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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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DISCUSSION OF PROPOSED RESOLUTION OF COMMENTS ON

NUREG-1556, VOL. 10, REV. 1

+ + + + +

PUBLIC MEETING

+ + + + +

WEDNESDAY

JANUARY 21, 2015

+ + + + +

The Meeting convened in NRC Three White
Flint North, 13-A28, 11601 Lansdown Street, Rockville,
Maryland, at 1:00 p.m., Bob Hagar, Facilitator,
presiding.

PRESENT

BOB HAGAR, Facilitator

BOB DANSEREAU*

DOUG FLETCHER

LINO FRAGOSO

HIPOLITO GONZALEZ

MARK GRAFF

ESTHER HOUSEMAN

TOM HUSTON*

SANDREA JOHNSON

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1 TONY MCMURTRAY

2 KEVIN NULL

3 MARCIA PRINGLE

4 CRAIG REFOSCO

5 SHAWN SEELEY

6 DANIEL SHAW

7 MICHELLE SIMMONS

8 RUTH THOMAS*

9 KATIE WAGNER

10 SHIRLEY XU

11 PAUL YURKO*

12

13 *-present by teleconference

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Adjourn

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

(1:04 p.m.)

1
2
3 MR. HAGAR: All right, everybody. My
4 name is Bob Hagar. I am a member of the NRC's Meeting
5 Facilitation Corps, and my role today is to help this
6 meeting run smoothly. I am going to try to make sure
7 everybody who has something to say has an opportunity
8 to say it, and I am going to try to keep us on topic.

9 So I am going to do my best to help make
10 this a meeting -- this meeting work well for everybody,
11 and I hope you'll help me do that.

12 Before we get started, I want everyone to
13 introduce themselves by name and organizational
14 affiliation. We'll introduce everybody here in the
15 room first, then we'll go to the phone and do that. So
16 let's just go clockwise. Court reporter is here, do
17 you want to introduce yourself?

18 THE COURT REPORTER: Toby Walter, Neal
19 Gross.

20 MR. HAGAR: Okay, good.

21 MR. MCMURTRAY: Tony McMurtray, I am new
22 to NMSS, Licensing Branch. And I have -- I am the
23 overall Project Manager for the NUREG-1556 volumes.

24 MS. HOUSEMAN: I am Esther Houseman with
25 the NRC Office of the General Counsel.

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1 MR. GRAFF: Mark Graff with the NRC Office
2 of the General Counsel.

3 MR. REFOSCO: Craig Refosco, Air Force,
4 MML.

5 MR. FRAGOSO: Lino Fragoso, Navy, MML,
6 Developmental Operations.

7 MR. FLETCHER: Doug Fletcher, Navy, MML.

8 MR. SHAW: Major Dan Shaw, Air Force, MML.

9 MS. XU: Shirley Xu, I am with the NMSS in
10 the Licensing Branch.

11 MR. SEELEY: Shawn Seeley, Region I, NRC,
12 Navy MML Project Manager.

13 MR. NULL: Kevin Null, NRC Region III, VA
14 MML Project Manager.

15 MS. SIMMONS: Michelle Simmons, NRC
16 Region IV, Air Force MML Project Manager.

17 MR. GONZALEZ: Hipolito Gonzalez, NRC,
18 NMSS, I am the Branch Chief for the Materials Licensing
19 Branch.

20 MS. WAGNER: Katie Wagner, NRC, NMSS,
21 MSTR, Materials Safety Licensing Branch.

22 MR. HAGAR: Okay. Yes, come on, we can
23 hear you.

24 MS. PRINGLE: I'm Marcia Pringle, and I
25 work in MSTR, I am an Admin Assistant.

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1 MR. HAGAR: Okay.

2 MS. JOHNSON: Sandra Johnson, also a
3 Materials Assistant.

4 MR. HAGAR: All right. Thank you. And
5 Operator, would you ask the participants on the phone
6 to introduce themselves by name and organization
7 please?

8 MR. HUSTON: Hi, this is Tom Huston --

9 MR. DANSEREAU: Bob Dansereau, I'm with
10 the New York State Department of Health.

11 MR. HAGAR: I think there's --

12 MR. YURKO: Paul Yurko, I'm with the
13 Department of Veterans Affairs.

14 MR. HAGAR: Okay, the first person that
15 spoke, I think, got talked over, so did we have three
16 people introduce themselves?

17 MR. HUSTON: This is Tom Huston with the
18 VA's MML, and then there was some gentleman, I think,
19 from New York State.

20 MR. HAGAR: Okay, Tom, thank you.

21 MR. DANSEREAU: This is Bob Dansereau, New
22 York State Department of Health.

23 MR. HAGAR: All right.

24 MR. YURKO: And this is Paul Yurko, I'm
25 with the Department of Veterans Affairs.

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1 MR. HAGAR: All right, very good. And
2 Operator, do we only have three people on the phone?

3 THE OPERATOR: That's correct.

4 MR. HAGAR: All right, thank you.

5 Okay, next, Hipolito wants to make a few
6 opening comments, so go ahead, Hipo.

7 MR. GONZALEZ: Yes. I would like to thank
8 all of you for being here in this public meeting, this
9 forum to give us the opportunity to assess with you the
10 recommended comments in Volume 10.

11 We appreciate the time that you are
12 spending with us, and also, we also appreciate any
13 feedback that you may have, all your comments, and we
14 will be considering those for any future revisions to
15 the draft, the work that will be a fresh topic today.

16 A little bit of background for those that
17 are coming in not having been involved in this process
18 from the beginning: so it's the revision involving 10.
19 It's titled the Consolidated Guidance about Materials
20 Licensing, Program-Specific Guidance about Masters
21 Materials Licensees. It's one of a big effort
22 that we're doing currently in our office in NMSS for
23 the revision of all the volumes, it's 21 volumes, and
24 this public meeting is part of the process we're doing
25 of getting public comments and then getting feedback

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1 on the resolution of those comments.

2 And so it's one step of the whole process,
3 and it's a big effort we're doing for all the volumes,
4 so we have proposed some resolution of the comments,
5 and of course, it is to be posted publically available,
6 just as the draft report, and again, we greatly
7 appreciate your feedback, your time to be here, even
8 though it's not nice weather that we're having.

9 And hopefully, there will be some very
10 active conversation between us, the NRC, and the public
11 and you, all the MMLs, so with that --

12 MR. HAGAR: Okay, thank you. I want to
13 make sure everybody here has put your name on a sign-in
14 sheet. Has that gone around? Okay, good.

15 And then people on the phone, if you would
16 please make sure Katie Wagner knows who you are, either
17 call her or send her an email and let her know your name
18 and organizational affiliation so that we will have a
19 record of all the participants in this meeting.

20 Now I want you to know that the NRC has
21 arranged to have this meeting recorded. That's so the
22 NRC can produce a transcript of this meeting, and that
23 transcript will be part of the permanent record. Now
24 in order for that transcript to be accurate, we need
25 to establish a few ground rules to ensure that the

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1 recording is complete and clear.

2 First of all, when you speak, be sure that
3 you speak into the microphone. Now, the court reporter
4 is going to be monitoring that, and if the court
5 reporter cannot hear clearly, that means the recording
6 is not being clear, and I'd like you to speak up and
7 let us know.

8 The microphones that the court reporter is
9 using are this one and that one, and he is telling me
10 this will pick up all right, but the people on the phone
11 will hear from the microphones on the table, and so
12 people on the phone, if you cannot hear part of the
13 proceedings, please indicate to the operator that you
14 want to speak, and operator, please pass that forward
15 so that we can make the adjustment so that everybody
16 on the phone can hear what everybody else in here says.

17 And again, the first time you speak, be
18 sure to say your name so that we'll know who is talking.

19 And to ensure that the recording is clear,
20 let's don't have any side conversations here in the
21 room, and please don't interrupt any speaker. That's
22 because if the microphones pick up two people speaking
23 at the same time, we can't tell what either one said,
24 so only one person speaks at a time.

25 Finally, here in the room, if you haven't

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1 already, please silence your cell phone and any other
2 personal electronics you have with you. And we know
3 that some of you can't completely disconnect from the
4 exterior world during this meeting, so by all means,
5 stay connected, but if you get a call, please step out
6 in the hallway to take that call so that your call or
7 your half of the conversation doesn't become part of
8 the permanent record.

9 Is everybody okay with those ground rules?
10 Okay.

11 Now as Hipo said, we're here to discuss
12 selected comments regarding the Draft Report,
13 NUREG-1556, Volume 10, Rev. 1, and the participants in
14 this meeting are going to select which comments we
15 discuss.

16 We'll hear the staff -- in fact, in just
17 a minute, Shirley is going to provide a brief overview
18 of the comment resolution process, some insights that
19 the staff gained from resolving these comments.

20 And the NRC has documented both the
21 comments and the proposed resolution in this document,
22 and I'm holding up the Draft Resolution and Comments
23 on NUREG-1556 Volume 10, Rev. 1. Now the participants
24 here on the phone -- I mean, here in the room, have a
25 copy in front of them. Participants on the phone, do

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1 you all have copies of this Draft Resolution of
2 Comments?

3 THE OPERATOR: At this time, participants
4 are in a listen-only mode.

5 MR. HAGAR: Okay. I am asking them, if
6 you do not have -- if you are not familiar with this
7 document, please say so now, and we can help you find
8 a copy of it on the internet.

9 THE OPERATOR: Participants, you may
10 address the speaker at this time.

11 MR. DANSEUREAU: This is Bob Dansereau of
12 New York, I have a copy.

13 MR. HAGAR: Okay, I --

14 MR. YURKO: Paul Yurko with the Department
15 of Veterans Affairs, I have a copy.

16 MR. HAGAR: All right.

17 MR. HUSTON: This is Tom Huston. I also
18 have a copy.

19 MR. HAGAR: All right, then. Then
20 operator, please put them back in listen mode.

21 And now the way we want to hear from you
22 is, if your review of this document raises a question,
23 or if you don't understand why the NRC dispositioned
24 a comment the way they did, or if you concluded that
25 the NRC must have misunderstood a comment, or if you

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1 have any other question or concern about the comment
2 process, then we want to hear from you.

3 And -- so what we want to do is I am going
4 to ask for comments here in the room, and I'll try to
5 take people in the order in which you raise your hand,
6 and then we'll toggle to the people on the phone. And
7 when you have a comment, the NRC staff will probably
8 respond. They may or may not respond.

9 And if you have something to say, we'd like
10 you to have a short dialogue, but I want to suspend the
11 dialogue after basically two exchanges so that we don't
12 get bogged down with any one topic. And I'm going to
13 ask Katie here to make a note of -- to make a list of
14 the suspended topics, the topics that we suspend that
15 way, so that after we get through all the comment
16 resolutions, if we have time at the end of the meeting,
17 we can get back to those topics.

18 So we're going to have -- we'll have a short
19 dialogue about each comment, and then if we have -- need
20 more, we'll suspend that until we get through the rest
21 of it. Is that clear? Okay.

22 So again, when it's your turn to speak,
23 identify yourself by name, we've got your organization
24 already, and then just wait just a few seconds -- and
25 identify the comment you want to discuss by, if you

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1 would, by page number and comment number, and then give
2 Katie a minute or two to find that and display it on
3 the screen, and then say what you want to say so that
4 everybody is engaged, and then we'll start that
5 dialogue.

6 Now if, to keep -- like I said, part of my
7 job is to keep us on topic, so if you have a comment
8 or a question that's not related to the comment process,
9 I am going to ask that we defer that, and Katie will
10 make another list of deferred topics, so that after we
11 get through the comments and after we discuss the
12 suspended topics, then we can, if we have time, discuss
13 the deferred topics. So that's what we're going to do.

14 Now we'll take a break approximately every
15 hour on the hour, or at least as close to the top of
16 the hour as we can without interrupting a dialogue
17 that's going on at the time, and we'll resume the
18 meeting exactly ten minutes after each break starts.
19 So when we start a break, start your clock. Ten minutes
20 later, we'll resume.

21 And one more note about the meeting. On
22 your desk, you'll find a -- everybody here in the
23 meeting room is going to have an NRC Public Meeting
24 Feedback Form. We'd like your input as to how this
25 meeting went, and we'd like you to fill it out,

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1 obviously, toward the end of the meeting. And I'll
2 remind you of that. But that's an important part of
3 this meeting, so we can get your feedback.

4 Now Shirley Xu was the lead of the working
5 group that resolved the comments, and she wants to
6 briefly now describe how the group resolved the
7 comments and what some of the common themes were that
8 they saw in the comments. She's also going to review
9 some of the bases for both the NUREG-1556 document and
10 for how the group -- working group resolved comments.
11 So, Shirley, go ahead.

12 MS. XU: Okay. This is Shirley from NMSS,
13 NRC.

14 Before I start, I was wondering, you said
15 you have two recording devices. Can one of them will
16 be placed on this side of the table?

17 MR. HAGAR: Shirley, the microphone here,
18 what our court reporter is saying, is picking you up
19 from here.

20 MS. XU: Okay.

21 MR. HAGAR: So we're good.

22 MS. XU: Okay. Anyways, as Hipo already
23 mentioned, we had a working group and revised the
24 current NUREG-1556 Volume 10. Then, we sent that over
25 the public comments, and this is the Volume that was

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1 in the file for review.

2 And it was where we received those comments
3 for all MML, all of you guys, and then also, we received
4 the one set of comments from a member of the public.

5 So our working group, that consists of
6 myself and three MML managers from all three regions,
7 that we convened together also, including Orysia. She
8 was the MML manager, and we had Robin, and she is the
9 backup for Shawn, so we have a working meeting for a
10 week to work out all the comments that we received and
11 come up with -- seeing we have over 158 comments from
12 all of you, and we review every comment, and then we
13 made our resolution on this table that you have
14 reviewed.

15 And then we either accepted or
16 incorporated your comments, or we rejected and we
17 stated what is the basis for rejection, and so right
18 now, we just want to, you know, take this opportunity
19 to communicate with you guys because there is maybe a
20 lot of miscommunications regarding any particular
21 areas that we didn't fully explain clearly, or we didn't
22 fully understand the comments that you made.

23 So this is our opportunity to communicate
24 with each other, and after reviewing all the comments,
25 we see that there are a few reoccurring themes

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1 throughout the comments.

2 The first one is about the jurisdictional
3 designation, whether the information we requested in
4 the document should be provided by licensees or the
5 permittee. So this is a basic comment, how the
6 relationship between the NRC and the licensee, that is,
7 the MML, and the permittee -- so there are a lot of
8 comments in that area.

9 The second common thing is the financial
10 requirements, and we do understand that we're all
11 federal entities, that some of the funding and the
12 allocation of the funding is out of our control in some
13 sense, so that's another common theme in the comments.

14 The other one is the corrective actions
15 program, so that was mentioned in quite a few comments,
16 about whether we should or we should not have corrective
17 action, whether the permittee should have corrective
18 action or the MML should have corrective actions, so
19 that's another one.

20 And there is another one, it's about Letter
21 of Understanding requirements, and we call it LOU
22 throughout the document. So there are some comments
23 about, for example, why we need signatures from both
24 parties, or how the LOU should be refreshed or revised,
25 and in conjunction with that, it's about the ten year

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1 expiration date, or the ten year expiration, for the
2 MML -- should that be instated, or should that be only
3 applicable to the new MMLs?

4 So those are the recurring themes that we
5 see throughout the document or throughout the comments,
6 so we did try to explain our position why we do or we
7 don't accept the comments in those areas, and I am --
8 obviously, probably you guys still have some questions
9 that, you know, the statement is unclear, and why or
10 why not, so here we are going to just discuss among
11 ourselves to, you know, further understanding of all
12 the things, and then we are open for all your comments,
13 and we're taking them for consideration for our comment
14 resolution.

15 As you can see, this is still in the draft
16 stage, so it's not the final document for comment
17 resolution.

18 And there's a couple of things that we --
19 when we review the comments, we basically need to follow
20 the NRC regulations. For example, 10 CFR Part 30,
21 that's used for all the NRC Materials licenses, and
22 there come up other things, NRC policies and those
23 things, that we follow during our review.

24 And what we are saying regarding the
25 resolution is that we do have 21 volumes of this

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1 document under NUREG-1556, so we are trying to be
2 consistent among all the volumes. We do realize that
3 may not be possible, so we're trying to -- trying to
4 be as consistent as possible during our review, so some
5 of the commentary is based on that.

6 So this is just to briefly explain what we
7 did and what is the basis, so I will stop here.

8 MR. HAGAR: All right. Does anyone have
9 any questions for Shirley, without getting into
10 specific comments?

11 MR. FRAGOSO: I do.

12 MR. HAGAR: Sure, go ahead.

13 MR. FRAGOSO: Lino Fragoso, Navy.
14 Shirley, are we -- is this our chance for responding
15 to the comments, to your comments to our comments, or
16 are we going to have another chance to comment, to
17 respond in writing to whatever it is your response is?

18 MS. XU: No, this is the --

19 MR. FRAGOSO: This is it.

20 MS. XU: This is the opportunity that we
21 can exchange the, you know, comments. After we review
22 this, then we want to hear from you.

23 MR. HAGAR: And Lino, let me remind you,
24 the transcript will be produced of this meeting, so what
25 you say here will be in writing.

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1 MR. FRAGOSO: Yes, it's not just -- not
2 only that. It's that there's a number of people in the
3 Navy also who may want to comment, and they don't have
4 the chance, so -- they couldn't be here, or they are
5 not able to call, so --

6 MS. XU: Are they going to call in today?

7 MR. FRAGOSO: No, they won't be able to
8 call.

9 MS. XU: Okay.

10 MR. FRAGOSO: So that's -- and I'm pretty
11 sure the same with the Air Force or even the VA, so
12 that's why I was asking, is this it in terms of response
13 to whatever it is that you actually wrote? Because one
14 of the things that we haven't done, and I believe my
15 colleagues in the Air Force haven't either, that we sat
16 collectively and we look at your responses to draft
17 a thorough response that has been actually reviewed by
18 our lawyers.

19 MS. XU: I have to refer this question to
20 Tony. He is the Project Manager. If we can have
21 another opportunity for this -- for the public comments
22 --

23 MR. MCMURTRAY: Well I -- we have not,
24 before -- let me say this. We have allowed comments
25 after the public comment period, so I don't think that

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1 that would be unprecedented, but what we're not going
2 to do is, I would imagine, is open this up, back up for
3 another full Federal Register notice public comment
4 period.

5 But I'm not opposed to, you know -- let's
6 see what we get, you know, what resolution we get in
7 this meeting today. If there's still outstanding
8 issues, I think we can work through -- we can see about
9 working through those.

10 This -- the comments have not gone to the
11 Steering Committee yet, so they would need to go -- they
12 still need to go to the Steering Committee before it's
13 finalized to go into our final concurrence process, and
14 then in for publication.

15 So does that help? Or -- I don't know if
16 that answers your question fully, but --

17 MR. FRAGOSO: Lino Fragoso again. What
18 do you mean by the Steering Committee? Who composes
19 the Steering Committee?

20 MR. GONZALEZ: Yes --

21 MR. FRAGOSO: Is it you, Hipolito?

22 MR. GONZALEZ: Yes, I am the chair to the
23 committee. We have some states -- participants from
24 the states and staff from the NRC, from the Regions.
25 And this is the same committee for the overall

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1 NUREG-1556 development, I mean revisions --

2 MR. FRAGOSO: For the whole series of
3 NUREG-1556 --

4 MR. GONZALEZ: Right.

5 MR. MCMURTRAY: Each of the volumes goes
6 through pretty much the same standard process and
7 milestones, and with where Volume 10 is right now, what
8 it -- what happened is the working group looks at the
9 comments it received, which were your comments. This
10 group requested a public meeting, and we supported
11 that, and that's what we're having today.

12 We have not had that, that I am aware of,
13 although I am new to the project within the last few
14 months, but I am not aware that we've had another public
15 meeting with the commenters that have supplied to us.
16 But what we had done is we have taken comments from
17 people after the public comment period closed, so I'm
18 not opposed to us doing that. What we don't want to
19 do, though, is extend this out for another two years
20 to try to, you know, keep going back and forth on
21 redundancy of comments.

22 So, but process-wise, what happens -- what
23 normally happens is after the working group has
24 resolved the public comments, as they have initially
25 done right here, those resolutions and the changes to

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1 the Volume go to the Steering Committee, and they review
2 those and weigh in as far as whether they approve or
3 disapprove.

4 They then need to get aligned with that,
5 and then at that point then, once there's alignment,
6 and we're just as that stage with some of the volumes,
7 we haven't really gone beyond that, but once that's
8 done, then the volume is put into concurrence for final
9 concurrence, final OGC approval for no -- NLO, no legal
10 objection, and then would go forward to our admin office
11 for publication.

12 MR. GONZALEZ: And Lino, it's Hipo. How
13 -- my question is on the time frame where you can get,
14 you know, you provide to us a response. Are we talking
15 months, or are you going through your management side,
16 legal side? Or even for the Air Force? Will that take
17 a long time, or -- ?

18 MR. FRAGOSO: No, it won't.

19 MR. GONZALEZ: Okay.

20 MR. FRAGOSO: At least from the Navy. I
21 am pretty sure that the Air Force won't take that long.

22 We are a very concentrated unit. We have
23 -- we have instant access to just about everybody --

24 MR. GONZALEZ: Okay.

25 MR. FRAGOSO: -- but we realize it's

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1 probably 30 days to 45 days additional.

2 MR. GONZALEZ: At this point, we -- the
3 Steering Committee is also working to review the
4 responses received and discuss resolution, but I am
5 wondering, on the time frame if we can -- I am not sure
6 we can wait 30 more days.

7 MR. MCMURTRAY: Yeah. We haven't sat
8 down and gone through that. We are trying to finalize
9 the volumes because we've had some that are deferred.
10 Let's take that away, we'll -- if you don't mind, we'll
11 take this away from the meeting. We can get back with
12 folks.

13 I would say continue to work on, you know,
14 especially what doesn't get resolved in this meeting,
15 and then we'll get back with you with regards to, you
16 know, how much longer we could take to -- I would say
17 certainly if we got it back in the next, I think, week
18 or two, yeah, I think then we would probably be able
19 to still consider that.

20 What we have to do, though, is at some point
21 here, and that's why -- that was the intent of this
22 public meeting, or my understanding of the primary
23 intent, is to try to bring resolution to most of it here
24 today.

25 MR. FRAGOSO: But let me tell you part of

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1 my concern. There's 163 comments or somewhere around
2 there. I mean, we have a three hour meeting during bad
3 weather, and we've had a lot of people who couldn't come
4 to the meeting.

5 I don't think we are really having the full
6 representation from the Navy or the Air Force, or even
7 their ability to properly address all the comments,
8 especially the large number that were actually
9 rejected.

10 So that's why I was concerned, and I would
11 have liked to have some extra time for the MMLs to
12 respond. And also, I mean, I would like to hear from
13 our counterparts in the VA if they feel the same way,
14 too.

15 MR. HAGAR: They're next, as soon as we
16 kind of get to a quitting place, a stopping place in
17 this conversation. Are we there?

18 MR. FRAGOSO: I think.

19 MR. HAGAR: Okay.

20 MR. GONZALEZ: For my part, too, I
21 understand the issue here of that, on responding back.
22 That's why --

23 MR. HAGAR: Yeah. And I think I'm hearing
24 that the NRC staff understands your concerns, and I
25 think you understand what they're saying. As Tony said

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1 to you --

2 MR. FRAGOSO: Yeah, I completely
3 understand. I mean, we completely understand that you
4 have a time limit, and we are not asking for an extension
5 of years or anything like that. We are just asking for
6 an extension of a few weeks.

7 MR. HAGAR: Okay, I think we understand
8 that. So participants on the phone, you've heard this
9 conversation. You've heard Lino's -- if I can kind of
10 keep it short with first names, Lino's concern, and
11 you've heard the NRC's response. Do you have anything
12 to say about this topic?

13 THE OPERATOR: Participants on the phone?

14 MR. HAGAR: And operator, let's hear from
15 them one at a time, please.

16 THE OPERATOR: Thank you. Participants
17 on the phone, if you have a question or comment, please
18 press star 1 and record your name. One moment for our
19 first question/comment.

20 Sir, you have an open line.

21 MR. HUSTON: This is Tom Huston. Can you
22 hear me okay?

23 MR. HAGAR: Yeah, Tom, we hear you.

24 MR. HUSTON: Okay. I am with the VA,
25 Master Materials Licensing. I agree with Lino. We

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1 haven't had a lot of time to, you know, digest the
2 responses, even though I think some of them were fairly
3 simple and straightforward. We don't necessarily
4 agree with all of them, but, you know, that's NRC's
5 prerogative sometimes, to decide what the answer is.

6 But yeah, my question was going to be, is
7 there going to be another opportunity to kind of see,
8 I guess, a final draft, whether it's Federal Register
9 or not? I mean, it would just be nice to see the final
10 version, and have an ability to comment on that if --
11 once everything has kind of settled out, and based on,
12 also on this meeting that we're having now. I have
13 other comments on specific items, but I'll pass for now
14 on that.

15 But yeah, that we share with what he's
16 saying.

17 MR. HAGAR: Okay, thanks. And so we're
18 hearing a question, will they have a -- will the public
19 have a chance to comment on the final draft after it
20 has gone through the Steering Committee? Is that what
21 I'm hearing?

22 MR. FRAGOSO: I don't think -- I don't
23 think that we are asking -- yeah, in terms of once it
24 goes through the Steering Committee, that's what he is
25 asking --

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1 MR. HAGAR: Yeah, so --

2 MR. FRAGOSO: -- whether all of the
3 resolutions that are accepted by the Steering Committee
4 or rejected by the Steering Committee, will we have a
5 chance to take a look at that?

6 MR. HAGAR: So NRC, can you respond to that
7 now?

8 MR. GONZALEZ: We'll have -- we'll
9 consider that. Let's talk about it, Shirley and Tony,
10 to see where -- how we're going to give them that
11 opportunity. And you mentioned 30 days that follow,
12 you can get written comments in that, but I am hearing
13 that another opportunity which we --

14 MR. MCMURTRAY: That wasn't what I was --
15 this is Tony McMurtray, that's not what I was
16 anticipating.

17 What I was anticipating was you supplied
18 comments within the Federal Register notice that we
19 have either agreed with or have disagreed with. I take
20 it that you're not going to have a lot of concerns with
21 the ones that we agreed with, that we agreed with your
22 comments, so I think the ones that we're talking about
23 here are the ones that we rejected.

24 And for the ones that we rejected, like I
25 said, I'd like for us to go through the meeting here

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1 and see, you know, can we come to resolution on a number
2 of these? Maybe we can, maybe we can't.

3 If not, then my understanding was I thought
4 we would -- then you could possibly provide another,
5 you know, another basis for whatever your comments were
6 to that, but it's -- that's a different process than
7 if we are talking about where you would be reviewing
8 for public comment the final version because we're not
9 doing that with any of the other volumes.

10 The intent was to address what was the
11 comments within the -- you know, that came out from the
12 Federal Register notice for the public comment period,
13 so -- and I think what we need to do is with each of
14 them, at least get an understanding between the MMLs
15 and the NRC as to what each of our basis is for why we
16 think that our position should hold.

17 MR. FRAGOSO: I don't -- I don't want to
18 talk for the VA, but I don't think that they want to
19 have another period of comments after the Steering
20 Committee accepts them or rejects them. I think that
21 they just want to see them before it goes to final
22 publishing. But I don't want to talk for them. They
23 are kind of crippled because --

24 MR. HAGAR: Okay, VA on the phone, you want
25 to speak for yourself, then?

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1 MR. HUSTON: It's kind of early, I mean,
2 let's see what the discussion -- how this discussion
3 goes, and I think, I mean, if we have comments after
4 this discussion, certainly we can, I guess we can make
5 them in writing if we need to without any official
6 review, if we did them timely, you know, within the next
7 couple of weeks, but -- and just sent them in by letter
8 or something, so --

9 MR. HAGAR: Okay.

10 MR. HUSTON: -- that's kind of what I am
11 hearing, is that -- you know, I am not looking -- I know
12 that it takes a lot of time to put things in the Federal
13 Register and go through that whole process, but then
14 we certainly have a way to, I think, to share with Ms.
15 Xu or whoever, if we have some remaining comments and
16 just want to make a statement for the record of some
17 kind, and we can certainly do that today, and if we feel
18 the need, I would say it's -- you can tell me, but I
19 don't think you guys would reject us sending some
20 comment, written comment, if we felt we needed to.

21 So no, I don't -- I am in agreement, I
22 think, with what you're saying. Yeah, I don't think
23 we need a formalized review period.

24 MR. HAGAR: All right.

25 MR. MCMURTRAY: No, and that's not

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1 unprecedented. We -- this is Tony McMurtray again.
2 We have accepted, you know, comments outside of the
3 public comment period for consideration. That doesn't
4 mean that we're going to specifically adopt this, but
5 if there's comments that are auxiliary that come out
6 of this meeting, yeah, I think we would -- as long as
7 they're timely, we would accept those, and we need to
8 talk about them, but we would accept those and look at
9 those.

10 MR. HAGAR: Okay, well thanks. Operator,
11 is there any other telephone participant that wants to
12 speak now?

13 THE OPERATOR: I am hearing no other
14 question/comment. Thank you.

15 MR. HAGAR: All right. Then I think we
16 are -- we got to a kind of a wrap-up point on that
17 question or that comment. We understand -- NRC
18 understands your position, you understand the NRC's.
19 NRC has a takeaway to discuss this further and see how
20 we can, how the NRC then can receive more comments, more
21 discussion, from your staffs, and so we'll --

22 MR. GONZALEZ: Well yeah, and to let you
23 know, we would not, I mean, you send the letter, we're
24 not going to -- we're going to look at it. So it's not
25 something I'm going to --

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1 MR. FRAGOSO: Yeah, because this is not
2 additional comments to what we already have submitted
3 --

4 MR. GONZALEZ: Yeah --

5 MR. FRAGOSO: -- it's basically concerns
6 with your responses --

7 MR. HAGAR: Okay.

8 MR. FRAGOSO: -- basically.

9 MR. HAGAR: All right. Any other
10 questions for Shirley about the, what Shirley had to
11 say.

12 MR. REFOSCO: Craig Refosco, Air Force
13 MML. Shirley, have you and your counterparts
14 approached the Volume 10 rewrite any differently than
15 what you would for the other volumes? Not that you
16 would have direct responsibility for the other volumes,
17 but for example, the MMLs are primarily federal
18 agencies, right, at this point, and unlikely to change
19 in the future, whereas the other volumes concern
20 commercial or civilian entities. What approach have
21 you taken that's been different or not different?

22 MS. XU: I am not really involved in the
23 other ones, but these are what I know: this Volume, 10,
24 is somewhat different from the other volumes because
25 the other volumes are all about specific topics, like

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1 irradiators, and venues, and this one is really
2 specifically for the MMLs, like how to apply, so a large
3 portion of this is really towards the new applicant,
4 when they are ready to apply, an MML, so it's like
5 saying, okay, this is the thing that you want, you know,
6 incorporated in your application when you apply the
7 MML, so a large portion was for the potential MML.

8 And the other difference is that we are
9 looking at the MML that because they -- have somewhat
10 more responsibilities than other licensees, Materials
11 licensees, because you are managing 100 or more
12 permittees, that -- so in that sense, you have more
13 responsibility to this MML program.

14 So in that sense, it is -- we look at it
15 differently. And I have, you know, all the managers
16 here, they might have more thoughts on this area.

17 MR. NULL: This is Kevin Null from Region
18 III. I don't believe that it's any different than the
19 other ones. I know people, other people in our group
20 in Region III that are on some of the other ones.

21 It's a working group, essentially,
22 collaboration from other regions. The only difference
23 is I think some of those other ones involve Agreement
24 States, and two, because they have a stake in those,
25 because like for reporting, they're applicable. MMLs

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1 is really not applicable to Agreement States because
2 it's essentially for federal agencies, so other than
3 that, I don't -- it hasn't been treated any different
4 as far as I'm aware.

5 Does that help?

6 MR. REFOSCO: It does. Craig Refosco
7 with the Air Force again. Once again, I think there
8 are some operational considerations at the DoD that
9 need to be taken into consideration when you're
10 executing the MML, and some of the requests that have
11 gone forward to the Headquarters, NRC for exemptions
12 and whatnot, those need to be considered for in the
13 future as well -- the timeliness of that and things of
14 that nature.

15 Once again, you also need to look at the
16 bureaucracy of the DoD. Just like the NRC, it takes
17 time to staff different documents and things of that
18 nature. So when you're saying, Mr. McMurtray that like
19 other NRC NUREGs, you know, it's typically staffed in
20 the same way, it's a little bit different for the
21 federal fed, so I think you need to give a little bit
22 different consideration for the staffing process for
23 Volume 10 to take into account the legal consideration
24 and things like that.

25 So that's my point.

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1 MR. HAGAR: All right. With that, let's
2 everybody take a deep breath, and let's move right into
3 comment resolution.

4 MR. FRAGOSO: May I have --

5 MR. HAGAR: Oh --

6 MR. FRAGOSO: May I have a comment?

7 MR. HAGAR: Yeah, sure, go ahead.

8 MR. FRAGOSO: Kevin, you mentioned that on
9 the other -- on the other NUREGs, you have the state,
10 state representation. In the MML -- in this Volume,
11 there was no state representation. However, there was
12 no Headquarters, Navy, Air Force, or VA representation.
13 It was mostly NRC even though both VA and the Navy, we
14 sent on our letter and our comments, basically, asking
15 to be included as members because we bring a lot of
16 experience from -- from how our organizations work, and
17 we have not heard from anybody, and from the states
18 bringing their own wealth of knowledge, in this NUREG,
19 there was no contribution from any of the MMLs of the
20 wealth of knowledge that we have to the NUREG.

21 MR. NULL: Hi, this is Kevin Null. In
22 response to that, you know, we have talked about that,
23 and let me first say, we recognize the value of your
24 input.

25 However, NRC policy is in writing guidance

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1 documents, big picture, we don't involve licensees, and
2 ultimately you, the Air Force, the VA, and the Navy,
3 you're a licensee. Essentially, it could be viewed as
4 a conflict of interest, I believe, and it would be
5 inconsistent with how the other volumes were treated.

6 And remember, Volume 10 is one of the
7 volumes under the same NUREG series, all intended to
8 provide guidance to NRC licensees. Agreement States
9 aren't NRC licensees, MMLs are. So there's the rub,
10 I guess.

11 We do recognize -- and remember, in the
12 last several years, I talked to the VA a lot. Shawn
13 talks to the Navy a lot, and Michelle and Jackie. We
14 get input from you guys. It might not be formal, it's
15 informal. But we try to inject, because we're so
16 involved with those programs, we inject your thoughts
17 and input as much as we can into these types of
18 documents.

19 So hopefully we capture what you need that
20 way. But --

21 MR. FRAGOSO: Lino Fragoso again. Yeah,
22 we understand that normally you don't have licensees
23 involved. In this case, one of the premises is that
24 1556, this Volume, will not apply retroactively to the
25 MMLs, so it will be for the new MMLs, correct?

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1 MS. XU: The intention is to both the
2 existing and --

3 MR. FRAGOSO: But that's not what it says
4 here, so, but I mean, we are not saying that we will
5 actually bring -- it's not in a way of conflict of --
6 well, the way we see it, it's not really a conflict of
7 interest because we are -- we are very, very high on
8 the ladder, and we regulate our people with pretty much
9 an iron hand.

10 So it's not -- well, we'll have to leave
11 it there, because we are not going to change anything
12 here anyhow, and just basically, I think my point was
13 in support of Craig's comment, that we are a very big
14 organization, and it's very difficult for the NRC to
15 understand how the financial -- the financial work of
16 DoD, for example, or who actually controls the money
17 and how the money is controlled, which is one of the
18 comments not only here, from our office in the Navy,
19 but also from the VA.

20 MR. HAGAR: All right.

21 MR. FRAGOSO: Yeah.

22 MR. HAGAR: Thank you all. This may well
23 be a topic that comes up in the comment resolution
24 process. If it does, if this topic comes up again,
25 let's all bear in mind we've already discussed it.

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1 I think we -- the NRC staff understands
2 your position. You understand the NRC's position on
3 this. And I don't know that we're -- in this meeting,
4 we're probably not going to be able to reach full
5 agreement on that issue.

6 So with that, let's move into discussing
7 specific comments, and we'll start here in the room.
8 Or maybe -- yeah. Let's take one comment, at least one
9 comment, we've got a few more minutes before the first
10 hour is up.

11 From here in the room, anybody who has a
12 comment, wants to talk about a specific comment,
13 indicate so, raise your hand. Okay. Doug, is it, Doug
14 Fletcher? Okay.

15 And Doug, again, say what page you're on
16 or what comment you are on, and then let's give Kate
17 a --

18 MR. FLETCHER: No this is, yeah, this one
19 is multiple -- this is a broad topic of everything that
20 was comment not accepted, and it's the --

21 MR. HAGAR: Doug, Doug, let me interrupt
22 you. We're not going to try to -- not try the shotgun
23 meeting. Let's try to take one at a time, please.

24 MR. FLETCHER: Well let me say my comment
25 first, and then you can decide whether we can adjudicate

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1 it as a group or individually. If we do individually,
2 we are going to need several more days of a meeting,
3 so this is NRC's choice to go one way or the other.

4 MR. HAGAR: All right. Go ahead.

5 MR. FLETCHER: So, my general comment is
6 when we commented and you regrouped it as a group, okay,
7 what goes to the licensee? The MML, what do they need
8 to provide for the programmatic review to the NRC versus
9 what it should be on the auspices of the permittee?
10 There are several, probably 10 to 20, and from what I've
11 seen by looking over it, most of them have been
12 rejected, and say no, it needs to be the MML.

13 Now, it may be that you are not explaining
14 yourselves correctly, but to me, I am understanding
15 that as we now have to have a programmatic SOP or
16 something at the headquarters level that the NRC
17 somehow can review even though all of the audits and
18 all of the inspections are done at the permittee level.

19 Even all the NRC auditors go to the
20 permittees to see the corrective action program, to see
21 the -- you know, everything, every one of those comments
22 that we've had that this should not be up at the MML
23 level.

24 We understand we're a licensee and that the
25 -- this stuff needs to be in the program somehow, but

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1 to have it as part of the MML application process to
2 say this is our program, when we have multiple commands
3 all doing it relatively the same and we know that even
4 the NRC has, as their taxpayer, their process of we want
5 to see how each command does it and has their SOP.

6 If you make the MMLs have to have one SOP
7 across the entire program, it doesn't matter whether
8 it's medical, industrial, or what, there's completely
9 different animals, a completely different piece. I do
10 not think it's going to be effective to have one set
11 program mandated by the HQs in order to get these things
12 done.

13 Now if that --

14 MR. HAGAR: Okay, fair enough. That's
15 kind of a generic comment, but it applies to several
16 specific ones. So NRC, can you respond to that
17 generically?

18 MS. XU: As I mentioned earlier, this is
19 one of the comments about MML versus permittee, and the
20 who, how, and the, you know, the documentations of the
21 program, should it be, you know, set at what level?

22 So I would refer this to Shawn to explain
23 it.

24 MR. SEELEY: Shawn Seeley, Region I.
25 Again, Doug, thanks for the comment, and I believe the

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1 working group has reviewed a bunch of these comments
2 and recognizes the fact that yes, we were not clear in
3 our intentions.

4 I think if you look back at the current VA,
5 Navy, and Air Force operations, we don't have a problem
6 with the way it is. You know, this NUREG is designed
7 as a guide for a licensee to apply for a materials
8 license. I think if you look across the three that --
9 the three existing ones, we don't have a problem with
10 those procedures and processes that are in place for
11 the implementation of the MML.

12 So I think we haven't done an adequate job
13 of explaining our intention and the basis for this, and
14 we will go back and review that and come up with a better
15 explanation as to why we did not accept it or we did
16 accept it.

17 MR. FLETCHER: Okay, that makes -- this is
18 Doug Fletcher again, again, that makes me feel better,
19 because why this just says not accepted, because this
20 is an MML, and it had to be done, and therefore, that's
21 not going to work for it, it's impossible to get that
22 done at that HQ level.

23 MR. SEELEY: That was not our intention,
24 because as we know now, all three MMLs are adequate and
25 working fine with what we've found, and that wasn't --

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1 certainly wasn't our intention to exclude that and
2 think you had to have some overarching processes and
3 procedures at the command, you know, at the Pentagon
4 level.

5 MR. FLETCHER: So this goes back to what
6 we seek, another draft for us to understand what you
7 guys are doing, because the way it's written here, you
8 would not get from your matrix comment that -- what you
9 just said. What Shawn said is not reflected in the
10 matrix of the draft, so we had a disconnect between what
11 NRC is thinking right now and what is written down for
12 public record.

13 MS. XU: So basically, we were -- the first
14 thing is that between NRC and the MML, as you already
15 knew, that if there is a violation under one of your
16 permittees, then we would have held the MML
17 responsible.

18 So that's the basic thought throughout the
19 document. So as Shawn explained, we're not saying that
20 anything currently you're doing is irregular. What
21 we're saying is for a new applicant, we want to make
22 sure that the applicant, as a potential MML, they need
23 to understand that they are responsible for however
24 many of their potential permittees they are going to
25 have.

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1 At the time when they, you know, apply, the
2 MML, they need to have a program to say okay, this is
3 how we are going to manage the permittees, potential
4 permittees, in the future, when they have an MML, so
5 therefore we can help the MML or the potential MML
6 responsible for the potential permittees.

7 And I don't know if that's --

8 MR. FLETCHER: Well, yeah, this is Doug
9 Fletcher again. But again, now, you've already
10 contradicted yourself from 20 minutes ago, when you
11 said this is going to -- you started the meeting that
12 it's only going to apply to new MMLs. At some point,
13 then, you said this applies to both new and old MMLs.
14 Now you are going back and saying it only applies to
15 new MMLs.

16 And once again, we with the MMLs are very
17 concerned with this going back and forth --

18 MS. XU: Yeah, I think that part probably
19 is, on our part, is unclear because some portion of the
20 Volume is applicable to new applicants, and some of them
21 is applicable for existing, so we probably did not do
22 a thorough job of saying okay, for the new applicant,
23 you should do such and such, in that way, to make it
24 clear.

25 MR. HAGAR: So is the NRC willing to go

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1 back and clarify that? I think that's what I heard
2 Shawn say, right?

3 MR. NULL: This is Kevin. Yeah, we can
4 clarify that. I just wanted to say that fundamentally,
5 the way the regulations, and specifically, 10 CFR Part
6 30 requires that licensees, regardless if you're a
7 small medical licensee or you're a Master Materials
8 Licensee, are required to, required to submit things
9 to get a specific license, and those things typically
10 are radiation protection programs -- big picture,
11 radiation protection programming. That's the way the
12 license works.

13 And, it doesn't exclude MMLs, and it
14 doesn't exclude any federal facilities. So that's the
15 fundamental basis for which you have to submit the
16 application.

17 A new applicant, if we receive that in, we,
18 as Shirley maintained, we review it against the new
19 guidance, whenever that comes out, Volume 10. If the
20 existing MMLs came in with an amendment, which doesn't
21 happen that often because the licenses are written
22 pretty comprehensive, right, it's not like a typical
23 licensee, but if you did come in to amendment, we would
24 have to go back and look at Volume 10 and see if there's
25 anything in there that would apply to that amendment

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1 request. It may not. Probably not.

2 But I agree with Shawn that the programs,
3 currently, the way they are, are in very good shape.
4 I can speak for the VA, they have some specific standard
5 operating procedures that address their oversight
6 program as a regulator, inspection permitting,
7 allegation, and enforcement programs, and that's how
8 they regulate, or that's how they oversee, their
9 permittees.

10 So I don't -- and I'm speaking for myself,
11 I don't see an issue that the new Volume 10 is going
12 to create for the MMLs in terms of amendments that might
13 come down the road or any impact that I'm still looking
14 at.

15 MR. SHAW: Daniel Shaw, Air Force. I
16 respectfully disagree. If we come to you with a
17 license amendment, the various Regions, you are going
18 to look at what that license amendment pertains to.

19 So if I come to Region IV with a density
20 gauge question, you are not going to go to Volume 10,
21 you are going to go straight to Volume 1 and look at
22 the requirements in Volume 1 where that applies to the
23 amendment, and what pertains to that, and what we may
24 need to provide to justify our request.

25 If it's nuclear medicine, you're going to

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1 bring that particular 1556. If sir, you could pull up
2 my comment, that would be number 111 for the audience.

3 So the Air Force, we request I guess simply
4 for total exclusion from Section 2 through 7 of Volume
5 10 that's proposed to us because in our interpretation
6 of the document, Section 2 through 7 applies for the
7 application process. That will be for those new
8 entities that will apply for a Master Materials
9 License, and then the rest of the document may or may
10 not pertain to the existing MMLs.

11 So, you know, I proposed that a total
12 exclusion from Sections 2 through 7 be warranted or
13 provided to the existing MMLs, the three of us, the VA,
14 the Navy, and the Air Force.

15 MR. NULL: This is Kevin Null. What -- I
16 am sorry, what page, could you -- ?

17 MR. SHAW: All I know is it is comment --

18 MR. MCMURTRAY: On page 64.

19 MR. SHAW: I don't have a page number.

20 MR. MCMURTRAY: On page 64, comment 111.

21 MR. HAGAR: And that comment is displayed
22 on the screen for everybody to clarify.

23 MR. SHAW: 64, the page is -- at the top,
24 with the header.

25 I think as Lino is -- this is Mr. Shaw, as

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1 Lino is trying to state and Mr. Yurko has probably put
2 in a lot of work into his comments, the numerous
3 comments that VA has.

4 You know, the way they're written in the
5 context that they're written, they're not applicable
6 to the current MMLs, and therefore, that really -- that
7 is our biggest issue, and that issue, first and
8 foremost, needs to be addressed, because to us, really,
9 to the Air Force, you know, everything else is
10 irrelevant.

11 If it's applicable to us, then you need to
12 clearly justify that. If it's for new applicants for
13 an MML, then you need to come out and state that as well
14 in the introduction, in the introductory paragraphs.

15 MR. NULL: This is Kevin Null, and --

16 MR. SHAW: And sir, I apologize, that's
17 not directed right to you, that's for the audience as
18 a whole --

19 MR. NULL: Oh, you were looking right at
20 me.

21 MR. SHAW: I'm sorry.

22 (Laughter.)

23 MR. NULL: This is Kevin Null. My part
24 is, you know, it's hard for me to digest all that right
25 here, right now.

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1 And we talked about this earlier, that we
2 believe, and I'm sure there's going to be several things
3 that we need to reconsider, either the way it's worded
4 in the document, Volume 10, or the way we explain our
5 basis, okay?

6 And I, frankly, I believe that in this
7 situation, I would need to -- I think we all need to
8 digest that and look at our comment and our basis and
9 then reconsider, and then re-evaluate. Would that be
10 acceptable at this point?

11 I can't -- I don't think we can give you
12 an answer.

13 MR. REFOSCO: So Kevin, this is Craig
14 Refosco with the Air Force. If you're saying you need
15 to digest these comments, sitting here at the table,
16 look at the MMLs as well when you're going to be
17 providing the draft document again. So I think we're
18 going to also need to digest.

19 MR. NULL: Right. And that was your
20 original --

21 MR. REFOSCO: Yes.

22 MR. NULL: It's understand.

23 MR. REFOSCO: Okay.

24 MR. NULL: We understand.

25 MR. FRAGOSO: To second what Daniel --

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1 basically, one of the biggest concerns that we had,
2 there is nowhere in the NUREG that it's stated that
3 basically this is only for new applicants, although I
4 don't think that a new applicant should actually go
5 through many of the processes that are described here.

6 But we have, I myself have been associated
7 with the MMLs for over -- close to 20 years or more.
8 But during that time, I have seen -- there have been
9 comments that have been, basically, many times they
10 actually have come back to us and said well, do we want
11 the MML or do we rescind? That's why you need to
12 refresh. That's why you need to look like the MML from
13 the Navy and from the VA.

14 And that requires expression, that
15 requires a new LOU, and so it's no longer the -- it
16 somewhat depends, probably, on who is on the managerial
17 positions at this point, and whenever I see something
18 that says it's only for new persons, I am afraid that
19 sooner or later it's going to say -- somebody is going
20 to come and say well all MMLs have to look the same,
21 so you all have to look -- refresh your MMLs just to
22 look like the new guys. And that's a lot of work.

23 And for -- that actually would not increase
24 safety in our programs, because we think that we have
25 invested a lot of money and a lot of talent to make our

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1 programs very safe.

2 MR. HAGAR: Okay, let me, let me kind of
3 suspend this conversation, because what I sense is that
4 you have a concern and the NRC has acknowledged that
5 concern, and I heard the NRC say they are going to go
6 back and reconsider, so let's suspend that, that
7 particular topic, and if it warrants further
8 discussion, let's pick that up at the end of the
9 meeting. Is that acceptable for now?

10 And with that, we're passed the one-hour
11 mark. Let's take a break, ten minutes exactly from
12 right now, we will resume. Thank you all. And people
13 on the phone, we're taking a ten minute break.

14 (Whereupon, the hearing went off the
15 record at 2:07 p.m. and resumed at 2:17 p.m.)

16 MR. HAGAR: Okay, Operator, and
17 participants on the phone, our ten minutes are up so
18 we're getting people seated back down so we can
19 continue.

20 OPERATOR: We're live at this time. You
21 may begin at will.

22 MR. HAGAR: All right. Thank you. All
23 right. I think - my sense is that we're ready to start
24 talking about specific comments.

25 We've got kind of a global comment that

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1 covers several and I think as far as this meeting goes
2 we've gotten to a point where the NRC staff understands
3 the concern and you understand the NRC's position. The
4 NRC is going to reconsider. Tony?

5 MR. MCMURTRAY: Bob, this is Tony
6 McMurtray. Can I ask one general question to the MMLs?
7 When you're talking about you'd like to see the document
8 again are you speaking of the comment resolution matrix
9 or are you speaking to the revised draft Volume 10?

10 MR. FLETCHER: Well, I know personally
11 it's hard to get the context when you see it like this.

12 MR. MCMURTRAY: Okay.

13 MR. FLETCHER: It's much easier to see the
14 context in the - in an actual document where you go oh,
15 okay, it's in this section.

16 It's really hard to see this - you know,
17 each one of these, go okay, they disregarded our comment
18 or they accepted it or accept it with modifications or
19 something. We don't know quite what the modifications
20 are.

21 We don't know the exact context where
22 they'd inserted it or whether they've had their own
23 internal conversations and changed something that may
24 or may not be effective to this. So it's just more to
25 kind of get the total context of it. I don't know how

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1 the other -

2 MR. HAGAR: So I interpret - I interpret
3 that same - they want to see NUREG 1556 with the comments
4 incorporated that are going to be incorporated.

5 MR. MCMURTRAY: So you'd like to see the
6 revised volumes is what you're looking for, not this
7 - not the - a revised comment matrix? Okay.

8 MR. HAGAR: I see - I see heads nodding.
9 I mean, the nodding heads don't get recorded. I see
10 heads nodding.

11 MR. FLETCHER: The Navy would like to see
12 that. I don't know about the Air Force or anyone else.

13 MR. HAGAR: Yes, everybody is nodding
14 their heads.

15 MR. MCMURTRAY: Thank you.

16 MR. HAGAR: Okay. With that, let's move
17 into resolving specific comments. Let's all agree
18 that if they have a specific comment that relates to
19 some of these more general - these broader comments that
20 we've already discussed we don't need to hash it again.

21 MR. SEELEY: I'd just like to have - Shawn
22 Seeley, Region One - just to kind of get something out
23 on the table as a reminder that I think we've overlooked
24 in this whole process.

25 I didn't hear Shirley mention it earlier.

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1 But some of these changes were driven by a GAO audit
2 that had taken place a number of years ago.

3 So, you know, the working group had that
4 to deal with as well, trying to - trying to balance the
5 MML's interest and the GAO audit's interest with our
6 own internal documents as well, as well as if we
7 remember correctly, the original version of Volume 10
8 was initiated at about the same time as the VA was
9 applying for their MML.

10 So a lot of this working - a lot of this
11 Volume 10 was a result of the processes and procedures
12 that were utilized when the VA got their license and
13 captured a lot of what had happened with the Air Force
14 and Navy in answer to that. So that's the background
15 of Volume 10 plus with the GAO audits we need to keep
16 in mind that some of this was driven by that.

17 MR. HAGAR: And, Shawn, just for - just for
18 the record let's clarify that GAO stands for General
19 Accounting Office. Is that correct?

20 MS. XU: Wait. The audit that was done
21 was from OIG.

22 MR. HAGAR: Okay.

23 MS. XU: Audit of -

24 MR. HAGAR: And OIG stands for what?

25 MR. SEELEY: Office of Inspector General.

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1 MS. XU: Yes.

2 MR. HAGAR: Okay. Just for the record,
3 let's -

4 MR. SEELEY: I stand corrected.

5 MR. HAGAR: - let's make sure - if we use
6 an acronym let's make sure we spell that out so that
7 the record will have that. All right. Any follow up
8 to that?

9 MR. MCMURTRAY: And that's - just a term,
10 that's the NRC's Office of Inspector General.

11 MS. XU: Right, and in addition to that NRC
12 also had a internal called the lessons learned audit.
13 That's also come up with numerous of the
14 recommendations for the Volume 10 and that that was done
15 after the VA's medical event from Philadelphia.

16 MR. HAGAR: All right. Any response to
17 that?

18 MR. REFOSCO: I would like to make one
19 comment.

20 MR. HAGAR: Sure.

21 MR. REFOSCO: This is Craig Refosco with
22 the Air Force MML. The Air Force - when major
23 publications go through a draft - excuse me, when they
24 go through publication changes, updates and what not
25 - for example, AR.40-201, Managing Radioactive

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1 Materials in the Air Force, now data control
2 management, it's a long iterative process.

3 So that you have all the comments and
4 consider that the lower levels first, then they get -
5 they're at the command level. Then they go up to the
6 headquarters level and then it's adjudicated by all the
7 commanders and the lawyers and everybody else that has
8 the - you know, the two letters, basically.

9 So it's an iterative process and it should
10 not be much different in many respects, and it seems
11 like you guys may be doing that now. So we're happy
12 if that's going to be the way it's going to go.

13 MR. HAGAR: Okay. Thank you. All right.
14 Let's toggle to the phone and see if there's anyone on
15 the phone - any participants on the phone that have a
16 comment or a concern about a specific comment
17 resolution. If so, let's hear from you now.

18 OPERATOR: This comment comes from Bob
19 Dansereau. You may begin.

20 MR. DANSEREAU: Hi. I had written a
21 comment earlier with the earlier discussion. I just
22 wanted to mention that, you know, I'm a member of the
23 public participating but I'm also a member of the NUREG
24 1556 steering committee and my purpose for being on this
25 call is just to kind of act like a sponge and get

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1 information. Thanks.

2 MR. HAGAR: All right.

3 MR. MCMURTRAY: And just to clarify for
4 folks, Bob's with the - with New York. He's the Office
5 of Agreement States and he's the co-chair of the
6 steering committee along with Hipo.

7 MR. HAGAR: All right. And back in the
8 room does anyone have a concern or comment about a
9 specific comment resolution beyond what we've already
10 talked about?

11 I see no - I see no hands here in the room.
12 Does anyone on the phone want to discuss a specific
13 comment resolution?

14 OPERATOR: We have a comment from Tom
15 Huston. You may begin.

16 MR. HUSTON: Hi. This is Tom. I was -
17 you know, going through the comments there's - and this
18 is - it's one of those general theme things that when
19 I look specifically, you know, comment there's several
20 of them.

21 But anywhere where it says as far as NRC's
22 response it says the MML is the NRC licensee, therefore
23 the MML is required to address the criterion in this
24 document. Generally, those are - those are responses
25 to the comment we had and I can give you a specific

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1 example - comment 31, comment 32 and it goes on. But
2 my comment -

3 MR. HAGAR: Okay, Tom - Tom, hold on just
4 a minute. Let us find one of those comments so that
5 everybody here can be engaged with this same -

6 MR. HUSTON: Yeah, 31 is a good example and
7 I'm - and it's kind of general and I think the - I'd
8 just like to offer my perspective on some of these and
9 maybe that can feed into, you know, when the working
10 group gets back together, trying to come up with some
11 tangible way to address kind of underlying issues.

12 But with comment 31, you know, basically
13 we're asking to add some kind of clarification about
14 the distinction between the MML and the permittee, and
15 I know the permittee is part of the MML. I mean, we're
16 one big family.

17 Everybody has to comply under the license,
18 even the permittee, at that level. But we - you know,
19 we need some - I guess we'd like there to be some
20 distinction between what the - what each control
21 program office does and what the permittee does and
22 that's really not coming out, I guess, in a lot of these
23 requirements.

24 But so specifically in these two, you know,
25 what we're trying to get at is there were - there were

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1 specific requirements in the NUREG that said that
2 something needed to be submitted to the NRC so they can
3 evaluate the application on the amendment or whatever
4 it happened to be, and the thing that needed to be
5 submitted was really more at the permitting level.

6 It was - it was something that we would see
7 that they're really doing. We know we're responsible
8 as the regulator or the licensee - regulator for that
9 permittee but then our response, and maybe this is
10 totally acceptable and this is what, you know, doesn't
11 really come out when you read the report, because if
12 you go look at what's being required and you compare
13 this NUREG - this Volume 10 to, like, Volume 7, 9 and
14 11 it's almost like verbatim - the exact same statement
15 when, really, you're talking about the permitted entity
16 and not the overall regulator.

17 So when we responded to this we would - we
18 would need to or want to be able respond in a manner
19 that said something like we would - we commit to using
20 NRC licensing guidance in Volume 7, 9, 11 or whatever,
21 you know, for that specific type of use to evaluate
22 approving permit applications, permittee amendments,
23 things like that.

24 The hope is that that would be sufficient
25 because that's pretty much what we're doing. You know,

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1 we're using other NRC guidance documents as a basis to
2 make decisions on permitting our facilities.

3 But the way it's worded right now it almost
4 implies that we - we're going to be submitting to NRC
5 some kind of very detailed procedure about how
6 materials are received and accounted for and, you know,
7 ordered and so on and that's really not what we're
8 about.

9 We regulate the permittee but we have to
10 be sensitive to their program and what they need, what
11 resources they have available and they craft the
12 procedure or even a commitment to the - have a procedure
13 in accordance with the Volume 7, 9, 11 or whatever, you
14 know, volume happens to apply.

15 And so that's - maybe there's a way in some
16 of those - in some of these statements that NRC is not
17 accepting but maybe there's a way to provide some
18 additional clarification in the NUREG.

19 MR. HAGAR: Okay. Tom, I - Tom, I think
20 for the participants here that fully understand this
21 comment we need to go - toggle over to the NUREG in
22 Section 5.10.3 and let's see what the section is that
23 you're proposing to add that to.

24 MR. HUSTON: And I'm saying it's kind of
25 a general because this is not - it's not just that

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1 section. It's going to be other places.

2 But we're - it's kind of - we're expecting
3 a procedure or detailed item. That's where I'm saying
4 it really - I think we need - there need to be some -
5 maybe some additional statements that is an example -
6 maybe some example statement that it would be
7 acceptable in NRC because it just has the appearance
8 that they're wanting a very detailed type of procedure
9 that we don't generate - you know, we expect our
10 permittee to have.

11 MR. FLETCHER: This is Doug Fletcher.
12 May I just follow on with what - the earlier general
13 conversation? This is following on to that.

14 We need more clarification for places that
15 are what you want from a licensee versus what you
16 expect. You know, how much detail you want in these
17 sections from a licensee versus what we expect our
18 permittees to give to us.

19 MR. HAGAR: Okay. NRC staff, do you
20 understand this concern or do you have a response?

21 MR. NULL: This is Kevin. I understand
22 the concern and as you and Doug indicated we have talked
23 about this before. I think it appears to me that what
24 we could do or what we need to do may be better clarified
25 or define the roles of the licensee versus the permittee

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1 and the expectations from the NRC with regard to those
2 two entities.

3 I do want to reiterate, though, as we
4 talked before the regulations required that licensed
5 applicants for specific licenses develop and submit for
6 the radiation protection program.

7 That's the basis upon we - which we in NRC
8 issue a license. So fundamentally that's why these -
9 and these elements, all these things you're talking
10 about in here are elements of a radiation protection
11 program.

12 Yet you need to consider, as I indicated,
13 better clarifying that in this guidance and delineate
14 between, you know, the MML and the permittees. I think
15 that's something that we'll help with that.

16 MR. SEELEY: Shawn Seeley, Region One.
17 I, too, hear the concern with this and in reading this
18 for the 200th time, you know, when the response from
19 the applicant says describe the administrative
20 controls and describe the inventory controls, you know,
21 I think our intent was that that be kept very generic
22 in nature.

23 But then when I get down to the fourth
24 bullet that says provide a statement that we will
25 develop and maintain procedures for ensuring

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1 accountability, to me now that's kind of double
2 jeopardy because we've asked them to describe it but
3 then we're going to have them just confirm that they're
4 going to have those procedures.

5 So, again, we need to go back and revisit
6 that to see if we're really being as clear as we want
7 it to be and generic as we want it to be with what we're
8 asking for.

9 MR. HAGAR: So the NRC staff is saying
10 they're going to reconsider and re-evaluate that
11 comment of this section?

12 MS. XU: Right. The other issue - this is
13 Shirley from headquarters - when you are here already
14 have the MML then you probably don't think the way that
15 the applicant position because when they apply the MML
16 they do not have any committee under them.

17 So therefore when they apply they're not
18 thinking oh, what if, you know, I already have all this
19 and I already have everything in place. So what we're
20 asking is the applicant provide those programs that
21 they're going to use to - you know, in the - after they
22 get an MML and then they use those programs to permit
23 their - wherever, with them.

24 So that's probably a little confusing,
25 like, you already have committee - you already have the

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1 license. So we are really asking for the ones that -
2 doesn't have the MML yet that are in the application
3 process so they don't have a permittee at that stage
4 so that they were, like - you know, we were asking how
5 are you going to manage it if you do have the license.
6 So it's kind of confusing, yes.

7 MR. FRAGOSO: Yeah. I'm sorry - I'm
8 confused a little bit right now. Does - are you saying
9 - are you saying that basically the MML comes in without
10 any permits?

11 MS. XU: Not yet. When the new entity,
12 whoever comes in asking for the MML, their proposal is
13 that we or this entity want to have the MML in order
14 for them to issue permits.

15 MR. FRAGOSO: Right.

16 MS. XU: So therefore they do not have the
17 permits or permittee at that stage during their
18 application. So therefore it's kind of we're in a
19 position to say okay, how are you going to permit your
20 permittee after you granted MML.

21 MR. FRAGOSO: Okay.

22 MS. XU: Do you see that? So it's kind of
23 a -

24 MR. FRAGOSO: Yeah, yeah. And that's the
25 way it should be. I agree, Shirley. It's just that

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1 that is not reflected in the --

2 MS. XU: I understand. Right. So in
3 that sense it's kind of difficult for you to think about
4 it that way because you already have all the permittees
5 -

6 MR. FRAGOSO: Right.

7 MS. XU: - at this point.

8 MR. FRAGOSO: Well, when somebody comes
9 and asks for an MML basically they're already coming
10 in with a number of licensees. So those licenses have
11 already been reviewed by the NRC and have been granted
12 by the different regions.

13 So it's operational of the permit of the
14 MML to establish a centralized group -

15 MS. XU: Right. Right. Yes.

16 MR. FRAGOSO: - to manage that and but it's
17 not like you should - we should be - like, for example,
18 one of the comments - I know reviewing the comments that
19 we have to actually describe the security requirements
20 for all of class two materials.

21 MS. XU: Right. And you already -

22 MR. FRAGOSO: That is already - that's
23 already been done.

24 MS. XU: Yes. Right.

25 MR. FRAGOSO: So why do we have to do it,

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1 and once we have it in the MML every time we want to
2 change one of those sites we have to have an amendment
3 to the MML. Doesn't make much sense.

4 MS. XU: Right, because you already
5 establish everything so we're just talking about the
6 ones that are -

7 MR. FRAGOSO: Yeah.

8 MS. XU: - in the process of establishing
9 it.

10 MR. FRAGOSO: Yeah.

11 MR. REFOSCO: I'd like to - this is Craig
12 Refosco. I'd like to make a comment, please. Let's
13 think about who the next MML is going to be. More
14 likely it's going to be the Army, right? Perhaps?

15 MR. FRAGOSO: Not if they read this.

16 MR. REFOSCO: All right. The --

17 (Simultaneous speaking)

18 MR. REFOSCO: -- will have at least five
19 permits then. So what do you expect them to do out of
20 the starting gate? What type of requirements will you
21 levy on them day one after they get their MML? I mean,
22 that's how you're looking at this from that
23 perspective.

24 MS. XU: Yes, we're looking at it before
25 we grant them the MML that we are asking for this type

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1 of programs or documentation before we granted the MML
2 now that you already have it.

3 MR. SHAW: This is Daniel Shaw with the Air
4 Force. So looking down at the side here like the one,
5 two, three - the third one down, the licensees should
6 maintain records. We're looking for anyone just says
7 licensees will ensure that their permittees retain the
8 records, et cetera, et cetera, et cetera? That way
9 it's not interoffice, it's on the permittees that hold
10 the material and we will have instructions for them to
11 do that, for example, 40-201 for the Air Force, and,
12 again, that will clarify it for everyone that, you know,
13 it's the permittee's responsibility for licensing to
14 ensure that they do it, to ensure that we're ensuring
15 them to do it kind of thing.

16 Is that the language we're looking for?
17 That's just one of many examples, I think, where -

18 MR. FLETCHER: -- put the permittee in
19 there where we say some sort of programmatic program
20 idea at the NRC level to ensure that the program as a
21 whole, you know, et cetera.

22 Something like that where we can usually
23 push it down and there's a clear delineation between
24 what you expect from the licensee and the headquarter
25 staff versus what we were expecting to see when you guys

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1 go out and see the various permittees when you're doing
2 an inspection.

3 MR. FRAGOSO: We understand that in
4 something like this, for example, the records - that
5 we must maintain the records and follow up on permittees
6 until their maximum material license is closed.

7 You know, we have made arrangements that
8 every time we close down a permit we take all of those
9 records into storage. But we don't keep those at
10 headquarters. So we have to keep them somewhere else.

11 MS. XU: We will consider too, you know,
12 the language to make it more concise, what exactly we
13 are asking.

14 MR. FRAGOSO: That would be nice.

15 MR. SEELEY: Shawn Seeley, Region One.
16 Just to kind of follow up on that to set my mind at ease,
17 if we have in the purpose of the report - in the
18 definition description section if we explain that more
19 up front that that's what our intent was but we keep
20 it like that in the various sections would that help
21 as well?

22 MR. FLETCHER: Or if you even say in the
23 definition of licensee, licensee is programmatic and,
24 you know, some verbiage that says we - the licensee as
25 in the whole program must be able to comply with the

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1 same thing.

2 MR. FLETCHER: Yeah, just trying to think
3 of making this sort of a one - so a 25- page document
4 rather than 625 by adding all this in - something like
5 that that can allow us flexibility to decide what is
6 a licensee.

7 As long as it's encompassed somewhere in
8 the program then I think the MMLs would be much happier
9 and any new MML wouldn't have to kill themselves trying
10 to fill out an application.

11 MR. SHAW: It's Major Shaw again with the
12 Air Force. Go back - as Lino was saying, you know we're
13 complying with this right now. It's just not at
14 headquarters level.

15 There's no way we can manage the transfer
16 if every item or devised material, whatever, it's not
17 managed by their office. It's kept out at the
18 insulation level.

19 They're the ones that are retaining this
20 document and meeting these requirements. So, you
21 know, as Mr. Fletcher was saying, the program as a whole
22 we're doing that. It's just that the language is very
23 difficult for us to comply the way it's written.

24 MR. NULL: Kevin Null at the NRC. I
25 agree. I think - I think that would be beneficial. I

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1 think we should work on that.

2 But I agree with Shawn that there should
3 be a statement up front that delineates the two and the
4 expectations involved on our part and I think that would
5 help. So I believe that's something that we can work
6 on.

7 MR. FRAGOSO: I don't think we are far
8 away. I think we're all in - we are in agreement on
9 everything. It's just the way it is worded that there
10 is a problem.

11 MS. XU: Yes. We'll wait. We want - we
12 were trying to make sure what is MML's responsibility
13 and the - you know, the permittee when you have, you
14 know, third hand operations at the committee level -
15 at your level.

16 MR. FLETCHER: This is Doug Fletcher
17 again, and I think for you guys the first time you get
18 some of the things with MML you're going to realize that
19 if something's not very specific here and you say I want
20 to see the SOP you're going to get an application of
21 5,000 pages, which you're going to choke on and take
22 six years to review.

23 So I think it would behoove the NRC to make
24 sure you get this done right the first time so you're
25 not going to have this trouble.

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1 MR. HAGAR: All right.

2 MR. FLETCHER: So I can work with DHA
3 through the cases?

4 MR. HAGAR: All right.

5 MALE PARTICIPANT: It will fall on us.

6 MR. FRAGOSO: No, no. We want to get rid
7 of the DHA.

8 MR. HAGAR: All right. Is everyone
9 satisfied with where this issue is right now? Are you
10 - are the MMLs satisfied the NRC understands your
11 concern?

12 You - are you - do you understand what the
13 NRC is going to do to address your concern?

14 MR. FRAGOSO: Yes.

15 MR. HAGAR: So we're okay with that? All
16 right. On the line - on the phone you all have been
17 hearing this conversation. Do you understand what the
18 issue is and what the NRC plans to do to address it?
19 Do you have anything to say about it and -

20 OPERATOR: Hi. We have a comment from Tom
21 Huston.

22 MR. HAGAR: Okay. Go ahead, Tom.

23 MR. HUSTON: Thank you. Yeah, one
24 comment I was going to make is everybody - you know,
25 not everybody but a lot of us keep saying this only

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1 applies to new applicants and so on or at least the bulk
2 of it.

3 But I'm a little concerned because I think,
4 you know, most of these things they also are used when
5 we do an amendment request and a good example is, you
6 know, with more coming on a few years ago there are -
7 there's at least one VA facility that has a cyclotron
8 and so we're still trying to work through that.

9 But, you know, that's an amendment request
10 of change to the scope of our MML to accommodate
11 operation or at least production of bicarbonate
12 materials with accelerators.

13 So something like that I would think, you
14 know, if this was in place would probably be used as
15 a comparison. So I'm just - wanted to kind of clarify
16 that I do see NRC - and you all can correct me but using
17 this for those amendment requests so it will still
18 impact us, a lot of the things that are being said here,
19 and that's kind of why if it is important to VA to put
20 verbiage in there.

21 It's fairly clear about what level of
22 expectation there is and I do appreciate what Shawn said
23 and I think having some - you know, even if you put it
24 in the beginning or wherever some kind of clarification
25 that's going to be a good thing for all of us.

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1 And then my second concern would be that
2 I don't know - and this is for - it won't matter because
3 I don't see us having as much but but this might be
4 used for inspections to kind of be comparing what we're
5 doing for what's expected. But I think that's probably
6 not likely. So maybe somebody can speak to the
7 inspection process.

8 MR. HAGAR: All right. Thank you, Tom.
9 Anybody want to speak to the inspection process?

10 MR. NULL: This is Kevin. I'm not sure
11 what the question is.

12 MR. HAGAR: Tom, could you repeat your
13 concern?

14 MR. HUSTON: Yeah. Well, you know,
15 normally when an inspector - I guess in a lot of what
16 we're inspected against looks like the impact process.

17 However, with this NUREG in place is there
18 any - with some of these statements that are being made
19 here would any of these things be held up during the
20 inspection.

21 But I think what you're - and maybe I'm
22 answering my own question but it looks like if you're
23 going to interpret this a little more that some things
24 are required at the committee level then you're not
25 holding the MML - you know, I won't say accountable but

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1 you're not - you're putting the requirement more -
2 you're understanding that we're putting the permittee
3 in our program looks to them to have all these things
4 in place.

5 So during an inspection that would be
6 considered. So I would - I retract that question. How
7 about that? Because I think - I think I'm pushing it
8 too far.

9 MR. HAGAR: Okay. I understand your
10 question is retracted. Kevin, do you have something
11 to say?

12 MR. NULL: Well, if it's retracted I guess
13 I don't.

14 MR. HUSTON: I think that would -- they
15 would be worried but I don't see how this impacts the
16 necessary inspection process other than the
17 commitments that we would make through the application.

18 MR. NULL: Yeah, this is Kevin. We - the
19 inspection would be, obviously, against the license and
20 certainly activities in the permittees fall into that,
21 too. So any noncompliance things related to the
22 permittee would be issued against the licensee - the
23 MML. So I think we all understand that so -

24 MR. HAGAR: If I can contribute something
25 here besides facilitating this meeting, I think it's

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1 generally true the NRC does not inspect to regulatory
2 guidance. They inspect to license conditions and
3 regulatory requirements. That's safe to say, right?

4 MR. NULL: Yes, correct.

5 MR. HAGAR: Okay. So -

6 MR. SHAW: Well, you said you would follow
7 all guidance.

8 MR. FRAGOSO: Well, it depends because if
9 you actually put in your license that you will follow
10 - I will follow NUREG 1556 in Volume 10 that now becomes
11 a condition of my license. Everything that is in that
12 volume becomes my regulation.

13 MR. NULL: This is Kevin. But that goes
14 back to the license. So whatever you submit to gets
15 put into the license so therefore the inspection is
16 against the license, not against what I think what Bob
17 is referring to. Any other guidance that might be out
18 there unless it's incorporated into the license we
19 don't inspect against.

20 MR. HAGAR: Absolutely. If you commit to
21 it then that NUREG is incorporated into your license
22 by reference. But whether or not it inspects to
23 license conditions.

24 MR. FRAGOSO: Yes. We are - we understand
25 that.

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1 MR. FLETCHER: This is Doug Fletcher. I
2 mean, but then the LOAs or LOUs were talked about in
3 the 1556 Volume 10 that the LOUs - the 10 LOU has a large
4 portion of NUREG out of all NRC NUREGs, every one of
5 them.

6 Every one of the NUREGs is now a regulatory
7 guideline or a regulatory document that you must do.
8 So this is where we're going to be in this cyclical loop
9 and that's why we're going to be having - you know, we're
10 going to get ours refreshed soon but there will be a
11 lot of - there won't be any of that kind of language
12 because we should follow the guidance and the guidance
13 is great. However, it should never be a regulatory
14 document.

15 MR. SEELEY: Again, Shawn Seeley, Region
16 One, and we appreciate the comment and concern with that
17 and I want to reiterate my comments earlier that I've
18 personally done two biannual inspections with the Navy,
19 soon to be doing my third.

20 I've been on a couple with Kevin with the
21 VA and at least one with the Air Force and I cannot think
22 over the last five years any violations that were cited
23 for failing to follow a NUREG guidance.

24 MR. FLETCHER: They were not tied to the
25 NUREG guidance at this point. Our license did not tie

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1 us to the NUREG.

2 MR. SEELEY: Right, but the VA - my point
3 is the VA Air Force have been to some extent tied down
4 and the only violations that I can think of that was
5 cited have been direct citations to the timeliness
6 rule and then your own SOPs for the Navy five or six
7 years ago.

8 So, you know, it hasn't been an issue at
9 this point. I think - I think we're getting too worked
10 up with taking - tie it down to the license and such.
11 But we appreciate your concern and comment and we'll
12 -

13 MR. FRAGOSO: Well, we do appreciate that
14 you guys understand that and you haven't issued any
15 findings against not the guidance. But you guys are
16 not going to be in that chair forever and another person
17 will actually - may have a different opinion.

18 MR. NULL: This is Kevin. You have to
19 remember, you know, you're a licensee but you're also
20 a - you have oversight responsibility. You're a
21 regulator. You go out and do inspections instead of
22 us.

23 So the expectation is if you issue, for
24 example - let me back up. The reason that the LOU might
25 say that you have to follow all NRC guidance - for

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1 example, radiography guidance, okay - the issuing that
2 we would follow in issuing a license - a radiography
3 license you would have to follow that in issuing a
4 radiography permit to the Navy facility, right.

5 That's going to be incorporated into your
6 license because as a regulator our expectation is since
7 we're not out looking at that we're letting you do that.
8 We entrust that to you.

9 Our expectation is that's how you would
10 inspect them and that's what you would use to issue
11 permits and do the inspections so, basically, issue the
12 permit and that ensures the safe use of that material
13 with that permit.

14 So if you issue - if you committed to
15 following that NUREG for radiography and issue the
16 permit for radiography - radiographer - a Navy permit
17 and you didn't follow that - you just issued it without
18 doing any kind of review following the guidance that
19 you set, that would be a violation for not complying
20 - not complying with your license.

21 MR. FLETCHER: This is Doug Fletcher
22 again. We understand that and we follow all CFRs. All
23 federal regulations we are - we comply with. We use
24 the guidance as exactly that - guidance.

25 So if you say that you could easily

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1 circumvent by saying we promise to follow all federal
2 regulations and then we, of course, would be stupid not
3 to use the guidance you have generated because it's good
4 guidance.

5 It's just the difference between should
6 versus shall. So if you say hey, this should be done
7 this way - this is best practices versus you shall do
8 this because this, you know, satisfies the CFR as
9 written and those are the differences that we as MMLs
10 and we need to know the differentiation.

11 We had no problems about following CFRs.
12 We do have problems about the - making your guidance
13 documents into regulatory documents. Does that make
14 sense?

15 MR. SEELEY: And that's - we recognize
16 that and that's the same question that we - that gets
17 posed by other licensees as well, whether it be medical
18 following Volume 9, radiography, that appropriate
19 volume or the fixed gauges following that.

20 They're always on us about tying them down
21 to the stuff that's in guidance. So we appreciate the
22 comment. We'll reconsider that.

23 MR. MCMURTRAY: This is Tony McMurtray.
24 I have one comment though. One of the big things that
25 was added to all the NUREG 1556 volumes, and I was

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1 talking to Craig about this a little earlier, was
2 there's security requirements that are in the current
3 federal regulations.

4 That has been added to the NUREGs. Many
5 of those are shalls because they're directly tied to
6 Code of Federal Regulations. I would hope - I was never
7 a materials inspector. I've been an inspector on the
8 reactor side.

9 If you're citing you would be citing
10 against the Code of Federal Regulations. But just so
11 that you're - you have an understanding, one of the
12 things that was added to all the NUREG 1556 volumes is
13 new security information and that is tied to Part 37
14 of the Code of Federal Regulations - 10 CFR 37.

15 MR. FLETCHER: Understood, and - but,
16 again, answering - this is Doug Fletcher again. This
17 is - we comply with the CFR using the guidance, not
18 complying with the guidance -

19 MR. MCMURTRAY: Right.

20 MR. FLETCHER: - because you're now citing
21 the CFR. We comply with CFR. We do not comply with
22 the guidance.

23 MR. MCMURTRAY: Right, but we're putting
24 it into the NUREG into the guidance so that - I mean,
25 you need to understand that we have a wide variety of

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1 licensees that are involved with this.

2 The language - much of what has gone in for
3 the security has been standard language that's gone
4 across all departments. It's for awareness for those
5 licensees that may not be, you know, as attuned to the
6 federal regulations as you obviously are that they need
7 to, you know, follow those guidance - those parts of
8 10 CFR 37 that are applicable to them.

9 MR. FLETCHER: Right, and we appreciate
10 it. I mean, every place that it says in the guidance
11 where it says shall we know that that - or at least it
12 should as long as all the editing they're doing
13 correctly - anyplace that's shall is a SOP of the
14 regulatory - a regulation and therefore we follow that
15 without question.

16 It's just anything that says should if we
17 - if we followed and followed only the guidance anything
18 that says should inside of regulatory guidance is now
19 something we have to follow and therein lies our
20 difference.

21 MR. FRAGOSO: What he's saying is
22 basically if it becomes part of the LOU and the LOU said
23 you shall follow everything under NUREGs even a
24 suggestion with the NUREGs becomes now a part of a
25 license.

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1 MR. MCMURTRAY: I understand that. I
2 understand.

3 MR. FLETCHER: Although let me ask this
4 question of the MMLs here. How many - are any of the
5 MMLs tied to Volume 10 in their license? In other
6 words, the license specifically says you shall follow
7 Volume 10 of NUREG 1556?

8 MR. SHAW: The LOU says we have to - I mean,
9 that's probably not the answer you want, though, is it?

10 MR. MCMURTRAY: Are you saying is there a
11 license condition? Is there a license condition that
12 says you need to follow NUREG 1556 Volume 10?

13 MR. SHAW: No.

14 MR. MCMURTRAY: Then I don't understand
15 how the inspectors could cite for that but -

16 MR. FRAGOSO: But it would - it's now - in
17 1556 if you look at the LOU in the back, you know, and
18 I don't remember - Appendix C, I believe -

19 MR. HAGAR: And the LOU - say what the LOU
20 is.

21 MR. FRAGOSO: Letter of understanding.

22 MR. HAGAR: Okay. Thank you.

23 MR. FRAGOSO: Although now it's a
24 memorandum of understanding because it has to be signed
25 by two persons. Originally it was a letter of

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1 understanding which came with the first amendment.

2 Now it's a MOU. If you look at the
3 appendix it says that the MOU in the appendix it says
4 you shall follow all NUREGs. So if we sign that and
5 become - and now it does - in the VA that that MOU became
6 part of - became a condition of the license, right?

7 MR. NULL: This is Kevin. Correct.

8 MR. FRAGOSO: So now basically that MOU is
9 tied to the license - a condition of the license and
10 you must follow every single word that is in the NUREGs.

11 MR. SHAW: Major Shaw with the Air Force.
12 That's correct, and our license - you know, our license
13 amendment ties us to the LOU which, as Lino was saying,
14 ties us to the NUREGs.

15 So you're asking the question does it say
16 Volume 10 - no, it doesn't. But it says you will follow
17 the LOU which in turn says we will follow the NUREGs.

18 MR. HAGAR: Well, then something I don't
19 understand if the LOU says you're going to follow NUREGs
20 does that statement change all the shoulds in the NUREG
21 to shalls?

22 MR. FRAGOSO: Yes.

23 MR. HAGAR: Okay.

24 MR. NULL: This is Kevin. The basis for
25 that is as giving you the authority to be a regulator

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1 and review applications for permits to use radioactive
2 material and issue permits is that you use the guidance
3 that the NRC uses to do reviews of its licensees.

4 That's - and in those documents there are
5 shoulds and shalls in but those would go to your
6 permittees and describes what they need to give to you
7 as the regulator in doing your review.

8 So our expectation is because we're giving
9 you the authority to be a regulator and oversight that
10 we're not doing it anymore of these permittees, our
11 expectation is that you do the reviews in using the
12 guidance documents that we use and that's where the
13 shall is is that you will use that to run your program,
14 to do the reviews and issue the permits.

15 MR. FLETCHER: This is Doug Fletcher. I
16 understand that and it makes sense, but the way it's
17 written in the template LOU is not written that way.

18 MR. FRAGOSO: This is Lino Fragoso. I
19 understand where you're going, Kevin, but now it
20 becomes part of the MML and any guidance - any shalls
21 now we have to impose it as regulations onto our
22 permittee.

23 So we are not given any leeway on the
24 circumstances or for what they want to do or even using
25 our common sense in giving them any kind of additional

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1 or different types of guidance that is different from
2 the NUREGs. So we are basically being - alternatives
3 are being tied down also to a shall for all the shoulds.

4 MR. REFOSCO: This is Craig Refosco with
5 the Air Force MML. Kevin, do you think the NRC OGC
6 would back you up in that interpretation that you
7 basically state or would they say by the letter of the
8 law MMLs are required to do it because the shoulds
9 become shalls now as a part of the LOU?

10 MR. NULL: This is Kevin. I don't know.
11 I don't know the answer to that. At least that would
12 be a topic of discussion for sure.

13 MR. FRAGOSO: I think it's a tough one.

14 MR. NULL: Just one comment. This is
15 Kevin again. I guess I'm repeating myself but the
16 handle - the hand off that we're giving you - we're
17 giving MMLs a lot.

18 So there are certain things in there that
19 are expectations that you need to do and I'm not so sure
20 we can back off on some of those things. That's all.

21 MR. FLETCHER: No, I understand. It
22 makes sense the way you're saying it. It's just - I
23 know what you're saying and we agreed with it, yes. We
24 follow your same process. The problem comes in in the
25 way it's written - the way we perceive it as written

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1 so that you - we will follow every NUREG to the letter
2 the way it's written.

3 There's no leeway on our side to make any
4 interpretation about anything. We understand
5 everything that's a shall and everything that's a CFR,
6 but if we are tied down to saying the NUREG is the only
7 way of looking at it, even though it's in line with our
8 recommendations, doesn't necessarily jive with the way
9 we do business and therefore we have to have some leeway
10 to be able to do our interpretation, and as you guys
11 know we have good programs and we use good judgment and
12 the other MMLs we give directly are good MMLs because
13 they have good people who use good judgment.

14 And so you just have to be careful about
15 the wording just like everything else in this document.
16 What your intent, what you guys are thinking we are in
17 agreement with. It's just not being written down that
18 way.

19 MR. NULL: This is Kevin. Can you point
20 to the item in the LOU, Craig, so we can look at that?

21 MR. SEELEY: Again, Shawn Seeley. We've
22 discussions with the VA and Air Force in the development
23 of their LOUs. I don't have a current copy of the most
24 recent ones for the Air Force, but I know the Air Force
25 and VA was compiled to make this sample. This is just

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1 a sample.

2 It's a starting point that Major Shaw can
3 attest to was used successful in - his organization was
4 successful in changing or altering a couple of those
5 items that are currently in this sample and where the
6 final version ended up.

7 And I can't remember how that section was
8 worded but it might have said that thou shalt follow
9 NRC's current rules, regulations and policies or
10 something like - something to that effect.

11 MR. HAGAR: Shawn, let me - let me just
12 wrap it up. You guys are looking at some documents.
13 For the benefit of people on the phone could you say
14 what documents you're looking at right now?

15 MR. SEELEY: We're looking at the sample
16 LOU in the Appendix C of the NUREG 1556 Volume 10 and
17 in particular we're looking at item 12 under permittee.

18 This is where the base of the discussion
19 was at each state and, again, this is just a sample as
20 a starting point and this is - Major Shaw and Tom Huston
21 from the VA can attest to. There was a lot of going
22 back and forth between our offices, DoD, Air Force,
23 between the attorneys on both sides to work out that
24 agreement and come up with some rules and verbiage that
25 we could all work with.

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1 MR. NULL: So this is Kevin and I'm maybe
2 just - it's 3:00 o'clock, I guess, but I want to make
3 sure I understand the issue.

4 Item 12 basically says that the MML will
5 incorporate into its permitting program the most recent
6 version of the NUREG 1556 series is applicable for,
7 like, for radiography, right? And in that NUREG there
8 is shoulds and shalls in there that you would give to
9 your permittees. And so the issue is that now your
10 interpretation is that all those shoulds can be shalls?

11 MR. FRAGOSO: Yeah, because it says here
12 that insert name of federalized organization shall
13 incorporate.

14 MR. NULL: Right, so you use that guidance
15 but in that guidance there are some shoulds. Are you
16 incorporating those shoulds too?

17 (Simultaneous speaking.)

18 MR. FRAGOSO: -- now because the
19 department in the LOU says that you will - shall
20 incorporate everything - the NUREG. Everything in
21 that NUREG becomes a shall.

22 MR. NULL: This is Kevin. I don't
23 interpret it that way. I mean, maybe you guys can help
24 but -

25 MR. FRAGOSO: You guys will have to

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1 comment.

2 MS. HOUSEMAN: We can talk offline later.

3 MR. SHAW: This is Dan Shaw with the Air
4 Force. Our legal representation took that as we will
5 incorporate every item in 1556 and through our
6 permitting process we will. We will - shall.

7 MR. NULL: Well, okay. And that's how you
8 interpret it and that was our - I mean, essentially you
9 guys you sign the documents, basically.

10 MR. SHAW: You know, we're doing our best
11 to comply and as Major Fletcher said it's great guidance
12 and, you know, all the licensees in the Air Force or
13 in the United States - it's great guidance for each
14 particular program so you'd be stupid not to use it.

15 It's just how is it written. You know, it
16 really handcuffs us in a lot of things. But our legal
17 interpretation was we will follow and so in that
18 permitting process we go through it with a fine tooth
19 comb to say you have to do this, you have to do that.

20 MR. NULL: Okay. This is Kevin - one last
21 comment. Then I think we can move on, Tom.

22 MR. HAGAR: I hope so.

23 MR. NULL: We're going to need to talk
24 about that with OGC but I think that might be the name
25 of the interpretation that your legal group might be

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1 different than ours but we need to -

2 MR. HAGAR: Okay. Let me call a time out.
3 Let's take a break. It's been an hour since the last
4 break. So another ten-minute break and we'll resume
5 our discussion.

6 (Whereupon, the above-entitled matter
7 went off the record at 3:05 p.m. and resumed at 3:16
8 p.m.)

9 MR. HAGAR: Okay. People on the phone,
10 we've got everybody sitting back down. We're going to
11 get restarted again. And we had to be necessarily a
12 little bit flexible. The plan was to go through
13 specific comments and we haven't done that.

14 We've kind of in effect grouped several
15 comments together talking about these - pretty much the
16 themes that Shirley had mentioned earlier.

17 So instead of asking whether there's any
18 specific comments that you all want to speak to, let's
19 see if there's any generic comments or any issues that
20 you want us to address.

21 Since we've been talking from here in the
22 room let's toggle off to the phone and see from the
23 participants on the phone are there any issues or
24 concerns related to this NUREG 1556 Volume 10 Rev. 1
25 that we haven't yet addressed that you'd like to bring

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1 up? So participants on the phone, it's your turn.

2 OPERATOR: We have a comment from Tom
3 Huston. You may begin.

4 MR. HUSTON: Thank you. I wanted to - I
5 know we've talked generally about - talked or go over
6 there are a couple specific comments to go with this.
7 It's comment number 10, number 11 and later on number
8 48.

9 They kind of all tie together because, you
10 know, we really disagree with NRC's, you know, basis.
11 But I agree that a corrective action is a good program
12 to have - corrective action program. That's what these
13 all pertain to.

14 But I guess what I disagree with is the
15 requirement since we - I mean, well, requirement to
16 disclose. It says requirement because I don't know if
17 NRC, you know, would review your application or make
18 a conclusion if they didn't have this.

19 So there's a requirement to basically
20 describe your corrective action program and submit in
21 comment 48. That one points to the section in the
22 Volume 10 that specifically requires that you submit
23 procedures and policies on the corrective action.

24 MR. HAGAR: Tom, let me interrupt you for
25 just a minute because this topic came up in a meeting

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1 that the NRC staff had this morning and Kevin or Shawn,
2 do you want to kind of address what the NRC staff decided
3 to do about that this morning?

4 MR. NULL: Yeah. This is Kevin. Hi,
5 Tom. A corrective action program is not required.
6 It's not in the regulation.

7 In general, given the breadth and scope of
8 a master materials licensee as an oversight
9 responsibility for oversight and regulator we felt that
10 is where others and the NRC steering committee members
11 felt that a corrective action program would be a prudent
12 thing to have.

13 However, we recognize - well, let me back
14 up a little bit. I believe the guidance - the way the
15 guidance is written I don't believe we said it's
16 required to, I think, should.

17 We said should have a corrective action
18 program or develop a corrective action program.
19 However, we, in looking at that, I believe is - the
20 working group believes that we need to reconsider the
21 way it was presented in Volume 10 and consider backing
22 off a little bit on that and just - and not be so specific
23 so that the MML could describe an overview of a
24 corrective action program that they would implement in
25 the program. But essentially we're going to

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1 reconsider the way that's worded.

2 MR. HUSTON: Okay. I appreciate that. I
3 mean, and just some perspective I come from the nuclear
4 fuel industry.

5 It's been eight years ago or so when I'm
6 there and I worked for Nuclear Field Services and they
7 have a very, you know, robust corrective action program
8 and I think that's been, like, the model for lots of
9 other parts of the industry - in the nuclear industry.

10 We have a corrective action. We have an
11 oversight program which is really - that is our
12 corrective action program. We issue escalated - you
13 know, escalated enforcement violations and require
14 corrective actions from the permittee whenever we
15 identify a - I mean, the whole program is - essentially
16 the enforcement part of our program is a corrective
17 action program for things that go wrong and then we have
18 other review processes. But I guess I'm looking at it
19 like it's some kind of a special program where there's
20 problem identification resolution.

21 There are all these different elements
22 that are part of the kind of overall safety culture,
23 and I know that in the nuclear industry there are a lot
24 of programs that are specifically called corrective
25 action programs and whole departments dedicated to

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1 that, and I could just see this whole thing kind of
2 morphing into something like that and I'm somewhat
3 against that because, I mean, we have programs that do
4 these things but to try to compartmentalize it as one
5 particular program that's for the overall MML I
6 disagree with that.

7 And so I'm glad to hear that and I guess
8 if you were to push it forward then it seems like it
9 would go against the commission has stated as far as
10 doing more than just education and information
11 dissemination related to safety culture. So but I
12 appreciate what you said. Thank you.

13 MR. HAGAR: Thank you, Tom. Anybody here
14 have any other comment about the corrective action
15 program issue?

16 All right. In the room, are there any
17 other issues or concerns that you'd like to put on the
18 table?

19 MR. FRAGOSO: I think that the only thing
20 left in the take away from Shirley is the financial
21 part, and we're just starting, like, for example,
22 comment number five from the VA and comment 56 from the
23 Navy where basically we look at the - we, basically,
24 under NUREG you guys are saying that you will review
25 the financial status of a federal agency.

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1 Well, let's assume the Army comes and asks
2 for an MML, or even the Department of Agriculture. You
3 know, the Army has about \$200 billion worth of money.
4 Who's going to - which license reviewer is going to say
5 that's not enough?

6 Or even the Department of Agriculture with
7 several billion dollars? I mean, you know, you really
8 want to clear it up that, you know, that's a typical
9 comment for a small licensee, but for a federal - the
10 Navy, for example, has \$147 billion budget for fiscal
11 year '15 and that - we don't think it's enough but that's
12 just our opinion.

13 MR. SEELEY: And Lino - this is Shawn
14 Seeley, Region One - and we agree and take back a comment
15 about that financial status.

16 We didn't do - the working group didn't do
17 a good job explaining why we wanted to keep that in.
18 You know, again, this is a generic requirement for all
19 of our Reg Guides and all of our licensing processes
20 - that we want to make sure that a company what's coming
21 in for radiography is not going to start today and all
22 of a sudden we end up with six iridium-192 cameras in
23 an abandoned warehouse tomorrow.

24 You know, and again, we didn't do a well
25 enough job explaining the particular sections of the

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1 - you know, the Code of Federal Regulations or the
2 Atomic Energy Act that we needed to.

3 MR. FRAGOSO: And I think that this is what
4 we want to bring just because there are some generic
5 requirements for - well, being treated as generic
6 requirements for small licensees that are being applied
7 to a federal agency, which is a very different animal
8 in the long run, and I think that the NUREG as it is
9 should be fashioned to our early side and to what our
10 realities are and not really as specified from the
11 generic statements.

12 MR. NULL: This is Kevin. But in light of
13 budget issues government-wide, I could point to the VA.
14 I mean, a new applicant for an MML coming in to a federal
15 agency we want to make sure that the program has the
16 resources and the budget allocated for that.

17 There are specific places within the
18 government that have to stop certain programs because
19 suddenly they don't money to finish a new hospital
20 somewhere in the United States, and we don't want to
21 issue a license to a government agency that doesn't -
22 can't demonstrate that they have the funds allocated
23 for five inspectors or whatever and facilities and
24 equipment to run the program. That's the fundamental
25 essential point, I think.

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1 MR. FRAGOSO: Yeah. I think they need to
2 - instead of looking at the money that you're talking
3 about basically because money comes in different
4 colors. It comes in different accounts. It comes -
5 like, for example, your example about a hospital - that
6 is MILCON notated - military construction money.

7 That is money that is allocated by
8 Congress. It's sacred. It's apart from - or
9 operational money which is actually what - operational
10 purchases which we use to purchase things operational
11 and money which is what we use to pay people.

12 So there are different colors and it's very
13 - it's not very clear for anybody from the NRC to be
14 able to evaluate that amount of money. What I suggest
15 is that you evaluate the corporation, whether they are
16 available to have the buildings associated with the
17 number of inspectors that you think is needed.

18 That is more - that is something that you
19 guys can evaluate as opposed to amount of money behind
20 paying those inspectors because money can be
21 transferred from accounts and depending on the time of
22 the year and, you know, in a budget of \$200 billion five
23 persons is very - is to get money for the problem is
24 associated with do you get the billets associated with
25 that money.

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1 That's a different problem. So my
2 suggestion is that you actually evaluate the
3 organization instead of the money associated with the
4 organization.

5 MS. XU: The intention we view here is
6 that, say, for example the applicant come here saying
7 they might have a hundred permittees potentially and
8 then we just base on that and then when you evaluate
9 it you should have three or five inspectors.

10 MR. FRAGOSO: Right.

11 MS. XU: And then so that's what's the
12 intention that we have. So can you provide five
13 inspectors if that's what is needed and then if you can
14 have those, you know, inspectors be qualified with
15 training and those things together.

16 So that is kind of in the right way that
17 we're trying to make sure we do have enough FTEs and
18 resources that - to run the program.

19 MR. FRAGOSO: And that is an evaluation of
20 those kind of things, not an evaluation of the financial
21 resources.

22 MS. XU: Right. Good. So what are - what
23 are -

24 MR. FRAGOSO: This actually goes to, for
25 example, another comment that is in here that we should

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1 have a financial person, you know - that was a comment
2 that was pretty much, well, you should have a financial
3 person. Well, a financial person also comes in
4 different colors.

5 MS. XU: That's true.

6 MR. FRAGOSO: I mean, I - for example, we
7 are both financial persons in the sense that we propose
8 budgets every single year to fund our programs and we
9 - and we go and present those budgets in front of my
10 bosses to get the money.

11 MS. XU: Right. So -

12 MR. FRAGOSO: Now, think of there's other
13 colors -

14 MS. XU: You want to make sure that you will
15 have enough personnel and resources to run the program,
16 whichever way you get their money from.

17 MR. FRAGOSO: Right. But the way you
18 explain it is a financial guide. A financial guide for
19 us is a comptroller person, and a comptroller is
20 completely apart from our organization. I mean, they
21 even reside in a different part of the Pentagon.

22 MS. XU: Right. But I think that's
23 probably our - the reason it's sitting on our side that
24 we didn't fully understand how you get the money.
25 We're saying if you have a comptroller in your program

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1 then it is easier for you to get the money so your
2 program will be stable in that sense.

3 MR. FRAGOSO: Well -

4 MS. XU: So I guess that's not the way it
5 is.

6 MR. FRAGOSO: No. No.

7 MS. XU: So we can rewrite the language.
8 Just make sure what is our intention.

9 MR. FRAGOSO: Yes.

10 MS. XU: Our intention is that we don't
11 want to be run out of money in the middle, that it's
12 saying okay, well, the Army afforded three people
13 instead of five - that is, the five are needed.

14 MR. FRAGOSO: Yeah, that - our
15 programming, planning and budgeting people, which is
16 what we are, and then there are comptrollers which
17 control the money and actually can take the money away
18 if Congress says so from us.

19 So when we talk about financial guides we
20 talk about the comptroller guides. When we talk about
21 planning and programming people then we are talking
22 about us.

23 MS. XU: So then I would have a question
24 in terms of - okay. If for example the Congress decided
25 that they are going to - cut down your spending then

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1 you have to cut down your, you know, your FTE or
2 inspectors.

3 So how are you going to guarantee the
4 program runs smoothly, you know, safely - all those
5 issues with one or two people short if that happens?

6 MR. FRAGOSO: If we are two people short?

7 MS. XU: Right. If you are saying that
8 the Congress could, you know, cut your funding in half
9 -

10 MR. FRAGOSO: Yes.

11 MS. XU: So what happens if you get these
12 two to run your program if that happens?

13 MR. FRAGOSO: Well, when Congress cuts our
14 money it becomes an act.

15 MS. XU: Right.

16 MR. FRAGOSO: There's nothing we can do
17 about that if they actually specify by line item saying
18 that radiation safety program will only have five
19 persons instead of the seven that you have asked.

20 We have no choice about that because the
21 billets and the money is taken away from us and neither
22 the NRC nor us there's anything that we can do. The
23 only thing we can do at that point is shut down
24 licensees.

25 So what we would have to do if we cannot

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1 support the program then we would have - what we do is
2 we take risk associated with that cut and we tell
3 Congress okay, you cut off this, then we shut down this.

4 MS. XU: Okay. Well, yeah, that makes
5 sense. I mean, that's one way of trying to just make
6 sure that you can run the programs that you have.

7 MR. FRAGOSO: Yeah. I mean, if Congress
8 pretty much comes and tells us you will not have - no
9 longer use - have your master materials licensees,
10 everything gets transferred to NRC, at that point we
11 just terminate everything and come to you and tell you
12 you are the regulators now.

13 MS. XU: Okay. That's makes sense.
14 Okay. I guess that means that we will try to reword
15 it in a way clearly that our intention is for -

16 MR. FRAGOSO: Right.

17 MR. SEELEY: And again, Shawn Seeley,
18 Region One. And again, this document and this section
19 where this was being referred to kind of implies that
20 this is a four or five year process in getting to the
21 point of actually issuing the MML, the license to the
22 federal entity.

23 So we've already, in the review process,
24 assessed kind of that stability of the finances through
25 the interactions and the workings with that central

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1 organization purpose - a period of time prior to issuing
2 the license. So, you know, it is a consideration. We
3 will go back and revisit that and see if it can word
4 somewhat differently.

5 MR. NULL: Yeah. This is Kevin. Would
6 it be fair for us to request that a new applicant
7 demonstrate two things - they have the resources for
8 the program and the budget is - some budget has been
9 allocated? I mean, is that fair to -

10 MR. FLETCHER: I think something like
11 maybe financial assurance where it's a letter of intent
12 that we, as the United States Navy, have a letter of
13 intent that we will fund this program at the adequate
14 level - something like that.

15 MR. FRAGOSO: It's in the LOU. The LOU
16 said you will have an organization and you will have
17 a - the appropriate amount of money for that
18 organization. So it's already in there.

19 MR. NULL: So - this is Kevin - so we'll
20 work on correcting some language.

21 MR. FRAGOSO: Yeah. And I mean, it's not
22 - there really wasn't that concern about it because it
23 came through the VA so since they're not here -

24 MR. GONZALEZ: Well, Tom's on the line.

25 MR. REFOSCO: Has there ever been a

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1 government program that has been dissolved, though?

2 MR. MCMURTRAY: There's been ones that
3 have been reduced for funding. We have a perfect
4 example in Yucca Mountain.

5 MR. HAGAR: And, Operator, some of the
6 participants here in the room remind us that Tom Huston
7 of the VA is on the phone. So Tom, do you want to weigh
8 in this discussion?

9 MR. HUSTON: Yes. Since my name was
10 mentioned my ears started burning. But I don't - you
11 know, we mentioned it but we don't have a real huge
12 concern with that.

13 I think we're as stable as most other
14 government organizations. I think the VA is usually
15 pretty well supported. So I don't think it's a major
16 concern.

17 MR. HAGAR: All right. Thank you, Tom.

18 MR. FLETCHER: I think by your own
19 definition though enduring sequestration I don't think
20 - if you're in the process of doing that through
21 sequestration none of the agencies would be considered
22 financially sound and you yourselves only have an
23 eight-day buffer zone, right?

24 So I think if you work organizationally you
25 have a much better idea than working on finances. It

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1 says that the United States government will back - just
2 like decommissioning -- the United States government
3 will either do it or they won't do it and there's nothing
4 we as any agency can make - you know, make the United
5 States government do.

6 MR. NULL: This is Kevin. Certainly,
7 things change as time goes on but at the time of the
8 review of the application, you know, we have a certain
9 obligation to make sure that at that time there is
10 sufficient stuff there to run the program.

11 I mean, it's a legitimate question so and
12 how it's crafted in here I guess we can - we can rework
13 that. But - and I don't see a problem with that.

14 MR. FRAGOSO: The NUREG changed from
15 having a comptroller financial guide to a program type
16 of personnel, which is basically what most of us do,
17 I think.

18 MR. NULL: Change from - I'm sorry.
19 Change from what to what? Comptroller?

20 MR. FRAGOSO: From financial guides to
21 programming and planning personnel.

22 (Simultaneous speaking.)

23 MR. FRAGOSO: I can't remember.

24 MR. NULL: Yeah, let's get that
25 specifically where -

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1 MR. FRAGOSO: Yeah.

2 MR. HAGAR: All right. Is that - is that
3 issue pretty much wrapped up?

4 MR. NULL: Well, excuse me. I wanted to
5 know, where was that section again?

6 MR. SEELEY: It's on Page 5.7.2, on the top
7 of Page 25. It says the manager from the applicant's
8 finance organization.

9 MS. HOUSEMAN: Is this -

10 MR. FLETCHER: Same number as -

11 MR. NULL: No, this is back in Volume -
12 (Simultaneous speaking.) MR.

13 FLETCHER: Yeah. I mean, just in that specific case,
14 yeah. The manager from the applicant's -

15 MS. HOUSEMAN: Oh, yeah. Here we go.

16 MR. FLETCHER: Do you want that changed to
17 - I'm just trying to get an idea.

18 MR. SEELEY: This is Shawn from Region
19 One. From what I was hearing I think they - there are
20 different finance faces, I guess, and I think what I'm
21 hearing Lino and Doug say is that it should be somebody
22 with budgeting powers of allocating - I don't want to
23 say allocating but somebody who presents budgets or who
24 may have the authority to -

25 MR. FRAGOSO: Planning and programming.

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1 MR. SEELEY: - planning and programming,
2 yeah.

3 MR. FRAGOSO: Planning, programming,
4 budgeting and that's most - what most people at the
5 headquarters do.

6 MR. SEELEY: Would that specific
7 terminology apply to - that seems pretty specific.

8 MR. FRAGOSO: I think that that is the
9 standard government nomenclature for all of the - all
10 of the executive agencies. But then again, DoD may be
11 very specific because we actually on our audit - on our
12 decision regulations we are actually very specific on
13 some of those.

14 MR. NULL: This is Kevin. We try to be
15 generic as much as we can so that - so that someone can
16 see, okay, you might say this says membership on the
17 whatever it says there, finance organization. You
18 might say, well, we don't - here's what we have -

19 MR. FRAGOSO: You can't access planning
20 and programming because that planning and programming
21 is basically a generic term throughout the whole
22 federal establishment.

23 MR. SEELEY: Hi, this is Shawn. I think,
24 you know, looking at the items - some of the items below
25 it, I mean, I think we - the working group could go back

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1 and say, like, a manager capable of programming and
2 planning, you know, budgetary items. I mean, I think
3 there's a solution there that we can come up with, you
4 know, changing that to make it -

5 MR. FRAGOSO: Yeah, because the
6 comptroller is really far away removed from any persons
7 that actually try to get billings and try to get money.

8 MR. HAGAR: Okay. I see nodding heads
9 here in the room so we're done with that issue. Any
10 other issues we need to discuss?

11 On the phone, are there any other issues
12 we need to discuss? All right then. Earlier in the
13 meeting, we talked about one topic and I asked Katie
14 to table it. So let's bring that back up. Katie,
15 would you please remind us what that topic was?

16 MS. WAGNER: Okay. This is Katie Wagner
17 and I had a comment from Lino Fragoso that was on the
18 suspended topics. It was about - believe it was about
19 a concern about the requirements that seemed to be for
20 new potential MMLs impacting existing MMLs when and if
21 asked to refresh their program to be, like, these new
22 potential MMLs.

23 MR. FRAGOSO: That's like - that's the
24 whole concern.

25 MR. HAGAR: Okay. Could you restate that

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1 and maybe expand on it and see if it's - if we need to
2 discuss it?

3 (Simultaneous speaking.)

4 MR. FLETCHER: - at least my impression of
5 it is that NRC agrees that there are sections that are
6 ambiguous as to whether it applies to new applicants
7 for certain things or whether it's for current existing
8 MMLs and there was some discussion as to whether you
9 go back and re-look at the sections to make sure that
10 it's very specific which sections are being applied to
11 MMLs for renewals, amendments, et cetera, versus a new
12 applicant.

13 MR. HAGAR: Okay. And is there -

14 MR. FLETCHER: Did I get the
15 interpretation?

16 MR. NULL: This is Kevin. There's no
17 expiration date so there's no renewals, and the
18 guidance certainly will apply to a new applicant and
19 the guidance will apply to an amendment that's - if it's
20 applicable.

21 If there's something that's being amended,
22 like, we talked a little bit online I think - the license
23 commission if you want amendment changes the chairman
24 of the committee, you know, for example, if that's on
25 your license I don't know - then that would be an

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1 amendment and you would submit it and you would review
2 it against the criteria for the chairman of the
3 committee based on that.

4 So this stuff in here could apply in many
5 cases to an amendment depending on what the amendment
6 is. So it's going to be harder to say items one through
7 three only apply to amendments, items four through ten
8 apply to new ones because it's certainly possible that
9 anything could apply to an amendment depending on what
10 the amendment is.

11 MR. FRAGOSO: Well, the best that we can
12 do is just bring it to your attention that this is
13 something that worries not only the Navy but also the
14 Air Force. So it's all eyes on how this is going to
15 effect any amendment or it's going to affect anything
16 that we actually do, especially when refresh smells
17 like a renewal, tastes like a renewal, it's probably
18 a renewal.

19 MS. XU: I think that the, you know, the
20 same year expiration that we all cleared, that we're
21 not allowed to use that. So the refreshing is mainly
22 talking about letter of understanding - that I think
23 they got the number correctly when they put into VA's
24 LOU and the Air Force is that one way of doing the
25 biennials and then we would have did the LOU and that

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1 both party agreed that if something needed to be revised
2 based on the new regulation or policy. This way, you
3 know, MMLs and NRC inspectors all agree, saying one of
4 the item or two or whatever it needs to be revised then
5 we'll work on that.

6 So that is what we're calling refreshing is
7 kind of - I mean, that's probably the word that we use.
8 It may be confusing sometimes. So we're going to have,
9 like, an issue saying okay, well, all of the other rules
10 that we are going to redo your LOU, we're not going to
11 do that. That's already written in both the VA and the
12 Air Force LOUs -

13 MR. NULL: Shirley's correct. There is
14 no "refresh." What there is a biennial inspection.
15 I would say the last biennial inspection I had we had
16 the VA. I sat with Gary and Tom, you know, okay, is
17 there anything you guys think need to be redone in the
18 LOU or the license possibly and anything that I think.
19 We discussed it. No, there wasn't so there was no
20 amendment needed, no anything. So it's a discussion
21 topic every two years - is there anything we need to
22 do for licensing - does the LOU need to be updated,
23 changed, you know.

24 An example would be we at the NRC in the
25 last six months prior to coming to the biennial issued

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1 some new security guides or whatever it might be. Who
2 knows what it could be, right? But it's not
3 incorporated.

4 Now, here you have some permittees that it
5 applies to and we might talk about that, incorporating
6 that type of new thing into the LOU if it's applicable.
7 But if there's nothing like that then there's - nothing
8 needs to be done. So there's no official refresh.
9 Does that make sense?

10 MR. HAGAR: Yeah. All right. Another
11 reminder to everybody that the main purpose of this
12 meeting was to hear from the MMLs your concerns and
13 issues you had with how the comments on NUREG 1556
14 Volume 10 Rev. 1 were resolved.

15 So I'd ask you all now do you have any
16 concerns or issues that - with respect to that that have
17 not been addressed yet? Is there anything else we need
18 to put on the table and discuss with respect to how the
19 comments were resolved?

20 MR. FLETCHER: I don't think it's - this
21 is Doug Fletcher again. It's not so much we have
22 nothing - we've addressed the major comments and the
23 major groups and I think we're all happy in concept.
24 However, until we actually can look at the answers where
25 NRC will go back and reconsider it -

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1 MR. HAGAR: Yeah.

2 MR. FLETCHER: - reconsidering is not an
3 answer and is not an adjudication. So therefore we,
4 as MMLs, or I know the Navy is concerned of what the
5 answer is once they've reconsidered.

6 So yes, they're all still open because most
7 of the answers were the NRC will reconsider.

8 MR. HAGAR: And the NRC staffs will make
9 it more formal than that other than we're going to go
10 back and reconsider.

11 MS. XU: Well, there are several items
12 that are definitely it's going to rewrite to make it
13 clear like shall or should and also the language about
14 between MML and permittee that are we going to write
15 something definitely in the introduction and the
16 overall to say okay, how the MML permittee - how they
17 related, how they, you know, should have operated based
18 on their current practice.

19 So those things - we will rewrite those
20 things and that there are maybe a couple of other things
21 that we are now to completely discuss among our working
22 groups. So we're working on them as we will consider.
23 I cannot really think of an example of that -

24 MR. FLETCHER: And this is Doug Fletcher,
25 and I understand that but it stills open and you say

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1 we will rewrite it. You don't know how you're going
2 to rewrite it.

3 You couldn't deny we're going to rewrite
4 it. You might completely miss the ball for whatever
5 reason. So these items are still open technically
6 because we're not happy with the way they're written
7 right now and a verbal we're going to rewrite is not
8 satisfactory for our side.

9 MR. SEELEY: This is Shawn, Region One. I
10 think what I'm hearing Doug say is he'd like a copy of
11 whatever we end up with prior to us getting it out, and
12 I see Tony shaking his head that we could probably do
13 that.

14 MR. MCMURTRAY: Yeah. I mean, we said we
15 were going to help facilitate that. I can give you a
16 chance to comment back on those -

17 MR. FLETCHER: Understood, but just to
18 answer his question of do we have any unaddressed
19 comments and most of them are unconcluded.

20 MR. HAGAR: I hear you say all of them are
21 still unaddressed.

22 MR. FLETCHER: Exactly.

23 MR. HAGAR: Okay. All right. But I also
24 hear the NRC saying you'll get another shot.

25 MR. FLETCHER: Okay.

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1 MR. HAGAR: Okay. On the phone, remind
2 you what the purpose of the meeting is. So does anyone
3 on the phone have any issues or concerns with respect
4 to how the comments have been resolved that have not
5 yet been discussed? And Operator, does anyone on the
6 phone indicate a desire to speak?

7 OPERATOR: If you would like to make a
8 comment or ask a question the line is open.

9 MR. HAGAR: All right. I'm not hearing
10 anything. Craig, did you have something else?

11 MR. REFOSCO: Yes. Craig from Air Force.
12 I think it would help you guys tremendously while you're
13 adjudicating these comments and rewriting your
14 sections to get in your mind set that you're writing
15 this for federal agencies as applicants as opposed to
16 licensees down at the - Volume 1 radiography licensee
17 and really consider that the federal agencies have a
18 bureaucratic process in place whether it's - or will
19 have whether it's for licensing, regulating,
20 inspections, da da da da da, and they're going to
21 have the financial wherewithal to implement that
22 process and support the new MML.

23 So if you look at it from that perspective
24 and not Joe Schmo, the little licensee down in the
25 garage, you might - your perspective may change a little

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1 bit, which should address a lot of these comments.
2 That's my opinion.

3 MR. HAGAR: All right. Thank you. Let's
4 kind of wrap this up then. People who have something
5 they want to say to close this out so go right ahead.

6 MR. GONZALEZ: Before we go, I thank you
7 all for all the conversations we had today. I think
8 we have very good perspective and understanding of what
9 we need to do going forward and next steps for revision.

10 As you heard, you're going to have another
11 shot of looking at revisions that may come from now
12 forward and we're going to have - we're going to be the
13 team.

14 We're going to be - have conversations on
15 how we're going to, you know, about tailor the next
16 steps to this. And Doug, I appreciate a lot having the
17 time today and everything. But this is the - this is
18 what I was expecting. Although we didn't go comment
19 by comment but I think it was a better shot than what
20 we did on going with the - in related topics.

21 There's still roadblocks that, you know,
22 kind of presented and I think we have a good track
23 forward on doing that and, again, appreciate also those
24 on the phone for having the time to take and sharing
25 their thoughts and comments.

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1 Just to comment also, the steering
2 committee, we're going to be looking at it also and
3 we'll review it in parallel. That's one of the things
4 we would - I was talking about with Shirley and headed
5 that. And me, as a co-chair of the steering committee,
6 I wanted to see how this meeting and the comments I have
7 seen from everyone, from all the MMLs, how it was going
8 to play out because we had similar comments, and now
9 we're going to see the resolution that helps give more
10 perspective of what you guys are looking at and your
11 main concerns.

12 So thanks a lot. Any feedback that you
13 have and I think you're going to talk about that, how
14 this went and make it better in case we do another
15 meeting. So I'm not sure that's going to happen, but
16 if we do that we have the option.

17 And I understand Craig's comment, which
18 was pretty good on that - on this - the same processes
19 that we go through. We use a lot of concurrence process
20 for everything and moving on - even for this, getting
21 the table of resolution on comments through it took us
22 some time because we have to go through a few steps
23 before we publish it, make it publically available. So
24 thanks a lot again and hopefully we'll get this - all
25 this done this year. That's all.

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1 MR. HAGAR: Okay. Thanks, Hipo. Yeah,
2 and like you said, one last plug. This is a reminder.
3 I told you earlier I made - we're filling out a meeting
4 feedback form and even if Hipo and Shirley aren't going
5 to do another public meeting the NRC is going to do a
6 whole lot more.

7 And so if there's any feedback you can
8 provide that would help us do better public meetings
9 in the future we'd appreciate having that. And on the
10 phone if you would, please, go to the NRC's public
11 meeting website.

12 You can do a search for it on the public
13 site and there's a way you can provide feedback in
14 person, and everybody here on the - in the room if you
15 look on the back there's a QR code. You can scan that
16 with your smart phone. It'll take you directly to the
17 meeting feedback location.

18 You can provide that feedback
19 electronically. And with that, thank you all for your
20 time and attention. This meeting is adjourned.

21 (Whereupon, the above-entitled meeting
22 was concluded at 3:55 p.m.)

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