all?

24 MEMBER BROCKMAN: You are probably right,
25 but I think the process as it is currently set up

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1 would be the external stakeholders especially would
2 see the product of the self-assessment, and they would
3 get the sausage and not be involved in making it.

4 MS. FERDIG; Okay. And is what I'm
5 referring to in terms of these surveys and so on part
6 of that?

7 MEMBER SETSER: Let me see if I can
8 interject here. Back up and look at an organizational
9 change process based on the total quality concept.
10 Inherent within the completion of that kind of project
11 is a self-assessment team made up of within-the-agency
12 stakeholders, not outside but internal. That's called
13 the self -- what you refer to as self-assessment.
14 Other people in industry call it the Quality Council.

15 Also that has a tendency to become more
16 self-serving over time and, therefore, management
17 appoints an external Quality Council made up of
18 external stakeholders and agency people to make sure
19 it doesn't become that.

20 So if they follow the same process, that's
21 the way it goes. That's the 3M model. That's the GE
22 model. That's the Xerox model.

23 MEMBER KRICH: And I nominate Garchow.

24 MEMBER BROCKMAN: The continuing
25 evaluation.

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1 MEMBER FLOYD: The gift that keeps on
2 giving.

3 MEMBER GARCHOW: The infinite evaluation.

4 MEMBER SCHERER: The ongoing
5 implementation evaluation.

6 MR. HILL: The question I am left with is
7 how we present this. We've spent an awful lot of time
8 saying here's what these words in 0-1 mean, and the
9 bullets there don't do it. So I guess my hope is that
10 in writing this report, the words that were said of
11 here's what we mean by 0-1, that would be captured so
12 that somebody else doesn't have to interpret this is
13 what we mean.

14 CHAIRMAN PLISCO: Right. That's why John
15 is typing over there on the laptop.

16 MEMBER FERDIG: I think what Jim -- his
17 objective is that of 0-1.

18 MR. SCHERER; Well, you have the advantage
19 of a verbatim transcript.

20 MEMBER BROCKMAN: This is an extreme -- I
21 mean, for where we're going and talking about right
22 here, this may be the first really significant right-
23 off-the-bed recommendation that we are here being
24 brought up: Is there a need for this panel to
25 consider recommending an external quality assessment

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1 board, whatever you want to call it, an off-site
2 review committee? We've got all the titles in the
3 world for it.

4 That's something we need to think about,
5 and I'm not saying reach a decision today. There may
6 be room for some more discussion today. But we are
7 going to have to come back and address that issue.
8 That is a very significant question.

9 MEMBER FERDIG: And that's much more
10 outside of the parameters of -- It's separate.

11 MEMBER BROCKMAN: Yes. It's expanding 0-
12 3.

13 MEMBER SCHERER: It's an 0-3 issue.

14 MEMBER FLOYD: I do have an issue with a
15 couple of the bullets under 0-3. If you look at the
16 fourth one down, I'm not sure that one really belongs
17 under here, because if I read the parenthetical, I
18 think it's really getting to the issue of what are the
19 unintended -- potential unintended consequences of
20 performance indicators?

21 So to me, it looks like it probably
22 belongs in the performance indicator box, not this
23 one.

24 Then the other question I have is the
25 second to the last bullet. I don't think the question

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1 is correct. Is it possible for performance to degrade
2 without performance indicators degrading? Well, yes,
3 it is, if you only look at performance indicators.

4 I think the first bullet really has the
5 essence of it captured, that we are looking for the
6 combination of performance indicators and inspection
7 findings to identify plant problems, not that it has
8 to be done independently by PIs or independently by
9 inspection findings, but it's rather the combination.

10 So I would recommend deleting that next to
11 the last bullet, because I think the thought is really
12 in the first bullet.

13 MEMBER SHADIS: That's an example of why
14 I raised the question about all the things being
15 jammed in that box.

16 MEMBER FLOYD: Right.

17 MEMBER SHADIS: On the other hand, the
18 overall concept here applies to all of them. So it's
19 just a matter of being careful when the report is
20 written.

21 MEMBER GARCHOW: Yes. In the bullets in
22 the report should we just use just enough information
23 to be illustrative of what we were trying to concept,
24 not necessarily write every bullet we could possibly
25 put in to make the point.

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1 CHAIRMAN PLISCO: Right. And I think even
2 in the title what we are trying to capture is, you
3 know, whatever some of the assumptions were made when
4 the program was developed, those need to be tested as
5 more data is developed to make sure that was a valid
6 assumption.

7 Okay, 0-4. Can we finish this before
8 lunch?

9 MEMBER SCHERER: I think we did 0-4
10 already yesterday.

11 CHAIRMAN PLISCO: Yes. This is the cross-
12 cutting issues.

13 MEMBER SCHERER: We gave it a 1 yesterday.

14 MR. MONNINGER: Did you come up with a
15 final 1?

16 CHAIRMAN PLISCO: Yes. The need for
17 criteria and thresholds, better definitions. What's
18 the action? Define the corrective action. I think
19 that's a 1. That was 11 ones.

20 MEMBER GARCHOW: Anybody want to defend
21 that? Doesn't sound very welcome. Sounds like we've
22 moved to 0-5 very quickly.

23 CHAIRMAN PLISCO: All right. Does anyone
24 have a problem with it? Okay, 0-5, the need for
25 timely and clear public communication. This is what

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1 we talked about this morning.

2 MEMBER GARCHOW: This might roll up into
3 the other one, unless there's some different --

4 CHAIRMAN PLISCO: Yes, into 0-2, yes.
5 Actually, that was my recommendation, as I read
6 through them, just to combine 0-2 and 0-5.

7 MEMBER FERDIG: Just so we're -- When I
8 went through it, for whatever reason, I interpreted 0-
9 2 to be primarily the website information. When I
10 read 0-5, I consider that to be some innovative ways
11 of engaging the public that we haven't thought of yet,
12 in addition to the website.

13 MEMBER SHADIS: I'm concerned that it's
14 not the issue of public communications and/or public
15 confidence not up to the point where somebody reading
16 the reports says, well, apparently, the major and
17 probably the only real issue here is how do we
18 communicate this or, better yet, how do we educate the
19 public, how we stick on that education.

20 MEMBER FERDIG: Good point.

21 MEMBER BROCKMAN: Well, rolling the two
22 together, I think, helps that, or otherwise you've got
23 so many major issues on the public communications, it
24 can do exactly what you are saying.

25 MEMBER SHADIS: I agree.

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1 MEMBER BROCKMAN: I agree.. It's a good
2 point.

3 MEMBER SHADIS: Just so it's in there, and
4 it's in there clear and definite. It doesn't have to
5 be in there too many times.

6 MEMBER GARCHOW: So, John, if you stay
7 busy over lunch, we could be done at one o'clock.

8 MR. MONNINGER: I'll have it at 12:20.

9 CHAIRMAN PLISCO: Let's go ahead and break
10 for lunch. We do have a couple we need to revisit,
11 and we can do that right after lunch. We'll make our
12 three o'clock deadline, for sure.

13 (Whereupon, the foregoing matter went off
14 the record at 12:05 p.m)

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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 (1:05 p.m.)

3 MR. CAMERON: I'm here to help get you off
4 schedule.

5 CHAIRMAN PLISCO: What I would like to do
6 this afternoon is with Chip's help, we will go back to
7 a couple of issues that we talked about yesterday that
8 we put on hold until we got the stakeholder input. I
9 would like to go back and revisit those.

10 They were P-4 and P-8, and then there's
11 also one in the assessment category.

12 MR. CAMERON: You had two -- by the way,
13 the good news is that I wrote these in a color of ink
14 that's easier to read. The bad news is it's probably
15 so small you can't see it.

16 MEMBER FLOYD: No, we can read it.

17 MR. CAMERON: These were the four items I
18 think that we tabled: I-2, inspection report
19 documentation threshold; I-3, public access to
20 inspection information; P-8, public communication of
21 performance indicator information. I put P-4 here
22 because there was a subset that Ed wanted to make sure
23 we didn't lose track of.

24 P-4 was recognized differences in
25 perception regarding green and white performance

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1 indicators.

2 I think what you wanted to make sure we
3 didn't lose track of, Ed, was this public perception
4 of GREEN/WHITE inspection findings. Right? So
5 whatever order you guys want to cover those in, we can
6 do that. If you want, we can go back to these sheets
7 that we started on before you tabled. For example, I-
8 2, some of the comments there.

9 CHAIRMAN PLISCO: Let's start with P-4.
10 That has to do --

11 MEMBER FLOYD: P-4? Is that what you
12 said?

13 CHAIRMAN PLISCO: Yes, P-4. That had to
14 do with the perception regarding GREEN/WHITE PI
15 threshold. This is the 95-5 question, from the
16 performance indicator perspective of that threshold.

17 Can you read that? I still have trouble
18 reading it, even with my glasses.

19 MR. CAMERON: Yes. P-4 recognized
20 differences in perceptions regarding green and white
21 performance indicators. Then there was that public
22 perception of the green/white findings. I don't know
23 if this helps. There's the table until we hear from
24 licensees. The question was are we talking about
25 performance indicators only or also inspection

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1 findings. What does green/white mean? We didn't
2 really fill in a lot of the -- connect a lot of the
3 dots.

4 MEMBER BORCHARDT: Can I ask, Ed, maybe I
5 think you were the one talking about this, that
6 without the discrepancy, if you will, between the
7 green/white threshold for PIs as compared to the
8 green/white threshold for inspection, if that weren't
9 an issue, would there be a problem with this 95
10 percent to 5 percent as the threshold for the
11 green/white on performance indicators?

12 My instinct tells me no, you know,
13 performance indicators you have to set thresholds at
14 various levels.

15 MEMBER FLOYD: Yes, there would be
16 depending on the unavailability definition area, okay?
17 Because if you take a look at the maintenance rule of
18 limitation, and it's not just a conflict with the
19 inspection findings, it's also a conflict with other
20 requirements in the regulations.

21 About a third of the licensees in the
22 unavailability PI thresholds, the threshold set at the
23 95-5 is more restrictive than their maintenance rule
24 performance criteria for unavailability threshold
25 equivalent one.

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1 Now you are not exactly measuring apples
2 -- I mean you are measuring apples and oranges. But
3 even when you take that into account, people are
4 feeling squeezed on the unavailability 95-5 before
5 they are getting squeezed on the performance threshold
6 under the maintenance rule.

7 Yet even though the licensee does the same
8 thing if they trip either threshold, and the NRC does
9 it a little bit different, but for all practical
10 purposes it's basically the same concept. You have
11 tripped a target, we're going to come in and going to
12 look, you've got to do something, you've got to fix
13 it, you've got to put an improvement program in place
14 to restore the criteria. So that there is a
15 disconnect even if the inspection finding process
16 didn't even exist. You would still have a disconnect
17 I think between those two thresholds. That is
18 creating a problem for some licensees.

19 MEMBER GARCHOW: Well, you are sitting
20 there just waiting to degrade a cornerstone, have an
21 inspection finding in the same area that may be
22 totally unrelated to the maintenance rule
23 unavailability issue that you might have just went
24 white on. If it's in a mitigating system, you are
25 just sitting for having the two whites in degrading a

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1 cornerstone. So that adds to the other issue on the
2 avoidance of whites, is that 95-5 coloration of whites
3 in some areas is contributing to that problem as well.

4 MEMBER SCHERER: Plus, you are subject to
5 second guessing as to why you're not resetting that
6 threshold every couple of years since there's always
7 the 95-5 split at some different number.

8 MEMBER TRAPP: I guess with that
9 performance indicator, like I agree that it needs to
10 be addressed, and certainly that's the one that's
11 being looked at the most right now by the NRC and the
12 industry. Do I see a lot of data or have I heard a
13 lot of people come by and say that this is really a
14 major impact on the program? I guess I would say no.
15 I mean I don't know how many PIs are out there, if
16 half the plants are, you know, 15 to 20 percent of the
17 plants were having problems with unavailability and it
18 was really getting us in the wrong place in the
19 matrix, I would say yes, that's a high significance.
20 Because otherwise, from what I'm seeing, I'd just say
21 it's a tool.

22 MEMBER SCHERER: You can't just look at
23 it. For example, the RHR one is particularly
24 problematic for the CE plants because of their design.
25 So those plants that are CE plants are struggling with

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1 that particular one. Those that are not are not
2 necessarily having the same problems.

3 So you can't just use statistics, well
4 there's only 15 CE plants out there or 14, so it's not
5 a significant problem. It is to those plants that
6 have to operate that way because they have the
7 residual heat removal systems that are overlaid with
8 systems that are in normal operation, and how do you
9 double count them, and how do you count them for their
10 unavailability at certain times.

11 I'm not trying to solve the problem here.
12 What I'm saying, just because the majority of plants
13 don't have a problem, doesn't necessarily mean it's
14 not a problem to individual plants or individual types
15 of plants.

16 MEMBER FLOYD: I think one of the reasons
17 you're not seeing it also is I think people are
18 managing it. If I have a two percent unavailability
19 target under the maintenance rule for a system and a
20 1-1/2 percent threshold under the oversight process,
21 and I set my two percent unavailability target under
22 the maintenance rule to balance availability and
23 reliability because I thought that's how much
24 maintenance I needed to get that target value for
25 reliability, to leave me about a half a percent for

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1 unplanned maintenance activity, and now that half
2 percent unplanned maintenance activity has just been
3 eliminated, I'm now down to, if I'm going to manage
4 the 1-1/2 percent threshold for the oversight process,
5 right away now I'm down to one percent unavailability
6 with only a half a percent. That's not comfortable to
7 take me right up to the margin, so I'd probably back
8 off even a little bit more from that, because now it's
9 a much more severe regulatory threshold.

10 So what we think we're seeing is people
11 are managing the indicator and not doing what they
12 thought was the right level of maintenance for a
13 system.

14 MEMBER TRAPP: That's key. I mean because
15 you can manage it by putting more resources on it and
16 doing it smarter. That's probably a positive outcome.

17 MEMBER FLOYD: That's tough on that one to
18 do it.

19 MEMBER TRAPP: If you're not doing
20 maintenance that you should be doing, then that would
21 have --

22 MEMBER FLOYD: That's what we're -- oh
23 yes, we're definitely --

24 MEMBER GARCHOW: I can't put eight people
25 in the -- room.

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1 MEMBER TRAPP: You can work it around the
2 clock. There are things you can do.

3 MR. CAMERON: Is this the essence of this
4 particular issue?

5 CHAIRMAN PLISCO: That's just a piece of
6 it.

7 MEMBER FLOYD: I think the unavailability
8 one is the one that really all comes out on. It's the
9 one that generates the most concern with the
10 disconnect. But it is more than just the disconnect
11 between the green PI, the inspection finding
12 threshold.

13 CHAIRMAN PLISCO: Because one of the other
14 issues embedded in here, and I experienced this
15 myself, is some of the PIs aren't -- I mean the
16 green/white threshold is not risk significant. Okay?
17 If you enter the Action Matrix because of
18 unavailability PIs, for example, at Farley, we at the
19 NRC have a communication problem. We have a public
20 meeting. We issue a press release. We all show up at
21 the site, and then we say there's nothing significant
22 going on. It just doesn't look right.

23 MEMBER FLOYD: Then Ray may say you're not
24 following the Action Matrix.

25 CHAIRMAN PLISCO: Right. In this case, we

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1 followed the Action Matrix, but when you are sitting
2 there, those two -- in the particular cases that we
3 had, they were not risk significant issues. They
4 weren't common cause failures. There wasn't any
5 linkage. It turned out to be really four individual
6 failures using the fault exposure time that caused the
7 PI. The public confidence issue and the
8 communication, it was difficult for me. I mean I had
9 to do the public meetings, so I know what I'm talking
10 about, you know, to have this public meeting and
11 everyone shows up, and the utility management, and
12 then to say we're having this meeting but there's
13 really nothing important, you know, there isn't a
14 need, risk importance of these issues.

15 MEMBER SCHERER: That's the issue.

16 CHAIRMAN PLISCO: Then you would have to
17 get into explaining well these thresholds are really
18 set at 95-5 to identify outliers. It's hard to get
19 into that discussion.

20 MEMBER SCHERER: That's the issue I tried
21 to raise with a green. It tends to be equated with
22 green. You just made the point, I believe very well,
23 that white is not always the same as white. I mean if
24 you have a white PI because you are in the 95-5, and
25 yet you have a white inspection finding because it's

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1 a moderate risk, now how do you explain well, I've
2 just sent an inspector out and we looked at it, and
3 it's no big deal that they turn white on a PI, but
4 here I have a white inspection finding and I'm
5 treating that differently. How do you explain to a
6 member of the public that white is not white?

7 MEMBER GARCHOW: Well, to keep that going,
8 then you say well, we're here to talk about a degraded
9 cornerstone that's not degraded.

10 MEMBER BROCKMAN: Then you run the other
11 part of the problem even going more, that there are so
12 few whites that are really out there. Then everybody
13 says it's not 95-5, this is the bottom one percent.

14 MEMBER GARCHOW: It's the dregs.

15 MEMBER BROCKMAN: I mean this has to be a
16 problem. I mean just the perception of it is is
17 because we're taking the criteria from the 95 to 97
18 time frame, you know, how can you say it's not a
19 problem. This is the bottom one percent of
20 performance.

21 MEMBER SCHERER: But what gets managed,
22 what gets measured will get managed. That's my view
23 of real world. That's what is going to happen. If
24 you have a 95-5, why not reset it? Why not okay,
25 let's in 2002 go back and say we're going to reset it

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1 at 95-5, or if you don't reset it, on what basis will
2 the NRC be able to say this does not deserve to be
3 reset from values that existed in 1997. We're going
4 to keep it --

5 MEMBER GARCHOW: How safe is safe?

6 MEMBER SCHERER: I understand that. As
7 much as I'd love to use this as a forum to solve the
8 issue, I still think this is an important issue where
9 clearly it is a public perception problem when we use,
10 and we knew we were doing it, but we used a different
11 definition for green to white threshold in PIs. Can
12 we use the green and white threshold in inspection
13 findings? It is different than the other thresholds
14 in PIs. It's different than the other thresholds in
15 inspection findings.

16 CHAIRMAN PLISCO: And more importantly, we
17 take the same action for both.

18 MEMBER SCHERER: Right. Exactly.

19 MEMBER TRAPP: Yes, but in some of the
20 cases like diesels, you are not going to be pleased
21 when we risk-base the unavailabilities. I mean the
22 unavailabilities are going to go out significantly and
23 a short duration is going to give you a white finding
24 at some plants with diesels.

25 So it is not going to be all -- there is

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1 going to be some give and take there.

2 MEMBER SCHERER: We do that now.

3 MEMBER TRAPP: But I think you'll be
4 shocked at some of the unavailability numbers.

5 MEMBER SCHERER: I'm saying we do that
6 now.

7 MEMBER TRAPP: You mean if you made them
8 risk informed?

9 MEMBER SCHERER: We do that now.

10 CHAIRMAN PLISCO: In certain cases.

11 MEMBER FLOYD: In certain cases, yes. But
12 the one big difference when I went to the risk
13 informed, the risk-based PI briefing last week, the
14 big difference and what's causing most of the
15 unavailability, which again, is not really risk
16 informed, is most of the unavailability that's being
17 counted is because some inability to meet a design
18 feature for a high or very low probability event is
19 what's causing the unavailability. Whereas the
20 proposal under the risk-based PIs is you go back and
21 you look at what were the risk-significant functions
22 based upon the PRA that said you needed to have that
23 piece of equipment, and can you not meet that
24 function. So it's not the design basis function.

25 So a lot of the unavailability -- so

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1 you're right. If you just looked at the raw numbers
2 today compared to where the thresholds are, you could
3 leap to the conclusion and say gee, that's even
4 tighter than we have today for the green and white
5 threshold.

6 But if you look at what the ground rules
7 are, design basis versus risk-significant function,
8 then there's a huge difference.

9 MEMBER TRAPP: You know, the complexity we
10 have now in findings, then we're going to be arguing
11 the same kind of issues, PIs. I mean that's going to
12 be a lot of work.

13 CHAIRMAN PLISCO: I want to give you one
14 more example.

15 MEMBER FLOYD: That's why it needs to be
16 piled in, evaluated --

17 CHAIRMAN PLISCO: Another spin on the
18 problem is, and I may have mentioned this last time,
19 is the white finding we had at summer at Aux
20 Feedwater.

21 It was an eye-opener to a lot of people,
22 even in Region II, that once we ran that through the
23 process, it comes out as a white finding using the STP
24 and the face, the risk analysis.

25 That same at a service time, never turned

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1 a PI white. The PI stayed green. It comes down to,
2 I mean there are some subtleties, but with the site-
3 specific risk significance of that system and the PI
4 looks at all of aux feedwater. So it kind of averages
5 out the numbers. The significance of one terrain may
6 not show up in the performance indicators as risk
7 significant when it is risk significant.

8 MEMBER FLOYD: You might be pleased to
9 know that under the risk-based PI program, the folks
10 at research have recognized that. They would propose
11 two separate indicators, one for the motor-driven aux
12 feedwater train, and one for the steam-driven, because
13 it's probably not appropriate to lump them together.

14 CHAIRMAN PLISCO: And I just want to get
15 back to my original point. It's the public
16 communication of that. Fortunately no one asked me
17 that question, you know, why is the PI still green,
18 but you are issuing a white finding for the same
19 thing. That would be hard to explain without getting
20 into a lot of detail.

21 MR. CAMERON: One of the reasons you all
22 tabled this was you were pretty evenly divided. I
23 think six, number one, eight number two, and you were
24 going to wait to hear input from the presenters, and
25 also I think at this point I'm not -- we wanted

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1 specifically to hear from what Ray's viewpoint on it
2 was, because I don't think he came in yet.

3 Obviously you need to figure out whether
4 you characterized this right, but what did you hear
5 from -- let's hear from Ray and what did you hear from
6 the presenters that factors into this?

7 MEMBER SHADIS: Maybe you could clarify
8 some things for me and maybe help me understand this
9 a little bit. The problem really is communicating the
10 reality of the situation to the stakeholders, to the
11 public. Is that what the --

12 CHAIRMAN PLISCO: That's one part of it.

13 MEMBER SHADIS: Because it seems to me if
14 the action that is taken is the same, whether you've
15 got something in the green because it's a PI or
16 because some inspection finding, then I think the
17 public can understand or assign some risk value to
18 this based on the action that NRC is taking.

19 So if the communication concentrates on
20 the action, what is a green? What does this block of
21 green represent or what does this block of white
22 represent?

23 MEMBER FERDIG: Relative to the action
24 that was taken.

25 MEMBER SHADIS: The action is what it

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1 represents. It represents the necessity for the
2 licensee to enter this into their corrective action
3 program. It necessitates additional attention from
4 NRC or necessitates a meeting or necessitates a
5 possibility here of examining whether or not this
6 plant should be shut down. I mean whatever the
7 extreme is, that's what it represents.

8 I think from -- you know, as far as the
9 people that I speak to, they would understand that.
10 If you try to lead them through this labrynth about
11 how you get there, they are not going to understand.

12 MEMBER FLOYD: Yes. I agree. I think it's
13 explainable if you base it on the actions. But I
14 guess what we're hearing from the licensees is that
15 the action itself may be inappropriate because we have
16 two programs. We have got the oversight process, and
17 you've got the maintenance role program, both with the
18 same objective of trying to be risk-informed, and
19 decide when does the agency need to get a little more
20 involved, and when does the licensee need to take a
21 little bit more -- pay a little more attention to
22 corrective action. There's two different thresholds
23 in each one. Yet the action that's taken is
24 essentially the same for both conditions.

25 So you are tripping one before you hit the

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1 other one. One is in rule space and one is in
2 oversight space. So there's a discontinuity there
3 somewhere.

4 MEMBER FERDIG: And is the intent of those
5 two processes the same as well?

6 MEMBER FLOYD: Oh, sure.

7 MEMBER FERDIG: Can somebody just
8 summarize the assumptions and the rationale that went
9 into the 95-5 choice? What does that mean?

10 MEMBER FLOYD: When the program was first
11 being put together two-and-a-half years ago now,
12 roughly, the thought was -- and we got into a long
13 discussion about this is when the agency was also
14 changing their stated objective of improving safety to
15 maintaining safety.

16 The conclusion was that they wanted to
17 maintain safety because when they stood back and
18 looked at it over the recent years, there was really
19 only about five percent of the plants at any one time
20 that they really had serious concerns about. The
21 other 95 percent of the plants they were not
22 significant problems that they had. It was a handful.

23 So they said well okay, what we really
24 want then is an oversight process that allows us to
25 identify the outliers. So let's go with a 95-5

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1 threshold for the green/white, and that will tell us
2 plants that are maybe candidates for increased
3 attention. That was how the 95-5 was established.

4 Now there was some effort to go back and
5 take a look at what it meant in terms of the 10-to-
6 the-minus-6 threshold that was being established for
7 the significance determination process. Where it
8 could be measured, in some cases it was somewhat
9 aligned to it. In other cases, it was pretty far off,
10 but it was recognized well, gee if you set it where
11 the risk-informed indicator said it should be set,
12 that would be ridiculous. Nobody would ever trip it,
13 so we'd never have an indicator.

14 MEMBER GARCHOW: Reactor trips was that
15 one?

16 MEMBER FLOYD: Yes. Reactor trips.

17 MEMBER GARCHOW: You know, another thing
18 that happened during -- if I can add onto that, during
19 the early discussions, I think we inadvertently caused
20 this green/white issue inadvertently, looking back.
21 Because the early revision, the early drafts of the
22 Action Matrix actually had a white PI being still in
23 the licensee control band. It wasn't until you had
24 either a significant white inspection finding that was
25 tied to risk or two PIs in the same cornerstone that

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1 you moved out of the licensee control band.

2 Steve and I were talking. I don't exactly
3 remember when it was that that changed or why. Now
4 thinking back, that had that stayed that way and been
5 communicated that way right from the get-go, and have
6 some sort of supplemental inspection by the resident
7 be following this PI much like we do in maintenance
8 rule, this thing would be much simpler to explain to
9 the public, because there is a difference between a
10 white PI and the white inspection finding.

11 In that may be a potential solution, not
12 to solve here, but I know that they were living
13 through this. The early revs of the Action Matrix
14 accounted for a white PI still in the licensee control
15 band. You didn't move to the next one until you had
16 two white PIs or a risk-significant inspection
17 finding.

18 MEMBER FLOYD: I think the actual words
19 were something like all green with no more than one or
20 two whites in unrelated areas.

21 MEMBER GARCHOW: That's correct.

22 MEMBER FLOYD: I think was the wording
23 that that had originally. That was the original
24 definition of the licensee response band. That was
25 subsequently tightened to be no all green.

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1 MEMBER GARCHOW: So there was a period of
2 time where it was recognized there was a clear
3 difference between a white inspection finding and a
4 white PI. Somehow that got lost in the mix.

5 MEMBER FERDIG: Well, I just asked the
6 question because I think that to go back to the
7 original assumptions and the original intention could
8 make it worth being a one to consider.

9 MEMBER GARCHOW: I don't know, Ken, if you
10 remember that or not in those early discussions.

11 MR. CAMERON: Okay, Mary gave a reason for
12 it, it being a one, which is the distortion between
13 where it is now and where it originally started out.

14 MEMBER BORCHARDT: I'm afraid I need some
15 more help, because the original P-4 was to recognize
16 the difference between 95-5 and risk-informed. What
17 I think we've been discussing lately is a questioning
18 of the original presumption of the validity of that
19 95-5 logic.

20 If I'm right about that, then we have a
21 much broader, much more fundamental issue that we're
22 raising than what the original P-4 was.

23 I am not objecting to making it bigger or
24 to having two items, but I think it is much different
25 than the original P-4.

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1 MEMBER SCHERER: Well, if you are looking
2 at the heading versus if you look at the page 11,
3 where P-4 sub-issues are there, I think all the issues
4 we have been discussing are in the sub-bullets, if you
5 will. It may not be in terms of the title.

6 MEMBER FLOYD: For example, the fourth
7 bullet down is what we're really talking about. It's
8 under this item, green/white threshold compared to
9 inspection finding threshold. I mean that's the
10 issue.

11 MR. CAMERON: One of the issues, right?

12 MEMBER FLOYD: One of them.

13 MEMBER BORCHARDT: But the way you would
14 go about resolving that, in my mind, would be entirely
15 different from the first bullet, which says that this
16 is a perception issue.

17 If it's just a perception issue, then I
18 think the follow-on action is education and doing
19 other things. But to address the fourth bullet may
20 cause a fundamental re-focus on whether or not 95-5
21 was a sound logic, and should we come up with a new
22 set of thresholds for the PIs.

23 MEMBER GARCHOW: I look at it a little
24 different. I mean that could be the outcome and we
25 could certainly go look at that as the basis. But I

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1 see this not solving this if there's a fundamental
2 difference between a PI white and an inspection white
3 actually causes a lot of the other downstream issues
4 that are listed in there that causes the avoidance of
5 whites, it causes the issues that Loren was talking
6 about, standing up in a public meeting and having to
7 say that we're here because there is no reason to be
8 here.

9 I mean it all adds into that because of
10 that fundamental difference, and then the failure of
11 the Action Matrix to account for that gets us down
12 this road.

13 MEMBER SCHERER: I didn't put these words
14 here, 95-5 is a perception issue, communications
15 issue. I don't disagree with it. I just don't stop
16 there.

17 I think it is a perception issue. I think
18 it is a communication issue. I think you have an
19 uphill battle at all, of convincing somebody that's
20 not intimately familiar with this process, that a
21 white PI is different than a white inspection finding.

22 MEMBER BORCHARDT: Right. I suppose maybe
23 I could throw on the table some words to restate P-4.
24 Because I believe the current words need to recognize
25 the difference implies that it's an acceptable

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1 difference. That we have made that judgement, and now
2 we need to recognize it and do something to educate or
3 whatever.

4 But rather, I think what we are saying is
5 that that difference that clearly exists has created
6 a wide breadth of problems which need to be reviewed
7 by the ongoing --

8 MEMBER FLOYD: And there's two paths you
9 could take. Obviously you could abandon the 95-5 or
10 you could make changes to the construct of the program
11 that acknowledges that there is an intended difference
12 between the two thresholds.

13 MEMBER SCHERER: I agree.

14 MEMBER GARCHOW: That would address my
15 concern.

16 MEMBER TRAPP: It's the perception we are
17 really going to change that's going to make a
18 difference. I mean if everyone in the world knows
19 that there's a 95-5 and a risk-based finding --

20 MEMBER FLOYD: Well, they don't. That's
21 the problem.

22 MEMBER TRAPP: But if everybody does, what
23 difference would it really fundamentally make?

24 MEMBER FLOYD: Well, you could change the
25 way the Action Matrix is constructed for PIs as we

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1 just talked about.

2 MEMBER TRAPP: Now you're going in and
3 changing the program again.

4 MEMBER FLOYD: That's what I'm saying.

5 MEMBER TRAPP: Not just the perception.

6 MEMBER FLOYD: That's why I think Bill was
7 suggesting remove the word "perception" out of it.
8 Just say acknowledge that there is a difference and
9 should the program be revised in some fashion to
10 accommodate the fact that there is a difference
11 between the threshold bases.

12 MEMBER GARCHOW: I appreciate this
13 conversation because I think that is what this panel
14 was for. We have been out here a year, and now there
15 appears to be, and at least we have some consensus to
16 say there's a structural issue here in this one area
17 that a year of implementation has revealed. We're
18 saying it's a priority that that needs to be addressed
19 in some manner.

20 MR. CAMERON: Would you, David, with this
21 rephrasing, which I think is different in green light
22 threshold for PIs and inspection findings, has created
23 a wide variety of problems, these downstream problems.

24 CHAIRMAN PLISCO: Unintended consequences.

25 MEMBER GARCHOW: Right. In fact that

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1 created some of those.

2 MEMBER SCHERER: I would even be more
3 neutral. I would call them issues, issues that need
4 to be addressed.

5 MEMBER GARCHOW: Then John, we could put
6 a few of the more salient ones as bullets, I mean has
7 caused that perception and reality issue that people
8 want to avoid whites because right now you can degrade
9 a cornerstone easier than really what the risk would
10 say you have degraded a cornerstone by having those PI
11 triggers be set differently than the risk-based ones.

12 CHAIRMAN PLISCO: I would like to make one
13 more proposal. I really see this as an overall issue,
14 not just -- I mean we have it embedded in the PI.
15 Because it does talk about findings and PIs. I think
16 some of the issues and consequences affect other
17 areas, the Action Matrix, and a number of other
18 things. I think a number of the issues that we have
19 talked about, this gets -- I don't want to call it the
20 root cause, but I think this is one of the
21 contributors to some of the other issues.

22 MEMBER GARCHOW: That is correct. It's a
23 fundamental issue.

24 MEMBER SCHERER: I think that's a good,
25 constructive suggestion. I would have no problem

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1 whatsoever relabeling this as an O because of its
2 implication on the others.

3 MEMBER TRAPP: The report should be
4 balanced. I mean you have an issue that you brought
5 up where we had a green PI and a white finding. I
6 think it should be balanced. You know, we're also
7 concerned that PIs are green and the issue is actually
8 a white, not just the other way around.

9 MEMBER FLOYD: Right.

10 MR. CAMERON: So you're doing, the panel
11 is doing three things. Let's check in to see if
12 anybody disagrees.

13 We are going to change the
14 characterization in the heading. You are going to put
15 it into O and take it out. In other words, P-4 will
16 cease to exist and it will be O-something.

17 Then you are going to label this new O a
18 priority one?

19 MEMBER FLOYD: One, I'd say. Yes, it is
20 significant enough.

21 MEMBER GARCHOW: In the report construct,
22 they assume, John, maybe you haven't thought of this,
23 but I would say overall findings would rise to more
24 importance by their nature of being overall so the
25 report construct, however you choose to do it, would

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1 seem to have to reflect something that an overall
2 issue is broader, with broader implications than a
3 specific issue.

4 MEMBER SCHERER: I think that in general
5 I agree with that comment, but something could be very
6 significant and just focus on one element of the
7 program and still be very significant. The overall,
8 in my mind, is because it has a general impacting.

9 The argument here is moving it from a P
10 category to an O category. It makes sense to me
11 because of the implications on the Action Matrix,
12 because of the implications of the SDP and how it
13 results in a risk-informed green or white finding.

14 I don't have a problem moving it to the O,
15 not because of its importance, but because of its
16 general, its wide-ranging impact.

17 MEMBER FLOYD: I would want to make sure
18 we kept Jim's issue, that it is possible. We are
19 measuring different things here. In the PIs, we are
20 measuring a rate at which an occurrence takes place.
21 In the inspection finding, we are measuring the
22 significance of an actual condition that resulted.

23 So it is possible to have a significant or
24 a white inspection finding on an issue that is at a
25 low enough rate that it doesn't trip a threshold, even

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1 if you made it a risk-informed threshold. You can
2 have, for example, one risk-significant SCRAM, one
3 SCRAM of ossa normal heat removal that might trip the
4 white threshold, but it certainly wouldn't trip a
5 risk-informed frequency of occurrence.

6 You are really measuring two different
7 things. One is a rate and one is a significance of a
8 condition. We just shouldn't lose sight of that.

9 MR. CAMERON: Richard, did you want to add
10 something?

11 MR. HILL: Yes. On the characterization,
12 should we address the fact that the white PI finding
13 and the white inspection finding, even though they may
14 be different, they have the same action on the Action
15 Matrix that's part of what leads to the problems?

16 MR. CAMERON: Is that one of the -- would
17 you put that under one of the issues that needs to be
18 addressed or is that part of the characterization?

19 MR. HILL: I think it is part of the
20 cause, the fact that they have this different
21 importance, but same action causes issues.

22 MEMBER GARCHOW: Maybe we just add another
23 sentence to say -- you stop there and just say this is
24 caused by a difference in the action. You could spell
25 out a few examples, you know, of what that causes.

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1 That's what I heard you saying. I'm just trying to
2 get it in the language.

3 MR. CAMERON: There's one option to
4 address, Richard. What would you propose?

5 MR. HILL: That can work. It's just the
6 fact of we know what we're talking about. I want to
7 get it across to someone else the idea, like we've
8 discussed, that the performance indicator going back
9 to what was apparently discussed in the very
10 beginning, that you might want to have different
11 actions for them. But right now, we have the same
12 action.

13 MEMBER GARCHOW: That was in the
14 beginning.

15 MR. HILL: Whether we write that in the
16 title or whether we write it in the body, it doesn't
17 really matter, as long as we get that concept across.

18 MR. CAMERON: I'll put add and results in
19 the same action. That will be captured somewhere.

20 Anybody else on this issue before we move
21 on?

22 MEMBER GARCHOW: That was a good
23 conversation.

24 MR. CAMERON: Loren, where do you want to
25 go next?

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1 CHAIRMAN PLISCO: Let's go to P-8. This
2 has to do with clarifying public communication of PI
3 information.

4 MR. CAMERON: I think we tabled that one
5 fairly quickly to await stakeholders.

6 MEMBER GARCHOW: And Ray. We were waiting
7 for Ray.

8 MEMBER SHADIS: This is the first time
9 I've seen it.

10 MR. CAMERON: What's the breakdown of six
11 make it one, nine make it a two.

12 MEMBER FERDIG: While Ray is thinking, I
13 have been trying to sit here -- I have been sitting
14 here trying to decide how to put an observation out
15 that may have relevance on this issue. I hear it many
16 different ways in our conversations. That's the
17 reference to the word "perception."

18 It is often associated with the public's
19 view of what is going on. I don't know that the
20 language is in P-8, but it was in the language of the
21 --

22 CHAIRMAN PLISCO: Actually, in P-4, it was
23 meant between the licensee and the NRC in that case.

24 MEMBER FERDIG: Okay.

25 CHAIRMAN PLISCO: Because we were trying

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1 to get across that the first piece of that issue, when
2 we first started talking about it had to do with the
3 NRC's perception of what was the white issue. It was
4 really our first entry point. It wasn't a major
5 issue. It was really the entry point into our
6 engagement on the issues where it looked like -- I
7 know Jim talked about this I think at one of our early
8 meetings about what he was seeing on the licensee
9 side. It was avoid at all costs getting to a white
10 issue. So it was that perception that seemed to be
11 the difference on what we thought the importance and
12 significance of those issues was. That's how we
13 started that discussion.

14 MEMBER GARCHOW: That goes to you can
15 never get a degraded cornerstone unless you have two
16 whites. I mean if you're really not white, it's worth
17 the licensee's effort to try to not be white because
18 you are just sitting there another white away from
19 really moving over to that action matrix into
20 something that would be noteworthy as a minimum and
21 newsworthy definitely in the local areas of our plant.

22 MEMBER SCHERER: Is there anything that we
23 have under P-8 that we didn't already discuss under O-
24 2?

25 MEMBER SHADIS: That's what I was

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1 checking. The answer is yes.

2 The fourth and the fifth bullets,
3 performance indicator definitions and NRC should
4 anticipate and use simple explanations to forestall
5 public surprise.

6 I am not sure that number four, that
7 performance indicator definitions wouldn't be
8 beneficial to be more clear about them all the way
9 around. But anyway, those two it seems to me were not
10 included in the previous items regarding public
11 communication, public confidence, all the rest of
12 that.

13 MEMBER SCHERER: Should we just move those
14 to 0-2?

15 MEMBER SHADIS: My feeling is you could
16 roll this whole thing back into those other, you know,
17 public communication, public confidence kinds of
18 things.

19 MEMBER BORCHARDT: I think it needs to
20 because to discuss any one piece of this process
21 without discussing it as a whole is --

22 MEMBER SHADIS: I'm not sure where this
23 thing came from about the NRC should -- the last
24 bullet, NRC should survey the public.

25 MR. BLOUGH: It came from this room.

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1 CHAIRMAN PLISCO: Or someone that talked
2 to us.

3 MEMBER SHADIS: I hope I didn't say it.

4 CHAIRMAN PLISCO: This is Jill's thought.

5 MR. CAMERON: So is it this simple? We're
6 moving it and make sure we capture those thoughts.
7 It's already a priority one.

8 MEMBER SHADIS: I think when Jill raised
9 that issue about survey, she was talking basically
10 about the quality of communications, that there be a
11 way of reaching out to the public to get their sense
12 of this.

13 MR. CAMERON: Any problems? Any further
14 comments on this, on that resolution?

15 All right.

16 MR. MONNINGER: So then that one
17 disappears.

18 CHAIRMAN PLISCO: Make sure we capture
19 those thoughts in O-2.

20 MR. CAMERON: Yes. P-8 is also gone. So
21 P-4 is gone. P-8 is gone.

22 CHAIRMAN PLISCO: I-2.

23 MEMBER BROCKMAN: As long as we're
24 thinking publicly, why don't we, if we're going to
25 wait up, I mean I got a feeling I have already come up

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1 with the same thing on I-3.

2 CHAIRMAN PLISCO: I-3, public access.
3 Okay. I think, yes, the same comment, right?

4 MEMBER BROCKMAN: Make sure anything
5 that's missing gets rolled in and put it into public
6 comment bin.

7 MEMBER GARCHOW: It is actually shaping up
8 pretty well. There's a couple two or three general
9 themes of priority issues.

10 CHAIRMAN PLISCO: I-3.

11 MEMBER FLOYD: Move to O-2?

12 MR. CAMERON: I-2 is the documentation
13 threshold. I-3 is the public availability of --

14 CHAIRMAN PLISCO: Inspection information.

15 MR. CAMERON: Inspection information.

16 MEMBER FLOYD: So I'm hearing we would
17 move I-3 to O-2 also?

18 MEMBER GARCHOW: Making sure there is
19 nothing that appropriate ones get rolled up there that
20 are missing.

21 MEMBER SCHERER: I'd agree with that.

22 MR. CAMERON: So I-3 is going to O-2.

23 CHAIRMAN PLISCO: Actually this is back to
24 Bill's comment again. Sort of the same comments about
25 inspection information and PI information, just make

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1 an overall --

2 MEMBER SCHERER: But there's a logical, in
3 my mind there is a logical pattern to moving it all
4 together into one area because it's an umbrella of
5 trying to communicate both at simple and then being
6 able to drill down into the details and get them
7 available in a systematic manner.

8 MR. CAMERON: So both of those, P-2 and P-
9 3 are both moving.

10 MEMBER BORCHARDT: No. We are on I-3.

11 MEMBER BROCKMAN: P-8 and I-3.

12 MR. CAMERON: Okay. I-3. That's what I
13 was confused about.

14 CHAIRMAN PLISCO: Now we're ready for I-2.

15 MR. CAMERON: I-2.

16 MEMBER BORCHARDT: I am not sure I
17 remember why we put this in the parking lot. I don't
18 think we heard a whole lot from the presenters at this
19 meeting on I-2 other than David Lockbaum's comment
20 about if the report makes a conclusion that it ought
21 to have enough basis on which the reader can come to
22 the same conclusion.

23 MEMBER GARCHOW: And the Pennsylvania
24 gentleman said his perspective, even he had an
25 example, saying he thought that the reports were

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1 clear, really could show what the issues were at the
2 plant. The gentleman that was here last night.

3 MEMBER FLOYD: And I had an implementation
4 issue. It's not exactly this issue. It is not
5 questioning the threshold, but it's questioning the
6 consistency of implementation of the threshold across
7 the regions.

8 MEMBER SHADIS: And this morning, remarked
9 on being more clear or providing more quantitative
10 information with respect to activities when activities
11 are reported, especially if there is a local public
12 interest in that particular area. The example I used
13 was the fire seal inspection at Millstone.

14 MEMBER BROCKMAN: But I have got a problem
15 with that. I have got a problem putting out a
16 guidance that says if you've got a real active issue,
17 then go a lot more.

18 MEMBER FERDIG: What does that mean?

19 MEMBER BROCKMAN: Yes. Where do you draw
20 the line as to what's a real interested -- I can
21 promise you there is one real interested person at
22 every power plant site in America.

23 MEMBER SHADIS: On every issue.

24 MEMBER BROCKMAN: But trying to track on
25 every issue would -- we need, I agree with you.

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1 CHAIRMAN PLISCO: You are talking
2 practical implementation. It's hard to get that
3 guidance.

4 MEMBER BROCKMAN: To even say that, I mean
5 you won't be able to do it. So you need to set a good
6 threshold that meets the best you can within that
7 area. That is the expectation. It should be clear
8 and it should be -- I'll choose the word robust,
9 especially in the scoping of what all was done out
10 there to be able to understand what's the level of the
11 inspection effort that has gone on so you can have a
12 degree of assurity of the validity of the findings
13 that you are --

14 MEMBER SCHERER: I guess I was impressed
15 with -- and again, I only knew about it what was in
16 David's presentation. But his presentation made the
17 point that it isn't necessarily getting into a lot of
18 detail. It's being able to take a conclusion and
19 justify it with some measure of detail.

20 Instead of saying the risk was low, say
21 the risk was found to be low because. I mean he gave
22 some examples of good, what he considered good
23 documentation. Again, without knowing the details of
24 the individual reports, there seemed to be a pattern
25 of somewhere the endpoint was justified with a

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1 relatively short but clear explanation. The others
2 where the endpoint was simply stated, without any
3 justification whatsoever.

4 Again, on its face I would argue that
5 gives me some belief that I-2 has some validity and it
6 should be pursued.

7 MR. CAMERON: This is not exactly -- what
8 you said, Ed, is not exactly where the threshold is,
9 but wherever the threshold is, you should justify and
10 explain the conclusion that's in that inspection
11 report at a minimum.

12 MEMBER FLOYD: And put it in some context.
13 I think Ray made a good point. Just to say I looked
14 at fire seals doesn't tell you anything. How many did
15 you look at, one? Twenty? Fifty percent of them? A
16 hundred percent of them? I mean some characteristic
17 of what was the scope of the inspection. I looked at
18 200 or 400 seals at the plant and found the following
19 problems. That would tell you a lot more than I went
20 out and I looked at fire seals.

21 MEMBER SCHERER: Make a recommendation
22 that they put down how many hours or some indication
23 of just how much effort does go into these things as
24 opposed to I looked at fire seals. It makes a
25 difference if I looked at fire seals and I spent 15

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1 minutes doing it or I spent a 400-hour module
2 investigating fire seals.

3 CHAIRMAN PLISCO: The other thing we're
4 trying to do in the guidance and by using these
5 internal audits is, the other thing we're trying to
6 communicate and we're not doing very well yet in all
7 cases is not just how many we looked at and how much
8 time we spent, but specifically for that inspection,
9 what were we looking for. I mean there's a lot of
10 things you can look at when you look at a fire seal.
11 So in that case, what specific things were we looking
12 for, and give some kind of sense of the breadth of the
13 inspection.

14 You know, if we did detailed review, then
15 you ought to be able to sense that by reading what
16 they looked at. So we're trying to build that into
17 the scope of discussions too, to give -- I mean not
18 again, we don't want to get back to the reports we had
19 before with a lot of long boiler plate, but at least
20 some sense of the depth and the breadth of the
21 inspection.

22 MR. HILL: Are we in agreement that you
23 want to put down hours or minutes or whatever?

24 CHAIRMAN PLISCO: My personal opinion is
25 not in the report. But I like the suggestion that we

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1 had somewhere along on the web page from a broad
2 perspective, you know, how much time is the NRC
3 spending. Maybe show annual hours or some kind of
4 sense of again, at least in the public confidence
5 arena, if you looked under report and the word these
6 significant findings, it's another way to get some
7 sense of what the NRC has done there.

8 MEMBER BROCKMAN: I have got problems with
9 that from a pragmatic view.

10 MEMBER FLOYD: Is that resource?

11 MEMBER BROCKMAN: The data is easy to
12 collect, but it's going to beg a ton of questions that
13 the variables for it. You will get down to the point
14 you took eight hours and you took ten, what's the
15 difference. Twenty percent difference. Been here,
16 done this. NRC did that.

17 But even on a bigger aspect of it, there's
18 so many dynamics. You have an old hand of very
19 experienced inspection staff out there who have done
20 this inspection many times, need less prep. Do I have
21 some new people out there? What's the relationship
22 with the licensing organization, the licensee? Is it
23 a very effective, efficient organization that provides
24 information quickly? Or is it an organization --

25 CHAIRMAN PLISCO: That's not what I was

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1 saying.

2 MEMBER BROCKMAN: But as soon as you put
3 in hours to do the program, you'll get there. You
4 can't dodge it.

5 MR. BLOUGH: You already have the answer
6 about what are the variables that could affect it. So
7 when they call me, I'll just refer them to you and you
8 have --

9 MEMBER BROCKMAN: And I'll have the little
10 recorder button. I'll hit the speech.

11 MEMBER SHADIS: I think an inspector has
12 to be tuned to plant history. They have got to know
13 what's been going down there in recent times. At
14 Millstone, there was an issue where the company wanted
15 to cross-train their security personnel to do
16 firewatch as well. So you know, from looking at this
17 from the outside, we're wondering well why is there a
18 firewatch here. Is it becoming institutionalized?
19 It's going to be there forever. You know, what's the
20 issue.

21 So when we see that an inspector looked at
22 fire seals, we want to know more. I can't tell you
23 that we want to know how many hours or even how many
24 seals necessarily. But we want to get some idea of
25 what did he do. Did he get into some cable room and

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1 check out the seals in there or what? Was this a
2 walk-past kind of inspection or did he actually go
3 over and poke them? That's all.

4 MEMBER BROCKMAN: That's good.

5 MEMBER SHADIS: And it would be good also
6 if when we talked about setting up the website so that
7 you could look at the plant and find out what was in
8 progress, if there are issues that are entered into
9 the plant's corrective action program and they've made
10 a commitment to the NRC that they are going to do
11 something about it, it would be nice to be able to
12 find that and say has this been done or not done.

13 In the past, what we would have to do is
14 do a literature search and look at correspondence back
15 and forth, and back and forth. The licensee would
16 make a commitment that they were going to do
17 something, and then we would have to look for some
18 indication that they had sent a letter or something to
19 NRC saying they actually got it done, see if there was
20 a response, if their plan was satisfactory and so on.
21 This takes an intense amount of interest and an awful
22 lot of work to get there.

23 What I was hoping for, that in reporting
24 out on this process, that somehow we could get that
25 information collated and available, and electronically

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1 is probably the easiest way to do it.

2 MEMBER FLOYD: My personal opinion is that
3 I think that's appropriate for cited violations that
4 color-coded the more significant colors of white,
5 yellow and red, because of violation response is
6 required for those where the licensee does communicate
7 corrective action. I assume you are suggesting that
8 for the green findings which are non-cited violations
9 which don't require a response back to the agency, but
10 they do go in the licensee's corrective action
11 program. So there is no --

12 MEMBER SHADIS: But if there is no
13 response required, there's no response to be found.

14 MEMBER FLOYD: No. They are required to
15 go into the corrective action program, but the whole
16 idea is that these are items that have very low safety
17 significance, and it's up to the management at the
18 plant to prioritize them and take the actions, but it
19 is not a formal commitment back to the NRC in the same
20 sense that a violation response is.

21 MEMBER SHADIS: We call that VLSS.

22 MEMBER FLOYD: What's that?

23 MEMBER SHADIS: Very low safety
24 significance. That's a new one I just thought I'd
25 drop into the conversation.

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1 The thing about the VLSS is, and as you
2 know, I mean it's been brought, a lot of them stack up
3 and you start looking for a trend.

4 MEMBER SCHERER: Just what the industry
5 needs is another action.

6 MEMBER BROCKMAN: That is what the annual
7 identification resolution inspection is supposed to
8 address. Go back there, and part of that is a
9 sampling of these activities to make sure they have
10 done that. That one inspection at the end of the
11 year, the vision of it was to be able to make that
12 type of assessment. We've gone in there. We've
13 sampled 20, 30, 40 percent of what was open. We found
14 them all being dealt with in a proper manner. Then
15 you can then extrapolate the confidence with respect
16 to that.

17 If that wasn't in there, boy, I'd be right
18 in your camp. I think we need to see is that going to
19 work as a tool because that's the vision for managing
20 that at the moment. Your concern is most valid.

21 MR. CAMERON: Is this the nature of this
22 issue, is how much detail is in there justification
23 rationale? Or is there another part of this?

24 MEMBER BROCKMAN: There is one other
25 concept that is discussed under I-2. That is the

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1 concept of the information that is blow a regulatory
2 threshold that are observations for just maybe
3 efficiency improvements that the residents may see
4 there and share, or any inspector may see there and
5 shares with the licensee. Sort of put the licensee as
6 being you know, treat this information as you wish.
7 It's an observation that we've seen that may improve
8 your efficiency or your effectiveness in an area.

9 That currently is information that's
10 shared verbally because it's not a regulatory
11 dialogue.

12 MEMBER GARCHOW: What is the problem?

13 MEMBER BROCKMAN: I'm just saying that's an
14 issue that is in here that we haven't discussed with
15 respect to I-2.

16 MR. CAMERON: That's really sort of the
17 threshold issue, isn't it? BRT, below regulatory
18 threshold.

19 MEMBER SCHERER: Let's not go there.

20 MEMBER FERDIG: So as a question should
21 that information be included in the report?

22 MEMBER BROCKMAN: That is the question
23 that's listed under here.

24 MEMBER MOORMAN: Yes. That was the
25 original issue I think when I brought it up, was do we

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1 have it right? Because we make assessments of power
2 plant performance based on this information. Right
3 now, our inspection reports don't contain very many
4 issues compared to what they used to.

5 So can we make an adequate assessment
6 based on this? I think so far what I've heard is that
7 the external stakeholders see that we're identifying
8 issues at the right levels. So I'm not sure that, at
9 least in my mind, that that's as much of an issue any
10 more.

11 MEMBER FERDIG: So that it's okay not to
12 include those things in the report?

13 MEMBER MOORMAN: That's correct.

14 MEMBER GARCHOW: That was your comment?

15 MEMBER FERDIG: What I wondered, if what
16 some of that was implying, and it may not be, is
17 whether or not there are those kinds of issues that do
18 not fall within the regulatory whatever we're calling
19 this place, yet cause a nickel of concern to an
20 inspector and that if there is somewhere another
21 report that is being written, that is somehow noting
22 those things, I'm just wondering if there's a double--

23 MEMBER MOORMAN: Set of books?

24 MEMBER FERDIG: Printing process somewhere
25 that that could invite, and what that means.

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1 MEMBER MOORMAN: No. I don't think
2 there's a second set of books out there. I think what
3 you are talking about is just in the normal course of
4 overseeing reactive plant operations inspectors make
5 note of various issues and among themselves see if it
6 is going to become something. I just may want to keep
7 an eye on this. It's not anything that's used for
8 assessment. It's not docketed. But it's something
9 that may be passed on as an observation to a utility
10 management. Hey, your process is not efficient and I
11 see this as a problem.

12 CHAIRMAN PLISCO: And that's not something
13 new to this program. That was in the old program.

14 MEMBER FLOYD: And I don't see that as
15 being any different from any other practice in
16 industry. I mean any supervisor in any position just
17 doesn't turn over the letter file to their relief.
18 You know, they have got another little notebook and
19 say, hey, here's some other stuff. He hasn't made any
20 report or anything, but a couple things you might want
21 to keep an eye on and a few heads-up items. I mean
22 everybody does this.

23 MEMBER GARCHOW: To some extent, the
24 residents are doing no different than the manager.

25 MEMBER FLOYD: Exactly.

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1 MEMBER GARCHOW: I mean I communicated
2 like all day long. Things are going into my blender,
3 what I'm reading, what I'm seeing, what I'm hearing,
4 it's all getting blended up. Then at the end of the
5 day you think, say okay, we've got to go this way, got
6 to go that way. You're doing the same thing when you
7 generate your report. It is all going in the blender.
8 Pretty soon dots start connecting, and then eventually
9 something comes out, the results of all that
10 information review.

11 I don't see that that whole pathway and
12 all those little pieces need to be in the report. In
13 some respects in the old system, there was all that
14 information that sort of clouded trying to figure out
15 exactly what were the dots that were connected.

16 MEMBER BROCKMAN: And that was very much
17 a point. There was so much information there that was
18 just put out there without all the context. It became
19 very -- the lines of demarcation were totally clouded
20 and you couldn't tell where it became significant and
21 where it didn't. The temptation was, was that
22 significant decisions would be made on less
23 significant data.

24 MR. CAMERON: So this part of it would be
25 a priority two, if even that. But this part of it

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1 makes it? This characterization makes it a priority
2 one? In other words, the justify, explain conclusion,
3 put it in context somehow. Maybe not put in all the
4 hours, but try and explain it?

5 MEMBER SCHERER: I still think this entire
6 issue is a category two.

7 MR. CAMERON: All right.

8 MEMBER GARCHOW: We heard nobody come in
9 and say it was a major -- there were some examples
10 where we could do better. I mean we had sort of mixed
11 feedback.

12 MR. CAMERON: Randy?

13 MR. BLOUGH: Well, I still think the whole
14 issue is a priority two as well. I guess we still
15 have a quorum here?

16 CHAIRMAN PLISCO: Yes. Two. Thanks. You
17 guys are going to get a couple more bites of the apple
18 anyway. This is just helping me start.

19 MEMBER BROCKMAN: Initial prioritization.

20 CHAIRMAN PLISCO: That's why I called it
21 initial.

22 One more we want to revisit that's not on
23 your list because it was from the previous meeting, A-
24 4, extension of the PI enforcement discretion. Mr.
25 Borchardt said he would revisit this.

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1 MEMBER BORCHARDT: Before I give the
2 answer to that, can I ask one question because maybe
3 it relates to the previous one. We heard about this
4 issue earlier today. That's the no color finding.

5 CHAIRMAN PLISCO: Yes.

6 MEMBER BORCHARDT: It escapes me, looking
7 back, whether or not we have that captured.

8 CHAIRMAN PLISCO: Yes. Actually we have
9 a separate line item on it.

10 MEMBER BORCHARDT: I couldn't find it.

11 CHAIRMAN PLISCO: Which one is it? A-5?
12 A-5. It's a one.

13 MEMBER BORCHARDT: On PI discretion, the
14 Commission decided to let the interim enforcement
15 policy that talked about 50.9 and PI data to expire.
16 So it has been pulled out of the policy.

17 What is being done is enforcement manual
18 guidance is being written right now which explains
19 that, clarifies because this is nothing new, that the
20 ability to exercise discretion under the provisions of
21 the enforcement policy remain in tact. That we would
22 expect that we will still exercise it for when those
23 conditions that were the subject of the interim policy
24 over the last year are met, that we would still
25 exercise discretion.

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1 I'm also less further along on this path,
2 but trying to establish a rationale for future pilot
3 PIs. It is not clear in my mind that they would, if
4 they were inaccurately reported, would even constitute
5 violations because for the duration of the time period
6 that a pilot, and this is if you will, a cooperative
7 research effort to establish the validity of it, they
8 will not, the results of those PIs will not be used to
9 influence whether or not there is some follow-up
10 inspection. Therefore, the information is not
11 material to the NRC in the same way that the PIs as
12 part of the reactor oversight process are utilized.

13 So it would be my view that that wouldn't
14 even constitute a violation as long as they are in
15 that pilot phase.

16 MEMBER FLOYD: Yes, and make sure
17 everybody understands the distinction Bill made. It's
18 very important. In the original pilot effort, which
19 is where enforcement discretion originated, they were
20 off of the old assessment process so the regulator was
21 actually using the information from the pilot data
22 reporting.

23 Future pilots, licensees will report the
24 current data in parallel with the pilot data. The
25 agency will use the current data and just be

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1 collecting the pilot data to help assess the efficacy
2 of a new PI, not for assessment. So that makes sense.

3 MEMBER BORCHARDT: So what you'll see in
4 the future is an enforcement manual revision which
5 explains what I just went through.

6 MEMBER FLOYD: That makes sense.

7 MEMBER SCHERER: It will continue the
8 issue as to whether or not a threshold would have been
9 crossed with --

10 MEMBER BORCHARDT: For the real PIs, if I
11 can use that term, yes. All the previous provisions
12 regarding whether or not a threshold is crossed and
13 whether or not there is a violation and what severity
14 level it would be.

15 Again, it all goes back to what was the
16 impact on the regulatory process by that inaccuracy.

17 MEMBER BROCKMAN: So are you saying this
18 has become moot and we can just sort of eliminate it?

19 CHAIRMAN PLISCO: Delete it.

20 MEMBER BORCHARDT: Well I think especially
21 since as we found over the last year, despite all of
22 our concern about this issue a year and 18 months ago,
23 it's turned out to be really not much of an issue.

24 MEMBER FLOYD: This is one of those high
25 anxiety issues that never really materialized.

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1 MEMBER GARCHOW: Not counting the 400
2 people I had reviewing this data every month.

3 MR. CAMERON: Can we quickly check back
4 with Ray?

5 Ray, we made this inspection report
6 documentation threshold priority two. Okay. Ray is
7 nodding his head affirmatively.

8 MEMBER FLOYD: Did I hear a movement to
9 remove A-4 then?

10 CHAIRMAN PLISCO: Yes.

11 MEMBER FLOYD: You did it? Okay, it's
12 gone.

13 MR. MONNINGER: There was an intentional
14 question on that too.

15 MEMBER FLOYD: What are we looking at?

16 MEMBER BROCKMAN: A-1.

17 MR. MONNINGER: A-1.

18 MEMBER FERDIG: I would say that's pretty
19 important, given Dave's comment yesterday.

20 MEMBER GARCHOW: But we also saw there is
21 a different point of view too because for the 26
22 plants that are wider, I mean there's data to show the
23 action matrix as being followed.

24 MR. BLOUGH: Dave believes we deviated
25 from the action matrix on point two, but of course the

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1 staff does not agree with that because if the staff
2 did, they would have been required to go to the
3 Commission for approval.

4 MEMBER BROCKMAN: Could you help just real
5 quickly, what Dave's point was on the action matrix?
6 Or is that a long --

7 MR. BLOUGH: Let me look at my notes.

8 MEMBER GARCHOW: It actually was very
9 simple. That ADAMS needed to go away, that you needed
10 to follow the action matrix. Those were the two notes
11 that I put out of his whole --

12 MEMBER FLOYD: They allow them to start up
13 without correcting correctly.

14 MEMBER BROCKMAN: The 350 issue.

15 MEMBER FLOYD: That was another one.

16 MEMBER SCHERER: What I heard him saying,
17 I don't know the accuracy, is that they had a red
18 finding. They didn't acknowledge a red finding, but
19 they were allowed to start up. How can you let them
20 start up if they don't even agree that they had a
21 problem in one area, then maybe they'll have a problem
22 in another area they don't know about.

23 MR. BLOUGH: Right. That's what the staff
24 would say is -- we assessed the finding preliminarily
25 as read in a violation of NRC requirements. The

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1 licensee disagreed. They said they thought the
2 condition was a yellow condition, but they did not
3 agree to the performance issues involved nor to the
4 violation. However, they presented corrective actions
5 nonetheless of how they would perform better in their
6 steam generator inspections and their general
7 oversight in the future.

8 At the time of start-up, they still were
9 in disagreement that there was any violation. So Dave
10 would say if they can't see that they are in violation
11 of NRC requirements in this case, you can't count on
12 them to know right from wrong, if you will, or know
13 when they are in compliance or violation in a generic
14 sense.

15 The staff did not think that the
16 disagreement in this case constituted a general
17 misunderstanding by the licensee across the board of
18 the NRC requirements.

19 MEMBER FLOYD: You were able to find some
20 examples of where they did comply with the
21 regulations?

22 MR. BLOUGH: Yes.

23 MEMBER FERDIG: So outside of a couple of
24 examples --

25 MEMBER FLOYD: Like thousands of them.

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1 MEMBER FERDIG: Which Dave may have used
2 for his global opinion about the action matrix, you
3 are saying that for the most part, the action matrix
4 is followed?

5 MR. BLOUGH: We think we followed it 100
6 percent. The other issue is why was D.C. Cook allowed
7 to -- why were they kept in manual chapter 0350.
8 Indian Point 2 was kept in manual chapter 0305, the
9 normal assessment process.

10 Dave looks at the wording of 0350 that at
11 one point, if you look at all the guidance that we
12 have on the coordination between 0350 and 0305 --
13 sorry the numbers are almost the same -- but it is
14 addressed in several places.

15 If you add it all up, it says that if you
16 have a plant in multiple degraded cornerstone column
17 and they are in an outage during which they are
18 attempting to improve their performance as part of
19 what they are doing, then NRC management should
20 consider whether the plant should be moved from the
21 one assessment process to the other. That's really
22 what it all adds up to, is management has to consider.

23 So there is a judgement point there. Dave
24 has been very clear that he doesn't like those cases
25 where there's a judgement point because you are not

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1 fully objective. But nonetheless, the guidance
2 currently specifies that there is a judgement to be
3 made. It says who should be involved in that
4 decision, making that judgement. On balance, the
5 agency chose not to move Indian Point 2 for a variety
6 of reasons, but chose not to move Indian Point 2 to
7 the other assessment process.

8 But if you just, if you look at the
9 various places where we talk about the interface
10 between the two procedures, it's not -- none of them
11 gives you the whole story and it's not written exactly
12 the same. Indeed, the part that he referenced says,
13 at one point says the criteria are met.

14 What it means without saying, there's a
15 criteria that are met for the NRC to make a judgement,
16 not the criteria are met to automatically move them
17 from the process to the other. So I think what he
18 sees and what he comments on are very important. It's
19 just that these points we would disagree that we
20 deviated from the action matrix.

21 MEMBER FERDIG: Is the information we're
22 talking about making more available in a number of
23 ways in our conversations likely to have provided him
24 with enough to allay his fears or concerns I should
25 say about the degree to which the action matrix is

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1 being used as intended?

2 MR. BLOUGH: Possibly. Possibly. The
3 things I know that are happening are the passage that
4 Dave referred to in one procedure is being clarified
5 by NRR. That might help somewhat.

6 The difference between Indian Point 2 and
7 D.C. Cook, the way they are handled in part, includes
8 consideration of the fact that with Indian Point 2, we
9 had some time in the new program. We had a history of
10 performance indicators and we had a history of
11 assessment.

12 We developed a history of assessment with
13 Indian Point 2 that seemed to be serving us well,
14 serving nuclear safety well. So in the D.C. Cook
15 case, they went to the different assessment process
16 under a different era, where there was no new program.
17 So that is a factor as well. Partly that's a start-up
18 issue to where we started up the ROP and D.C. Cook was
19 at a different point than Indian Point 2 was. I don't
20 know.

21 MEMBER FERDIG: Thank you.

22 MR. CAMERON: Steve, do you have anything
23 to offer on this one? Where are we going to go?

24 MEMBER SHADIS: Well, can I suggest maybe
25 changing the language of that statement? What about

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1 if it said if discretion is exercised in applying the
2 action matrix then justification or the rationale must
3 be clearly communicated up front? Is that an
4 objectionable idea? I mean if NRC is given discretion
5 and they exercise it, it would be a good idea, I
6 think, to tell people at the earliest opportunity this
7 is what we're doing and this is why we're doing it.

8 MEMBER SCHERER: Up front is early in the
9 process.

10 MEMBER TRAPP: I think that is a
11 Commission decision to deviate from the action matrix.

12 MEMBER SCHERER: It takes like a regional
13 administrator and office director, doesn't it?

14 MEMBER TRAPP: I think it's even higher.

15 MEMBER SHADIS: To exercise that
16 discretion between?

17 CHAIRMAN PLISCO: There is actually a
18 procedure in place already.

19 MEMBER BROCKMAN: It requires officially
20 informing the Commission of doing it, which just I can
21 tell you puts the managerial staff on it at a very
22 high level.

23 MEMBER SHADIS: But was that what was done
24 in the two instances that Dave Lockbaum cited?

25 MR. BLOUGH: No. What you said is when

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1 discretion is used. See, our guidance gives the staff
2 at some management level discretion. I mean we have
3 discretion on when to implement 0350. So I think
4 that's what you are suggesting in the Indian Point 2
5 case that we should have put on the docket that we
6 considered implementing 0350 as opposed to 0305. We
7 didn't. Here's why.

8 And then we're also facing a situation
9 with Indian Point 2 right now that we're just
10 completing the inspection associated with multiple
11 degraded cornerstone.

12 Then there's another decision point
13 involving the EDO, the director of NRR, and the
14 regional administrator, to where they should review
15 collectively the results of that inspection and decide
16 additional agency action as warranted, such as --
17 well, it could be anything, continued meetings with
18 the licensee, continued extra inspections. It could
19 be up to a confirmatory action letter or an order or
20 that sort of thing.

21 So there is a difference between going to
22 the Commission for permission to deviate from the
23 action matrix and what you're saying, which is when
24 you exercise important discretionary points within the
25 existing procedure that doesn't require Commission

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1 approval, is to put that rationale out there.

2 MEMBER FLOYD: I don't think I disagree
3 with that point, Ray, but I wonder if that belongs
4 back in O-2. Leave A-1 as -- make sure that you do
5 have criteria, and O-2 being if you do exercise the
6 discretion, make sure it's effectively communicated to
7 the public.

8 MEMBER SHADIS: Sure. What I'm getting
9 though, if I understand the NRC folks correctly, is
10 that that is pretty well locked in. Before you can
11 deviate from the action matrix, you've got to get into
12 this major process. It's going to be documented start
13 to finish.

14 MR. CAMERON: This suggestion is taken
15 care of, but there might be --

16 CHAIRMAN PLISCO: For my benefit, I want
17 to go back now and make sure we have the issues.
18 That's why I want to make sure we get everything
19 captured. Once I read what we have in title here,
20 this may not have even been the right title. You
21 know, we have one issue with 0350, which is not the
22 action matrix. It's something separate. If there's
23 going to be revisions made, I mean there are some
24 questions on the guides on that, right?

25 The criteria does exist, I mean now. Now

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1 we can ask another question. Is that enough or is it
2 right? Is the criteria in process that's in place now
3 right? That's a different question.

4 I'm trying to get to whether we want to
5 say the issue is.

6 MR. BLOUGH: When we say the action
7 matrix, we are indeed using shorthand because the
8 action matrix is one matrix in our assessment
9 procedure. You can look up in the text and it will
10 have additional guidance. 0350, I don't think is in
11 the action matrix itself. It's right in the guidance,
12 the same procedure, two pages away.

13 MEMBER SHADIS: So more specifically,
14 we're talking the interface between 0305 and 0350.

15 CHAIRMAN PLISCO: Right.

16 MR. CAMERON: Is that the same? Is your
17 issue, Loren, that you were stating is we have the
18 criteria, but are they applied consistently or
19 correctly?

20 CHAIRMAN PLISCO: No. Mine was simpler
21 than that. I'm just saying the way I have it worded
22 now it says the criteria must be clearly communicated
23 up front. Some of their early discussion implied
24 there wasn't criteria and there are criteria. Now is
25 it a communication issue? Is it an issue that maybe

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1 the criteria aren't right?

2 MEMBER GARCHOW: Why don't we say it needs
3 to be reviewed per clarity and recommunicated to
4 stakeholders? That's what I've just heard everyone
5 talk about, so the clarity relative to its interface
6 with other NRC manual chapters like 0350 and the
7 communication stakeholders so that it's pretty clear
8 ahead of time that it's predictable what might occur,
9 or if it's going to be deviated from, here's the
10 process for deviating.

11 CHAIRMAN PLISCO: Right. I thought I
12 heard another issue, is when we make the decision,
13 maybe there is a communication issue in making sure
14 that gets documented.

15 MR. BLOUGH: So when we exercise
16 significant discretionary decisions.

17 MEMBER SHADIS: I was just coming off to
18 two examples. In those examples, that's what you did.
19 I was just trying to find language that would resolve
20 the apparent issue that brought forward in those two
21 examples.

22 MEMBER GARCHOW: If the staff reviews that
23 for clarity and recommunicates, then the burden is on
24 the staff to do that in a way that somehow addresses
25 the stakeholders. This panel is just saying hey, we

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1 heard testimony that that apparently was an issue.
2 That discussion even in the past 15 minutes to tell us
3 it's probably --

4 MR. CAMERON: So this is this David
5 suggestion, review for clarity and communicate to
6 stakeholders so that people know what to expect, it's
7 predictable. That's one aspect of it.

8 Then Ray's point, if discretion is
9 exercised, then explain it. Document it. Is that
10 still an issue?

11 CHAIRMAN PLISCO: Yes. I think when there
12 is discretion and a judgement is made, the reasons for
13 that ought to be communicated.

14 MR. BLOUGH: That's exactly the issue. I
15 mean that's really what underlies where Dave is.
16 Maybe once if we had all those bases on the docket
17 that he would still disagree, but that would be a
18 different issue.

19 MEMBER SCHERER: I just have a problem
20 with the phrase up front. Besides that, I don't have
21 a problem. The reason for up front is it's not clear
22 to me what that means. It could be the self-
23 fulfilling well unless I had a written policy to give
24 me discretion and I can't exercise discretion. I
25 didn't want to get into the catch-22.

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1 MEMBER BROCKMAN: There's two things here
2 I think. You have got discretion from -- I mean
3 you've got the discretion with the action matrix. It
4 tells you to do something and you don't do it. That
5 has got to get approved to handle the process.

6 The other aspect is it gives you options.
7 It gives you things that you are allowed to take one
8 of these, two of these, whichever one. Part of that
9 is in there. These are the types of things you can
10 do. That is a different issue which isn't discretion.
11 It isn't going against the action matrix. That's what
12 we're saying should be clarified in a reason you reach
13 decisions and gets rolled up into public
14 communication.

15 MR. CAMERON: Is this the options that you
16 are talking about or is this the Commission issue
17 about why we're going outside?

18 MEMBER BROCKMAN: The options is the one
19 going up into -- it's the 0350 thing. That was an
20 option. It doesn't say you have to be into 0350.
21 0350 is an option to use as one of the tools you can
22 use.

23 Dave would say that he looks at the
24 conditions in 0350 and can't come up with any other
25 way. But the action matrix leaves it as an option,

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1 not as a mandate.

2 MEMBER FERDIG: Well, I heard Ray's
3 reference to upfront to really mean just as soon as is
4 reasonable to do so given the unfolding decisions.

5 MEMBER SCHERER: Timely, I don't have a
6 problem with. Ray's definition I don't have a problem
7 with. I just --

8 MEMBER BROCKMAN: A prioirize stuff.

9 MR. BLOUGH: Up front doesn't mean
10 anything if you're talking about explaining the basis
11 for a decision. But you have got to make the decision
12 before you can --

13 MEMBER SCHERER: But it could be
14 misinterpreted to say that you have to do it before
15 you could make the decision.

16 MEMBER SHADIS: No. I don't think that
17 was intended. I don't think Dave intended that
18 either. Timely is good.

19 MR. CAMERON: Do we need a priority?

20 CHAIRMAN PLISCO: Yes. Originally we had
21 two.

22 MR. CAMERON: And is it still two?

23 CHAIRMAN PLISCO: It was a two question
24 mark.

25 MEMBER FERDIG: Now it's a two without a

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1 question mark.

2 MEMBER FLOYD: I'd get rid of the question
3 mark.

4 MR. CAMERON: Okay. Priority two.

5 MEMBER FERDIG: Does that work or not?

6 MR. CAMERON: Is it really?

7 MR. BLOUGH: Is it really priority two?

8 MEMBER BROCKMAN: The option part, we've
9 rolled into the public communications thing, which
10 we've already got as a one. The other part of it I
11 think is still very much a two, the aspect of the
12 deviations from the action matrix because it's there.
13 It's totally there and in place, so I don't see the
14 need for a high --

15 MR. BLOUGH: The part that says we need to
16 seek -- we can actually deviate from the action
17 matrix, involve the Commission, that's already in
18 there. The part about explaining our basis for
19 significant discretionary decisions within the
20 assessment process, you are saying that's rolled into
21 another issue?

22 MEMBER BROCKMAN: I think that's all part
23 of the public communications, the 0-2 part of it. It
24 all goes there, and it's already a one. It needs to
25 be a one.

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1 MR. CAMERON: So you'll make sure that
2 this is captured though in the Os as somewhere. One
3 of the Os in a sub-bullet.

4 MEMBER FERDIG: In a one, priority one.

5 MR. CAMERON: So that takes that question
6 mark away. Priority two. We've got -- I think you
7 may have been through some of these. Some of these
8 things in the parking lot, you might be able to
9 dispense with quickly. Why don't we discuss the
10 leading P-10, was another issue that was tabled, the
11 public radiation safety cornerstone.

12 MEMBER BROCKMAN: And the question to that
13 was because we talked about the one beforehand which
14 was the radiation safety. Is there a performance
15 indicator problem, not to be confused with an
16 inspection finding problem in the public radiation and
17 the physical security. I mean those two.

18 MR. CAMERON: This is not one that you
19 tabled here from stakeholders. This was -- well, it's
20 a priority two at the most. So maybe we should delete
21 it, based on --

22 MEMBER BROCKMAN: Is there in fact really
23 a problem with the PI in that area that we have heard
24 as opposed to the inspection finding portion of it.
25 I think we were getting mixed up a little bit.

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1 MEMBER KRICH: My recollection of the
2 issue was that there were two items. At issue was the
3 security. The issue there was were we getting
4 anything useful out of those two PIs since they didn't
5 change very much. All they have to do is fitness for
6 duty and access authorization.

7 The discussion as I remember from
8 yesterday was should we roll this up into some broader
9 issue of look at PIs that don't give you much
10 information, and should we continue to track those?
11 Should we look for new PIs?

12 MEMBER FLOYD: Yes. I think the issue was
13 maybe even a little broader than that. It was while
14 some PIs may not give specific information of use to
15 assessment, you have to recognize that there's a
16 grander purpose to some of this information when you
17 start making it publicly available. Is there value
18 communicating to the public through PIs what is the
19 performance of plants relative to specific
20 requirements that have been established by the agency.

21 MEMBER KRICH: Right. And that don't
22 change.

23 MEMBER SCHERER: And my recollection of
24 this area and certainly my position is that we need
25 something in these cornerstones. If somebody comes up

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1 with it, better PI, and I don't have an objection to
2 addressing it, but until somebody does, the ones we
3 have in terms of public radiation exposure and/or the
4 physical protection to three PIs we have there, you
5 know, that's why I categorized it as an item two, in
6 that the current ones could be better, but until
7 somebody suggests a better one.

8 CHAIRMAN PLISCO: And I would like to
9 broaden it to capture -- I mean David made a comment
10 the other day and actually I have the same concern, is
11 I mean like containment. That's another area. We
12 don't have a PI and we need something.

13 MEMBER FLOYD: Right.

14 CHAIRMAN PLISCO: Even if it doesn't
15 provide assessment information from the public
16 confidence standpoint, communicating information, I
17 think we need something.

18 MEMBER TRAPP: You'll be disappointed
19 because risk-based performance indicators -- too hard.

20 MR. MONNINGER: You have P-3, which is new
21 PIs, and 5 which is lumped into P-3.

22 MEMBER BROCKMAN: Are you saying that
23 these two should get lumped into P-3?

24 MEMBER FLOYD: No. These were different.
25 Those were to look for new ones. These are better

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1 ones.

2 CHAIRMAN PLISCO: So we'll put 10 and 11
3 together.

4 MEMBER FLOYD: My recommendation would be
5 to delete them. I mean we have a PI. We have a
6 process already if somebody comes up with a suggestion
7 for a better PI to propose it, and get it evaluated in
8 a program. I mean we could write every one up there
9 if you wanted. You can have every PI saying does this
10 one really add value and should we change it or remove
11 it from the program. I mean that is true for every
12 PI. They are all subject to reevaluation if something
13 better comes along. I don't see these two being any
14 different.

15 MR. CAMERON: What are we going to do with
16 this one then?

17 MEMBER FLOYD: My recommendation is delete
18 it. But it looks like we are losing our quorum.

19 MEMBER SHADIS: What's your
20 recommendation?

21 MEMBER FLOYD: Just delete P-10 and P-11.
22 If somebody comes up with a suggestion, it is going to
23 get evaluated. We have a process.

24 MEMBER SCHERER: You could argue that a
25 new one would come back in under the new PI. I mean

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1 we have -- what number is it. We have one that says
2 that we'll evaluate new PIs.

3 MEMBER FLOYD: Yes. That's the point.
4 There is a manual chapter 0608 that's in process for
5 evaluating recommendations for new PIs.

6 MEMBER SCHERER: So I wouldn't mind
7 deleting it if it was understood that it was a better
8 one. It would come back in under P-3.

9 MEMBER FLOYD: I think that is already
10 built into the program. That is a completed action,
11 that chapter exists.

12 MR. CAMERON: So, Rod, do you agree with
13 all of that?

14 MEMBER KRICH: Yes. I remembered the
15 discussion and wanted to make sure we all understood
16 what the basis was.

17 MR. CAMERON: So delete?

18 CHAIRMAN PLISCO: P-10 and P-11.

19 MR. CAMERON: John, you got that one.

20 MR. MONNINGER: Got that one.

21 MR. CAMERON: Do you want to work on any
22 of these others?

23 CHAIRMAN PLISCO: I think we'll save them.

24 MEMBER BROCKMAN: We'll save them for
25 kick-off next meeting.

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1 MEMBER GARCHOW: We did good this two
2 days.

3 CHAIRMAN PLISCO: And I think you got John
4 and I on a good start to start putting together our --

5 MEMBER BROCKMAN: I think if the panel
6 takes home homework and really give some thought to
7 are we going to need a separate section on any of the
8 consequences. That is probably the one that's really
9 worth thinking about.

10 MEMBER SCHERER: I think the panels came
11 out pretty good too. I thought that was a very good
12 discussion.

13 CHAIRMAN PLISCO: Good. Any other
14 discussion? Adjourn.

15 MEMBER BROCKMAN: I make the motion.

16 CHAIRMAN PLISCO: Thank you. See you in
17 April.

18 (Whereupon, at 2:35 p.m., the proceedings
19 were concluded.)

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