

# Official Transcript of Proceedings

## NUCLEAR REGULATORY COMMISSION

Title: Reactor Oversight Panel: Initial Implementation  
Evaluation Panel - 6th Meeting

Docket Number: (not applicable)

Location: Rockville, Maryland

Date: Wednesday, April 25, 2001

Work Order No.: NRC-175

Pages 1-290

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UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

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REACTOR OVERSIGHT PANEL (ROP)

INITIAL IMPLEMENTATION EVALUATION PANEL (IIEP)

6TH MEETING

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WEDNESDAY,

APRIL 25, 2001

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ROCKVILLE, MARYLAND

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The Panel met at the Nuclear Regulatory Commission, Two White Flint North, Room T2B3, 11545 Rockville Pike, at 8:00 a.m., Loren R. Plisco, Chairman, presiding.

COMMITTEE MEMBERS PRESENT:

- LOREN R. PLISCO Chairman
- A. RANDOLPH BLOUGH Member
- KENNETH E. BROCKMAN Member
- MARY A. FERDIG Member
- STEVE FLOYD Member

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1 COMMITTEE MEMBERS PRESENT: (cont'd)

2 DAVID F. GARCHOW Member

3 RICHARD D. HILL Member

4 ROD M. KRICH Member

5 ROBERT A. LAURIE Member

6 STEVEN A. REYNOLDS Member

7 RAYMOND G. SHADIS Member

8 JAMES M. TRAPP Member

9

10 ALSO PRESENT:

11 FRANCIS X. CAMERON, Facilitator

12 DAVE HORN, OIG

13 ROGER HUSTON, Licensing Support Services

14 JOHN MONNINGER, Designated Federal Official

15 BOB MOODY, OIG

16 CHRIS NOLAN, OE

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

(8:10 a.m.)

CHAIRMAN PLISCO: Good morning. Welcome to our 6th Initial Implementation Evaluation Panel meeting, and I think our last meeting, last scheduled meeting.

This is a public meeting. The meeting is transcribed. As far as we know, there are two members that couldn't make it -- Jim Moorman and Jim Setser -- and we're going to get their comments on the report electronically.

Objectives for today's meeting is hopefully to reach a consensus on the issues and the discussion in the draft final report that we sent out earlier this week, to discuss any issues or concerns with the report, and talk about any clarifications we may want to add to the report, to make sure our issues are clearly communicated and to make sure we got our points across.

As I mentioned at the last meeting, my personal goal is to finish up the report on May 4th, you know, take our comments today, John and I will prepare another draft, we'll send it back out to you, and then go through one more round of comments

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1 electronically, and then finalize the report. But  
2 May 4th is our target for our final draft.

3 As far as business, you should have the  
4 summary of our last meeting, April 2nd and 3rd  
5 meeting. It should be on your table there. And the  
6 agenda for today, which is really essentially to go  
7 through the draft report, collect comments.

8 What I'd like to do as far as how we  
9 conduct business today is not spend too much time on  
10 editorial comments. If you have recommended word  
11 changes or editorial changes, I'd appreciate it if you  
12 just mark those up and hand those to John in writing,  
13 and we'll take care of those this week.

14 And, really, since we only have one day,  
15 I really want to focus the time on discussion on, you  
16 know, concerns or issues or -- with the report and  
17 messages that we have in there, clarifications, you  
18 know, what may be inaccuracies or things we may not  
19 have communicated well, to really focus our time on  
20 those kind of issues.

21 And I've asked Chip to keep us in line on  
22 that focus for today, since we do just have one day at  
23 this meeting.

24 And as far as going through the report,  
25 what I'd like to do is walk through the issues one

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1 more time. We've been through all of the issues once  
2 except for the SDP issues. But I want to go through  
3 those and then spend time on the SDP issues, since we  
4 didn't spend much time on those at the last meeting  
5 when we ran out of time.

6 And then focus on the cover letter and the  
7 executive summary and some of the front-end  
8 information that we've got in the report, and then any  
9 other messages that might be missing or you think are  
10 incomplete, talk about that, too.

11 Any comments, or is there anything else we  
12 need to do today?

13 MEMBER FERDIG: I have a comment on the  
14 report. I think we --

15 CHAIRMAN PLISCO: Microphone?

16 MEMBER FERDIG: Oh. Well, my comment was  
17 that whoever worked on this report I thought did a  
18 good job of bringing all the materials together, and  
19 I appreciate the effort.

20 CHAIRMAN PLISCO: Well, I used a lot of  
21 words from the panel members. You know, John and I  
22 have been collecting, as best we can, the words of the  
23 panel members. I think, you know, as we went through  
24 those issues, I think as we collected those issue

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1 sheets we really just took the thoughts and comments  
2 directly from there.

3 Thank you.

4 MEMBER GARCHOW: And a personal note  
5 before we get started, I have to recognize we have a  
6 new father in the crowd here. And congratulations for  
7 John and his new family member. Boy or girl? I can't  
8 remember.

9 MR. MONNINGER: Baby girl.

10 MEMBER GARCHOW: Baby girl.

11 CHAIRMAN PLISCO: We're glad to have John  
12 back.

13 MEMBER GARCHOW: Well rested, I'm sure.

14 (Laughter.)

15 CHAIRMAN PLISCO: Any other comments or  
16 issues, or anything else as far as business and things  
17 we need to take care of today that I don't have on my  
18 list? No?

19 What we're going to do is John is going to  
20 try to keep track electronically there on the report,  
21 on the screen in front, and I'll try and keep a hand  
22 markup, too, so between the two of us we'll capture  
23 everything as we go through.

24 I'd just to go through the issues, focus  
25 on the issues first. A lot of these, like I say, we

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1 spent some time on the last meeting. And we can start  
2 with the Os in the main body of the report. Is that  
3 page 3?

4 The first one, O-1, one of the issues that  
5 had come up as we went through -- just scan through  
6 the Ss. You have to flip some pages for this. But  
7 once we read S-9, had to do with evaluation of the  
8 SDPs and a review process. A lot of the issues that  
9 were in that seemed to be embedded in this overall  
10 process improvements and stakeholder feedback issue.  
11 And it looked like it could -- you could roll that in  
12 there. Just make sure that includes the SDP process  
13 as part of that process improvement and review.

14 I think I sent that out in my e-mails, a  
15 question to everyone, whether that looked like the  
16 right thing to do or not as far as rolling that up.  
17 Does that make sense?

18 MEMBER FLOYD: You actually do address it,  
19 do address it somehow, a little bit in the issue  
20 description, I see.

21 CHAIRMAN PLISCO: Yes.

22 MEMBER FLOYD: Process should also --  
23 let's see, other elements such as SDP would benefit  
24 from a similar approach.

25 CHAIRMAN PLISCO: Right.

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1           MEMBER LAURIE: Loren, in the -- as we go  
2 through the issues and the priorities or -- as noted,  
3 am I missing somewhere in the introduction a  
4 definition of the priority? So we have priorities 1,  
5 2, and 3, and --

6           CHAIRMAN PLISCO: Yes. We put that in  
7 there. It's under the first paragraph under "Panel  
8 Conclusions and Recommendations." It's halfway  
9 through that paragraph. I tried to describe how we  
10 went through this process, and it says --

11          MEMBER LAURIE: Okay. I see.

12          CHAIRMAN PLISCO: -- issues placed in one  
13 or two priorities.

14          MEMBER LAURIE: Yes. Okay.

15          CHAIRMAN PLISCO: That's where we tried to  
16 capture that.

17          MEMBER HILL: Loren, in several places it  
18 talks about what the PPEP recommended, and it just  
19 kind of seemed awkward. We didn't address -- you  
20 know, it says, "PPEP recommended this." And we don't  
21 say whether they did it or didn't do it or is there a  
22 recommendation that -- I just -- it's just kind of  
23 hanging there. I don't know -- I kind of didn't know  
24 how it fit in.

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1 CHAIRMAN PLISCO: Yes. Well, we had gone  
2 through all of the PPEP recommendations and where they  
3 were in the status. And what I tried to do in a  
4 couple of these is capture ones that, really, the  
5 issue is still open and PPEP had raised it as an  
6 issue.

7 And even though work had been done on it  
8 and progress had been -- in a lot of cases progress  
9 had been made, we are trying to highlight that PPEP  
10 had also raised this same issue and concern really to  
11 reinforce -- was trying to reinforce our comment, but  
12 this -- the previous panel had also raised this as an  
13 issue that needed to be addressed or continue to be  
14 addressed in the process. And that's what I was  
15 trying to capture.

16 MEMBER FERDIG: And that we concur that  
17 that is still -- there are still these things, then,  
18 to do.

19 CHAIRMAN PLISCO: Right. I was using it  
20 as a reinforcement. We had this issue, and also the  
21 PPEP had the same issue, and then go into our  
22 conclusion. Maybe that's not clear. Maybe there  
23 needs to be some transition.

24 MEMBER FERDIG: Yes. Maybe a little  
25 transition on --

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1 MEMBER HILL: A transition would be good.

2 CHAIRMAN PLISCO: But there's a number --  
3 you'll see it's certainly not every one of them, but  
4 there's a number when we went back and looked at the  
5 presentation we had on the status of the PPEP issues  
6 that the staff gave us, the ones that are still --  
7 still working or still an issue to be resolved, I  
8 tried to capture that. That it's not just an issue  
9 this panel came up with; it existed in the previous  
10 panel, too.

11 That's the message I was trying to get  
12 across, that it's not just this year, it also existed  
13 after the --

14 MEMBER FERDIG: Was any --

15 CHAIRMAN PLISCO: -- as an issue.

16 MEMBER FERDIG: -- credibility, I think  
17 that's a good thing to do in a transition comment, to  
18 just explain. That would help.

19 CHAIRMAN PLISCO: And maybe we can --  
20 maybe just a clarification, again, up in the front on  
21 how we did that.

22 MEMBER GARCHOW: That might be better. So  
23 we will go in line for final consensus at least on the  
24 substance of the issue as --

25 CHAIRMAN PLISCO: Yes.

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1 MEMBER GARCHOW: -- so this will be our  
2 last time --

3 CHAIRMAN PLISCO: Yes. This is our last  
4 time. Actually, I think we got consensus on all  
5 except for the Ss our last meeting. But I did -- we  
6 did some rewrite and clarification and that -- and in  
7 a couple of cases we added some examples. That's why  
8 I wanted to go through them one more time.

9 So Os -- we'll make sure that the issue in  
10 S-9 is captured, and we'll add some words to make sure  
11 that is clear, and then pull S-9 out.

12 Any other comments on O-1?

13 MEMBER SHADIS: Yes. There's a reference  
14 in O-1 to the frequently asked questions. And I  
15 didn't recall seeing it referenced anywhere else, but  
16 I did recall quite a bit of conversation. And I may  
17 -- and I may be confusing it with conversation that  
18 took place in the workshop with the way that licensees  
19 were using the frequently asked questions.

20 CHAIRMAN PLISCO: Yes, that's still in  
21 here. That's under P-4.

22 MEMBER SHADIS: Okay.

23 MEMBER HILL: Taking a specific and making  
24 a generic application?

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1 CHAIRMAN PLISCO: Yes, that's under P-4.  
2 Yes, it's actually the last sentence under the  
3 description of P-4 is that thought about where the  
4 inspectors know some licensees would use site-specific  
5 answers out of context. That's under P-4.

6 That thought was really specific to PIs of  
7 how the FAQs were handled in the PI process and our  
8 recommendation there, at which -- which actually that  
9 first revision that's going through now is to  
10 incorporate those FAQs back into the main document.  
11 And that's still captured there.

12 And the thought in O-1 is really more the  
13 process of the FAQs, looking at that in other parts of  
14 the oversight process to use -- use that approach.

15 So any other issues with O-1? Do we have  
16 consensus on that?

17 MEMBER FERDIG: This may come in the  
18 classification of editorial, but I had just taken the  
19 last part of the sentence under the issue description,  
20 "This practice should also include a mechanism for the  
21 public to retrieve information on past questions and  
22 answers, and ensure lessons learned and feedback  
23 information is shared across regional boundaries."

24 I didn't see that -- the "sharing across  
25 regional boundaries" concept included in the actual

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1 recommendation statement. So I just made a note that  
2 that I think is a recommendation and should be stated  
3 as such, just the same phraseology.

4 MEMBER GARCHOW: Or just put "internal and  
5 external stakeholders" in your panel recommendations.

6 CHAIRMAN PLISCO: Yes, I think that's what  
7 we had intended.

8 MEMBER FERDIG: Okay.

9 MEMBER GARCHOW: Just say "internal and  
10 external stakeholders."

11 CHAIRMAN PLISCO: Where it says "give  
12 feedback," that one?

13 MEMBER GARCHOW: Yes.

14 CHAIRMAN PLISCO: Yes.

15 MEMBER GARCHOW: Or multiple avenues for  
16 all internal and external stakeholders.

17 CHAIRMAN PLISCO: Yes.

18 MEMBER FERDIG: That would do it. I just  
19 like that concept and want to make sure that it's not  
20 overlooked.

21 CHAIRMAN PLISCO: Okay. Anything else,  
22 O-1? O-2? Yes. I was going to say, I saw your  
23 e-mail yesterday, and I know you had some comments on  
24 that one.

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1                   MEMBER KRICH: Yes, just a -- I thought it  
2 was important to address the issue that had come up a  
3 number of times regarding the ability to differentiate  
4 plant performance. I thought it was -- it's a good  
5 comment, and I think we have -- it gets addressed by  
6 this particular item on page -- we need to maybe  
7 reformat the web page so that you can start off at  
8 high level and then go down.

9                   And I would just like maybe to add some  
10 recognition here that this does -- this is our attempt  
11 at least in addressing that issue, or at least  
12 recognize that issue. That was my only comment.

13                   MEMBER GARCHOW: Because it really shows  
14 up nowhere else. When I was reading through that, I  
15 saw your comment from the previous meeting, and we  
16 didn't really grab it anywhere.

17                   CHAIRMAN PLISCO: I know your  
18 recommendation was --

19                   MEMBER KRICH: Just to add a sentence --  
20 a phrase there.

21                   CHAIRMAN PLISCO: After locale?

22                   MEMBER KRICH: Exactly.

23                   CHAIRMAN PLISCO: Is that where you -- and  
24 it says, "And differentiate the performance of one

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1 plant from the others," is what the recommendation  
2 was.

3 MEMBER GARCHOW: Where were you putting  
4 that sentence in, Loren? What page?

5 CHAIRMAN PLISCO: His recommendation was  
6 that that one sentence ends in locale, which is --  
7 it's already a long sentence.

8 MEMBER FERDIG: Is this --

9 CHAIRMAN PLISCO: Top of page 4, first  
10 paragraph. After locale just say, "And differentiate  
11 the performance of one plant from the others." So you  
12 think that has captured that thought?

13 MEMBER KRICH: Yes, thank you. That is  
14 kind of a long sentence.

15 CHAIRMAN PLISCO: Yes. I was --

16 MEMBER FLOYD: That was -- what about  
17 something like, "A high-level summary would also  
18 provide an easy means to differentiate plant  
19 performance."

20 MEMBER KRICH: That works. That works.

21 MEMBER FLOYD: Something like that.

22 MEMBER GARCHOW: High-level summary would  
23 provide?

24 MEMBER FLOYD: Would also provide an easy  
25 means to differentiate plant performance.

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1 MEMBER FERDIG: We've got somebody writing  
2 as we speak.

3 MEMBER HILL: He's writing faster than we  
4 speak. He's a line or two ahead of us.

5 CHAIRMAN PLISCO: Okay. Anything else on  
6 O-2?

7 MEMBER FERDIG: Yes. On the panel  
8 recommendations themselves, I notice the statement  
9 that says, "Engage the NRC's Office of Public Affairs  
10 to identify methods for improving public communication  
11 outreach efforts." I don't know whether that is  
12 implied, or whether my suggestion is implied in that  
13 statement or not, but I would like to see the  
14 representatives of the public engaged in that process  
15 of figuring out what are the best ways to present the  
16 information.

17 Often times we make presumptions without  
18 asking. I think there would be a way of engaging the  
19 public or representatives of the public in that  
20 conversation, and perhaps that's the method that the  
21 Public Affairs folks would use.

22 MEMBER GARCHOW: Would it help you to say  
23 "identify methods utilizing stakeholder input"?

24 MEMBER FERDIG: That'll do it.

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1 MEMBER GARCHOW: For improving public  
2 communication.

3 CHAIRMAN PLISCO: Say that again.

4 MEMBER GARCHOW: Identify methods -- I'm  
5 on the second sentence in the panel recommendations --  
6 Public Affairs to identify methods utilizing  
7 stakeholder input for improving public communication.

8 MR. CAMERON: Okay. Just one point of  
9 information on that sentence in terms of the  
10 organizational unit. The Deputy Executive Director  
11 for Management Services now has -- say, the EDO has a  
12 full-time communications person working for the EDO  
13 under the Deputy Executive Director for Management  
14 Services. And a lot of the communications work is  
15 going to be done there rather than Office of Public  
16 Affairs.

17 So just to make sure you don't get  
18 crosswise in the internal turf battles, you may want  
19 to make that broader than Office of Public Affairs.

20 MEMBER KRICH: There's turf battles within  
21 the NRC?

22 MR. CAMERON: I know it's a little bit  
23 hard to believe. I know it's hard to believe, but --

24 CHAIRMAN PLISCO: Yes. And I think that's  
25 kind of -- because we had the presentation from Public

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1 Affairs, as far as their interactions they have had to  
2 date. That's probably why it was just focused on  
3 Public Affairs, but I think you're right.

4 Again, this may cross over anyway to our  
5 comment about not tell them how to do it, but what  
6 needs to be done.

7 MEMBER FERDIG: Right.

8 MEMBER SHADIS: Yes. OPA was largely  
9 limited to dealing with the media.

10 MR. CAMERON: And that's been their  
11 traditional and primary role, really. And that's why  
12 the communications, the -- how best to do public  
13 outreach, how best to get information from  
14 stakeholders on these issues, has been done in other  
15 parts of the agency rather than Public Affairs.

16 So although you might not -- you might  
17 want to keep them in there, I think you should  
18 probably say, "Refer to something -- some other  
19 mechanism within the agency."

20 CHAIRMAN PLISCO: Well, why don't we just  
21 start with identify methods and not say who. And just  
22 say identify methods using stakeholder input for  
23 improving public communications.

24 MEMBER FERDIG: That'll do it. That's  
25 right. Good.

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1 MEMBER FLOYD: You don't have the  
2 directive.

3 CHAIRMAN PLISCO: Thanks, Chip.  
4 Anything else, Overall-2? Overall-3?

5 MEMBER REYNOLDS: I think on the bottom of  
6 the first paragraph where we talk about false  
7 negatives and false positives, we may need to put some  
8 more words in there to explain what that means. We  
9 understand it here, but I just -- reading through it  
10 it's not clear what does that mean. I can't think of  
11 the word. Might want to go --

12 MEMBER BLOUGH: I agree, because,  
13 actually, in Region I we use false negatives and false  
14 positives kind of in the opposite way that this panel  
15 is using it.

16 CHAIRMAN PLISCO: Okay. Any suggested  
17 words, or do you -- John and I will take a shot at it.

18 MEMBER GARCHOW: Why do we even need to  
19 bring that terminology in? Because we talk about the  
20 unintended consequences, which sort of bounds it  
21 anyway. And it's not like there's any -- there's no  
22 one thing that's a go/no-go in this program. Either  
23 we spend a lot of paragraphs explaining it or --

24 CHAIRMAN PLISCO: Well, I think the  
25 defender of the thought is not here. I know that was

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1 one of his more significant issues, and I think we  
2 agreed with him on the thought.

3 MEMBER HILL: I think false positives, as  
4 we discussed, was a whole lot more than the unintended  
5 consequences.

6 MEMBER REYNOLDS: I think it's a good  
7 issue.

8 CHAIRMAN PLISCO: Yes. I think it's a  
9 good issue, too. And I thought we had some consensus,  
10 but I think you probably do need to clarify exactly  
11 what we mean or provide an example.

12 And I think this thought is somewhere  
13 else. I'll have to go back and look now. It is in  
14 several of the other issues. A false negative  
15 thought --

16 MEMBER HILL: Under Panel Recommendation,  
17 the second sentence says, "This would include  
18 integrating with minimum insights and the overall  
19 assessment of industry performance." That sort of  
20 says there's something out there that has -- that does  
21 an overall assessment of industry performance. Is  
22 there?

23 CHAIRMAN PLISCO: Yes.

24 MEMBER HILL: Is that identified?

25 CHAIRMAN PLISCO: Yes. Yes.

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1 MEMBER HILL: Okay.

2 CHAIRMAN PLISCO: I think they're going to  
3 -- what's called the agency action review meeting at  
4 the end of the year after the --

5 MEMBER HILL: Okay.

6 CHAIRMAN PLISCO: -- one year, they're  
7 going to do a review of overall industry performance.  
8 They'll look at performance indicators from an  
9 industry standpoint across the board for -- to look  
10 for industry trends, and that's why there might be  
11 some value in looking at long-term -- you can look --  
12 maybe make some conclusions on the effectiveness of  
13 the program by looking at overall performance  
14 indicators, and that's the intent.

15 MEMBER HILL: Okay.

16 MEMBER FERDIG: I just have a question of  
17 clarification. In the issue description, you talk  
18 about whatever the answer is there must be a  
19 validation process. Is that reference to the  
20 validation process, then, covered with the  
21 recommendation which is to establish a structured  
22 ongoing process to evaluate long-term program  
23 effectiveness, or is there another part of what would  
24 include a validation process on top of that?

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1 CHAIRMAN PLISCO: Yes. The answer really  
2 had to do with going back and testing the presumptions  
3 and what the answer to that --

4 MEMBER FERDIG: And to test the program  
5 assumptions. So that's -- it just wasn't clear to me  
6 whether that intent in the description was reflected  
7 in the recommendation itself.

8 CHAIRMAN PLISCO: Yes. Yes. It's the  
9 part about testing program assumptions.

10 MEMBER FERDIG: Okay.

11 CHAIRMAN PLISCO: Any other suggestions on  
12 the examples or --

13 MEMBER FLOYD: Well, I've got a suggested  
14 phrase to replace false negatives and false positives  
15 -- that sentence. What about, "The final oversight  
16 process must be focused on the preclusion of any  
17 potential for not identifying issues of safety  
18 significance while striving to minimize the number of  
19 times that the significance of an issue may be  
20 overstated"? Does that capture it?

21 MEMBER GARCHOW: And then after each of  
22 those at the right place put in parentheses "false  
23 negatives and false positives."

24 MEMBER FLOYD: You could. You could.

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1 CHAIRMAN PLISCO: Because we do use that  
2 later on.

3 MEMBER GARCHOW: But I like those words.

4 MR. MONNINGER: Do you want to repeat  
5 that, Steve?

6 MEMBER FLOYD: Sure. "The final oversight  
7 process must be focused on the preclusion of any  
8 potential for not identifying issues of safety  
9 significance (false negatives)."

10 MR. MONNINGER: I'll go back and put it  
11 in.

12 MEMBER FLOYD: Okay. "While striving to  
13 minimize the number of times the significance of an  
14 issue may be overstated (false positive)."

15 MEMBER SHADIS: On one side of your  
16 equation you have an absolute; on the other side  
17 you've got a comparative kind of --

18 MEMBER FLOYD: Where are you, Ray?

19 MEMBER SHADIS: Well --

20 MEMBER BLOUGH: That's the way it should  
21 be, because you'd rather -- rather have a few cases  
22 where you exaggerate the significance as opposed to  
23 hardly any cases where you undercall the significance.  
24 So it should be you're leaning toward -- there is

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1 still a leaning toward exaggerating, try to get it  
2 right, but if you miss you want to --

3 CHAIRMAN PLISCO: That's not as bad. I  
4 did that intentionally, because if you're going to  
5 have anything you'd rather have the other.

6 MEMBER FLOYD: In fact, the whole SDP is  
7 set up to slightly exaggerate significance of issues  
8 to make sure that you don't get false negatives.

9 CHAIRMAN PLISCO: On the conservative  
10 side.

11 MEMBER GARCHOW: That's pretty good,  
12 Steve.

13 CHAIRMAN PLISCO: Okay. Does that address  
14 it?

15 MEMBER LAURIE: I have to -- I'll have to  
16 go back to something.

17 CHAIRMAN PLISCO: Okay.

18 MEMBER LAURIE: When you're ready to do  
19 that.

20 CHAIRMAN PLISCO: Go ahead.

21 MEMBER LAURIE: I'll have to go back to  
22 O-2.

23 CHAIRMAN PLISCO: Okay.

24 MEMBER LAURIE: And the reason for the  
25 delay is, since reading this, and the -- well, the

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1 drafts since I've got -- I've been attempting to  
2 formulate what my concern is, and I haven't been able  
3 to do so. But there is not going to be any future  
4 time, so let me deal with it now and see what, if  
5 anything, we can do with it.

6 It goes to the question of public  
7 confidence, which is a subject that we broached here  
8 and spent some hours on. My concern is this: that I  
9 think the basis for this whole program is a legitimate  
10 basis. I think obviously industry, through their  
11 experience, noted a concern and felt the process could  
12 be improved. I think Congress shared that view. I  
13 think NRC shared that view.

14 And I think the work done has been proper  
15 work, and I think the subjects that we've discussed  
16 have been proper subjects. And I concur with the  
17 technical aspects of the report.

18 My concern is this. The next time  
19 Congress looks at this issue it will not be because  
20 they want to make the inspection procedures even more  
21 streamlined. The next time Congress looks at this  
22 issue will be because some incident occurred, and the  
23 next Congress is going to want to know why in the  
24 world did we liberalize inspection procedures because  
25 then this wouldn't have happened.

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1           That's the way the world works. It's  
2           cyclical. You've all been around for a long time, and  
3           we can all expect that to occur.

4           In anticipating that, I'm concerned that  
5           such would be damaging to the nuclear industry. And  
6           I don't want the nuclear industry to suffer such  
7           damage. I would like to see the nuclear industry  
8           thrive, frankly.

9           And what that is going to take is a great  
10          investment in the public confidence sector. That is,  
11          should an incident occur, and the laws say it will  
12          sometime somewhere, the greater confidence the public  
13          has in the process when that occurs the least damage  
14          will occur to the industry.

15          And that's going to take money and  
16          resources to maintain public confidence, public  
17          education. And we don't really denote that a lot. We  
18          note that public confidence is important, and that  
19          there will be attempts to work at it.

20          I would like to send a message that I  
21          would like to see public confidence promoted through  
22          continuing education, which means more money. I don't  
23          know if this is a document that is appropriate to  
24          recommend sufficient funding to allow the public to be  
25          properly educated towards the activities of the

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1 nuclear industry. But I would like to have somebody  
2 think about that.

3 MEMBER FLOYD: I take it, Bob, you don't  
4 think the last sentence does that in the  
5 recommendation?

6 MEMBER LAURIE: No.

7 MEMBER FLOYD: Not enough?

8 MEMBER LAURIE: No. I'd like to see a  
9 statement that says continuing public confidence is  
10 critical to the future efforts of -- or the future of  
11 nuclear energy and the public confidence in the  
12 regulatory scheme. And, therefore, financial  
13 resources, meaning more money, must be available to  
14 serve this purpose.

15 I wouldn't want to play footsie with that  
16 kind of language. I'd like to send a note loud and  
17 clear that in order for this thing to work we have to  
18 have money to educate the public. And that's really  
19 all I'm asking for.

20 MEMBER SHADIS: Yes. Bob, you probably  
21 need to take that over to Department of Energy, unless  
22 you --

23 MEMBER LAURIE: Well, maybe. But --

24 MEMBER SHADIS: The issue here is -- is  
25 public confidence in NRC's processes, not public

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1 confidence in what the industry is doing. Although by  
2 extension if NRC is doing, in the public's eye, a good  
3 job of oversight on the plants, you know, all that --

4 MEMBER LAURIE: I would agree with that.

5 MEMBER SHADIS: But you really need to  
6 separate out NRC's missions not to promote nuclear  
7 energy.

8 MEMBER LAURIE: I concur with that. And  
9 my intent would certainly not be to fund a public  
10 awareness campaign to promote the nuclear industry,  
11 but, rather, my personal goals would be served if the  
12 -- if resources were spent promoting the public's  
13 confidence in NRC's ability to properly regulate, so  
14 that the public feels safe, feels that they have a  
15 proper degree of safety.

16 MEMBER GARCHOW: Sort of an in-between  
17 position, as I hear it, is that the public confidence  
18 that I think the NRC has a role is accurately  
19 communicating the true safety performance of the  
20 industry. And to the extent -- and this process is  
21 the process that the NRC utilizes to characterize the  
22 safety performance of a plant or groups of plants. So  
23 they build data to accurately characterize that. It  
24 does build the public confidence.

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1           And if all the plants weren't doing well,  
2           it would build some public confidence, or if they're  
3           all doing very well it would build a different public  
4           confidence. But the NRC's role is to accurately  
5           communicate where exactly the plants are relative to  
6           health and safety of the public, which is what I  
7           thought this recommendation was sort of getting at.

8           MEMBER LAURIE: I think it is intended to  
9           do that. I'm not sure this language translates into  
10          lay language that I would prefer to see, frankly.

11          MR. CAMERON: There's two issues here. I  
12          may be able to give you a little bit of context on the  
13          -- Bob used the term "public education." And there  
14          may be a legitimate role for the NRC in terms of  
15          education about radiation, reactor safety. But the  
16          other word is information, I think, and it may be that  
17          that's what you might be focusing on.

18          But whatever you decide about education,  
19          information, and information on what, the other point  
20          that you're making is that you really should -- that  
21          the report should emphasize that resources are needed  
22          to do this right, and the cost-benefit of spending  
23          those resources is worth it in terms of ensuring  
24          public confidence.

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1                   MEMBER LAURIE: I want to see a PR budget  
2 or a public education or a public information budget.  
3 And I know what -- I know that the last sentence goes  
4 to that. Doesn't do it for me.

5                   MEMBER FERDIG: Well, and I would just add  
6 to that that I think this whole attempt to keep a  
7 distinction between promoting nuclear power versus  
8 engaging the public in conversation to enhance their  
9 awareness of what the NRC does and the relative role  
10 of the NRC and the industry in generating safe  
11 electricity gets lost sometimes. And I think that I  
12 -- I really endorse your comments, and I would like to  
13 see that occur as well.

14                  MEMBER BROCKMAN: What do you mean "gets  
15 lost"?

16                  MEMBER FERDIG: Pardon?

17                  MEMBER BROCKMAN: What do you mean "gets  
18 lost"? You said it gets lost sometimes, the  
19 differential in the roles.

20                  MEMBER FERDIG: Well, I think that, as  
21 Ray's comment suggests, there's -- it is important to  
22 the NRC that it not be seen as promoting nuclear  
23 energy. That's the role of NEI and others who are in  
24 that business. But at the same time, I think in  
25 holding back from being seen as promoting nuclear

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1 energy, there may be missed opportunities to engage  
2 the public.

3 MR. CAMERON: Well, the phrase that you  
4 used, too, was very articulate I thought in terms of  
5 the public information versus public education. I  
6 wondered if the panel members would -- if anybody  
7 disagreed with the way you articulated the public  
8 information that the NRC should be provided.

9 It seemed like that was right along the  
10 alley that you were talking towards, Bob.

11 MEMBER LAURIE: Well, I concur with Mary's  
12 comments. She is able to articulate far better than  
13 I. I'm still dazed, so I'm operating on Budapest time  
14 and I have no idea what day it is, what time it is.

15 (Laughter.)

16 So you know the concept, and then you all  
17 deal with it. I guess bottom line is that with the  
18 panel recommendation I would like to see the subject  
19 beefed up to deal with the comments as Mary  
20 articulated, noting the absolute essentiality of the  
21 public information and education process.

22 And, again, I don't want to throw out any  
23 fou-fou words. I want funding for that purpose.

24 MEMBER SHADIS: But, you know, you --  
25 really, for the charge of this panel, you really want

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1 to focus on the reactor oversight process. And I'm  
2 not sure that -- funding, you know, may be nice. I  
3 know that different areas -- actual functioning areas  
4 within the reactor oversight process are starving for  
5 money. So, you know, to get the actual job done,  
6 never mind money to talk about it.

7 And I also don't know that -- that the  
8 focus on funding, if you get more bad information out,  
9 is -- is where it needs to go.

10 MEMBER LAURIE: Ray, let me respond to  
11 that. I think --

12 MEMBER SHADIS: Well, let me just finish  
13 on this, if I may. There is -- there may be a  
14 presumption that anti-nuclear or safe energy advocates  
15 don't want to see NRC get credit for what it's doing,  
16 or, you know, they don't want to see any positive onus  
17 cast on the process.

18 And I don't think that that's true. I  
19 think that -- that it comes down to a case where the  
20 people who -- out there in the public who are tuned to  
21 this process, you'll find the largest segment of them  
22 are among the activists. And it is important to, I  
23 think, convince activists that the oversight process  
24 works.

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1           So, yes, resources have to go there. So  
2 far, we -- I don't think we've done it. I don't think  
3 -- for example, in my case, trying to follow this --  
4 and probably a little more closely than the average  
5 member of the public -- I didn't see NRC explaining  
6 their focus on baseline inspections very clearly, you  
7 know, very evidently.

8           When we had our public meetings in the  
9 plant sites to explain the ROP, all of the attention  
10 was given to the way this was going to be displayed in  
11 the website, and it looked like fun and games. The  
12 fact that there's a strong baseline inspection program  
13 being maintained wasn't accented at all. That's  
14 something that would be important.

15           So I guess what I'm saying is the quality  
16 of the information is -- from my perspective is what's  
17 at issue, not whether or not there should be more  
18 information. And, certainly, if you want the  
19 confidence of the activist community, at least those  
20 activists of goodwill, the NRC has to shy away,  
21 purposefully shy away from getting the appearance of  
22 promoting nuclear energy.

23           MEMBER FERDIG: Absolutely.

24           MEMBER SHADIS: We were, as a group,  
25 dismayed at the content of the Commissioners' speeches

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1 at the annual regulatory information conference,  
2 because they really focused on forecasting a big  
3 future for the industry. It was irrelevant, we  
4 thought, to regulation.

5 Go ahead. I'm sorry to hold you that  
6 long.

7 MEMBER LAURIE: I don't think I disagree  
8 with -- well, I disagree with only one thing that you  
9 commented upon, and that is whether or not it's  
10 appropriate to comment in this document on funding for  
11 public information and education purposes.

12 I believe public information and education  
13 is a critical part of the ROP, that without it,  
14 regardless of how many engineers can agree on  
15 performance indicators, or when green goes to white,  
16 or vice versa, it doesn't matter. Unless there is a  
17 buyoff within the external stakeholder community, and  
18 that would include folks such as yourself and local  
19 government officials, for example, it will not work,  
20 regardless of how many engineers agree that it's a  
21 better system.

22 And that buyoff, the confidence doesn't  
23 come free. It costs money to go out and communicate  
24 with these folks. And all I'm suggesting is that --

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1 and we don't have to get into promoting the nuclear  
2 industry.

3 I understand that if I take the view that  
4 I'd like to see more nuclear power, well, that's not  
5 relevant to this. What's relevant is whether or not  
6 the regulatory scheme works. And if it works, then  
7 down the line it could promote an expansion of the  
8 nuclear industry.

9 So I just wanted to make it more clear  
10 that I feel that the program is unworkable unless the  
11 external stakeholders accept the revised process as  
12 legitimate. And in order for that to occur, financial  
13 resources have to be spent directly on the education  
14 aspect of the process.

15 MEMBER FLOYD: I have two sentences that  
16 might help, one in the discussion and one in the  
17 recommendation section. You've got the right  
18 paragraph here. After that sentence that says, "The  
19 staff has made improvements to the structure and  
20 format of the web pages to address this perceptual  
21 problem, to enhance public confidence in the process,"  
22 I would suggest adding a sentence that reads something  
23 like this, "It is important that the public have  
24 confidence that the regulator has a process for  
25 accurately assessing the safety performance of the

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1 plants and taking action, where necessary, and that  
2 the process and agency actions be effectively  
3 communicated to the public."

4 And then, in the panel recommendation,  
5 maybe a concluding sentence, "Ensure sufficient  
6 funding is available to appropriately educate the  
7 public on the process and its relationship to the  
8 mission of the agency in ensuring adequate protection  
9 of public health and safety." Does that work for you?

10 MEMBER LAURIE: I think that it's very  
11 well-stated. The only comment I would have is I'd  
12 like to see it in caps. But that certainly -- it  
13 certainly has --

14 MEMBER SHADIS: I would just say that the  
15 language about plant assessment in the statement,  
16 reactor oversight would probably cover more than plant  
17 assessment.

18 MEMBER FLOYD: The phrase I used was "the  
19 process for accurately assessing the safety  
20 performance of the plants." They do that through the  
21 oversight process.

22 MEMBER SHADIS: Well, that's true, but  
23 there's more to the oversight process than assessing  
24 safety performance.

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1 MEMBER FLOYD: Well, I said, "and taking  
2 action, where necessary."

3 MEMBER SHADIS: How about --

4 MEMBER FLOYD: That's the enforcement  
5 element.

6 MEMBER SHADIS: How about telescoping all  
7 of that into the reactor oversight process?

8 MEMBER FLOYD: We could. Okay.

9 CHAIRMAN PLISCO: Why don't we put that on  
10 there, and then we can see what it looks like.

11 MEMBER FLOYD: Okay. It is important that  
12 the public have confidence -- you would suggest "in  
13 the reactor oversight process"?

14 MEMBER SHADIS: Yes, whatever. Yes. In  
15 the -- we're coming around full circle.

16 MEMBER FLOYD: Yes.

17 MEMBER SHADIS: I'm just thinking about  
18 the performance of the --

19 MEMBER FLOYD: Why don't I do it as I  
20 said, and then we can edit it.

21 MEMBER FERDIG: Right.

22 MEMBER FLOYD: It is important that the  
23 public have confidence that the regulator has a  
24 process for accurately assessing the safety  
25 performance of plants, and taking action, where

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1 necessary, and that the process and actions be  
2 effectively communicated to the public."

3 MEMBER FERDIG: I think that works.

4 MEMBER FLOYD: Now, to pick up on Ray's  
5 point, you could say something like, "It is important  
6 that the public have confidence that the reactor  
7 oversight process accurately assesses the safety  
8 performance of the plant and prompts action, where  
9 necessary." I think that --

10 MEMBER KRICH: Or includes -- yes,  
11 includes an established process for taking actions.

12 MEMBER FLOYD: Is that the thought you're  
13 trying to get in, Ray, or --

14 MEMBER FERDIG: To get the language of the  
15 reactor oversight process in there.

16 MEMBER BROCKMAN: Have confidence that the  
17 reactor oversight process provides the regulator a  
18 means to accurately blah, blah, blah, blah, blah.

19 MEMBER FLOYD: There you go. Ray?

20 MEMBER SHADIS: Sure.

21 MEMBER FLOYD: Okay.

22 MEMBER GARCHOW: Then, the only comment I  
23 would make is that sentence probably needs to be the  
24 lead sentence in that paragraph before you start

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1 talking about the web page, which is sort of the how,  
2 not the what.

3 MEMBER FLOYD: Right. Okay. That's a  
4 good lead-in, yes.

5 MEMBER LAURIE: If you do that, then you  
6 don't have to all cap it for me.

7 MEMBER FLOYD: Okay.

8 MEMBER GARCHOW: So no caps, underlined?

9 MEMBER LAURIE: If you want to put it on  
10 the cover sheet, that's okay.

11 MEMBER FERDIG: But I thought you wanted  
12 the caps down in the recommendation.

13 MEMBER BLOUGH: When we get to the end on  
14 how the report is put together, I would like to  
15 revisit just that question of stuff like this. You  
16 know, by now you're on page -- the seventh or eighth  
17 page of text. There may be some way, taking the prior  
18 one recommendations and just listing them or doing  
19 something to give them a little more --

20 MEMBER FERDIG: Really punch them in the  
21 first part of it. That was --

22 MEMBER BLOUGH: Yes. So I think that's  
23 today, about 4:00 today we'll --

24 MR. CAMERON: Do you think that there's  
25 sort of a disconnect here between -- I mean, this is

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1 a very, very important, fundamental, overarching  
2 issue. And then what follows it is all on the web  
3 page, which is certainly only one small part, arguably  
4 small part --

5 MEMBER LAURIE: Well, you're right, Chip.  
6 I brought it up here because I didn't know where else  
7 to bring it up. But it -- I think it's deserving of  
8 its own comment somewhere, not necessarily in this  
9 particular issue.

10 MEMBER GARCHOW: It might be in the cover  
11 letter or something.

12 MEMBER FLOYD: I think a separate  
13 paragraph helps.

14 MEMBER GARCHOW: That's sort of a lead-in  
15 to the web page. What was the recommendation piece?  
16 Because maybe it's a combination of both, Steve,  
17 that --

18 MEMBER FLOYD: Well, the recommendation --  
19 I think the first sentence of the recommendation kind  
20 of gets at this thought where, you know, you've got  
21 this lead-in statement now, and now you have this  
22 paragraph that says some of the things that have been  
23 done, or that could be done to further improve it, and  
24 then what would the panel -- the initial panel  
25 recommendation I think is pretty good. It says

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1 evaluate additional improvements to the oversight  
2 process to improve and simplify public access to the  
3 information.

4 MEMBER GARCHOW: On the web page, though.  
5 It's targeted at the web page.

6 MEMBER FLOYD: That was --

7 MEMBER GARCHOW: -- found them being far  
8 broader than just making the world's best web page.

9 MEMBER FLOYD: Right. And I -- the last  
10 sentence I had suggested was, if you're ready, "Ensure  
11 sufficient funding is available to appropriately  
12 educate the public on the process and its relationship  
13 to the mission of the agency in ensuring adequate  
14 protection of public health and safety."

15 MEMBER SHADIS: I'm deeply bothered by the  
16 direction of this, because in the topic you start out  
17 with -- you know, the heading is that public access is  
18 important. I think what NRC needs to be able to do is  
19 -- is put enough accurate information into the hands  
20 of the public for the public to decide if this is an  
21 effective process or not.

22 And it concerns me to be that the  
23 information be accurate, that it be readily  
24 accessible, that it be understandable. Those are the  
25 kinds of things that -- that I think the informed

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1 public is looking for. I don't think that any of us  
2 care to be educated. We have a mandatory public  
3 education system in this country. Most of us are glad  
4 to get away from it.

5 I think, though, that when we do want  
6 information, when we do want to know, we want to be  
7 able to know things readily and clearly, you know,  
8 have them available.

9 MR. CAMERON: If you remove the  
10 educational term from the -- the term "educate" from  
11 that last sentence, and incorporate it -- provide  
12 information that's accessible, clear, accurate, would  
13 that take care of your concern?

14 MEMBER SHADIS: Yes. I think it would in  
15 that end of it. But then, you know, reflecting back  
16 on the opening line about the importance, it's  
17 important that the public have confidence. Well,  
18 that's true. Otherwise, we wouldn't have a goal or  
19 objective of public confidence. I mean, that's --  
20 it's redundant to say it here.

21 MEMBER BROCKMAN: I agree with your aspect  
22 on that accurate, clear, accessible information is  
23 available. But, likewise, it's just as important that  
24 the public understand how it is being used by the  
25 agency --

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1 MEMBER SHADIS: How --

2 MEMBER BROCKMAN: -- how the agency is  
3 using it to reach its determinations. If they don't  
4 understand the process, they can never -- if you don't  
5 make an outreach so that they understand what the  
6 process is and how it's being used, I mean, you're --  
7 they can't have confidence in the process.

8 There's two separate things you're talking  
9 about, which is the public's information for them to  
10 reach independent decisions. That is different from  
11 the public's confidence that the agency has adequate  
12 information to reach its decisions.

13 MEMBER SHADIS: Yes.

14 MEMBER BROCKMAN: And you need to have  
15 both.

16 MEMBER SHADIS: Oh, I agree with you. I  
17 -- you know, the problem is, I think, that -- you  
18 know, the question he raised about -- first about  
19 allocating money to do this, and then the whole notion  
20 of the confusion of confidence in the industry and  
21 confidence in the reactor oversight process. That  
22 came through our conversation.

23 But, you know, I need to say that -- that  
24 we're one year into the process. Almost everyone has  
25 said we need more time to pick up and be able to

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1 actually critique this thing. There are things that  
2 need to be adjusted to make it work better.

3 In the run of all this, NRC has expended  
4 a great deal of effort to try to inform the public  
5 about the reactor oversight process. We've had a  
6 meeting at each plant, there have been stakeholder  
7 sessions, and so on. And yet, you know, my assessment  
8 would have to be that the public doesn't understand  
9 this process. And it's not for the lack of resources  
10 that have been pumped into it, into trying to make the  
11 public understand it.

12 MEMBER BROCKMAN: I hear what you're  
13 saying there, having been one who has been out and  
14 given a whole lot of these meetings. One of the key  
15 components that I would say is nobody has come to  
16 listen. Not only is the horse not drinking from any  
17 of the water, the horse hasn't even come to the pond.

18 So, and that makes it very difficult to  
19 try to do this. I don't know how to solve -- how to  
20 educate someone who doesn't want to be educated, or  
21 doesn't see the need to be educated, informed, made  
22 knowledgeable, whatever words you want to use.

23 I mean, we've got a lot of dilemmas there.  
24 I think the point I hear is we need to continue that  
25 outreach, and I'm going to take a little liberty with

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1 Bob's things. It's resources, which is not  
2 necessarily money.

3 I mean, people are money, so if you  
4 correlate that -- but a lot of it is the investment of  
5 time and personal resources as opposed to big dollars,  
6 and to have -- that's why the communications plan I  
7 believe was brought up in this arena, that you need to  
8 have a plan that keeps on working. So that if two  
9 years from now all of a sudden somebody wakes up and  
10 says, "I want to know about this," there's a forum  
11 that becomes -- that's available on some type of  
12 aspect to make them knowledgeable of that at that  
13 stage.

14 Now, that's notwithstanding, though, your  
15 other point on information availability. That's also  
16 a key component to public confidence. I believe that  
17 they can have the information to independently reach  
18 decisions, because it's possible that you will look at  
19 an issue, and I will look at an issue, and reach  
20 different conclusions. That's not necessarily bad, as  
21 long as we understand the process about how we got to  
22 that and then we can dialogue on that and move on from  
23 there.

24 And I interrupted you, I think.

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1                   MEMBER SHADIS: Well, just for the sake of  
2 the transcriber, that's H-A-R-T, Biblical phrase.

3                   MEMBER TRAPP: I was just thinking about  
4 the concept -- like what Ken said, we tried it, and we  
5 weren't real successful about it. And I think that  
6 concept maybe should be taught, and that we should  
7 look at ways to enhance -- I mean, I heard things  
8 around the table.

9                   Maybe a newspaper was the right method to  
10 get people more information, rather than these  
11 meetings. It seems like we have some good ideas, and  
12 maybe we need to evaluate, you know, new methods to  
13 get the information out rather than what we've tried.  
14 And I think we have put a lot of funding and resources  
15 into that.

16                  MR. CAMERON: Can you try to capture this  
17 generally, without getting into a lot of details? And  
18 does Steve's sentence capture that, at least  
19 forgetting about how you do that, but does this first  
20 sentence up here capture that?

21                  And, Mary, you wanted to add something to  
22 all of this. It's important that the public have  
23 confidence, process and actions be effectively  
24 communicated to the public.

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1 Ray, do you have a problem with this  
2 phrase? Would you like to add anything to it?

3 MEMBER BROCKMAN: You need to add the  
4 second part. Likewise, it is essential that the  
5 public have clear, unfettered access to accurate  
6 information to be able to reach its own independent  
7 decisions on issues. That's the second part of what  
8 we've just been talking about.

9 MR. CAMERON: Let's add that on, John.  
10 I'm sure you got that, right? But let's add that on,  
11 and then take a look at it and see whether everybody  
12 agrees with it.

13 MEMBER FERDIG: And while he's writing  
14 that, for me it's a continuum of making available  
15 meaningful information. To someone who is as well-  
16 informed as Ray and his colleagues, meaningful  
17 information means a lot of factual data that they can  
18 go and find and make decisions about, based on their  
19 context and understanding.

20 Meaningful information for me requires  
21 adding some of that context, so that I understand the  
22 implications of what it is the NRC does and why,  
23 relative to public safety. And I think it's all  
24 important.

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1                   MEMBER SHADIS: I want to suggest that  
2 there should be some way to address Bob's concern that  
3 there be a focus on this. To me, the first sentence  
4 simply restates the goal here. The goal is public  
5 confidence, and it says, "A) Public confidence is  
6 important." Well, of course, because it's a goal.

7                   Maybe there needs to be -- maybe that  
8 sentence should be that the reactor oversight process  
9 is vital or essential to the reactor oversight  
10 process, that there be public confidence. I don't  
11 know. You know, maybe -- I guess I'm trying to get to  
12 the point where you wanted to put it in caps, you  
13 wanted to accent it, that you need a short sentence  
14 that says, "This can't be overstated." Maybe that  
15 would be the way.

16                   MEMBER TRAPP: I still think strongly the  
17 finding is is that in the first year of the oversight  
18 process that we haven't communicated that well. And  
19 I think there's agreement, and I think that's the  
20 finding. And then you get the recommendation from  
21 that that it's not working.

22                   You know, nobody comes to these meetings.  
23 We've had them across the nation. Nobody shows up.  
24 So whatever we're doing isn't working, and that should  
25 be --

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1                   MEMBER BROCKMAN: And that's probably your  
2 next sentence right there.

3                   MEMBER FLOYD: Or you could reach an  
4 opposite conclusion that the agency is doing an  
5 effective enough job of assuring the -- nobody has to  
6 worry about it. I mean --

7                   MR. CAMERON: Let's go back. Let's keep  
8 in mind Mary's use of the term "meaningful." Okay?  
9 But go back to Bob to -- who started us on this, to  
10 these two sentences, and whether that accurately  
11 describes the point that you were trying to make.

12                   MEMBER LAURIE: Well, it does. But I  
13 would also concur that it is taken out of context and  
14 probably doesn't belong in O-2. It probably belongs  
15 somewhere else. But those sentences, if proclaimed  
16 loudly and clearly, really go to the essence of my  
17 biggest concern over the entire process.

18                   If the verbiage is satisfactory, I don't  
19 -- I don't really care what the --

20                   MEMBER BROCKMAN: Would you not agree,  
21 though, that a strong recommendation needs to  
22 accompany that to bring your concern to closure?

23                   MEMBER REYNOLDS: I think he has a totally  
24 different issue than O-2. I think he -- that's why

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1 we're struggling here. The issue in O-2 is -- as we  
2 stated, is public access to information.

3 MEMBER FERDIG: That's really what --

4 MEMBER REYNOLDS: I think that part we're  
5 struggling with is --

6 MEMBER BROCKMAN: O-0.

7 MEMBER REYNOLDS: Yes. O-0 or the issue.

8 MEMBER LAURIE: The answer, Ken, is yes,  
9 and I -- I would like to see a statement or a  
10 proclamation a lot more clearly stated.

11 MEMBER GARCHOW: Let me try this. The  
12 force over the first year was public workshops,  
13 including -- and the web page. I mean, pretty much  
14 the information outreach, communication, education,  
15 two major type of paths. I think what I'm hearing is  
16 -- and that's how the public had access.

17 So, I mean, we could maybe reword the  
18 problem statement to make this inclusive. So having  
19 the access be at public meetings and web pages, while  
20 both of those were good in their own right, the  
21 conclusion it sounds like I'm hearing just listening  
22 is we didn't go far -- that didn't go far enough to  
23 provide the public confidence necessary for this  
24 program to be successful over the long term.

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1           So we acknowledge the public meetings,  
2           acknowledge the web page, but the recommendation is we  
3           have to do more in different types of forums to get at  
4           the issue that Bob raised. That's what I heard you  
5           saying.

6           MEMBER FERDIG:     So that's a separate  
7           issue, then, also enhancing the web page, which is an  
8           access to information.

9           MR. CAMERON: Is David suggesting, though,  
10          that you may want to reword the statement of what this  
11          issue is to capture the additional flavor that's being  
12          added here. And perhaps after -- well, here's a  
13          conclusion, right? However much remains to be done?

14          MEMBER GARCHOW: Right. And if you added  
15          in the statement, though, "Much effort was expended  
16          through public workshops, meetings and creation of the  
17          web page," it just didn't go far enough. I mean, I  
18          have a personal view whether that's true or not. But,  
19          I mean, just sort of listening to what people are  
20          talking about, that appears to be what's on the table.

21          MEMBER FLOYD:       I've got a more  
22          philosophical question. How do we know that the  
23          public doesn't have confidence in the regulator? I  
24          mean, we're making a presumption that they don't, and  
25          we've got to try to educate them.

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1                   MEMBER LAURIE: I don't know if -- if the  
2 language we're talking about offers any presumption  
3 that there's no confidence. The point I was trying to  
4 put on the table was confidence is essential. I don't  
5 believe any of this language suggests today no  
6 confidence.

7                   MEMBER REYNOLDS: I think that is  
8 reflected, Steve, somewhat in the agency's goals. Our  
9 agency goal doesn't say "develop public confidence."  
10 It says "enhance public confidence."

11                   MR. CAMERON: If you try to -- you'll be  
12 here forever if you want to get on the point of  
13 arguing about whether the public has confidence or  
14 not. And I think some of the language that's been  
15 suggested here, as Bob has suggested, doesn't  
16 necessarily have to reach that issue.

17                   What if you took the new phrase that you  
18 have and used that to lead off the description of the  
19 issue? Doesn't that state what's important, and then  
20 you have -- the staff has made significant  
21 improvements, but it hasn't gone far enough, and we  
22 need these improvements, etcetera, etcetera?

23                   MEMBER GARCHOW: And acknowledge the  
24 public meetings and such in that statement, not just  
25 going right into the web page.

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1           MEMBER BROCKMAN: And as opposed to saying  
2 the public doesn't have confidence, but we have  
3 indicators, we have points of fact. Attendance at the  
4 meetings, with few exceptions, was minimal. Numerous  
5 questions have come in concerning the accessibility  
6 and information being -- and the way the information  
7 is being presented. This raises questions. Go  
8 further. Those are facts.

9           Ray, you've got to -- I mean, that's a  
10 fact. There are some meetings that got good  
11 attendance, and a lot that didn't. And those are the  
12 facts that we saw out of this thing. Am I going to  
13 say the public doesn't have confidence? I can't -- I  
14 don't know, but I've got enough to say more outreach  
15 needs to be done, because the indicators we have just  
16 leave me lacking.

17           MEMBER LAURIE: Well, I guess in order to  
18 wrap this up, because, you know, I'd like to move on,  
19 it may be appropriate to move the language up. You  
20 know, too, I would also suggest consideration of  
21 summarizing this issue a little bit more firmly in the  
22 executive summary. And if you want to consider adding  
23 the concept in the cover letter that would be helpful  
24 as well.

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1           Not only is it an important point, but I  
2 think it's an issue that the people's representatives  
3 want to have comfort in. And it's something that they  
4 would want to see.

5           MEMBER TRAPP:     We don't really say  
6 anything about public confidence in the executive  
7 summary. Might be a good --

8           MEMBER FERDIG:    Yes. I think it does --

9           CHAIRMAN PLISCO:  Well, the last paragraph  
10 has a discussion of all of the outreach efforts.

11          MEMBER BROCKMAN:  Do you think this is  
12 your homework assignment, Loren, to try to get out a  
13 next -- answer all of this, or do you still want to  
14 try to write --

15          CHAIRMAN PLISCO:  Well, I want to get back  
16 and get this close and --

17          MEMBER GARCHOW:   I think we're close.

18          MR. CAMERON:     Yes. Can we go back to that  
19 when you're done with that? Okay. You start off with  
20 the statement that we worked up, that Bob started us  
21 out on. I think David might be suggesting here that  
22 besides mentioning the web page is that you mention  
23 the meetings. However you want to phrase that, okay?  
24 So that shows what -- what we have been trying to do  
25 to address this important concept.

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1                   MEMBER GARCHOW:     They held numerous  
2 workshops and public meetings.

3                   MR. CAMERON:    And that would -- okay. Why  
4 don't you -- it may be inartful at this point, but you  
5 can always fix that. But I think that -- okay. John,  
6 that's good. John will capture it that way.

7                   MEMBER SHADIS:    Would anyone have any  
8 objection in that first sentence to throwing out the  
9 word "performance"?

10                  MR. CAMERON:     Right there?     Safety  
11 performance?

12                  MEMBER SHADIS:    Yes. Just the safety of  
13 plants as opposed to safety performance. Safety  
14 performance --

15                  MEMBER FLOYD:    What distinction are you  
16 trying to make?

17                  MEMBER SHADIS:    Hmm?

18                  MEMBER FLOYD:    What distinction are you  
19 trying to make? I don't have any objection, but I  
20 don't --

21                  MEMBER SHADIS:    Well, I can tell you that  
22 there are what are called historical issues and design  
23 basis things that the activists that I've spoken to  
24 said when NRC sent the team to their plant and  
25 explained the ROP, they were saying, "Oh, yes. Well,

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1 what about what happened like last year, or two years  
2 ago, whistleblower things?"

3 They are raising all of these issues that  
4 they would have a hard time finding reflected in  
5 performance indicators or in any of the rest of the  
6 scale that you've got here. And they were defining  
7 plant safety the way I define plant safety, and that  
8 has a lot to do with whether or not the thing was  
9 designed properly, whether it was built the way it was  
10 designed, whether it was modified without a real good,  
11 accurate engineering analysis -- you know, all of the  
12 things that say is -- maybe the people are doing a  
13 great job of running it, but is the machine basically  
14 safe?

15 And having driven unsafe cars a long, long  
16 time, I can tell you, you can go a long way between  
17 wrecks, you know, so -- so from the public  
18 perspective, I think plant safety is more than your  
19 performance indicators.

20 MEMBER FLOYD: Well, I would agree with  
21 that. I don't have -- with that context, I have no  
22 objection. I just want to point out for the record  
23 that when we're saying safety performance that doesn't  
24 just mean the performance indicators.

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1           The oversight program does look at design  
2 issues through the inspection process, and it covers  
3 a lot of things. And it's not just -- if the word  
4 "performance" to you just means performance  
5 indicators, I have no objection to taking it out.

6           MEMBER SHADIS: It doesn't just, but I --

7           MEMBER FLOYD: That's fine.

8           MEMBER SHADIS: -- but I want to see -- I  
9 would like to see the language moving away from  
10 constantly focusing on performance.

11          MR. CAMERON: Okay. So you've got -- is  
12 everybody clear with this? Loren?

13          CHAIRMAN PLISCO: Well, one thing, I don't  
14 think we captured Mary's thought. And I think Ray  
15 mentioned it, too. Not only accurate information but  
16 meaningful information, in that second sentence. I  
17 mean, if it's accurate but useless information --

18                   (Laughter.)

19          MEMBER FERDIG: Well, it's variable  
20 depending on your audience.

21          CHAIRMAN PLISCO: Yes. Where it says  
22 accurate and meaning -- or meaningful and accurate  
23 information, the second sentence.

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1 MR. CAMERON: If it's clear and accurate,  
2 though, there is still -- if it's accurate, does that  
3 necessarily mean that it's meaningful?

4 MEMBER FERDIG: No. Because what's clear  
5 and accurate to him isn't going to be meaningful to --  
6 or what's clear and accurate is --

7 MR. CAMERON: So if it is clear, accurate,  
8 and meaningful -- you could use all three of those?  
9 And you could take out the --

10 MEMBER FLOYD: To me, if you're accurately  
11 assessing safety, I don't know how that could not be  
12 meaningful. But --

13 MEMBER BROCKMAN: If an extra word makes  
14 somebody happy, put it in.

15 CHAIRMAN PLISCO: Why don't we say -- why  
16 don't we take out the "timely and clear," and just say  
17 -- and then make it more general. Public access to  
18 reactor or --

19 MEMBER GARCHOW: Now we just brought in  
20 Bob's whole comment.

21 MR. CAMERON: All right. So can we move  
22 to the third paragraph?

23 MEMBER KRICH: Can I make a suggestion?

24 MR. CAMERON: Yes.

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1                   MEMBER KRICH: And this may, you know --  
2                   it's just an idea, so take it as that. Because we  
3                   could be here a long time rewording this thing. And  
4                   it occurred to me that we might consider having  
5                   something somewhat like statements of consideration.

6                   In other words, a commentary section,  
7                   where we can generally agree on what's in the writeup  
8                   here, and then have a section of commentary where we  
9                   capture these ideas, you know, connect them to the  
10                  particular issue, so that the reader can go back and  
11                  look at the -- read the -- kind of the concise issue  
12                  and recommendation, and then also see some commentary.  
13                  Just an idea.

14                 MEMBER BROCKMAN: If we're having  
15                 difficulty reaching agreement in the Cliff Notes,  
16                 we'll never come to agreement on the full volume of  
17                 War and Peace.

18                 MEMBER KRICH: Well, yes, I guess that's  
19                 what I was trying to -- that's what I was saying, is  
20                 that the commentary could just be capturing the  
21                 thoughts of each of the members, and that's the  
22                 commentary. So we don't have to come to agreement on  
23                 it.

24                 MEMBER SHADIS: I think that's in the  
25                 transcript.

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1 CHAIRMAN PLISCO: Yes. That's just what  
2 I was going to say. I think the statement of  
3 considerations is the transcript.

4 MEMBER FLOYD: I'd like to suggest that  
5 we --

6 CHAIRMAN PLISCO: I'd hate to go back and  
7 try to reconstruct all of that for all of these  
8 issues.

9 MR. CAMERON: I mean, you may not be far  
10 from agreement here. If you take a look at this, you  
11 may find that you are in agreement, and so Rod's idea  
12 would be a good one if we're in a section where  
13 there's a lot of disagreement.

14 But I think if you look through this  
15 description now, the third paragraph is going to flow  
16 about, you know, okay, this is -- much remains to be  
17 done. Okay?

18 MEMBER FERDIG: And what's the  
19 recommendation say?

20 MR. CAMERON: Yes. And that's where you  
21 need to go to to capture the -- not the funding, but  
22 the resource issue.

23 MEMBER BROCKMAN: The part on the  
24 communications plan and the funding is now the back,

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1 and we've made that our number one thing we're talking  
2 about. So we need to reorder the recommendations.

3 MR. CAMERON: So take this sentence --

4 MEMBER BROCKMAN: Keep going.

5 MR. CAMERON: Okay. And move them above  
6 the web page?

7 MEMBER BROCKMAN: Make that the primary  
8 recommendation, yes.

9 MEMBER LAURIE: Aren't you guys done yet?

10 (Laughter.)

11 MEMBER FERDIG: See what you did, Bob.

12 MR. CAMERON: This guy just gets in from  
13 Budapest, causes a lot of problems, and now he's  
14 giving your --

15 (Laughter.)

16 MEMBER FERDIG: I think it's a fundamental  
17 question. I think the rest will go faster.

18 MR. CAMERON: What is that, Mary?

19 MEMBER FERDIG: I just think it was a  
20 fundamental question underlying all of this. That now  
21 we can move on to the --

22 MR. CAMERON: How do you guys like the  
23 panel recommendation now, in light of the discussion?

24 MEMBER GARCHOW: I think it captures --  
25 I'm fine with it. It captures, I think, what -- Bob

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1 could answer that, but I think it captures a lot more  
2 of what Robert was trying to get at.

3 MEMBER SHADIS: You've still got the word  
4 "educate" in there, and that -- that's not a huge  
5 problem. It's not an absolute kind of thing. But I  
6 just want to tell you that -- that, you know, maybe if  
7 you can explain what you're doing in plain, simple,  
8 understandable terms, and have that ready at hand, so  
9 that when you have an incident at a plant where  
10 there's a lot of public attention, like Indian Point-2  
11 or something, people come up and they say, "What's all  
12 this stuff you've written? What do you mean by these  
13 assessments you've made?" You can say, "Here it is in  
14 a simple chart. This is how we do -- and this is how  
15 we spend our time," you know?

16 I mean, it -- what I'm saying is -- is  
17 that not only do you have to make it accessible to the  
18 public, but it's got to be good information. You  
19 know, I mean, good, workable stuff. Right now you  
20 don't have it, and we've all agreed on that.

21 MR. CAMERON: Can we take it -- in light  
22 of what you're saying, can we take "educate" out and  
23 just leave it as "inform" or -- and I've got to ask  
24 Bob this specifically. Bob, what do you think? You  
25 used the term "educate" initially.

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1                   MEMBER LAURIE: Yes. Well, I understand  
2 the difference. I understand the concern. The word  
3 "inform" adequately covers my essential points.

4                   MEMBER BROCKMAN: Might I suggest just one  
5 last little noolnick? We've dedicated the resources  
6 and then we're ensuring they're available. That to me  
7 seems like we're doing the same thing twice. Dedicate  
8 the appropriate resources to appropriately informing  
9 the public on the process. I mean, we -- it's  
10 redundant.

11                   MEMBER FERDIG: A little wordsmithing will  
12 get that. That's editorial.

13                   MEMBER GARCHOW: To get to Mary's point,  
14 it's not just appropriately inform. It's  
15 appropriately enlist and inform, because what we did,  
16 we had that whole conversation and we had the  
17 meetings. They didn't come. So, you know, I think  
18 Mary wanted to enlist the public appropriately, enlist  
19 or engage.

20                   MR. CAMERON: You might want to be careful  
21 about the term "enlist," because that carries with it  
22 that we're trying to capture the hearts and minds of  
23 the --

24                   CHAIRMAN PLISCO: Or "engage."

25                   MR. CAMERON: Engage. Okay.

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1           MEMBER FERDIG: And I just want to add  
2 something that's niggling me here in terms of Ray's  
3 point. I don't think the time to engage and inform is  
4 when there is an incident that has attracted public  
5 attention, who has been up to that point ignorant and  
6 unaware. I think the time to do it -- and that was  
7 maybe the first sentence that came out of Robert's  
8 mouth -- is before those times.

9           So there is a public that has confidence.  
10 They understand the foundation of this entire nuclear  
11 arena, and they --

12           MR. CAMERON: Can we put "early" or  
13 something? There's a time element here.

14           MEMBER FERDIG: Yes. It's not --

15           MR. CAMERON: David is shaking his head.  
16 What do you think, David?

17           MEMBER GARCHOW: I think we're building  
18 things that --

19           MEMBER FERDIG: Okay. You don't need to  
20 say it. I just needed to say it.

21           MR. CAMERON: I think that's a point  
22 that's well taken that, as Bob and others have  
23 mentioned, it's --

24           MEMBER FERDIG: Right. I don't --

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1 MR. CAMERON: It's too late to do this,  
2 but there is a problem.

3 Anybody have anything else on that panel  
4 recommendation that they want to add?

5 MEMBER FLOYD: Can you go back to the top  
6 and just let's read the whole thing through?

7 MEMBER SHADIS: I keep thinking of  
8 different ways to say this, so I can tell you the  
9 words, you know. You tell us what you got, say it so  
10 we can understand it, and we'll be the judge of  
11 whether or not we like it, you know. I mean, it's  
12 just -- tada -- you know?

13 MR. CAMERON: Well, maybe a footnote that  
14 says as one member of the panel describes --

15 (Laughter.)

16 Steve?

17 MEMBER FLOYD: I'm happy.

18 MR. CAMERON: Anybody unhappy?

19 MEMBER BROCKMAN: You'll get another whole  
20 round if you --

21 MR. CAMERON: I mean, about this.

22 MEMBER BROCKMAN: You get another whole  
23 round if you --

24 (Laughter.)

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1 CHAIRMAN PLISCO: You're going to get  
2 another bite of the apple when we send this back out.

3 MEMBER SHADIS: You know, one thing that  
4 we should -- that we -- it may be in here, and, I  
5 mean, I read it through I think three times now. In  
6 describing the process for coming to consensus, you  
7 know, that if it's a question of, is this something  
8 that you absolutely can't live with, I mean, if that's  
9 the bottom line, then it ought to be described  
10 somewhere, you know, because I don't want anyone to  
11 get the notion that any of these are things that we  
12 100 percent subscribe to, you know.

13 CHAIRMAN PLISCO: Right. I've tried to  
14 capture that thought, and maybe it wasn't -- you know,  
15 I -- the way I tried to capture it is I think I made  
16 a statement in there about, you know, there was  
17 consensus reached, but the reason for someone reaching  
18 consensus could be completely different.

19 MEMBER LAURIE: Is there a concern about  
20 -- let's say Ray had a problem with this paragraph and  
21 wanted to get across a point that wasn't fully  
22 covered. Is there any difficulty with -- clearly, if  
23 Ray were to send in a letter explaining his position  
24 on the issue, and expressing his concern, then that's  
25 part of the record.

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1           Is there any difficulty in making  
2 reference to that?

3           MEMBER SHADIS: I hope to get to that  
4 later, because I did talk about a minority point of  
5 view. And maybe later we can figure out how that  
6 will, you know, be worked in or applied, or whatever.  
7 But --

8           MR. CAMERON: But it may be important also  
9 on Ray's point that if people understand -- say that  
10 everybody -- you made a statement there was consensus  
11 on this issue. It would be important somewhere for  
12 people to understand that consensus does not  
13 necessarily mean wholehearted support and endorsement  
14 of the statement, but that the panel member could --  
15 however you want to express, could live with that,  
16 because you all have constituencies out there, and  
17 that would help to explain some of this to the -- to  
18 your constituency.

19           MEMBER FERDIG: Just put in a textbook  
20 sentence.

21           MR. CAMERON: So I think John has captured  
22 or put a finer -- you know, put a finer point on what  
23 consensus means.

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1           Okay. Well, we're ready to go on? Next  
2 issue? Or -- and I don't know when you want to break,  
3 Loren.

4           CHAIRMAN PLISCO: Let's go a little bit  
5 longer and then we'll break.

6           We did -- I think we did 0-3, right?  
7 We're on 0-4, cross-cutting issues. Any issues or  
8 concerns with 0-4?

9           MEMBER GARCHOW: I thought we did sort of  
10 agree with what the NRC brought in in their  
11 discussion, that more work is needed.

12           MEMBER HILL: The only question I had was  
13 down at the -- I don't know, the last big paragraph  
14 says, "Early data obtained from initial implementation  
15 suggests there's a correlation between cross-cutting  
16 issues," and so on. It says, "For example, the number  
17 of cross-cutting issue findings per plant appears to  
18 increasingly move to the right in the action matrix."

19           Is that really -- I don't know where that  
20 comes from, but I thought fault exposure hours was a  
21 lot of what was causing things to change in the action  
22 matrix, which wouldn't have anything to do with number  
23 of issue findings per plant and --

24           MEMBER FLOYD: I can maybe help you out  
25 with that. There were some 30-odd performance

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1 indicators that crossed thresholds. Only about I  
2 believe eight of those -- seven or eight of those were  
3 due to fault exposure hours. But then you also had an  
4 additional -- what was it -- I forget the exact  
5 number, 17 or 20, 21, inspection findings.

6 So the preponderance of the items were not  
7 directly related to fault exposure, and yet you did  
8 see that pattern/trend of CAP findings increasing as  
9 you moved across the action matrix.

10 MEMBER GARCHOW: Somebody actually -- I  
11 can't remember who -- showed us that chart in one of  
12 their presentations.

13 MEMBER FLOYD: Yes. Well, we did, and I  
14 think the staff and Bill had something that was a  
15 little bit different but similar in outcome.

16 MEMBER TRAPP: For clarification, though,  
17 findings -- we used that fault exposure time. So you  
18 could have findings that are white because of the --  
19 you know, we're using the T over 2 to assess findings.  
20 So, I mean, a subset of those could also be --

21 MEMBER BROCKMAN: That's true. It could  
22 be. Just for within the group, we also don't have a  
23 temporal relationship here, and know which came first.  
24 Some of the findings that were on there could have

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1 occurred after they got the increased inspection from  
2 having crossed the threshold.

3 All that -- yes. We don't know that all  
4 the findings came up before they moved into that  
5 category, because when you move into the enhanced  
6 inspection category you get initial inspection.

7 MEMBER FLOYD: True.

8 MEMBER BROCKMAN: We just need to be a  
9 little skeptical on --

10 MEMBER FLOYD: Yes. Some of that -- but  
11 we also heard a report, I believe, from Bill Dean --  
12 we can go back and look at the record -- that said  
13 that they looked at, in the annual PI&R review, were  
14 there any plants that they thought were missed that  
15 the staff thought had significant problems with the  
16 correction action program where it wasn't reflected in  
17 the PI&R, and the answer was no, and that the plants  
18 that did get significant comments in the PI&R they  
19 thought were indeed plants that had problems with it.  
20 So that was not related to any particular inspection  
21 activity, other than the PI&R inspection.

22 CHAIRMAN PLISCO: Okay. Consensus on 4?  
23 5?

24 MEMBER REYNOLDS: Under "Issue  
25 Description," the first paragraph --

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1 CHAIRMAN PLISCO: Which paragraph?

2 MEMBER REYNOLDS: -- I disagree with.

3 CHAIRMAN PLISCO: Which paragraph?

4 MEMBER REYNOLDS: The first paragraph  
5 under "Issue Description." It says "directly  
6 undermines public confidence."

7 MEMBER GARCHOW: That's a little strong.  
8 We did have a lot of talk on that, but maybe it  
9 potentially or could cause or -- I was just looking at  
10 some softer language. I had that comment, too. We  
11 did have a lot of -- we had almost half of one morning  
12 where we talked about the green/white threshold.

13 MEMBER REYNOLDS: I also have -- I  
14 struggle with like a fair and competent regulator.  
15 Why do we --

16 MEMBER BLOUGH: I'd just cross --

17 MEMBER REYNOLDS: -- that all of a sudden?

18 MEMBER BLOUGH: I'd just cross out that  
19 sentence, because the previous sentence says it's  
20 difficult to communicate. That's all we really know.

21 MEMBER SHADIS: But there was some  
22 conversation with one of the stakeholders about this,  
23 what it does to the whole process. I just think the  
24 language in that sentence jus really went -- it went

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1 a little too far. I mean, this, you know, affects  
2 public confidence in the NRC.

3 MEMBER REYNOLDS: Period.

4 MEMBER SHADIS: Period.

5 MEMBER REYNOLDS: Just don't say the rest  
6 of it. I don't think it's necessary.

7 MEMBER SHADIS: You take that as a jab.  
8 That was Dave Lochbaum's language, I think.

9 (Laughter.)

10 MEMBER REYNOLDS: Then I definitely take  
11 it as a jab.

12 (Laughter.)

13 MEMBER SHADIS: So this -- that is the  
14 goal that you strive for, is it not, to be fair and  
15 competent in anything you --

16 MEMBER REYNOLDS: In all actions.

17 MEMBER SHADIS: Of course. And --

18 MEMBER REYNOLDS: Why do we need to state  
19 it one time here? The white threshold, if you're  
20 going to do it -- if you want to do it everywhere or  
21 -- or not just one time. Really, it's this  
22 green/white threshold issue, which isn't needed in my  
23 opinion.

24 MEMBER GARCHOW: But this could impact  
25 public confidence. That's -- "undermine" says the

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1 whole thing just falls down. That could affect or  
2 impact. Take "undermine" out. That was quick  
3 consensus.

4 MEMBER SHADIS: I don't care. So that's  
5 fine.

6 MR. CAMERON: He can live with it.

7 MEMBER SHADIS: You guys have been very  
8 nice to me in terms of my hypersensitivities, and  
9 so --

10 (Laughter.)

11 CHAIRMAN PLISCO: Anything else on 0-5?

12 MEMBER GARCHOW: Are we keeping score?

13 (Laughter.)

14 CHAIRMAN PLISCO: Is now a good time to  
15 break before we go to PIs? We'll take a 10-minute  
16 break.

17 (Whereupon, the proceedings in the  
18 foregoing matter went off the record at  
19 9:39 a.m. and went back on the record at  
20 9:55 a.m.)

21 CHAIRMAN PLISCO: Okay. Is everybody  
22 ready to get started again?

23 Okay. The next section is the performance  
24 indicators. P-1, unintended negative consequences.  
25 Any issues on that one? Consensus on P-1?

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1                   MEMBER REYNOLDS: I'd ask that we back up  
2 to the lead-in paragraph.

3                   CHAIRMAN PLISCO: Okay.

4                   MEMBER REYNOLDS: You say 1, 2, 3, 4, 5 --  
5 7 lines down we start, "The panel has confirmed it was  
6 one unintended consequence." I think we would say  
7 it's a misunderstanding. That's not really the same  
8 thing as we mean in unintended consequence. Maybe it  
9 is, but I just -- it just struck me that -- is that  
10 really what we mean by "unintended consequence"? I  
11 understand that there is a misunderstanding, but -- I  
12 don't think we ever --

13                   MEMBER FLOYD: I think I agree with Steve  
14 on that. That's not what we had meant by "unintended  
15 consequence."

16                   MEMBER REYNOLDS: It's not an unintended  
17 consequence.

18                   MEMBER FLOYD: Right.

19                   MEMBER GARCHOW: Yes, it's really a  
20 misunderstanding. But it does have unintended  
21 consequences. I mean, it's not a glaring example of  
22 one that may be related to safety, but it has -- we  
23 were talking with the PSA guys on how all of the  
24 effort and the going on, you know, debating  
25 green/white, that the white bindings sometimes have

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1 protracted debates way in excess of their safety  
2 significance.

3 And that is caused by the green/white  
4 threshold and how we communicate those on the web  
5 page, and the initial framing of the process did not  
6 -- would have thought that, you know, the occasional  
7 white or whites would be not nearly as impactful as  
8 what they turned out to be in practice.

9 MEMBER REYNOLDS: But the threshold itself  
10 didn't cause the misunderstanding. It's how well it  
11 was communicated or how poorly it was communicated and  
12 explained.

13 MEMBER GARCHOW: Right.

14 MEMBER REYNOLDS: The threshold itself had  
15 little to do with a misunderstanding. It was, in  
16 fact, how well it was communicated.

17 MEMBER GARCHOW: Right. And I would agree  
18 with that. I mean, that's what that debate was about.

19 MEMBER REYNOLDS: I don't -- it just  
20 struck me that that was -- if it was up to me, I would  
21 delete that sentence or rewrite it.

22 MEMBER FERDIG: Is there another example  
23 that would be better?

24 MEMBER GARCHOW: We've already had the  
25 green/white threshold issue.

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1 CHAIRMAN PLISCO: That's already in, yes,  
2 so it's --

3 MEMBER GARCHOW: So I would say just  
4 eliminate this whole -- it doesn't help this  
5 particular one.

6 MEMBER SHADIS: You want to eliminate that  
7 sentence that starts, "The panel"?

8 MEMBER GARCHOW: Yes. Right.

9 MEMBER SHADIS: Yes.

10 MEMBER GARCHOW: Because we've had  
11 green/white thresholds.

12 CHAIRMAN PLISCO: Yes. When we were  
13 putting this together -- just as a philosophical note  
14 -- we were debating whether we needed a transition --  
15 you know, this first paragraph is what we had talked  
16 about last time to try to capture some of the positive  
17 comments in each of these areas, and then go into the  
18 issues that we had. And whether we needed a  
19 transition sentence there or not, I mean, it's really  
20 more writing style, did we need that or not? Just to  
21 transition to the issues.

22 That's what we were intending to do in  
23 some of those sentences, but, you know, I think in  
24 some cases it does only highlight one of the issues  
25 out of five, and it's -- it may be not the best way --

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1 best thing to do. So I'd just highlight that one, and  
2 we have five issues. We'll just take that out. Okay.

3 Back to P-1, issues with P-1? Consensus  
4 with that? P-2? One of the things I noted myself  
5 when I went back and read this, I think it captures  
6 the thought under the issue description, but in the  
7 end I wasn't sure what we were saying, whether it was  
8 good or bad or what the issues are. I'm not sure that  
9 came through clearly.

10 MEMBER GARCHOW: This is one of the  
11 biggest industry issues, the whole unavailability time  
12 and --

13 MEMBER FLOYD: No, this is not so much  
14 that. This is --

15 CHAIRMAN PLISCO: This is more the issue  
16 that these aren't the perfect set of performance  
17 indicators. This is what we started with. Let's  
18 continue to work to do better and find better  
19 performance indicators. I think is that -- is this  
20 the issue?

21 MEMBER FLOYD: Yes. Specifically, the  
22 securities ones are not risk-informed, because when  
23 you have a piece of equipment that goes down, so  
24 there's really no degradation --

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1                   MEMBER GARCHOW: I missed the transition.  
2 I thought we were still on P-1.

3                   CHAIRMAN PLISCO: Yes. This is P-2. But  
4 if you read through the description, in the end I  
5 think you're still asked, you know, are we saying this  
6 -- I mean, what are we saying the problem is? That's  
7 -- I'm not sure that's clearly articulated there.

8                   MEMBER FLOYD: I thought it was reasonably  
9 clear.

10                  CHAIRMAN PLISCO: You think it's okay?

11                  MEMBER FLOYD: Yes. That there are some  
12 PIs that are not risk-informed. You should try to  
13 make them risk-informed if you can, but don't throw  
14 them out just because they're not, because they serve  
15 some other purpose perhaps.

16                  CHAIRMAN PLISCO: Yes. So leave it as is?  
17 Okay. P-3?

18                  MEMBER BLOUGH: I'm sorry. On P-2, under  
19 the caution where the performance indicator may  
20 provide useful information for enhancing public  
21 confidence, that's not really the only reason. It may  
22 be that, you know, it's just -- it's an area we know  
23 that we should be looking, either through inspection  
24 and a PI -- the PI may not be risk-informed -- that

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1 identifies outliers or identifies program issues, and  
2 what not. So --

3 CHAIRMAN PLISCO: Shall we say "useful  
4 that supports another agency goal"? I mean, rather  
5 than just highlighting this one goal. Is that what  
6 you're saying? It could impact other goals.

7 MEMBER BLOUGH: That's what's bothering  
8 me. It's not just the public confidence. It's --

9 CHAIRMAN PLISCO: There could be other  
10 ones.

11 MEMBER BLOUGH: There could be others as  
12 well. Yes.

13 CHAIRMAN PLISCO: How do you want to say  
14 that?

15 MEMBER GARCHOW: Want to add "and other  
16 agency goals"?

17 MEMBER BLOUGH: It could really even be  
18 supporting safety. Even though the PI itself isn't  
19 risk-informed, the fact that you have an indicator in  
20 that area and it causes, you know -- it causes  
21 outliers to be identified and make some improvements,  
22 there is an indirect positive impact on safety by  
23 having it.

24 CHAIRMAN PLISCO: You had a suggestion,  
25 Ray?

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1                   MEMBER FLOYD:     You could say, "The  
2 performance indicator may provide information useful  
3 for other purposes," parentheses, and then give a  
4 couple of examples, "e.g. public confidence,  
5 programmatic performance," etcetera.

6                   MEMBER SHADIS:    That's good.    I think  
7 Steve's got it.

8                   CHAIRMAN PLISCO:   Okay.   P-3?   This is  
9 unavailability.   Okay?   Anything?

10                  MEMBER FLOYD:    I think we hammered that  
11 one pretty well last time.

12                  CHAIRMAN PLISCO:   P-4?   Actually, we did  
13 -- we talked a little bit about P-4 earlier.   This is  
14 the FAQs just specifically related to the performance  
15 indicators.

16                  MEMBER FLOYD:    I can now report that  
17 Rev. 1 has been approved by the staff, and so it's  
18 gone to publication, so --

19                  CHAIRMAN PLISCO:   And this is one of those  
20 ones I think we had talked about earlier.   It was on  
21 the edge of whether we want to continue to keep it,  
22 since action was being addressed.   But I think this  
23 was broad enough to say, you know, this is just the  
24 first revision, to continue the process that we ought  
25 to include it.

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1           MEMBER FLOYD: Right. Yes, we already  
2 have another backlog of about 30 or 40 FAQs, so --

3           CHAIRMAN PLISCO: Yes. So just to  
4 reinforce that process, I think we did --

5           MR. CAMERON: I just wanted to raise a  
6 point of information here. This is not the first time  
7 that we -- we use the term "stakeholders," and then in  
8 the next sentence we identify a particular type of  
9 stakeholder -- that is, licensees. And the  
10 implication is is that the use of the term  
11 "stakeholder" is broader -- a broader group of  
12 stakeholders than just licensees.

13           And I guess I'm sensitive to this in the  
14 frequently asked questions area, because of some  
15 comments that we heard from a former panel member, and  
16 in some presentations about how responsive the staff  
17 was to public stakeholders in terms of frequently  
18 asked questions. And I guess I'm just putting it on  
19 the table to see if there's any clarification  
20 necessary, is it a problem in any way.

21           CHAIRMAN PLISCO: Well, that's what we  
22 tried to capture --

23           MEMBER FLOYD: That's O-1.

24           CHAIRMAN PLISCO: -- in O-1, and that's  
25 why that example -- the frequently asked question that

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1 we talked about earlier is in there, is that that  
2 approach, you know, should be looked at for other  
3 parts of the program, because this I think  
4 specifically just had to do with the performance  
5 indicator program.

6 MR. CAMERON: All right.

7 CHAIRMAN PLISCO: Even though that was --  
8 that information was made publicly available, I think  
9 the comments we had were other -- other questions not  
10 related to PIs that had come up weren't handled the  
11 same way, and they weren't as, you know, publicly  
12 available and it wasn't easy to retrieve, and that's  
13 why we have this comment in O-1.

14 MR. CAMERON: Okay. Good. I just was  
15 concerned just with insulating the panel from -- from  
16 criticism of its final report because something wasn't  
17 addressed. But apparently you've addressed it  
18 earlier.

19 MEMBER SHADIS: That was an issue in part  
20 that I brought up at our last meeting, was that the  
21 report itself didn't reflect -- in the language didn't  
22 reflect input from stakeholders other than NRC staff  
23 and industry. And I -- but I see, in fact, in the  
24 body that it does reflect, at least at some places,  
25 input from the public's advocate-type stakeholders.

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1                   But, again, it's missing in the language.  
2                   You know what I mean? It's not openly identified as  
3                   coming from the public stakeholder, activist, or  
4                   whatever it may be. And, frankly, it doesn't bother  
5                   me all that much.

6                   CHAIRMAN PLISCO: I was going to ask you  
7                   if we need to do more to do that. I mean, as far as  
8                   specific -- you know, in a lot of cases I purposely  
9                   didn't try to state exactly where the comments came  
10                  from. And a lot of times they didn't come from just  
11                  one person.

12                  It was, you know, similar comments from a  
13                  different -- so a lot of times I just used -- tried to  
14                  use the word "stakeholders," because it came from  
15                  multiple groups, the comment. And it wasn't as  
16                  explicit to say exactly where those comments came  
17                  from.

18                  MEMBER SHADIS: I think you would be  
19                  better served if, you know, public stakeholders or  
20                  something was at some point at least referenced, that,  
21                  you know, with -- you are trying to address the --

22                  MR. CAMERON: I think everybody  
23                  understands the practical difficulties of trying to  
24                  identify where specific comments came from. But I  
25                  think that at a minimum what you might do is when

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1 you're reading the language, see if it implies if  
2 stakeholders is being used as a code term for  
3 responsiveness to the industry, rather than  
4 responsiveness to a broad group of stakeholders.

5 MEMBER FERDIG: I had included some of  
6 that in my editorial comments, that I think can be  
7 emphasized in the executive summary part perhaps to  
8 set the context for that as well.

9 CHAIRMAN PLISCO: Because the problem I  
10 was having, a lot of times the comments we did get  
11 from public stakeholders, we got the same comment from  
12 everyone.

13 MEMBER FERDIG: Right. And to that  
14 extent, you don't want to distinguish. Exactly.

15 CHAIRMAN PLISCO: And just to highlight  
16 theirs, yes, it was difficult. Okay? Anything else  
17 on P-4?

18 Okay. Inspection. And, again, just to go  
19 back on what we did the first time, this last sentence  
20 in the overview section was just a lead-in to  
21 highlight one of the issues. Actually, it was the  
22 only priority one in the inspection. That's why I had  
23 that one in there, but we could take out that.  
24 There's really no need to highlight one -- take that  
25 last sentence off.

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1                   MEMBER REYNOLDS: The last sentence seems  
2 out of place.

3                   CHAIRMAN PLISCO: Yes.

4                   MEMBER REYNOLDS: Either ought to have a  
5 space between it or not be there, one or the other.

6                   CHAIRMAN PLISCO: It was meant to sort of  
7 be a transition, but I think we didn't succeed in  
8 that. Just take that out.

9                   Well, I think now that I've looked at it  
10 -- and we can look at the other ones -- I think it's  
11 -- the transition is really not needed I think the way  
12 we have it laid out.

13                  MEMBER GARCHOW: I would agree.

14                  CHAIRMAN PLISCO: Anything on the overview  
15 of inspection?

16                  Okay. I-1, baseline inspection.

17                  MEMBER LAURIE: The first sentence in the  
18 lead-in paragraph under "Inspection" -- John, if you  
19 can go back to the first sentence. "The new  
20 inspection process has been effective in focusing  
21 NRC's inspection efforts." Do you have to say on  
22 what? Or is that clear to all readers what that  
23 means? It's clear to me because I've read it, and I  
24 understand the issues. Would that be --

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1                   MEMBER FLOYD: I guess it would be "in  
2 improving the safety focus of the NRC's inspection  
3 efforts" was the objective anyway.

4                   CHAIRMAN PLISCO: Okay. So we can say  
5 that?

6                   MEMBER HILL: You've got a suggestion up  
7 there -- areas more important to risk and safety.

8                   MEMBER LAURIE: Okay. Thank you.

9                   CHAIRMAN PLISCO: Okay. I-1? Okay. Any  
10 comments on that? I-2, inspection report threshold.

11                   MEMBER TRAPP: This might not be the right  
12 time, Loren, but are we going to -- like I-1, can we  
13 make that a priority one, so the important things come  
14 first, or is that --

15                   CHAIRMAN PLISCO: Yes. I was going to  
16 suggest that at the end, resort, but when -- I was  
17 going to do it before I sent it out, but I thought it  
18 would confuse everyone, because I'd have to renumber  
19 everything. So I thought for the purposes of this  
20 meeting, keep the numbers the same and then I'll  
21 resort, put the priority ones first in each section.

22                   MEMBER GARCHOW: Then we have consensus on  
23 that or -- that seems to make sense. So you're just  
24 saying that in each section the priority ones come  
25 first?

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1                   CHAIRMAN PLISCO: Yes, that seems to make  
2 sense. Yes, because we had some more discussions on  
3 combination, so I wanted to get through all of that  
4 before I resorted.

5                   MEMBER GARCHOW: Mostly in the ones we  
6 hadn't reviewed yet.

7                   CHAIRMAN PLISCO: Yes. Okay. I-2,  
8 comments or questions?

9                   MEMBER REYNOLDS: I have one on the last  
10 paragraph before the panel recommendation, so it's on  
11 Manual Chapter 2515 -- 1, 2, 3, 4 lines down on the  
12 right-hand side it says, "Inspection -- under non-  
13 regulatory observations" -- I think a lot of our --  
14 it's not non-regulatory, it's just below the report  
15 threshold. There's a lot of minor violations that are  
16 reported and other observations, still within -- it's  
17 just below the report threshold.

18                   MEMBER FLOYD: I'd just take "non-  
19 regulatory" off and just leave it at "observations."  
20 Yes.

21                   MEMBER GARCHOW: We're giving -- I would  
22 say we're getting observations that are valuable that  
23 aren't in that category as well. But I would want to  
24 stop there.

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1                   CHAIRMAN PLISCO: Okay. Good. Anything  
2 else on I-2? I-3, physical protection. I did add one  
3 new reference that -- in between our meetings there  
4 was the -- and this was just a reference to the SECY  
5 paper that we knew that this discussion was happening,  
6 and there was a document that I could reference that  
7 has that proposal.

8                   Okay. Anything else on I-3? Okay. I-4?  
9 I think in the original e-mail I sent out with the  
10 issue sheets I had recommended we delete this one.  
11 Since the issue has been raised, the new Management  
12 Directive has been issued, and it -- I took a look at  
13 it myself, and it looks like it addresses the issues  
14 that we had.

15                   I think most of these issues came up -- I  
16 know Ken and I had some issues early on on -- there  
17 was some confusion on how certain kinds of issues and  
18 conditions would be handled, and that has been  
19 clarified, because the original Management Directive  
20 was just focused on events, and then we had some  
21 actual conditions -- the Summer pipe crack issue. And  
22 then the Cooper equipment qualification issue didn't  
23 seem to fit very well, and that has been addressed in  
24 the newest revision. So it can handle those kinds of  
25 issues.

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1                   MEMBER GARCHOW:     So it's now in the  
2 process formally?

3                   CHAIRMAN PLISCO:    Yes.  And it was issued  
4 on March 27th.

5                   MEMBER GARCHOW:    So our corrective action  
6 was done before the report was --

7                   CHAIRMAN PLISCO:    Yes.  That's why I was  
8 going to recommend we take it out, because what we're  
9 recommending to have done is done.  Okay?

10                  MEMBER REYNOLDS:    Unless you wanted to  
11 keep it in there and say it's already been done.  I  
12 mean, because it was a recommendation.

13                  CHAIRMAN PLISCO:    Yes.  Well, what I did  
14 is, there's a number of things we've already taken  
15 out, and I was trying to be consistent.  I did put a  
16 section I think in the executive summary, or maybe it  
17 was in the front discussion that said, there were a  
18 lot of issues that came up that we had early on that  
19 have been addressed, and we didn't include those in  
20 the report, because we had some issues -- I think  
21 there were some enforcement issues, too, that we took  
22 out.

23                  Okay.  I-5?  No comments, issues?  Okay.  
24 Significance Determination Process.  This one I expect  
25 we'll have some discussion on, because this didn't get

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1 the same scrub the other ones have in the previous  
2 meeting, so --

3 MEMBER FLOYD: I've got a fairly extensive  
4 recommendation to make. It sounds extensive; it may  
5 not be that extensive. But I would almost recommend  
6 that you combine S-1, S-3, and S-4 into the same  
7 issue, because it's all related to the unavailability  
8 largely of the worksheets, which have made the process  
9 ineffective, difficult to communicate to the public,  
10 and questions the quality of the NRC PRA tools.

11 I think you could easily roll all of those  
12 three into one. With the addition in item number 1,  
13 I didn't see Dave Lochbaum's comment, I think it was,  
14 or maybe it was Ray's, about it was difficult to  
15 always get to the conclusions or get to the logic that  
16 resulted in an SDP conclusion and the inspection  
17 report. And that needed to be more clearly  
18 identified.

19 MEMBER KRICH: I had the same comment.

20 MEMBER HILL: I thought that was in here.  
21 I thought this -- this sentence which says,  
22 "Stakeholders have also observed the communication of  
23 the basis for the final risk significance.  
24 Determination is not clear to all inspection" --

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1                   MEMBER FLOYD:   That's what I tried to  
2 capture.

3                   MEMBER HILL:     It does not provide  
4 sufficient information.

5                   MEMBER FLOYD:  I missed it somehow when I  
6 red it.  Thank you.

7                   CHAIRMAN PLISCO:  Yes.  That's what I was  
8 trying to communicate there.

9                   MEMBER GARCHOW:  So, Steve, your premise  
10 would be that -- that if we had the worksheets done,  
11 and they were available as -- in the process for the  
12 stakeholders to see and utilize, and then referenced  
13 in the reports, that --

14                   MEMBER FLOYD:  And the staff.

15                   MEMBER GARCHOW:  -- to get to this  
16 determination, we use this -- this level 2 worksheet,  
17 then all of this would be tied together.

18                   MEMBER FLOYD:  Right.

19                   MEMBER GARCHOW:  Is that your premise?

20                   MEMBER FLOYD:  Well, that was my premise.

21                   CHAIRMAN PLISCO:  Yes.  There is linkage  
22 between the timeliness and the problems and the lack  
23 of the phase 2 worksheets.

24                   MEMBER FLOYD:  And I think also the  
25 quality of NRC PRA tools is an issue, if you had

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1 validated phase 2 worksheets where there was agreement  
2 between the licensee and the NRC that the phase 2  
3 worksheets were representative of their plant, then  
4 you could probably reduce the amount of communication  
5 that goes on.

6 And then you could put more reliance on  
7 the NRC tools I think and get rid of, to some extent,  
8 the public issue that the NRC is going to default to  
9 use the licensees' tools because they don't have  
10 adequate tools. That's my supposition.

11 MEMBER REYNOLDS: I like that. In fact,  
12 they stand out as three separate issues. I mean,  
13 they're related. But I think it's important to  
14 highlight the importance of these and have them as  
15 three separate issues. We may want to --

16 MEMBER FERDIG: Group them together.

17 MEMBER REYNOLDS: -- the fire protection  
18 one behind it, so you --

19 CHAIRMAN PLISCO: Yes.

20 MEMBER REYNOLDS: But I think it's  
21 important to say -- to point out the phase 2  
22 worksheets are not out there yet, and that the other  
23 risk -- quality of the risk -- it needs to be there,  
24 and the process of communicating. They're related,

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1 but they're also separate and distinct, and I think  
2 haven't been pointed out in the original report.

3 MEMBER TRAPP: We're putting a lot of eggs  
4 in the worksheet basket, because it's the part that's  
5 unknown and we're saying, "Well, everything is going  
6 to be fixed when we get these worksheets." I think  
7 those that are here now are going to be -- won't be  
8 disappointed.

9 MEMBER FLOYD: Really?

10 MEMBER TRAPP: Yes. I mean, the  
11 worksheets are going to be applicable to maybe half of  
12 what we review. A lot of the things that Lochbaum  
13 gave us as examples were green findings that came out  
14 of phase 1. He's saying he doesn't understand how we  
15 got the risk assessment.

16 So if we had the worksheets, it's not  
17 going to make any difference. You know, and the  
18 number of things that we're actually going to use  
19 those worksheets for is, you know, a couple of months  
20 maybe.

21 CHAIRMAN PLISCO: And I think there are  
22 some examples on this PRA tool issue that were really  
23 phase 3 analysis issues.

24 MEMBER TRAPP: And we're always -- you  
25 know, even when we get a white with the worksheets,

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1 you know we're going to phase 3. You know, somebody  
2 within the licensee's organization is going to  
3 exercise their model. So a lot of times when we hit  
4 phase 2 with those worksheets it isn't going to end  
5 there anyway. You know, we're --

6 MEMBER REYNOLDS: And the other PRA tools  
7 -- I mean, like for event response, we don't use the  
8 worksheets. We use other risk tools.

9 MEMBER FLOYD: Yes. But I think this  
10 whole section was directly related to SDP.

11 MEMBER REYNOLDS: S-4 is talking about the  
12 -- talks about quality of all areas.

13 MEMBER FLOYD: But I think it was intended  
14 to be limited to the quality of PRA tools in an SDP  
15 application.

16 CHAIRMAN PLISCO: And what they use for  
17 phase 3, I think was what the intention was.

18 MEMBER FLOYD: Yes.

19 CHAIRMAN PLISCO: And maybe it's not that  
20 clear.

21 MEMBER FLOYD: Because we have event  
22 response somewhere else. Or maybe just talk about it.

23 CHAIRMAN PLISCO: So is the consensus that  
24 we keep the three separate?

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1                   MEMBER FLOYD: That's fine. I can live  
2 with that.

3                   CHAIRMAN PLISCO: Just for clarity.

4                   MEMBER FLOYD: Sure.

5                   CHAIRMAN PLISCO: I mean, even -- there is  
6 some linkage, and maybe we can look at the words and  
7 -- I did try to do that I think in the phase 2  
8 discussion, that that is related to some of the  
9 timeliness issues that are discussed in S-1.

10                  MEMBER GARCHOW: You might be able to weed  
11 that story -- this might be the best use of your  
12 preamble paragraph, to sort of set the stage on how  
13 some of these are linked together before you separate  
14 them into the individual discussions of S-1, S-2, S-3.  
15 So there might be an opportunity for you to add a  
16 couple of sentences above S-1 to explain how some of  
17 these are linked.

18                  MEMBER FERDIG: Help me with a question  
19 about contextual meaning. I wasn't quite sure, just  
20 because I'm obviously not clear on the technical  
21 implications, but it does relate to the question Dave  
22 Lochbaum raised about the perception of the -- what he  
23 was characterizing I felt negatively as the  
24 negotiation that occurs behind the scenes, that

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1 changes what seems to be the case to what actually it  
2 turns out.

3 Does this or the combination of these  
4 three impact that perception, or does that show up in  
5 another place? It's the idea of making information  
6 available that helps the public reader understand the  
7 logic, and I want to preserve the opportunity for the  
8 conversations that occur between the regulator and the  
9 licensee for getting smarter as they're going through  
10 that process and understanding each other's  
11 perspective in a way that does not appear to the  
12 public stakeholder as compromise or negotiation.

13 CHAIRMAN PLISCO: All right. Well, the  
14 thought about the negotiation we should try to capture  
15 in this second paragraph under S-1.

16 MEMBER FERDIG: Okay. So is everybody  
17 comfortable that that is -- that this will do that,  
18 based on your understanding? That's all I wanted to  
19 know.

20 CHAIRMAN PLISCO: Yes. We tried to  
21 capture what factually does, I mean, occur. I mean,  
22 there is an interaction that does occur, and then how  
23 that's being perceived and viewed.

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1                   MEMBER FERDIG: And the information that's  
2 available to -- then, to the reader who might have a  
3 question about the --

4                   CHAIRMAN PLISCO: Right. Yes. Well, I  
5 think the point at the end is that that needs to be  
6 addressed.

7                   MEMBER FLOYD: I need some education, and  
8 maybe Jim can help. I think the understanding that  
9 I've had in the meetings that we've been having with  
10 the staff periodically on this issue is is that once  
11 the phase 2 worksheets are -- come out, and they are  
12 validated between the licensee and the staff, the only  
13 time the phase 3 is really used is to -- not to argue  
14 the numbers or the outcomes of the phase 2 worksheets,  
15 but to see if there were some deficiencies in the  
16 phase 2 approach that needed to be accommodated.

17                   But you should still, after that  
18 discussion is all over, be able to use the phase 2  
19 worksheet to appropriately characterize and show the  
20 linkage as to how the finding was, the way it -- why  
21 the finding was what it was.

22                   Do I have a misunderstanding of that or --

23                   MEMBER TRAPP: That's a utopia view of --

24                   MEMBER FLOYD: Utopia view. Okay.

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1           MEMBER TRAPP: The fact is is they've had  
2 to make them very conservative screens so that we're  
3 not missing things. So there's going to be a lot of  
4 things where the worksheets will come up with a white  
5 finding that then the licensees are going to be  
6 willing to challenge because of the conservative  
7 assumptions. So that's going to be one subset.

8           Another subset, from our point of view, is  
9 we're going to come up with green next to whites,  
10 where we know if we throw external events into the mix  
11 it would probably be a white finding. So that's going  
12 to be another phase 3. And they also don't work for  
13 any system where you have a support system that has a  
14 common -- you know, like two service water pumps  
15 feeding into a common header. So there's going to be  
16 all those type of issues.

17           MEMBER FLOYD: Okay.

18           MEMBER TRAPP: So --

19           MEMBER FLOYD: Okay.

20           MEMBER TRAPP: -- I mean, we don't know  
21 until we get there, but, you know, just guessing is is  
22 that we're probably going to hit phase 3 on a large  
23 percentage of the worksheet.

24           MEMBER FLOYD: Okay. Even after the  
25 phase 2s are out and validated.

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1 MEMBER TRAPP: Right. Because --

2 MEMBER FLOYD: Okay.

3 MEMBER TRAPP: Yes.

4 MEMBER FLOYD: Okay.

5 MEMBER TRAPP: I mean, that's just an  
6 opinion. We don't know until we get there, but --

7 MEMBER FLOYD: Would the SPAR models  
8 improve that? The SPAR 3-Is, when they're complete?  
9 I guess they've got, what, about 23 of the 60 or so  
10 out right now?

11 MEMBER TRAPP: Yes.

12 MEMBER FLOYD: Yes, 63 I guess --

13 MEMBER TRAPP: You know, but now you're  
14 kind of back into phase 3 space.

15 MEMBER FLOYD: Okay.

16 MEMBER TRAPP: That's our --

17 MEMBER FLOYD: I'm sorry to belabor this,  
18 but is this where the agency you think is ultimately  
19 headed, is maybe to do away with the phase 2  
20 worksheets and go to the SPAR 3-I versions once  
21 they're ready?

22 MEMBER TRAPP: I think that --

23 MEMBER FLOYD: Have you? Okay.

24 MEMBER SHADIS: I think this is -- this  
25 conversation you two had just now is a good

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1 illustration of the difficulty that's inherent in the  
2 program in communicating how it works to the public.

3 I mean, you're talking about educating the  
4 public, and, you know, people who are -- should be as  
5 knowledgeable as anyone could possibly be are still  
6 tossing a lot of variables around as far as, you know,  
7 the ultimate determination of risk, which is what the  
8 public is interested in. So good luck.

9 MEMBER GARCHOW: But the ultimate  
10 determination of risk isn't going to be throwing, you  
11 know, inputs into a machine and then looking for an  
12 outcome. The whole purpose of the SDP process  
13 actually was to use it as an input, not as a  
14 definitive output. And in that is that challenge of  
15 how you have the intellectual exercise of using it as  
16 an input in a way that's transparent to the public,  
17 where they can see how that happens.

18 MEMBER SHADIS: Yes. I had the  
19 opportunity to address a breakout session at the  
20 regulatory information conference on this. And I  
21 tried to make the point -- and I didn't very well --  
22 that, you know, simplicity ought to be a goal, and  
23 that it's not just simplicity in the sense of avoiding  
24 the technicalities and, you know, the subtle  
25 ramifications. It's simplicity as -- as a thing that

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1 is sophisticated in describing what you're about. And  
2 it doesn't seem like it's going in that direction,  
3 particularly.

4 MEMBER TRAPP: You know, very complex  
5 tools, very complex machines, and, in my opinion,  
6 you're never going to get simplicity if you want the  
7 right answer.

8 MEMBER FERDIG: That I agree with  
9 wholeheartedly. And from a public point of view, I  
10 think we need -- that's part of coming back to the  
11 information and the education. As a public, we need  
12 to understand the complexity of this process, and we  
13 do not -- we need to not demand simplicity when in  
14 doing so we are suggesting that the interaction that  
15 has to occur to emerge to the right answer can't  
16 occur.

17 And I don't want to have anywhere in this  
18 recommendation to suggest that we're wanting to  
19 shortcut that kind of interaction that has to occur  
20 from clear understanding among the technical experts  
21 who need to make those decisions.

22 MEMBER SHADIS: I don't want to start a  
23 whole conversation.

24 CHAIRMAN PLISCO: But the point we're  
25 trying to address in this is -- is, in the end, we

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1 need to be able to communicate what decision was made  
2 and what it was based on.

3 MEMBER FERDIG: And why.

4 MEMBER SHADIS: Well, and -- and as long  
5 as you have as many variables in there as you do, not  
6 only variables in the program, built-in variables, but  
7 variables in perception, with NRC staff from one end  
8 of the agency to the other, and differences in  
9 perception between the industry and the NRC. You're  
10 going to have an almost impossible job of doing it.

11 And, again, I just -- simplifying things  
12 should not be confused with a lack of sophistication,  
13 nor should it be confused with shortcutting. We've  
14 already, you know, had plenty of shortcutting. We  
15 don't -- that's not what is at issue.

16 But David before mentioned that -- the  
17 OSHA horse, you know, and the more parts and pieces  
18 you add to try to cover all of the bases, the more  
19 unwieldy the thing becomes.

20 And sometimes there are ways of discerning  
21 a clear path through things, and I think that, you  
22 know -- and I'm sure it's not going to get reflected  
23 in this document, but I think that that ought to be a  
24 goal as the program is refined, to not pile stuff on  
25 like what -- TMI action requirements or something, not

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1 stack it up, but actually look for ways to -- to make  
2 it more discerning. So that -- that's where I am with  
3 that.

4 CHAIRMAN PLISCO: And I think from the  
5 staff perspective, I mean, I -- our goal is the same.  
6 I think we do want to simplify the process. And,  
7 really, to put more in the hands of the inspectors, so  
8 they can, in a timely manner, you know, make these  
9 calls and move on, you know, and save the much more  
10 complicated issues, you know, for the Senior Reactor  
11 Analysts I think is -- is one of our goals.

12 And that's why we've been working on this  
13 phase 2 worksheet, to try to help simplify the process  
14 and make it where we can move it one level down and  
15 have the inspector, you know, get the facts and  
16 disposition the issue and move on in a timely manner.

17 MEMBER SHADIS: And I think that if you  
18 look at it long enough, and it -- the notion of  
19 discretion becomes acceptable. That there is  
20 discretion in the background on all of this, and it  
21 ought to be made clear that findings are not -- you  
22 don't often have a clear, you know, line defining  
23 these things, that you do have to at some point rely  
24 on discretion.

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1                   CHAIRMAN PLISCO: Right. And that's -- I  
2 mean, the risk-informed versus risk-based I guess is  
3 the argument. I think a number of us on the staff  
4 have been concerned that we've gotten too -- we're  
5 moving too far to the risk-based, and that's what has  
6 affected the timeliness and made the issues more  
7 complicated rather than, you know -- I mean, there are  
8 uncertainties in bands, and there is some judgment  
9 involved in making those calls.

10                   MEMBER GARCHOW: But it loops back around  
11 to -- I mean, you peel the onion back. If we weren't  
12 -- if we hadn't created a situation where, you know,  
13 "white is undesirable," then you don't get into, you  
14 know, 500 inspector manhours and utility personnel  
15 debating the finer points of some risk impact, just to  
16 determine whether the NRC may, in the next quarter,  
17 come look at an area to see what the corrective  
18 actions are. It just doesn't make sense.

19                   MEMBER GARCHOW: And that's the outfall of  
20 what's happened as an undesirable consequence of the  
21 overreactions to whites, which never was at least in  
22 the intention of the program design.

23                   Now, you get into the yellows, well, then,  
24 you would have expected to be exercising all of the  
25 information the NRC would have available from its

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1 models and engaging the licensee, and truly  
2 understanding what is the risk. But we've created a  
3 situation where we're engaging to that level on  
4 whites.

5 MEMBER TRAPP: I think we have the poster  
6 child for that issue ongoing, continuing on.

7 (Laughter.)

8 MEMBER KRICH: Let me go back a second.  
9 I think your statement about the ultimate objective is  
10 to make sure that the inspection report has a clear  
11 discussion of what was the result and what was the  
12 basis for that, and there was a --

13 CHAIRMAN PLISCO: Yes. Well, that's  
14 addressed previously in Dave Lochbaum's comment about  
15 the -- I mean, there is a need, and I think we all  
16 agree with it, that it's got to be clear, you know,  
17 what -- what was the basis of the decision. And to  
18 the point where someone can reconstruct how we got to  
19 that answer.

20 MEMBER KRICH: Or at least understand it.  
21 I think Dave made some good points in his presentation  
22 where he showed -- gave some examples of inspection  
23 reports where you couldn't figure out how they reached  
24 the conclusion, and he gave an example of where you

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1 could. And my comment, I thought those were -- I  
2 thought that was pretty good discussion.

3 I didn't -- I thought the recommendations  
4 -- panel recommendations -- should reflect that, and  
5 I didn't think it did as clearly as it could.

6 MEMBER GARCHOW: So what would you  
7 propose?

8 CHAIRMAN PLISCO: Do you want me to read  
9 it? I have --

10 MEMBER KRICH: Go ahead.

11 CHAIRMAN PLISCO: He faxed a comment  
12 yesterday that what it would say was, "These lessons  
13 learned from the initial implementation, that the  
14 reactor oversight process, to improve the process for  
15 determining the risk characterization of an issue so  
16 that it is expedient, scrutable, and understandable to  
17 all stakeholders." Is that the one?

18 MEMBER KRICH: Those aren't my comments.  
19 That's pretty good. That's close.

20 CHAIRMAN PLISCO: Take credit for it.

21 MEMBER KRICH: No. I won't take credit  
22 for what's not mine.

23 CHAIRMAN PLISCO: And that does highlight  
24 that issue that we were talking about, making sure  
25 what's --

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1           MEMBER SHADIS:  Would that replace other  
2 language in here, or is that simply added?

3           CHAIRMAN PLISCO:  It would replace this  
4 kind of generic words about evaluating, communicating,  
5 significant determination process conclusions in a  
6 timely and open manner.

7           MEMBER GARCHOW:  Would you read it again,  
8 Loren, please?

9           CHAIRMAN PLISCO:  Yes.  I'll read the  
10 whole sentence.  "Use lessons learned from the initial  
11 implementation of the reactor oversight process to  
12 improve the process for determining the risk  
13 characterization of an issue, so that it is expedient,  
14 scrutable, and understandable to all stakeholders."

15          MEMBER GARCHOW:  That works.

16          MR. MONNINGER:  Expedient, scrutable, and  
17 what else?

18          CHAIRMAN PLISCO:  And understandable to  
19 all stakeholders.

20          MEMBER FERDIG:  And that fact -- it won't  
21 inhibit the exchange that occurs at those stages,  
22 right?

23          MEMBER KRICH:  That was the other part of  
24 it is he didn't want -- also did not want to inhibit  
25 the exchange that goes on between the licensee --

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1 MEMBER FERDIG: Right.

2 MEMBER KRICH: -- and the senior risk  
3 analyst.

4 MEMBER FERDIG: And I don't know how -- I  
5 guess I'm just asking a question, is that --

6 CHAIRMAN PLISCO: Actually, it came from  
7 Jim Moorman.

8 MEMBER KRICH: There you go.

9 MR. CAMERON: Is that "expediate"? Is  
10 that -- expedite, isn't it? Is that what you mean?

11 CHAIRMAN PLISCO: He said expedient.

12 MR. CAMERON: Oh, okay.

13 MEMBER GARCHOW: The lack of timeliness  
14 has an impact on public confidence, based on some of  
15 the --

16 MEMBER KRICH: Right. And that's to  
17 address the time factor that was raised in the  
18 discussion of the issue, where things dragged on for  
19 -- I think that's appropriate.

20 MEMBER FERDIG: Okay.

21 MEMBER KRICH: Moorman is obviously a  
22 great thinker, since he had the same comment.

23 MEMBER GARCHOW: And he has the same  
24 modesty, too.

25 (Laughter.)

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1 CHAIRMAN PLISCO: Okay. Anything else on  
2 S-1?

3 MEMBER GARCHOW: So now that we've changed  
4 S-1 like we've changed it a little bit, and when we  
5 read through here some of Steve's opening comments  
6 sort of make sense. At least a lot of elements of  
7 some of these ongoing ones, that we're just saying the  
8 same thing in a different way.

9 CHAIRMAN PLISCO: That's okay. If it  
10 makes -- I can live with it. If it makes sense to  
11 call it out as a separate issue, but have a similar  
12 recommendation, that's all right.

13 CHAIRMAN PLISCO: Okay.

14 MEMBER BLOUGH: I have comments on the  
15 preamble.

16 (Laughter.)

17 The --

18 MEMBER FERDIG: Too late.

19 MEMBER BLOUGH: Too late. Yes. I don't  
20 think the preamble captures the labor that -- you  
21 know, the SDP as part of the process that still has  
22 the most -- is the most incomplete. In fact, to the  
23 contrary, where we say in the middle of this preamble,  
24 "The benefits associated with using an SDP to place  
25 all inspection findings in a risk-informed context,"

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1 that implies that we can do that, and we can't even do  
2 that yet.

3 So I would just -- the flavor that's in I  
4 guess S-3 and S-7, about the fact that it's really not  
5 -- the tool is not complete yet, I think needs to be  
6 -- I'm not sure what the purpose of the preamble is,  
7 but I think it needs to be reflected.

8 CHAIRMAN PLISCO: Yes. Based on our last  
9 meeting, it was really intended to capture the  
10 positive attributes of that part of the program,  
11 because the bulk of the report is about the problems.  
12 And as we discussed last time, that's what we're  
13 trying to do, is we went back and looked at everyone's  
14 positive comments and tried to capture -- okay, here  
15 are some positive things about the program. But here  
16 are all the problems.

17 MEMBER GARCHOW: I hadn't picked that up.

18 MEMBER FERDIG: I hadn't either.

19 MEMBER GARCHOW: I hadn't picked that up  
20 until he just said it. I'm reading these preambles a  
21 little differently now.

22 CHAIRMAN PLISCO: Yes. We were trying to  
23 provide some balance that -- you know, especially in  
24 some cases there were, you know, a lot of positive  
25 attributes, and they weren't really captured anywhere

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1 in the report. So that's why we're trying to -- I  
2 mean, they're brief, they're summaries.

3 MEMBER BROCKMAN: It brings a format  
4 question up. I mean, we've been eliminating a lot of  
5 the ones at the end of these paragraphs. Should we  
6 maybe under each one of these things follow that lead-  
7 in paragraph -- now the positive attributes, and  
8 then --

9 MEMBER FERDIG: Yes. I think you need to  
10 make it more explicit.

11 CHAIRMAN PLISCO: Well, actually, I think  
12 I have a discussion in the front that says what this  
13 is.

14 MEMBER FERDIG: How you say that.

15 CHAIRMAN PLISCO: On this one, then, I'd  
16 suggest redoing the last two sentences.

17 MEMBER BLOUGH: But the other preambles  
18 tend to have some balance in them as well, in the  
19 preamble itself. I mean, it's -- I don't think all of  
20 the preambles are all positive.

21 MEMBER FLOYD: No. I think we just  
22 started on the last half a dozen taking out the  
23 negatives and thought that we were going to go back  
24 and take a look at them.

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1 CHAIRMAN PLISCO: The last two we took out  
2 the transition sentence.

3 MEMBER GARCHOW: That could be the habit,  
4 right? There is a writing on what the "however,"  
5 comma, just --

6 MEMBER FERDIG: Can't help it.

7 MEMBER TRAPP: In the preamble, the last  
8 part of the last sentence, that is challenging public  
9 confidence as much as it's enhancing it. I guess I'd  
10 remove that part and just keep it to the facts, in  
11 that it's highly complex and time-consuming, because  
12 I don't think we really have any basis to say that  
13 it's challenging public confidence as much as it's  
14 enhancing it. I don't know what that balance is, but  
15 I would suspect it's enhancing it more.

16 MEMBER BROCKMAN: With all of the feedback  
17 and everything that we've heard from states and  
18 everything else, that I really think support this  
19 statement greatly, I can probably take it out. But I  
20 believe fully we have gotten enough information to  
21 justify that statement.

22 MEMBER FERDIG: Or at least --

23 MEMBER BROCKMAN: If we're not going to  
24 put it in here because we're listing the positives,  
25 I'll live with that fully. But, I mean, we've gotten

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1 a whole lot of information. Just because I don't have  
2 an equation to come up with it, I think it's a true  
3 statement.

4 MEMBER BLOUGH: It suggests that you have  
5 a meter or a way of balancing it, though.

6 MEMBER FLOYD: Yes.

7 MEMBER BLOUGH: That we really don't have.

8 MEMBER FLOYD: Yes. I agree that it's  
9 challenging public confidence, but I don't know if  
10 it's challenging as much or more than it's enhancing  
11 it.

12 MEMBER TRAPP: Just say it's challenging.

13 MEMBER BROCKMAN: I think with what we're  
14 trying to do, delete the whole thing, because we're  
15 listing the positives.

16 MEMBER SHADIS: The contrast -- it's a  
17 challenge to public confidence. It is.

18 MEMBER FERDIG: I think it makes sense for  
19 the preamble to hold something of a transitional  
20 summary into what is to follow. And to that extent,  
21 just for a writing objective. And I think that for it  
22 to contain some examples of what has been positive  
23 about the significant determination process could  
24 include that, and I think it could also include some

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1 summary transition, then, into -- I think to try to  
2 keep it just positive reads weird.

3 So it can be the place where you include  
4 that, but then you can transition into some of what  
5 you're saying. But what I'm agreeing with is that you  
6 not overstate, as is the case here, and you qualify  
7 it. That it may hold the potential for challenging  
8 public confidence as much as enhancing it, but to say  
9 that it does is an overstatement.

10 MEMBER GARCHOW: I think we need to either  
11 wordsmith this to make it work or we eliminate it. I  
12 mean, it's -- it doesn't quite work.

13 MEMBER FLOYD: I think we need to really  
14 decide which way we're going to, because we've just  
15 deleted some of those transitional phrases from  
16 several previous ones. I guess my preference would be  
17 to keep this opening fairly positive about, you know,  
18 what we think the positive aspects are and leave the  
19 issues as what we see as the major challenges,  
20 because, actually, both of these thoughts that are in  
21 these last two sentences are actually captured in the  
22 issues.

23 MEMBER FERDIG: Okay. I can agree with  
24 that, then. Okay.

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1 MEMBER FLOYD: Yes, public confidence, I  
2 think that's really -- that is in this one --

3 MEMBER FERDIG: So we're going to call it  
4 a positive attribute, then.

5 MEMBER REYNOLDS: I would say something  
6 like that, because that's what it is. There's no  
7 problem with stating a fact.

8 MEMBER FERDIG: It needs to be clear.

9 MEMBER REYNOLDS: And if it's clear to  
10 state it every time -- we did it early on, and we  
11 forgot it already.

12 MEMBER GARCHOW: I think that for the  
13 reader, I think there's a -- I mean, ethics may be too  
14 strong of a word, but I think we're -- we want to be  
15 perfectly clear that we did an evaluation, we found  
16 the positives, we found the issues. We're using the  
17 cover letter to sort of provide the balance of saying,  
18 you know, that the -- which are the issues and which  
19 are the positives.

20 We're saying move forward with the  
21 program. It sort of tells you that the positives must  
22 have outweighed the issues. I think in the body of  
23 the report I think you have to call that out.

24 MEMBER HILL: I guess my problem with  
25 putting positives specifically here is we didn't go

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1 out and try and address all of the positives. This  
2 isn't an accumulation of positives. These are some  
3 things that kind of came up. So I think it's  
4 misleading that that's all the positives there are, if  
5 you state, "Here are the positives."

6 MEMBER REYNOLDS: What would you call  
7 them, then?

8 MEMBER HILL: I wouldn't specifically --  
9 I wouldn't do anything more than what we've done up  
10 there. It was addressed earlier on. You know, we  
11 addressed some of the positive comments that came up,  
12 but our -- our challenge wasn't to go out and identify  
13 all of the positives there are. So --

14 MEMBER GARCHOW: That would make another  
15 assumption in the reader that isn't true.

16 CHAIRMAN PLISCO: I'm trying to go back  
17 and look at the words that we used in here. Yes.  
18 It's under -- the third paragraph under "Panel  
19 Conclusions and Recommendations." It says, "And  
20 though the panel" -- page 2. "Though the panel  
21 focused its efforts on discussing the areas needing  
22 improvement, they noted many positive attributes and  
23 outcomes. We have included some key positive comments  
24 in the introductory comments associated with each  
25 program element."

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1 MEMBER GARCHOW: That works.

2 MR. CAMERON: I think that was Mary's  
3 recommendation.

4 MEMBER FERDIG: And I understand that it's  
5 like how things -- you can say it once, but that  
6 doesn't mean that it gets carried into the reader's  
7 perception and to identify a label -- a section as  
8 positive attributes.

9 MEMBER HILL: But if you look at the  
10 words, most of those words -- I mean, you know, you're  
11 going to see them positive. You're not going to see  
12 them as a negative.

13 MEMBER FERDIG: Right. It's a toss-up.

14 MEMBER FLOYD: Limited positive comments.

15 (Laughter.)

16 MEMBER GARCHOW: Steve, you usually come  
17 through with the words we --

18 (Laughter.)

19 MEMBER FERDIG: Examples. Examples of  
20 positive attributes.

21 CHAIRMAN PLISCO: Well, I'll just suggest,  
22 why don't we come back. We've got a couple more  
23 sections, and we'll see how those read. And then  
24 we'll come back and revisit that.

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1 MR. MONNINGER: Did you reach an agreement  
2 on deleting those last two sentences that are in bold  
3 up there?

4 MEMBER GARCHOW: I'm comfortable deleting  
5 them.

6 CHAIRMAN PLISCO: Yes. I think to be  
7 consistent with what we've done in the last two  
8 sections, the one concern --

9 MEMBER SHADIS: That's not reason enough  
10 to throw them out.

11 CHAIRMAN PLISCO: Yes.

12 MEMBER SHADIS: To provide, you know,  
13 symmetry to your format.

14 MEMBER HILL: They are addressed in the  
15 issues, though.

16 MEMBER SHADIS: People need to be assured  
17 of that.

18 MEMBER HILL: It may be. But those were  
19 -- those were questions that were raised over and over  
20 again, and the impact in terms of the SDP is  
21 significant. I think you've got problems with the  
22 language in them, but I'm not sure that you want to  
23 throw the thought out of your --

24 MEMBER TRAPP: Can you move those  
25 sentences into S-1?

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1                   MEMBER FLOYD: Yes. I think that's -- I  
2 think what we ought to do is look to move those  
3 sentences and the issue itself. If it's not  
4 adequately captured, then we ought to make sure it is,  
5 but I think that's a better way to go.

6                   MEMBER GARCHOW: Well, Richard, he  
7 harvested those from the issue?

8                   MEMBER HILL: That's what he said earlier.  
9 That's what I understood.

10                  CHAIRMAN PLISCO: Yes. I mean, the  
11 thought certainly came from the issue. As far as the  
12 exact words, that's --

13                  MEMBER SHADIS: If the preamble -- what's  
14 the purpose of the preamble?

15                  MEMBER FERDIG: That's just what I was  
16 going to say. Let's see if we can agree on that.

17                  MEMBER SHADIS: If it's to give you the  
18 flavor of what's contained in the rest of it, then it  
19 isn't serving that purpose if all you have is, you  
20 know, that spring is here and the flowers are on the  
21 way.

22                  MEMBER TRAPP: I guess I was confused why  
23 we didn't put balanced preambles in the executive  
24 summary up front, and then just have this be an  
25 attachment of issues and leave it at that. You know,

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1 because it seems like we're -- that's all valuable  
2 information in those preambles. It's kind of missing  
3 from the cover letter.

4 MR. CAMERON: So you're saying that if  
5 that -- if you move these -- if you move these  
6 preambles into the cover letter, and the preamble  
7 would express positive and negative, it would be a  
8 summary that someone would read up front that would  
9 give them a flavor for the whole report before they  
10 got into the issue by issue?

11 MEMBER TRAPP: Sure. Because I think 95  
12 percent of the people never get beyond the cover  
13 letter and assume there's nothing in there. At least  
14 I'm not radical -- 95 -- I put myself in the 95  
15 percent category.

16 And then the attachment would just be,  
17 "Here's the issues." You know, well, you'd express  
18 what we feel on each one of the four categories. It  
19 seems like that would be valuable.

20 MEMBER FERDIG: I could support that.  
21 That would be --

22 MEMBER SHADIS: For those of us that are  
23 depending on the content of the transcript, that gives  
24 no comfort at all.

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1           CHAIRMAN PLISCO: And the concern I would  
2 have now is that if we move those to the front there's  
3 really not heavy discussion of the issues in the  
4 front. So then you're unbalanced. It's going to  
5 sound rosy in the front, and then all of the issues  
6 are in the back. I'm not sure if that's where we want  
7 to go either as far as making sure it's a balanced  
8 discussion.

9           MEMBER SHADIS: There's nothing wrong with  
10 the structure you had, and there really shouldn't be  
11 a question of positive and negatives. You get an  
12 overall view in your cover letter, your introduction,  
13 and then for each section you give an overall view of  
14 that section and then proceed to -- down to the small  
15 parts, which are the issues. Just --

16           MR. CAMERON: But positive and negative  
17 both.

18           MEMBER SHADIS: Well, whatever falls out.  
19 I mean, it may turn out that some of the things you  
20 want to talk about have nothing but positives. It may  
21 be that some of the things you -- have nothing but  
22 negatives. It's just -- it's not --

23           MEMBER FERDIG: If we're reporting on our  
24 perception of the ROP relative to that, which  
25 includes --

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1 MR. CAMERON: So that would mean you would  
2 go back and add in many of those transitions that you  
3 took out.

4 CHAIRMAN PLISCO: But maybe we need to  
5 recraft those, I think is how we do that transition.

6 MEMBER GARCHOW: But then that gets into  
7 like the inspection. Everyone would say  
8 notwithstanding, however, you know, you go into your  
9 glossary and --

10 MEMBER KRICH: No, I don't think that the  
11 individual sections are that extensive that we need a  
12 summary introductory paragraph. In fact, if we do  
13 that, and include the positives and negatives, it's  
14 really not a summary because the positives aren't  
15 defined, and there's no further definition of what the  
16 positives are.

17 I have to personally vote for the original  
18 concept, which is the introduction is to make sure  
19 that the reader understands we have concluded, based  
20 on what we know, that the process is generally working  
21 and has good aspects to it. That's the introduction.

22 And there's a -- it's a short enough read  
23 to read what the main issues are and what our  
24 recommendations are, without having to summarize it up

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1 front. So I would vote for leaving it with the  
2 original concept.

3 CHAIRMAN PLISCO: And take out those  
4 transition -- where we tried to do that.

5 MEMBER KRICH: Yes. And I -- with  
6 deference to Jim's comment, also in the cover letter  
7 I think your answer was valid, in that it would skew  
8 it one way or the other. I think the reader is just  
9 going to have to go through the detail to get the  
10 information.

11 CHAIRMAN PLISCO: Any more?

12 MEMBER FERDIG: So where did we end up,  
13 then? Does that mean that this intro paragraph in  
14 each of these subsections will go away?

15 MEMBER KRICH: No. I was proposing that  
16 we stick with the original concept.

17 MEMBER FERDIG: Which is what is here.

18 MEMBER KRICH: Which is to give the  
19 preamble or the introduction is -- process is working,  
20 here's the positive aspects that --

21 MEMBER FERDIG: Okay.

22 MEMBER KRICH: -- we, as a group, found.  
23 And then read on for the issues that need to be  
24 addressed.

25 MEMBER GARCHOW: That works for me.

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1           MEMBER FLOYD:    So keep these little  
2 preambles under each section.

3           MEMBER KRICH:    I think so.

4           MEMBER FLOYD:    With the focus on the  
5 positives, and then say -- yes.

6           MEMBER KRICH:    I found it to be good,  
7 because it gave some -- it gave the balance. I think  
8 the reader needs to know that the group didn't -- in  
9 the end, we didn't say, "Oh, this whole -- this part  
10 of it is broken."

11          MEMBER FERDIG:    Right. Right.

12          MEMBER BLOUGH:    And they don't catch all  
13 of the positives. But on the other hand, they -- they  
14 give enough of a flavor, if they're labeled positive  
15 attributes, you know, if they're labeled that, they  
16 give enough of a flavor about what were the positive  
17 things we found. So I would go along with that, as  
18 long as they're labeled as such. If they're not -- if  
19 they're unlabeled, then you -- then that -- it looks  
20 like a synopsis, which is --

21          CHAIRMAN PLISCO:   It's not.

22          MEMBER BLOUGH:    -- it's not. It's too  
23 rosy as a synopsis, but it's -- it's illustrative if  
24 labeled positive.

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1                   MR. CAMERON: I think you still have some  
2 people who are not convinced that going along with --  
3 with Rod's objective, as he stated it, that -- to give  
4 an overall picture, that you wouldn't also need to  
5 include some of the negatives as well as the  
6 positives.

7                   I get the feeling that, for example, Ray  
8 thought the negatives should be in there.

9                   MEMBER SHADIS: In ordinary expository  
10 writing, your preamble isn't used to offset the body  
11 of your material. It's just -- it's never done. I  
12 mean, it's just like -- it would be unlikely.

13                   So although I have noticed in -- there  
14 have been some NRC inspection reports in times past,  
15 especially on the big inspections, that all of the  
16 news is bad news until you get to the conclusion. And  
17 then you'll find out that it's really not significant  
18 at all.

19                   And so this may be the reverse of that, I  
20 don't know. But it's a very strange approach, from my  
21 point of view, and -- but it leads to the question of  
22 what -- I mean, a positive comment doesn't necessarily  
23 mean that there isn't going to be some advice for  
24 action to follow, like, "This is working well. Do

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1 more of it," for example, you know? We don't have any  
2 of that in this report particularly.

3 MEMBER FERDIG: Sure we do. We've come  
4 full circle around, at least once, maybe twice.

5 (Laughter.)

6 And everybody has got a good perspective.  
7 But that's back to the point I was making. In the  
8 normal writing document, the first paragraph is a  
9 descriptive paragraph of what's to follow. And it  
10 says, generally, what we want to say about that.

11 Now, the general statement that we're  
12 making in this whole assessment is that we think the  
13 ROP is pretty good, and that there are some issues  
14 that need some attention. And we've highlighted them  
15 carefully in this report. So it's not out of line in  
16 that summary paragraph of expository writing in each  
17 section to have a reflection of the good and a preview  
18 of some of what's coming, and then to highlight in  
19 specifics those issues.

20 So I don't know that we're all that far  
21 off in what you have. And I don't know that it needs  
22 to be labeled "positive attributes," as if it's  
23 covering it in a more comprehensive way than we have  
24 done.

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1           MEMBER BLOUGH: I could go with your  
2 recommendation. In that case, it is a synopsis, and  
3 it doesn't need to be labeled at all.

4           MEMBER FERDIG: But just -- you could be  
5 real sensitive to this conversation and make sure that  
6 it --

7           MR. CAMERON: An example is that you would  
8 leave -- under Mary's suggestion and Ray's suggestion,  
9 is that you would simply leave this -- leave these  
10 sentences in. And, of course, you would have to go  
11 back and add in those transitions that you took out of  
12 the previous "synopsis." That's I think what's on the  
13 table.

14          MEMBER GARCHOW: I hope the ultimate  
15 readers really appreciate the level of care we've had  
16 in building these five sentences.

17          MEMBER FERDIG: Yes.

18          MR. CAMERON: The code for OSHA horse  
19 is --

20          MEMBER FERDIG: Yes.

21          MEMBER HILL: You can give this  
22 information a dozen different ways. We're kind of  
23 getting down to preferences, really.

24          MEMBER FERDIG: And writing style.

25          MEMBER HILL: And writing styles.

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1           MEMBER SHADIS: Well, it -- things that  
2 justify, you know, my notion of common sense -- I  
3 mean, particularly --

4           CHAIRMAN PLISCO: Can we go to something  
5 as simple as we put these positives, and then each one  
6 has a sentence at the end that says, "The panel  
7 identified the following issues that need to be  
8 addressed"?

9           MEMBER FLOYD: That's what I was just  
10 going to say, because that's actually consistent with  
11 what you've got in the cover letter now and the  
12 executive summary, that says, "Overall, we think the  
13 process is an improvement. However, we've identified  
14 a number of issues that need additional attention and  
15 consideration by the staff."

16           And, to me, each section now has sort of  
17 that -- why we reached the conclusion that overall it  
18 is an improvement, which is sort of the preamble, and  
19 then there's the issue. So that's the two pieces to  
20 me. I mean, that's consistent with the cover letter.

21           MEMBER FERDIG: Just don't hit the issues  
22 too hard in that preamble, because --

23           MEMBER FLOYD: I don't even think they  
24 need to be in there. To me, the two sections of each  
25 section are, "Here's the things that we found

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1 positive, that support why we think the program ought  
2 to go forward. But here's the issues that need to be  
3 resolved," which is the second piece. That's how your  
4 cover letter is structured, and that's how your  
5 executive summary is structured, with two layers.

6 MEMBER GARCHOW: So you would suggest we  
7 would delete this?

8 MEMBER FLOYD: Yes, I would suggest -- and  
9 make sure that if -- if somebody thinks that the  
10 thought that's up there isn't captured in one of the  
11 issues, make sure it's there, but --

12 MR. CAMERON: Ray? Mary?

13 MEMBER SHADIS: I'm just -- you know, I'm  
14 reading the first sentence, which says that, you know,  
15 risk information can be used in a systematic,  
16 practical, repeatable manner. Okay? And I focus on  
17 repeatable, and then I go down to the body of it, and  
18 -- and here's a stakeholder saying that it does not  
19 provide sufficient information to be able to  
20 independently reconstruct the analysis, which is to me  
21 the definition of repeatable.

22 So -- all right, you know, fine. But what  
23 you're saying at the top does not -- doesn't reflect  
24 what you have in the body. It contradicts it. And so  
25 somehow you've got to reconcile those --

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1                   MEMBER FLOYD: Well, to me, the issue,  
2 though, is I think it is consistent because it says it  
3 can be, and I think it can be. The issue is is that  
4 Dave pointed out examples where it wasn't, not that it  
5 couldn't have been, it just wasn't. And that could be  
6 remedied by giving guidance to the staff to make sure  
7 you duplicate the logic train that got you to the  
8 conclusion in the report, and then it would be.

9                   MEMBER HILL: I didn't think Dave's  
10 examples were things where something was wrong and not  
11 repeatable. I thought it was that the general public  
12 couldn't understand enough why it was different.  
13 Those two thoughts are different in my mind.

14                   MEMBER SHADIS: Well, couldn't reconstruct  
15 it.

16                   MEMBER HILL: The public couldn't  
17 reconstruct it. It doesn't mean it wasn't done right,  
18 though.

19                   MEMBER SHADIS: That's true. But at least  
20 -- at least some part of the interested parties  
21 couldn't repeat it.

22                   MEMBER HILL: Well, I guess my point, you  
23 said that they conflict. There it says it can be done  
24 in a systematic, practical, and repeatable manner.  
25 The part that you said it conflicted with was that the

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1 public didn't have enough information to reconstruct  
2 it themselves. I don't see that those conflict. You  
3 know, they are two separate facts.

4 MEMBER SHADIS: Well, that's true. You  
5 could repeat it over and over again, so the public  
6 could reconstruct it. I understand that.

7 MEMBER GARCHOW: It could be correct, and  
8 the public might not be able to reconstruct it, and it  
9 would solve that problem different than in the manner  
10 that you would --

11 MR. CAMERON: You seem to be getting off  
12 on a new issue. Is what's stated here, whether it's  
13 positive only, or whether it's positive and negative,  
14 is that reflected in what follows? Which is sort of  
15 a different issue than you're struggling with, which  
16 is, what is the scope and nature of this so-called  
17 preamble?

18 Not to minimize the fact that you do want  
19 to make sure that whatever you have up here is  
20 consistent with what you have here. I think you need  
21 to look at this report from that standpoint.

22 But I guess what's on the table here is  
23 positive only, positive and negative, not all  
24 positive, not all negative, but giving people an idea  
25 of what's to follow, or positive but a transition

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1 sentence that would be in every preamble, which is a,  
2 "However, the panel identified the following."

3 The "however, the panel identified,"  
4 that -- is there enough people that you all would  
5 agree that maybe we do the -- this positive, and then  
6 a transition sentence?

7 MEMBER FERDIG: I think if you make that  
8 positive you have to label it as such, and I think  
9 when you label it as such you give the implication  
10 that you've done an analysis to identify the  
11 comprehensive positives.

12 I would propose that we call this preamble  
13 in each section a descriptive paragraph that's going  
14 to reflect generic descriptive language, some of which  
15 is likely to be positive and some of which is likely  
16 to indicate that there will be more to follow in  
17 detail about issues that were noted, and trust our  
18 writers to write a descriptive paragraph as such,  
19 knowing that we want you to include positive  
20 commentary and not get into the detail of the issues  
21 because that will follow.

22 MR. CAMERON: And would you -- as an  
23 example, would this be a good example of that type of  
24 descriptive writing? So that people can understand  
25 exactly what you mean?

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1           MEMBER FERDIG: I'd volunteer to work an  
2 example over noon. I can't do it now. I mean, I  
3 think we're talking about something we can't know  
4 because we haven't seen it yet.

5           MEMBER BLOUGH: I liked Chip's question  
6 here, though, because I was trying to understand what  
7 you said, and his question gets to the heart of it.  
8 Would you keep some of that highlighted text in there  
9 in some form in your proposal? I thought the answer  
10 was yes, you would keep some of that. So the  
11 descriptive paragraph is kind of a synopsis of the  
12 area.

13           MEMBER FERDIG: Right.

14           MEMBER BLOUGH: And it'll whet the  
15 appetite about the issue.

16           MEMBER FERDIG: Yes.

17           MEMBER BLOUGH: Follow -- not describe  
18 them, but at least allude to them.

19           MEMBER FERDIG: That would be my  
20 suggestion.

21           MR. CAMERON: Ray, do you have a comment  
22 on this? And if we need to have Mary and someone else  
23 do an exercise over lunch and bring it back to the  
24 group, we can do that. But, Ray, did you have a  
25 comment?

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1           MEMBER SHADIS: I think it -- your overall  
2 conclusion is the program is working. And I think if  
3 you're going to throw out the -- any negative remarks  
4 in the preamble, and you're going to repeat for each  
5 topic area how that's working, all well and good.

6           But then you ought to, in your cover  
7 letter or in the frontispiece, or somewhere up front,  
8 say that this is what you're doing, say, you know,  
9 that -- that you find that, overall, you know, that --  
10 that the program is working, and we have identified,  
11 you know, specifically areas that we think are working  
12 well in each of the following topic areas, and have  
13 also included whatever issues that need to be  
14 addressed -- that still need to be addressed.

15           If you said that up front, then you lay  
16 out, you know, what you're doing. So --

17           MEMBER HILL: I think that's basically on  
18 page 2, and it refers to this paragraph as being  
19 introductory comments associated with each program  
20 element.

21           MEMBER FLOYD: Yes. If we need to  
22 highlight that some more and make it more clear,  
23 that's fine.

24           MEMBER SHADIS: It doesn't say --

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1           MEMBER HILL:    In the next-to-the-last  
2 paragraph it says, "Though the panel focused its  
3 efforts on discussing areas needing improvement, they  
4 noted many positive attributes and outcomes. They  
5 included some key positive comments in the  
6 introductory comments associated with each program  
7 element."

8           MEMBER SHADIS:  Well, no, it does. It  
9 does, yes.

10          MEMBER HILL:  And then the following five  
11 sections provide the consensus, conclusions,  
12 recommendations, with respect to them. You know, it  
13 kind of leads into giving introductory comments and  
14 then giving issues. So I -- it sort of says that.

15          MEMBER GARCHOW:  Would you say, then,  
16 delete the highlighted text or not?

17          MEMBER HILL:  Me? Yes, I would say delete  
18 the highlighted and have that transition there,  
19 because the highlighted is just kind of a repeat of  
20 the issues.

21          MR. CAMERON:  Ray, Mary, is that -- if we  
22 delete this, but there's always this transition, and  
23 what Ray was concerned about in the cover letter seems  
24 to be in there. Okay.

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1 CHAIRMAN PLISCO: And the last comment, we  
2 need to make sure those thoughts are embedded within  
3 there.

4 MR. CAMERON: Exactly. And I'm not sure  
5 that the so-called negatives are in there.

6 MEMBER REYNOLDS: I'd cut it, but don't  
7 delete it. It needs to go in the body, because that  
8 first one is not captured in here.

9 MEMBER GARCHOW: So, Randy, you started  
10 this 40 minutes ago, saying, "Let's go back to the  
11 preamble." Has your concern been addressed?

12 MEMBER BLOUGH: Well, I had a question  
13 about the preamble, and the whole discussion the last  
14 half hour was on whether my question was relevant or  
15 not. And it turns out, the way we came out, my  
16 question wasn't relevant. So I'll get to it later.  
17 I'm okay.

18 MEMBER LAURIE: Well, if you're okay, then  
19 I'm okay.

20 When you go with the last sentence,  
21 however the panel identified the following issues, and  
22 then I assume the issues we're talking about are S-1  
23 through S-9. Then, the language has to be changed in  
24 order -- either that or put a semicolon at the end.

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1 You may want to say, "Identify the issues as denoted  
2 below." Otherwise, you --

3 MEMBER GARCHOW: I appreciate the call for  
4 grammar. It's a lost art.

5 CHAIRMAN PLISCO: Ready for S-1?

6 MEMBER GARCHOW: I think we did S-1,  
7 didn't we?

8 CHAIRMAN PLISCO: Well --

9 MEMBER GARCHOW: I think we went back to  
10 the preamble after --

11 CHAIRMAN PLISCO: Yes. We need to make  
12 sure those two sentences are captured.

13 MEMBER REYNOLDS: I would suggest that the  
14 second sentence should be the second sentence of the  
15 issue description, the first paragraph for S-1.

16 MEMBER HILL: Where are we at now? I'm  
17 lost.

18 CHAIRMAN PLISCO: We've got the two  
19 sentences we're going to take out here and make sure  
20 they're -- that those thoughts are embedded.

21 MEMBER REYNOLDS: Can we leave them with  
22 you, or have we got to go work through them ourselves?

23 MEMBER FERDIG: We can do that.

24 CHAIRMAN PLISCO: You got it captured,  
25 John? We saved those --

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1 MR. MONNINGER: I have them on a separate  
2 document, but I didn't insert them.

3 CHAIRMAN PLISCO: Okay. We'll get that.  
4 Okay. We're done with S-1? S-2, fire  
5 protection SDP? S-3, phase 2 worksheets?

6 MEMBER GARCHOW: Mr. Trapp, did we capture  
7 your -- the SRA's concerns? I mean, this was the  
8 centerpiece of your presentation to the Board.

9 MEMBER TRAPP: Yes, I think so.

10 CHAIRMAN PLISCO: Okay. S-4? This is one  
11 we did have a lot of discussion, and I want to make  
12 sure we have captured the thoughts on this one.

13 MEMBER FLOYD: I think you got, unless I  
14 read it wrong, less/more reversed on the top of  
15 page 16.

16 CHAIRMAN PLISCO: This is S-4?

17 MEMBER FLOYD: I'm sorry. I'm looking at  
18 a printed version that I took off the website. I beg  
19 your pardon. The pagination is probably a little bit  
20 different. Actually, there's only one paragraph.  
21 Yes, okay. The sentence that starts, "For some  
22 findings that reach the phase 3 analysis stage, the  
23 licensees with state-of-the-art tools felt penalized  
24 when the staff used their less sophisticated results  
25 to determine more significance of an issue."

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1           And the concern was based on the notion of  
2           predictability, since it may have been more with a  
3           less sophisticated tool.

4           CHAIRMAN PLISCO:   Yes.  It's swapped.

5           MEMBER FLOYD:   Yes, okay.

6           MEMBER HILL:   That's more or less a good  
7           catch.

8           (Laughter.)

9           CHAIRMAN PLISCO:   So you think that  
10          captures it, Jim?

11          Okay.  S-5, physical security, SDP?

12          MEMBER KRICH:   I want to go back to the  
13          second -- this --

14          CHAIRMAN PLISCO:   Okay.

15          MEMBER KRICH:   The issue has to do with  
16          the quality of NRC PRA tools.  There was a discussion  
17          also about the quality level of the licensee's PSA and  
18          having some consistency on that.  And maybe I missed  
19          it, but is that captured somewhere else?

20          MEMBER GARCHOW:   We came to a different  
21          spot on that.  I thought that the PSA tools of the  
22          licensee relative to this process, although provides  
23          input for phase 3, that the consistency because the  
24          PSAs are not a regulatorily required document, the  
25          consistency that the NRC could put in their process

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1 was in their control through the tools they give the  
2 risk analyst. That was sort of how we got around  
3 that. I remember we had a pretty healthy discussion  
4 for about an hour on that.

5 MEMBER FLOYD: And that's pretty much what  
6 the panel said, too, the SRA panel. That they used  
7 the licensees -- where the consistency comes in is  
8 that they're applying the tools -- their tool  
9 consistently once they understand the differences with  
10 the licensee model. They've got the final call.

11 MEMBER KRICH: Okay. I was thinking more  
12 of Lochbaum's comments I guess on consistency for the  
13 licensee. But I agree, and I think that's  
14 appropriate.

15 CHAIRMAN PLISCO: Anything on S-5? Okay.  
16 S-6? Just for consistency --

17 MEMBER REYNOLDS: On S-6, the first  
18 paragraph, the very last sentence, "There is a  
19 potential to public confidence." We don't have that  
20 as a primary program goal. We believe that we ought  
21 to add it as a primary program goal -- public  
22 confidence.

23 We don't talk in this issue description  
24 about unnecessary regulatory burden, efficiency,

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1 effectiveness -- using those words -- but we do point  
2 out public confidence. Period.

3 If we leave that, I would say -- if we go  
4 back up to program goal, add in public confidence.

5 MEMBER FERDIG: I think it --

6 MEMBER GARCHOW: So just consistency on  
7 how we're tying each issue statement to the goal  
8 that's impacted?

9 MEMBER REYNOLDS: Yes. Because the only  
10 goal that will be highlighted is public confidence,  
11 and we don't state it up there.

12 MEMBER KRICH: There was also on the --  
13 and it may be that we've put it in another issue. I  
14 may have missed it, but the issue that came up about  
15 ALARA, the screening criteria for the ALARA SDP as the  
16 potential unintended consequence of -- causing you to  
17 overinflate your estimate.

18 CHAIRMAN PLISCO: Yes. We didn't capture  
19 that, and we can talk about that when we get to S-8.

20 MEMBER KRICH: Okay. I'm sorry. You're  
21 on?

22 CHAIRMAN PLISCO: We're on 6.

23 MEMBER KRICH: 6.

24 CHAIRMAN PLISCO: Yes.

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1 MEMBER KRICH: I was just trying to move  
2 things along.

3 (Laughter.)

4 CHAIRMAN PLISCO: Anything else on 6? 7?

5 MEMBER BLOUGH: Well, on 6, what are the  
6 goals now under 6? Issue 6 is priority two, and the  
7 primary program goals are what? Did we change those?

8 CHAIRMAN PLISCO: We added public  
9 confidence.

10 MEMBER BLOUGH: Because it's also -- it's  
11 also maintain safety, just as much as public  
12 confidence. You know --

13 CHAIRMAN PLISCO: Yes. I didn't include  
14 it in all these. I think we talked about this last  
15 item. I really hit the ones when we went through our  
16 voting process that were the ones that -- above and  
17 beyond I think -- I think what we used with nine. You  
18 know, if we saw at least nine --

19 MR. MONNINGER: Nine votes.

20 CHAIRMAN PLISCO: -- or where there were  
21 ties, we tried to capture them all. Because in most  
22 of these cases, if you look across, almost every one  
23 is checked, someone checked. And there's a lot of  
24 overlap in them, and we just tried to highlight the

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1 primary ones on these. I mean, we can go back and  
2 relook at that.

3 MEMBER FERDIG: I wonder how we'd vote  
4 today.

5 MEMBER BLOUGH: Well, I would -- yes, this  
6 one -- the two issues are -- if we appear  
7 inconsistent, we're going to erode public confidence.  
8 So that's public confidence. And then, the sentence  
9 before that says, you know, it -- if the licensee's  
10 root cause evaluation hinders us from defining a  
11 performance issue, we might not be able to  
12 appropriately put the significance on the issue, and  
13 that's safety. So those are two -- there's nothing  
14 about efficiency and effectiveness in here now.

15 MEMBER FERDIG: And that's a valid process  
16 issue. You know, we evolved.

17 MEMBER BLOUGH: We evolved.

18 MEMBER FERDIG: So maybe we've gotten to  
19 a place --

20 MEMBER BLOUGH: The issue is different  
21 than when we voted on what category it is.

22 MEMBER FERDIG: I think if that makes  
23 sense, we are -- I would concur. No reason because we  
24 said it two months ago or three months ago in a vote

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1 that was nine to two that it necessarily makes sense  
2 here.

3 MEMBER REYNOLDS: I think I would agree  
4 with Randy.

5 MEMBER FERDIG: In fact, as a writer, I'd  
6 go back, now that we're all agreeing on the detail of  
7 the content, and make sure that those labels really  
8 match what we ended up saying.

9 CHAIRMAN PLISCO: Well, we didn't make a  
10 conscious effort to try to make sure every sentence we  
11 wrote matched back, because some of them are implied.

12 MEMBER FLOYD: I'm not sure it really  
13 matters, to be honest with you. I think it's the  
14 issue description and the recommendation that counts,  
15 and what bin it was put in is probably immaterial.

16 I'm kind of in Jim's camp. If we get 95  
17 percent of the people to read the cover letter, that's  
18 great. I don't think hardly anybody is going to look  
19 at which goal we attributed a particular issue to.

20 MEMBER GARCHOW: In some respects, that  
21 was almost an internal process we utilized to help  
22 steer the committee to be effective as opposed to  
23 providing some insight for the reader.

24 CHAIRMAN PLISCO: And it helped us  
25 prioritize the issues.

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1 MEMBER GARCHOW: Right.

2 MEMBER TRAPP: So what would we lose if we  
3 deleted that?

4 CHAIRMAN PLISCO: Well, I think it does  
5 add some characterization to why we thought it was  
6 important. But to link it back to the goal -- but I'm  
7 not sure -- I mean, I'm not adverse to changing them,  
8 because I think if it impacts any of the goals that's  
9 what's important and why we're raising it as an issue.  
10 As far as which particular one, I don't think is as  
11 important.

12 MEMBER BLOUGH: What I'd suggest is just  
13 if we see what we think is an obvious mismatch, you  
14 know, we'll throw it up and see if people can --

15 MEMBER FERDIG: That's exactly what I was  
16 going to say.

17 MEMBER BLOUGH: -- live with us changing  
18 it, and if not we'll stick with what it is, and not  
19 spend a whole lot of time on it.

20 MEMBER GARCHOW: I'd actually empower John  
21 or Loren to go back and just catch those  
22 inconsistencies and match the goal with them. I  
23 wouldn't need to necessarily have -- I personally  
24 wouldn't need --

25 MEMBER FLOYD: That's fine with me.

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1 MEMBER GARCHOW: -- to debate that point.

2 CHAIRMAN PLISCO: For this one, which one  
3 do we think it is? I mean, public confidence we  
4 added.

5 Okay. S-7?

6 MEMBER GARCHOW: This is another issue  
7 that Jim had with his group.

8 CHAIRMAN PLISCO: Right.

9 MEMBER GARCHOW: Do we inadvertently --  
10 are we sending a message -- and it may be an advertent  
11 message. I mean, it may not be an inadvertent  
12 message. That when you get to the SDPs, you know,  
13 there is double digits of issues where in the other  
14 areas there is one, two, three, four. And does that  
15 send a message that we either do or don't want to  
16 send, as a panel member -- as a panel?

17 MEMBER TRAPP: When you look at the  
18 program -- we went back to this before, but when you  
19 look at the program, what has really changed? And the  
20 only thing that has -- I mean, we did inspect it  
21 before, and we assessed before, and those pieces were  
22 kind of already in place. The big difference is the  
23 SDP.

24 So I don't think it's any surprise that  
25 most of the problems are coming out of the new part of

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1 the program. And that's where most of our issues are,  
2 so --

3 MEMBER GARCHOW: I'm just throwing that  
4 out. I didn't have a view one way or the other. I  
5 just noticed as I read through here there was  
6 something different about this category. It goes on  
7 and on.

8 CHAIRMAN PLISCO: I think it's where some  
9 of the key issues are.

10 MEMBER GARCHOW: Yes.

11 MEMBER BLOUGH: I think substantial work  
12 is needed to complete the suite of SDP tools. And so  
13 it's represented here by the --

14 MEMBER GARCHOW: I'm comfortable with  
15 that. I just wanted to throw that observation out.

16 MEMBER TRAPP: We actually had an SRA  
17 counterpart meeting last week, and when we discussed  
18 what was the FACA panel's findings they were all very  
19 pleased because they -- I mean, the idea of that panel  
20 was they wanted to go and get all of these ideas to  
21 management, and they were very pleased to see that  
22 these were captured in another venue by the FACAs.  
23 There was nothing new that we came up with last week  
24 that hasn't been captured here.

25 MEMBER GARCHOW: Great.

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1                   MEMBER FLOYD:     I like the way the  
2                   recommendation is worded personally, because if you  
3                   read the issue description, I mean, one could  
4                   logically lead to the conclusion that we need an SDP  
5                   for every regulation that we have. And I don't think  
6                   we want 180 SDPs out there. You don't need it for  
7                   every one.

8                   CHAIRMAN PLISCO:   S-8? Ray?

9                   MEMBER GARCHOW:   Back on S-7, we had some  
10                  talk in Atlanta about, you know, the need for, you  
11                  know, other efforts to proceed, that, you know, the  
12                  gap between the risk-informed oversight process and  
13                  the deterministic regulations -- that gap causes some  
14                  issues to occur. And one of the issues that occurs is  
15                  S-7.

16                  And when I read this, I didn't read in the  
17                  cover letter -- I mean, we're totally silent on this  
18                  mismatch that exists between the regulations and how  
19                  we --

20                  MEMBER FLOYD:     I actually saw that  
21                  somewhere.

22                  MEMBER GARCHOW:   Where was that?

23                  MEMBER KRICH:     That was picked up in  
24                  another writeup, Dave, I believe.

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1 CHAIRMAN PLISCO: It's in the executive  
2 summary. It's in the executive summary. That's why  
3 I tried to capture that thought, because that was  
4 really an overreaching thought that affected a number  
5 of areas.

6 MEMBER KRICH: It was a good writeup.

7 CHAIRMAN PLISCO: It was good.

8 MEMBER GARCHOW: I missed it.

9 MEMBER KRICH: Now can we get to S-8?

10 (Laughter.)

11 CHAIRMAN PLISCO: S-8? And your comment  
12 was that there's another potential unintended  
13 consequence having to do with the screening criteria  
14 for jobs and overestimating exposure that is not  
15 captured.

16 MEMBER GARCHOW: Yes. This was the  
17 discussion. It's not sure whether this SDP is a  
18 measure of dose performance or dose estimating.

19 MEMBER FLOYD: That should be added.

20 CHAIRMAN PLISCO: So after -- actually,  
21 insert before the last sentence of the description,  
22 "Another potential unintended consequence of the ALARA  
23 SDP" --

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1           MEMBER REYNOLDS: So we want to state in  
2 here that the licensees are willing to overestimate so  
3 they don't get a problem here?

4           CHAIRMAN PLISCO: Let me finish. Is that  
5 it may cause licensees to overestimate exposure during  
6 ALARA planning.

7           MEMBER REYNOLDS: As long as you guys are  
8 willing to make that statement.

9           MEMBER FLOYD: Certainly could drive  
10 somebody to do that. I mean, whatever you measure  
11 gets managed. I mean, it really does, so the trick is  
12 to try to get indications and SDPs where if they  
13 manage them you get a positive outcome instead of a  
14 potential negative outcome.

15           MEMBER HILL: There's no difference in the  
16 unavailability.

17           MEMBER FLOYD: No, it isn't. Or the  
18 unplanned power change one. Same thing.

19           MEMBER KRICH: It's not a -- I think  
20 Steve's point is -- I agree with what you've got here.  
21 I just think that Steve's point -- it's not a matter  
22 of we're consciously trying to game the system. It's  
23 that what'll happen over time -- potentially over time  
24 is that people will just naturally kind of move in the

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1 direction to avoid getting hit. It's not a -- I don't  
2 see it as a malicious --

3 MEMBER REYNOLDS: So that the message gets  
4 across that -- and I stumbled with the one earlier --  
5 is that the licensee is going to change what's the  
6 practice, just so they stay out of the --

7 MEMBER GARCHOW: But you wouldn't want to  
8 design an oversight process that had that potential,  
9 or you'd want to be conscious of it. And I think all  
10 of our dialogue is around the oversight process. You  
11 wouldn't want to have it be inadvertently driving  
12 thinking in a way that isn't towards safety, I'll say,  
13 because in the end we're measured on our dose  
14 performance and other venues.

15 So this discussion -- I mean, the job has  
16 whatever dose it has, and we keep track of industry  
17 collective exposure. So, you know, we have a metric  
18 for that in another venue. This SDP essentially just  
19 is almost measuring your ability to estimate, as much  
20 as it is --

21 MEMBER BROCKMAN: We're not saying it will  
22 occur, but I think everybody around the table agrees  
23 that it is a potential, so we should say it's a  
24 potential.

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1           MEMBER HILL: Perhaps the way to say it,  
2 though, is rather than overestimate, to say that it  
3 may cause some licensees to estimate exposure in a  
4 very conservative manner, or something. Kind of like  
5 the way you say that the sheet 2s or phase 2 sheets do  
6 -- you know, that they're set up.

7           Because if you go look at it and say,  
8 "Well, how long can it be done?" Well, I'm going to  
9 add a little bit of extra time here just in case  
10 something happens. I don't necessarily -- I think  
11 that's different than saying, "Oh, I'm just going to  
12 add 50 percent more dose."

13           MEMBER FLOYD: That's a good point,  
14 because, I mean, some of the feedback we get from the  
15 licensees is is that the current ALARA program, pre  
16 the oversight process, intentionally almost  
17 underestimated the dose level. But to put pressure on  
18 the staff to constantly look for ways to reduce it  
19 and --

20           MEMBER KRICH: It became a mechanism for  
21 reducing it.

22           MEMBER FLOYD: Exactly.

23           MEMBER KRICH: I agree with Rich's words  
24 about conservative rather than overestimate. I think  
25 that's --

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1 CHAIRMAN PLISCO: Did you get those, John?

2 MR. MONNINGER: Yes.

3 CHAIRMAN PLISCO: Okay. So you're all  
4 comfortable with those?

5 MEMBER KRICH: Thank you. I feel better  
6 now.

7 (Laughter.)

8 MEMBER GARCHOW: That's one of my  
9 objectives.

10 CHAIRMAN PLISCO: Okay. S-9? This was --  
11 I think one of my questions to you is, should this be  
12 rolled up into O-1, or should it be separate?

13 MEMBER GARCHOW: And this is just part of  
14 the self-assessment?

15 CHAIRMAN PLISCO: Yes. To look at the  
16 whole process, and this issue was specifically looking  
17 at the effectiveness of the SDPs, and should we roll  
18 that into O-1 or keep it separate?

19 MEMBER BLOUGH: I thought we already  
20 agreed it would roll in as long as you picked up the  
21 verbiage and the flavor.

22 CHAIRMAN PLISCO: Okay.

23 MEMBER REYNOLDS: I think there was a  
24 semantics issue when you were writing it. We talked  
25 about SDP and SDPs. We need to be careful. There are

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1 several SDPs. We're talking about more than one.  
2 Let's make sure we're clear.

3 I just wanted to point out, we talk about  
4 evaluation of SDPs, and our conclusion was SDP. Why  
5 don't we just focus on the one SDP of the several?

6 MEMBER GARCHOW: Well, even that becomes  
7 -- because SDP is -- I mean, it's a determination  
8 process. It doesn't even work --

9 MEMBER HILL: I can see rolling this up.  
10 But why wouldn't it roll up into O-3, long-term  
11 program effectiveness? Why would it not roll up there  
12 instead of O-1? Because you're talking about a formal  
13 process to review the effectiveness, and O-3 is where  
14 you talk about having, on a periodic basis, an  
15 independent assessment of the process.

16 It would seem like it would fit better in  
17 O-3 instead of O-1. O-1 is more communications, and  
18 so, you know, the stakeholders --

19 MEMBER REYNOLDS: I think I agree with  
20 you, especially if you look at the recommendations for  
21 O-1 and O-3. It fits better with our recommendations.

22 CHAIRMAN PLISCO: O-3? Okay. Want to try  
23 to finish the As here before we break for lunch?

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1 MR. MONNINGER: Can I just go back to  
2 those two sentences? You and I were going to take a  
3 crack at making sure those two sentences --

4 CHAIRMAN PLISCO: Are captured within the  
5 appropriate discussion. We need to make sure that  
6 gets where it belongs.

7 Okay. Assessment? Okay. We come back to  
8 our original -- our question from the last on this  
9 first introductory paragraph. How do you want to do  
10 this?

11 MEMBER FLOYD: Well, consistent with our  
12 previous approach, you'd take out the last three  
13 sentences, but --

14 CHAIRMAN PLISCO: And put that --

15 MEMBER FLOYD: And make sure to capture it  
16 in the thoughts.

17 CHAIRMAN PLISCO: Yes. Okay.

18 MEMBER FLOYD: Actually, I'm not even sure  
19 I agree with one of them. But, so I might not want to  
20 see it put in, and that's, "The guidance concerning  
21 agency decisions is emphasizing risk-based criteria as  
22 opposed to risk-informed."

23 I didn't think we had ever quite gotten to  
24 the point of saying it's risk-based. I mean, even the  
25 SDP is more risk-informed than risk-based because it's

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1 looking at bands of orders of magnitude thresholds,  
2 and you're not getting down to the precision of  
3 arguing about whether it was nine times  $10^{-5}$  or four  
4 times  $10^{-2}$ .

5 MEMBER GARCHOW: That's only for the  
6 reactor ones anyway.

7 CHAIRMAN PLISCO: I would say from the  
8 staff perspective I think -- I think what Ken and  
9 Steve -- I think we have drifted over there.

10 MEMBER BROCKMAN: There's a difference in  
11 nine times  $10^{-6}$  and 1.1 times  $10^{-5}$ .

12 MEMBER FLOYD: Is that what this sentence  
13 means?

14 MEMBER BROCKMAN: It's part of it. The  
15 only significant digit in a PRA is in the exponent's  
16 position, and that's debatable.

17 MEMBER FLOYD: So you're not a believer?

18 MEMBER BROCKMAN: I'm a believer. I'm not  
19 a precisionist. I am a believer.

20 CHAIRMAN PLISCO: We'll take a look at  
21 those.

22 MEMBER FLOYD: Okay.

23 MR. MONNINGER: So that was cut those  
24 three lines and you want to --

25 CHAIRMAN PLISCO: Yes.

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1 MR. MONNINGER: -- make sure they're  
2 incorporated into --

3 CHAIRMAN PLISCO: We'll do the same with  
4 that one.

5 MEMBER GARCHOW: "However, several  
6 issues."

7 MR. MONNINGER: So when we cut those other  
8 issues for PIs or overall, you want to --

9 MEMBER BROCKMAN: Make sure the thought is  
10 captured. Just verifying that the thought is  
11 captured.

12 CHAIRMAN PLISCO: Okay. A-1?

13 MEMBER TRAPP: Back in the commentary, do  
14 we really -- the first sentence is very condemning of  
15 the old process. It says it has eliminated the  
16 arbitrary and subjective commentary that was common in  
17 previous SALPs. Is that -- that seems a little harsh  
18 to me, that we were arbitrary and subjective.

19 MEMBER KRICH: It left out capricious.

20 MEMBER GARCHOW: It left out a few words.

21 (Laughter.)

22 MEMBER KRICH: Depends on which side of  
23 the inspection report you're on.

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1 MEMBER FLOYD: I think even Dave Lochbaum  
2 made several comments about how he thought it was  
3 fairly arbitrary and subjective as well.

4 MEMBER SHADIS: Arbitrary connotes  
5 carelessness.

6 MEMBER KRICH: I would have no trouble  
7 with taking out arbitrary and --

8 MEMBER SHADIS: Subjective is something  
9 that goes to discretion and --

10 CHAIRMAN PLISCO: Just take out arbitrary.

11 MEMBER FERDIG: Everything is subjective.

12 MEMBER FLOYD: Yes. But we don't got all  
13 week.

14 (Laughter.)

15 MEMBER GARCHOW: I don't even see that the  
16 -- talking about the commentary? I mean, that's --  
17 that's such a minor part of the assessment process.  
18 Just say "subjective nature of the previous oversight  
19 process" and just leave it at that.

20 MEMBER SHADIS: Elements. Subjective  
21 elements.

22 MEMBER GARCHOW: Has reduced -- because  
23 there's still some subjectivity in this. Reduced the  
24 subjectivity that was in the previous process.  
25 Reduced some of the --

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1                   MEMBER SHADIS:     How about "reduced  
2 subjective -- the number of subjective elements" or  
3 the --

4                   MEMBER FLOYD:     That's fine.

5                   MEMBER SHADIS:     Yes. Because it was not  
6 all subjective.

7                   MEMBER FERDIG:     And this one is not all of  
8 the --

9                   CHAIRMAN PLISCO:     So how does it read now?

10                  MEMBER GARCHOW:     Within the previous  
11 processes. I'm just shortening that sentence right  
12 up, John.

13                  CHAIRMAN PLISCO:     Fix the "was."

14                  MEMBER BLOUGH:     I'd say "degree of  
15 subjectivity that was common within the" --

16                  MEMBER GARCHOW:     Yes. Because who knows  
17 what "subjective elements" are.

18                  MR. MONNINGER:     Reduce the degree of  
19 subjective --

20                  MEMBER FERDIG:     Are we getting into  
21 wordsmithing now?

22   (Laughter.)

23                  MEMBER GARCHOW:     This was not even just  
24 wordwhacking, though. I mean, when -- the way that  
25 statement was first written wasn't -- this isn't a

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1 style issue. That left the reader with a whole  
2 different -- it landed totally different.

3 MEMBER FERDIG: I agree.

4 MEMBER BLOUGH: We evolved into  
5 wordsmithing, but it's -- it's an important comment.

6 CHAIRMAN PLISCO: Okay. A-1?

7 MEMBER GARCHOW: Hang on. Go back,  
8 because I'm thinking I heard -- go back to the --  
9 there's a little bit of a needle, again, in the last  
10 line just like was in the first line. I mean, I think  
11 this is sort of over --

12 MEMBER FLOYD: You could shorten that to  
13 say, "Under the new assessment scheme, the response of  
14 the agency is more timely than in the previous  
15 program." I mean, that's --

16 MEMBER GARCHOW: Right. Just leave it at  
17 that.

18 MEMBER FLOYD: Take out all the  
19 adjectives.

20 CHAIRMAN PLISCO: Sounds good. Ready for  
21 A-1 now? The action matrix issue. Anything on A-1?

22 A-2, regulatory conference? Okay.

23 A-3?

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1                   MEMBER HILL: No color findings. Are we  
2 in the procedure now? They are actually  
3 proceduralized?

4                   CHAIRMAN PLISCO: Yes. It's been  
5 proceduralized. There's a flow chart that tells you  
6 to do it.

7                   MEMBER GARCHOW: But there were some  
8 inconsistencies even within the NRC self-assessment  
9 report between regions and what was determined green  
10 and what was determined no color using the same  
11 guidance.

12                   MEMBER KRICH: Just a clarification.  
13 Loren, I thought that last sentence in the paragraph  
14 before, Panel Recommendations, "External stakeholders  
15 have noted that the staff has established a new,  
16 undefined category of findings which is exacerbated by  
17 the fact that they are colored blue on the NRC's web  
18 page."

19                   And I thought maybe the reader may  
20 misunderstand and think that there's now another -- so  
21 I thought of putting in a parenthetical expression,  
22 i.e. to designate no color findings.

23                   CHAIRMAN PLISCO: Okay. Yes, that  
24 clarifies it.

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1                   MEMBER GARCHOW: And John can, you know,  
2 reword that just to get that concept, and something  
3 like, you know, "In order to display on the web, the  
4 no color findings are blue," which is another level of  
5 confusion.

6                   MEMBER KRICH: Right. So however you do  
7 that --

8                   MEMBER SHADIS: Actually, they're going to  
9 gray, so what the hell? I mean, they are.

10                  MEMBER GARCHOW: That's okay.

11                  CHAIRMAN PLISCO: Okay. Anything else  
12 on --

13                  MEMBER GARCHOW: Do you have another  
14 concern?

15                  MEMBER SHADIS: Wait a minute. How was  
16 that changed? You guys are really fast. What did you  
17 do to that?

18                  MR. MONNINGER: I didn't quite finish it,  
19 but I left a placeholder.

20                  MEMBER GARCHOW: He was just trying to  
21 take down Rob's comment that, you know, even the blue  
22 on the website adds another level of confusion, even  
23 if the --

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1 CHAIRMAN PLISCO: Why don't say, "which is  
2 exacerbated by the fact that the no color findings are  
3 color blue on the web page"?

4 MEMBER SHADIS: They're going gray.

5 CHAIRMAN PLISCO: But now they're -- at  
6 this moment they're still blue. Yes, I checked last  
7 week. Yes, you need to take out the whole  
8 parenthetical.

9 MEMBER KRICH: I think the NRC needs to  
10 contract one of those color consultants who will tell  
11 you what color you should wear based on your --

12 CHAIRMAN PLISCO: Anything else on A-3?  
13 A-4?

14 MEMBER REYNOLDS: Loren, I think we might  
15 want to add in here not only can one issue get you  
16 multiple inspection findings, but also can get a PI in  
17 there -- what you do when you have a PI and a couple  
18 of findings. We've stumbled across that and how to  
19 deal with that.

20 CHAIRMAN PLISCO: I thought the staff was  
21 -- double-hitting is pretty clear on --

22 MEMBER FLOYD: If the PIs related to the  
23 findings you wouldn't double count them. It's not --

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1                   MEMBER REYNOLDS: We had a PI -- we had a  
2 finding with two PIs, I think. I wasn't clear on that  
3 one.

4                   CHAIRMAN PLISCO: Well, I just thought  
5 there is guidance on double hits, but not multiple,  
6 because I think yours could be still a subset of this.  
7 It's multiple issues on the same --

8                   MEMBER REYNOLDS: Yes, it is.

9                   CHAIRMAN PLISCO: Anything else on A-4?  
10                   This is a new section. As we were putting  
11 it together, John reminded me we made a conclusion on  
12 the front about the self-assessment but didn't write  
13 anything in the report.

14                   So this is really to explain what we did  
15 as far as what we looked at, and to try to explain  
16 better why there's a caveat in our conclusion.  
17 Essentially, we have no final conclusion, because it's  
18 not done and we didn't really have sufficient  
19 information to review but to provide some general  
20 comments on at least the elements and the things that  
21 we looked at. And this is to describe what we did and  
22 what our conclusion is.

23                   MEMBER LAURIE: Loren, before we get into  
24 this, just let me note -- because I have to leave in  
25 a couple of minutes -- and I just -- for the record,

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1 I just want to note that I feel very privileged to  
2 have been able to serve on this panel, and I  
3 appreciate everybody's tolerance.

4 In looking through the transcripts and the  
5 record, there is just not enough intelligent comments  
6 attributed to me, so I'll be going through the record  
7 and I'll be offering amendments, so that I can refer  
8 those to my governor for proper accreditation.

9 But I really do appreciate the time you  
10 all have spent with me on this. It's been a terrific  
11 experience for me, and I thank you.

12 And I'll be leaving in just a couple of  
13 minutes.

14 CHAIRMAN PLISCO: Well, thanks for your  
15 help. And as I said before, you'll get another bite  
16 of the apple. Once we get through all these changes,  
17 we'll send this out again. And if you want to add  
18 some more intelligent comments --

19 MEMBER LAURIE: Okay.

20 CHAIRMAN PLISCO: -- put those in.

21 MEMBER LAURIE: Thanks.

22 CHAIRMAN PLISCO: Thank you.

23 Self-assessment?

24 MEMBER FLOYD: I think it looks fine.

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1           CHAIRMAN PLISCO:  And I do want to make  
2           sure -- because I think this is one area we have  
3           touched on all through the process, and I don't think  
4           as a group we have -- you know, I put down what I  
5           thought our consensus was, and I want to make sure  
6           that you do agree with that, how I've characterized  
7           that.

8           MEMBER GARCHOW:  I didn't think you went  
9           far enough when I read this.  I actually think Allen  
10          and the staff really made a credible, very  
11          conscientious effort to really capture looking at the  
12          process.  I know they are still doing it ongoing, but,  
13          I mean, I think -- I think that that -- I mean, at  
14          least from one person on the panel, I was impressed  
15          with the way they went after trying to really get some  
16          metrics around something that's very difficult to do.

17                 And I thought that was a very credible  
18          effort that, you know, isn't just started.  They're  
19          well along the way.  It's just they didn't get it  
20          finished in time for us to look at.

21                 I just wouldn't want to infer that, you  
22          know, them not being done in time for us to look at  
23          was any reflection of, you know, the type of effort  
24          that was put forth to try to do what I thought was a

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1 pretty credible job at developing a self-assessment  
2 process for this program.

3 MEMBER HILL: Well, I thought the second  
4 paragraph ties in, you know, why we didn't -- weren't  
5 able to draw the conclusion without any bad reflection  
6 on them.

7 MEMBER GARCHOW: I didn't say this was  
8 written negatively. I would recommend that we put  
9 forth -- you know, every other section we put forth a  
10 section around -- just say that, you know, if we all  
11 felt that it looked like there was a credible effort,  
12 and, you know, well on track to build the self-  
13 assessment program to effectively oversee the process,  
14 then, I mean, I think we ought to put some language  
15 like that in there to be consistent with what we did  
16 with every other section.

17 CHAIRMAN PLISCO: And the last sentence is  
18 where I try to make an underhanded positive statement  
19 on the process. Without seeing their results, was the  
20 fact that, you know, as they presented their issues  
21 that came through, all of it -- and this is the other  
22 thing I want to try to make sure it's clear here is --  
23 at least in our paper is the self-assessment process;  
24 it's not just the metrics.

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1           There's, you know, a much more broader  
2 body of information, with the feedback forms, you  
3 know, the workshops, and the other things that they're  
4 doing to collect information. And I was trying to  
5 say, in the end, they did -- I mean, the issues that  
6 we have identified are on their plate, too. They're  
7 the same things.

8           I mean, we may have a different spin on  
9 the issue, or maybe a little different insight, but  
10 those -- those issues were captured by their process,  
11 and that's what I was trying to say.

12           MEMBER GARCHOW: But just it seemed to me  
13 -- and this isn't that big of a deal for me, so this  
14 isn't worth probably much more than 10 more seconds,  
15 but it just seemed when I read this your style changed  
16 in this. And you'd say something, and then hedge it,  
17 say it, and then hedge it, so all the way through it's  
18 notwithstanding, and so I just sort of got left --  
19 well, what are they trying to tell me about the self-  
20 assessment program the NRC is developing? And I was  
21 sort of left with -- just stand back and look at --  
22 well, it's not on track or something, but --

23           CHAIRMAN PLISCO: Well, I think we were  
24 hesitant to go too far, because what we -- on what the  
25 consensus is, because I'm not sure we knew exactly

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1 what it was, other than we thought it had the right  
2 elements, it's looked -- you know, I don't think we  
3 had that many suggestions on other things they should  
4 look at.

5 I think they -- when they presented what  
6 they're looking at, we would -- I think we should show  
7 some refinements on how they look at some of the data  
8 and how they cut some of the data. But I think all of  
9 the elements were there. I mean, that's what I tried  
10 to capture in here, that they had all of the elements.

11 MEMBER HILL: I like this down here, you  
12 talk about it's best described as noteworthy work in  
13 progress. And I don't -- without seeing one, I'm not  
14 sure you can say a whole lot more than that. I'm not  
15 even sure I can say it's a credible effort at this  
16 point in time. I think it will be, but I -- I don't  
17 know if I can draw that conclusion yet.

18 MEMBER GARCHOW: I don't have that as a  
19 major concern.

20 CHAIRMAN PLISCO: But, I mean, do you have  
21 any suggestions for any other words or --

22 MEMBER GARCHOW: I just tried to recognize  
23 the effort that went on. I mean, I've been involved  
24 in these things where you turn people on to these

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1 large efforts and nobody ever uses it. And they put  
2 a lot of time and effort into that.

3 MEMBER FLOYD: Just add a statement that  
4 the panel acknowledges the effort expended by the  
5 staff in trying to develop an assessment program.

6 MEMBER FERDIG: And the value that that  
7 effort has to sustaining the quality of the program.

8 MEMBER GARCHOW: Right. And I think we  
9 all agree that we need to continue that level of  
10 effort and --

11 MEMBER FERDIG: That's right.

12 MEMBER BLOUGH: I might add something in  
13 the very last sentence that just said that the -- just  
14 add that the panel was encouraged by the fact that the  
15 staff, for the most part, identified the same issues.  
16 Just make that a little more --

17 MEMBER GARCHOW: That's what I was going  
18 to do, just put a little more of the language in to  
19 give a little different impression at the end.

20 CHAIRMAN PLISCO: Okay. Anything else on  
21 self-assessment?

22 MR. MONNINGER: What was that for the last  
23 sentence?

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1 CHAIRMAN PLISCO: The last sentence, that  
2 the panel was encouraged that -- instead of  
3 notwithstanding.

4 MEMBER GARCHOW: That would get the --  
5 your self-acknowledged "underhanded" component out of  
6 that. Just restating it.

7 MEMBER SHADIS: Yes. It seems like a  
8 fairly long statement. Seriously. Given the amount  
9 of time that -- for input --

10 MEMBER TRAPP: We spent a big --

11 CHAIRMAN PLISCO: Actually, two different  
12 sessions.

13 MEMBER HILL: That first day just lasted  
14 two days. It was --

15 (Laughter.)

16 MEMBER GARCHOW: We spent one morning and  
17 one afternoon or two mornings on all of --

18 CHAIRMAN PLISCO: On the basic structure.

19 MEMBER BROCKMAN: You missed the  
20 opportunity to see it in all of its glory.

21 (Laughter.)

22 MEMBER SHADIS: Yes. I only got half of  
23 it, so that's why I was thinking half of it would be  
24 nice.

25 (Laughter.)

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1 CHAIRMAN PLISCO: We went line by line  
2 through each metric. Anything else on that? How  
3 about a lunch break?

4 MEMBER HILL: What else do we have to do  
5 after lunch?

6 CHAIRMAN PLISCO: Cover letter and  
7 executive summary, and then give -- if you have  
8 editorial comments, unload those on us. What our plan  
9 is is to get another version out Friday and to include  
10 those editorial comments.

11 MEMBER HILL: Well, if we're talking about  
12 the executive summary and the cover letter, would  
13 anybody entertain just trying to work through on that  
14 if we're not very far away or --

15 MEMBER BLOUGH: I think lunch.

16 (Laughter.)

17 MEMBER FLOYD: You could easily get bogged  
18 down, I think.

19 MEMBER BLOUGH: You can easily get bogged  
20 down.

21 CHAIRMAN PLISCO: Start at 1:00? We'll  
22 start at 1:00.

23 (Whereupon, at 11:51 a.m., the  
24 proceedings in the foregoing matter went  
25 off the record for a lunch break.)

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(1:16 p.m.)

CHAIRMAN PLISCO: Ready to get started here?

Are there -- I hesitate to ask the question. Are there any issues that we need to go back to that anyone re-thought, where they were, over lunch time?

MR. KROCKMAN: Hearing none.

MEMBER REYNOLDS: Rod wants to go over it again just to make sure we captured it.

MEMBER KRICH: Can you do that?

CHAIRMAN PLISCO: Okay, you want to --

MEMBER REYNOLDS: I was just being facetious.

MEMBER KRICH: He was teasing.

CHAIRMAN PLISCO: Oh, I'm too easy.

MR. KROCKMAN: I suggest let's go to the Executive Summary.

CHAIRMAN PLISCO: I'd like to start with the Executive Summary.

MEMBER GARCHOW: Would this be sort of worth doing line by line?

CHAIRMAN PLISCO: Probably.

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1                   MEMBER GARCHOW: It's the only way we'll  
2 ever get through it.

3                   CHAIRMAN PLISCO: What I tried to do is  
4 capture some of the recurring themes and as you've  
5 looked at it, try to highlight -- and some of these  
6 are my views and that's why I want to go through this  
7 carefully and make sure everyone agrees, what appear  
8 to be some of the recurring either themes or what I  
9 saw as contributing causes to a lot of issues that  
10 came up throughout the discussion, to make sure that's  
11 highlighted, because there's a lot of detail within  
12 the body of the report and as we send this report up  
13 to Sam what is driving some of these issues.

14                  MR. KROCKMAN: Loren, this is as opposed  
15 to taking each one of the areas and giving a paragraph  
16 or section of that and then you tried to grab the  
17 common threads that run across areas?

18                  CHAIRMAN PLISCO: Right.

19                  MR. KROCKMAN: Cross-cutting issues, if  
20 you will.

21                  CHAIRMAN PLISCO: Right.

22                  MEMBER REYNOLDS: Disregarding that  
23 statement, I like the concept of what he did.

24                               (Laughter.)

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1 CHAIRMAN PLISCO: So we want to go  
2 paragraph by paragraph, just do it that way or do you  
3 want to make a general comment first?

4 MEMBER BLOUGH: I did have an  
5 organizational question.

6 CHAIRMAN PLISCO: Okay.

7 MEMBER BLOUGH: I like the idea of getting  
8 common themes here, but I also am wondering if we  
9 spend a lot of time on working the issues and working  
10 down to what were our recommendations and the way it  
11 sets now the recommendations start in around page 7 or  
12 so and they're spread throughout the report. I was  
13 just wondering if there might be virtue in either at  
14 the end of the Executive Summary or on page 2 of the  
15 report, Panel Conclusions and Recommendations, to just  
16 list - -have a sentence or two of introduction and  
17 then list the priority 1 recommendations and --

18 MEMBER GARCHOW: Bring those forward?

19 MEMBER BLOUGH: That would be fine. Bring  
20 those forward and somehow introduce them that you  
21 know, these are the recommendations.

22 MEMBER GARCHOW: I'd just -- just put them  
23 as bullets, just like they're written in the report  
24 because the reader is going to get them all flushed

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1 out later anyway and you could just have a bullet,  
2 pull them right out.

3 CHAIRMAN PLISCO: Where do you think the  
4 best place is?

5 MEMBER GARCHOW: I sort of like Randy's  
6 idea on page 2, where it says Panel Conclusions and  
7 Recognition.

8 MR. KROCKMAN: I'm going to take  
9 exception. If you go by the premise that many of the  
10 readers will read the cover letter, the letter of  
11 transmittal and the Executive Summary, you want to  
12 just pull your category 1 recommendations, or your  
13 priority 1 recommendations, Executive Summary is the  
14 place to do it.

15 MEMBER TRAPP: The Executive Summary  
16 should summarize what's in the report would be my  
17 understanding.

18 MR. KROCKMAN: And here were the key  
19 recommendations, Priority 1 recommendations that were  
20 brought forward which I think is an exceptionally key  
21 part of the report, that the big ticket  
22 recommendations were made.

23 MEMBER REYNOLDS: I think you can make the  
24 argument to put it in both places.

25 MR. KROCKMAN: You can make that argument.

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1 MEMBER TRAPP: Cover letter or Executive  
2 Summary?

3 MEMBER REYNOLDS: No. Executive Summary  
4 and at the bottom of page 2.

5 MEMBER GARCHOW: You could put a table on  
6 the bottom of page 2 just for completeness.

7 MR. KROCKMAN: Page 2 could list all of  
8 the recommendations.

9 MEMBER FERDIG: I was going to say then  
10 could we have all of them, 1 and 2.

11 MR. KROCKMAN: And Executive Summary  
12 probably just once.

13 MEMBER FERDIG: But just again, we're  
14 framing it for the moment as we're thinking of the  
15 person that doesn't go any further than the beginning  
16 of this.

17 MEMBER GARCHOW: Did the priority  
18 recommendations, without going back, they all fell  
19 into like four or five general areas? It would seem  
20 like just for the flow of the document in the  
21 Executive Summary you'd say the priority  
22 recommendations fell into the following areas,  
23 improved communication, rather than getting into  
24 bullets on the Executive Summary, you might be able to

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1 write some text and leave the flavor of what areas  
2 they fell into or topics.

3 MEMBER REYNOLDS: You might be able to see  
4 that once you list them all.

5 MEMBER GARCHOW: Right.

6 MEMBER REYNOLDS: You just list all the  
7 bullets, it might jump out at you.

8 MEMBER FERDIG: Before we start the line  
9 by line process, were there any other things in our  
10 conversation this morning that we decided we were  
11 going to highlight in the Executive Summary?

12 MEMBER REYNOLDS: Going back to Robert's  
13 point?

14 MEMBER FERDIG: Yes. I'm thinking of  
15 Robert's point, in particular.

16 MEMBER REYNOLDS: That's something we just  
17 mentioned briefly.

18 MEMBER GARCHOW: It was education and --

19 MEMBER FERDIG: The emphasis, the resource  
20 emphasis on continuing that communication in education  
21 --

22 MEMBER GARCHOW: In a sense, maybe we  
23 would do that if we worded it and pulled out the  
24 priority actions and grouped them. Then you could

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1 bring that into a text of the priority  
2 recommendations, following types of areas or issues.

3 MEMBER FERDIG: That would make sense.  
4 And also, I noted the comment that you made where  
5 there were positive elements of the programs that  
6 would be included in the report itself. Is it worth  
7 having a succinctly written brief paragraph that  
8 summarizes what it is that we think that is good about  
9 this program that has led us to overall conclude that  
10 it's on the right track and I didn't see that exactly  
11 and I don't know that it is an addition. I just ask  
12 the question from an organizational standpoint.

13 MEMBER GARCHOW: We sort of worked that  
14 backwards earlier. If we don't find any show stoppers  
15 by definition it's okay. So we went through this  
16 process of getting all the issues and concluded by  
17 virtue of analysis of the issues it wasn't a show  
18 stopper, therefore, okay, continue on. But if we did  
19 that I'm not sure that totally captures what we did  
20 either, but that sort of how we got to the issues.  
21 Your second paragraph in the Executive Summary, what  
22 is that eight step that's a notable improvement.  
23 According to the Panel, what's that basis?

24 That was sort of your question and then  
25 let's --

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1 MR. CAMERON: So instead that conclusion  
2 is --

3 MEMBER GARCHOW: Tough, based on the  
4 absence of a show stopper. I mean that's what it sort  
5 of what it evolved to.

6 MEMBER FERDIG: Let's keep that in mind,  
7 go through it line by line. I just want to raise the  
8 question so it was in the backs of our minds.

9 MEMBER HILL: I'd like to go back to the  
10 first comment you made about the education and the  
11 funding and all that. If I'm not mistaken, wasn't  
12 that brought up with issue S-1 which actually is a  
13 priority 2 item so it wouldn't be included in  
14 Executive Summary.

15 MEMBER FERDIG: Good point.

16 MEMBER GARCHOW: It was that overall  
17 issue.

18 MEMBER HILL: He wanted it in a  
19 recommendation and the recommendation, I thought, he  
20 was trying to get at was in the panel recommendation  
21 on S-1 which had to do with evaluating and  
22 communicating conclusions. I thought that was the  
23 one.

24 MR. CAMERON: I think it's on --

25 MEMBER GARCHOW: We revised that.

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1 MR. KROCKMAN: If you look at -- has  
2 everybody read the Executive Summary?

3 CHAIRMAN PLISCO: It's in 0-2 now.

4 MR. KROCKMAN: Because I mean there's  
5 already a lead in on the second paragraph of the  
6 indicative section that talks about need for resources  
7 to continue and communicate the process and what have  
8 you.

9 MEMBER FERDIG: Maybe we need to read it  
10 again.

11 MR. KROCKMAN: I think a little emphasis  
12 there and you capture what you want.

13 MEMBER GARCHOW: Thanks, Ken.

14 CHAIRMAN PLISCO: Any other overall?

15 MEMBER TRAPP: Just one overall comment on  
16 the Executive Summary. The intent is to summarize the  
17 report, just an observation I had is there's nowhere  
18 in the Executive Summary that the words that I could  
19 find, Significance Determination Process are listed  
20 anywhere and our report is a quarter or more regarding  
21 the Significance Determination Process. So it wasn't  
22 clear to me if our intent was to try to summarize  
23 what's in the report or if it was unique thoughts that  
24 was going in the Executive Summary. I can go either

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1 way, but I'm not sure the Executive Summary really  
2 summarizes what's in our report.

3 MEMBER FERDIG: They're predicting what  
4 they're about to read.

5 MEMBER GARCHOW: The comment, if we could  
6 get into some text with the priority recommendations,  
7 the panel during its work came up with several  
8 priority recommendations. They fell into the  
9 following areas and one of them, many of them were in  
10 the SDP area so that would bring that forward.

11 MEMBER TRAPP: I think each one of those,  
12 and again, it's come out before. I think those lead  
13 in paragraphs have at least pieces of them or parts of  
14 them or something need to be brought in the Executive  
15 Summary so I think those are real important findings  
16 and we don't --

17 MR. KROCKMAN: This is a key philosophical  
18 question. Do we feel the -- what Loren has brought  
19 here, I believe, takes issues, as I've said, you can  
20 take smatterings. They're the key things throughout.  
21 What other people are saying though is we really need  
22 to address each one of the sections. That's the  
23 format. You'll get into a sectional orientation and  
24 that's not -- that's not necessarily bad. That's a  
25 philosophical question we probably need to come to

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1 grips with as a panel as to how do we want this thing  
2 to present the findings or do we want to try to do  
3 both, have a first part of it here's the key issues.  
4 Now individually, here's the different sections and  
5 the key smatterings that you bring up that way which  
6 could allow you to scratch both itches.

7 MEMBER FERDIG: So what objective does the  
8 Executive Summary serve?

9 MR. KROCKMAN: That's right. What do we  
10 want it to serve.

11 MEMBER FERDIG: If you were an executive,  
12 what would you want in your summary?

13 CHAIRMAN PLISCO: Well, what I was trying  
14 to do here --

15 MR. KROCKMAN: Since he's the author the  
16 question has been answered.

17 CHAIRMAN PLISCO: This discussion I've had  
18 before. We've been debating about this and actually  
19 I looked back and looked at the PPEP report too. I  
20 think essentially they just listed the priority  
21 recommendations. That's about all they did.

22 MR. KROCKMAN: But there wasn't a lot of  
23 analysis.

24 CHAIRMAN PLISCO: To me, the message that  
25 we want to get across based upon our six meetings that

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1 we've had discussions that are not in the report, by  
2 looking issue by issue by issue, you don't get it.  
3 That's what I was trying to capture is there's some  
4 higher tier, really philosophical issues that drive a  
5 lot of the issues. And that's what I was really  
6 trying to capture and there are more obviously. I  
7 tried to pick what I think were the biggest drivers as  
8 far as what's driving some of the comments. This  
9 presumption about maintain safety and we've heard a  
10 lot from David and Ray about that and that question  
11 about should we be improving and this gets into  
12 thresholds. It crosses a whole bunch of areas and  
13 that's the point and I want to try to make sure that  
14 got across. This eventually will make it up to the  
15 Commission. It's going to Sam, but it will make it up  
16 to the Commission that they understand that. Because  
17 it's not in the report issue by issue. I mean if you  
18 studied it long enough, you might be able to draw the  
19 same conclusions, but we've heard so much I thought it  
20 was really that we need to pass those messages along.

21 MEMBER GARCHOW: This is almost like a  
22 report that's just overall insights or something that  
23 you gather from the collection of stuff before you  
24 burrow into the PIs and SDPs, but that's what I read  
25 this as. It's very valuable. I guess I'm struggling

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1 with having to read stuff for a living, right, this  
2 really isn't an Executive Summary of the report. It's  
3 a very valuable piece of the report, but it really  
4 doesn't summarize the findings, the conclusions, the  
5 good, the bad and the ugly. To me it's a section of  
6 the report that I think Sam needs to hear. When you  
7 put all of the different panel in the room, we got to  
8 some higher level of insights by virtue of the  
9 conversation and you captured them here. So I think  
10 that's valuable. I'm struggling with this being an  
11 Executive Summary.

12 MEMBER FERDIG: Maybe it could go under  
13 the panel conclusions and recommendations section on  
14 page 2 at overall insight, I mean highlighted as  
15 something that gets read early and with a perspective  
16 of relevance for everything that comes after.

17 MEMBER FLOYD: I think you could do  
18 something there. The problem I had with the body of  
19 the report, the section on panel conclusions and  
20 recommendations really don't have any conclusions.  
21 That's in another section, the next one down that says  
22 overall reactor oversight process. I think what you  
23 mean there was overall reactor oversight process  
24 conclusions because that's what the subject matter is

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1 of that paragraph that's under there is what's the  
2 overall conclusion.

3 Maybe you could have a section of the  
4 report that says panel conclusions and recommendations  
5 and then those next four paragraphs that are under  
6 there is really the approach. Then you have the  
7 overall conclusions and then maybe take those three  
8 major areas that are in the Executive Summary right  
9 now and call those panel insights.

10 MEMBER FERDIG: I like that and there  
11 would be three subsections under --

12 MEMBER FLOYD: Under panel conclusions and  
13 recommendations.

14 MEMBER FERDIG: Does that work for you or  
15 does that feel like it's --

16 MEMBER GARCHOW: Got that down, John?

17 MR. MONNINGER: No.

18 (Laughter.)

19 MR. KROCKMAN: You'll still then for what  
20 we're talking about, the Executive Summary, since  
21 you've put it in the report, we'll still move them  
22 back up to the Executive Summary because then now  
23 there's something that's appropriate from in the  
24 report.

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1                   MEMBER GARCHOW: But it might be in the  
2 Executive Summary that other insights were provided,  
3 that might be all you have in the Executive Summary.

4                   MEMBER GARCHOW: Right.

5                   MR. CAMERON: You could actually do a one  
6 paragraph Executive Summary probably. Two paragraphs.

7                   MEMBER GARCHOW: Right. I wonder why we  
8 don't do that?

9                   MEMBER FERDIG: Which doesn't let them  
10 read just the Executive Summary.

11                   MR. CAMERON: Right.

12                   MEMBER KRICH: I think we ought to decide  
13 what message we want to leave with the reader and  
14 that's what needs to go into the Executive Summary.  
15 Unfortunately, that's the way life works.

16                   I thought this was excellent. I really  
17 have to commend Loren and John for this. I thought it  
18 was a great write up and it captured some key things  
19 that were not caught any place else that needed to go  
20 in the report. And I'm struggling now as to how do  
21 you do this so that we get the messages we want to up  
22 in the Executive Summary, but also keep these thoughts  
23 there because these are good thoughts that don't show  
24 up anyplace else.

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1 MR. CAMERON: Rod, do you have any  
2 problems with what was suggested by taking what's in  
3 the Executive Summary now and putting it back in the  
4 main body of the report under overall panel  
5 conclusions? Granted, that still leaves you with the  
6 question of what does the panel want to say in the  
7 Executive Summary, but do you have any problems with  
8 that suggestion about taking it all, putting it back  
9 later on?

10 MEMBER KRICH: No, I don't, just so long  
11 as we then reiterate in summary fashion the concepts  
12 in the Executive Summary.

13 MEMBER GARCHOW: Or do we need an  
14 Executive Summary, once we do that. If we could make  
15 those key points in the cover letter and then have the  
16 report start with the overall conclusions and  
17 recommendations with the insights embodied and then  
18 pull the other key points up to the cover letter so  
19 you'd have the cover letter and then you get into the  
20 -- after the cover letter into the --

21 MEMBER REYNOLDS: I think a cover letter  
22 should be more --

23 CHAIRMAN PLISCO: More of a transmittal.

24 MEMBER REYNOLDS: Here it is.

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1 MR. KROCKMAN: What you're trying to do is  
2 make the cover letter the Executive Summary.

3 MEMBER GARCHOW: I have a model. You guys  
4 send me mail every month for the last 15 years of my  
5 career. I mean I know how that looks. I mean it's  
6 possible to do that effectively because you read the  
7 cover letter and you get the message.

8 MEMBER TRAPP: You don't read our  
9 Executive Summaries?

10 (Laughter.)

11 MEMBER GARCHOW: I read them. I pay  
12 people to read the rest.

13 MR. KROCKMAN: I know this technique.

14 MEMBER FERDIG: The only thing I'm saying  
15 which is retracting what I said before, I hear Rod's  
16 point, that if it isn't in what gets read and if we're  
17 seeing now that that is the Executive Summary, then it  
18 could be a loss.

19 MEMBER GARCHOW: I actually -- I bet Sam  
20 would read all -- it is not that laborious of a  
21 report. It's not a 500-pound gorilla and we really  
22 were perfunctory even in the issues summaries. This  
23 report will get --

24 MEMBER KRICH: It will. I didn't mean to  
25 imply that Sam won't read it, but I think it will --

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1 there's a larger audience that will look at it and I'd  
2 like to make sure that we get our key points across to  
3 that larger audience as well.

4 MEMBER TRAPP: It seems like there should  
5 be a little debate what we should put in the Executive  
6 Summary. I mean Executive Summary should summarize  
7 what's in the report, so you're right, I don't see  
8 where there's any real mystery.

9 MEMBER GARCHOW: By definition, if we've  
10 got consensus on the report concept, we've got a  
11 consensus.

12 MR. KROCKMAN: Let me reiterate Chip's  
13 point then, if we might. If we move the current  
14 things in the Executive Summary back into panel  
15 conclusions and recommendations, also in panel  
16 conclusions and recommendations we bring forward a  
17 listing of all the individual recommendations  
18 underneath so they're in one place, then we can  
19 recraft the Executive Summary to have the key points  
20 out of those lead in paragraphs and we would format  
21 that probably with a very succinct write up of what's  
22 currently in the Executive Summary, the key three  
23 30,000-foot issues and then within each one of the  
24 areas, here's a paragraph on each one of those.  
25 You're going to wind up with another page and a half

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1 Executive Summary and we've got all -- we've got  
2 30,000-foot, we've got the 10,000-foot, here's the  
3 priority 1 recommendations that we're making as  
4 opposed to everything else and then see report details  
5 for further information.

6 MR. CAMERON: It seems that Loren based on  
7 what Rod's reaction was and the rest of your  
8 reactions, it seems like Loren and John did a lot of  
9 heavy lifting, creative writing to prepare what's now  
10 under the Executive Summary. If you move that back  
11 into the body of the report, is there anything wrong  
12 with just simply saying to Loren and John, just write  
13 a concise summary of what's in the report. It doesn't  
14 have to be mysterious or rocket science or anything  
15 like that.

16 MEMBER REYNOLDS: I think that's what Ken  
17 said in a longer version than you did.

18 MEMBER KRICH: What we've got here is  
19 really a distillation of a lot of things that happened  
20 during the meetings, a lot of discussion. It's more  
21 than just a summary of the issues. It's really a  
22 distillation.

23 MR. CAMERON: What's already in there.

24 MEMBER KRICH: Yes.

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1                   MR. CAMERON:    That's what I think is  
2                   important, your idea about putting that into the main  
3                   body of the report is important, but that would be one  
4                   of the things that -- that would be one of the things  
5                   that would be summarized in the Executive Summary,  
6                   would be these overarching panel insights or whatever  
7                   you're going to call them.

8                   MEMBER GARCHOW: I have another suggestion  
9                   that could actually move this along.    Your  
10                  introduction and approach of objectives, that could be  
11                  an attachment.  Then if you got right into your panel  
12                  conclusions and recommendations, that really is the  
13                  Executive Summary.  And I think it's interesting to  
14                  some people, the introduction and the approach, but it  
15                  really isn't -- people aren't grabbing the report to  
16                  see that.  They're grabbing the report to see the  
17                  panel conclusions and recommendations.

18                  If we basically agree on that concept, I  
19                  propose we let Loren and John take it, but we probably  
20                  ought to go through this part right now and make --  
21                  everybody's been saying this is great stuff, but I'm  
22                  sure there's some people who have some comments and  
23                  what have you on it and make sure if they're going to  
24                  integrate it, let's make sure if they've got the  
25                  thoughts that should actually get integrated.

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1 CHAIRMAN PLISCO: I did want to go back  
2 and make sure we've got -- I've heard lots of thoughts  
3 now as far as what we want to do.

4 I want to make sure John captures this.

5 MEMBER GARCHOW: We're going to include  
6 this someone else. It's no wasted effort making sure  
7 what we can sense and then decide where we're going to  
8 put it.

9 MR. KROCKMAN: That's the easy thing.

10 MEMBER GARCHOW: Then it's almost a style  
11 issue that I don't particularly need to debate.

12 CHAIRMAN PLISCO: So let's summarize what  
13 we've got.

14 We want to put -- I heard a number of  
15 different proposals, but something panel insights or  
16 overarching panel insights in this by the report near  
17 where the panel conclusions and recommendations are  
18 and include these overarching dots that are included  
19 in the Executive Summary.

20 MEMBER GARCHOW: Right. I think we did  
21 get consensus on that.

22 CHAIRMAN PLISCO: And provide some kind of  
23 summary of that back into this, but not in the level  
24 of detail that's in there now.

25 MR. CAMERON: Does that settle the --

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1 CHAIRMAN PLISCO: That's one. And then  
2 we're going to add the priority 1 recommendations  
3 within the body of the Executive Summary. My concern  
4 is it's going to be hard to go one way or the other.  
5 If we try -- no, I'm sorry, I mean this recommendation  
6 is talking about trying to consolidate and put common  
7 themes on those. I'm not sure if we would lose  
8 something in that translation, just do a one to one  
9 correlation of the priority ones --

10 MEMBER GARCHOW: List them by bullets.

11 CHAIRMAN PLISCO: And just go through. I  
12 think there probably will be some vestige there, but  
13 it might be difficult.

14 MEMBER GARCHOW: Just looking at the scan  
15 of the recommendations, there all one and two short  
16 sentences.

17 MEMBER HILL: But are they going to mean  
18 anything without seeing the issue? If all you see is  
19 a recommendation, is there going to be anything to it  
20 if you don't see the issue too?

21 MEMBER BLOUGH: I read them that way  
22 because I was thinking that that would be brought  
23 forward and at least to me, I'm biased now, but at  
24 least to me, trying to look at them, if they stood

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1 alone, you change just a word or two here and there  
2 and I think they would.

3 MR. KROCKMAN: They would stand alone?

4 MEMBER BLOUGH: They would, yes. If you  
5 just pull them up as a list they make sense.

6 CHAIRMAN PLISCO: Okay. Then the other  
7 recommendation had to do with the first two sections  
8 here in the body of the report, introduction and  
9 approach and objectives.

10 MEMBER FLOYD: I guess my opinion on that,  
11 if you pull up the majority conclusions and  
12 recommendations in the Executive Summary, I don't see  
13 any problem in the body of the report starting out  
14 with an introduction approach an objectives and then  
15 a statement of the conclusions and recommendations  
16 again. I think that flows okay if you've got the gist  
17 of it in the Executive Summary.

18 MEMBER GARCHOW: I can buy into that.

19 CHAIRMAN PLISCO: And I was concerned  
20 about trying to put some context on what we did in  
21 there and I tried to be brief, but at least get some  
22 of the concepts on how we did our business in the  
23 front before they got to --

24 MEMBER HILL: Should that be background  
25 and not part of the Executive Summary then?

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1                   MEMBER FERDIG:   But then they wouldn't  
2                   have read it.

3                   MEMBER HILL:   Do they need to?

4                   CHAIRMAN PLISCO:  No, but I mean it's not  
5                   in the Executive Summary.

6                   MR. CAMERON:    You're not talking about  
7                   putting it --

8                   CHAIRMAN PLISCO:  I was talking about  
9                   what's on page 1.    I was talking about this  
10                  introduction.

11                  MEMBER GARCHOW:  Actually, you did sort of  
12                  truncate that into the first paragraph of what was the  
13                  Executive Summary when you came in there and that was  
14                  sort of one paragraph of we met six times and that  
15                  made that -- that paragraph may carry over, wherever  
16                  it ends up, the Executive Summary.

17                  CHAIRMAN PLISCO:  Okay, any other format  
18                  approach issues?

19                  MEMBER REYNOLDS:  Also, I thought that we  
20                  could talk about under panel conclusions,  
21                  recommendations, all the priority ones and twos?

22                  CHAIRMAN    PLISCO:            Yes,    all  
23                  recommendations.  We'll pull them all up into that  
24                  section.

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1 MR. KROCKMAN: So I guess we're to the  
2 point where do we agree these are three key issues?

3 MEMBER REYNOLDS: You're going back to the  
4 three key issues of the Executive Summary?

5 MR. CAMERON: Except that's not -- this  
6 would be -- what you're doing is you're going to take  
7 a look at this substance of what will now be part of  
8 the main report under panel conclusions and  
9 recommendations, right?

10 MEMBER GARCHOW: Yes, they're insights.

11 MR. KROCKMAN: These would be the  
12 35,000-foot insights that are listed there.

13 MEMBER FLOYD: So we're ready to go into  
14 the content of this? Page 1, is that where you want  
15 to start? Or do you want to start I?

16 CHAIRMAN PLISCO: Let's do I.

17 MEMBER KRICH: All agreed, say "I".

18 (Laughter.)

19 MEMBER BLOUGH: I have a comment. On the  
20 hurdles, it's listed as hurdles before they can  
21 achieve further progress toward meeting the Agency's  
22 goals. And I think maybe hurdles accelerating the  
23 progress or to realizing the full potential or  
24 whatever, but the way it's written there it's like a  
25 stop sign. It's a barrier. You can't go any further

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1 without overcoming these hurdles. I just wouldn't put  
2 it quite that strongly.

3 MEMBER GARCHOW: Maybe the effectiveness  
4 will be limited.

5 MEMBER FLOYD: Hinder further achievement?

6 MEMBER GARCHOW: That's a good one.  
7 Hinder further achievement, potentially hinder.

8 MEMBER FERDIG: To me, hurdles isn't the  
9 metaphor to use here, is that --

10 MEMBER BLOUGH: It says before they can  
11 achieve further progress. Those are the actual words.  
12 The words -- that implies where to plateau or to stop  
13 or you can't get any further, at least that's the way  
14 I read it.

15 MEMBER FERDIG: Which line is that in?

16 CHAIRMAN PLISCO: It's the paragraph that  
17 starts "the NRC and the nuclear industry."

18 MEMBER BLOUGH: They could hinder, they  
19 could slow or they --

20 MR. KROCKMAN: How about the panel noted  
21 three hurdles are present which hinder achieving  
22 further progress toward meeting the Agency's goals?

23 MEMBER FERDIG: I wanted to -- just while  
24 we're thinking that, I wanted to challenge the use of  
25 the hurdle metaphor. And I will tell you why. If you

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1 go to the last sentence, these three hurdles are  
2 underlying contributing causes, you know, like our  
3 underlying -- again, this is just from a writing  
4 metaphor perspective. I think they're mixing what  
5 we're trying to say here. So are they underlying  
6 factors that are impacting the relative effectiveness?

7 MEMBER SHADIS: Three impediments. Three  
8 impediments to optimal progress.

9 MEMBER GARCHOW: Potential. The hurdle is  
10 a word that I think has a lot of different meanings.  
11 What were you trying to communicate, that there's  
12 three underlying issues?

13 CHAIRMAN PLISCO: These three, I mean  
14 there are more, but I think these are the three more  
15 significant issues that really relate to many of the  
16 areas of concern, either -- and not just one specific  
17 stakeholder. I think looking at all the discussions  
18 that occurs, what's causing some of the rubs. These  
19 are involved. These philosophical issues are involved  
20 with those concerns.

21 MR. CAMERON: What if you said there were  
22 three underlying issues that need to be addressed,  
23 instead of characterizing them as hurdles and going to  
24 Mary's point, bringing that underlying sort of up  
25 front.

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1           MEMBER FERDIG: And is there another word  
2 than issues, simply because we use issues in another  
3 context in this report. Underlying areas, underlying  
4 themes.

5           MEMBER GARCHOW: Three specific areas and  
6 you listed out the areas.

7           The staff addressed three specific areas.

8           MEMBER REYNOLDS: Let's talk about the  
9 theme concept for a minute. That has some attraction  
10 to it.

11          MEMBER FERDIG: To me, there are themes  
12 that emerged that's relevant to all of these issues.

13          MEMBER BLOUGH: I like that, but then when  
14 we get to each of the area we have to make sure we've  
15 got a good strong theme sentence.

16          CHAIRMAN PLISCO: The problem is you don't  
17 address themes though. We're talking about resolving  
18 or addressing or overcoming something and particularly  
19 you don't overcome themes.

20          MR. KROCKMAN: I like Ray's word,  
21 underlying impediments.

22          MEMBER TRAPP: Are they really  
23 impediments? If you look at the first one it's really  
24 regulating for excellence. That's sort of a  
25 philosophical thing. Should we be regulating for

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1 excellence or should we maintain safety as where it is  
2 and I don't see where that's a hurdle. I don't see  
3 where it's an impediment. It's just that stakeholders  
4 that came to our panel had different opinions on how  
5 the NRC should approach doing their job.

6 I don't know where we're going to go with  
7 that one. The other ones are a little bit different.

8 MR. CAMERON: Are these opportunities? I  
9 mean if you wanted to not take a negative approach,  
10 you could call them -- I don't know what the right  
11 words are, but opportunities that could be capitalized  
12 on to -- etcetera, etcetera. Instead of stating them  
13 in negatives.

14 MEMBER KRICH: Let me make an alternative.

15 MR. CAMERON: Mary is getting me into  
16 thinking like this now.

17 MEMBER FERDIG: It's dangerous.

18 MEMBER KRICH: Let me make an alternative  
19 proposal, since we brought the issue that we used  
20 issues later on and not to confuse it, can we call  
21 these overarching issues? It's a little pompous. I  
22 don't like the word overarching, but --

23 MEMBER FERDIG: We're looking for a term.  
24 Maybe it will come to us if we go on.

25 MEMBER SHADIS: Broad concerns.

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1 MEMBER KRICH: Broad concerns.

2 MEMBER GARCHOW: Or the issues fell into  
3 broad categories? And you're spelling out the broad  
4 categories?

5 MR. KROCKMAN: What we're really talking  
6 about because Chip, Jim, we're talking about these  
7 three things are three philosophical tenets.

8 MEMBER FERDIG: Philosophical what?

9 MR. KROCKMAN: Tenets.

10 MEMBER SHADIS: Let's try to frame it in  
11 plain talk. You took a good cut at it there.

12 CHAIRMAN PLISCO: These were changes,  
13 philosophical changes.

14 MEMBER FLOYD: Almost cultural issues.

15 CHAIRMAN PLISCO: Uh-huh.

16 MEMBER FLOYD: They are. The first one,  
17 if you could summarize the first one, it is should the  
18 Agency be maintaining safety or pushing the industry  
19 for further improvement?

20 The second one is that there is a -- it's  
21 not philosophical, there an actual rub between trying  
22 to make a deterministic regulatory process be risk-  
23 informed.

24 And then the third one is the presumption  
25 of whether or not you can through an indicative

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1 process identify issues at an early enough stage to  
2 not have adverse consequences.

3 MEMBER TRAPP: Or should the program be  
4 indicative or --

5 MEMBER FLOYD: Yes, should it be more  
6 indicative?

7 MEMBER SHADIS: That's more discussion.

8 MEMBER TRAPP: And we heard from different  
9 people who had different opinions. States thought we  
10 should be predictive and they thought we should  
11 regulate for excellence and there were other opinions  
12 on the other side.

13 MEMBER GARCHOW: There are some philosophy  
14 differences that need to be resolved.

15 CHAIRMAN PLISCO: The bolded word I tried  
16 to capture, what was changed in our approach and that  
17 was the change. The Agency decided maintain safety is  
18 its goal, but --

19 MEMBER BLOUGH: That created a cultural  
20 issue where there's a clash between the philosophy  
21 that we should be pushing industry for excellence as  
22 opposed to maintaining safety and then industry pushes  
23 for excellence, without our exhortations. We changed  
24 maintain safety, but the issue is what's that done?

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1 It's created an additional challenge in the enhanced  
2 public confidence area because of acceptance.

3 MEMBER GARCHOW: So why don't we just make  
4 a statement that says this new oversight process had  
5 three fundamental changes which have caused many of  
6 the issues brought forth by this panel.

7 MEMBER FERDIG: Underlying factor.

8 MEMBER GARCHOW: These were, like you were  
9 saying, Steve, these are major changes in approach and  
10 that change of approach is what gave us the  
11 opportunity for many of the issues we discussed.

12 MR. KROCKMAN: But it's even more. It's  
13 the premise upon which the changes were based. These  
14 are almost three of the presumptions of the new  
15 program. These are really the entry level assumptions  
16 that the new thing was built on and there was a  
17 creative tension and now this creative tension is  
18 evolving into -- it's flaring up into points of  
19 disagreement between various stakeholders because each  
20 one comes in with some different lens that they look  
21 at the problem with and these things really challenge  
22 the different perspectives in which different  
23 stakeholders come about when you're in that arena.

24 MEMBER FERDIG: Well, if we can think of  
25 it ourselves not as flaring up in a negative way, but

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1 these are the philosophical tensions upon which this  
2 entire program has been based and that has become  
3 apparent in our conversations as we've looked at these  
4 issues.

5 And yet, you don't put this in the report,  
6 but just for fun, to say it's the philosophical  
7 tension on these fundamental questions that generates  
8 the creativity that has led to the invention of this  
9 whole framework. So it's embedded in what's going on  
10 here and I think to just highlight it as such.

11 MEMBER FLOYD: What if you said many of  
12 the issues -- I'm sorry, many of the issues identified  
13 in the report stem from three philosophical changes in  
14 the Agency's oversight process that deserve continued  
15 management attention and then you could have a bullet  
16 which summarized the three in the Executive Summary  
17 and have the more expansive paragraphs in the body of  
18 the report.

19 MEMBER REYNOLDS: But I'm not sure  
20 maintaining safety is a change.

21 MEMBER FLOYD: But that's not the issue.  
22 The issue is not whether or not --

23 MEMBER FERDIG: It's the tension between  
24 maintaining or --

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1                   MEMBER REYNOLDS:    Okay, I agree with  
2 everything you said, but I don't know if changes is  
3 the right way to characterize it.

4                   MEMBER GARCHOW:    I don't know what the  
5 factual basis is.    I think it is a philosophical  
6 shift.  If that was the change, did the previous  
7 mission statement have a different language?

8                   MEMBER FLOYD:    Yes, it did.

9                   MEMBER GARCHOW:    What did it say?

10                  MEMBER FLOYD:    Well, the change occurred  
11 in what 1998 NRC Annual Plan?  You shifted from  
12 improving industry performance to maintaining the  
13 current high levels of safety, so there was a  
14 philosophical shift.

15                  MEMBER REYNOLDS:    Before the ROP.

16                  MEMBER FLOYD:    Yes, and it was embodied in  
17 the ROP, but it occurred before the ROP program.

18                  MR. CAMERON:    How about philosophical  
19 underpinnings.

20                  MEMBER SHADIS:    Bill's chairman referred  
21 to it in his comments before this committee that  
22 change, that shift.

23                                Can I make a suggestion?  You have the  
24 sentence that says "although change management tools  
25 used to communicate and carry out the change" which

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1 has already been referred to "were generally  
2 successful." I would then drop the remainder of that  
3 sentence and -- were generally successful.  
4 Stakeholders brought forward three broad areas of  
5 continuing concern.

6 MEMBER FERDIG: See, but I don't see them  
7 as continuing concern and I don't think that's what  
8 this discussion is about.

9 MEMBER GARCHOW: They sort of, they are.  
10 They exist.

11 MEMBER SHADIS: Let is soak in for just a  
12 second.

13 MEMBER FERDIG: I'll let it soak in.

14 MEMBER SHADIS: Your familiarity mind gain  
15 some --

16 MEMBER FLOYD: Lingering concern?

17 MEMBER SHADIS: How about three broad  
18 areas of concern? I mean this is --

19 MEMBER GARCHOW: We brought these up --  
20 they got into the conversation, but I'm not sure we  
21 talked a lot about them as concern.

22 MEMBER SHADIS: Some stakeholders?

23 MEMBER GARCHOW: Some stakeholders.

24 CHAIRMAN PLISCO: We're at a logjam.

25 MEMBER GARCHOW: Actually, we're close.

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1 CHAIRMAN PLISCO: Let's talk about Chip's  
2 underpinnings.

3 MR. KROCKMAN: I still want to go back to  
4 Mary's words and Ray, I think you're right, get rid of  
5 the bad calf, but we're generally successful. Three  
6 areas of philosophical tension between a concerned  
7 stakeholder -- between all of the concerned or among,  
8 between whichever, I think it's between the concerned  
9 stakeholders have become apparent.

10 It's not that you really brought them  
11 forward, each one. Each one brought their own thing  
12 and when you played it all together, three areas of  
13 tension have become apparent from looking at this  
14 thing.

15 MEMBER FERDIG: That's great.

16 MR. CAMERON: So the tension, okay, and  
17 just make sure that everything in those three is a  
18 tension. The tension in the first one about maintain  
19 versus improve.

20 CHAIRMAN PLISCO: That's how we originally  
21 had this worded.

22 MEMBER GARCHOW: It's the philosophy  
23 that's the tension. The tension isn't the tension.

24 MR. KROCKMAN: It's the philosophical  
25 tension.

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1                   MEMBER GARCHOW: Right. Tension is the  
2 result. But the philosophy that's causing the  
3 tension. The tension is the outcome.

4                   MR. CAMERON: But is there a  
5 philosophical, if you characterize the philosophical  
6 tension in the second area, you would characterize it  
7 as what, deterministic?

8                   And then philosophical tension in the  
9 third one?

10                  MR. KROCKMAN: Predictive versus --

11                  MR. CAMERON: So it's all consistent.  
12 It's uniform, if you want to use philosophical  
13 tension.

14                  MEMBER FERDIG: And it is a concern, but  
15 for me concern implies a problem. And I would like to  
16 have us think of it not as a problem, but as a  
17 philosophical tension that keeps us on our toes.

18                  MEMBER FLOYD: I'd go back to what Ken  
19 said. I'm not sure it's a philosophical tension.  
20 It's a tension that results from a change in Agency  
21 approach and philosophy in how they're going to  
22 oversee power reactors.

23                  MEMBER GARCHOW: The change in approach  
24 has created the tension.

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1                   MEMBER SHADIS: I said something very  
2 similar last time I spent a lot of money without  
3 talking to my wife first.

4                   (Laughter.)

5                   This is a philosophical --

6                   MR. CAMERON: Can you elaborate in  
7 specific details?

8                   MEMBER GARCHOW: Let's go back to what  
9 Steve said. It's a change in the approach that  
10 created the tension. That is the issue and change in  
11 approach was in these three areas.

12                  MR. KROCKMAN: These three philosophies  
13 have been applied and are moving forward and when you  
14 get all the stakeholders involved, now a tension has  
15 become apparent.

16                  MEMBER FERDIG: Right, okay. And the  
17 change has occurred.

18                  MR. KROCKMAN: Her word on philosophical  
19 tension --

20                  CHAIRMAN PLISCO: They're foundations of  
21 the program, how the program was structured.

22                  MR. CAMERON: And these tensions, as we're  
23 calling them now are not just reflected in the reactor  
24 oversight process. The reactor oversight process  
25 illustrates three underlying tensions that -- I mean

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1 these apply across -- don't these apply across the  
2 board to the Agency?

3 MEMBER FLOYD: Objection 2, Objection 3.  
4 Yeah a lot of initiatives that are under way.

5 MR. CAMERON: I mean you always get the  
6 maintain versus improve, the deterministic versus the  
7 risk-informed. You know?

8 It may be valuable to point out that this  
9 program isn't any -- these are something that have  
10 further consequences or broader, more broader effect.

11 MEMBER FLOYD: Is it three changes in the  
12 regulatory philosophy that have created the tensions  
13 amongst the stakeholders in these --

14 MEMBER GARCHOW: I would say that's it.

15 MEMBER FLOYD: Changes in regulatory  
16 philosophy.

17 MR. KROCKMAN: Are we trying to slice it  
18 too thin? I want to go back. Maybe I'm too proud of  
19 my word, but three areas of philosophical tension have  
20 become apparent. Whether I've got the egg or the  
21 chicken first is sort of irrelevant. We've identified  
22 three areas of philosophical tension.

23 MEMBER FLOYD: But is the tension  
24 philosophical? The tension isn't philosophical, it's

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1 the change -- it's the philosophical changes that have  
2 created the tension.

3 MR. KROCKMAN: The philosophical points  
4 have created a tension. We're in agreement.

5 MEMBER FLOYD: Yeah.

6 MEMBER GARCHOW: I guess I go back to  
7 Steve Reynolds had a comment. I think the Agency  
8 changed their words and then you roll this up and it's  
9 just not words on the paper, if you implement those  
10 words, this is what it looks like and that's what's  
11 creating the tension. It was operationalizing those  
12 words in a big way in this process.

13 You could say that's what this looks like,  
14 whether you agree with it or disagree with it and then  
15 you could really see what that meant.

16 MEMBER REYNOLDS: You could also probably  
17 make the argument that this tension has existed for a  
18 long time and it helped drive these issues to become  
19 stated as clearly as they have been.

20 These issues have been around way before  
21 1998 and there's been a tension between a lot of  
22 parties. So firmed up or clarified, staked out the  
23 position, maintain safety was conformed.

24 MEMBER GARCHOW: So it's a change in the  
25 philosophy of the approach that created the tension.

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1 MEMBER FERDIG: That's it.

2 MEMBER GARCHOW: And those three areas of  
3 the change of the approach I thought you did a pretty  
4 good job describing those.

5 MEMBER TRAPP: I like Steve's thought that  
6 tension was always there and now the ROP is really  
7 trying to address that, articulate that.

8 MEMBER KRICH: Well, it's brought to the  
9 forefront. It's almost as if these issues have always  
10 existed, but I think what happened is the change in  
11 the oversight process has brought these to the  
12 forefront now. I hate to keep going in circles here.

13 MEMBER TRAPP: Like the risk informed  
14 piece before, if you say why are you beating on me for  
15 hydrogen recombining, why am I getting a Level 3.

16 MEMBER GARCHOW: I never would do that.

17 (Laughter.)

18 MEMBER TRAPP: The tension was always  
19 there, but now at least we can deal with it. So it's  
20 positive, I think.

21 CHAIRMAN PLISCO: It's brought to the  
22 forefront. The Agency has made a decision where  
23 they're going and that's been embodied in the process.

24 MEMBER SHADIS: Does it really matter that  
25 these tensions existed before the ROP? I mean in

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1 affects the ROP. Original sin existed some time  
2 before, probably affects some of this. So --

3 MR. KROCKMAN: The key thing is they've  
4 become very apparent now, whether they've been here  
5 underneath the surface for the last 25 years,  
6 everything we've gone through in the last couple of  
7 years have now bubbled them up and they're very  
8 apparent this tension.

9 MEMBER SHADIS: Our perception is that the  
10 ROP is a major program. It's a major part of NRC's  
11 charge and responsibility and it's informed by some of  
12 these assumptions. And I'm glad, by the way that it  
13 was spelled out this time that here's the assumptions  
14 we're working on. It was good to include that.

15 MR. MONNINGER: How about the way it is up  
16 there now? Tension continues to remain as a result of  
17 three changes in the regulatory philosophy.

18 MEMBER FERDIG: That works for me.

19 MEMBER SHADIS: How about "that informed  
20 development of the reactor oversight process" as  
21 opposed to the word fundamental?

22 MEMBER FLOYD: Inform what?

23 MEMBER SHADIS: Development of the reactor  
24 oversight process.

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1 MR. KROCKMAN: You can't inform  
2 development. You can't tell it anything.

3 MEMBER SHADIS: You can't inform  
4 development? Developers?

5 MEMBER GARCHOW: How about inherent?  
6 These changes are inherent in the new process.  
7 They're inherent in the new process.

8 MR. CAMERON: They're the basis --

9 MEMBER SHADIS: Is that good with  
10 everybody?

11 CHAIRMAN PLISCO: Let him finish and read  
12 it again.

13 MEMBER GARCHOW: Do you want to chair the  
14 next panel?

15 MEMBER SHADIS: No, but --

16 MR. CAMERON: One question. This -- on  
17 the first issue, maintain versus improve, can you  
18 truly say that that is a change in regulatory  
19 philosophy?

20 MEMBER GARCHOW: Yes, it is.

21 MEMBER FERDIG: There's a slight wordsmith  
22 thing. You don't want to probably continue -- we can  
23 fix that.

24 MEMBER SHADIS: I'd like to ask about some  
25 part of that paragraph and that is down the bottom,

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1 last sentence. It says the presumption that current  
2 industry performance is sufficient to assure public  
3 health and safety and then the phases in there, versus  
4 regulating for excellence.

5 The question of regulating for excellence  
6 was only articulated, I think, by one person  
7 presenting before the panel.

8 MEMBER KRICH: I counted two, Ray.

9 MEMBER SHADIS: For excellence?

10 MEMBER KRICH: Yes.

11 MEMBER SHADIS: We had a State  
12 Representative.

13 MEMBER KRICH: It counted for Vermont and  
14 New Jersey.

15 MEMBER SHADIS: Oh really?

16 MEMBER KRICH: You know what, Ray? I  
17 don't know if you were there for the Vermont --

18 MEMBER SHADIS: No, that was the second  
19 day of the Atlanta meeting.

20 MEMBER KRICH: Okay, that's probably why  
21 you didn't --

22 MEMBER GARCHOW: There's a third too, the  
23 panel number from Georgia. I can't remember his name,  
24 the fellow who --

25 MEMBER SHADIS: Jim Setser.

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1                   MEMBER GARCHOW: He was talking about the  
2 programs of regulating for excellence in his field and  
3 they were beyond just compliance. He had that one  
4 whole dissertation the one day about that.

5                   MEMBER SHADIS: I asked about that because  
6 it's a phrase and a concept that's foreign to me. I  
7 just don't think you have enough information to say  
8 it's safe enough. It's a different thing.

9                   MR. KROCKMAN: And that's the essence of  
10 the first one.

11                   MEMBER TRAPP: One issue, I see that we  
12 have three, but I was wondering if there is actually  
13 a fourth and I toss this one out. A lot of our  
14 discussions were over public communication, web sites,  
15 how we communicate information and I wonder if there's  
16 a philosophical change in trying to involve the public  
17 in our programs and I wonder if that would capture a  
18 lot of our --

19                   MEMBER FERDIG: Add a fourth bullet.

20                   MEMBER TRAPP: Because a lot of our  
21 findings were public related information.

22                   CHAIRMAN PLISCO: But I don't see that as  
23 a conflict. I think it's a new area of emphasis. I  
24 think there's been --

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1                   MEMBER SHADIS: My sense is everyone has  
2                   been positive that the NRC has attempted to work at  
3                   this and then there are criticisms of how it's gone.

4                   CHAIRMAN PLISCO: That's the kind of area  
5                   where we hear criticisms, we try to make some changes.

6                   MR. CAMERON:     A new emphasis on a  
7                   transparent process.

8                   CHAIRMAN PLISCO: Actually, if you go down  
9                   to the end, I tried to capture some public  
10                  communication theme.

11                  MEMBER FLOYD: That was good.

12                  CHAIRMAN PLISCO: The last is where I was  
13                  trying to capture the thought about the process has  
14                  tried to outreach and is different than -- I tried to  
15                  characterize it different because I didn't see as  
16                  something that's causing a conflict. I think we hear  
17                  issues and concerns and we're trying to respond to  
18                  those, but I don't think we're saying well, we're not  
19                  going to do that. We're not saying that.

20                  MEMBER KRICH: On the three issues you've  
21                  identified, on each side of the argument.

22                  MEMBER FERDIG: Good point.

23                  CHAIRMAN PLISCO: But if there's more we  
24                  can add on that. That's what I tried to capture.

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1 MR. CAMERON: You may want to -- I think  
2 you need to go back obviously and see if that  
3 philosophical tension description is correct, but then  
4 after your indicative, you need to see if there's a  
5 transition to -- a transition needed to your comments  
6 about the public communication area.

7 But how about if you can get past this  
8 tension continues as a result of three changes and  
9 regulatory philosophy that are inherent.

10 MEMBER GARCHOW: The changes have impacted  
11 the ability. The tensions have. Let's call it for  
12 what it is.

13 MEMBER KRICH: Well, but I've got to ask  
14 a question for my own help here. Loren, what I  
15 thought you wrote here was that you identified from  
16 going through all the issues, you've identified these  
17 three main areas which what you were saying were these  
18 things need to be addressed in order for the new  
19 process to be able to move forward successfully.

20 CHAIRMAN PLISCO: I was having trouble  
21 with that because some of them --

22 MEMBER KRICH: Is that what you were  
23 trying to say or did I miss the --

24 CHAIRMAN PLISCO: Some can argue -- if the  
25 Commission decided that's what we're going to do, it's

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1 a communications change management issue, not  
2 something that needs to -- and I guess you could say  
3 as having to address it, but it's not trying to change  
4 it, but it's more has to be done to get the message  
5 across, that's where we're going to go.

6 MR. KROCKMAN: But maintain safety is a  
7 good one. If we're going to say it is safe enough,  
8 that's a Commission decision, maintain safety, then  
9 you've got to -- your implementation methodologies are  
10 going to have to truly incorporate that to make sure  
11 the project can move forward.

12 MEMBER KRICH: I'm not making myself  
13 clear. Let me try again. When I read through this,  
14 what I took from what you wrote was after going  
15 through all the things, all the input, we've  
16 identified three big areas that if they're not  
17 addressed, need to be addressed in order for the whole  
18 program to be able to move forward successfully.  
19 That's what you said about you have to overcome these  
20 hurdles, these underlying issues, whatever you want to  
21 call them, in order for the whole process to be able  
22 to move forward.

23 If you don't do that, the converse is that  
24 this could potentially damage the process on a going  
25 forward basis.

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1           MEMBER FLOYD: I thought we had some  
2 consensus though that we thought that was maybe too  
3 strong a statement.

4           MEMBER KRICH: That's what I'm trying to  
5 get at.

6           CHAIRMAN PLISCO: I think impede.

7           MEMBER KRICH: The point being that these  
8 were issues that have, that could have a significant  
9 effect on the successful progress of the oversight  
10 process.

11           MEMBER FERDIG: So they more than impacted  
12 the staff --

13           MEMBER KRICH: I'm still trying to  
14 understand.

15           CHAIRMAN PLISCO: I'm not sure I'd be that  
16 strong.

17           MR. KROCKMAN: There's one change to that.  
18 These are things which preclude us from being able to  
19 meet all of the goals. And some of the goals are  
20 inherently in conflict with each other.

21           MR. CAMERON: Does everybody on the panel  
22 agree with those statements?

23           MEMBER GARCHOW: Go through that again.

24           MR. KROCKMAN: It precludes us from  
25 meeting all of the performance goals, achieving all --

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1 you may want to put achieving the performance goals,  
2 totally achieving the performance goals of the reactor  
3 oversight process. Because we've got four or eight,  
4 depending on how you want to count --

5 MEMBER REYNOLDS: Eight goals.

6 MR. KROCKMAN: And one of the things we've  
7 identified and I'll use an example is many of the  
8 public stakeholders, Ray's expressed it very well,  
9 challenged the premise that safety has evolved to a  
10 point where it's adequate to maintain it. And if the  
11 program goes on it and I'm not going to be able to  
12 satisfy enhancing public confidence of that  
13 stakeholder group in this area because they just don't  
14 buy into the premise.

15 MEMBER KRICH: Okay, but let's stay on the  
16 general -- let me just stay on this for a second. So  
17 the idea is that we've identified three main areas  
18 that need to be addressed in order for us to meet the  
19 overarching goals, right?

20 MEMBER GARCHOW: What does address mean?

21 CHAIRMAN PLISCO: That's the word that  
22 gets me.

23 MR. CAMERON: Is it more than having level  
24 two PRA sheets, I can address hits on the website, but

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1 if you're someone that has to do something, these are  
2 the framework of the whole program.

3 CHAIRMAN PLISCO: That's what I was  
4 getting to. I'm not sure address is the right word  
5 because -- maybe it's just making sure they recognize  
6 some of these issues and as Ken said the goal may  
7 never be achieved because of that.

8 MR. CAMERON: Is it more simply that these  
9 are always going to be a continuing source of  
10 controversy in the implementation of the reactor  
11 oversight program and you call those to their  
12 attention because there's a big difference between  
13 saying that these are going to be a continuing source  
14 of controversy and there's still going to be criticism  
15 and saying that these issues prevent you from  
16 achieving the goals of the reactor oversight process.

17 MEMBER FERDIG: These are paradoxes,  
18 examples of paradoxes that are inherent in complex  
19 adaptive systems. They're never going to go away and  
20 it's the tension of the existing paradox and learning  
21 to live in that paradox that is --

22 MR. CAMERON: There are going to be  
23 continuing areas of --

24 MEMBER FERDIG: That's the beauty of the  
25 ROP.

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1 MR. CAMERON: Conflict that you may not be  
2 able to do anything about them, but you should always  
3 keep your eye on the ball to see what you can do.

4 MEMBER SHADIS: You may or may not be able  
5 to do anything about them. May or may not. Probably  
6 you will be, if the Commission focuses some attention  
7 on these areas of tension. They very likely can  
8 engage stakeholders in a dialogue on them. They may  
9 come to some way of gauging other than what already  
10 exists, whether these things, what level they are, in  
11 fact, at, so I think the question is at the end of  
12 this, you give the Commission this information, what  
13 do you want them to do with it, you know? And I know  
14 you're not into problem solving, but a lot of these  
15 recommendations look like problem solving to me. So  
16 you know, maybe there's a recommendation that says  
17 this is an area on which if the Commission wishes to  
18 achieve all their objectives they must focus  
19 attention.

20 MR. KROCKMAN: I think Mary had a very  
21 good point in the aspect in the change in the arena  
22 we're in. These levels of tensions are going to be  
23 part of it. Don't think you're going to be able to  
24 come up with a solution that is going to put  
25 everything to bed and make everybody happy. What you

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1 want to do is come up with solutions that will allow  
2 the tension to maintain itself creative and not become  
3 destructive.

4 MEMBER FERDIG: And Ray's idea about  
5 engaging the stakeholders in conversation about that  
6 is the what you can do.

7 MR. KROCKMAN: That's one of the options.

8 MEMBER FERDIG: Right. It just keeps it  
9 -- keeps everybody on their toes.

10 MEMBER GARCHOW: There's nothing in this  
11 that's saying that this is a show stopper. It's just  
12 an insight that we gained along the way in the  
13 conversation.

14 CHAIRMAN PLISCO: And that's all I was  
15 trying to go to to highlight to -- based on our  
16 insight, I thought we could provide to Sam Collins and  
17 the Commission so they acknowledge and understand it  
18 that these tensions --

19 MEMBER TRAPP: Why don't we just say then  
20 that these differences in philosophy resulted in  
21 stakeholders having different perspectives on the  
22 success of the ROP.

23 You're not going to resolve, if you don't  
24 like risk-informed regulation, you're not going to be  
25 there. And some of the State people said we don't

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1 like this. We like the old South. So it's a  
2 philosophical change that really -- it was the  
3 stakeholders perception on the success of the program.

4 MEMBER BLOUGH: As you try to address is,  
5 one, everyone grows, understanding grows. Things that  
6 can be done to mitigate the tensions or to accommodate  
7 more of the views or more the perspectives can be  
8 done. So you can make progress. You can mitigate,  
9 but probably not eliminate.

10 MR. KROCKMAN: Jim, what were your words?  
11 This tension is impacted to achieve the goals and --

12 MEMBER TRAPP: I said "resulted in  
13 stakeholder differences and perspective which on the  
14 success of the ROP, having different perspectives on  
15 the success of the ROP."

16 MR. KROCKMAN: We can fix the words, let's  
17 get the thought up, on the success of the ROP. And  
18 then we need to capture Randy's point here with the --  
19 it needs to addressed for its on-going considerations.

20 MEMBER FLOYD: I've got a sentence  
21 suggested for that, but get yours first.

22 MEMBER FERDIG: Well, I heard Randy use  
23 "increases understanding" --

24 MEMBER GARCHOW: Steve took that.

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1                   MEMBER FLOYD:    It's hard.    I've been  
2   trying to write and I keep scratching out as another  
3   comma gets --

4                   MEMBER GARCHOW:   Too many good ideas.

5                   MEMBER FLOYD:    My word processor isn't --

6                   MR. CAMERON:    Are we ready for Steve's --

7                   MEMBER FLOYD:    What about after that  
8   sentence just have a sentence that says "continued  
9   Commission attention will be needed to manage the  
10   tension embodied in these three changes."   And then  
11   you identify, bulletize what the three changes are.

12                   MEMBER GARCHOW:   Manage the change in  
13   philosophy.

14                   MEMBER FLOYD:    Or demand its attention  
15   embodied or resulting from --

16                   MEMBER SHADIS:   "Manage" is so bad a word.

17                   MEMBER FERDIG:    "Manage" sounds like  
18   you're trying to make it go away.

19                   MEMBER HILL:    How do you have Commission  
20   attention on maintaining safety versus improving  
21   safety though?

22                   MEMBER FLOYD:    No, it's not that.   It's  
23   Commission attention is needed to and maybe manage  
24   isn't the right word, but manage the tension, not the  
25   philosophical change, but the tension that results

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1 from the change. To address the tension, is that a  
2 better word?

3 MEMBER SHADIS: To be responsive to --

4 MEMBER FERDIG: That's great.

5 MEMBER HILL: Are you specifically talking  
6 about the Commissioners the way you're using this?

7 MEMBER FLOYD: I said the Commission.

8 MEMBER TRAPP: I'd take Commission out and  
9 just put down continued attention, because I think a  
10 lot of people can help you with that.

11 MEMBER FLOYD: Okay, continued attention  
12 will be needed to --

13 MEMBER FERDIG: Respond to.

14 MEMBER FLOYD: To be responsive to the  
15 attention resulting from these changes? Yeah, from  
16 these changes in philosophy.

17 MEMBER FERDIG: You guys are good.

18 MEMBER SHADIS: That's good. That's very  
19 good, Steve.

20 MEMBER GARCHOW: I think recognizing this  
21 is something that's powerful in writing it down. So  
22 I really commend you starting this conversation  
23 because it's behind the scenes in all the  
24 conversations, but it's like the Mokita, the unspoken  
25 truth, everybody knows about, but nobody will say and

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1 we're taking the courage to say it. It's out there.  
2 It's real and it's behind a lot of us.

3 MR. CAMERON: Anybody have any problems  
4 with what's up there, any more wordsmithing or do you  
5 want to just leave --

6 MR. KROCKMAN: We've got to wordsmith a  
7 sentence before that, but I trust John to be able to  
8 do that.

9 MR. CAMERON: But this captures how you  
10 want to introduce these three areas, right?

11 MR. KROCKMAN: That's good thoughts.

12 MEMBER FLOYD: Now just a question. Do we  
13 want to put a colon there and then have a sub-bullet  
14 of what the three issues are or is our intent now to  
15 have these three issues in this descriptive fashion in  
16 the Executive Summary?

17 MEMBER GARCHOW: We're not in the  
18 Executive Summary.

19 CHAIRMAN PLISCO: We're going to move this  
20 back.

21 MEMBER FLOYD: I thought we were in the  
22 Executive Summary.

23 MEMBER GARCHOW: We're moving this back to  
24 the panel conclusions and recommendations.

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1                   MEMBER FERDIG: This is so good. This has  
2 got to go into the Executive Summary.

3                   MR. KROCKMAN: The tech editor will decide  
4 if it's a period or a colon.

5                   MEMBER FLOYD: Gotcha.

6                   CHAIRMAN PLISCO: I want to get back to  
7 Steve's comment is that I thought we're working off  
8 the Executive Summary, but this section really is now  
9 going to be back in the body of the report under our  
10 panel, whatever we call it, panel insights.

11                  MR. CAMERON: Some part of it will be  
12 summarized in the Executive Summary.

13                  MEMBER FERDIG: This is provocative.

14                  MEMBER FLOYD: See, I was under a  
15 misconception. I thought this paragraph was going to  
16 be in the Executive Summary with a bulletized version  
17 of the three areas. The Executive Summary, with the  
18 more expansion thought --

19                  MR. CAMERON: It may well be. When they  
20 go back and take a look at the report, it may be the  
21 most efficient way for them to summarize it. I don't  
22 think you need to worry about that now.

23                  MEMBER REYNOLDS: Are we ready to get to  
24 the three bullets?

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1                   MEMBER KRICH: One more editorial comment?  
2           It's not substantive time and effort, it's  
3           substantial. Time and effort are not substantive.  
4           They're substantial.

5                   Thank you.

6                   MEMBER REYNOLDS: "A lot of" works better  
7           for me. That's pretty clear.

8                   MEMBER BLOUGH: Maintain safety.

9                   CHAIRMAN PLISCO: Maintain safety.

10                  MEMBER FLOYD: Maintain safety. I've got  
11           a comment there. I think the first sentence needs a  
12           little bit of work.

13                  MEMBER REYNOLDS: I think Randy had the  
14           floor.

15                  MEMBER FLOYD: Did he have it?

16                  MEMBER BLOUGH: I think people like the  
17           word presumption, but I think we have to be precise  
18           when we use it and the first use of it there, the  
19           presumption that the industry performances have  
20           improved, to me presumption is like you're presumed  
21           innocent, which means if there's no data at all,  
22           there's a presumption of what it is. To me, this is  
23           more of a judgment. Right or wrong, it's a judgment  
24           because it's a judgment based on a lot of data. So  
25           the word presumption --

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1 MEMBER GARCHOW: I agree with that.

2 MEMBER BLOUGH: -- is maybe not used.

3 MEMBER SHADIS: How about a determination?

4 MEMBER FLOYD: I had the same comment,  
5 Randy. That was along the same lines what I was going  
6 to say. The presumption is not that industry  
7 performance has improved. The presumption is that  
8 industry performance has improved to the point where  
9 further encouragement for improvement is deemed  
10 unnecessary. That's what the presumption is. Not  
11 that industry performance has improved. I think it's  
12 a fact that industry performance has improved, at  
13 least I think the Agency believes that industry  
14 performance has improved.

15 The question is has it improved, or the  
16 presumption is has it improved to the point where it  
17 doesn't need to be pushed for further improvement. To  
18 me, that's what the presumption is.

19 MEMBER BLOUGH: I'd still call that a  
20 judgment.

21 MEMBER FLOYD: Not a presumption.

22 MR. CAMERON: What does it say in the  
23 strategic plan?

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1 CHAIRMAN PLISCO: I think the words after  
2 strategic plan are copied right out of the strategic  
3 plan.

4 MEMBER BLOUGH: That was it.

5 MEMBER SHADIS: Ever ponder the difference  
6 between assumption and presumption?

7 MR. KROCKMAN: We fixed it. Get rid of  
8 both of them.

9 MR. CAMERON: Now here you're referring to  
10 it as a presumption again, right?

11 MEMBER BLOUGH: I'd call that a judgment  
12 or  
13 --

14 MR. CAMERON: The judgment that current  
15 nuclear industry performance. Can we change that to  
16 judgment for now? This particular word, get away from  
17 presumption again.

18 MEMBER FERDIG: Is there a better word  
19 than judgment?

20 MEMBER SHADIS: Decision.

21 MEMBER REYNOLDS: Assumption.

22 CHAIRMAN PLISCO: Determination.

23 MEMBER SHADIS: An assumption based on  
24 evidence.

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1           MR. CAMERON: I think the Commission would  
2 probably question saying it's an assumption or a  
3 presumption, whether they're right or wrong, it's  
4 another story.

5           MR. KROCKMAN: Someone brought up earlier  
6 a difficulty with the verse "regulating for  
7 excellence." I mean we could change that to  
8 regulating for continual improvement.

9           MEMBER SHADIS: I don't care if it's in  
10 there. I just didn't want it to be the only thing  
11 held in opposition to where we are. It really isn't  
12 that important. It's fine to leave it in as far as  
13 I'm concerned.

14          MR. CAMERON: Anybody else have a problem  
15 with regulating for excellence?

16          MEMBER HILL: What was the word used  
17 before?

18          MR. CAMERON: I think this was what was in  
19 there, regulating for excellence.

20          MEMBER HILL: That was in the previous  
21 NRC's mission statement before 1998?

22          MR. CAMERON: No.

23          MEMBER HILL: I'm just saying go back to  
24 what those words were.

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1                   When you say regulating for excellence,  
2                   that kind of implies --

3                   MR. KROCKMAN:     That was my thought.  
4                   Regulating for continual improvement.

5                   MEMBER FLOYD:    I agree.

6                   MEMBER FERDIG:    I like that.

7                   MEMBER GARCHOW:   I think Richard is right.  
8                   I think John, you just need to go back to the previous  
9                   version. We're comparing and contrasting so if you're  
10                  comparing and contrasting, you have -- it seems like  
11                  you have a burden of going back to be precise with  
12                  what you're --

13                  MEMBER BLOUGH:   The words "will limit"  
14                  they have a ring of futility to them.

15                  MEMBER SHADIS:   Change to could.

16                  MEMBER REYNOLDS:   Potential to limit.

17                  MEMBER SHADIS:   Could is what we used  
18                  before.

19                  MEMBER FERDIG:   So is that unwelcome  
20                  message accurate?

21                  MEMBER GARCHOW:   That's more purple  
22                  language too.

23                  CHAIRMAN PLISCO:   I debated on what word  
24                  to use. I picked that one.

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1                   MEMBER FERDIG: And it's qualified to some  
2                   --

3                   MR. CAMERON: Take a look at the whole  
4 paragraph. Any further comments on maintain safety?  
5                   Let's go to risk-informed.

6                   CHAIRMAN PLISCO: Risk-informed.

7                   MEMBER FLOYD: I think here you could work  
8 Jim's comment a little bit on significance of  
9 determination process. You could acknowledge just as  
10 we've acknowledged that there's a premise in the first  
11 one, you could acknowledge that there's a major change  
12 in the new oversight process, the incorporation of a  
13 significance determination process and this new  
14 process has highlighted the conflict between being  
15 risk-informed and compliance based and that could  
16 bring that thought in and at least put SDP in the  
17 Executive Summary.

18                   MR. KROCKMAN: Something along the lines  
19 of the oversight process in many ways is further ahead  
20 of the regulatory processes and cites an example of  
21 this as the integration of significance determined  
22 process --

23                   MEMBER FLOYD: Yes.

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1                   MEMBER TRAPP:     My real concern for  
2 Executive Summary for SDP is that it's broken. There  
3 still needs to be action --

4                   MEMBER FLOYD:    Other areas developed.

5                   MEMBER REYNOLDS:  How much work there is  
6 to be done.

7                   MEMBER TRAPP:    Right. That's the concept  
8 I'd like to catch in the Executive Summary.

9                   MR. CAMERON:    Can we get this concept up,  
10 whether it's consistent with what Jim was aiming at or  
11 not. It may have validity. Can we take a look at it  
12 up here? An example of this is an integration of  
13 significance determination process as part of --

14                   MEMBER FLOYD:    Jim, would your comment be  
15 resolved now with the decision made to put in the  
16 Executive Summary the priority one items, many of  
17 which are on the SDP issues. I have to see what it  
18 looks like when we put them in, but --

19                   MR. CAMERON:    Do you need to -- do you  
20 start this out with -- you need to start this out with  
21 something like the reactor oversight process rather  
22 than leaping into risk-informed and compliance-based,  
23 although that seems to be the tension that you're  
24 talking about?

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1 CHAIRMAN PLISCO: Yes, because we do have  
2 a lead in really in maintain safety and we really  
3 don't have one for -- we kind of assume people know  
4 what we're talking about and maybe we need to --

5 MR. CAMERON: The reactor oversight -- the  
6 basis for the reactor -- or the methodology is the  
7 user risk-informed methodology? Something like that.  
8 I don't know the right way to way it.

9 MR. KROCKMAN: That may be where to put it  
10 in the SDP.

11 MR. CAMERON: And then follow that up with  
12 the SDP language?

13 Does anybody have a first sentence --

14 CHAIRMAN PLISCO: We could say the reactor  
15 oversight process uses risk insights to what --

16 MEMBER GARCHOW: Oversee.

17 MEMBER FLOYD: Focus Agency attention.

18 MEMBER GARCHOW: I like -- just move it  
19 up. The tension is coming because of a second  
20 statement.

21 CHAIRMAN PLISCO: Yes.

22 MR. KROCKMAN: That is the cause of the  
23 tension.

24 MEMBER FLOYD: Yes, in reverse order.

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1                   MEMBER FERDIG:    Do you want to say  
2 something like there is a conflict between the risk-  
3 informed and compliance-based orientation? Instead of  
4 being  
5 risk-informed --

6                   MEMBER BLOUGH:    I think the thought's  
7 right.

8                   MEMBER FERDIG:    Okay, never mind.

9                   MEMBER FLOYD:    Should it be between  
10 risk-informed versus compliance-based? It's not  
11 between, the conflict doesn't result from being both.  
12 It results from one against the other.

13                   MEMBER GARCHOW:  It's implementing a risk-  
14 informed oversight process versus a compliance-based  
15 regulatory framework.

16                   MEMBER FLOYD:    That's really what it is,  
17 yeah.

18                   MEMBER SHADIS:    Well, if you say a  
19 conflict between --

20                   MR. CAMERON:    Is the juxtaposition  
21 risk-informed versus compliance-based? Is that the  
22 right juxtaposition.

23                   MEMBER BLOUGH:    It's what Dave said.

24                   MEMBER GARCHOW:  It's the implementing and  
25 oversight process that is risk-informed into a

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1 regulatory, on an industry that is operating its  
2 plants in a compliance-based regulatory framework.

3 MEMBER SHADIS: Well, yes, that's always  
4 been the phrase, deterministic framework as opposed to  
5 compliance-based.

6 MEMBER FLOYD: If you have risk-informed  
7 regulations, hopefully you comply with those too.

8 MEMBER SHADIS: Well, some of these words  
9 are value-loaded too. If you say all the NRC is  
10 interested is compliance, mindless compliance.

11 MR. KROCKMAN: I'm going to noodlenik the  
12 words. You can't read between X versus Y. It's  
13 between X and Y or you can put an X versus Y  
14 relationship, but you're not between X and Y.

15 MEMBER FLOYD: Well, how about Dave's  
16 words? His was something along -- there is a conflict  
17 in implementing a risk-informed oversight process on  
18 a deterministic regulatory framework?

19 MEMBER FERDIG: Bingo. Gosh, you're good,  
20 Steve.

21 MEMBER GARCHOW: Implementing a risk-  
22 informed regulatory process.

23 MEMBER FLOYD: Oversight process,  
24 risk-informed oversight process.

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1                   MEMBER SHADIS:    That's not the only  
2                   conflict that was identified by the stakeholders.

3                   MEMBER FLOYD:    No, it isn't.

4                   MR. KROCKMAN:    What were the --

5                   MEMBER FLOYD:    Oversight process over a  
6                   deterministic regulatory framework.

7                   MR. CAMERON:    What about Ray's point  
8                   though about the other, perhaps other inherent  
9                   problems brought up in the risk-informed area by other  
10                  stakeholders?    How would you characterize those  
11                  things, Ray?

12                  MEMBER SHADIS:    Well, I think the general  
13                  consensus among those activists that I've spoken to is  
14                  that the whole discipline of risk-informing is still  
15                  forming, that some things need to be maintained in  
16                  deterministic space.    That's not a deterministic  
17                  regulatory framework.    That is to single out some  
18                  areas that are so critical that you assume you're  
19                  getting greater margins of safety by staying in  
20                  deterministic space.

21                  MR. KROCKMAN:    It would seem that one  
22                  thing that helps capture that a little bit, Ray, might  
23                  be in implementing an emerging or a developing -- it's  
24                  still coming along now, but Jim, I need to --

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1                   MEMBER TRAPP: I think it catches that  
2 thought though.

3                   MEMBER SHADIS: It's all hung on a  
4 deterministic regulatory framework.

5                   MEMBER TRAPP: Is that conflict between  
6 the deterministic and the risk-informed and I think  
7 what you're saying kind of --

8                   MEMBER SHADIS: I appreciate the  
9 difference, you know, using the term deterministic.  
10 I don't know about -- and it is a conflict, admitted,  
11 that it's hard to hang it on the remnants of a  
12 deterministic regulatory framework. All I'm saying is  
13 that there are conflicts outside of the fact that the  
14 framework is constructed, left over from days of  
15 deterministic  
16 --

17                   MEMBER FLOYD: I think Ray's got a good  
18 point. Why don't we -- there's almost two thoughts  
19 under this risk-informed area. There's the thought of  
20 we're trying to apply it on a risk-informed oversight  
21 process and a deterministic regulatory framework and  
22 I think we've got some words that identify that. And  
23 then we could say additionally, some stakeholders have  
24 concerns about whether the risk-informed tools are

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1 developed enough to the point where they should be  
2 having as much impact as they are having.

3 MEMBER SHADIS: Essentially.

4 MEMBER GARCHOW: That was what Jim was  
5 bringing up too. Now we're getting into all the  
6 nuances of it. I think you should just leave it big  
7 picture for the three bullets and get into the detail  
8 when we get into --

9 MEMBER SHADIS: It's really detailed to  
10 say that the viewpoint is generated by the --

11 MEMBER SHADIS: I should say a  
12 deterministic world because all this good stuff --  
13 that's the conflict. You'd rather stay there because  
14 you don't agree with all the risk-informed tools,  
15 etcetera, etcetera, fidelity and all that stuff with  
16 the models. So it's really the philosophical conflict  
17 is between should we do risk-informed or should we do  
18 deterministic?

19 MEMBER TRAPP: I think we should keep one  
20 foot on the dock until we make sure the boat isn't  
21 going to sink.

22 MEMBER SHADIS: I think that's captured.

23 MR. KROCKMAN: I might throw in again, an  
24 emerging.

25 MEMBER FERDIG: I like that.

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1 MR. KROCKMAN: I want to be able to  
2 discuss exactly what you're talking about and I don't  
3 think it takes anything away from the point you're  
4 making.

5 MEMBER FERDIG: And that's exactly what it  
6 is. I agree with that.

7 MR. CAMERON: Let me ask, let me get it  
8 clear, do you mean to -- David pointed out one sort of  
9 problem that's created by using risk-informed  
10 methodologies in a deterministic regulatory framework  
11 and Ray is pointing out another problem that comes  
12 from doing that. I think there are two different  
13 concepts that you're talking about, both a result of  
14 what we call a tension.

15 MR. KROCKMAN: But we're trying to keep  
16 the description here very high level. We don't want  
17 to get down into all the details at this point.

18 MR. CAMERON: Although you do it down  
19 here. You get into all this stuff, but do you ever  
20 talk about the problem that Ray brings up which is a  
21 lot of people are skeptical about using a still  
22 developing assessment tool to determine whether plants  
23 are safe?

24 MEMBER SHADIS: Well, our perception is  
25 that the basic information that you're plugging in to

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1 risk-informing these things may not be whole or sound  
2 and so there's a lot there to get into, but I just --  
3 and I forget where the issue surfaced, but there was  
4 some place in the workshop or in these papers where it  
5 became evident that it was impossible to risk-inform  
6 certain things because of the way they lay in the  
7 regulatory process, that framework. I understand  
8 that. And you're right, there's something more here  
9 that we're talking about.

10 To me, if you say you're trying to hang  
11 risk information on a regulatory, deterministic,  
12 regulatory framework, to me that's getting pretty  
13 specific in itself.

14 MEMBER GARCHOW: And I think all this  
15 stuff about the inspector, that issue there's a whole  
16 other burden. I mean it puts the inspector in a  
17 difficult situation, disagree with the words, but it  
18 also puts the utility in a difficult situation, if I'm  
19 sitting here knowing that I've got this body of  
20 regulation I'm complying with that has no safety  
21 significance. On the one hand everything is boiling  
22 down to risk, on the other hand, they've got a body of  
23 regulation and I'm trying to comply with that has  
24 little or no safety --

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1                   MR. KROCKMAN: You could inspector and  
2 licensee and change then the second sentence from  
3 directs the inspector to directs them both.

4                   MR. CAMERON: One suggestion. Maybe you  
5 should put Ray's idea -- I don't think that we're done  
6 whether Ray's point should be in there, but on this  
7 one point can you see if all of this language is  
8 consistent? What you're doing now, in other words,  
9 just puts the inspector and licensee -- see if this  
10 thing makes sense, just with the one concept and then  
11 see if we need to add anything to address Ray's point.

12                  MEMBER GARCHOW: Actually, the "they" is  
13 true for both the inspector and the licensee, so  
14 "they" still applies.

15                  MEMBER BLOUGH: I just -- while we're  
16 wordsmithing here, the process can't really direct the  
17 licensee, but it can seek to focus both the inspector  
18 and the licensee. It seeks to focus now.

19                  MEMBER GARCHOW: Right, I agree with that,  
20 Randy.

21                  MEMBER FLOYD: Just say focuses on  
22 risk-significant issues. You don't need to say who it  
23 focuses it on or anything. It's universally true. It  
24 focuses on risk-significant issues --

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1                   MEMBER GARCHOW: On this particular one,  
2 we're offering a solution wherein under safety, we  
3 didn't. Just as a point if we're trying to be  
4 consistent. The last sentence is a solution wherein  
5 at least the discussion on safety, we just presented  
6 a conflict.

7                   MEMBER KRICH: That sentence should  
8 probably be deleted.

9                   CHAIRMAN PLISCO: Of course, maybe it's  
10 one that we know and we're not sure what it is on the  
11 other. Or at least an approach --

12                   MEMBER BLOUGH: Do we disagree with that  
13 last sentence?

14                   CHAIRMAN PLISCO: Someone shouldn't  
15 disagree because I took that right out of someone  
16 else's comments.

17                   MEMBER GARCHOW: Mine. I'm just pointing  
18 out that that is an inconsistency, but it may be  
19 perfectly acceptable.

20                   MEMBER FLOYD: I wonder if we need that  
21 additionally, they cannot condone a noncompliance. I  
22 think you make the point in the previous sentence,  
23 don't you, that the oversight process focuses on

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1 risk-significant issues, but the associated regulatory  
2 requirements are often not risk-informed? I don't  
3 think we need to state this.

4 CHAIRMAN PLISCO: That sentence was in  
5 there because of the previous one that we took out.  
6 It was really focusing on the inspector. It was their  
7 dilemma.

8 MR. KROCKMAN: It's still a licensee's  
9 dilemma.

10 MEMBER FLOYD: It's no dilemma at all.  
11 You have to comply.

12 MR. KROCKMAN: Neither can accept the  
13 noncompliance, no matter what the safety significance.  
14 The inspector is required to enforce a compliance and  
15 the license he's got to deal with coming back into  
16 compliance.

17 MEMBER FLOYD: Absolutely.

18 MR. CAMERON: Do you need to be explicit  
19 in this sentence about what that means? Focuses on  
20 risk-significant issues, but the associated regulatory  
21 requirements are often not risk-informed, therefore --  
22 is there something, another shoe that needs to drop?

23 CHAIRMAN PLISCO: Maybe we need to rewrite  
24 it. I think the thought and Steve just mentioned it,  
25 we need to capture, whatever the regulatory oversight

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1 process is doing, compliance is still required. I  
2 think that thought we need to capture somewhere in  
3 there.

4 MR. KROCKMAN: Federal law is a good  
5 motivation.

6 MR. CAMERON: Steve, do you have  
7 something?

8 MEMBER FLOYD: Often not risk-informed,  
9 yet compliance is still required.

10 MR. CAMERON: That's good.

11 CHAIRMAN PLISCO: Yes.

12 MR. KROCKMAN: Where is that?

13 MEMBER FLOYD: After "often not risk-  
14 informed".

15 MR. CAMERON: Before "additionally" --

16 MEMBER FLOYD: Two lines, three lines  
17 down.

18 MR. KROCKMAN: You can't have a button  
19 button.

20 MEMBER FLOYD: Down, left now. Change the  
21 period after informed to a comma and say yet  
22 compliance is still required.

23 MR. CAMERON: Then what about that next  
24 sentence that some people have problems with the next  
25 sentence?

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1                   MEMBER FLOYD: You don't need it now. And  
2 the rest of it reads good.

3                   MR. CAMERON: Does anybody have any  
4 further problems with this the way it is now?

5                   MEMBER SHADIS: Yes, where you just had  
6 your hand in that sentence, reactor oversight process  
7 focuses, etcetera, am I right? That one? You've got  
8 but and yet in the sentence. I would say right after  
9 significant issues, put a period and then just a new  
10 sentence that says associated regulatory requirements  
11 and you've got it separated out and it still tracks.

12 MEMBER FERDIG: He's not listening to us.

13                   MEMBER GARCHOW: John, are you getting all  
14 the help that you need over there?

15                   MEMBER FERDIG: What's he doing, writing  
16 the report himself?

17                   MEMBER GARCHOW: So then you have to put  
18 a period after risk-informed to go where you're going.  
19 He just did it a different way.

20                   MEMBER SHADIS: Yes, well, compliance is  
21 still required with, of, for. And then you need a  
22 that right after requirements. That are often not  
23 risk-informed.

24                   MEMBER GARCHOW: How does that look?

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1 MR. CAMERON: Steve, what about -- I want  
2 to make sure that Ray's point is settled one way or  
3 the other which Ray's point I take it is that people  
4 are skeptical of the risk-based or risk-informed  
5 approach because they're not sure that there's enough  
6 data to be able to make determinations or however you  
7 want to say that, Ray.

8 MEMBER SHADIS: Essentially placing too  
9 much reliance on it. This risk-informed philosophical  
10 difference or whatever issue, this is a licensee  
11 regulator issue and very much so. Although there are  
12 safety implications, I'm sure, and public confidence  
13 implications to seeing a mismatch of deterministic and  
14 risk-informed. However, from the other stakeholders  
15 that you've heard from, all along the board and from  
16 what's going out on the streets, people are skeptical  
17 about over-reliance on risk information at this point  
18 and are anxious that at least some areas be retained  
19 in deterministic space.

20 CHAIRMAN PLISCO: That's the other  
21 conflict, the risk-informed versus risk-based conflict  
22 that we talk about.

23 MEMBER SHADIS: Yes, well --

24 CHAIRMAN PLISCO: Too much reliance.

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1           MEMBER SHADIS: It gets to a trick of  
2 language if you flip it over that way because all the  
3 conversation you hear, even if it's solidly risk-  
4 based, the argument is well, no, we're risk-informing  
5 here. But I really do think that people are very  
6 uncomfortable with bouncing all this into  
7 risk-informed space, especially when some of the  
8 information is difficult to get a hold of. Some of  
9 the underlying information, NRC has to go to the  
10 licensee for it, public doesn't get it until after  
11 it's all well digested issues.

12           I'm just expressing that to you and if you  
13 want to put it in there.

14           CHAIRMAN PLISCO: I think it's a good  
15 place to capture that thought somehow.

16           MR. CAMERON: In this paragraph, Loren?

17           MEMBER FERDIG: Otherwise it doesn't get  
18 a place for it to go.

19           CHAIRMAN PLISCO: The communication part,  
20 I think, we've captured, but this other skepticism of  
21 the risk analysis itself is different.

22           MEMBER GARCHOW: I have a suggestion. We  
23 have the conflict. One example is and we go through  
24 that path. Right? An example of the conflict. The  
25 other example, so if you have one example when you get

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1 through with that you have another example of this  
2 conflict is some discomfort on some of the  
3 stakeholders on implementing the risk-informed  
4 oversight process without the tools developed. That's  
5 what you're saying?

6 MEMBER SHADIS: Yes, and of course, if you  
7 think -- if you all think it's -- from what you've  
8 heard in all these meetings it's enough of an issue to  
9 put in there. It's my perception that it is, but --

10 MEMBER FLOYD: You could put a sentence in  
11 that -- see if this captures it, Ray. An additional  
12 concern for some stakeholders is the acceptance of the  
13 maturity of risk analyses for regulatory use. Does  
14 that --

15 MR. CAMERON: There we go.

16 MEMBER GARCHOW: I'd put "stakeholders".  
17 I think it's better than one person.

18 MEMBER FLOYD: Probably some folks from  
19 the industry as well. It's the acceptance of the  
20 maturity.

21 Of risk analyses for regulatory use.

22 MEMBER SHADIS: That's not it.

23 MEMBER FLOYD: Not it?

24 MEMBER SHADIS: No, because in lots of  
25 places, you know, it's obvious that risk analysis does

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1 the trick, but I think it's the over reliance or a  
2 perceived over reliance.

3 MR. CAMERON: Perceived over reliance.

4 MEMBER SHADIS: Many stakeholders hold a  
5 perception that the process is over reliant on --

6 MR. CAMERON: What do you want to say  
7 perceived over reliance on risk analysis for  
8 compliance purposes or something like that?

9 MEMBER GARCHOW: No, for --

10 CHAIRMAN PLISCO: How about for regulatory  
11 decisions?

12 MEMBER FERDIG: Is the methodology? It is  
13 over reliance on the risk analysis methodology?

14 CHAIRMAN PLISCO: For regulatory -- take  
15 out three letter words and --

16 MEMBER FERDIG: This is much better.

17 MEMBER FLOYD: I think you have to move  
18 that whole sentence up to before in the long term?

19 MR. KROCKMAN: We'll all have time to  
20 denoodle this in the next round.

21 MEMBER FERDIG: This is kind of fun  
22 though.

23 MEMBER GARCHOW: If we can winnow it down  
24 now, it makes the next round --

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1 MR. CAMERON: How does that look to  
2 everybody now?

3 MEMBER FLOYD: I think over-reliance  
4 should be hyphenated, right?

5 MEMBER FERDIG: Is this what you guys did  
6 --

7 MEMBER FLOYD: I think as soon as the  
8 English is straightened up --

9 MEMBER GARCHOW: The concept, I think we  
10 can let John work on the English.

11 MEMBER SHADIS: Is that good with you,  
12 John?

13 MR. MONNINGER: Yep.

14 MEMBER SHADIS: Are we done with  
15 risk-informed?

16 MR. CAMERON: Yes.

17 MEMBER SHADIS: Could we just step back  
18 just for a moment, please indulge me. On the  
19 unwelcome message thing, there's got to be a kinder  
20 way to say that.

21 MR. CAMERON: Where are you?

22 MR. CAMERON: On the last sentence,  
23 "however, this is an unwelcome message to some  
24 external stakeholders." It reminds me again of being  
25 disciplined in school. It may be --

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1 MR. CAMERON: Inadvisable?

2 MEMBER GARCHOW: It's not accepted.

3 MEMBER SHADIS: However, this message is  
4 not accepted by some external stakeholders or is not  
5 given credence.

6 MEMBER GARCHOW: Is not given credence.  
7 We don't believe it.

8 MR. CAMERON: Let's put Ray's words down  
9 and then we can see if you agree with it.

10 MEMBER SHADIS: It's not given credence by  
11 some external stakeholders.

12 MEMBER FERDIG: Skip the whole message  
13 thing.

14 MEMBER GARCHOW: Good, that sounds better  
15 than unwelcome message.

16 MEMBER FERDIG: I didn't like that either.

17 MEMBER FLOYD: Sold.

18 MR. CAMERON: Everybody, we heard a sold  
19 over here.

20 MEMBER REYNOLDS: Let Ray read it again,  
21 to make sure.

22 MR. CAMERON: Ray, is that?

23 MEMBER SHADIS: Fine.

24 MR. CAMERON: Okay. Anybody else on this  
25 one?

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1                   MEMBER HILL: Well, wait a minute. You  
2                   can't have a however. Since the determination,  
3                   however. You're missing some part of a sentence or  
4                   something.

5                   There's a "however" thrown in for some  
6                   reason.

7                   MEMBER SHADIS: Oh yes.

8                   MEMBER HILL: The determination is  
9                   sufficient is what?

10                  MR. KROCKMAN: We'd better go see what was  
11                  there before because it makes sense to cut something  
12                  out.

13                  CHAIRMAN PLISCO: Just get rid of however,  
14                  this and say "is a message that is not given credence  
15                  by external" -- that's just some wordsmithing.

16                  MR. KROCKMAN: Just "is not given  
17                  credence."

18                  MEMBER BLOUGH: Yes, the determination i  
19                  snot given credence. So just take out this message.

20                  MEMBER FERDIG: I thought we already took  
21                  out "this message".

22                  MR. CAMERON: How's that?

23                  CHAIRMAN PLISCO: Do you want to do  
24                  indicative before we take a break?

25                  MEMBER GARCHOW: Go for it.

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1 CHAIRMAN PLISCO: I have one comment  
2 myself when I went back and re-read it. It's just one  
3 paragraph, right?

4 MEMBER FLOYD: Indicative is just one  
5 paragraph or are the two paragraphs different  
6 thoughts, right?

7 CHAIRMAN PLISCO: Yes, the next goes on to  
8 another section.

9 MR. CAMERON: We need to think about  
10 whether -- what the transition is here.

11 MEMBER FLOYD: A heading of something.

12 MR. CAMERON: Theoretically, we're off the  
13 tensions.

14 MEMBER REYNOLDS: Double indent the first  
15 three.

16 MEMBER GARCHOW: Somehow, the way it is,  
17 it loses the impact of the --

18 CHAIRMAN PLISCO: Where it says there's a  
19 related assumption, it's not really passed from green  
20 to red. It's really, we've got to use the titles of  
21 the action matrix column, that's what I really  
22 intended to say. That wasn't really the right --

23 MEMBER GARCHOW: Just say directly through  
24 the action matrix.

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1 CHAIRMAN PLISCO: From the licensee  
2 response column. Yeah, I've got to pull those words  
3 up and see what's in there. It's not really one green  
4 to red. You have to use the right terminology.

5 MEMBER FLOYD: Response column,  
6 unacceptable performance.

7 CHAIRMAN PLISCO: Right.

8 MR. MONNINGER: What was that change?

9 CHAIRMAN PLISCO: Just take out green to  
10 red and say the licensee response column to the  
11 unacceptable performance column.

12 MR. MONNINGER: Column?

13 CHAIRMAN PLISCO: Or you can say -- I  
14 guess you can say from -- what's a simpler way to say  
15 it?

16 MEMBER FLOYD: From the licensee response  
17 to the unacceptable performance columns of the action  
18 matrix.

19 CHAIRMAN PLISCO: Yes. Unacceptable  
20 performance.

21 MEMBER SHADIS: Okay. But there's no  
22 tension identified until you get down to that last  
23 sentence, "many concerns." Right? It simply is an  
24 exposition of the difference between the previous  
25 program and this one, one trying to be predictive, the

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1 other one being indicative and then at the very end it  
2 says many concerns raised about cross-cutting issues  
3 etcetera come from discomfort with this presumption.  
4 Is that your tension?

5 CHAIRMAN PLISCO: We don't have the word  
6 "predictive" in here. We need to get it in here.

7 MR. KROCKMAN: The other one, remember, we  
8 put in a current program on there, the statement to  
9 lead in. And this one, if we put in a current  
10 program, the new program statement as to what it is,  
11 the tension will come right in there with the second  
12 sentence. The previous says the program focused on  
13 something different. So we just need a new lead in.

14 CHAIRMAN PLISCO: Move the second sentence  
15 up.

16 MR. KROCKMAN: It's just reversing them  
17 again.

18 MEMBER REYNOLDS: You need a "versus" in  
19 there, too, versus what it was before. Create the  
20 tension.

21 MEMBER KRICH: That's the next sentence.

22 CHAIRMAN PLISCO: Does that capture it, I  
23 think?

24 MR. CAMERON: "Indicative" means what in  
25 this context?

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1                   MEMBER FLOYD: You wait for indications of  
2 related to performance outcome as opposed to looking  
3 at inputs into the process regarding conclusions from  
4 problems with inputs.

5                   MR. CAMERON: This is the type of thing  
6 where if you gave it to a well-educated layman and  
7 they read "indicative", they wouldn't really have a  
8 clue. "Predictive" they might be able to understand  
9 if "indicative" is something --

10                  MR. KROCKMAN: Let me throw out an idea.  
11 We've said these are tensions and maybe we want to on  
12 the titles put maintain safety versus improve safety,  
13 indicative versus predictive.

14                  MEMBER GARCHOW: Risk-informed.

15                  MR.        KROCKMAN:                Risk-informed,  
16 deterministic. And now you've got your tension in  
17 your title.

18                  CHAIRMAN PLISCO: I think we had it in  
19 there the first time. John and I, I think we had  
20 that. We took --

21                  MEMBER GARCHOW: There we go.

22                  MR. CAMERON: Indicative process, i.e.,  
23 can you explain indicative, what an indicative  
24 process? It's not a word that you normally hear  
25 thrown around.

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1                   MEMBER FLOYD:   Which relies on actual  
2 performance outcomes.

3                   MEMBER SHADIS:  It connotes present tense,  
4 really.

5                   MEMBER REYNOLDS:  It's more of a present  
6 tense than a future forecast.  This is what it is.

7                   MEMBER FLOYD:  You wait for an outcome,  
8 when it's indicative.

9                   MEMBER REYNOLDS:  It's what it is, not  
10 what it will be or could be.

11                   MEMBER  GARCHOW:    The  past  versus  
12 predictive,  past  performance  versus  predictive  
13 performance.  That is the issue.

14                   CHAIRMAN PLISCO:  The place to put it is  
15 right at the end of this first sentence, where we say  
16 "is an indicative process" we can explain in words --

17                   MEMBER  GARCHOW:    Or  lagging  versus  
18 predictive and anybody that extracts performance  
19 indicators or reads across --

20                   MEMBER HILL:    Why isn't it going from  
21 green to white on PIs?  Why isn't it predictive?  It's  
22 not risk as is.

23                   MR. KROCKMAN:  Because it's after it has  
24 occurred.  And the thresholds are what established the  
25 predictivity.

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1                   MEMBER REYNOLDS: It's indicative of what  
2 happened, what's going to happen.

3                   MR. KROCKMAN: That's the dilemma you get  
4 into that I think is what's driving a lot --

5                   MEMBER HILL: Isn't everything else, when  
6 you say predictive, everything else we've done in the  
7 past has been after it happened too. You have  
8 violations after they occurred.

9                   MEMBER REYNOLDS: Right, but we've tried  
10 to be predictive.

11                  MEMBER HILL: But it's really no  
12 different. Still, you've got violations that occur  
13 now, then you're thinking something will happen. The  
14 green to white is the same thing.

15                  MEMBER REYNOLDS: No, it's a philosophy  
16 difference.

17                  MEMBER GARCHOW: Never write Richard a  
18 violation because you thought it was going to have a  
19 violation next March. You're trying to change his  
20 behavior now.

21                  MEMBER TRAPP: You could have a SALP-3  
22 with no violations.

23                  MR. KROCKMAN: The difference that you  
24 have is the old process took a lot of things and you  
25 said okay, I'm seeing all these small things that are

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1       happening real low in the significance ban and that  
2       causes me a concern that the program has difficulties  
3       with it and the manifestation of that was is you've  
4       got a SALP-2 and that was predictive.  You're not  
5       there.

6               The new program leaves that licensee's  
7       control band.  It's totally under your control with  
8       all these problems.  You're as high as you can get.  
9       That's the essence of the difference that you're into.

10              MEMBER HILL:  Okay, I can see that.

11              MR. KROCKMAN:  And it's what we're talking  
12       about.  It's at a very high philosophical level.

13              MEMBER HILL:  I don't think any of our  
14       computers are going to understand that.

15              MR. KROCKMAN:  I understand.

16              MEMBER HILL:  This isn't a simple process.

17              MEMBER FERDIG:  But this is an example of  
18       some of what might be included in this public  
19       information conversation we've been talking about.  I  
20       mean it is pretty sophisticated concepts.

21              MEMBER GARCHOW:  I'm fine with indicative  
22       versus predictive.  But we're getting more into this  
23       than what we are trying to actually get out of the  
24       message.

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1 MEMBER FERDIG: But we're getting smarter  
2 in the process.

3 CHAIRMAN PLISCO: Are we ready for a break  
4 now or is there anything --

5 MEMBER GARCHOW: Before the break, how  
6 about painting the process to being done, so we've got  
7 this section done. What's between us and being done.  
8 If you're going to rewrite the Executive Summary or  
9 take a shot at it --

10 CHAIRMAN PLISCO: We want to see are there  
11 any other messages or insights that you think we need  
12 to communicate that we haven't got in the report.

13 MR. MONNINGER: Plus the cover letter, do  
14 you want to cover that?

15 CHAIRMAN PLISCO: The cover letter, we're  
16 really trying to just keep it as a transmittal.

17 MEMBER FLOYD: I had a couple of other  
18 organizational comments to make on the body of the  
19 report.

20 CHAIRMAN PLISCO: We still have those two  
21 pages now in the front that we need to talk about too.  
22 That's the other two pieces. That's really what we  
23 have left.

24 Are there any other issues that we need to  
25 capture in the Executive Summary and then we'll hit

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1 quickly these first two pages of sort of describing  
2 the approach, the process.

3 MEMBER KRICH: I had one other, something  
4 that came up and it's covered somewhat in the issues,  
5 but I throw it out for discussion as to whether it  
6 should go in the Executive Summary and that was the  
7 issue that came up from presentations we had regarding  
8 the inability of people to differentiate now between  
9 plant and performance. We covered it somewhat in the  
10 issue where --

11 CHAIRMAN PLISCO: In the overall  
12 discussion on communication?

13 MEMBER KRICH: Exactly, but it was a theme  
14 that we heard a lot from nonlicensees, non-NRC  
15 stakeholders and it's kind of stuck with me.

16 Was it -- my question was was it enough  
17 to rise to the level of the Executive Summary or is it  
18 adequately handled in the issue discussion?

19 MEMBER HILL: Talking about the fact that  
20 some people wanted numbers instead of colors?

21 MEMBER KRICH: Exactly. You want to be  
22 able to differentiate between a plant in my  
23 neighborhood versus the guy down the street.

24 MEMBER REYNOLDS: How safe are you  
25 compared to somebody else.

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1 MR. CAMERON: Where are we -- you  
2 identified what we need to do. Are we done with this  
3 though?

4 MEMBER FLOYD: Yes.

5 MR. CAMERON: Everybody's satisfied with  
6 the language in here? Okay.

7 Is this up for -- are you going to go to  
8 that?

9 CHAIRMAN PLISCO: Rod has -- this first  
10 thing, if there's any other issues he was proposing  
11 one, at least to toss out to discuss, if everyone  
12 heard that.

13 MR. CAMERON: No, I don't think that a lot  
14 of us did hear -- what is it?

15 MEMBER KRICH: It was the issue that came  
16 up a couple of times from other, from stakeholders  
17 that the current process is difficult to differentiate  
18 plant performance, one from another and my question  
19 was we did cover it in one of the issues and my  
20 question is was it significant enough and was it one  
21 of the tensions that needed to rise to the level of  
22 the Executive Summary or is it adequately covered in  
23 issue.

24 The issue that covers it to my mind was  
25 the one having to do with reorganizing the webpage and

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1 have it give more information in a different way so  
2 that people can figure out better how their plant is  
3 performing.

4 MEMBER FERDIG: Relative to other plants.

5 MEMBER SHADIS: I think that cure is  
6 underway. I think there's an intention to do that.

7 MEMBER TRAPP: I didn't think we were  
8 planning to do ranking the plants though.

9 MEMBER KRICH: No, I don't think we were  
10 planning, but it was just an issue that came up a lot.

11 MEMBER TRAPP: People said that, that they  
12 liked that.

13 MEMBER KRICH: That that was the trouble,  
14 that was the difficulty they were having with the new  
15 oversight process.

16 MEMBER FERDIG: So his question is do we  
17 want to do something to make it more --

18 MEMBER GARCHOW: I didn't think it was  
19 that big.

20 CHAIRMAN PLISCO: And we captured some of  
21 this thought in that overall communication issue.

22 MEMBER FLOYD: And it will be in the  
23 recommendations summary also.

24 MR. KROCKMAN: One thing on this other  
25 paragraph we've got up here though, I think this gets

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1 up forward once again. Bob's issue, who's not with us  
2 anybody, said hey, you've got to allocate resources to  
3 be able to go out and do the things and communicate is  
4 one of the issues in there, so I think it's essential  
5 that that part still stay and goes -- reemphasizes his  
6 point again.

7 CHAIRMAN PLISCO: And more than his  
8 specific area. It's across the board.

9 MR. KROCKMAN: Across the board.

10 CHAIRMAN PLISCO: What I was trying to say  
11 here if things are going well in the program, there  
12 are some issues to be done. Don't declare victory and  
13 pull the resources that are supporting the  
14 infrastructure to keep these changes going. That's  
15 what I was trying to say. There still needs to be  
16 resources applied, not only to implement the  
17 recommendations that we've got in this report, but  
18 still some on-going things that the staff is working  
19 on. And really, it's only been a year and there's  
20 still parts of the process, like the Phase 2  
21 worksheets that haven't really been fully vested out  
22 yet.

23 MR. CAMERON: Is this up for -- first,  
24 this paragraph and then the next paragraph up for  
25 discussion now?

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1                   MEMBER GARCHOW: I actually have no issues  
2 with either of them.

3                   MR. CAMERON: Does anybody have any issues  
4 with either of those paragraphs?

5                   MR. KROCKMAN: The last sentences that  
6 Dave Garchow Memorial, FACA panel sentence.

7                   MEMBER FERDIG: Right.

8                   CHAIRMAN PLISCO: The last sentence.

9                   MEMBER SHADIS: Work his name into it  
10 somewhere.

11                  MEMBER FLOYD: Is that a gratuitous  
12 statement?

13                  MEMBER BLOUGH: The only -- this is really  
14 minor, but the second sentence, "level of stakeholder  
15 involvement has been unprecedented for an NRC process  
16 change." I guess if I were saying it, I would say  
17 that we believe or in our opinion or something. It's  
18 stated as an absolute, in an area where actually  
19 opinions could vary. For example, someone might have  
20 the opinion that if you had a hearing, that would be  
21 more than everything we've done, you know, considering  
22 all the panels, the public meetings and workshops,  
23 everything. One hearing would be more than that.

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1 MR. CAMERON: So you're suggesting that it  
2 should just say the level of stakeholder involvement  
3 has been substantial?

4 MEMBER BLOUGH: "We believe."

5 MR. CAMERON: As long as you guys believe  
6 that.

7 MEMBER GARCHOW: I think we're close to  
8 being done.

9 MEMBER FLOYD: I would really strike the  
10 last sentence myself. I think that's a little  
11 gratuitous for the panel itself to pat itself on the  
12 back.

13 MEMBER GARCHOW: If we didn't see it that  
14 way, who would?

15 (Laughter.)

16 MEMBER REYNOLDS: I would agree with  
17 Steve, we take it out.

18 MEMBER FLOYD: It doesn't belong.

19 MEMBER BLOUGH: It's not just  
20 congratulating whoever pointed us. Maybe it's  
21 gratuitous.

22 MR. MONNINGER: The thought there was  
23 whether the panel should provide any type of insight  
24 or recommendation for the need for --

25 MEMBER FLOYD: Future panels?

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1                   MEMBER GARCHOW: I think that could be  
2 decided well within the skill of the draft.

3                   CHAIRMAN PLISCO: Actually, that seed is  
4 sort of planted in the long term effectiveness  
5 discussion. There is a seed planted in there, that  
6 the needs -- Ray and I were talking about it later.  
7 It talks earlier about the need for some kind of  
8 periodic external stakeholder involvement and we had  
9 that discussion in that long term effectiveness  
10 recommendation.

11                  MEMBER GARCHOW: But how could be any  
12 number.

13                  CHAIRMAN PLISCO: Right, we didn't say  
14 how.

15                  MR. CAMERON: Steve, do you have a  
16 suggestion to -- Loren, are you going to plow through  
17 and --

18                  CHAIRMAN PLISCO: Well, I was going to ask  
19 that question. We really only have two pages in the  
20 front and part of it is really just boiler plate,  
21 factual information before we've gone through  
22 everything. Do you want to keep doing it or do you  
23 want to break?

24                  MEMBER REYNOLDS: I vote for a 10 minute  
25 break.

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1 CHAIRMAN PLISCO: What's that?

2 MEMBER REYNOLDS: A short break.

3 CHAIRMAN PLISCO: If we can limit it to  
4 five minutes, not all disappear for 20 minutes?

5 MEMBER REYNOLDS: Sure, I was back here  
6 before lunch early.

7 MEMBER FLOYD: I know you were.

8 CHAIRMAN PLISCO: Five minutes.

9 (Off the record.)

10 CHAIRMAN PLISCO: Let's continue. What we  
11 have left is the first two pages, just the  
12 introduction, the approach and objectives. Comments  
13 on those?

14 MEMBER FLOYD: Yes. I don't have any  
15 comments on introduction, but under approach and  
16 objectives, if I go over to the first two paragraphs  
17 that right now are under panel conclusions and  
18 recommendations, to me, those ought to be pulled up as  
19 part of approach and objectives, because it's really  
20 describing the approach that we used. So I would just  
21 move those two at the end of what you have. I think  
22 it fits neatly right after your 1, 2, 3.

23 MEMBER BLOUGH: Under approach and  
24 objectives, where we list who came before it, it seems  
25 to umbrella everyone who personally appeared, except

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1 Judy Johnsonrud from Sierra Club. I understand some  
2 other people sent us written material, but just the  
3 way it turned out, we list groups of people and then  
4 individuals, more or less. She's the only one that  
5 actually spoke to us who we left out.

6 MR. KROCKMAN: Add in the Sierra Club.

7 MEMBER TRAPP: She's not on the February  
8 26th?

9 MEMBER BLOUGH: I'm just saying in this  
10 paragraph, if you compare this to the list of people  
11 who spoke to us, were actually -- everyone but her.

12 CHAIRMAN PLISCO: We talked about that and  
13 we kept flipping back and forth. We included the  
14 invited. She did present. We did list her in the  
15 back under Attachment 4. I can go either way.

16 MEMBER FLOYD: If she spoke, I would have  
17 no problem with putting her name here. That seems  
18 appropriate.

19 MR. MONNINGER: I think part of it is  
20 maybe what the intent is of it there. Would she  
21 believe we are overstating her involvement? Or not?

22 CHAIRMAN PLISCO: That's what I was  
23 concerned with. Did she represent Sierra Club? Since  
24 we didn't explicitly invite her to do that, that's  
25 what I was concerned about.

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1 MEMBER FLOYD: Then maybe the right word  
2 in that section, that paragraph should be "the panel  
3 solicited additional views" rather than "obtained  
4 additional views," if those are the ones that we  
5 specifically asked for.

6 MEMBER SHADIS: I want to look at the  
7 transcript too. I think there's a -- I don't know  
8 what it's called. Environmental Action something or  
9 whatever of Pennsylvania.

10 MR. MONNINGER: ECNP.

11 MEMBER SHADIS: That's what you put in the  
12 back under Attachment, ECNP.

13 MEMBER TRAPP: She might be a member of  
14 the Sierra Club. Was she representing the Sierra  
15 Club?

16 MEMBER SHADIS: That was my concern with  
17 putting that in there, that's why I didn't.

18 MR. KROCKMAN: Solicited or obtained.

19 MEMBER SHADIS: That's why I brought up  
20 the Pennsylvania organization.

21 MR. KROCKMAN: Solicited or obtained.  
22 Otherwise you get into those we solicited that didn't  
23 provide us anything.

24 MEMBER FLOYD: Good point.

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1                   MEMBER SHADIS: While you're referencing  
2 that list, Attachment 4, there's nothing from November  
3 and names. You guys said earlier that you had that  
4 panel presenting to you at the first meeting.

5                   MR. MONNINGER: Madison and those guys?

6                   MEMBER SHADIS: Yes.

7                   CHAIRMAN PLISCO: That's what the last  
8 sentence is supposed to capture. We kept the staff  
9 members, we didn't list them all separately, but we  
10 tried to capture them all in that last bullet because  
11 that came several times.

12                   Actually, one of the occasions John and I  
13 talked about that. He brought a dozen people to give  
14 specific presentations. And for efficiency, I just  
15 decided not to list them all and just capture them in  
16 the thought. We can do that. I don't have any  
17 problem either way, but we just decided just to  
18 capture them all within that one sentence.

19                   MR. MONNINGER: I actually missed Steve's  
20 proposed change to our --

21                   MEMBER FLOYD: Oh, take the first two  
22 paragraphs that under panel conclusions and  
23 recommendations and move them under 1, 2 and 3 under  
24 approach. In other words, put it at the end of the  
25 approach section because they're really describing the

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1 approach that was used. Those first two paragraphs  
2 there, just move them right up above panel conclusions  
3 and recommendations.

4 MEMBER FERDIG: Under the approach  
5 section.

6 MEMBER FLOYD: Put them right after the 3.  
7 Then under panel conclusions and recommendations.

8 MEMBER GARCHOW: Besides listing which we  
9 already agreed.

10 MEMBER FLOYD: I would suggest you have a  
11 subheading called panel conclusion and then you take  
12 that paragraph that right now is under the heading  
13 overall reactor oversight process and just put that  
14 right under it and then you have another heading  
15 called recommendations and I guess you need a little  
16 preamble that just says priority 1 and 2  
17 recommendations are summarized or highlighted below  
18 and then just list them. What you said you were going  
19 to do, yeah.

20 And then I would put in that other two  
21 paragraphs that are left under what was the old panel  
22 conclusions and recommendations, although the panel  
23 focused its emphasis on discussing areas needing  
24 improvement, they noted many positive attributes and  
25 outcomes and those are in the comments associated with

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1 each program element and then the following five  
2 sections provide a consensus issue description and  
3 recommendations of the IIEP.

4 MEMBER GARCHOW: The only thing we missed  
5 was where we're going to paste in those other --

6 CHAIRMAN PLISCO: Say that one more time?

7 MEMBER FLOYD: Panel conclusion and then  
8 you have another section. Its sub-bullet is panel  
9 recommendations and then you just add -- you guys can  
10 do the words, but priority one and priority two  
11 recommendations are summarized below and then we just  
12 listed them and then I take those second two  
13 paragraphs that -- the last two paragraphs that are  
14 under the current panel conclusions and  
15 recommendations. The first one, I think is pretty  
16 much fine and the last one, you just have to noodle a  
17 little bit and the following five sections, I would  
18 suggest they provide a consensus issue description and  
19 recommendations of the IIEP with respect to each  
20 reactor oversight element. And the rest of it is  
21 fine.

22 MR. MONNINGER: Provide a consensus issue?

23 MEMBER FLOYD: Provide a consensus issue  
24 description. That's really what we reach consensus --  
25 we reach consensus on both the issue description and

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1 the recommendations. That's really what we've reached  
2 consensus on. Subject to Ray's dissenting report or  
3 whatever.

4 MEMBER GARCHOW: If Ray's going to put  
5 something in the report, then this is where you would  
6 put a sentence and where consensus wasn't reached.

7 CHAIRMAN PLISCO: Now is probably a good  
8 time to talk about that. If there are other views,  
9 minority opinions, whatever you want to call them,  
10 there are several ways we can handle. The PPEP had a  
11 number of issues and they were discrete issues that  
12 were related to a specific issue of recommendation, so  
13 they embodied those in the report, but if you get  
14 other broad areas that may not necessarily match up  
15 one to one, I think the best way is just to  
16 incorporate that as an attachment to the report. I  
17 think the approach --

18 MR. CAMERON: Are these going to be --  
19 obviously, it's nice to have coherent report from the  
20 panel and people could submit additional information  
21 for the record if they wanted to, if the panel wanted  
22 them to do that or they could be some type of  
23 dissenting view and I just was curious about if you  
24 had any idea what to expect along those lines from

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1 panel members. I know that Ray has talked about  
2 submitting --

3 MEMBER SHADIS: Something.

4 MR. CAMERON: Something. But we're not  
5 sure if it's an additional view or would be called a  
6 dissenting or whatever.

7 MEMBER FLOYD: The way we handled that on  
8 the IIEP is -- I'm sorry, the PPEP. The way that was  
9 done on the previous panel was the agreement that the  
10 panel members reached was that we tried to have each  
11 summary be a consensus and that the agreement sort of  
12 was that no panel member as part of the panel report  
13 would offer a different view unless they did not agree  
14 with the consensus position that was -- then we  
15 thought it was okay to include in the report that this  
16 was a majority consensus, but there was a minority  
17 opinion and then you could put the minority opinion in  
18 there, but we tried to limit that to instances where  
19 the minority member could not agree with the wording  
20 that was capturing the issue description and  
21 recommendation. All of us, obviously, are free to put  
22 in a differing view or opinion as a member of the  
23 public on this entire process as part of the comment  
24 period or any time we want to for that matter. But we  
25 felt that that shouldn't be representative of part of

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1 the panel report unless it disagreed with one of the  
2 consensus positions.

3 MEMBER FERDIG: Where are we on that list  
4 of consensus keeping notes?

5 MEMBER GARCHOW: I thought we got it.

6 MR. CAMERON: I didn't see anything yet.  
7 I was just putting this on the table because to the  
8 extent that someone might have a -- and I'm not just  
9 talking about Ray. Other people might have dissenting  
10 views, but to the extent that the panel had an  
11 opportunity to discuss those dissenting views, maybe  
12 it would turn out not to be a dissenting view, again  
13 going back to your ground rules about we will try to  
14 achieve consensus on all issues.

15 MEMBER FLOYD: I might add, that was the  
16 other condition we had in the PPEP, was that if  
17 somebody had a minority opinion that they wanted to be  
18 included in the report, that the other people of the  
19 panel had an opportunity to review those words, prior  
20 to them being part of the report, since it is a panel  
21 report.

22 MR. CAMERON: So it might be a possibility  
23 that the other people on the panel when they saw what  
24 was suggested as a minority report might say well, we  
25 might be able to live with this.

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1                   MEMBER FLOYD: Or we may want to make  
2 adjustments to our issue description and  
3 recommendations based upon the minority opinion that  
4 we're seeing.

5                   MR. CAMERON: Right, that's what I meant.

6                   MEMBER GARCHOW: So where are we?

7                   CHAIRMAN PLISCO: Any other comments?

8                   MEMBER SHADIS: Well, we're in crunch time  
9 because there's no time left. You want to get a  
10 report out by Friday and that makes it very crunchy as  
11 far as the opportunity for anyone to review any  
12 comments. I can tell you that there are -- I have no  
13 show-stopping problems with consenting to any of the  
14 issues as they've been laid out, except in general for  
15 their limitations and there's two things that occur.  
16 One is dealing with the process in which -- and I have  
17 to have time to review it, but it appears that in  
18 selecting the panel that it was selected in a way that  
19 would lend itself to a point of view with respect to  
20 the ROP, that the inclination that I could sense  
21 before anything really got rolling with my involvement  
22 was that generally speaking everyone felt that the ROP  
23 was in a good place and only needed some tinkering.  
24 That would be kind of the inclination that I sense of  
25 the panel. And where you have 14 people, we had? 16.

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1 Out of that you have two State representatives which  
2 I would say, I would just presume they're neutral with  
3 respect to that, except we heard -- and Bob expressed  
4 his concern that the NRC get on with promoting nuclear  
5 energy so there's a kind of bias there. And then you  
6 have --

7 MEMBER FERDIG: Well, wait a minute. I  
8 wouldn't say he was suggesting --

9 MEMBER SHADIS: Yes, he was.

10 MEMBER FERDIG: Promoting. I didn't hear  
11 that.

12 MEMBER SHADIS: His initial thing was to  
13 educate people as to how safe nuclear energy is. It  
14 wasn't about educating people with respect to the  
15 success of the ROP.

16 MR. CAMERON: I'm not sure that he said  
17 educating people about nuclear energy, but he did say  
18 he was supportive, he personally was supportive of  
19 nuclear power. I did hear that.

20 MEMBER SHADIS: In any case, even that  
21 much aside, generally, in the make up of the  
22 committee, I think consensus is flawed unless there is  
23 a broader balance than exists here, a less weighted  
24 balance than exists in this committee. And I think  
25 the committee did a great job, did fine. But when it

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1 comes to selecting a committee, knowing that you're  
2 going to be asked for consensus, I think it's  
3 incumbent on those people that want to have a true  
4 consensual opinion come out of that committee, that  
5 they balance it better than this committee was  
6 balanced. So that's one comment that I have and  
7 that's my observation. Nothing against anybody on the  
8 committee, did a great job and have been very  
9 accepting and I saw a lot of my input reflected in  
10 what went on, maybe even out of proportion to my  
11 representation of one and it was just great. But that  
12 observation is there, okay? Any other one, I've  
13 already spoken about. It's my sense on the historical  
14 origins of the ROP that before anyone said ROP we were  
15 looking at was essentially a predictive process,  
16 trying to prevent a recurrence of surprises when it  
17 came to plans which were good SALP performers, but  
18 then turned out to have major problems.

19 From what we can see in order to have  
20 that, you really have to have all that design basis  
21 stuff there. You've got to have your engineering  
22 inspections and all the rest of it working really well  
23 and you also have to have all the probabilistic risk  
24 assessment, the individual plant work done, nailed

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1 down, in place or you can't build on it with any real  
2 authority.

3 That's the working issue. The other one  
4 is an issue with process. Those two things. And the  
5 problem with plugging it into the general public  
6 comment area is that the public has no confidence in  
7 the general public comment area. They go in, they get  
8 lost. We never hear of them again, you know? I don't  
9 know how to handle those concerns with respect to this  
10 panel and/or what the panel -- it was suggested  
11 earlier in casual conversation that a single sheet or  
12 something like it could be appended to the report.  
13 If the panel wanted to do that and put a disclaimer on  
14 it --

15 MR. CAMERON: It's almost not -- really a  
16 dissenting view from the panel's conclusions. It's  
17 comments on -- in other words, there's not much that  
18 anybody on the panel could do in a discussion on those  
19 issues to change anything about that at this point.  
20 So it's -- by saying it's not a dissenting view, I'm  
21 not trying to minimize the importance of what you're  
22 saying, but it's almost like additional, an additional  
23 view. I don't know, you can characterize it whatever  
24 way you want to characterize it, obviously.

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1           MR. KROCKMAN: I think one thing, I  
2 understand how we did the PPEP, I was there too. And  
3 I've been giving this some thought as to how we were  
4 going to handle this. I know one of the things we  
5 came up on the PPEP, we had individual items that sort  
6 of evolved, no I just can't live with that language,  
7 okay. And we had what, a half a dozen of them  
8 scattered hither-thither through the report on  
9 different issues.

10           MEMBER FLOYD: Two or three.

11           MR. KROCKMAN: Whatever, a small number in  
12 that regard. And then I say well, if that evolved  
13 itself in this panel it would seem to be an  
14 appropriate way to do it. Here's the minority opinion  
15 on this issue.

16           Ray, I hear the comment that you're  
17 bringing up here to be a little more global, at a  
18 higher level type of thing, especially the process  
19 when the design basis, the history and what have you  
20 is to me definitely speaks of a higher level concern  
21 that one of the key members with a stakeholder  
22 representation in the panel brings forward. It  
23 probably, as Chip said, I don't see it relating to any  
24 one of the specific issues, but I support fully that  
25 here's an additional perspective that's provided by

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1 one of the stakeholder members and it's provided as an  
2 attachment to the report, a white paper or something.  
3 That seems reasonable. I think from Steve's  
4 viewpoint, however, all the panel members ought to be  
5 able to have a chance to take a peek at and get a real  
6 quick look too. And if somebody said hey, this is a  
7 great point, we need to get back together on a  
8 telephone conference or something like that, we can  
9 make that happen. Time is short.

10 MEMBER FLOYD: If I totally disagree with  
11 a point and feel a need to have my own opinion --

12 MR. KROCKMAN: There may be a point  
13 counterpoint that get put there, that would have to be  
14 allowed for, but I think that the appendix thing is a  
15 right way to go on this.

16 MEMBER GARCHOW: Can I offer another  
17 suggestion in an appendix because I think it's -- I  
18 don't think that does it justice. If we all had an  
19 equal number and minority stakeholder view, I wouldn't  
20 expect somebody to find it in the appendix. We had a  
21 section created called other insights and if Ray could  
22 get that into a paragraph you could start it the way  
23 you mention, you know, one of the stakeholders on the  
24 committee provided the following insight and you have  
25 a paragraph. We listed our consensus insight. These

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1 are the three major areas we talked about this  
2 morning. It seems like that would be a place where we  
3 could put a single additional insight from a  
4 stakeholder.

5 MR. KROCKMAN: So he's got to get two  
6 areas, one to address -- ask Ray to author two inputs  
7 to the body of the report per se?

8 MEMBER GARCHOW: In that part where we  
9 talked about the additional --

10 MEMBER FLOYD: Yes, we were going to have  
11 after we talked about panel conclusions and  
12 recommendations, we were talking about having another  
13 section that just called panel insights, you could  
14 have a minority insight.

15 MEMBER GARCHOW: That's what I proposed so  
16 it's not buried in the back.

17 MR. KROCKMAN: I think it's most  
18 appropriate to give that whatever methodology included  
19 with the report as opposed to lost in a separate  
20 letter that comes in out of synch.

21 MR. CAMERON: Would this constrain you in  
22 any way, Ray, these suggestions?

23 MEMBER SHADIS: No, it's a -- that would  
24 be fine. It's a matter for me, I'm just looking at  
25 the practicality of this in terms of time, getting it

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1 out. I would presume by Friday morning, would be the  
2 thing to have it e-mailed around Friday morning.

3 MR. MONNINGER: What you could do is if we  
4 were giving this to everyone COB Friday, you could  
5 just e-mail it to us and we would put it in and then  
6 shoot it to everyone as part of the package Friday  
7 afternoon.

8 MR. CAMERON: Or when do you want input  
9 back from everybody on the report?

10 CHAIRMAN PLISCO: We were going to send  
11 out Friday everything we've incorporated from the  
12 meeting. Any other editorial comments people give us  
13 before tomorrow and then send it out?

14 MR. CAMERON: When do you want it back?  
15 A week turnaround on comments?

16 CHAIRMAN PLISCO: A week. I wanted to put  
17 together the final.

18 MR. KROCKMAN: If you put a place holder  
19 there and Ray, we could give him the weekend and he  
20 could get it out on Monday and John could say here's  
21 Ray's input that's going to get placed that we held  
22 the place holder for, I think all of us could respond  
23 to that. The report is not damaged and it gives you  
24 an additional two free days to write the -- your  
25 inputs which I hope would be helpful.

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1                   MEMBER FLOYD:    Would Monday be good for  
2    you?

3                   MEMBER SHADIS:    Whatever I've got to say  
4    I can say by Friday because of my own schedule anyway.

5                   I'm on a plane Friday afternoon and who  
6    knows where the hell it's going to land.

7                   MEMBER GARCHOW:    Right.

8                   MEMBER BLOUGH:    When would I see like the  
9    thing I'm supposed to concur on, you think?  It's a  
10   week from Friday, May 4th?

11                  CHAIRMAN PLISCO:   This Friday.

12                  MEMBER BLOUGH:    This Friday.

13                  CHAIRMAN PLISCO:   With the exception of  
14   this piece.

15                  MEMBER FLOYD:    It sounds like we could  
16   have that Friday also because --

17                  CHAIRMAN PLISCO:   Yeah, okay, we'll have  
18   that Friday.

19                  MEMBER FLOYD:    So Friday we'll get a  
20   complete draft, final draft package that you're  
21   looking for comments on by a week from Friday.

22                  MR. MONNINGER:   That week from Friday, I  
23   thought that week from this Friday is the issuance  
24   date of the final.  I'm trying to be straight forward  
25   so if it has to be like a Tuesday or Wednesday, unless

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1 you said comments a week and then bump the issuance to  
2 the following Wednesday or something to that effect.

3 CHAIRMAN PLISCO: We'll need the comment,  
4 I would say by COB on Thursday.

5 MEMBER FERDIG: COB?

6 CHAIRMAN PLISCO: Close of business.

7 MEMBER SHADIS: On those comments of mine,  
8 I want you to understand that at least on the  
9 substantive issue on design basis and so on, that's  
10 not coming out of the blue. That was raised very  
11 early on by me. I think Mr. Lockbaum had something to  
12 say about it. I think Mr. Sherman from Vermont may  
13 have something to say with respect to it. So -- and  
14 we didn't go there with our discussion and that  
15 happens, but I would want it see reflected because  
16 that's one of our deep concerns.

17 MEMBER BLOUGH: If I could just take a  
18 couple of minutes to comment. I heard too what Dr.  
19 Laurie said this morning, so there was a certain  
20 context. But I also recall when we were first coming  
21 together and working on our charter, he engaged us,  
22 the whole panel, in a discussion that was fairly  
23 detailed about how wide open are the possibilities of  
24 what we would come up with.

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1           Is it possible that we would recommend  
2 abandoning the ROP and there was some discussion, look  
3 at our charter then, and I think the charter told us  
4 to provide recommendations on reforming and revising  
5 and what did those words mean and how wide open was  
6 the term reforming and it was Dr. Laurie who was  
7 pushing on that to understand how wide open the  
8 possibilities were.

9           That was at the outset when we were  
10 deciding what we're about and what we're going to do,  
11 so I take that more as kind of a view of how open his  
12 mind was coming into this.

13           That's all I wanted to say.

14           MR. MONNINGER: With respect to a schedule  
15 so it goes out this Friday, COB, with Ray's input.  
16 Comments from panel members back the following  
17 Thursday which is May 3rd, COB and when is the final  
18 report issued?

19           CHAIRMAN PLISCO: However long it takes  
20 you and me to incorporate this, depending on the depth  
21 and breadth of the comments.

22           MEMBER SHADIS: What kind of comments are  
23 you going to be looking for? We're not going to go  
24 around changing much.

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1 CHAIRMAN PLISCO: No, it's really intended  
2 to be -- have we -- confirmation of the sections that  
3 you've given us to rewrite. Have we captured that  
4 appropriately and in our rewrite, did we  
5 mischaracterize something?

6 MR. KROCKMAN: If there's an obvious  
7 grammatical error, I mean an author is his own worse  
8 proof reader, that's always been --

9 MR. MONNINGER: I would also like to offer  
10 to Ray with respect to any comments you would have on  
11 panel membership, I think you may want to start with  
12 Commission direction for the panel which they directed  
13 a panel with a similar make up for the PPEP. So you  
14 may want to use that as a starting point and also  
15 there's requirements for FACA panels as to knowledge  
16 and experience for appointments, so you may want to  
17 consider both of us.

18 MEMBER SHADIS: Okay, thank you. There's  
19 no intention here of laying out any culpability or --  
20 there's none of that. It's just my observation that  
21 if you want to have a real go around and come to  
22 consensus, you know, either you have a totally  
23 homogenous group or try to get a broader spread. It's  
24 a principle kind of thing, it doesn't have to do with  
25 what their intention may have been.

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1                   CHAIRMAN PLISCO: Okay, any other issues?  
2                   Anything -- we tried to look for any missed messages  
3                   or any other things we need to put in there that are  
4                   not captured. The only other -- I think to take back  
5                   from me too in this discussion is -- this is from  
6                   earlier this morning is to explain why we have the  
7                   PPEP issues in here and highlight in the front end.  
8                   I'll put that in.

9                   MR. KROCKMAN: I would make the motion.

10                  MEMBER GARCHOW: Before we do that I would  
11                  like to thank Loren for his leadership and John  
12                  keeping this thing afloat.

13                  (Applause.)

14                  CHAIRMAN PLISCO: I was going to thank  
15                  you. I know we took a lot of your time. I think it  
16                  was a valuable process. I know to me personally it  
17                  was valuable and I hope the product we're going to  
18                  provide is going to be valuable input into the process  
19                  and I appreciate all your efforts and good comments.  
20                  We'll try to get something out to you on Friday.

21                  Thank you.

22                  (Whereupon, at 3:56 p.m., the meeting was  
23                  concluded.)

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