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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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NRC-AGREEMENT STATE WORKSHOP
ON THE NATIONAL MATERIALS PROGRAM

WORKING GROUP

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THURSDAY

FEBRUARY 22, 2001

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ARLINGTON, TEXAS

+ + + + +

The meeting convened at the NRC Region IV
Office, 611 Ryan Plaza Drive, Arlington, Texas, at
8:30 a.m.

PANEL MEMBERS:

FRANCIS X. "CHIP" CAMERON, Facilitator

KATHY ALLEN, CO-CHAIR

JIM MYERS, CO-CHAIR

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ATTENDEES :

DWIGHT CHAMBERLAIN

DONNY DICHARRY

FRED ENTWISTLE

WILLIAM FIELDS

TERRY FRAZEE

AUBREY GODWIN

JOHN HICKEY

BILL HOUSE

FELIX KILLAR

BOB LEOPOLD

JAMES MARBACH

RUTH MCBURNEY

DAVE MINNAAR

KATE ROUGHAN

CHARLES SHOWALTER

ANTHONY THOMPSON

MIKE VEILUVA

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

(8:30 a.m.)

MR. CAMERON: We had some good discussions yesterday, and Barbara is getting all your pearls down. And just in our enthusiasm, we've been all talking a lot at once, which sometimes covers up the person who has the floor, so we'll try to do a better job on that today.

And we're on Bill Fields yellow bus now, I guess. So remember those positive watchwords.

Before we go to Option 3 and compare that, discuss the attributes in reference to Option 3, I just thought I'd run through quickly the options again and the attributes, so that we have sort of a grounding again.

First option we discussed yesterday, Eliminate the Agreement State Program. NRC does it all, and Aubrey is indicating his support over there.

But second one was the so-called minimal NRC role within an Agreement State Program, and I think that we found out a lot that that's a very undefined option that -- as George mentioned yesterday, that there's a big continuum of what "minimum" could mean.

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1 The third option, the one we're going to
2 start with today is the states do it all; the NRC
3 would only have responsibility for specific activities
4 or facilities.

5 Four is a so-called delegated program.
6 NRC sets the standards, and the states implement.
7 Fifth one is the alliance, okay, share in decision
8 making, priority setting, resource use, information,
9 consensus -- would be the way that would be done
10 between the NRC and the states.

11 Six is the master of materials license
12 concept for multi-state licensees that is proposed and
13 that he does have a handout on. Hopefully, everybody
14 has that. The EPA daddy approach, thanks to Bill
15 House over there. Okay. And basically, the EPA would
16 do it all through a standard -- they would set
17 standards, and then the states would implement. Is
18 that --

19 MR. HOUSE: That's correct.

20 MR. CAMERON: That's the idea. Okay,
21 Bill.

22 Perhaps not a separate option but one that
23 could be grafted on to other options, Aubrey's
24 regional approach, and we have not talked about that
25 in any detail.

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1 This one that came out of our discussions
2 yesterday: Optimize the Present Program. Don't do
3 any major restructuring, but look to see how some
4 dysfunctionalities could be taken care of, et cetera.
5 And Aubrey came up with a new one again, I think, that
6 probably would be a graft onto -- could be a graft
7 onto other options, and that's the -- utilize Public
8 Health -- well, I'm going to let Aubrey just say a
9 couple words about it. It's the National Guard
10 approach. Okay?

11 And, Aubrey, you want to tell us just a
12 little bit about that?

13 MR. GODWIN: Well, if one of the issues
14 becomes having federal staff and expertise in certain
15 areas that the states may have, it's conceivable to
16 have enough people volunteer for the Public Health
17 Service Commission Corps Reserve, and then as the NRC,
18 DOE, EPA, whoever would need it, needs staff, they
19 could commission -- activate the reserve commissions
20 of these people for a period of up to 30 days and have
21 these staffers come on, do the work, and then leave.

22 It would call for volunteers on the part
23 of state and other nonfederal folk to have this
24 expertise available, but it is something that's there.
25 Whether it's usable might be something to look at, but

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1 it would be a way to get staff that is trained or have
2 certain expertise fairly quickly at lower than hiring
3 them full-time for several years, but certainly
4 probably at a premium rate, when you look at the cost-
5 per-hour type stuff, because --

6 MR. CAMERON: So it really would be
7 something that might feed into these other approaches.
8 Or even into the -- including Optimize the Present
9 Program or even the status quo approach, this could be
10 used to alleviate resource problems, is what you're
11 saying.

12 MR. GODWIN: These would also ways to do
13 training and things like that, because you activate
14 them for training periods and things like that if you
15 wanted to.

16 MR. CAMERON: All right.

17 MR. GODWIN: Just some possible uses.

18 MR. CAMERON: Thanks, Aubrey.

19 The attributes that we were talking
20 about -- access to decision makers for stakeholders;
21 budgetary resource implications; legal authority; the
22 efficiency idea that Mark Doruff and others talked
23 about yesterday: uniformity; consistency;
24 flexibility; comprehensive -- which we're using as
25 that's the code word for how much of the material is

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1 covered, NARM, et cetera -- stability to the program;
2 and mainly we were focusing on the relationship of all
3 this to the EPA's authority under the Reorganization
4 Act; what's the NRC role to be; is it a rational
5 program.

6 And that was a buzz word for covering like
7 risks in like manner. What are the role of other
8 organizations -- CRCPD, OAS, ISCORS, the standards
9 development organizations. Accountability -- Cindy
10 Pederson came up with that yesterday, and we've seen
11 how that's played out.

12 And one that they've suggested, which I
13 think sort of tries to wrap it all up, is
14 practicality, which can cover a whole lot of bases.
15 But what I suggest we do is just start with 3 and
16 start going down the attributes.

17 But does anybody have any comments on
18 process or whatever before we get started? Yes, Fred.

19 MR. ENTWISTLE: Two comments. One is the
20 options. Some of these are really independent; some
21 are not, necessarily. It seems to me that 5 under the
22 alliance; 6, the multi-state master license, might be
23 aspects of 9. They're not fundamental changes to the
24 whole system, but they're modifications perhaps, not
25 as fundamental a change as some of the others. And

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1 perhaps what Aubrey was saying on the last one,
2 that -- so some of these are more -- they address
3 parts of the whole picture, rather than the overall
4 relationship.

5 MR. CAMERON: That's true, and I think
6 that that's something that -- not to lose sight of, is
7 that these could be perhaps combined --

8 MR. ENTWISTLE: Yes.

9 MR. CAMERON: -- in different ways.

10 MR. ENTWISTLE: And then a second comment
11 on the attributes. It seems to me some of those are
12 goals -- are fundamental things that we want to
13 address, such as -- I'll pick some -- I think rational
14 was something, and comprehensive. You obviously have
15 to have a system that's comprehensive.

16 So some of these things are really
17 desirable attributes that we want for the system;
18 others are just sort of descriptive. NRC role --
19 there's no ideal on that; it's just sort of a
20 descriptive state. So I think there's a little --
21 some differences in some of those things we're looking
22 at.

23 MR. CAMERON: Yes. You're absolutely
24 right. And that's why I'm using this term "attribute"
25 very loosely, because I haven't come up with one word

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1 that describes all of these considerations, parameters
2 that you have to consider, whatever. But -- so you're
3 right. This is not the best word to describe all of
4 these.

5 But if we can look at it from a functional
6 point of view, which is that you need to look at these
7 options from all of these different perspectives. And
8 some of them may be attributes; some of them may be
9 just an issue that you need to consider.

10 MR. ENTWISTLE: Right.

11 MR. CAMERON: But that's great.

12 Dwight?

13 MR. CHAMBERLAIN: I really -- I have a
14 question, really, I think, for the working group.
15 You're getting a lot of good input here today, but
16 you're going to go back and you're on a real tight
17 schedule to put together a commission paper that has
18 options in it. Do you have any plans to go out with
19 something for comments after you're done, or are you
20 just going to take this and try to figure out what
21 people had in mind and go with it?

22 MS. ALLEN: I think our time frame is so
23 short that we're going to take this, figure out how to
24 take some of these comments and mesh it in with what
25 we've got and incorporate it.

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1 MR. CHAMBERLAIN: One thing, it seems to
2 me, that's missing is the commission is not going to
3 have the benefit of the views, the comments, on what
4 your options are going to be, so they're not going to
5 know how people feel about your options.

6 I don't know if it's possible to do that,
7 but I'm afraid people are going to walk away from
8 these meetings --

9 MS. ALLEN: I think that's kind of
10 interesting.

11 MR. CHAMBERLAIN: -- and when they see the
12 commission paper, they're going to say, That's nothing
13 like what I had in mind.

14 MS. ALLEN: Well, it's kind of
15 interesting, because there's this fundamental
16 difference of, you know, should our paper go to other
17 people or to the commission. And we sort of -- my
18 impression of what I've been told is that it has to go
19 to the commission before it goes to anybody else,
20 because they don't want anyone else to see it before
21 the commission sees it.

22 MR. CHAMBERLAIN: Well, you go out -- I
23 mean, if you do rulemaking, you go out for public
24 comment. Right? And then you show the commission how
25 the public comments were addressed.

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1 MS. ALLEN: I agree, but we've been told
2 it doesn't even go to the states; it has to go to the
3 commission first.

4 MR. CAMERON: Can we -- I think that we do
5 have this as a parking-lot issue, okay, this outreach
6 issue. And part of it is being covered when we talk
7 about the options, but I think Dwight brings up a good
8 point, which is, let's, after we get done with the
9 options, or before we go, let's have a specific
10 discussion on the issue of what further outreach needs
11 to be done on the working group report or activities.

12 And we all realize, I think, that -- the
13 constraints that the working group is operating under,
14 but the idea of this group is -- of getting comments
15 and discussion from this group is, if this group
16 around the table wants to make a recommendation to the
17 working group, that when you do have a draft final
18 report that it goes out for comment, then certainly
19 that would be reflected in the summary of this
20 meeting. So I think we should specifically discuss
21 that.

22 Jim?

23 MR. MYERS: I was just going to add -- you
24 kind of hit just what I was going to say is that I
25 think we should talk about that a little bit more,

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1 because I think the working group probably does not --
2 our opinion is that, yes, I think we probably should
3 send it out to let people see it. But as you know,
4 the agency works kind of in mysterious ways, and
5 there's the issue of pre-decisional questions that are
6 related to this, because it gives the appearance that
7 if we send it out and people like a certain option
8 that the commission's decision is made for it and that
9 trumps their decision-making process.

10 So -- but we do need to talk about it.
11 And it would probably not hurt, I mean, if the group
12 thought that it was beneficial to hear it and see it
13 again, then we could take that back to the steering
14 committee and say, Here's some more input. So, yes,
15 we should talk about it.

16 MR. CAMERON: Okay. And I think it should
17 be noted too that even though this group might not get
18 an opportunity to comment on how the working group
19 incorporated the comments from this discussion, that
20 certainly the working group is getting a lot of input
21 now that they're almost on a real-time basis trying to
22 incorporate into their thinking.

23 MS. ALLEN: Yes. They're upstairs right
24 now.

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1 MR. MYERS: You only see a portion of us
2 here, because they're upstairs folding stuff in now.

3 MR. CAMERON: Okay. Terry.

4 MR. FRAZEE: I think one of the reasons I
5 was kind of anxious or upset the other day about
6 starting with number one was -- again, goes back to we
7 didn't have anything to start with. We had this
8 mysterious concept; we didn't know exactly what the
9 working group was starting with, so we had nothing to
10 really aim at. So it's a shotgun approach. I mean,
11 we're just shooting off in all sorts of different
12 directions.

13 And I think one of the things that --
14 whether or not we get to see the product before it
15 goes to the commission or not really doesn't matter,
16 but one of the things that I would, you know, suggest
17 to the working group is that, you know, you've got a
18 direction and it's to, you know, come up with a
19 National Materials Program, but start with what we
20 have.

21 I mean, Option Number 1 ought to be status
22 quo. Then define what the problems really are in
23 terms of a, quote, national program. And obviously
24 one of them is, you know, fragmented authority, you
25 know, the NORM versus AEA issue.

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1 Another one -- and again, these are
2 reflected from the licensee's perspective, not
3 necessarily from the, you know, fellow regulator
4 approach. But the licensees are also concerned that
5 there's inconsistency in approaches between the
6 different regulatory entities. So, okay, that's
7 clearly something that needs to be addressed in
8 this -- in your paper.

9 And yesterday, I kept hearing you say,
10 Well, gee, there's options and sub-options. And it's
11 like, whoa, all this confusion. And I think a lot of
12 that can be eliminated if we go back to -- not exactly
13 square one, but where are we now; what are the
14 problems as perceived by the industry and maybe in a
15 secondary sense by fellow regulators. But where are
16 the problems.

17 So let's see what are the problems as
18 perceived by the industry, the licensees, the public,
19 and then formulate the solutions in terms of solving
20 those problems, rather than the -- you know, sort of
21 the shotgun approach that we're taking here.

22 You know, some of them obviously fall out
23 real quickly. The Atomic Energy Act is only very
24 specific to one -- or, well, a subset of radioactive
25 materials. So, okay, that's a problem. We see it in

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1 various forms. So the solution should be fix the AEA,
2 for one. And, you know, there are others that would
3 fall out from that.

4 I didn't think it all the way through, but
5 I think my point was, we need to identify what the
6 problems are that we're trying to solve, then come up
7 with the solutions. And I think we won't have, you
8 know, ten different options. It's going to drop down
9 to just a few. And then apply the attribute questions
10 after you've figured out what are the -- you know, the
11 real solutions, potential solutions.

12 MR. CAMERON: Okay. Thank you, Terry.
13 That's another way of looking at how to go about the
14 problem, which was perhaps the commission tried to
15 define the problem for you from the beginning, so you
16 sort of start there instead of starting from a more
17 global approach on it.

18 But, Mike?

19 MR. VEILUVA: Well, it seems like this is
20 a problem that cries out for some sort of template or
21 outline or something, and being the devious lawyer
22 that some of us are -- I am -- there may not be a
23 restriction on the working group's ability to
24 circulate such an outline or a template in advance of
25 the draft paper, which may it can't do. But maybe

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1 something less than that might be possible so that at
2 least those of us who are participating in the process
3 see that these basic concepts are wending their way
4 into the process.

5 MS. ALLEN: I think that's very possible.
6 Yes. I think we've sort of gotten some people to
7 agree that parts of this -- maybe not the whole paper
8 being released, but maybe the executive summary or --
9 right -- maybe an outline-type thing or some of the
10 charts could be released. I mean, I'm still planning
11 on talking about this at the HPS meeting when the
12 product is done.

13 MR. CAMERON: Okay. Well, let's reserve
14 some time before we stop today to talk about outreach
15 and some alternatives in terms of if you can't do the
16 whole enchilada, maybe you can do --

17 MS. ALLEN: Take the innards out and --

18 MR. CAMERON: Yes. Right.

19 MR. KILLAR: One of the things you can do,
20 and I know that this has been done in the past, is
21 that you can explain to the commission that there is
22 a lot of interest in the paper and that you'd like to
23 have the paper released to the public at the same time
24 as presented to the commission or provided to the
25 commission. The commission will grant you that

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1 authority; and, therefore, as soon as we're done with
2 it, submitted it to the commission, it can be made
3 publicly available.

4 MR. MYERS: That is one approach to doing
5 it. We'll talk about as we go through.

6 MS. ALLEN: We'll talk about it.

7 MR. CAMERON: Well, we'll -- yes, we'll
8 come back at the end, and we'll make sure we have time
9 to consider all these alternatives.

10 Okay. So are we ready to start with the
11 third option and run through some of these attributes,
12 using the term loosely? Okay.

13 First of all, I guess, to -- does
14 everybody understand the states are going to be the
15 primary regulators; NRC will have specific -- will
16 have responsibility for specific types of licenses.

17 Ruth, do you have a question?

18 MS. MCBURNEY: Yes. This means that the
19 states would be required to. I mean, this would mean
20 a change in the law. Right?

21 MS. ALLEN: Okay.

22 MS. MCBURNEY: I mean, it's --

23 MR. ENTWISTLE: This is requiring all
24 states to be agreement states.

25 MS. MCBURNEY: Right. Okay.

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1 MR. CAMERON: Is that correct?

2 MS. ALLEN: You could do it either way.

3 MR. CAMERON: Could you do it either way?

4 MS. ALLEN: You could do it either way.

5 You could model it after the X-ray stuff, where there
6 is no federal oversight. The states, if they choose
7 to --

8 MS. MCBURNEY: That would require us
9 changing the law, because right now NRC has --

10 MS. ALLEN: Because NRC has it. Right.

11 MS. MCBURNEY: -- jurisdiction.

12 MS. ALLEN: Right. Correct. Both would
13 have a change in the law, but --

14 MS. MCBURNEY: Okay.

15 MS. ALLEN: -- but one way is to just
16 remove --

17 MS. MCBURNEY: Remove it.

18 MS. ALLEN: -- the top, and let the states
19 do it.

20 MS. MCBURNEY: Yes.

21 MS. ALLEN: Another way to do it is to
22 somehow require that every state create a program to
23 do -- to cover all ionizing radiation.

24 MR. CAMERON: And this would be described
25 in the -- when you describe this option, you would

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1 talk about the fact that there's different ways to do
2 that.

3 MS. ALLEN: Right. Each one of these
4 options, really, as George mentioned earlier, has some
5 sort of continuum to it. There's, you know -- and we
6 sort of figure, instead of just -- we'll probably
7 describe the outer reaches of each one of these
8 things.

9 MR. MYERS: One of the problems that we
10 have as the working group is that we've been -- I
11 won't say criticized, but it's been mentioned that we
12 don't think out of the box far enough. But if you
13 really look at these options, each one of those five
14 that we -- or six that we have up there can spawn an
15 infinite number of sub-options and different ways of
16 doing things to the point where it almost becomes
17 incomprehensible as to which would be the best way to
18 do it.

19 So what we've tried to do is to focus on
20 a top-level choices, if you will. Here's a choice you
21 could make. You could have states do it all, and then
22 under that, if that's the kind of choice that you
23 make, you want to have a lot more state involvement to
24 a high degree, lesser role of NRC; then the choices
25 are, well, do they all become agreement states, or is

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1 it okay as it is now, where you've got some that are
2 and some that aren't. Is it okay then if, you know,
3 maybe some of the agreement states, maybe a couple of
4 non-agreement states would pick up activities.

5 So there's a variety of ways that you can
6 shake the box and make all the pieces come out. And
7 I think what we wanted to focus on is what were the
8 top-level choices. The details of how that would fall
9 out is probably going to come in a different phase of
10 this process beyond the decision making of selecting
11 an option.

12 MR. CAMERON: Okay. Well, perhaps when we
13 are going -- as I think we did yesterday, when we went
14 through some of these attributes, I think people said,
15 Well, that would be a real -- they would have a real
16 problem with this, or there would be a real problem
17 with this option if you didn't do it a particular way.
18 So I think that'll all surface.

19 And as Ruth is pointing out, in terms of
20 legal authority, that depending on how you do this
21 option, you would need it --

22 MS. MCBURNEY: Right.

23 MR. CAMERON: -- that you might make a
24 change in that.

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1 MR. FRAZEE: Jim mentioned the range, and
2 one part of that was, well, the states could decide or
3 not decide, or less -- sort of the hearing -- or what
4 I was hearing is like, Wait a minute; the big picture
5 is National Materials Program.

6 MS. MCBURNEY: Yes.

7 MR. FRAZEE: So, no. That's way outside
8 the box. And, you know, think inside the box, outside
9 the box. Huh-uh. I mean, there are some parameters
10 here, and we're going after a National Materials
11 Program. And the reason for it is because of the --
12 again, the industry perception that, Geez, everybody's
13 doing weird things on us, inconsistency, you know, and
14 so forth. No. That's not one of the options we
15 should even consider.

16 I mean, if we're going to have the states
17 do it, then the states collectively, all 50, have
18 to --

19 MS. MCBURNEY: To agree.

20 MR. FRAZEE: -- participate. Otherwise,
21 it fails the number one criteria: It's not a national
22 program.

23 MR. CAMERON: Okay. Comments on what
24 Terry just said.

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1 MR. GODWIN: That might be all the
2 explanation you really need in there about it, would
3 be that, you know, we considered and it failed to meet
4 the test at certain points, unless you've -- you know,
5 to achieve an all-states-do-it, then I would say one
6 of the options that could be added to it would be if
7 a region would form up to pick up the current non-
8 agreement states, offer the regional option to bring
9 that in, and then it would be a national program.
10 But --

11 MR. CAMERON: So this might be one way to
12 bring the regional approach into it.

13 MR. GODWIN: Right. But if it doesn't
14 meet the criteria, the basic criteria, that's a -- you
15 considered it; it doesn't meet the criteria, and it's
16 out.

17 MR. CAMERON: Okay. Before we -- Ruth do
18 you want to --

19 MS. MCBURNEY: Yes.

20 MR. CAMERON: Go ahead.

21 MS. MCBURNEY: I mean, we saw how the Low-
22 Level Waste Policy Act and everything was left up to
23 the states to form compacts and so forth to develop
24 waste sites -- how that's worked. (Laughs.)

25 MR. GODWIN: Oh, we got a site. (Laughs.)

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1 MS. MCBURNEY: We've seen how that's
2 worked. And --

3 MR. GODWIN: Well, we got a license.

4 MS. MCBURNEY: So it's just --

5 MR. CAMERON: Okay. I guess you don't
6 need to say anything more.

7 MS. MCBURNEY: When we get down to
8 practical -- (laughs.)

9 MS. ALLEN: No. But that's good. We're
10 also supposed to look at existing relationships --

11 MS. MCBURNEY: Right.

12 MS. ALLEN: -- and existing programs and
13 see whether or not we should model a national program
14 after what's out there. And that's what's out there
15 for X-ray, and so we have to take a look at it. It's
16 smacking us in the face, so it's good to hear your
17 feedback on it.

18 MR. CAMERON: Okay. Tony, do you have a
19 comment before --

20 MR. THOMPSON: I just have a question. If
21 all the agreement states -- or all the states are
22 going to become agreement states, are they all going
23 to take all of the program? I mean, right now
24 agreement states -- some agreement states take some
25 responsibilities and don't take others. So are you

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1 also going to have all the agreement states take the
2 same scope of the program? And that's an important
3 question.

4 MR. CAMERON: Maybe that adds another
5 facet to this comprehensive issue that we're talking
6 about. So let's bring that back in when we get there.

7 How about this access to decision makers
8 under this approach? And I'm thinking about something
9 Mike said yesterday about intuitively you might think
10 that if you're dealing on the local level that you
11 have more access to the decision makers, but perhaps
12 that's not true, at least from the perspective of the
13 NGO community.

14 Mike, do you want to comment on that --
15 this option?

16 MR. VEILUVA: Well, I think that you have
17 to look at the decision -- the actual decision which
18 is being done. I mean, certainly if the states are
19 going to assume standard-setting responsibility, it
20 will make it more difficult for nonmedical,
21 nontechnical NGOs to become involved in that process.

22 On the other hand, the local licensing
23 decisions -- I don't know how much that would actually
24 change.

MR. CAMERON: Okay. Felix?

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1 MR. KILLAR: Yes. I see it -- from a
2 licensing perspective, it'd be a mixed bag. If you're
3 a single licensee, a single state, access to decision
4 makers would be very easy for you, because you would
5 be working with the local community on it. But if
6 you're a national licensee that has got a number of
7 facilities across the country, now you have a whole
8 bunch of different decision makers you have to go to.
9 And so it becomes a real zoo.

10 MR. CAMERON: This ties into what Terry
11 was saying about is this really the national approach.

12 Okay. Kate?

13 MS. ROUGHAN: Well, I agree with Felix.
14 If you're just a single entity in one state, you do
15 have much more local participation. If you do
16 business in all the states though, to keep track of
17 what's happening in each state at various points of
18 time, you don't know if you can deliver a product, you
19 don't know if you can deliver a service, without
20 checking every single time what's happening on the
21 regulatory front for all the different states. And
22 that's near impossible at this point.

23 MR. CAMERON: All right.

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1 MR. ENTWISTLE: It's really the reverse
2 of, I think, under Number 1, where we said it was easy
3 for the -- when the NRC was doing it all, it's --

4 MR. CAMERON: It's a foot.

5 MR. ENTWISTLE: Uh-huh.

6 MR. CAMERON: And I think this is
7 leading -- go ahead, Charlie.

8 MR. SHOWALTER: Well, one thing that
9 hasn't really been addressed in this option, as I see
10 it, is how do the standards get set. You know, you
11 have individual states administering their program,
12 and that's fine, and that's often, you know, much how
13 it works now in the agreement states. But there's
14 this structure of, for example, Part 35, the one
15 you're on right now, how does something like that get
16 handled? Is a state CRCPD, for example, going to fill
17 in for that?

18 MR. CAMERON: Yes. Does that take us down
19 to -- under this approach, you need to really utilize
20 or use more of these other organizations perhaps.

21 MR. SHOWALTER: Yes. You're going to have
22 to have some --

23 MR. CAMERON: -- to try to lead in the
24 standard setting activity. And we'll revisit that
25 also. And we're leading into -- I mean, the budget

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1 resource implications is the next topic, and I think
2 that from what Kate and Felix and Fred were saying is
3 that at least resource implications for licensees
4 under this approach would be -- would increase.

5 MS. ROUGHAN: It would increase
6 significantly.

7 MR. CAMERON: Okay. Terry? And we'll go
8 to this after Terry.

9 MR. FRAZEE: I guess maybe under -- I'm
10 jumping into the comment down here about the -- who's
11 going to set the standard.

12 MR. CAMERON: Yes.

13 MR. FRAZEE: And I was like, wait a
14 minute. Wait a minute. That's a legal authority
15 issue. You know, CRCPD doesn't have any real legal
16 standing. In my state, I mean, I can base our rules
17 off of a federal rule, not CRCPD.

18 MR. CAMERON: No. And all of this would
19 be just assistance to the states. But as I understand
20 this option --

21 MS. MCBURNEY: Each state would do its own
22 rules.

23 MR. CAMERON: -- each state would need to
24 do it. Right?

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1 MR. FRAZEE: But my point is, unique --
2 perhaps it's unique to Washington, but I can base my
3 law off of -- or my regulation off of a federal
4 regulation. CRCPD, the SSR, they're not federal
5 regulations, so I could not easily use the SSRs as a
6 basis for my regulations.

7 MR. CAMERON: Yes. Let's go back, just
8 fold that -- remember to fold that into the discussion
9 that -- the discussion from yesterday that if there's
10 a, quote, mandate from federal agency, then it's much
11 easier for you to do rulemaking.

12 Now, some people, for example NGOs, might
13 not -- I don't know if that would be a desirable
14 process from their point of view. Mike, do you have
15 anything to offer on that?

16 MR. VEILUVA: Well, I'm trying to imagine
17 such a system, and it would seem almost that you're
18 moving closer to a state of nature, and you would --
19 I think there would be a greater temptation among
20 certain jurisdictions to pull in consensus-based
21 standards and other -- possibly nonfederal sources as
22 a substitute for the system you have now, which, of
23 course, makes it much more problematic for our NGOs to
24 become involved, because most of those are obviously
25 not APA procedures.

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1 MR. CAMERON: The Administrative
2 Procedures Act.

3 MR. VEILUVA: So -- yes. So there is some
4 peril with the idea of if you don't have the federally
5 mandated standards, where each state is doing its own
6 thing, I can see how that could be a problem.

7 MR. CAMERON: Okay. Well, let's go to
8 Tony and John and then over to Aubrey. Tony?

9 MR. THOMPSON: Well, it seems to me that
10 if you're going to change the law in order to either
11 some way require all the states to become agreement
12 states -- I mean, because you have to do that; you
13 have to change the law in some way -- presumably you
14 could also change the law to say that if a CRCPD
15 standard or some other group standard is finalized it
16 can have the same effect as a federal standard. In
17 other words, you -- if you're changing the system, you
18 could change it that way too.

19 In fact, I thought there were some states
20 where they have state laws that when the CRCPD comes
21 in with recommended standards, the state basically has
22 to enact them. So --

23 MR. CAMERON: Is that correct?

24 MR. THOMPSON: I had been told that. I
25 can't tell you where --

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1 MR. FRAZEE: I've heard that too.

2 MS. MCBURNEY: I've heard it, but I don't
3 know what state.

4 MS. ALLEN: I don't know what states.

5 MR. CAMERON: Everybody's heard it, but
6 nobody --

7 MR. THOMPSON: Yes. We've all heard it.
8 I don't know what the state is --

9 MS. MCBURNEY: One of those ugly rumors.

10 MR. THOMPSON: But it seems to me, if
11 you're going to change the law, you could change it to
12 deal with that issue.

13 MR. CAMERON: Paul, do you have any
14 information on whether any states would accept the --
15 or, Bob?

16 MR. LEOPOLD: That would be an illegal
17 delegation of authority to a nongovernmental entity in
18 our state, and I can't imagine any other state doing
19 that.

20 MR. MEYERS: Yes. I don't know of any
21 specific state that --

22 MR. CAMERON: You've never heard of it.

23 MR. THOMPSON: I've heard of it, but I
24 don't know what states.

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1 MS. ALLEN: I think there are states that
2 automatically adopt NRC stuff almost by reference.

3 MR. CAMERON: Well, right. Right.

4 MS. ALLEN: But --

5 MR. GODWIN: But that has to be done
6 carefully to not be unconstitutional for the very
7 reason Bob said.

8 MS. MCBURNEY: Right.

9 MR. CAMERON: Okay. But you -- what
10 you --

11 MS. ALLEN: But that's NRC, not CRCPD.

12 MR. GODWIN: Doesn't matter.

13 MR. CAMERON: But this -- the discussion
14 of this option is really highlighting this fact that
15 this role of standards development organizations,
16 CRCPD, there's going to have to be a -- there should
17 be a -- there's a need there.

18 Let's go to John and then Aubrey. John?

19 MR. HICKEY: I was going to say, this goes
20 back again to the issue that Cindy Pederson raised
21 about accountability. There will be standards out
22 there. There will be federal standards. There will
23 be third-party organizational standards. There will
24 be individual state standards. But if the State of
25 Washington doesn't have a standard or somebody has a

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1 complaint about the standard, the question is who's
2 accountable for that.

3 I think under this model, the
4 accountability would be the State of Washington is
5 accountable. You don't complain to NRC; don't
6 complain to CRCPD. It was Washington's decision
7 whether they were going to have a standard and what
8 that standard was going to be.

9 MR. CAMERON: That's -- I think that --
10 there's a lot of affirmation around the table on that
11 one.

12 Jim, did you have something?

13 MR. MARBACH: I was just going to say --
14 maybe it's a naive view, but it appears we're taking
15 what are now two -- a structure of two entities, NRC
16 and the agreement states, and we're going to create 51
17 instead, as far as the users are concerned, because
18 each state will have to be addressed individually. So
19 there's no -- and I would like to think that what
20 we're trying to trend toward is just the inverse of
21 that, something in which there is some uniformity --
22 if I can use the word -- and some -- I mean, the
23 federal government is going to have some authority at
24 the top. I mean, if we want to talk about getting rid
25 of that, we're probably kidding ourselves.

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1 But so this seems to be going in the other
2 direction. If you really say, Look, we're going to
3 give it all to the states and they will have all the
4 responsibility, well, then you're going to have to
5 deal with 50 entities. And some of the ladies and
6 gentlemen here would probably wretch over that -- you
7 know, that prospect.

8 (General laughter.)

9 MR. HICKEY: Keeping in mind that you're
10 from the medical community, I'm not sure the way
11 medical practice is regulated starts with the premise
12 that there has to be something federal at the top.

13 MR. MARBACH: Oh, no, no.

14 MR. HICKEY: I think there's a lot of
15 aspects that are regulated by the states, and we live
16 with that.

17 MR. MARBACH: I probably have some
18 colleagues that wretched when they heard me say that,
19 but that's just my personal view that --

20 MR. CAMERON: Okay. Let's go to Aubrey
21 and then Felix and then come back into our matrix
22 here.

23 MR. GODWIN: I think Mike was right on
24 target in that the problem would form a consensus
25 standard organization, which could be the CRCPD. They

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1 could do that now, if they wanted to. They could
2 start forming, quote, national consensus standards and
3 start doing very similar things to what the
4 traditional national standard groups are doing, and
5 presumably would have input from some of the NGOs,
6 although it'd be -- I suspect he's quite right: It
7 would be difficult to get the ones you'd need.

8 But it's important to recognize that right
9 now states, just like NRC, has the capability of
10 recognizing the national consensus standards in many
11 cases. Not every case, but in many cases they can.
12 So we could start picking up the X-ray or whatever we
13 wanted to right now.

14 The ultimate responsibility, though, for
15 the regulation and the effects of the regulation rests
16 with -- in this case, would rest with the state. So
17 the state made a decision to recognize the national
18 consensus standard, as John pointed out, and therefore
19 must bear the responsibility of what the effects are.
20 And if it -- they did not listen to their NGO group
21 and made a mistake, they may have to pay the price for
22 it.

23 On the other hand, if they didn't accept
24 it and come up with something different and it turns
25 out to be not a good decision, again, they have to

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1 make that -- bear that responsibility. But total
2 responsibility would rest with the state.

3 MR. CAMERON: Okay. Felix and then Kate.

4 MR. KILLAR: Yes. I don't want to give
5 this one any credence more than it deserves, and I
6 don't think it deserves any. But I think what you'd
7 have is basically all of Part 30 would go away. Each
8 state would be able to develop whatever regulations
9 they feel is appropriate for these. The only role the
10 NRC would have would be assure that whatever
11 regulations the state adopts provides an adequate
12 level of protection for the safety of the public.

13 MR. CAMERON: Now, this is --

14 MS. ALLEN: No. No.

15 MR. CAMERON: -- there's no -- and this
16 goes back to legal authority, need for a change,
17 because there would be --

18 MS. MCBURNEY: Yes. That's the reason
19 I --

20 MR. CAMERON: -- as I understand it, there
21 would be no NRC review --

22 MS. ALLEN: Right. Just --

23 MR. CAMERON: -- of what the states are
24 doing. In other words --

25 MS. ALLEN: -- just like --

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1 MR. CAMERON: -- there wouldn't -- okay.

2 MR. KILLAR: Well, then it's a simple
3 matter of going back to the Atomic Energy Act and say
4 the NRC is only responsible for production and
5 utilization facilities and take out all the by-product
6 material.

7 MS. ALLEN: Right.

8 MR. CAMERON: Exactly.

9 MR. SHOWALTER: Just like for X-ray
10 machines.

11 MS. ALLEN: I mean, they would probably
12 still have authority over reactors and probably keep
13 Part 20 and those types of things --

14 MR. KILLAR: As they apply to reactors.

15 MS. ALLEN: Right.

16 MR. KILLAR: That's it.

17 MS. ALLEN: Right.

18 MR. CAMERON: And maybe -- I don't know --
19 export, things like that.

20 MR. GODWIN: Well, they could give export
21 over to Commerce and not worry about that.

22 MR. KILLAR: So you are -- that's what you
23 are advocating then, is basically taking the NRC
24 completely out of it.

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1 MS. ALLEN: I'm not advocating it. It's
2 an option.

3 (General laughter.)

4 MS. ALLEN: Did you get that?

5 (General laughter.)

6 MR. CAMERON: Okay. Kathy Allen and the
7 working group are not advocating this option.

8 Kate?

9 MS. ROUGHAN: From a manufacturing
10 standpoint, that's a really scary option, because each
11 of the states could implement whatever standard they
12 want, let's say, for equipment, for industrial
13 radiography, for gauges, for sealed sources. And for
14 a lot of those, it's different versions of the ANSI
15 standard out there, so we wouldn't know what we would
16 have to design and build and test to for each of the
17 individual states. It'd be a moving target across the
18 U.S., and that's just -- we just could not give the
19 product that was needed, basically.

20 MR. CAMERON: Mike?

21 MR. VEILUVA: I just had a fantasy that in
22 California we could set our standards by proposition.

23 (General laughter.)

24 MR. CAMERON: Well, you're always ahead of
25 the rest of us anyway.

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1 MR. VEILUVA: Yes.

2 MR. THOMPSON: And you have as many X-ray
3 machines as you have as power.

4 MR. GODWIN: Is that part of the energy
5 supply?

6 MR. VEILUVA: Yes.

7 MR. THOMPSON: That's why they're in such
8 good shape.

9 MR. CAMERON: How about other budgetary
10 resource implications? I think we've heard from the
11 licensees on that. What about our old favorite, I
12 guess, the indirect cost NRC fee issue would --

13 MS. MCBURNEY: Go away.

14 MR. CAMERON: -- go away. Right?

15 MS. MCBURNEY: Yes.

16 MR. CAMERON: Okay. So if that was a
17 primary consideration --

18 MR. LIEBERMAN: Well, you still have to
19 have a budget for NRC. It's got to come from
20 somewhere.

21 MS. MCBURNEY: Reactors.

22 MR. GODWIN: It'd come from reactors.

23 MR. CAMERON: Yes. Okay. So the really
24 the indirect -- it isn't --

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1 VOICE: Wait a minute. Wait a minute.
2 There is no cost to the NRC, because the NRC is no
3 longer responsible for this. You just said the Atomic
4 Energy Act is --

5 VOICE: The NRC is responsible for
6 specific types of licensees, so federal facilities --

7 VOICE: No.

8 MR. CAMERON: These licensees would have
9 to pay fees, but there would be no -- at least there
10 would be no indirect cost related to an agreement
11 state program. There might be indirect costs related
12 to international programs or something.

13 MR. GODWIN: You don't have your
14 licensees.

15 VOICE: Yes. There's no licensees.

16 MR. CAMERON: Well, there will be some.

17 (All speaking at once.)

18 MS. MCBURNEY: What about federal
19 facilities.

20 MS. ALLEN: Reactors would be out of the
21 questions, so NRC would keep reactors.

22 MR. CAMERON: Yes. But I think that
23 there's -- and maybe this is worth discussing -- is
24 that it's not just reactors. And I think that the
25 working group is going to have to be more specific

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1 than just saying that, Well, the NRC will handle some
2 types of licensees. I mean, isn't there a larger
3 universe than just the reactor licensees?

4 MS. ALLEN: Oh, sure. You've talked about
5 federal facilities, you know, the master materials
6 licenses, and import/export. And that's part of the
7 whole continuum. And maybe you just look at AEA and
8 NARM and say if the states do that, you're going to
9 have to go in and amend the Atomic Energy Act anyway.
10 So, you know, you can slice that anyway you want.

11 MR. CAMERON: Let's go to Terry and Ruth
12 and then Kate.

13 MR. FRAZEE: The cost to agreement states
14 will also go up, because we will then have to
15 participate somehow, either directly within the state
16 in standards development, or take in money through the
17 conference or -- money has to go out of the state.
18 More money has to go out of the state.

19 MR. CAMERON: So this would be probably be
20 a -- would it be a significant increase, too, in cost?
21 Yes.

22 MS. MCBURNEY: Depending on how the legal
23 setup was done -- I mean, if it pulled -- if it was
24 based on the X-ray model, nobody regulates the use of
25 X-rays in federal facilities, and therefore -- I mean,

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1 if you pulled by-product -- especially, you know, the
2 lower level -- especially nuclear and the source
3 material out of the Atomic Energy Act, then either the
4 states would have to pick up the federal facilities --
5 and in that case, you know, all the rulemaking and so
6 forth for well logging and medical and so forth
7 wouldn't have to be done by NRC.

8 But if they were to maintain
9 responsibility for the federal facilities, the VA
10 hospitals, the -- and so forth, then they still would
11 have to do some of that at the federal level. And so
12 they would still have some budget implications.

13 MR. CAMERON: Okay. Kate and then Bob.

14 MS. ROUGHAN: I'm not sure if I'm clear on
15 this, but if -- it would depend what the NRC would
16 give up. The typing manufacturing QA programs is a
17 significant amount of money that both private industry
18 pays and the DOE, so it could be a significant budget
19 impact that was taken away from the NRC. I don't know
20 if that's possible or not under the AEA, but that's
21 one consideration.

22 MR. CAMERON: Okay. Bob?

23 MR. LEOPOLD: This option seems -- I
24 propose we move to the next one, invest some time in
25 something that someone thinks is a viable option.

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1 MS. MCBURNEY: Yes. Practicality.

2 MR. CAMERON: I think we've had a lot of
3 discussion on these -- a number of these attributes.
4 Maybe -- what about accountability, or have we heard
5 about that? Okay.

6 MS. MCBURNEY: Totally with the state.

7 MS. ROUGHAN: I think we heard about that
8 already.

9 MS. ALLEN: We heard that.

10 MR. CAMERON: Practicality? I think that
11 leads us right to what Bob said.

12 Anybody have any further issues on the
13 third option?

14 MR. MYERS: The co-chairs have no
15 objection to moving on, because, I mean, if it's -- if
16 it looks like it's not going to work, then --

17 MR. CAMERON: Okay. But you have gotten
18 enough material --

19 MR. MYERS: Plenty.

20 (General laughter.)

21 MS. ALLEN: We had plenty of ammunition
22 before we started this, so now, you know, it's sunk.

23 MR. CAMERON: Fourth option, delegated
24 program, and I think that I'm going to -- I would ask

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1 the co-chairs to describe how that is different from
2 the status quo for people, before we start.

3 MS. ALLEN: The big difference is money --
4 money and resources. Under delegated program, NRC or
5 EPA would be required to set the standards. They
6 write the regulations. There's one set of rules and
7 regulations. They provide guidance and licensing and
8 inspection, and they set the rules. Then there are
9 agreements with the states to do the licensing and the
10 inspection based on the national federal rules.

11 In a delegated program, like mammography,
12 MQSA, money goes to those states to do the job of the
13 federal government for them. So there could be money
14 that goes to the states for them to do the licensing
15 and inspection portion of it.

16 Under a delegated program then, if we were
17 to go out and do an inspection and find a serious
18 problem, then you have to figure out then who has
19 authority then to take them legally to the next step,
20 you know, revoke their license and those kinds of
21 things. And I think you can arrange it either way
22 you'd like. It depends of what kind of legal
23 parameters you set up.

24 But it takes -- in the simplest form,
25 states don't write regulations anymore; the NRC does

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1 it. And then the states just implement what NRC says
2 you have to do. Now, in order to do that, there may
3 be training required, because NRC will want to be sure
4 that everybody's inspected and licensed correctly. So
5 maybe we're back to NRC paying for training. And they
6 set all the standards; everybody has to fall in step
7 with what NRC says.

8 MS. MCBURNEY: Would NRC also charge all
9 the fees?

10 MR. GODWIN: It varies.

11 MS. ALLEN: That's part of it. If --

12 MS. MCBURNEY: Or set the fees.

13 MS. ALLEN: You could do it like MQSA
14 where you pay all the fees to NRC, and then the states
15 get money back per inspection or per license, you
16 know, done. Or you do it the way some other states
17 have done it where the state then charges the fees.
18 And then the federal government also charges a
19 surcharge for the oversight role.

20 MR. CAMERON: Do -- are there -- do
21 people -- do you understand this option? Are there
22 questions on this option? Any change in access to
23 decision making under this delegated option versus the
24 status quo? Fred?

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1 MR. ENTWISTLE: It'd be the same as Option
2 Number 1 that we looked at, which again, for the
3 national players, this is relatively easy to deal
4 with, but less accessible for the local or the smaller
5 licensees and the --

6 MR. FRAZEE: Not just less accessible;
7 probably not accessible to the locals.

8 MR. ENTWISTLE: Yes.

9 MR. FRAZEE: Because our -- my local
10 licensees wouldn't even have the ability to come to my
11 public hearing on the rules. Totally --

12 MR. CAMERON: In terms of rulemaking, all
13 of the action would be on the federal level, and the
14 action on the local level would be in the
15 interpretations of the application of the rules
16 through licensing? Is that the way it would work?

17 MR. FRAZEE: The concept is the federal
18 agency, whoever it happens to be, is going to provide
19 the regulation and the training and the guidance; and
20 everything, we're going to be mimics of NRC inspectors
21 or NRC's --

22 MS. ALLEN: It's just going to be a bunch
23 of different regions, you know, 32 regions or 50
24 regions.

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1 MR. CAMERON: Any comment on the access?
2 Aubrey do you have access, or are you --

3 MR. GODWIN: Yes. I've got an access
4 issue. It's -- whenever you have an issue of a
5 variance or something of that nature, depending on how
6 the law is written, that decision may no longer be a
7 local decision; it may have to go to Washington for
8 ultimate decision, which limits the ability to adjust
9 to local effects, which in some cases are quite
10 important. So it does severely limit any access along
11 those lines.

12 MR. CAMERON: But you're also saying that
13 there's going to be little flexibility in this type of
14 program also.

15 MR. GODWIN: Probably, yes. And it
16 stifles creativity, quite often, in programs.

17 MS. ALLEN: Sometimes that may be a good
18 thing.

19 MR. GODWIN: Well, that's true, but I
20 mean -- but it denies any hope of any creativity.

21 MR. CAMERON: How do you capture that
22 concept when you look at these options? The closest
23 we have come to it may be the idea that Mark Doruff
24 had in terms of efficiency, which was this identifying

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1 best practices. Okay? Where does this idea of
2 creative approaches come into any of the options?

3 I think Aubrey is saying that under this
4 approach there is not much room for creativity unless
5 it happens, of course, on the federal --

6 MS. ALLEN: Well, I sort of look at it as
7 flexibility -- flexibility to deal with different
8 licensees and specific requests based on regional
9 requirements, and flexibility for the regulators to
10 meet their statutory needs.

11 MR. CAMERON: Okay. It's not an issue to
12 lose sight of, I think. Tony, did you want to comment
13 on that?

14 MR. THOMPSON: I just -- like we talked
15 about yesterday, the -- that alternative option that
16 is available to the uranium recovery licensees as a
17 model is the kind of thing that will -- that provides
18 an outlet for creativity between the local regulator
19 and a specific licensee based on a right to do that,
20 rather than -- and the exemption kind of concept,
21 which is a sort of a negative connotation to it.
22 So --

23 MR. CAMERON: Do you want to -- should we
24 add this model from the Uranium Mill Tailings on as an

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1 alternative? It may be one that is grafted on to
2 other approaches, but should we put that up here?

3 MR. THOMPSON: I think it can fit under
4 flexibility or creativity and flexibility --

5 MR. CAMERON: But I mean in terms of --

6 MR. THOMPSON: -- as a model. Yes. It is
7 a living model, and it -- I think it really, just by
8 virtue of that fact that Congress has actually
9 provided for this, it obvious has more credibility
10 than just being brought up here this afternoon.

11 MR. CAMERON: So it's the uranium -- and
12 we have it in the parking lot, but I'm going to take
13 it -- I'm going to put it here as a possible option or
14 mechanism to use with an option perhaps.

15 MR. THOMPSON: Licensee proposed
16 alternatives, or actually could be even agreement
17 state proposed alternative, both.

18 MR. GODWIN: It could also -- it could be
19 NGO.

20 MR. THOMPSON: Actually, it is both under
21 the law as it exists now. It's both the state and the
22 licensee.

23 MS. ALLEN: But that's just a subset of a
24 program.

25 MR. GODWIN: Yes.

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1 MR. THOMPSON: Yes.

2 MS. ALLEN: I have a question for you.
3 What kind of regions -- what kind of flexibility does
4 the region currently have? I mean, are you allowed
5 to -- I sort of get the feeling that there's sort of
6 a range of things that you have had the flexibility to
7 do, where -- this goes to both regions, actually --
8 flexibility in certain things that you could do, as
9 far as licensing and inspection. But I would imagine
10 that there's some sort of ceiling above which you have
11 to go back to headquarters for stuff.

12 MR. CHAMBERLAIN: That's correct. We have
13 guidance that tells us how far we can go, how much
14 flexibility we have. If we get outside that range, we
15 have to go back and take it back to headquarters for
16 approval.

17 MR. CAMERON: You need them to -- are you
18 hearing them?

19 THE REPORTER: I couldn't hear him.

20 MR. CAMERON: Okay.

21 THE REPORTER: I'm sorry. I thought he --
22 I thought someone else was speaking. I was looking at
23 the wrong one.

24 MR. CAMERON: Okay. Well, delegated
25 program, I think we talked about access decision

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1 makers. Fred, did you want to add on to that, or do
2 you want to --

3 MR. ENTWISTLE: No. It's really the
4 flexibility issue. So that would be farther down the
5 line.

6 MR. CAMERON: Okay. Well, let's -- how
7 about budgetary resource implications with this
8 option? From a licensing point of view, are you going
9 to be --

10 MS. ROUGHAN: Seems like it'd be a wash.

11 MR. CAMERON: -- would it be costing you
12 more or -- think it'll be a wash. Fred?

13 MR. ENTWISTLE: To us, I think this is an
14 advantage, in that it gives us -- we're basically
15 tracking one program. So I would say that it's a more
16 efficient process for us.

17 MR. CAMERON: Okay. Ruth?

18 MS. MCBURNEY: It might help state
19 budgets. I mean, if we were getting paid by outside
20 resources or federal government to do certain things,
21 I mean, we wouldn't have to depend totally on a state
22 budget.

23 MR. CAMERON: Under the mammography
24 program, do states charge fees?

25 MS. ALLEN: Some states do.

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1 MR. CAMERON: So they can charge fees,
2 plus they get money from the federal government?

3 MS. ALLEN: No.

4 MR. CAMERON: No.

5 MS. MCBURNEY: It depends.

6 MS. ALLEN: If your agreement says --
7 well, okay. You have a contract with FDA, and you go
8 and do the inspections, and then you get money from
9 FDA. They charge the licensee or the facility. EPA
10 keeps some of the money for overhead and gives money
11 back to the state for each inspection.

12 If the state has signed the contract where
13 the state will charge the fee and sort of has kept
14 more of the responsibility then, we charge the fee to
15 the facility and EPA also goes back and charges them,
16 so they get a double bill.

17 MR. CAMERON: Now --

18 MS. MCBURNEY: Under the -- like the
19 Hazardous Waste Program or whatever.

20 MR. CAMERON: -- from the perspective of
21 NRC fees, we would -- NRC would not have any of these
22 types of licensees. Correct? I mean, there would be
23 no licensees -- I mean, what happens to the NRC
24 licensees under this --

25 MR. GODWIN: We'd all be NRC.

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1 MS. ALLEN: They would all be --

2 MS. MCBURNEY: Under delegated program.

3 MS. ALLEN: Right.

4 MR. CAMERON: Under a delegated program,
5 they would all be NRC licensees, and the states are
6 just --

7 MS. MCBURNEY: Carrying out --

8 MR. ENTWISTLE: Contracting --

9 MR. CAMERON: -- oh, contract. Okay. I
10 got you. George?

11 MR. PANGBURN: As I see this model, we
12 would basically be program overseers --

13 MS. MCBURNEY: Yes.

14 MR. PANGBURN: -- in Washington,
15 administering --

16 MR. CAMERON: Why don't you --

17 MR. PANGBURN: Sorry. As I see this
18 model, in Washington, NRC would be more in the role of
19 program oversight and administering grants to states
20 to implement programs. And we wouldn't have direct
21 section responsibility. It'd be like a super in-cut,
22 if you will.

23 MS. ALLEN: Charlie probably has a better
24 explanation for MQSA maybe.

25 MR. CAMERON: Yes, Charlie.

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1 MR. SHOWALTER: Well, yes. MQSA is
2 structured as a delegated program. It has probably
3 some serious budgetary implications for NRC. My guess
4 is that NRC's budget would have to go up in order to
5 fund all of the contracts, in order to develop an
6 inspection program, and to make sure that everyone's
7 trained so that the inspection program gets
8 implemented in a consistent way. Those are not cheap
9 things to do.

10 Now, you'd have the advantage of getting
11 fees now collected by the states, because they would
12 be NRC licensees inspected by the states under
13 contract. But there is a twist, as Kathy was talking
14 about, to the MQSA program.

15 This is the -- what I'm talking about is
16 the initial implication, but there is a section of the
17 statute that allows what's called certification to be
18 delegated to states. And under that program -- and
19 it's a pilot program in two states right now, in
20 Illinois and in Iowa, under FDA delegation --
21 suddenly, under that program, the states become sort
22 of like agreement states again, where they're the ones
23 issuing the certificate that allows a mammography
24 facility to practice. They collect the fee. But FDA
25 collects the overhead, because FDA still has some

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1 standard-setting responsibilities, training
2 responsibilities, and a lot of computer
3 responsibilities under the MQSA program.

4 MR. CAMERON: I wish I -- I wish our
5 colleagues from the FDA were able to join us for this
6 meeting, but they were actually off on a strategic
7 planning retreat. And it raises a specter in my mind
8 that they're off thinking about, Well, maybe we should
9 go to an agreement state program.

10 (General laughter.)

11 MR. CAMERON: So I wouldn't necessarily
12 want to emphasize this is a model perhaps without
13 knowing that.

14 MS. ALLEN: The -- going to agreement
15 state for MQSA was not a happy process that they
16 jumped into willingly. So they don't like it.

17 MR. SHOWALTER: I think that you can
18 pretty much count on the idea that they're not off
19 considering that.

20 (General laughter.)

21 MR. CAMERON: Okay. All right. Terry,
22 and then we'll go to Dave.

23 MR. FRAZEE: Okay. Two things. One,
24 State of Washington has delegation under the Clean Air
25 Act from EPA, so we are a delegated state. Our

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1 funding comes from -- it's cost reimbursement --
2 it's where the licensee is paying us directly. So I
3 don't know how EPA's getting their funding, but at
4 least for our air emissions program, it's coming
5 directly from the regulated entity.

6 Our regulations -- well, we're taking the
7 federal regulations and putting them into our own
8 State of Washington's regulations, but it's the same
9 thing. So that's a -- well, a different model than
10 the MQSA model, which we also use. Our X-ray program
11 is funded by -- through a contract to go out and do
12 MQSA inspections, and there is the -- the feds are,
13 you know, taking their cut off the top directly from
14 the X-ray facility. So that's one thing. So that's
15 a different wrinkle on the delegation.

16 The other thing I wanted to say was that
17 in terms of our licensees, everything else being
18 equal, it's going to cost them more. If NRC were
19 licensing them and we were delegated the inspection
20 and authority. If they've got to pay a fee to NRC or
21 the fee goes to NRC, it's going to be more than our
22 fee. So the cost will go up if that's the case.

23 Now, if the model's the same as the one
24 we're using in air emissions, then it's probably a
25 wash.

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1 MR. CAMERON: Okay. Dave?

2 MR. MINNAAR: Yes. I'm a little confused
3 yet and -- within this option. I think fundamental to
4 it is the question of what do we mean by delegated
5 program. I'm taking off a little bit from what Terry
6 said, for example, on the EPA delegation program.

7 Fundamental to this is the option of a
8 state to be involved. So is this a mandated delegated
9 program or is this still -- which I'm not sure is
10 legally possible. For any other program there will be
11 options for some states to be involved or not, in
12 which case there is still this residual responsibility
13 of, then, NRC.

14 MR. CAMERON: A good point. And just let
15 me go to Charlie to confirm this mandatory/optional --
16 at least from that model.

17 MR. SHOWALTER: Yes. That's -- from the
18 MQSA model, that is correct. States optionally can
19 contract with FDA to do the inspections in the cases
20 where -- they're limited, but they do exist -- where
21 states opt not to do that contract, then FDA's
22 obligated to go in and do the inspections.

23 MR. CAMERON: Okay. All right. Dave?

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1 MR. MINNAAR: Well, I guess what I wanted
2 to lead to was recognizing then that there are options
3 under this option.

4 (General laughter.)

5 MR. MINNAAR: But if we want to move
6 toward the ultimate goal of such an option, meaning
7 all states are involved, actively involved, then I
8 think we're talking, bottom line, money. It's got to
9 be federal funding that go to the states that make
10 this attractive. So, similar to the MQSA situation,
11 which many states joined because of the financial
12 incentive. It bolsters their own state program goals.

13 Such then would need to be the case, and
14 this would be new to NRC, to provide federal funds for
15 adopting a program.

16 MR. CAMERON: I'm going to be curious,
17 too, based on what everybody's saying -- go ahead.
18 You had more to say.

19 MR. MINNAAR: EPA does do this too,
20 federal grants to implement some of their programs
21 under delegated authority. The Clean Water Act is a
22 good example, and revolving funds and other things
23 that are involved at the federal level under EPA that
24 can be given to states.

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1 MS. ALLEN: There could also be a
2 matching-fund situation, where a state promises to
3 exert so much effort, and then the feds pay, you know,
4 a matching-type thing.

5 MS. MCBURNEY: So both would have to
6 collect fees.

7 MR. MYERS: Or the NRC would have to be
8 funded out of general funds --I mean, for that
9 program. So I mean there's --

10 MR. MINNAAR: There's a whole realm of
11 possibilities and combinations. State collection,
12 federal --

13 MR. MYERS: What I'm hearing is it sounds
14 like in order to get to that type of program, the NRC
15 would have to make a significant change to go to a
16 process that would encourage states to join, provide
17 it, and then give them money to executive the program.

18 MR. CAMERON: Okay. Let's hear from
19 Aubrey, and then see if there are comments on the rest
20 of these. And I'm curious to see how you come out on
21 this practicality.

22 MR. MYERS: I got one question, please.
23 That having said what it said, I mean, is that
24 perceived as being a good thing or a bad thing?

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1 Because it sounds kind of negative to me. I mean, is
2 it a positive thing to have NRC change and --

3 MR. GODWIN: Well, I don't agree with your
4 conclusion. I think they can raise it from fees that
5 they charged their own licensees, since they're all
6 their licensees.

7 MR. CAMERON: Okay. Aubrey, go ahead with
8 your point.

9 MR. GODWIN: There's some side political
10 issues that need to play in this budget process that
11 can help and hurt the state in terms of budget. One
12 of the issues is is there's some political philosophy
13 that believes it is better to have the transfer to the
14 state. That particular line of thought says the
15 state's responsible, the state is paying for it, the
16 state makes the decision.

17 MR. HICKEY: It's called the Constitution
18 of the United States.

19 MR. GODWIN: Well, you know, but I'm --
20 you know, this is -- you talk to the politic types,
21 and they hear the difference between the EPA model,
22 which is a classic delegated model, and the NRC model.
23 And there is a group that likes the NRC model because
24 they say, Okay, yes, NRC's not giving us money, but
25 they're charging fees and we can charge fees; and,

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1 therefore, we're getting our share of the federal
2 funds in terms of we're charging fees. But we also
3 make the decision, and we die by the decision that we
4 make.

5 MR. CAMERON: It's an important
6 distinction, I think.

7 MR. GODWIN: So it -- you know, it ties
8 back to the budget and legal authority or whatever you
9 want to look at. It is a very political consideration
10 in some people's mind.

11 There's a kind of thought that says, you
12 know, No, we want the support of a national program to
13 reach our -- in reaching our decisions. And so you
14 have to look at the fact that different states will
15 have different political philosophies on this issue.

16 MR. CAMERON: Isn't this -- it also goes
17 to the accountability?

18 MR. GODWIN: Right. It's a whole series
19 of things. I just brought it up under budget, but you
20 can bring it up in different areas.

21 MR. CAMERON: No. That's good. Thank
22 you. Thank you, Aubrey.

23 Ruth?

24 MS. MCBURNEY: If it were truly a -- I
25 guess, a contractual-type arrangement with the states,

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1 you're probably going to see some inequities similar
2 to what we've seen in MQSA. It's a fact of life that
3 some states pay higher salaries than other states and
4 so would try to get their contracts to be higher for
5 the same number of inspections as some other states.
6 I mean, it would be -- and like if it was just a grant
7 on NRC setting, We're only going to pay this much per
8 inspection, regardless of where it is, whether it's in
9 Wyoming or New York.

10 MR. CAMERON: Oh, I see.

11 MS. MCBURNEY: Then you've got other
12 problems there.

13 MR. CAMERON: Okay. Charlie?

14 MR. SHOWALTER: Just to react to what
15 Aubrey said, which is quite true, that different
16 people at different times react differently to these
17 different models, it's important to consider in terms
18 of practicality that the Congress set up both of
19 them --

20 MS. MCBURNEY: Yes.

21 (General laughter.)

22 MR. SHOWALTER: -- at different -- they
23 both were put out there practical as far as the
24 Congress is concerned. It depends on the timing.

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1 MR. CAMERON: I keep thinking about that
2 Mark Twain thing.

3 In terms of these other attributes, how
4 about efficiency? I think we've talked about some of
5 these, but does someone have some key points that they
6 wanted to raise on any of these other attributes?
7 Let's go to -- Bob, what did you want to offer on
8 this?

9 MR. LEOPOLD: Well, basically, we view the
10 MQSA model as being very functional. We've done it
11 for a number of years in Nebraska; it works. We have
12 inspectors; we get the work done. So I think it's a
13 very viable option. There are a few downsides, but
14 it's certainly one that needs to be considered and
15 evaluated very thoroughly, in my mind.

16 MR. CAMERON: In terms of practicality,
17 you're saying that this a viable --

18 MR. LEOPOLD: Right.

19 MR. CAMERON: -- could be a viable --

20 MR. LEOPOLD: It works, and it has worked
21 for -- I can't tell you exactly when it started,
22 but --

23 VOICE: October of '94.

24 MS. MCBURNEY: We remember.

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1 MR. CAMERON: In terms of the viability of
2 the option, I think the key for the working group is
3 to, as Terry and others have pointed out, though, is
4 that what problem are you trying to solve with this
5 particular option that goes to this National Materials
6 Program concept?

7 Felix?

8 MR. KILLAR: I have a question on the MQSA
9 program as far as the legalities. If the state is
10 contracting back to FDA to do the inspection, if the
11 state inspector finds a noncompliance or a real, you
12 know, out-of-calibration machine or what have you,
13 what authority does the state have to take that
14 machine out of operation? Or does it have to go back
15 to --

16 MR. SHOWALTER: It depends on the state
17 legislative authority. Under the FDA contract, they
18 have the obligation to report the information back to
19 FDA. Now, under independent state authority -- and
20 that varies, you know, state by state -- they may or
21 may not have independent authority to take action
22 based on their finding. They made the finding. You
23 know, they were there; they did the inspection; they
24 made the finding. If they have state authority to
25 take action, they can do that.

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1 MR. CAMERON: Let's go to Fred and Jim,
2 and I want to come back to this -- at least this
3 practicality issue, and see if the co-chairs want to
4 get a reading from the states about the viability of
5 this. But let's go to Fred and Jim.

6 MR. ENTWISTLE: The point I want to
7 address is flexibility as an issue of this setup. And
8 the example is really from the machine-produced
9 radiation site, but it may have some carryover. We
10 use a number of electron beam machines in what we do,
11 and so that's obviously -- you have to deal with
12 individual states to register those, and they have --
13 they set the rules.

14 And what we find is, when we go in to some
15 states, that's the first electron beam machine the
16 state has seen, and we start from the question, you
17 know, Is it bigger than a bread box and go from there.

18 To my mind, one of things that you gain --
19 on the national side you lose the flexibility, but you
20 gain a broader experience base. And so on the
21 national side, the national program, there are likely
22 to be more categories, greater depth of experience, in
23 terms of dealing with what one state may never have
24 seen before, but on national level that may have

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1 already been considered. And there may be a model in
2 place to deal with it.

3 So I think there's a tradeoff in the
4 flexibility versus the depth experience.

5 MR. CAMERON: Would there be less of the
6 dysfunctionalities that we were talking about, at
7 least the dysfunctionalities from a licensee point of
8 view if he were, if he were using this type of
9 approach rather than the agreement state model?

10 MR. ENTWISTLE: Again, you probably have
11 to -- you have here some multi-state licensees. And
12 I think, for us, for a multi-state licensee, yes,
13 there are fewer dysfunctionalities. I think for a
14 small, single location licensee, it's -- there may not
15 be any advantage to it, and maybe there's a
16 disadvantage.

17 MR. CAMERON: Okay. But some of the --

18 MR. ENTWISTLE: So for the larger
19 licensees, ones who are dealing across a wide number
20 of states, I think this clearly has some advantages.

21 MR. CAMERON: All right. Jim?

22 MR. MYERS: Insofar as the role of other
23 organizations, I would offer that this applies to any
24 model. I think that their role is to help in the

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1 development standards, and so I can't imagine that I
2 wouldn't want to see that on whatever model you pick.

3 MR. CAMERON: Well, let me ask a question
4 about that. In the last option, we were talking about
5 the fact that under that option that the role of other
6 organizations becomes really important. Under this
7 option, the role of other organizations, you could
8 take advantage of it as much as you wanted to take
9 advantage of it. I mean --

10 MR. MYERS: Well, I think that the role is
11 very important in any one of the models.

12 MR. CAMERON: Okay.

13 MR. MYERS: Because if you don't call on,
14 quote/unquote, experts to help you formulate, I think
15 you would -- I would like to see us at least head
16 toward some sort of uniformly consistent set of
17 regulations. And I think I would like to believe
18 everybody wants that. But the way to do that is to
19 get the experts together, and whether you do that
20 through the CRCPD or however you do it, as your
21 advisory, look at it as an advisory committee as we
22 use at the state level, in which you gather these
23 people together who make recommendations as to what
24 these should be.

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1 And you need to draw on a variety of
2 organizations -- the HPS, we would, of course, like to
3 offer some help -- and other organizations that could
4 provide expertise to help them formulate that.

5 So I see that issue as being the same
6 regardless of what model you use, or should be the
7 same, whether the NRC is doing it all or whether the
8 states are doing it all or whether there's an alliance
9 role.

10 MR. CAMERON: All right. Well, let's go
11 to Tony; and, Bob, you had something; then Ruth.

12 Tony? On this option.

13 MR. THOMPSON: Aubrey highlighted
14 something that I think a major distinction -- or
15 potential distinction, let's say -- between this and
16 the -- sort of the agreement state model and this
17 delegated authority model. Under the delegated
18 authority model, it seems to me the state is much more
19 subject to being bullied by the federal entity. And
20 clearly, if you look at the EPA programs, that is a
21 fact. It's not just supposition or possibilities.
22 And when you -- when that happens, that poses problems
23 to licensees as well.

24 So in one respect, I think you have to
25 take into consideration from the state perspective

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1 that it's more of a consensus kind of operation under
2 the agreement state program, or the agreement state
3 model, or at least it has been with NRC. It isn't to
4 say necessarily the NRC would flex that muscle, but
5 certainly EPA has.

6 And I think that's a drawback and would
7 increase costs and friction and decrease -- I mean,
8 it's like overfiling to enforce, you know, the big
9 lawsuits? The state enforces, and the EPA says, We
10 can enforce on top of that. And it just -- it does
11 bring with it some practical and legal problems and
12 political problems.

13 MR. CAMERON: So then you're raising a
14 couple issues. One is is that there may be, to use
15 the term "dysfunctionalities" --

16 MR. THOMPSON: Yes.

17 MR. CAMERON: -- again, associated with
18 this type of approach. But also, from a positive
19 angle, were you saying that you think under the
20 agreement state approach that it's a more
21 collaborative approach --

22 MR. THOMPSON: Right.

23 MR. CAMERON: -- between the states and
24 federal government?

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1 MR. THOMPSON: I mean, you know, there's
2 no -- I don't think there's -- NRC has -- the record
3 doesn't indicate the NRC has ever pulled an agreement
4 state program for -- unless it was requested to be
5 pulled. In other words, they haven't threatened --
6 they haven't hardly even threatened. Hell, they
7 didn't even have any standards for that till three or
8 four years ago, when the GAO jumped all over them for
9 saying, You don't really have standards for suspension
10 or recision and so forth.

11 And it seems to me, just by the nature of
12 the model, where you withdraw and the state actually
13 steps in, there is a different relationship that's
14 more likely to be based on a consensus.

15 MR. CAMERON: Okay. Let's go to Bob and
16 then Mike and then come back over to Ruth.

17 MR. VEILUVA: I have two thoughts. Going
18 back to James here next to me said the role of these
19 outside organizations varies, but is needed under any
20 of these. In the case where the federal government is
21 establishing a federal standard for everybody, the
22 role is access of the states or other organizations to
23 the federal decision makers, where if we broadly
24 disseminated decision-making and rulemaking, then it's
25 more a process of trying to get enough information and

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1 input and data gathering as well as attempting to have
2 your voices heard in what the rule might be.

3 Second comment, you know, looking at the
4 EPA, this is probably the worst model we could
5 adopt -- or the worst example we could adopt as to how
6 this could go. The FDA and mammography screening has
7 worked pretty well. I don't know of any states that
8 have actually gone in and sued them. We personally
9 had sued the FDA four times in the last five years, so
10 we have a very contentious relationship with them.

11 But I've heard that, you know, basically,
12 both of these are taking place under a very similar
13 model. So I think this points to the fact that no
14 matter how you set this up, well-intentioned people
15 can make a less than ideally structured program work
16 well, and poorly intentioned people can ruin the best
17 plan. And so there's no way around the fact that if
18 somebody wants to throw a wrench in the works, you can
19 muck up anything.

20 MS. ALLEN: Because it depends if your
21 dictator's benevolent or not.

22 MR. CAMERON: So take with a -- you know,
23 I mean, take with a grain of salt perhaps that the EPA
24 model doesn't have to turn out that way. And I don't
25 know if the FDA, in the implementation of this type of

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1 program, has looked at any lessons learned from how
2 not to do it from the EPA or whether it just comes
3 down to the particular people that are implementing
4 the program.

5 Charlie, do you have any words for us on
6 that?

7 MR. SHOWALTER: Basically, the FDA -- and
8 I was there in that program until about three years
9 ago when I -- I was one of the people who implemented
10 it -- and we didn't have time to look at EPA or
11 anybody else. The time frames for that program were
12 so tight that we just -- you know, Ruth served on our
13 advisory committee, and, you know, just scrambling to
14 get the advisory committee -- which is very much like
15 Jim was talking about -- representatives from the
16 professions, from states, from all over -- were
17 advising us on setting on the final standards.

18 We did in fact adopt, with some
19 modification, the standards that had been developed by
20 my organization now, the American College of
21 Radiology, who was, at the time, running a voluntary
22 accreditation program. Given the time frame, there
23 simply wasn't time to develop independent standards.
24 So we did rely heavily on that.

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1 You know, but no -- frankly, no. We did
2 not look at what EPA was doing or was not doing. We
3 did it ourselves.

4 MR. CAMERON: All right. Well, let's go
5 to Mike and then to Ruth and then maybe get a feel on
6 the practicality of this, what people around the table
7 think, other than what we've -- in addition to what
8 we've already heard, and then see where we are then.

9 Mike?

10 MR. VEILUVA: The impression I'm getting
11 from the discussion is that under a delegated
12 authority system those informal associations which
13 have developed among states and between states and the
14 NRC on a number of levels are going to become
15 institutionalized, that they may very well become
16 absorbed in a somewhat more rigid NRC structure in the
17 way that it relates to the states administering these
18 programs.

19 What I can't answer is whether that's a
20 good thing or a bad thing. But it seems that what has
21 kind of developed ad hoc will now become, I think,
22 systematized and bureaucracized.

23 MR. CAMERON: How do you relate that to
24 Tony's point about -- he was saying that he thought
25 there was more room for collaboration between the

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1 states and the federal government under the agreement
2 state model.

3 MR. VEILUVA: I think it's in the eye of
4 the beholder to some extent. But, you know, one can
5 easily look at the prospect of an institute -- more
6 institutionalized relationship and look at it as a
7 threat to flexibility on the local level and how local
8 decisions are made.

9 But in my view, ultimately it will depend
10 upon the decision -- the nature of the decisions that
11 are being made are going to have as great an impact as
12 anything else on how that works in practice.

13 MR. CAMERON: Okay. Tony, do you want to
14 comment?

15 MR. THOMPSON: I just think that -- my
16 point was that structurally the NRC, under the
17 agreement state model, has to go over more hurdles.
18 And just by nature, for example, of the commission, a
19 five-person commission as opposed to one
20 administrator, structurally, the NRC has to do more to
21 bully a state under the agreement state model, if that
22 was something that, for whatever reason, they
23 determined to do, or were to bring everybody in line,
24 structurally, it is more advantageous to the states

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1 under the agreement state thing than it is under the
2 delegation model. That's just my thought.

3 As a pure political or practical thing,
4 structurally, if the NRC was trying to really run the
5 show and really institution -- really make everything
6 rigid, it's harder to do it under the agreement state
7 model than it would be under the delegation model.
8 Not that they would do it under the delegation model;
9 FDA apparently hasn't.

10 MR. CAMERON: It's just harder.

11 MR. THOMPSON: But it's just harder.

12 MR. CAMERON: Okay. Ruth, do you want to
13 give us a final comment before we check in?

14 MS. MCBURNEY: Yes. Mainly, I was going
15 to speak to the flexibility issue, that -- I mean,
16 under this you would not have -- or it'd be a lot
17 harder for states to bring forth regional issues that
18 need to be addressed and propose a solution, such as
19 we did with industrial radiography certification, well
20 logging, and so forth.

21 Under -- for example, under the delegated
22 program for -- that EPA has for underground injection
23 control, they do not require financial security for
24 restoration of groundwater. And it is only through a
25 memorandum of understanding in our state -- I guess

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1 the regulatory agency that regulates underground
2 injection control through a delegated program though
3 that they, then, could not put it in their state
4 rules. And it's only through a memorandum of
5 understanding with our agency that regulates the
6 surface part of in situ uranium mining that we have
7 tacked on restoration costs to our financial security
8 for something that the other agency actually regulates
9 through a delegated program.

10 So there -- so the flexibility issue is --

11 MR. CAMERON: And flexibility to adapt to
12 local circumstances --

13 MS. ALLEN: We've had to go around -- uh-
14 huh.

15 MR. CAMERON: -- is much more difficult
16 under this type of program.

17 MS. ALLEN: Right.

18 MR. CAMERON: Let's get a feel for -- on
19 practicality here, and then rather than jumping into
20 the alliance, I think, maybe take a break, and then
21 get right into that.

22 But, Bob has talked about, from his
23 experience from the Nebraska experience, that they
24 think that this is a viable approach. Anybody else
25 want to talk about practicality/viability of this

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1 particular option, because unlike other options, it
2 wouldn't be something that should be summarily
3 dismissed perhaps.

4 Terry?

5 MR. FRAZEE: Practical, yes, because you
6 could do it, and it would probably work, but I guess
7 in terms of what's the cost for the problem that
8 you're trying to solve --

9 MR. CAMERON: So you could -- you have to
10 answer the question of why you would do this in
11 relationship to the problems that the working group
12 has been looking at. Okay?

13 MS. ALLEN: Well, can I just cover
14 something on resources a little bit?

15 MR. CAMERON: Sure.

16 MS. ALLEN: Currently, NRC spends this
17 many resources to do its job with the regions and
18 everything, and states all spend resources to
19 basically do the same thing. And so you've got 32
20 built up here, and so you've got NRC, and then
21 collectively the total cost nationally is pretty high.

22 MS. MCBURNEY: Yes.

23 MS. ALLEN: So by going to a program like
24 this, then the state costs go down. NRC goes up, but

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1 maybe the total is less because there are no -- 32
2 states don't have to promulgate regulations.

3 MR. MYERS: I can't imagine that.

4 MR. GODWIN: Huh-uh. It would go up.
5 It'd go up.

6 MR. MYERS: Any money that now has --

7 MR. GODWIN: They would be raking off
8 money at the top.

9 MR. MYERS: -- to go to Washington first
10 and then come back --

11 MS. MCBURNEY: Yes. And then you add
12 on --

13 MR. MYERS: -- is an impedance to that
14 flow, believe me.

15 MR. CAMERON: And you're talking just from
16 a large, societal point of view.

17 MR. MYERS: Yes.

18 MR. CAMERON: Okay.

19 MR. MYERS: Idealistically, you're -- I
20 think that's right.

21 MS. ALLEN: Right. And other resources
22 that states use now to research something to determine
23 whether or not to issue an exemption to the
24 regulations and things like that -- we don't do it, it
25 goes to NRC, and --

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1 VOICE: And you pay a fee for that.

2 (General laughter.)

3 MR. CAMERON: And she's not going to say
4 anything more.

5 Aubrey, comments on practicality?

6 MR. GODWIN: Just a comment for them that
7 the problem is where you send it to get that little
8 variance approved is Washington in the high-rent
9 district.

10 MS. MCBURNEY: Uh-huh.

11 MR. GODWIN: And the decisions will be
12 made there, and you have a lot of high overhead up
13 there, and that's why you can't save any money at it.
14 It needs to be down locally.

15 It is a viable system. It depends upon
16 your view of government as to whether you the
17 delegation or whether you go the transfer or agreement
18 state model. So that's really what it boils down to,
19 which philosophy of government you think you ought to
20 run with.

21 MR. CAMERON: So that's the most important
22 thing for you is philosophy. We've heard Tony on more
23 collaboration. Terry -- and I think Bob would
24 probably agree with Terry that even though this is a
25 viable way to do it, you would want to see how this --

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1 why you would do it in this particular situation, or
2 do you feel more strongly about it than that?

3 MR. LEOPOLD: I think it's a model that
4 you have to look at. I'm not sure it's the best
5 model. But we're at a point where we have to look at
6 things. This is one that needs careful consideration.
7 We know that we can make this work. Don't know what
8 the costs will be or how they will be paid. That's --

9 MR. CAMERON: Okay. Thank you.

10 Final comment from co-chair?

11 MR. MYERS: Yes. I just happened to have
12 a thought that maybe there's another option in this
13 mix is that you could have something like the -- well,
14 let's say the status quo, where we've got agreement
15 states, non-agreement states. But could it also work
16 as agreement states, non-agreement states, and then
17 we'll call them delegated program states, where there
18 might be another option for some folks who didn't want
19 to get an agreement but they wanted to be more than,
20 say, a nonplayer in the process; I mean, is that an
21 option for the NRC to consider as a way to reduce
22 costs and things like that and deal with the loss of
23 licensees.

24 Not to get into a big discussion about how
25 it would all work, but, I mean, is it a possibility

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1 that that theoretically could be a thing to put on the
2 table.

3 MR. CAMERON: I think theoretically,
4 people would agree with -- there are --

5 MR. MYERS: Well, and --

6 MR. CAMERON: -- they would agree that
7 theoretically it's an option, and it may be, you know,
8 what I hear all of you talking, is that there's a lot
9 of -- when you talk about these options and you talk
10 the good points of some of these, and then you think
11 about, Well, there's a lot of different ways that you
12 might optimize the present program.

13 MR. MYERS: Yes. And maybe that comes
14 under number 9, is that that might be where that would
15 fit, but it just was a thought.

16 MR. CAMERON: Yes. Exactly. Okay. Let's
17 take a break before we go to alliance, and let's start
18 at 10:30 sharp. Okay? And then we'll go through
19 that, and then we'll go to the rest of the options and
20 we'll spare some time for the outreach discussion.

21 (Whereupon, a short recess was taken.)

22 MR. CAMERON: Okay. Now we're going to go
23 to the alliance concept. And, I guess, fortuitously
24 the co-chairs of the working group are not here.

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1 VOICE: Jim left his name and number on
2 the board.

3 (General laughter.)

4 MR. CAMERON: Oh, well, that's great.
5 That's good.

6 MS. MCBURNEY: They had to go give the
7 group some more information.

8 MR. CAMERON: I think as you heard
9 yesterday in Kathy's spirited presentation on this
10 that the idea would be that there would be a -- as the
11 working group has been -- formed a true partnership
12 that would operate by consensus -- okay? -- consensus,
13 however, not being defined -- okay -- and there are
14 many ways to do that, and that there would be
15 decisions made on regulatory priorities through the
16 share process.

17 And the group has just voted that we're
18 moving off the alliance concept because it's
19 impractical.

20 (General laughter.)

21 MR. CAMERON: All right. I wish Kathy
22 would have been here for that.

23 MR. MYERS: That's fine with me, because
24 it'll just make writing the report all that much
25 easier.

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1 (General laughter.)

2 MR. CAMERON: It might make it harder.

3 But --

4 MR. MYERS: They decided to ditch the
5 alliance.

6 (General laughter.)

7 MR. CAMERON: Sorry, Kathy. I gave you a
8 chance to defend it, but you weren't here.

9 MS. ALLEN: Okay. Put your job up for
10 auction.

11 MR. CAMERON: But that it would serve as
12 a clearinghouse for information, center of expertise,
13 but it would operate by consensus. There would be an
14 administrative arm to it. And so let's go into a
15 discussion. There may be many, many questions on this
16 process, but I think the working group is really going
17 to be interested in your comments on this.

18 And why don't we just go into comments,
19 and we'll try to parse them out on this on this, but
20 let's go to John Hickey first, and then we'll go to
21 Donny.

22 John?

23 MR. HICKEY: Well, could I just ask for
24 clarification? Does this assume that we'll still have

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1 agreement states, and that number will perhaps
2 increase as it is now?

3 MS. ALLEN: Yes.

4 MR. MYERS: Yes.

5 MR. HICKEY: Okay. That's all I had.

6 MR. MYERS: That's what I was going to say
7 is maybe if there's any questions that need to be
8 asked about the size and shape of this thing, what it
9 looks like. I think our vision is that it's somewhat
10 analogous to what we do today with NRC taking a lesser
11 role or becoming more of an equal partner in the
12 process.

13 There are some realignments of how you do
14 business, like, you know, one thing we don't do today
15 is to have a regulatory priority that's set by the
16 group. The priority seems to be set by NRC or other
17 agencies. So that's kind of a new concept to it.

18 I look at this thing as being an endless
19 series of coalitions that are brought together by
20 individuals who are interested in an issue or they
21 have the resources or so forth, and you might have
22 folks that come together to work on a problem, like
23 Part 34 issues or radiography certification issues.
24 It does its work, and it kind of goes away. But, you
25 know, those players could go off and do something

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1 else, or there could be another group on the side in
2 parallel doing things.

3 So it's kind of interesting. And if you
4 get stuck on it, you know, maybe ask some more
5 questions about what it looks like.

6 MR. CAMERON: Okay. Clarifying questions,
7 Donny? Did you have a -- something you wanted to know
8 about this?

9 MR. DICHARRY: No. I'm ready to comment
10 on the access to decision marking.

11 MR. CAMERON: Okay. Let's -- is there
12 any -- I think that there's going to be a lot of
13 questions of clarification that are going to come up
14 here during this, and maybe we should just try to --

15 MS. ALLEN: Just go. Just --

16 MR. MYERS: Go for it.

17 MS. ALLEN: -- get started, and we'll --

18 MR. CAMERON: Okay. Donny, you want to
19 talk about access?

20 MR. DICHARRY: Yes. Assuming that there
21 would be a healthy level of industry involvement in
22 ground-level working groups in centers of expertise,
23 I think that this option provides really the best
24 opportunity for industry to influence decision making,
25 particularly regarding setting regulatory priorities

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1 and seeking ways to reduce the regulatory burden in
2 areas that are marginal to safety while still
3 maintaining safety goals.

4 And I use a phrase, "influence decision
5 making," intentionally, because obviously industry
6 does not have a statutory responsibility to protect
7 public health and safety. And at some level,
8 obviously, we can never have a truly equal vote in
9 setting of priorities. And yet industry does still
10 need a legitimate place at the table, a real
11 opportunity to influence decision making in order to
12 justify sharing of industries' resources to the
13 program.

14 And the greatest resource that industry
15 has to share is an untapped wealth of experts, many of
16 whom came from government. And this is rather
17 unquantifiable, yet it could, by itself, have
18 significant budgetary impact. And so for that reason,
19 I think that this would be an excellent option.

20 MR. CAMERON: Let's -- let me test --
21 let's test on Donny's assumption here about access of
22 stakeholders to the decision-making process, priority-
23 setting process. Donny used the phrase, "a place at
24 the table."

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1 The alliance can be whatever the
2 commission wants to make of the alliance. Is there a
3 criterion involved with the alliance concept that this
4 alliance of, at least, first off, agreement states and
5 the NRC -- would make outreach the licensee community,
6 to the NGO, to the public, as a hallmark of that
7 process? Because I think that's sort of an assumption
8 that Donny, and perhaps others, are making.

9 MS. ALLEN: That is one of the keys to
10 this whole thing. And Donny hit the nail on the head
11 when he said that the decision makers still have
12 statutory authority to set regulations, to establish
13 those, and we can't really mess with that.

14 But we think that there is -- we should
15 provide more opportunity to get information from
16 experts, centers of expertise, whether it be state
17 regulators, industry, professional societies,
18 whatever, and provide feedback to those entities to
19 say, We would -- We need to make a decision on this;
20 we need to set regulations on this. What do you have
21 out there now; what do we know, and who has
22 information that can educate us so that we make good,
23 well-informed decisions and set regulations that are
24 protective of public health and safety but workable.

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1 MR. CAMERON: Okay. Let's follow this
2 access issue and go to Mike. Do you have a comment on
3 the access?

4 MR. VEILUVA: When the statement is made,
5 "NGOs will have greater access," my natural question
6 is, Which NGOs, because I think there's a natural bias
7 in the system, which is understandable, that the
8 health businesses and the industrial community has, at
9 the present, much greater access to the system as it
10 now stands than, you know, the rest of us out there.

11 When we talk about expertise, I think you
12 have to draw a wider net and talk about expertise not
13 only of substance but of process. I think there's a
14 valuable role for nontechnical NGOs, particularly
15 those who are focused on specific areas, to serve as
16 early-warning signals, because so often, when there's
17 a decision to be made or there's a rule to be made and
18 these groups are not involved -- tribes or whatever --
19 because so much of this is perception as well as
20 substance, if the decision is perceived as a product
21 of a closed industrial/state/NRC process -- and it may
22 just be an informal one, but nonetheless, if the
23 perception is that it's a closed process, the decision
24 may be viewed as less than optimal even though it may
25 have scientific or technical validity.

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1 And that's just not limited to nuclear
2 decisions. You see it in the food industry; you see
3 it across the board. So I would advocate that the
4 working group really pay particular attention to the
5 issue of access to the alliance.

6 MR. CAMERON: And that's -- I want to
7 follow that with others here, but, Jim, do you want to
8 give us some illumination on that?

9 MR. MYERS: Yes, Mike. Let me also say
10 that one of the things that the working group has
11 considered in this concept is that, first of all,
12 you've got access at the state level, I mean, and at
13 the federal level with NRC and other federal entities
14 as we traditionally have today. But under the
15 alliance concept, if you remember the kind of M&M
16 theory, it's a core, and somewhere in that core -- I
17 called it the universal serial bus port -- it's that
18 kind of thing on your new computer; you can plug in,
19 you know, 50 different, 100 different peripheral
20 devices, and they'll all talk, plug and play.

21 So we would have something suggested in
22 there that the alliance -- and in that core has also
23 that kind of a communications capability that would
24 make it easier perhaps, or another avenue for folks to

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1 come into, over and above the traditional things that
2 are there.

3 And I think we would be looking for how it
4 would be used would be that it would be for anybody,
5 be it industry, be it licensees, be it a person with
6 a petition that just can't seem to get it going, or
7 whatever. It could be handled in that way.

8 MR. CAMERON: Is there -- it seems like
9 there is, and maybe it's not just apple pie and
10 motherhood, but it seems like from what Donny was
11 saying and Mike was saying and from others we might
12 hear of, that there should be this -- that it should
13 enhance the alliance. One aspect of the alliance
14 should be enhancing communication.

15 MR. MYERS: Correct.

16 MS. ALLEN: And -- but that goes with what
17 he said, is also improving public perceptions. I
18 mean, if -- we have meetings of the CRCPD and the OAS
19 every year. Sometimes other interested parties come;
20 sometimes not. If it was well known that program
21 decisions or priorities are going to be set and this
22 is the group that you come to and this is the time to
23 make your case, then I think we'll get more people to
24 come.

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1 I mean, I'm certainly not going to -- it
2 would be more of a, This is what we're going to be
3 doing; if anybody has an interest, this is the meeting
4 to come to -- kind of a thing -- and present your
5 case, I suppose, or get stuff in writing to the group
6 for consideration.

7 Right now, there's so many different
8 meetings, so many different groups, so many different
9 things, how do you -- from a resource thing, where do
10 you spend your money? Who do you go talk to? Do you
11 have to go to every single meeting? I mean, these are
12 questions I get from licensees all the time.

13 MR. CAMERON: Okay. Other comments on
14 access, while we're here? Tony, do you have an access
15 comment?

16 MR. THOMPSON: Well, I think I disagree
17 slightly with something that Donny said, in that as I
18 understand it, under the Atomic Energy Act, the
19 licensee has the primary responsibility for protection
20 of public health and safety and the safe management of
21 nuclear materials.

22 The NRC is an independent regulatory
23 agency whose authority, other than in an imminent
24 danger situation, is limited to granting a license
25 application, denying it, or license amendment

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1 application, or granting it with certain conditions.
2 And that's not something that is very well understood
3 in the NGO world and even in other federal agencies.
4 They look at the EPA and think, Well, you know, why
5 aren't you doing it this way? And it's that NRC is,
6 in effect, a reactive agency, because the primary
7 responsibility's on the licensee.

8 And the answer is that a lot of the
9 licensees don't, I think, understand that that means
10 that they should demand a place at the table in the
11 development of regulations. And I give you an
12 example. In the uranium recovery industry, they
13 prepared a white paper that addressed four major
14 issues that affected the regulation of uranium
15 recovery facilities. And it was a serious effort. I
16 mean, it's a 155-page document and lots of
17 attachments.

18 And over the last two or three years, it
19 has driven a dialog between the NRC and related
20 agreement states and other interested entities on
21 reevaluating the regulatory program as it is applied
22 to uranium recovery facilities. And that's because
23 they made a determination -- and industry frequently
24 doesn't do this, because if they're making money, they

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1 don't want to take the time to think about, Well, you
2 know, is there some way we can make this better.

3 But these guys were having problems making
4 money. Maybe that's what it takes; you look over the
5 edge, and you look over the abyss. And so you get
6 together and you go in, and you're proactive.

7 And I have to say that not only the staff
8 at NRC but the commission, recognizing a serious
9 effort, have been very responsive. And there has been
10 a dialog, and I know Felix and the NEI went through
11 that in the fuel cycle rulemaking here.

12 And so this can be done, and so I think
13 that the industry needs to understand they have a
14 primary responsibility, and I think they need to say,
15 We've got to be in this before you guys go too far
16 down the road with any new regulations, because we do
17 understand -- as I think Mike indicated -- we do
18 understand a lot of the technical things.

19 Now, the perception issue is a critical
20 issue, and I think NRC has recognized that. They
21 don't want a citizens' suit provision in the Atomic
22 Energy Act, so you have your enhanced participatory
23 rulemaking, and you have workshops and things that NRC
24 has begun to do in the last couple years to improve
25 that. And certainly all of that fits very comfortably

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1 under this alliance concept, and so does the
2 recognition that the licensees have a primary
3 responsibility and need to understand that.

4 MR. CAMERON: Okay. Donny, did you want
5 to say anything more about access? I'm calling on you
6 because Tony mentioned your name.

7 MR. DICHARRY: Well, yes. I just wanted
8 to follow up on something that Tony said, and it is
9 that what I meant is that industry does not have the
10 authority, the responsibility, to set the safety
11 standards. The -- and yet, because we are in a
12 capitalistic economy, thank goodness, that if industry
13 is provided an opportunity to use its profit motive to
14 help influence the setting of regulatory priorities,
15 I think that it will do so for the benefit of itself
16 and for the economy in general without sacrificing
17 safety goals.

18 MR. CAMERON: Okay. Thank you, Donny.

19 Let's have a couple more on -- if we have
20 any, on access, and then I think for this option, it
21 would be useful to move -- to really make sure we
22 systematically hit on all of these guys.

23 Any other access things or -- Terry?

24 MR. FRAZEE: Yes. I think you mentioned
25 yesterday that I'm involved in a group trying to put

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1 together some guidance for PET users. And in terms of
2 the access --

3 MR. CAMERON: Could you just --

4 MR. FRAZEE: Positron emission tomography
5 is the --

6 MR. CAMERON: Okay. That's what -- the
7 rest of us --

8 MR. FRAZEE: -- phrase and PET is the --

9 MR. CAMERON: -- are thinking of CAT
10 scans --

11 MS. MCBURNEY: Cats and dogs and --

12 MR. CAMERON: -- and all the bad jokes
13 that we make about it.

14 MR. FRAZEE: Access to decision makers, in
15 terms of this very narrow area, which is regulatory
16 guidance -- nope. This is volunteer operation. It's
17 primarily between fellow regulators, and we're just
18 sort of pulling it all together and trying to do it as
19 quickly as we can. There's no real oversight.
20 There's no administrative group that's saying, Hey,
21 you need to have this done by such and such a date.
22 So we're just sort of, at this point, really plodding
23 along.

24 It's something that we want, so we're
25 motivated to finalize it, but there's no

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1 accountability really. When we produce whatever it is
2 we're going to produce, we're going to try and get it
3 out for distribution somehow. A clearinghouse of some
4 sort is -- would be ideal, probably through CRCPD,
5 maybe.

6 I mean, right now we're doing this under
7 the mantel of the OAS, so in terms of this particular
8 project that I'm involved in, it's real loose, and
9 it's pointing up some problems. One, of course, is
10 accountability. The other has got to be time. And
11 this is volunteers. We're just doing it when we can.

12 And if there's going to be a clearinghouse
13 that we provide the information to and then all states
14 would have access to that, what do you do about
15 subsequent revisions, and who's going to approve
16 those, or whatever. And it would be good to have
17 somebody, you know, sort of nagging at us as we go
18 along, a -- the conference executive directors
19 function would be, you know, a good thing to have.
20 Not that they're making any decisions, but just sort
21 of motivating, Come on, you know, let's -- what's your
22 next step in the process.

23 MR. CAMERON: This alliance -- the
24 implementation of the alliance --

25 MR. FRAZEE: Yes.

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1 MR. CAMERON: -- concept could provide
2 that frame work, and it would be less of an ad hoc --
3 you would be one of the many coalitions that Jim was
4 talking about that come together to deal with like
5 problems.

6 MR. FRAZEE: And there's no -- right now,
7 there's no impetus for us to have anyone else
8 involved. I mean, the industry is not -- we're not
9 asking the industry, at this point, for anything.
10 We're just bootstrapping it.

11 MR. CAMERON: Then, of course -- well,
12 that may come at a later point. Or if there was some
13 sort of an institutional frame work, maybe it could be
14 built in.

15 But let's go to Ruth and Aubrey, and then
16 we'll go over to Felix and Jim.

17 MS. MCBURNEY: Under a more formal frame
18 work of the alliance, I think this would provide a
19 really good focus for some of the standards
20 development organizations to come to that group. And
21 I think, of course, communication is going to be key
22 to making that work and making that coalition work, of
23 bringing in expertise from like the Health Physics
24 Society on technical issues, and the medical physics
25 community.

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1 And I think that those standard-setting
2 organizations could even provide the research that's
3 currently being done by NRC and being able to maybe
4 cut back on some of that.

5 I guess one of the things that hasn't been
6 mentioned is what sort of funding this process would
7 have, whether NRC would still provide some of the
8 funding to have this, or would you try to get, you
9 know, volunteers from outside groups?

10 MR. CAMERON: Before you answer that --
11 Jim Marbach, you mentioned use of standards
12 organizations. And I know Jim as to leave to catch a
13 plane, so -- and he also has his card up, so maybe we
14 can get a reaction from him on this.

15 But also, you brought up this resource
16 issue. Since the resource issue, at least from the
17 NRC standpoint, was a big driver, it seems, of the
18 working group, I would like to make sure that we hit
19 this budget resource implications issue. Okay?

20 Jim?

21 MR. MARBACH: I think if one of our
22 objectives is to develop a set of perhaps uniformly
23 consistent standards, then I would advocate some
24 entity, and perhaps the CRCPD is the best, to be
25 formed as perhaps an advisory committee. All the

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1 states could be -- are invited to be members of that,
2 and the NRC as well.

3 And they -- their task would be to try to
4 formulate this uniform set. And they could do that
5 through subcommittees. And subcommittees would be
6 appointed in various specialty areas -- and I might
7 not pick the right ones, but perhaps reactors,
8 medical, mining, et cetera. And those groups would
9 then call on experts. Those experts could be
10 technical experts, physical scientists; they could be
11 members of the community; they could be licensees;
12 manufacturers, the general public; whoever they feel
13 should provide an input.

14 And they would work on their area of
15 standard that applies to that -- because the whole
16 thing becomes a huge job. And then it would be, in
17 this case, the advisory committee's task to put this
18 together in a compromised way so that, one, all of the
19 states and the NRC would find this palatable.

20 Now, it sounds like a huge task, and it
21 would be a huge task. It's the -- sort of the format
22 of the IEC that I talked about. And it is a huge
23 task, because then you've got different languages and
24 different countries. And perhaps it sounds
25 idealistic, but I have been very surprised in the

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1 eight years I've been involved with the IEC that this
2 does work. It becomes plodding at times, but I think
3 that the -- it becomes uniform and uniformly accepted.

4 And I would strongly urge that you look at
5 the possibility of such an entity to be the focus of
6 forming this standard, and -- which I think is a big
7 part of this job.

8 MR. CAMERON: You think that part of
9 the -- that the CRCPD perhaps could provide more of a
10 coordinating role, leadership role, in bringing in
11 some of the standards development type --

12 MR. MARBACH: Yes. Their -- they would be
13 recognized by the AEC as an advisory committee. They
14 don't have to have any legal authority other than
15 that, as I see it. They would be an advisory
16 committee to formulate this.

17 Now, what they do is put forth a set of
18 recommendations. It would be, of course, up to the
19 NRC to say, Well, this isn't good enough; go back and
20 work on it some more. But at least they would know
21 experts in all the areas would have had input to the
22 best of their ability to adopt -- or to at least
23 formulate these standards.

24 MR. CAMERON: Okay. So you're proposing
25 something else that would be a part of this concept,

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1 or maybe it could be a part of these other options,
2 which is another type of advisory committee --

3 MR. MARBACH: Yes. I think -- as I
4 indicated before, I think that that applies to any
5 option that the NRC may choose. In my opinion, that's
6 an important part of that. And then I would like to
7 hear other comments in that regard.

8 MR. CAMERON: Can we get a comment, a
9 response from Mike?

10 MR. VEILUVA: I have a question. Yes. Do
11 you consider that this might be a FACA institution
12 that you're describing?

13 MR. MARBACH: Be a what?

14 MR. VEILUVA: Federal Advisory --

15 MR. CAMERON: Federal Advisory Committee
16 Act.

17 MR. MARBACH: Oh, oh. I don't know, you
18 know, how this fits into the nuance of the federal
19 laws and regulations, and perhaps that would have to
20 be looked into. I know the IEC is an independent --

21 MR. CAMERON: What was that "R" word that
22 you mentioned before?

23 MR. MARBACH: It's -- IEC is an
24 independent organization, and they make
25 recommendations. It just turns out that the various

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1 nations who participate, with the big exception of the
2 United States, automatically accepts their
3 recommendations.

4 In this case, it would be closed. It
5 would be recommendations to be accepted by the NRC and
6 the several states.

7 MR. CAMERON: All right. Thank you.

8 MR. MARBACH: I'll stop.

9 MR. CAMERON: Thank you for that. And I
10 want you all to think about these budget resource
11 implications, and we'll go around and take your other
12 comments too. But think about the budgetary angle.

13 Felix and then Kate and Donny. Felix?

14 MR. KILLAR: Yes. I guess I have more
15 questions than answers, because I thought I understood
16 what this was from the excellent description that
17 Kathy provided the other day, but as the discussion's
18 gone on, I've got about four different models went
19 through my head of how this thing will work.

20 MR. CAMERON: That's clear it up, if we
21 can.

22 MR. KILLAR: And the -- so, you know, I
23 guess the thing is that -- whose authority is this
24 committee alliance going to work under? Because
25 eventually you have to have one final agency that

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1 says, Yes, this is the way it's going to be, that it
2 could be a shared responsibility and say, Yes, the
3 states will adopt this, and the NRC will adopt that,
4 but the states, unless it's a federal overall-
5 encompassing thing or on a 50 independent
6 organizations, they can adopt any part of it or none
7 of it or all of it.

8 So unless it's somewhere laid out as to
9 how that's actually being adopted, that needs to be,
10 I think, clarified.

11 MS. ALLEN: We still envision a strong NRC
12 like sort of oversight-type role. They still would
13 have the accountability, the responsibility to sort
14 of -- they still have that oversight role, but it's
15 not them necessarily -- dictating is a tough word,
16 but -- to the states.

17 MR. KILLAR: Okay. I can appreciate that.
18 You know, but what I'm saying is that somewhere along
19 the bottom line where the rubber hits the road, it has
20 to become a law for the land and not the law for the
21 state. You know, and so --

22 MR. MYERS: That's what it would have to
23 be.

24 MR. KILLAR: Yes. Now, the states could
25 adopt, you know, whatever they need to adopt for their

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1 individual states, but you have to have certain things
2 that have to be uniform across the country to be a,
3 quote/unquote, national materials program and stuff.
4 And so therefore, it has to go back to the NRC
5 somewhere, and they have to have the adoption of
6 stuff.

7 And it wasn't clear to me how that was
8 going to work in this arrangement and stuff.

9 MS. ALLEN: Right. And there's -- going
10 back to the continuum thing, there's -- we even went
11 so far as to say, If the commission is still there,
12 maybe it's a commission and representatives from --
13 like the Organization of Agreement States. You know,
14 does the commission then consult with the Organization
15 of Agreement States, or does the OAS then say, Yes, we
16 bless this somehow.

17 Or maybe there's a subcore of states and
18 NRC people that make recommendations, you know,
19 representatives from NRC and the states then that
20 would sort of be a management-type core, where all the
21 states have equal say and things are discussed and we
22 set priorities, but when final products are done,
23 there's some sort of rubberstamping by some entity or
24 group delegated by the states or representing the
25 states and the NRC.

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1 We even went as far as to suggest that one
2 of the commissioners be a state rep. I mean, but --
3 because the whole thing --

4 MR. KILLAR: See, I understand 100 percent
5 of what you're saying. The only trouble is the NRC
6 can't rubberstamp it. Even though you've had this
7 consensus, you -- this group developed, that they had
8 all the input and what have you --

9 MR. GODWIN: If you change the law, they
10 could like --

11 MS. MCBURNEY: It still goes through the
12 rulemaking process.

13 MR. KILLAR: -- the NRC still has to go
14 through its rulemaking process. It still has to have
15 the opportunity for anybody who hadn't been involved
16 in to --

17 MR. MYERS: I believe that the -- I think
18 there's something in this maybe, Felix, is that we
19 would say that the alliance would develop a rule or
20 guidance or whatever, based upon the regulatory agenda
21 and an established need to do it.

22 Now, at some point in time, each
23 individual regulator would have to adopt a rule, okay,
24 or that rule. And then you would go through your own
25 administrative process to do that.

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1 So in a sense, NRC develops its -- it
2 doesn't put its resources up front like it does now
3 and spend several millions of dollars addressing an
4 issue with a very few number of licensees, but it
5 relies on a collaborative effort of maybe industry,
6 states, other interested parties, NGOs, and others, to
7 come up with a process and a rule -- let's say, if it
8 is a rule that they're working on -- and then bring it
9 back to the alliance and say, Okay, this is the best
10 we got for right now.

11 And if NRC would take that rule, implement
12 it through its regular administrative process and
13 adopt the rule, it becomes a federal rule. Now --

14 MR. KILLAR: Right. That's fine. I
15 understand. I have no problem with that.

16 MR. CAMERON: Well, do you have other --

17 MR. MYERS: -- contingent on that --

18 MR. KILLAR: Well, I asked some of my
19 questions.

20 MR. MYERS: -- this -- yes. The way the
21 system works now is that NRC comes up with a rule. At
22 some point in time, the conference gets involved
23 usually with one of its S committees to help write a
24 suggested state regulation, which right now few states
25 really adopt because it's more convenient, and

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1 sometimes they can only do -- as Terry said, adopt the
2 federal rule directly.

3 Or they're out there crafting the thing
4 themselves. And you get to a federal rule, but you
5 just get to it by a different process, is, I guess,
6 what I'm trying to say in kind of a long-winded
7 speech.

8 MR. CAMERON: It's more of a -- I mean,
9 the priority setting on what rules need to be
10 developed and who should be coming in to try to be the
11 focus for developing those rules is what happens. And
12 then the ordinary administrative process for the
13 states or federal government would be gone through.
14 Okay.

15 Do you have other questions, and then
16 we'll --

17 MR. KILLAR: Well, I'm still trying to
18 clarify this. So as far as development of the rule,
19 it would be sort of the participative rulemaking
20 process the NRC currently has in effect, but it would
21 be a more open-type thing, because it would be done
22 early on with the proprietary -- or with the -- what
23 are the most important rules to be developed first
24 type thing, through the allowance -- making that
25 decision and stuff.

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1 MR. CAMERON: Right.

2 MR. KILLAR: Okay. All right. So that
3 gets through, to me, the access questions and things
4 on that line, because it establishes that.

5 That does move into the next question as
6 far as the budget and resource implications and stuff,
7 is that, who's going to pay for all this? Who's going
8 to pay for the alliance? You know, how is that going
9 to be structured, and then how are the resources going
10 to be allocated to meet this alliance program?

11 MR. CAMERON: And what does it -- and I
12 guess another question from the licensee point of view
13 is, does it raise licensee fees? Is that a --

14 MR. KILLAR: Well, thank you. Very good
15 question. I wouldn't have thought about that myself.

16 MR. CAMERON: I'm learning. It's taking
17 a while, but I'm learning. But go ahead, guys.

18 MS. ALLEN: Well, Felix, if you sort of --
19 it seems like you sort of understand what we're trying
20 to do. Obviously, people would pay their own way to
21 this meeting to discuss things, but there are overhead
22 things. There's, you know, the cost of the room, cost
23 of the clearinghouse, sharing the information, getting
24 information out to people. How would you propose to
25 pay for it?

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1 MR. KILLAR: I'm asking the question.

2 MS. ALLEN: We are at -- okay. As the
3 working group co-chair we are coming forward and
4 saying, We have come up with a range of options for
5 how to pay for -- of course, we have a range of
6 options to pay for this. But we would sort of like to
7 see if anybody has some cool ideas. I mean, should I
8 toss out some ideas and get feedback? Or I'd rather,
9 actually, hear if anybody's got something.

10 MR. KILLAR: Yes. I guess, from my
11 perspective, the way when you were presenting it the
12 other day, I thought 99 percent of what you proposed
13 is already available through the Organization of
14 Agreement States and the CRCPD. The only that that
15 hasn't been put into effect is how that relates more
16 closely with the NRC rulemaking. And so that was the
17 picture I was -- so when -- my perception of budgets
18 and resource allocations, it would be done the same
19 way it's currently done now, is that the Organization
20 of Agreement States and CRCPD would work closer
21 together to develop these rules, establish the
22 priorities, what have you. But the resources and the
23 budgets for doing that will come out of their existing
24 budgets and resources that they're currently using.

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1 But I just wanted to make sure that was --
2 I mean, if I was in the ball park or I'm out here in
3 left field.

4 MR. CAMERON: Okay. Let's get other
5 ideas. Let's go to Kate and Donny and Aubrey. I know
6 you've been waiting patiently. We'll go over to you.

7 MS. ROUGHAN: Well, my comments are mostly
8 about access, but --

9 MR. CAMERON: Go ahead.

10 MS. ROUGHAN: All right. I think the
11 alliance concept is really good, but unless we have
12 industry at the table, I don't think it's going to
13 make a significant change to the way we do business
14 now.

15 Right now, at the end of the day when the
16 rules are implemented, it's up to the licensee to do
17 the day-to-day implementation of the rule. If you're
18 not intimately involved with the process, the intent
19 behind the regulations, the interpretation, you may
20 implement something that's totally different than what
21 the intent of the rule was.

22 So the industry needs to be at the table.
23 They have the expertise to present information, and I
24 think it's a really good balance with the NRC, the

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1 agreement states, and the industry, as a core group of
2 people, to establish the standard.

3 I think it also allows to get rid of a lot
4 of the inconsistencies. If everyone's at the table at
5 the same time, people have differences, you can
6 probably work out a lot of them, or you can, again,
7 there's -- up front or at the outset, everyone
8 understands what the differences are, and you can do
9 your business accordingly. But to find out three
10 years later or two years later, because everyone
11 implements rules at a different time, makes it much
12 more difficult.

13 So if industry's at the table, you
14 understand the inconsistencies. You can probably work
15 around them, as long as you know about them up front.
16 So I think it's a very key thing to the success of the
17 alliance concept that industry is one of the core
18 members of that.

19 MR. MYERS: I have a quick question.
20 Kate, if we kind of went along with the way that Felix
21 was talking about, say, something that's kind of a
22 CRCPD committee kind of thing, where there's a lot
23 more involvement and it's at the front-end rather than
24 afterwards, is there anything that would -- you could
25 suggest that would improve that? Or does that seem to

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1 be like a viable way of doing business? I mean, we've
2 got kind of a history of doing it that way for a
3 number of things.

4 MS. ROUGHAN: It's a CRCPD role then, so
5 it's a grassroots to have the agreement states and the
6 industry get together and come up with priorities and
7 rules and then upgrade to the alliance? Or I guess I
8 thought the alliance was the core group of people
9 where the discussions would come up, and you could get
10 rid of some -- not get rid of, but lower the
11 duplication of effort by CRCPD or Organization of
12 Agreement States.

13 MR. MYERS: I'm thinking that the -- it's
14 probably more from alliance and then down to maybe the
15 conference. And I'm not saying the conference is the
16 answer to it, but if -- that's a conference-like
17 concept. But clearly one of the issues that the
18 states have been really adamant and clearly
19 articulated is the fact that the way it works now is
20 that it's driven by NRC, so you have to set a
21 regulatory agenda, and then from that agenda work to
22 solve the problems.

23 And then once you do that, you can
24 incorporate a variety of mix of ways of kind of
25 getting to regulations. Maybe you don't even need a

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1 regulation. It could be something else. But somehow
2 you'd use some type of a committee group, committee
3 perhaps through conference to solve those things. And
4 is there any other ways of doing it, I guess is what
5 I'm asking.

6 MR. CAMERON: Okay. You know, some of the
7 questions -- this further outreach on this to answer
8 some of these questions is probably going to be
9 important.

10 Kate, do you have anything to offer on
11 that?

12 MR. MYERS: And you don't have to answer
13 right now. I mean, you can always tell us later.

14 MS. ROUGHAN: Yes, I know. I'm thinking
15 right now. CRCPD is a good mechanism, it's just it
16 doesn't feel it's still an equal. That's the thing --

17 MS. ALLEN: Right.

18 MS. ROUGHAN: -- from the industry
19 standpoint.

20 MR. KILLAR: Let me also say from an
21 industry licensee standpoint and stuff, we've
22 interacted with the Organization of Agreement States
23 and the CRCPD, and we've kind of felt like we're the
24 outsiders. We haven't felt very comfortable
25 presenting our interests to those groups.

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1 MR. MYERS: You're not feeling like an
2 outsider now, though. Right?

3 MR. KILLAR: Definitely not.

4 MR. MYERS: Okay. Good.

5 MR. CAMERON: Donny, and then we're going
6 to go to Aubrey and Dwight, and then hear from Bill
7 and Mike.

8 Donny?

9 MR. DICHARRY: Well, I think that from
10 industry's perspective that the funding issues and the
11 access issues are inseparable. As long as industry
12 has a sound incentive to participate, then it will
13 also assume responsibility for a lot of the cost
14 associated with its participation, which obviously has
15 implications for the budgetary issues as a whole.

16 And so part and parcel with the access
17 question, we have to bear in mind that the alliance
18 concept does embrace the principals of consensus. And
19 one of the core principals of any consensus decision
20 making is that the process is open freely to all
21 interested parties. There can -- it's not a matter of
22 setting up committees whereby committee heads decide
23 which groups, MPOs, they want to invite.

24 The consensus process by itself offers
25 free access. And so I think that that goes for

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1 perhaps to addressing some of the public perception
2 concerns that might otherwise be associated.

3 MR. CAMERON: Okay. Thank you, Donny.

4 Aubrey, what's your take on all this?

5 MR. GODWIN: I see it as this whole
6 alliance process is offering opportunities to set an
7 agenda that's more realistic of a national program.
8 Right now, no one regulatory agency really has the
9 full picture. And by meeting together and either --
10 well, even if all the regulators met together, they
11 could at least get a chance to look at the full
12 national picture. I think that would be mistake not
13 to have other interested parties there.

14 I think the key weakness to the consensus
15 process is that NGO people are not easily accessed and
16 brought into the picture. But I think it's vital that
17 they get in there. I think it's one of the weaknesses
18 we had in the rulemaking on nuclear medicine was the
19 fact that we really didn't have that strong a NGO
20 representation in there. I think it's needed.

21 I see it from -- just from our state point
22 of view, there's certain things that we have to come
23 up with, and I suspect many states do, and I know NRC
24 does: the cost, the cost benefit, the cost of small
25 business operations, getting realistic figures to give

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1 a true cost so that we're not making swags really at
2 trying to figure out what the effect's going to be on
3 the public cost.

4 And I don't care who pays it, eventually,
5 whenever you buy the product you pay for it. That's
6 who ends up paying for it.

7 But I see it as very beneficial. I see it
8 opening an opportunity to have flexible operations as
9 you need it, because the individual jurisdiction has
10 a chance to end up and review what it means to that
11 jurisdiction and adjust it according to that
12 jurisdiction needs.

13 On funding, we can always go for a Ford
14 Foundation Grant. We won't get it, but we can go for
15 it.

16 There's also the possibility of getting --
17 probably the easiest thing is to get -- when NRC -- if
18 they change the NRC -- the AEA Act is to allow for a
19 surcharge on all agreement licenses as well as federal
20 licenses to be collected into a fund to support this.
21 And in turn, the fund would pay for the participation
22 of industry, NGO, state, whoever needs to be there,
23 and that gives a chance for everybody to be there on
24 an equal basis.

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1 How you write the law to get the surcharge
2 might be a little tricky. Got a couple thoughts, some
3 of which are probably unconstitutional, but that would
4 be about the only way I came up with that you could
5 look at, is a small surcharge on everybody's license.
6 And you might have to give credit for the fact that
7 they have multiple jurisdictions; after so many, you
8 wouldn't have to keep paying the additional surcharge.
9 But -- you know, but there are lots of things it could
10 do to possibly get that to be constitutional to go.

11 Thank you.

12 MR. CAMERON: Thanks for being creative,
13 coming up with some creative ideas, Aubrey.

14 And everybody keep in mind, if anybody
15 wants to comment on those ideas. Dwight?

16 MR. CHAMBERLAIN: This has a lot of
17 potential in mind of improving products, better
18 decision making, you know, getting the -- working on
19 the things that are the right things to work on.

20 I don't see it as being -- solving any
21 problems with the NRC budget aspect. I see that it
22 might be a little more efficient; it might cut it a
23 little bit, but it doesn't solve, you know, the fees,
24 the smaller number of NRC licensees. That issue is
25 still going to be there, because what it costs NRC to

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1 do this is probably going to be as much or more than
2 what it's costing us to do our current program, in my
3 mind.

4 MR. CAMERON: Going back, I just want to
5 note something that Terry said a little earlier is
6 that -- in terms of what problems are you trying to
7 solve here. Yesterday we had a discussion about,
8 Well, there might be other ways to solve the NRC fee
9 problem -- okay -- besides the -- one of these
10 options, or the alliance in particular. That doesn't
11 mean that the alliance is a bad idea, but it means
12 that this really -- you have to identify the problems
13 and what the solutions are.

14 And, Dwight, you're saying is that the
15 alliance is not going to get us anywhere in terms of
16 solving this --

17 MR. CHAMBERLAIN: The fee issue --

18 MR. CAMERON: -- the fee issue.

19 MR. CHAMBERLAIN: -- and the smaller
20 number of licenses. And I would see this as
21 optimizing the status quo basically. We would have
22 better products; we're going to have, you know, a
23 better, more efficient process, but it's not going to
24 answer the fee issue --

25 MR. CAMERON: Okay.

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1 MR. CHAMBERLAIN: -- in the end.

2 MR. CAMERON: And let's -- I think we're
3 going to get some comments on that. Bill and Mike
4 have been waiting over here.

5 Bill, what do you have to say?

6 MR. HOUSE: I'll just follow along behind
7 Dwight. I agree with him. You know, it's an
8 incremental improvement over the status quo. It's got
9 some benefits. But as long as the NRC is going to
10 hide behind this cloak of AEA, we can't touch that,
11 it's not going to solve your funding problem.

12 MR. CAMERON: When you -- can you just
13 explain a little bit for us what you mean by hiding
14 behind the cloak of the AEA?

15 MR. HOUSE: Well, it's come up a number of
16 times with the NARM and NORM issue. We -- NRC would
17 have to go and change the Atomic Energy Act in order
18 to take authority for those materials.

19 And this -- there is a fear within the
20 NRC, in my opinion, of opening up the AEA. And I
21 guess I would like to understand a little more about
22 what that fear's all about. But I see it existing.
23 It's been here since the '80s when the NORM issue was
24 really, you know, the hot issue.

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1 MR. CAMERON: Can you tie that, though,
2 to -- and that is one of our attributes there, but can
3 you tie what you're saying into this particular
4 option, the alliance option?

5 MR. HOUSE: Well, it's looking at the
6 legal authority aspect of it. If there's no legal
7 authority at the federal level for the alliance, it's
8 only an incremental improvement over the status quo.

9 MR. CAMERON: Okay.

10 MR. HOUSE: So you've got to go back to
11 the statutes to build in the alliance.

12 MR. CAMERON: Then I think that people may
13 disagree with whether you need to go back to the
14 statute to implement to the alliance. This -- the
15 issue of whether the alliance works better or worse or
16 whether it's neutral, because of the NORM issue, it's
17 a separate type of issue. Okay? And think about
18 that.

19 Mike?

20 MR. VEILUVA: I want to follow up on a
21 couple comments regarding access. And access should
22 not be confused with resources. It's one thing to
23 say, Well -- to these NGOs -- Well, if -- we're having
24 this meeting in Rockville; go ahead and fly out here,

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1 and you can spend three days communing with physicists
2 and whatnot and industry and whatnot.

3 But the resources aren't there. You're
4 just not going to drag these people into that forum.
5 The resources aren't there, so you have to build into
6 any model of this sort a consideration of the
7 inequality of resources that is faced among the
8 nontechnical NGOs.

9 And that may be technical assistance
10 grants. I don't know what form that would take. So
11 while people are talking about fees, I'll think of
12 ways to spend your money.

13 The other -- the danger of an informal
14 mechanism is right now there's already a perception
15 among a fair number of NGOs out there that the process
16 is a stacked deck. It may be a naive perception, but
17 it's a perception nonetheless, that there's a
18 revolving door between industry and people inside the
19 agency and that that's how things get done.

20 Now, at least with NRC rulemaking, Chip
21 and others like him are forced to call us up
22 periodically, and we abuse them or we abuse somebody
23 else, and it may be unpleasant, but he's forced to do
24 it.

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1 In an informal mechanism, I don't know how
2 that will work out. And given the perception which is
3 out there already, there is a danger that an informal
4 mechanism, which does not take into account the
5 inequalities of resources and access, will be
6 perceived as a closed club.

7 You may have access -- you know, you may
8 convince yourself that there is access out there, but
9 unless the communication is there and the knowledge is
10 there and the outreach is there, if standard setting
11 is going on, standard suggestions, standards advice is
12 going on from this group and it's moving up to the
13 NRC, and the perception is, Gee, this came out of the
14 alliance, so it's a good rule, and the NRC rulemaking
15 is seen as largely a -- more or less of a blessing
16 process and less of an interactive process -- you may
17 create a worse problem than you have now in terms of
18 public perception.

19 These are observations. I don't know how
20 you'll work through this, but this idea that, Well,
21 everyone gets a place at the table, is fine to say in
22 theory, but in practice, it is an enormously difficult
23 process.

24 And if the rules are being generated by
25 an -- the rule advice is being generated by an

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1 advisory committee with -- which is 40 percent
2 industry, 40 percent states, 20 percent NRC, and you
3 don't have anyone, because they don't have the
4 resources from anyone else that are there, you wind up
5 in the battle days of BRC and everything else. Not
6 necessarily because your proposals are bad, but
7 because it's just seen as the product of a closed
8 system.

9 MS. ALLEN: And it's not much different
10 than what we have now then.

11 MR. HOUSE: Well, it is -- I think it --
12 there is the danger it could be perceived as worse,
13 because at least, as I mentioned before, people like
14 Chip are forced to, you know, get on the phone
15 periodically and we abuse them, and it's there. It's
16 a -- they're forced to do it.

17 MR. CAMERON: But that's -- I think,
18 what -- Mike, you may be going back to what we started
19 the discussion with is that -- and I think people can
20 see how the informality, but also the influentiality,
21 of the alliance process could lead to a worse
22 perception about the system, that the alliance might
23 need to have certain rules -- rules may be the wrong
24 word -- but certain considerations that have to be

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1 taken into account for its informal operation that
2 might mitigate this perception.

3 MR. VEILUVA: Resources are worth ten
4 rules. You can have the rules for an open process,
5 but without the resources and the outreach, it's not
6 as effective.

7 MR. CAMERON: Okay. Let's --

8 MS. ALLEN: And I think --

9 MR. CAMERON: Go ahead, Kathy.

10 MS. ALLEN: How do you identify all the
11 NGOs that could possibly be out there that could
12 possible have an interest. He knows you, but do you
13 know all the others?

14 MR. VEILUVA: Hell, no. And that's a huge
15 problem.

16 MR. CAMERON: This is always the problem
17 with however you're going to try to get people in.

18 MR. MYERS: I've got one question for
19 Mike.

20 Mike, is this really a showstopper for
21 this concept, or is it just something that could be
22 appreciated and then worked out in the details of how
23 you develop an operating plan, let's say, for an
24 alliance?

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1 MR. VEILUVA: Oh, gosh, no. It's not a
2 showstopper. A lot of it, I think, is how it works
3 itself out in practice. And a lot of it is the
4 commitment on the part of the working group to
5 acknowledge that there are -- there is an outreach
6 issue, that there's a resource issue, and the extent
7 to which its proceedings are transparent -- I think
8 will go some of the distance.

9 But I think the perception issue has to be
10 placed as a marker on the table. Anytime you move
11 industry from its rather formalized position right
12 now -- and there's this barrier between it and
13 staff -- to all of a sudden the generator of the rule
14 advice is now a consensus association, if you were, of
15 industry/physicists/states. I think that's different.

16 MR. CAMERON: Let me check in with the
17 group. We have a number of comments still to go here.
18 We will end at 12:00 because people have travel plans.
19 Okay? We have one thing that we need to discuss that
20 won't take that much time, but we also have the master
21 of materials concept, the EPA daddy, and maybe some of
22 these things are just so instinctive we don't talk
23 much about them. But --

24 (General laughter.)

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1 MR. CAMERON: And we've all -- we've been
2 referring back to this. This -- I don't think the
3 group should lose sight of this optimized -- okay --
4 the current approach.

5 What do you want to do in terms of the
6 time remaining. Say that we at least reserve ten
7 minutes for the discussion of outreach on the working
8 group report. Do you want to continue talking about
9 the alliance until we get to that point? Do you want
10 to spend, say, ten more minutes on the alliance and
11 then spend ten minutes quickly running through the
12 rest of these and then do the --

13 MS. MCBURNEY: That sounds good.

14 MR. CAMERON: Bob?

15 MR. LEOPOLD: I think we need to give the
16 master license at least as much -- at least ten
17 minutes, because we have so many that spent a great
18 deal of time preparing this proposal.

19 MR. CAMERON: Right. And I'm not -- I
20 don't think we should look at the time we give it as
21 some sort of a judgment on how important it might be.
22 We do have a report that Felix prepared on it. Why
23 don't we go to -- why don't we spend until 20-to on
24 the alliance, and then take from 20-to to 10-to to

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1 talk about the masters approach. I know we're cutting
2 it thin, but that's sort of where we are right now.

3 Anybody have any other suggestions or --
4 okay. Well, let's continue to go through Tony, then
5 we'll go to Terry and Ruth.

6 MR. THOMPSON: You know, I don't see the
7 access issue is any different than where you are right
8 now, Chip. I mean, the decision to make you the
9 goalie on the darts team isn't mandated by law; it's
10 an NRC policy. And if NRC is going to participate in
11 the alliance, they can certainly insist that -- and
12 I'm sure that the agreement state partners and the
13 industry would say, Yes, that's fine; let's make sure
14 we have a sure access to NGOs. And you're doing a job
15 trying to do that now, and it's not an easy job, and
16 you just have to work at it.

17 So I really don't see that as a big
18 obstacle. That's just a part of sort of -- I guess
19 Mike has made everybody aware that that has to be
20 something that's on the table right up front, and I
21 would agree with that.

22 MR. CAMERON: And I think Mike would
23 feel -- might feel more comfortable if it was -- if
24 that was formalized somehow --

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1 MR. THOMPSON: Yes. Well, I think if
2 you --

3 MR. CAMERON: -- in terms of a commitment
4 somehow.

5 MR. THOMPSON: -- if you're doing a report
6 and you're going to develop the frame work for an
7 alliance, that's one of the things that would be part
8 of the frame work, as I would see it -- I would
9 present.

10 MR. CAMERON: Has to be considered.

11 MR. THOMPSON: That, and I just wonder --
12 and, Billy, I'm getting ahead of myself, because --
13 I'll shut up, and you're going to get into some other
14 things. But I -- in terms of the outreach on the
15 working group efforts, I would hope that we could
16 develop a list of the participants with phone numbers
17 and addresses and all that, because as this goes on,
18 it may well be useful for people to be able to call
19 some of their colleagues that have been part of this
20 meeting.

21 And by the way, it's snowing like hell in
22 D.C.

23 (General laughter.)

24 MR. CAMERON: So that means we have plenty
25 of time, because no one has to go home.

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1 Okay. And I'll make sure that I get that
2 to everybody. If no one has an objection,
3 sometimes -- I will get the addresses, phone numbers,
4 emails. If anybody does not want to be on that list,
5 let me know.

6 MR. MYERS: You do a lot of work for us,
7 but I've got a way of handling that, and I'll talk
8 about it in a minute.

9 MR. CAMERON: Okay. Good.

10 Terry.

11 MR. FRAZEE: Okay. I see the key essence
12 of this particular option being increasing the
13 participation of everyone besides NRC. NRC has to
14 sort of share the lead a little bit. And they may
15 still be the lead, but they've got to share more than
16 they are now. And that's something that the agreement
17 states have been chipping at them about for years,
18 increasing participation by the -- everybody,
19 particularly states.

20 The downside of that would be when it
21 comes to the individual states and how they're going
22 to be able to participate. Big states, no problem;
23 they probably have plenty of resources and won't even
24 think about it.

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1 Well, little states and a few of us
2 moderate states as well, the resources aren't as --
3 aren't easily there. So either we have to raise our
4 licensee fees to pay for it, or maybe we don't
5 participate because of resources.

6 And so it may end up being a few states
7 are the ones that are going to be the routine
8 participatory folks, and the rest of us are, eh, sit
9 back and --

10 MR. CAMERON: Is there anything wrong with
11 that?

12 VOICE: No.

13 (General laughter.)

14 VOICE: He said no.

15 MR. CAMERON: Okay. We heard that point.

16 (General laughter.)

17 MR. CAMERON: Ruth.

18 MS. MCBURNEY: Well, I think that
19 participation, involvement, and so forth, doesn't
20 necessarily all have to be being able to come to a
21 meeting, being able to travel, being able to
22 communicate ideas, and so forth. As we develop the
23 key communication skills, I mean, there's the website,
24 there's conference calls, and so forth, that can be
25 used to obtain that.

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1 Terry mentioned participation by some of
2 the smaller states. You know, if the alliance were to
3 be developed and Washington was identified as -- that
4 they had staff that were -- had the expertise in a
5 certain area, it would probably behoove them to work
6 out a way to get that person's involvement.

7 MR. CAMERON: Kathy?

8 MS. ALLEN: Just another question. What
9 if Washington has the expertise in a particular area
10 but they don't have a need to work on a particular
11 issue. It's not high on their radar chart. They
12 happen to have the expertise. Should they be forced
13 to work on this thing? Because on a national level,
14 there is a priority that this must be addressed.

15 For example, PET -- they have some
16 expertise in the area. They don't have a need
17 anymore, because their experts covered that gap for
18 them. But should they be required now to drag their
19 person out of what they're doing and, for the national
20 good, work on something?

21 MR. CAMERON: When you get -- I assume
22 that when the alliance got together for its priority
23 setting session that you would have to deal with --
24 you would have to address issues like that, wouldn't
25 you?

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1 MS. ALLEN: Right. I mean, your first
2 reaction is what Donny said before: If it's important
3 to you then you will find the resources to interact.
4 And that's pretty much where the states have been now.
5 If it's important to us, we'll make sure that we get
6 on the proper committee, the proper working group, to
7 get our voice heard.

8 But there are some things that we know we
9 might have the expertise in, but we kind of say, It's
10 really low on my radar screen; I've got more pressing
11 priorities; I'm not going to play. Even though I
12 think I could contribute something, I'm not going to
13 do it. And --

14 MS. MCBURNEY: That's going to require
15 buy-in from the states on this whole concept then and
16 the willingness to participate on the --

17 MS. ALLEN: And again, it goes back to
18 the --

19 MS. MCBURNEY: -- level that they can.

20 MS. ALLEN: It goes back to the formality.
21 I mean, if this is a voluntary thing where everybody
22 comes, similar to the Organization of Agreement States
23 meeting, there's no funding; everybody comes; we all
24 share information -- that's really nice.

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1 With CRCPD, people pay money to belong to
2 this organization, and representatives from all the
3 key things are then paid to come to this meeting. I
4 mean, they get -- that's part of their dues for this.
5 So there's a range.

6 MR. CAMERON: Okay. Let's go to Bill and
7 then over to Felix and then maybe go to the master
8 of -- master materials license concept.

9 Bill?

10 MR. FIELDS: I'm kind of supporting Mike
11 in his comments. I'm not familiar with the working
12 group composition, but how many university people are
13 on it? We represent a lot of licensees throughout the
14 country, and I work for a state university, and I
15 don't have resources to come to meetings. This is
16 costing me to come to this meeting, because our budget
17 has been set back in July of last year, and the money
18 was gone by the first of the year.

19 And so this is one of the problems with
20 many universities is that we would like to be involved
21 in these things, but we just don't have the resources
22 to come to meetings. And if there would be a way to
23 work that out for us, it would certainly be helpful.

24 Is there a university representative on
25 the working group?

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1 MS. ALLEN: No. The working group is made
2 up of regulators, states and --

3 MR. FIELDS: Just regulators.

4 MS. ALLEN: Yes.

5 MR. FIELDS: Okay.

6 MS. ALLEN: At this point.

7 MR. CAMERON: But your point is still, I
8 think, well taken --

9 MS. ALLEN: Oh, yes.

10 MR. CAMERON: -- in a more generic sense.

11 Felix, do you want to give some last
12 comments on this, and then we're going to discuss
13 your --

14 MR. KILLAR: I just wanted to give two
15 quick case studies that the group may look at as you
16 consider alliance and stuff. In the last ten years,
17 I've been involved in two major rulemakings, that
18 being the revisions of Part 35 and the revisions to
19 Part 70. Chip has been intimately involved in both of
20 these to one extent or the other.

21 In one case, we felt it was a great
22 success, Part 70. The Part 35 we felt was a great
23 failure. In fact, it's still not a rule, and we're
24 glad it's not rule, because we don't like it. We
25 don't think it came out the way it should've come out.

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1 But particularly the Part 35 is that you
2 had -- everybody had access, literally, to stuff.
3 They had participative rulemaking process where they
4 had workshops. They had a website where everything
5 was posted on the websites. They had the medical
6 community go out and do a report on the risk of what
7 happened and stuff. And in the long run, the staff
8 kind of, from our perspective, ignored all that.

9 And so that's where I see you've got to be
10 very careful when you set this alliance up, because
11 it's relationship and the responsibilities of the NRC
12 to carry out what comes out of the alliance.

13 MR. CAMERON: And that -- you know, that
14 gets into this whole issue we always talk about.
15 You've going to have a real open process, and then you
16 have to document, but you need to document why you did
17 not follow one approach and followed another, so that
18 people will know that, well, at least they were
19 listened to.

20 But ultimately, if the regulator does not
21 agree with the particular viewpoints -- I mean, you're
22 always going to be faced with that. And it sounds
23 like that is what happened, in your view, on Part 35.

24 Now, I don't know if the alliance
25 process -- we talked about -- I think Tony and others,

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1 when we were talking about other options, we were
2 talking about not regulating in areas of -- that are
3 deemed of little risk. Okay. I mean, I don't know if
4 the alliance process -- how it might solve this.

5 Kathy?

6 MS. ALLEN: This is generic for every
7 single option that we have up there. Any change is
8 going to require a change in mindset, at the state
9 level at the federal level. If you're looking for a
10 more open process, if you're looking for more
11 participation, the whole -- everything you do could be
12 stopped if someone somewhere determines that, No, I am
13 the dictator, and what I say at this time goes.

14 There has to be a change in the way states
15 look at their roles, the way NRC looks at their role.
16 And no matter what we decide to do, no matter what the
17 commission says, at the end of the day -- the
18 commission asked us to look at this stuff -- the
19 commission can say, Thanks, but no thanks.

20 The commission can determine, This looks
21 great; we're going to become a more participatory
22 group; we're going -- more cooperative. But there
23 could still be a change in the commission that would
24 totally go back to, No, we want to go back to -- you

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1 know, We don't like this; we want to become the end-
2 all/be-all for regulations here.

3 So we recognize that there's a lot of
4 learning that needs to go on among regulators at all
5 levels. So as much as we have hope for some of these
6 things to actually happen, we still are standing on
7 firm ground, and we recognize that some of this stuff
8 may not fly. I mean, that's the sad part of it,
9 but --

10 MR. CAMERON: Okay.

11 MS. ALLEN: -- it goes with Felix's
12 comments, but it's for everything.

13 MR. CAMERON: Good. Good statement to, I
14 think, take us into the next discussion of the master
15 materials license concept. Felix explained this
16 yesterday. He had a handout on it.

17 How about comments on this? Bob, do you
18 want to -- do you have anything that you want to start
19 us off on on this particular concept, focuses on
20 multi-state licensees. I mean, that's the focus of
21 this. Any comment?

22 MR. LEOPOLD: Well, the comment I had to
23 Felix is that the states would have to have some sort
24 of ability to go in and rapidly deal with somebody
25 that they felt was extremely out of line. And in our

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1 state, if the NRC held the license, we would have to
2 count on you to do it.

3 Now, we've discussed some sort of site
4 registration, and if that could be made to work, that
5 would get around my first concern about it. That was
6 my thinking.

7 MR. CAMERON: Okay. And it's all -- it
8 addresses only -- it addresses one slice of the
9 problem, and it might clear up a lot of the
10 dysfunctionalities, perhaps.

11 MR. LEOPOLD: Right.

12 MR. CAMERON: Okay.

13 MR. LEOPOLD: And it goes actually back
14 to -- I guess it's number 9 or what have you. We are
15 trying to optimize the system as well, in that we're
16 looking for efficiency for the NRC as well as the
17 licensees having only one regulator as far as doing
18 the actual licensing process.

19 So that would provide a more efficient
20 process, that you're not having the same license, you
21 know, done 32 different states and things a long that
22 line and stuff. So we looked for efficiencies along
23 those lines.

24 MR. CAMERON: Okay. Before we go to this
25 outreach -- and I've just listed some potential

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1 alternatives here -- it would be useful to get
2 people's views on this ninth alternative. As Felix
3 pointed out, other people pointed out, a lot of these
4 different things could be used to optimize the present
5 program, even the alliance, obviously. So --

6 MS. ALLEN: Even just the comments we
7 heard are useful.

8 MR. CAMERON: Jim.

9 MR. MYERS: Just as a point of order, and
10 this is just for everybody's information, the agency
11 already has something called a master materials
12 license, which has been in existence since I wrote the
13 first one in about 1984 or something like that. It
14 goes to the Air Force and the Navy. There's also a
15 concept of they're trying to get one for the VA.

16 So as we discuss this, we want to make
17 sure that we're discussing master materials in the
18 concept of -- that Felix is presenting and remember
19 the distinction that there's already a name that is
20 already patented by us for a certain application of
21 the license.

22 And then there is also another license --
23 and maybe Cindy or George can help out -- but we have
24 another category of licenses that covers -- I'm
25 thinking like the Syncor license. I can't --

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1 MS. MCBURNEY: Multi-site.

2 MR. MYERS: -- multi-site license.

3 MR. MYERS: Right. It's like FDA and that,
4 so --

5 MR. CAMERON: So we need a name for this.

6 MR. MYERS: This is fine for now, but we
7 just need to understand it's -- yes.

8 MR. KILLAR: Well, this is basically very
9 similar to the master material license you have, but
10 that has only been available for government agencies
11 and was not available for the commercial sector. So
12 this is sort of the commercial-sector version of it,
13 which picks up --

14 MR. MYERS: The commercial master
15 materials license.

16 MR. KILLAR: -- master material license.
17 And what it does, it picks up a lot of what's in the
18 federal agency one other than you're not going to let
19 us inspect our own facilities, I don't think.

20 MR. CAMERON: All right. Aubrey?

21 MR. GODWIN: To bring in some political
22 notes on the whole concept of this master license, if
23 I wanted to play the strong states' rights position,
24 I would say, I don't see why you want to go that
25 route, because I think the state ought to be able to

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1 look at each entity working in its state and license
2 that and regulate it very carefully and look at it for
3 the protection of its own citizens.

4 And point out to you that the insurance
5 companies operate throughout the country. There's
6 many national insurance companies, and they -- every
7 one, a separate little license in each state. And
8 that'd be -- you know, just start on that.

9 If I wanted to play it as the strong
10 central overview, I'd look toward the transportation
11 and the FAA and say, you know, you need common
12 standards so that things can -- you can have your
13 interstate commerce, and look at it each way, so you
14 won't be playing -- in the bottom line, you're going
15 to be playing to a dual political system. In some
16 states there will be strong states' rights advocates;
17 in others there will be a strong to the commerce end
18 of it.

19 So you need to look at what's -- as you
20 go, but that this is going to get played both ways on
21 you.

22 MR. KILLAR: We recognize that, and
23 that's -- we try to address that by allowing the
24 states to continue to do the inspections and the

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1 enforcement aspect, because it still leaves the
2 control in the state.

3 MR. CAMERON: How about -- Kathy, do you
4 want to talk about this one? Then I was going to ask
5 if there are any -- if anybody wants to make some
6 significant comments on any of the others. Kathy, do
7 you want to --

8 MS. ALLEN: Some of this sounds a lot like
9 the current reciprocity situation that we have in
10 states. We allow -- if you have a license from NRC or
11 from another state, you can come and operate in my
12 state, and we inspect and we charge fees for that.

13 The difference would be the 180 days.
14 Reciprocity only allows you to come in and work 180
15 days in any one year, so they're kind of temporary
16 sites.

17 It appears that you're looking for
18 permanent sites at these locations. And once you get
19 into permanent sites, then you start looking at other
20 requirements that we put on other permanent sites --
21 financial assurance. And if your main site is in --
22 gee, there's not many non-agreement states --
23 Wyoming -- if your main site is in Wyoming and you
24 have multiple sites all over the place, if I'm
25 inspecting your facility in Illinois, if I issue some

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1 sort of registration, I'm going to have to take a --
2 I'm going to have to do another review of whatever
3 license you have in Wyoming and look at my regulations
4 and then require additional things that you may not be
5 required to do under NRC space that you would be
6 required to do if you operated in Illinois on a
7 permanent site.

8 So you may not get as much savings out of
9 it as you think, because then I'm going to issue some
10 sort of permit with additional things on it, which
11 essentially becomes another license.

12 MR. KILLAR: What we're after is the
13 regulations of the nuclear material. Now, if you have
14 additional regulations dealing with zoning codes or
15 what have you, you know, they are not national things;
16 we will certainly have to abide by it. But as far as
17 the nuclear material is concerned, you know, the state
18 would not implement or require any additional
19 requirements beyond the national requirement.

20 In the national requirements, there is a
21 financial assurance requirement for that facility.

22 MS. ALLEN: Yes, but I can't get that
23 money.

24 MS. MCBURNEY: Right.

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1 MS. ALLEN: You hold it in Wyoming. I --
2 in Illinois -- if you make a mess in Illinois and walk
3 away, I can't get that money except by going --

4 MR. GODWIN: To NRC.

5 MS. ALLEN: -- to NRC.

6 MR. CAMERON: Let's hear from John on
7 this, and then let's hear if there are any other
8 comments on some of the other issues, and then we'll
9 go to outreach.

10 John?

11 MR. HICKEY: Yes. I see two big
12 positives. One is with respect to access ability.
13 This proposal gives a stake to the licensee both with
14 respect to the state and NRC. So I think there would
15 be an incentive to have increased accessibility under
16 this scheme.

17 Also, with respect to NRC efficiency, I
18 see positives, because it's one of the few proposals
19 that addresses the issue of NRC's program is
20 shrinking. And if the accountability is the same but
21 the program is shrinking, something needs to be done
22 about that.

23 The big drawback I see is Aubrey's point.
24 There's the fundamental states' rights issue, but
25 there's also a consistency issue of you have two

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1 operations identical sitting next to each other, and
2 one is solely regulated by the state, and so they're
3 going to wonder why are they being regulated different
4 than the operation that's next door, and they're both
5 competing for the same business.

6 MR. CAMERON: Hard to explain to the
7 public, too.

8 Okay. Aubrey, comments on any of the
9 other options?

10 MR. GODWIN: Well, I'd just go a little
11 bit further on this one in that you have the problem
12 of whether you're regulating an entity that is not
13 domiciled in your state. It's always a problem trying
14 to file actions against them if you have a domestic --
15 you've formed a wholly owned subsidiary in the state,
16 you no longer would qualify, apparently, under your
17 master license.

18 MR. HICKEY: You still hold the license.
19 You still have the master license.

20 MR. GODWIN: Well, no. If you've got a
21 wholly owned subsidiary, that's a separate entity in
22 the law. So it's no longer the same thing as the one
23 over in -- Wyoming? --

24 MS. ALLEN: Yes.

25 MR. GODWIN: -- yes, Wyoming. So --

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1 MR. CAMERON: I see our counsel -- he's
2 agreeing with you, I think.

3 VOICE: I think so.

4 MR. CAMERON: All right. Let's go to
5 Bill. Tell us about this -- well, don't necessarily
6 tell us about it --

7 (General laughter.)

8 MR. CAMERON: What do you want to say
9 about it?

10 MR. HOUSE: Let me try to -- even in fear
11 of being ostracized further, let me say a little more
12 about this. It's another federally delegated program,
13 and many of the things we talk about with the NRC
14 delegated program would apply here. You know, this
15 would give us one strong federal agency to set
16 standards.

17 You could set it up with a couple of
18 different options, just let EPA be on top setting
19 standards down to NRC and agreement state program
20 still stays in effect. Or separate it out where NRC
21 would possibly become the nuclear reactor commission
22 only and regulate reactors and have direct contact
23 between the states and the EPA. So that's two generic
24 options to consider.

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1 MR. CAMERON: Comments on this proposal,
2 either sub-option.

3 MS. McBURNEY: That would totally change
4 the Atomic Energy Act, I take it.

5 VOICE: Why not?

6 MR. CAMERON: Yes. He's on the yellow
7 bus, but he's on a different yellow bus than --

8 (General laughter.)

9 MR. CAMERON: Any other comments? Tony?

10 MR. THOMPSON: Well, I think actually the
11 way it's set up right now is EPA theoretically is on
12 top in terms of setting generally applicable
13 standards.

14 MS. McBURNEY: Basic. Yes.

15 MR. THOMPSON: Right now they have that
16 authority under the Atomic Energy Act.

17 MS. McBURNEY: But they don't do --

18 MR. THOMPSON: And NRC has to conform, and
19 then the agreement states then have to conform
20 depending upon compatibility and all that, whatever
21 level it is that's determined.

22 But if it's a health and safety standard
23 and EPA sets it, then if EPA came out with a 15
24 millirem standard for decommissioning, NRC would have

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1 to change its standard, and that would go right down
2 through the agreement states.

3 So that one -- I, you know -- frankly, I
4 think EPA is -- doesn't have the expertise to deal
5 with the issues. It has so many multiple
6 responsibilities under multiple statutes, that I think
7 it would be a bad idea. So -- and for perhaps a whole
8 bunch of other reasons that I won't get into.

9 MR. CAMERON: Any other comments for now
10 on the EPA leadership, maybe forcing them to take a
11 leadership role more seriously. Any more comments on
12 that?

13 MR. LEOPOLD: How does EPA -- how does
14 someone force EPA to do anything? I haven't figure
15 that out.

16 MR. CAMERON: Well, yes.

17 MR. THOMPSON: Yes. I mean, anything that
18 impacts CERCLA, anything that ripples through CERCLA
19 in the form of ARARs, you know, I don't give a damn
20 what you do, you're going to run right into a stone
21 wall with EPA, because that's sacrosanct.

22 And so you're bringing in other -- and
23 their policy decisions are made with the Clean Water
24 Act and the Clean Air Act and CERCLA and RCRA and all

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1 of that in mind. You're really complicating the mix,
2 I think, tremendously.

3 MR. CAMERON: Anybody want to speak
4 positively in terms of going --

5 (General laughter.)

6 MR. CAMERON: Bob.

7 MR. LEOPOLD: The best way to unite a
8 group is to have a common enemy.

9 (General laughter.)

10 MR. LEOPOLD: This proposal's getting
11 better all the time. That's the way it's been for the
12 last two decades.

13 MR. CAMERON: Probably good Mary did
14 not --

15 Okay. Let's -- I jotted down some --
16 well, anything on any of these others. I think that
17 a lot of comments underscored this possibility. But
18 does anybody want to make any final overall comments
19 on options before we just run through some outreach
20 ideas for the working group?

21 Yes.

22 MR. HOUSE: I think if we could eliminate
23 some of these dysfunctionalities, as we called them,
24 and to keep an informal alliance to improve the
25 current system of what we have, that could be an

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1 optimized program. And NRC's policy, to a certain
2 extent, as to the involvement in setting priorities
3 for the states could be done without any statutory
4 changes.

5 MR. CAMERON: Okay. Thank you, Bill.

6 Any other concluding comments similar to
7 that? Ruth.

8 MS. MCBURNEY: Just the suggestion that
9 more involvement of -- or inclusion of the current
10 standards development organizations in not reinventing
11 the wheel -- that would be another optimization. Yes.

12 MR. CAMERON: Good. I think we've heard
13 a lot about that.

14 I just jotted down some options on
15 outreach, some I heard and some that I just came up
16 with. The one was list of participants, and Jim is
17 going to have an idea about how to do that, he said.

18 Obviously, the draft report could be
19 circulated before going to commission. Mike raised
20 the idea of circulate some type of an outline. Okay?
21 That it wouldn't be the full draft that would come
22 out. And we all realize what the possible constraints
23 are here.

24 Another idea would be to recommend to the
25 commission in the working group report that another

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1 workshop and round of comments be held after the
2 commission gets it but before the commission makes a
3 decision, so that the effort of the next
4 workshop/round of comment would focus on fewer of the
5 options, or possibly on the alliance option or
6 something like that.

7 MS. ALLEN: So you would say after
8 commission review and -- so after the commission
9 determines which sort of option area they're
10 interested in.

11 MR. CAMERON: No. It could be -- there
12 could be many variations here. What has been used in
13 the past in several instances is the report would not
14 be circulated before it goes to the commission, but
15 the group that sends it up there says that the
16 commission should send it out for review and get
17 comment before making their decision. Okay?

18 I mean, you can do this any way you want,
19 and this group can recommend to the working group
20 anything that they want. The working group can then
21 informally pass that up the lines to the technical
22 assistants, to the commission. They can -- you know,
23 I mean, they can do it -- it can happen any way that
24 it can happen, basically.

25 Cindy?

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1 MS. PEDERSON: This concept has been
2 discussed with the steering committee and the working
3 group already, and basically the time line that is
4 laid out and the internal workings with other
5 experiences, with other papers, the steering committee
6 asked that the working group not distribute this prior
7 to the commission getting it.

8 MR. CAMERON: Right.

9 MS. PEDERSON: So I, as a steering
10 committee member, can certainly spread the word of
11 this group among the steering committee members.
12 However, we have already discussed it once. But I'm
13 willing to take it back for reconsideration.

14 MR. CAMERON: Yes. Cindy is on the
15 steering committee and will take it back. But let's
16 give her some feedback on what you people around the
17 table -- what might be optimum from your point of
18 view, other options, whatever, in terms of how to get
19 input into the -- what ultimately happens with -- on
20 this issue.

21 Dwight?

22 MR. CHAMBERLAIN: I think another workshop
23 after the commission to view the options -- seems to
24 me like getting something out ahead of the paper that

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1 people can see, at least give them a chance to say,
2 you know, You didn't hear us at this meeting.

3 It's like he was talking about Part 35.
4 You know, we sat around and talked about this, and you
5 developed something that doesn't even resemble what we
6 talked about.

7 You know, if there's a way to get it out
8 and get people's comments before it goes to the
9 commission would be -- seems to me would be ideal.

10 MR. CAMERON: So this would be the ideal
11 option.

12 Charlie?

13 MR. SHOWALTER: Well, part of it depends
14 on what's going to happen when the commission sees the
15 list of options, it seems to me. If they're going to
16 quickly come to a decision, then, yes, you need to
17 circulate it beforehand.

18 On the other hand, if they're going to
19 maybe winnow out some of the options and say, Yes, we
20 might do this; we might do that; you know, we might
21 combine some of these things. You know, let's take
22 back these limited possibilities and have another
23 discussion and have another workshop. That would also
24 work.

25 MR. CAMERON: All right. Further, Kate?

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1 MS. ROUGHAN: Well, this is -- the
2 proposals are significant changes of the way NRC does
3 business. You would think they would want to get
4 potentially a little more input after they review the
5 options just to, again, flesh out some of the details,
6 because it could be a substantial change to the way
7 they do things today.

8 MR. CAMERON: Does anybody -- would you
9 support, for example, this -- you think that there
10 probably should be some type of --

11 MS. ROUGHAN: Something after they get the
12 information and review it.

13 MR. CAMERON: Okay. Other comments from
14 people around the table on this? I mean, certainly,
15 I guess there would be no objection to people if the
16 draft report was circulated beforehand. But I think
17 people understand what the constraints might be.

18 Cindy will talk to the steering committee.
19 There are other alternatives here. Anything anybody
20 else wants to say on this outreach on this report?
21 Mike, do you want to just talk about -- a little bit
22 about your -- you mentioned yesterday, Why not
23 circulate a list of -- is there still sense to your
24 circulating the outline idea? Outline's the wrong

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1 word. Maybe it was matrix of attributes and
2 possibilities.

3 MR. VEILUVA: Yes. I think I mentioned
4 something like that. To me, it's just a resource and
5 time constraint on the part of the working group. If
6 they have the time and the resources, then an outline
7 makes sense. But they may not, given the current
8 schedule that they have to work with.

9 MR. CAMERON: All right. Even though
10 Dwight noted that this would be an ideal and tied it
11 to how faithfully the working group -- and, you know,
12 it's a big job to try to incorporate the comments from
13 this workshop, but there will be a transcript and at
14 least the major ideas suggested, all of these
15 alternatives, I'm sure, are going to be in there.

16 But people seem like they can live without
17 the draft report being circulated. Is that true? Am
18 I getting that sense from people around the table?

19 MR. DICHARRY: I think I'd prefer the
20 draft report to be able to take information directly
21 from the report to share with AS&T, NETMA, and
22 recognizing that we're at the early stages of bringing
23 them up to speed with the whole nature of this
24 program.

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1 MR. CAMERON: But if you -- your goal in
2 doing that might be to influence what the ultimate
3 decision would be. In other words, if the commission
4 gave people a shot at the decision before the
5 commission made its final decision, then that would be
6 acceptable to --

7 MR. DICHARRY: To have that opportunity?

8 MR. CAMERON: Yes.

9 MR. DICHARRY: Yes.

10 MR. CAMERON: All right. And, Bill, did
11 you want to say something?

12 MR. HOUSE: If it could be something as
13 simple coming from the working group as, Here's --
14 we've taken all this input, and here's how we've
15 rearranged, if you will, or consolidated the options,
16 and just provide that -- here's the options that are
17 going to be in the report; nothing more than that.

18 MR. CAMERON: Maybe just -- okay. Maybe
19 just something as simple as now, instead of these five
20 options, we now have these eight options or whatever.
21 Okay. Well, there's, I think, a lot of room on this.

22 Any closing comments? And I was going to
23 ask the co-chairs to say the final word for us.

24 MR. MYERS: Before we leave this subject,
25 Lance has started circulating a sheet that has your

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1 personal contact information on it, you know, if you
2 provide that.

3 I've got a couple options I'll suggest to
4 you. One is I could just put your email addresses
5 into a standard mail group, and you can -- I can send
6 it to you.

7 The second option would be is that I will
8 set up a special list server just for this group. And
9 what the advantage of that is that first of all, Jimbo
10 has less work to do, because I don't have to re-mail
11 all your comments to everybody. I can set it up so
12 that if, say, Ruth has a comment or further comment,
13 it'll go out to everybody on that list. And you'll
14 see what Ruth said.

15 And Jim does not have to intervene in this
16 process. And we'll see it and we can hold it. So
17 that's kind of what I'd recommend I do.

18 There is a caveat with that. If I put it
19 in that kind of a system, anything you say is subject
20 to FOIA -- okay? -- and all the other paraphernalia
21 that we've got to deal with is more a part of public
22 comments and records.

23 So if that's kind of the consensus, if you
24 want a list, I'll put the list together. It'll take
25 me a couple days.

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1 The other thing is the transcript will be
2 posted at our website. That was in our plan to do
3 that, and Barbara's going to have that by this
4 afternoon for us. So --

5 (General laughter.)

6 MR. CAMERON: Thank you, Barbara, for --

7 MR. MYERS: I'm sorry. We asked for it --
8 I think we asked for it like in five days or seven
9 days or something like that. And it's going to come
10 to me at headquarters. Correct? Okay.

11 So as soon as I get it, I've just got to
12 transfer the information out to Oak Ridge, and it'll
13 be posted. So maybe in a week or something like that.

14 MR. CAMERON: Okay. All right.

15 VOICE: Which website is that?

16 MR. MYERS: Oh, I'm sorry. There's some
17 other additional information. If you need to contact
18 me or you have other comments at any time, just send
19 the email to me and I can distribute it out to the
20 working group. There's some problems with some
21 people's email, and it's just -- if you send it to me,
22 ours is usually the most reliable one, and we can get
23 it out.

24 Anything about this working group and its
25 project is at our website, and I've written it up

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1 there in very tiny letters, I see, from way back here
2 in the room. But it's basically
3 <http://www.hsrd.ornl.gov/nrc/home.html>. And you want
4 to look on there. It's says National Materials
5 Program on the tool bar; you click it, and it brings
6 it up. Or you can look under What's New.

7 MR. CAMERON: Could you repeat that again?
8 No. I'm kidding.

9 MR. MYERS: Want me to do it backwards?

10 MR. CAMERON: Ruth didn't get it all.

11 MR. MYERS: Backwards or forwards?

12 MS. McBURNEY: That's all right.

13 MR. MYERS: Well, it's the state program's
14 website, if you're familiar with it. That's where it
15 is.

16 MR. CAMERON: And I just want to say that
17 you were a terrific -- from a facilitator's
18 standpoint, you were a terrific group to work with,
19 and I think you accomplished a lot. And I'm going to
20 ask Kathy and Jim to close it out for us.

21 MS. ALLEN: I just want to thank everybody
22 for coming. You guys were really helpful. The
23 information -- some of it validated things that we've
24 already discussed. Some of it raised some other
25 issues we hadn't necessarily considered. So I just

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1 want to thank everybody for coming here and spending
2 the time looking at things and sharing your
3 information with us.

4 MR. MYERS: And I'd also like to thank our
5 host Region IV, and particularly Linda Howell, who's
6 on our working group, for helping get the room
7 together, and Ellis Merschoff, the regional
8 administrator, for helping us put that together in
9 here, and the rest of the working group for coming.

10 Truly, you did validate some things. And
11 if you could've seen us after you guys left, it was
12 high fives, and it's like, Gee, I wish we would've
13 thought of that, kind of stuff. So it's been really,
14 really helpful.

15 And particularly, I think, the comments
16 here at the end is that you really want to see the
17 draft report at some point in time or something
18 related to that. And so we'll try to work out the
19 details with the commission and see how we can help do
20 that.

21 But if you have further thoughts, you
22 know, just send them in, and then I'll share them with
23 the working group.

24 MS. ALLEN: Thanks.

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1 (Whereupon, at 12:10 p.m., the meeting was
2 concluded.)
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