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NUCLEAR REGULATORY COMMISSION

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Programs for Spent Fuel Storage and
Transportation Under 10 CFR Parts 71 and 72
Stakeholders Meeting

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING TO OBTAIN STAKEHOLDER FEEDBACK ON
ENHANCEMENTS TO THE LICENSING AND INSPECTION PROGRAMS
FOR SPENT FUEL STORAGE AND TRANSPORTATION UNDER 10 CFR
PARTS 71 AND 72

+ + + + +

FRIDAY

AUGUST 17, 2012

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ROCKVILLE, MARYLAND

+ + + + +

The Public Meeting convened at the Nuclear
Regulatory Commission, Two White Flint North, Room T2B3,
11545 Rockville Pike, at 8:30 a.m., Bret Leslie,
Facilitator, presiding.

PRESENT:

BRET LESLIE, Facilitator

MARK LOMBARD, Director, Division of

Spent Fuel Storage and Transportation

(SFST), Office of Nuclear Material

Safety and Safeguards

MICHAEL D. WATERS, Branch Chief, SFST

KRISTINA L. BANOVA, Project Manager, SFST

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PRESENT: (CONT.)

BERNARD WHITE, Senior Project Manager, SFST

JENNIFER DAVIS, Senior Project Manager, SFST

JOHN GOSHEN, Project Manager, SFST

DANIEL HUANG, Senior Project Manager, SFST

ERIC BENNER, Branch Chief, SFST

NEIL DAY, Structural Engineer, SFST

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P R O C E E D I N G S

8:29 a.m.

Introduction

FACILITATOR LESLIE: Good morning, and welcome to the NRC's meeting to obtain stakeholder feedback on enhancements to the licensing and inspection programs for spent fuel storage and transportation under 10 C.F.R. Part 7172.

My name is Bret Leslie, and I think almost everyone here was here yesterday, and I will be the facilitator for this meeting. It is not an all-day meeting, first of all. We have just one session this morning, with Eric Benner and Neil Day and Tom Matula up front.

Before we launch into the meeting, I need to go through some ground rules and a variety of other things. This meeting is being transcribed by Toby Walter over here. So that leads me right to one of my set of ground rules for people here today, and they're pretty simple and I probably don't even need to do it for this group.

But I have three things that I want the audience to agree to, that we'll treat each other with respect. For instance, the process. As a facilitator, I'm going to try to -- I might not take your question

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1 right then if there's a thread of conversation that's
2 going on. So respect the process, respect your
3 neighbors, respect the silence of your electronic
4 devices.

5 The other thing, for Toby to get a clean
6 transcript, one person at a time, always at a microphone.

7 Always identify yourself and your affiliation. That
8 helps create a richer transcript. Although I had this
9 here yesterday, initial time limit per comment, we had
10 a full day session yesterday. I said three minutes;
11 I'm going to take that off the table for you guys.

12 However, if you guys start to talk forever,
13 then I might ratchet you back a little bit. The other
14 thing is we have remote participants today, and the way
15 that would work is we have a session later in the day,
16 after the staff makes their presentations, who will be
17 seeking stakeholder feedback.

18 The lines, the telephone lines are muted
19 now. I will go out to the operator to ask if there are
20 any questions, and she'll give you some instructions.

21 You'll be able to, if you have comment, you can then
22 join the bridge live, and we'll hear you, your question
23 or comment.

24 We are also using GoToMeeting today. So if
25 you don't want to say a certain question or comment,

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1 I'll be turning to my colleague over here to see if you've
2 entered a question or comment when I go to the remote
3 participants. For the remote participants, if you
4 don't have the materials, they're easily available from
5 the NRC website.

6 If you scroll over at first of all, the NRC
7 website is www.nrc.gov. If you scroll over public
8 meetings and involvement and click on "Conferences and
9 Symposium," you'll see the link for this meeting, and
10 everything is available.

11 So a little bit of context. Yesterday was
12 a discussion on Part 71 and 72. A variety of topics
13 that the staff presented today were focused on another
14 topic that was addressed last year around this time,
15 and that's the inspection enhancement initiative.

16 That's really what the focus will be today,
17 and you'll be getting more of a description. This is
18 the part of the staff efforts that is further along in
19 the process and where we were talking about yesterday.

20 Other logistics. It's a secure building,
21 so if you need to leave the floor or leave the building,
22 you'll need an NRC escort. What did I say? NRA escort?

23 Wow.

24 (Simultaneous speaking.)

25 FACILITATOR LESLIE: Oh boy. Anything to

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1 make a PRADA interesting. Anyway, if there's an
2 emergency, the emergency exit, go straight out of these
3 doors, take a right, go to the end of the hallway. Take
4 another right and the stairwell's there, and there will
5 be a stream of NRC employees with you, and they'll know
6 where to take you in case we have to evacuate.

7 Restrooms, if you need get up and leave,
8 are straight down the hall to the end. Take a left for
9 the men's, take a right for the women's. If you need
10 some water or sugar, there is a vending machine, again
11 straight down at the end of the hall, all the way down
12 to the left, and it will be on your left inside, a little
13 break room.

14 I think I'm pretty close to being done, and
15 I'll turn it over to Eric, if we wants to introduce people
16 at the table, and then we'll get into Neil's
17 presentation. Are there any questions on the logistics
18 or anything?

19 In terms of questions today, if you'll raise
20 your hand or otherwise catch my attention, I'll make
21 sure you get a mic. All right, thanks.

22 MR. BENNER: Thank you, Bret. I want to
23 thank you all for staying for the second day. Some of
24 you have joined us for the second day. Like Bret said,
25 this part of the improvements and respond to the COMSECY

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1 are a little further along. Many of you are aware that
2 Tom Matula led a working group last year that came up
3 with 12 recommendations.

4 Those recommendations were presented to a
5 Steering Committee who endorsed all, and asked that one
6 be deferred until some of the other recommendations were
7 implemented. The Steering Committee presented their
8 findings to the two division directors at the time
9 responsible for the program, who were Doug Weaver and
10 Lawrence Kokajko.

11 Doug and Lawrence blessed the Steering
12 Committee's recommendation, so we moved forward with
13 implementation. At that time, Hipolito Gonzales was
14 in the office, was chosen to lead that activity. The
15 inspectors, both in the regions and headquarters, are
16 a rowdy bunch, so you know, Hipo finally just threw his
17 hands up and said "forget it."

18 No, I'm kidding. Hipo actually recently
19 got selected to fulfill a slot as a branch chief. So
20 that left a big hole in my organization, and as a result
21 of that, we solicited within the Division to see who
22 could help out, and Neil Day, who is one of our materials
23 reviewers in the Division, enthusiastically stepped up.

24 Now I don't know if Neil knew what he was
25 stepping into, because like I said, all the inspectors

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1 are a very independent bunch. So we have a lot of
2 spirited debate about how best to implement these
3 recommendations. Neil has done a masterful job in
4 working with all the inspectors in the regions, to get
5 us to a better place, and this meeting is the next step
6 in that process.

7 So I mean we've been wrangling internally,
8 and we'll continue to wrangle internally. But you know,
9 we continue. Tom did several activities to get
10 stakeholder feedback while they were developing the
11 recommendations, and we want to continue to get
12 stakeholder feedback as we move forward with
13 implementing the recommendations, and that's really the
14 purpose of the discussion today.

15 So with that, I'll turn it over to Neil.

16 FACILITATOR LESLIE: And Neil, before you
17 get started, I forgot -- I'd like to let everyone on
18 the remote know where the materials are. If you didn't
19 pick up the slides, they're back in the corner, and also
20 there's an NRC public meeting feedback form that you're
21 welcome to fill out and send it in to Chris. Sorry Neil.

22 Go ahead.

23 SFST Inspection Enhancement Initiative Update

24 MR. DAY: No problem, thank you. Again
25 everybody, my name is Neil Day. I'm very fortunate to

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1 take part in this initiative. Next slide, please.

2 A little bit about the background, and Eric
3 just touched on this, and this shouldn't be anything
4 new from what we saw yesterday. But we got our global
5 direction from the COMDEK and the COMSECY back in late
6 2010, and then Tom, who was part of the working group
7 committee, was chartered in April of 2011 with the 12
8 recommendations came out of that working group report,
9 which was completed in September of 2011.

10 The steering group evaluated that report
11 and the ML number is there for you if you'd like to take
12 a look at that. It was endorsed by management early
13 this year, and we've held several meetings and had
14 opportunities for feedback throughout this entire
15 process.

16 A couple of those were the NRC regulatory
17 conference, the regional headquarter inspector
18 counterpart meeting, the NEI's fuel conference, and note
19 that this presentation is a snapshot of where we are
20 right now, and the inspection enhancement initiative
21 might change a little bit, based on some of the
22 discussions we have internally and with the regions.

23 Next slide, please. I'll go through each
24 one of the recommendations and give you an update or
25 a status on each one. So Recommendation No. 1 was to

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1 revise Inspection Manual Chapter 2690, to more clearly
2 define inspection requirements and to organize
3 inspection procedures around key inspection areas.

4 Next slide, please. For those of you who
5 aren't aware, Inspection Manual Chapter 2690, dated
6 March 9th, 2012, is titled "Inspection Program for Dry
7 Storage of Spent Reactor Fuel at Independent Fuel
8 Storage Installations and for 10 C.F.R. Part 71
9 Transportation Packaging."

10 Inspection Manual Chapter 2690 covers all
11 inspection activities related to storage and
12 transportation packages, which include operations,
13 maintenance, surveillance testing, pre-operational
14 testing, design control, fabrication and construction.

15 2690 also contains guidance on scheduling inspections.

16 So what do we have in this recommendation?

17 Well, we drafted a revision Inspection Manual Chapter
18 2690. The next step is to update 2690 after the
19 inspection procedures, which are Recommendation No. 2
20 and 12 have been revised.

21 Other recommendations, for example, number
22 three and number eight, which deal with the 72.48, 72.212
23 and the consistency of the inspection reports, will be
24 closed out and implemented by revision of the 2690.
25 We expect to complete this by the middle of fiscal year

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1 2013.

2 Next slide. Recommendation No. 2. Revise
3 the inspection procedures to more clearly define
4 inspection criteria, to provide more consistent
5 application and verification of inspection criteria.
6

7 Next slide, please. The inspection
8 procedure applies to entities subject to 10 C.F.R. Part
9 71 or 72. Primary entities include U.S. Nuclear
10 Regulatory Commission licensees, certificate of
11 compliance holders, and QA holders and applicants.

12 Staff is in the process of revising these
13 inspection procedures to clarify and combine existing
14 inspection procedures. We drafted it to regions for
15 comment and we've had several discussions with the
16 regions on this. But we're coming to a pretty good firm
17 ground of where we're going to stand.

18 The inspection procedure is organized
19 around the following primary quality-affecting
20 activities: design control, on-site fabrication,
21 off-site fabrication, construction, pre-operational
22 testing, operations, maintenance and packaging and
23 transportation.

24 Again, that might change a little bit, but
25 I think we have a pretty firm grasp of how that's going

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1 to look at this point. Enhancement is going to be to
2 the general requirements, inspection requirements and
3 attributes. There's going to be a focus on the highest
4 safety significant activities.

5 It's going to incorporate lessons learned
6 of regional inspectors, and the new attributes are going
7 to be dynamic, and it's going to be dynamic based on
8 Recommendation No. 7, where the prioritization or even
9 the addition or subtraction of activities in the
10 attributes might change. Completion of this
11 recommendation expected by the middle of fiscal year
12 2013.

13 Recommendation No. 3. Integrate SFST
14 staff possessing required technical skills into
15 inspections, to review 72.48 and 72.212 evaluations as
16 necessary, to support inspection teams.

17 NRC recognizes stakeholder concern, and
18 there is no standard format for 72.48 and 72.212
19 evaluation reports. Also, that industry stakeholders
20 would prefer that 72.48 evaluations be reviewed on-site
21 because it would allow access to personnel that
22 performed the evaluations, and because it is problematic
23 to put the evaluation reports on the docket.

24 Also, integration of SFST technical staff
25 and inspections may lead to a reduced likelihood of a

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1 TAR resulting from an inspection, which would definitely
2 be a good thing.

3 Okay. SFST staff is revising office
4 procedures for integration of SFST staff possessing the
5 required technical skills to support the 72.48
6 inspections. Technical reviewers and project managers
7 may need to support, and depending on their complexity,
8 there might be in-office inspection of 72.48 and support
9 the on-site inspections.

10 A revision of this procedure is in draft
11 format. It has been sent to -- it has not been sent
12 to SFST staff for comment yet.

13 SFST staff has added guidance specific to
14 technical staff participating in inspection activities,
15 in Inspection Manual 2690 for the 72.212 activities,
16 and also into the inspection procedures. Industry
17 should recognize that the 72.212 evaluations are
18 typically presented as a draft document at the time of
19 an NRC inspection, and at the risk of doing so, results
20 in identifying last minute issues.

21 Conceivably, these issues remain open and
22 may impact the ability of the licensee to load. As
23 previously stated, integration of SFST technical staff
24 in inspections may lead to a reduced likelihood of a
25 TAR, resulting from an inspection, and reduce the

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1 likelihood of any loading delays, which would definitely
2 be a good thing. The completion of this recommendation
3 is expected by the middle of fiscal year 2013.

4 Recommendation No. 4. Implement and
5 manage the inspection process to internally resolve
6 technical, open, unresolved or generic issues
7 identified during inspections.

8 SFST staff is revising office procedures
9 to timely resolve non-case work technical issues
10 identified during inspections. The revision to the
11 office procedures created a process for solving
12 technical issue by utilizing SFST technical experts,
13 the working groups.

14 This process involves creating a schedule,
15 requirements, involvements of management and tracking
16 for the op plant. Improvements could also be
17 accomplished by enhancing communications among the NRC
18 certificate of compliance holders and licensee.

19 Licensees and CRC holders should establish
20 and enforce clear lines of responsibility and
21 communication when the other party interacts with NRC
22 during inspections. Inspections and progress are
23 pre-decisional, and potential compliance issues must
24 be managed accordingly. The completion of this
25 recommendation is expected by the end of fiscal year

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1 2012.

2 Recommendation No. 5, verify that
3 certificate of compliance holders and licensees capture
4 and resolve conditions adverse to quality, that are
5 identified by NRC technical staff and inspectors during
6 activities such as COC and license application reviews,
7 and pre-operations inspections in their respective
8 corrective programs.

9 Again, SFST staff is revising SFST office
10 procedures. The revision will instruct SFST licensing
11 staff to recognize conditions adverse to quality during
12 licensing reviews. It
13 will flag RAIs involving conditions adverse to quality
14 to the applicant for appropriate actions.

15 The flag is for expectation that it will
16 be answered in the applicant's corrective action
17 program. The NRC will close the loop by ensuring that
18 the RAI is sent to the inspectors on our side, for
19 verification during the next inspection. This revision
20 will also communicate the issues to the inspections
21 staff for verification through the applicant's
22 corrective action programs.

23 Instead, the procedure establishes a
24 consistent methodology and expectations for reviewing
25 applications, and interacting with applicants pursuant

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1 to Part 71 and 72. This recommendation is being done
2 in parallel with Recommendation No. 11.

3 The draft has been submitted to SFST staff
4 for comment, and we're waiting back to hear, waiting
5 to hear back from the staff. If staff identifies issues
6 during, having broad applicability, we may issue a
7 generic communication.

8 This will help prevent reoccurrence of
9 similar issues. It will help prevent subsequent
10 inspection findings and observations. Completion of
11 this recommendation is expected in the middle of fiscal
12 year 2013.

13 Recommendation No. 6, and I'll have to say
14 that this is my favorite recommendation by far. Develop
15 a method for evaluating and classifying the severity
16 of inspection findings, to consistently classify
17 findings within the context of the SFST inspection
18 program, and I'm sure a lot of you are wondering why
19 this is my favorite.

20 Well, based on the Steering Committee
21 endorsement, they did not endorse the recommendation
22 in the December 14th report. We were directed to look
23 at the other 11 recommendations and then reevaluate
24 number six, after the 11 have been implemented.

25 Number seven, develop a method to track

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1 inspection findings and perform trend analysis, to
2 identify emerging negative trends to inform the
3 inspection program process. You're doing a great job
4 turning the slides, by the way. Thank you.

5 Okay. SFST staff is developing a
6 methodology to track and trend Part 71 and 72 inspection
7 scope and findings. This will identify trends and
8 modify the inspection program. We will feed into the
9 inspection procedures attributes. We talked about that
10 earlier on Recommendation No. 2, and also Recommendation
11 No. 12.

12 Other tracking and trending methods. For
13 example, monthly regional inspector counterparts call.

14 This is a qualitative type of tracking and trending.

15 It gains lessons learned and experience for inspectors.

16 This methodology procedure is drafted, but has not yet
17 been sent to SFST staff for comment. The completion
18 of this recommendation is expected by the end of fiscal
19 year 2012.

20 Recommendation No. 8. This one was equally
21 as favored. Write inspection reports consistent in
22 format and content, to allow findings to be assessed
23 and trended. SFST is working with regions to document
24 ISFSI SFST inspections consistently.

25 Right now, Inspection Manual Chapter 0610

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1 or 0612 are used to document and report ISFSI
2 inspections. Currently, and this is after discussion
3 with the regions, we are leaning towards using 0610 for
4 all away from reactor ISFSI and transportation
5 inspections, and 0612 for all at-reactor site ISFSI
6 inspections.

7 This could change though, and I'll tell you.

8 We worked pretty hard to get to this point as of right
9 now. The revision of this guidance, of using 0612 --
10 excuse me, revision of the guidance using 0612 may occur
11 to ensure proper communication ISFSI inspector findings
12 and/or observations.

13 Recommendation No. 8 will be implemented
14 in the revision of Inspection Manual Chapter 2690.
15 The completion of this recommendation is expected by
16 the middle of fiscal year 2013.

17 Recommendation No. 9, enhance the existing
18 lessons learned process used by regional and
19 headquarters inspectors. Staff is revising internal
20 guidance on knowledge management. The revision will
21 better incorporate lessons learned through the
22 inspection process.

23 The existing version of the guidance was
24 really focused on licensing. This will provide a
25 repository of inspection knowledge and experience. It

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1 will take advantage of new KM technology such as
2 Sharepoint, the NRC Knowledge Management Center. The
3 completion of this recommendation is expected by the
4 middle of fiscal year 2013.

5 Recommendation -- almost there.
6 Recommendation No. 10, and I have encouraged and will
7 encourage bolded in this slide, because the actual
8 working group had the verbiage assigned, where the
9 recommendation or the endorsement by the Steering
10 Committee viewed assigned as also to take into account
11 budgetary and workload conditions, of having the
12 inspectors do this recommendation.

13 So encourage regional inspectors to
14 accompany headquarters inspectors on design and
15 fabrication inspections, at CRC holders and storage cask
16 fabrication vendors. Also encourage SFST licensing
17 staff to participate in transportation and storage
18 inspections.

19 Again, staff is revising our office
20 procedures. The revision will provide specific
21 guidance to allow for regional inspectors and licensing
22 staff to accompany headquarters inspectors on design
23 and fabrication inspections. It's currently
24 incorporating SFST staff comments.

25 Also, I wanted to make mention of a

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1 qualification issue. Senior inspectors will train and
2 provide inspection oversight on licensing staff
3 providing these inspections. Completion is expected
4 by the middle of fiscal year 2013.

5 Recommendation No. 11, enhance the existing
6 licensing review process to integrate SFST inspection
7 staff into the licensing process. Staff is revising
8 SFST licensing process guidance. The revision will
9 provide specific guidance for the integration of
10 inspectors into the staff performing a license
11 application review, as part of the licensing process.

12 Next slide. Just like the actual
13 application review, the revision will provide specific
14 guidance for the integration of inspectors into the
15 staff performing the acceptance review for the requested
16 licensing action.

17 Some of the things that the inspectors will
18 be looking for will be drawings, weldings, maintenance
19 programs, that type of thing, where they have a little
20 bit more insight, by going out there and actually
21 learning about these things.

22 Currently, this is out for SFST staff
23 comment, and as I said before, this recommendation is
24 being done in parallel with Recommendation No. 5. The
25 completion of this recommendation is expected by the

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1 middle of fiscal year 2013.

2 Finally, Recommendation No. 12. Develop
3 an inspection procedure to address aging management
4 inspections, as detailed in NUREG 1927. A new
5 inspection procedure will be created in the future, and
6 there's also a discussion of actually feeding this into
7 No. 2. We haven't come to that point yet, but there
8 will be a new procedure in some fashion.

9 The inspection procedure will ensure that
10 the ISFSI aging management programs that were developed
11 for ISFSI renewals are appropriately implemented. The
12 completion of this recommendation is expected by the
13 end of fiscal year 2013.

14 Okay, conclusions. The staff is actively
15 addressing 11 of the 12 working group recommendations
16 per the steering group evaluation and endorsement.
17 We're actually going -- well, we're planning to brief
18 the Steering Committee in the near term, to ensure that
19 the actions that we're doing are in the same thought
20 process of what the steering committee has actually
21 envisioned this process taking place.

22 The inspection enhancement initiative
23 completion overall is planned to be completed by the
24 end of fiscal year 2013. So I look forward to any
25 feedback or any comments that we -- do you have anything

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1 to add?

2 MR. BENNER: Just one thing. I mean Neil
3 talked about, you know, completion, overall completion
4 by the end of fiscal year 2013. There's a lot of
5 intermediate milestones in there for several of the
6 recommendations. The majority of these
7 recommendations we're actually doing now.

8 Like we have, we just recently had a Region
9 II inspector participate in one of our inspections.
10 We've had licensing staff participate on inspections.
11 We're, you know, assigning inspectors to licensing
12 reviews. We've started, when we get the biennial 72.48
13 reports in, to have our technical reviewers review them,
14 to identify the ones that may need inspection follow-up.

15 So you know, these are the dates when all
16 the I's are dotted and the T's are crossed. So --

17 Stakeholder Feedback

18 FACILITATOR LESLIE: Thank you, Neil and
19 Eric. Did a great job. You had quite a lot to go
20 through. You did get in terms of abbreviations, unlike
21 your facilitator, you know. The reason why you
22 shouldn't use abbreviations, you might confused NRC and
23 NRA.

24 But I'm still thinking that the audience
25 might be gunning for all the information that you

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1 presented. So with that in mind, folks, do you have
2 questions or comments for Neil and Eric today, and again,
3 if I could just first get a show of hands, of people
4 who think they might be having comments, so I can judge?

5 Okay.

6 (Show of hands.)

7 FACILITATOR LESLIE: All right, Eric. I'm
8 going to start here, and then I'll work my way. Rod,
9 go ahead.

10 MR. McCULLUM: Yeah. Rod McCullum, NEI.

11 I just want to again thank NRC for providing this
12 update. It does appear to be making some progress.
13 This is, as you can see again, I thank my industry
14 colleagues for spending a Friday morning here in D.C.

15 I think the reason we're here and very
16 interested in this, this is an important activity to
17 us, and it really is the flip side of some things we
18 were talking about yesterday, some things that have to
19 go together.

20 We talked yesterday about risk-informing
21 the licensing process, and what that means it becomes
22 more efficient. There is a lot less information going
23 across the licensing transom. Information that's at
24 a level of detail that shouldn't be part of the tech
25 spec or the COC wouldn't be in there, once we get that

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1 standardized and have a technical criteria.

2 Now in order for NRC, be able -- and Mark,
3 I thought, talked very eloquently yesterday about the
4 licensing inspection boundary and what's on either side
5 of that boundary. But with less information coming
6 through the licensing process, this means that NRC needs
7 to have more confidence in its inspection process.

8 If more information is under licensee
9 control under 72.48, you know, NRC needs to be able to
10 have a very robust inspection program. So we actively
11 support these enhancements, continue to support these,
12 continue to encourage you to make progress, and as you're
13 doing so, hopefully that can be something that we can
14 look at in conjunction with the risk-informing
15 activities we discussed yesterday. That was a really
16 excellent discussion.

17 I'll start off with one general question,
18 and I think it might lead my colleagues here to some
19 more specific questions. But last August, almost a
20 year ago, we wrote a letter commenting on -- we'd have
21 some exposure to this program, the same 12
22 recommendations.

23 We answered some questions that NRC had
24 proposed at the last, the last time this was publicly
25 vetted, and we also had some recommendations. Some of

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1 these I see in here, some I don't. Is there a plan to
2 respond to that letter? I guess that's the first
3 question.

4 MR. BENNER: No, and I thought we had
5 answered that before, that we appreciated the input into
6 the program, but we did not expect to respond directly
7 to the letter.

8 MR. McCULLUM: All right. I think in that
9 regard, maybe it's worthwhile. I don't know if Mark
10 or Brian, you want to take the lead on some of these,
11 but to talk about some of the things that we raised in
12 the letter, and again I saw, as we were going through
13 here --

14 MP Well, if you're talking about the
15 letter --

16 FACILITATOR LESLIE: You have to be on the
17 mic.

18 MR. McCULLUM: Yeah, okay. One area of
19 interest, and this is an area we've made a lot of recent
20 progress with, on an issue by issue basis, you know.

21 It's the idea of when an inspection has a generic
22 implication, let's get it in the right process, and
23 there's been --

24 On things like stack up and secondary
25 impacts, we've worked through that. Of course,

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1 institutionalizing that, and I saw on one of your
2 recommendations here, I believe that's somewhere in
3 Recommendation 4, if you could talk a little more
4 specifically about what you're doing, to assure that
5 generic issues, rather than get or address licensee by
6 licensee through inspections, get at the nascent stage,
7 get into the appropriate process.

8 MR. BENNER: Yeah, and that change, we
9 talked about it a little at the Used Fuel Management
10 conference, it's not specific to inspection. It's our
11 revised processes, that any issues that come up in any
12 inspection or licensing or an event occurs, you know,
13 one of the first scrubs we do is hey, is this bigger
14 than a bread box, and you know, we need to assess generic
15 implications with stakeholders. Do we need to get
16 involved, you know, have a schedule, you know, have an
17 outcome that determines that's in right process.

18 So inspection is not going to be treated,
19 then, differently than any other issues that come up
20 in the program.

21 MR. McCULLUM: Okay. Can you talk a little
22 bit more specifically, about are additional things being
23 put in your procedures, additional processes, triggers
24 to get those generic things raised earlier in the
25 process, to get them ported over for consideration as

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1 generic issues earlier?

2 FACILITATOR LESLIE: Rob, I'm going to ask
3 you to even speak louder. So far, we've had five people,
4 five people come over, try to be very close to you.
5 I mean speak right into it.

6 (Off mic comment.)

7 MR. McCULLUM: All right. Yeah, I thought
8 it wasn't me. But the point is, is are specific
9 organizational elements being put in place, specific
10 procedural steps, the criteria, you know?

11 Can you talk a little bit more specifically
12 about what triggers are being put in place, and what
13 mechanisms in the agency to address things that have
14 -- to evaluate and address things that have generic
15 implications?

16 MR. BENNER: I don't know if we have any
17 specific triggers. We could look to see if we could
18 just add notes to the inspection procedures to say it,
19 you know. If something is potentially generic, raise
20 it. I mean we've verbalized that.

21 Like Neil said, we have our monthly
22 conference calls, where all the inspectors talk about
23 any ongoing issues, and through those conference calls,
24 we've identified several that, potential issues that
25 we've elevated.

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1 But the consideration of adding that
2 expectation as a specific trigger in the procedures,
3 we can certainly consider that.

4 FACILITATOR LESLIE: And I'll use the good
5 mic, and I have to apologize for berating you all day
6 yesterday, not realizing that it wasn't the human, but
7 it was the technology.

8 MR. McCULLUM: Well, I'm used to it. Yeah.
9 I personally say those are, that is something that
10 you'll continue to take under consideration, and we'll
11 continue to hear updates on.

12 MR. BENNER: I mean we think we have
13 something now that's doing that.

14 MR. McCULLUM: Yeah again --

15 MR. BENNER: Through, we've explicitly, in
16 our monthly call, I think all the regions have been very
17 good about "hey, I have this, you know, issue going on.

18 What do you think?" We get the benefit of all the other
19 regions, "hey, I've seen this before."

20 Then, you know, we do make some collective
21 decision whether that gets kicked over to headquarters
22 to do some sort of generic resolution on. But as far
23 as adding maybe specific triggers into the inspection
24 procedures, I don't think there would be a harm in doing
25 that, to add the clarity.

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1 MR. McCULLUM: We're encouraged by that,
2 and again, part of this is cultural, as you know, and
3 we're encouraged by what's going on in some of the recent
4 issues. We had another example yesterday of things
5 going in the right generic process. So you know, we'll
6 continue to work with NRC in that area.

7 MR. DAY: Can I ask a question on that?
8 I mean what do you guys do in industry? When you, when
9 there's an issue, how do you raise it generically?

10 MR. McCULLUM: Well we have, you know, our
11 operating experience programs. We have INPO, you know.
12 If there's a report or an incident or an event at any
13 plant, it goes into those op-ex or operation experience
14 systems.

15 There's usually somebody in the licensing
16 department at the plant that's responsible for tracking
17 that, and if it has applicability, it goes, you know,
18 into their corrective action program.

19 MR. DAY: So there is a formalized process?

20 MR. McCULLUM: Yes.

21 MR. DAY: Okay.

22 MR. McCULLUM: And that's one of the
23 things. We took an action coming out of our conference
24 in May. One of the things that you folks asked us about
25 was extending that process a bit on the dry cask side,

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1 and bringing the vendors in, you know.

2 We have a very, for the big picture reactor
3 things, we have very effective and established
4 processes, again through INPO, to address generic
5 issues, and I think there's been identified a need in
6 industry, and this is something we are working on, to
7 make sure we're capturing everything in the dry cask
8 community with the same rigor, as risk-appropriate.

9 But you know, so I think, you know, there's
10 signs the wheels may be turning together on both sides
11 here.

12 MR. DAY: Right. I just, I guess I don't
13 want to have all the burden on the NRC to raise all these
14 issues, you know. If there's issues out there, you
15 know, they need to be communicated across the industry.

16 It wouldn't hurt for us to have these triggers, but
17 it's good that you have the process in place.

18 MR. McCULLUM: Yeah, and the reason the
19 triggers also need to be on your side is because when
20 you're identifying the inspection report, it gets to
21 our triggers, you know. It has to become a finding and,
22 you know, have had some impact on the licensee before
23 it gets around to the other licensees.

24 You know, each licensee can't be internal
25 to the other licensees' inspection processes. So you

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1 have an opportunity to catch them earlier than we do,
2 as you're still formulating --

3 MR. BENNER: I would disagree. I think you
4 guys are operating these facilities all the time. So
5 I would hope that you're identifying issues long before
6 an inspection comes onsite and --

7 MR. McCULLUM: No, no, no, no, absolutely.
8 Again, when there's an event or an occurrence or
9 something in somebody's corrective action program that
10 rises to the right level.

11 But a lot of this is whether it's a perceived
12 issue or not, and if you are perceiving something to
13 be an issue, that we may have decided it's not an issue
14 but it's a generic issue, then we need to have that
15 generic discussion. That's why the triggers also need
16 to be on your side as well.

17 I'm going to ask about one more area, and
18 then I'm going to turn it over to Brian here, who has
19 a couple other areas he'd like to get into.

20 MR. BENNER: Thank you.

21 MR. McCULLUM: One of the other things we
22 raised in our letter was coordination with NRR and, you
23 know, what part of the inspection program is on the Part
24 50 side of the boundary, versus the Part 72 side of the
25 boundary.

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1 That's not something I really see in what
2 was presented here. But if you can tell me, is there
3 anything going on in that area?

4 MR. BENNER: It's been tangentially
5 involved, and part of the reason for migrating to a 612
6 format for inspection reports is because that makes for
7 easier integration into reactor inspection reports, and
8 for integration of findings into the reactor oversight
9 process.

10 We've had several discussions with
11 different counterparts in the reactor inspection
12 program, as to how to better integrated the ISFSI
13 inspections, and this is sort of, you know, a half step
14 that could perhaps set us up to a full integration of
15 ROP into -- or ISFSI inspections into the ROP.

16 The reason we haven't jumped ahead to do
17 all of that yet is because it would necessitate the
18 development of a significance determination process for
19 ISFSI, because I think there is agreement within the
20 NRC that there would need to be some marriage of both
21 deterministic and risk criteria for significance
22 determination of ISFSI findings.

23 FACILITATOR LESLIE: Did that clarify it
24 for you, Rob?

25 MR. BENNER: That's the progress we've

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1 made.

2 MR. McCULLUM: Yeah, and I think that's a
3 good lead into again, our desire to risk inform. As
4 we talked yesterday, you did it qualitatively. I think
5 it's quite frightening and probably not appropriate for
6 dry cask storage to do these complicated PRAs to get
7 you there.

8 But to the extent we could think of some
9 qualitative criteria that would let you do that, that's
10 something we'd be willing to work on.

11 MR. BENNER: One of the, and Neil alluded
12 to this, one of the things we're going to try and do
13 in the inspections is sort of rank the attributes by
14 significance, and the desire would be that if, you know,
15 we get alignment on which inspection attributes are most
16 significant, then yes, we'll pretty much always be
17 inspecting against those, and then the attributes of
18 less significance would be on some sort of sampling basis
19 that would continue to, you know, ensure that we have
20 findings in those areas.

21 So it's not risk-informing in the
22 traditional sense, but I think it's along the lines of,
23 you know, qualitatively trying to say okay, you know,
24 are we looking at the most risk-significant things.

25 MR. McCULLUM: Yes. Sometimes the term

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1 "safety-focused" is tossed around as an alternative to
2 risk-informed, and that sounds like a good qualitative
3 use of that. So we continue to encourage that, and
4 that's good though. Brian.

5 FACILITATOR LESLIE: Rod, if I can go out
6 and we'll come back to him. Other questions or comments
7 at this point? Okay, and identify yourself.

8 MR. ANTON: This is Stefan Anton from
9 Holtec International. Just a question. The
10 documents, the inspection manual and/or the inspection
11 procedures, are they all internal documents, or are some
12 of them available to the industry when they're
13 finalized?

14 MR. BENNER: The manual and the inspection
15 procedures are all publicly available.

16 MR. ANTON: Okay, thanks.

17 MR. BENNER: So our office instructions,
18 like you know the acceptance review procedures, is
19 publicly available. Most of the remainder are not
20 publicly available.

21 But we, in doing these activities, have an
22 action for ourselves, to look and say okay, should
23 certain office instructions, because they do involve
24 a fair amount of interaction with parties outside of
25 the NRC, should we make those procedures or some piece

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1 of those procedures, publicly available.

2 FACILITATOR LESLIE: So following up on his
3 question, I'll get to you, but in terms of how do they
4 know when something gets posted to the web, that the
5 inspection procedure has changed? I mean what's that
6 process?

7 MR. BENNER: It's not like there's a
8 *Federal Register* item. We could, we certainly can
9 notify when those things are out. But you know, the
10 inspection manual is, you know, truly guidance for the
11 NRC inspectors. So there's a formal communication when
12 those procedures or documents get updated.

13 FACILITATOR LESLIE: Okay, thanks. I
14 appreciate it. Go ahead, Marc.

15 MR. NICHOL: Marc Nichol from the NEI, and
16 just following on that last comment, Eric, we would
17 encourage you, as you go through those additional
18 internal procedures that may impact or have
19 communications with external, that the industry or
20 external stakeholders, we'd encourage you to make those
21 publicly available.

22 Since I have the microphone, I'll make
23 another comment. One, I just wanted to state up front
24 that the 11 recommendations that you're working on, we
25 view as very positive improvements, certainly from the

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1 conceptual goals that you've laid out. There are a few
2 that we may want to discuss some of the details, and
3 I think that's where we're headed right now.

4 One that I'd like to start with, I believe,
5 is Recommendation 11. It was Recommendation 5, Slide
6 14. I'm a little bit confused on what you were saying
7 here, and I was hoping you might be able to explain it
8 in a little bit more detail, so we can understand exactly
9 what your intent is here.

10 You talk about if an RAI identifies a
11 condition adverse to quality, that that RAI would need
12 to be incorporated into the applicant's corrective
13 action program, and then subsequently that RAI would
14 be sent to the inspector, to make sure that it was
15 handled.

16 Could you give some examples of what type
17 of issue identified in an RAI would be put in there?

18 I mean are you talking about an error identified in
19 a calculation, such that, you know, that's something
20 that was, should have been caught in a QA program, or
21 are you talking about something where the applicant came
22 in with one methodology and the NRC is now saying they
23 don't like that methodology, and that would be put in?

24 Could you provide some explicit --

25 MR. BENNER: Yeah, Marc, and we've done

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1 some of this. Some of the people in this room maybe
2 have been recipients of this, where we've had, you know,
3 when we've issued RAIs.

4 We've either issued a companion letter or
5 we may have even put it in a cover letter to the RAI
6 letter, that there were issues identified that we
7 thought were conditions adverse to quality. I think
8 they were along the lines of the former things that where
9 we just found some fairly gross errors, you know.

10 It isn't, you know, we realize that we need
11 to be judicial on this, and not just say okay, just
12 because someone came in with a different approach and
13 we don't agree with it, it's not a condition adverse
14 to quality. I mean you proposed something to us and
15 maybe we don't agree with it.

16 But we think getting into a review, you
17 know, because we do some independent verification, we
18 find that you used a model and you used a calculation,
19 and we found, you know, just mathematical errors that
20 significantly impacted the outcome. Like you say,
21 that's something we would expect the QA program to find.

22 FACILITATOR LESLIE: Did that clarify it?

23 Great, thanks. Other questions, comments, and again
24 the specificity in the communication really helps ensure
25 that you're both on the same page, in understanding what

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1 the NRC is proposing and the process of accomplishing
2 it. Go ahead.

3 (Off mic comment.)

4 MR. GUTHERMAN: Brian Gutherman from
5 Gutherman Technical Associates, Services. I have
6 comments or a clarification request on two
7 recommendations.

8 Number 4, Slide 12. It's not clear how you
9 would integrate the vendor user groups or even utilities
10 in this process, or if you intend to. Can you expand
11 on that little bit, Neil, and --

12 MR. DAY: I'm sorry. Which one was it,
13 number eight?

14 MR. GUTHERMAN: Slide 12, Recommendation
15 4 pertains to the SFST technical working groups. I
16 would think that if there is a technical issue, you would
17 want to integrate the, perhaps the users groups in that
18 --

19 MR. DAY: Well again, I guess that's on your
20 end, right? The users group would be on your end. Our
21 working groups are internal to SFST. They're the
22 technical experts that solve the problems that are
23 in-house.

24 MR. BENNER: One of the things that we do
25 have in the procedure is what stakeholders do we need

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1 to involve. I believe on that list, half of the users
2 groups. I don't know if we've really -- I can say we
3 haven't done a whole lot of detailed thinking as to how
4 that interaction would, could, should occur.

5 But you know, we certainly, you know, would
6 be open-minded to meeting with the users groups, if we
7 had a potential generic issue to try and, you know, we
8 consider it a valuable stakeholder. Let's just put it
9 that way.

10 MR. GUTHERMAN: That's a good answer. As
11 long as it's in there in some manner, to use as
12 appropriate specifically, because --

13 MR. BENNER: But I think it would be good,
14 because Neil pointed out the pre-decisional nature of
15 when we can be in inspection space, and there's an
16 awkwardness of where does the users group fit.

17 I mean if we are dealing with an individual
18 vendor or licensee, I think if they want the user group
19 involved, then it's easy. If that licensee we're
20 initially dealing with doesn't want the users group
21 involved, or doesn't want another party involved --
22 we've run into that, where a licensee didn't want a
23 vendor or a vendor didn't want a licensee involved, it
24 gets a little trickier for us.

25 So that may be something we need to discuss

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1 collaboratively to say hey, you know, you may not want
2 these other people involved, but if we all agree that
3 we could get to better outcomes, having all the parties
4 involved, we may need some agreements on your side of
5 the house.

6 MR. GUTHERMAN: And oh, one more thing
7 Neil. I know you want to speak. It's just something
8 may arise in an inspection of a licensee, and you really
9 need to go back to the COC holder to understand the true
10 context of what the licensed condition is, that was,
11 went through maybe some back and forth in a licensing
12 review, perhaps involving different people than are
13 involved now.

14 So as long as that's encompassed in a
15 flexible way that we can do that, that's all you can
16 ask for.

17 FACILITATOR LESLIE: Thanks, Brian. I
18 thought you had a second one.

19 MR. GUTHERMAN: I do. Is there anyone else
20 that wants to comment on this recommendation? I'm
21 probably the best one to --

22 FACILITATOR LESLIE: Well, that's fine.
23 I'm looking.

24 MR. GUTHERMAN: Okay, here it goes.
25 Recommendation 11 is the last one I had a comment on.

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1 I think this is a very good thing that you're doing
2 here, by the way, involving the inspectors in these.

3 For the application reviews, I don't know to what extent
4 you have them involved, whether they're for concurrence
5 or just information only.

6 One thing I would suggest is that the folks
7 in the regional inspection groups are very familiar with
8 tech spec implementation on the Part 50 side. So it
9 might be helpful to have them look at proposed tech specs
10 and COCs for logic and trap doors, if you will, dead
11 ends, to make sure that whatever's being proposed by
12 the COC holder, in their view, is implementable and
13 inspectible in the field.

14 Certainly, COC holder might be doing the
15 same thing with their users. But that's a really good
16 use of an inspector review.

17 MR. BENNER: That's one of the prime -- I
18 mean that was one of our drivers for having the
19 headquarters inspectors do it, because we had several
20 issues where our inspectors went out and there were
21 things that, you know, either measurements or things
22 that couldn't really be verified, and we kind of got
23 locked up. So but tapping into the regional resources
24 would be a good thing there too.

25 FACILITATOR LESLIE: From what's written

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1 on the slide, whether that was -- you intended to involve
2 regions or at this point, you're just using the
3 headquarters?

4 MR. BENNER: Yeah. For now, it's just the
5 headquarters inspectors.

6 FACILITATOR LESLIE: And are there any
7 regional people here that can --

8 MR. BENNER: Yes.

9 FACILITATOR LESLIE: And make sure, if you
10 want to say something, please come up to the mic and
11 give a fuller discussion, and identify yourself please.

12 MR. VIAS: My name is Steven Vias. I'm the
13 branch chief, Region II Atlanta, over the SFST area.

14 To your point about getting involved in the process
15 when you're developing something, we don't do that.
16 You want to submit something on the docket and have SFST
17 look at it and view it, fine. But my inspectors will
18 not look at track documents.

19 FACILITATOR LESLIE: Okay. Thanks for the
20 clarification. Other questions? We were going to have
21 someone else, but apparently you stole her comment.
22 Did you have other comments at this point? So you guys,
23 you heard what they were doing for each of the
24 recommendations, and is it clear where they are and what
25 their process is for completion?

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1 I guess what I'll do is I'm going to go to
2 the phones and see if there's any questions. Bobbi,
3 at this time, are there any people who have questions
4 or comments?

5 OPERATOR: And at this time, I don't know
6 any, but if you would like to ask a question or make
7 a comment, that is *1 on the phone.

8 (No response.)

9 OPERATOR: And at this time, there are no
10 comments or questions.

11 FACILITATOR LESLIE: Okay, and we also have
12 no comments or questions on GoToMeeting. So the focus
13 is back into the room. I'll go down the line here, and
14 okay, go ahead.

15 MR. GUTHERMAN: Yeah, I have one more, and
16 this is also from our letter, and I think then we may
17 have just about covered it all. This is a small one,
18 but I think we had sensed a need for, and I think some
19 regions did this; maybe others didn't necessarily, that
20 all inspections have formal entrance and exit meetings.

21 Is that something that's now going to be
22 part of the procedures, or is it part of the procedures?

23 MR. BENNER: I think that was, that's
24 always been our intent, to have formal exits and
25 entrances.

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1 FACILITATOR LESLIE: Can you speak up?

2 MR. GUTHERMAN: Yes. Obviously, it's the
3 appropriate practice, you know, just because I think
4 we saw some inconsistency there. We were wondering if
5 that was going to be part of the initiative or --

6 MR. BENNER: I don't think we've really --
7 I mean I think we could take it for a discussion point,
8 but I don't think we would explicitly say that in the
9 procedures, because I think it is the expectation.

10 MR. GUTHERMAN: I think I'd clarify, Rod.
11 This is Brian Gutherman. I think that there is
12 generally exits and entrances. What we're seeing
13 though is the written inspection reports sometimes can
14 be in abeyance for up to years sometimes.

15 That gets difficult when nothing is written
16 down and there's a lot of verbal things going back and
17 forth, and the licensees can get hung up, until such
18 time as they know exactly what it is that they're not
19 complying with, that's keeping them from moving forward.

20 So I think it was more along the lines of
21 getting inspection reports written in a timely manner.

22 MR. VIAS: Again Steven Vias, Branch 2,
23 Region 2. Total agreement with you. We are, made a
24 commitment internally to get reports out within 30 days
25 after a campaign of one sort or another, from a regional

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1 point of view.

2 Now headquarters has their own inspection
3 reports that they do issue. They have their own
4 guidance that they're following. But from the
5 regional, I agree. I've got a report that I just issued.

6 It was six months ago they did the inspection. So we're
7 making the commitment, to try and get them out in 30
8 days.

9 MR. GUTHERMAN: This is Brian Gutherman,
10 to follow this up. Are you generally going to have
11 independent inspection reports, or roll them into the
12 resident's quarterly report, or you'll just leave that
13 flexible for whatever makes the most sense?

14 MR. VIAS: There's two areas that we will
15 -- two different types of reports. If it's a routine
16 loading campaign, it will go into the resident report.
17 If it's a pad construction, dry run initial loading,
18 those will be stand-alone reports.

19 FACILITATOR LESLIE: Go ahead.

20 MR. BENNER: And just to answer a little
21 more. For headquarters, we had several instances where
22 we left inspection reports open, because the entity
23 being inspected had committed to get us additional
24 information, and we sometimes do get into that sort of
25 back and forth.

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1 This isn't a change in any of our procedures
2 or anything, but we have committed to say, to use that
3 a little more judiciously. I mean if we, you know,
4 finish our inspection on a Friday and the individual
5 being inspected says yeah, I can get you that additional
6 information next week, we'll do that.

7 But we're not going to have these
8 protracted, okay yeah, in three months I'll get you
9 something, because I think we just get into a situation
10 there where we've kept the inspection open and there's
11 no real forcing mechanism to have anything happen.

12 FACILITATOR LESLIE: Thanks, Eric. Marc.

13 MR. NICHOL: Marc Nichol from NEI, and I
14 appreciate it. I'm glad to hear that that's your
15 internal goals. So I'm wondering would it be correct
16 to assume that those would be part of your internal
17 metrics, and since we're on that subject of internal
18 metrics, I know that was a topic that had been requested
19 for information, some of the previous, and I didn't see
20 discussion here.

21 Could you elaborate on where you're going
22 forward with internal metrics, to successful
23 inspections?

24 MR. BENNER: Well, the agency has measures
25 for the inspection program, and like Steve said, you

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1 know, it's 30 days for most inspections and it's 45 days,
2 I think, for team inspections.

3 Many of our inspections of the vendors are
4 considered team inspections, but I think on average,
5 we've been getting our reports out, in something, you
6 know, significantly less than 45 days. It's been on
7 the order of the mid, you know, 20 days.

8 We also this, and is a little probably
9 boring to many of you. The NRC has moved to a business
10 line model, where you know, before each office had their
11 own measures. Now, we look at business lines, and one
12 of the business lines is spent fuel storage and
13 transportation.

14 When we did that, we had to engage with the
15 regions, to make sure we had consistency between our
16 performance measures, and actually the regions had what
17 I thought was a better performance measure on how we
18 measure completion of the inspection program.

19 Now again, these are agency-type measures,
20 so they're at a very high level. They give a gross
21 indication of effectiveness. You know, regarding at
22 a more detailed level for practitioners, this is one
23 of the reasons we want the feedback loop on the
24 inspection of these attributes, because if --

25 To put it in a nutshell, if we're going

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1 out and inspecting an area over and over and over and
2 over again, we're not having any findings, I mean every
3 one we look at does it very well, that's really not a
4 good use of our inspection resources.

5 So we want sort of that feedback, to say
6 okay, you know, both from a standpoint of risk
7 significance and a standpoint of, you know, do people
8 get this. I mean because basically where we most want
9 to put our resources, and you know, it's not to make
10 your guys' life miserable.

11 But if there's a risk-significant area
12 where you don't know what you're doing, that's where
13 I want to inspect, you know.

14 MR. GUTHERMAN: This is Brian Gutherman.

15 I want to say I think you're right on, Eric, with not
16 letting inspection reports languish too long, and use
17 the follow up issue process or the unresolved issue
18 process, so that licensee relying organizations, when
19 they go back to their management to tell them why it
20 is they're not moving forward, they have something that
21 they can point to and say here's the problem, here's
22 what we're waiting on, here's who's got the action.
23 So that's what they need.

24 FACILITATOR LESLIE: Go ahead, Marc.

25 MR. NICHOL: Marc Nichol, NEI, just to

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1 follow up, and thank you for that explanation, Eric.

2 I appreciate that. But in terms of understanding a
3 little bit more, in terms of how the NRC would strive
4 for continuous improvement in this area, take for
5 example a hypothetical situation where the report is
6 beyond the goal of 30 days or 45 days.

7 What types of actions would the NRC take
8 to strive for improvement, either identify the root
9 cause for why that report came out late or what types
10 of improvements it could make in its processes, to ensure
11 that reports in the future are made timely?

12 MR. BENNER: Well, I think it would be like
13 anything else. I mean we take corrective actions. I
14 think the issue hasn't been the timeliness of reports
15 per se. The issue has been we've kept the inspection
16 open, to do this dialogue.

17 Once we've gotten to a point where we say
18 no, we're done, we're issuing the inspection report,
19 we can get the inspection report issued within the
20 measure. So it's been more a philosophical discussion
21 of, like Brian said, you know, if we need to have an
22 unresolved item, we do that, you know.

23 Instead of just saying okay, we have this
24 question of having a person on the other side saying
25 well, I can get you the answer to that question, when

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1 we get the answer to that question we have another
2 question.

3 Then we're theoretically in an inspection,
4 but we're just in this sort of ongoing dialogue, and
5 there's no markers.

6 FACILITATOR LESLIE: Do you want -- all
7 right.

8 MS. LeBLANG: Suzanne LeBlang from
9 Entergy, and as the current chairperson of two of the
10 users groups and a former chairperson of the third, I'd
11 like to put a plug for involving the users groups.

12 I know you mentioned it and said that, you
13 know, you've got some type of a reference there, to back
14 and get with the users groups. But in the area of generic
15 issues, I think that is an area that I would encourage
16 that you consider the users group at that point, because
17 when an issue comes up in inspection process, you may
18 not really know, without some more input, is that only
19 applicable to that specific site that you're inspecting,
20 or is there a larger generic implication here.

21 So maybe consider when that's formed to
22 include the users group, to help you to determine is
23 that a generic issue or not.

24 FACILITATOR LESLIE: Thank you, Suzanne.

25
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1 MR. DAY: Is there a process in place in
2 the industry for the issues that come up through the
3 Steering, or I'm sorry, the users groups? Do they get
4 submitted to the NRC? No. They're just all --

5 MR. McCULLUM: You know again, those would
6 be dealt with through the corrective action programs
7 of the individual licensees.

8 MR. DAY: I think it might help both sides,
9 you know, if we heard the issues, you know, from what's
10 going on in the industry in that forum.

11 FACILITATOR LESLIE: I'll get to Suzanne,
12 but that was Rod McCullum of NEI answering Neil.

13 MS. LeBLANG: Suzanne LeBlang from Entergy
14 again, and I believe in the September conference, we
15 are going to discuss OE and the OE sharing that goes
16 on with the users group, and even what we are doing for
17 sharing between the users groups and with the vendors.

18 MR. NICHOL: Marc Nichol from NEI as well,
19 and I'd just answer that as in a lot of the -- well,
20 if not all of the OE and lessons learned that goes through
21 these users groups, are at the operational levels. What
22 can we do better, you know, what small thing might have
23 occurred during the operations that wasn't anticipated.

24 All of these fall far below the threshold
25 where the NRC is involved. These are not regulatory

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1 compliance issues. These are not licensee, that the
2 cask licensing or ISFSI licensing basis violations.

3 These are not safety issues. These are
4 much further below, and I believe that it's appropriate
5 the way it's addressed now, that industry deals with
6 these lessons learned and OEs on our own.

7 So that they are vehicles where the NRC can
8 be aware of these. We do that at our conference every
9 year. Every once in a while, NRC is invited to the users
10 groups, to see the OE there. But certainly, I would
11 not suggest that submitting that formally to the NRC
12 or sharing it formally would be conducive to the
13 appropriate way to do.

14 FACILITATOR LESLIE: Okay, thank you.

15 MR. McCULLUM: Yeah, yeah. Again, Rod
16 McCullum. I just want to echo that, and that's where
17 you get into reporting thresholds. To what your point
18 was earlier, you want us to solve our own problems.
19 You don't want to be solving them for us.

20 So I think we've got a pretty good structure
21 there, and as Suzanne mentioned, we're looking at a
22 better sharing OE across our own complex as well.

23 MR. NICHOL: And Marc Nichol from NEI.
24 Just to follow that up, now if there were an occurrence
25 of something that was a licensing basis violation, it

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1 was a regulatory compliance issue, safety issue, there
2 are formal processes to share that with the NRC, and
3 it would be shared with the NRC through those processes.

4 FACILITATOR LESLIE: Thanks, Marc. Okay.
5 I'll come to you. I'll come to you.

6 MS. LeBLANG: All right. One more
7 clarification, is a lot of time those OEs or something
8 that happens with that, are entered into our corrective
9 action program, and then of course when you come in for
10 inspection, one of the first things that normally you
11 ask for is to see the corrective actions that have been
12 written since the last time of inspection.

13 So while they're not formally submitted to
14 you, a lot of times they are part of your inspection.

15 FACILITATOR LESLIE: And that was Suzanne.

16 MS. LeBLANG: Yeah. Suzanne LeBlang,
17 Entergy.

18 FACILITATOR LESLIE: Thanks.

19 MR. GUTHERMAN: Brian Gutherman. I will
20 augment what Suzanne just said. By each of the
21 corrective action items, of course, we get a review for
22 reportability through the 72.75 criteria for reporting
23 to NRC, and if there's anything in addition to that,
24 into the certificates, which there is in a lot of cases.
25 It would go through that reportability with you.

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1 FACILITATOR LESLIE: Thanks, Brian. All
2 the questions have come from this side of the room.
3 So I'm going to come over here and see if there are
4 questions. But I'd also go to the front table, because
5 this is your opportunity to ask questions and get
6 clarifications.

7 So I'm going to put a little burden on both
8 Neil and Eric and Tom hasn't said anything either. But
9 that's okay. Any questions over here?

10 (No response.)

11 MR. DAY: I asked my questions as they came
12 up. I just don't really have any right now.

13 FACILITATOR LESLIE: Okay. Well, I don't
14 want to shut off discussion or opportunities before
15 necessary. You guys --

16 MR. McCULLUM: I think as the industry
17 group here, I think we've raised, you know, this has
18 been useful. You went over all your recommendations.
19 You gave us an opportunity to ask questions, which we
20 have done.

21 I think this does, this opportunity as
22 probably meeting on the record does give, it does answer
23 the mail, in terms of responding to our letter. We were
24 able to raise those issues here, and I think you
25 responded to them, and I think we're largely encouraged

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1 by what we hear.

2 I think the one point of emphasis you heard
3 from us is the making sure we get -- as generic issues
4 start to bubble up in an inspection, and you know, we
5 have to do the same on our side. We understand that.

6
7 We get generic issues into the right
8 process, into the right generic discussion to go into
9 the right process as early as possible, before we go
10 down too many roads with individual licensees. So you
11 know, that -- I think I've heard some commitments on
12 your side. We'll look forward to seeing more.

13 MR. BENNER: I would -- I mean we are trying
14 to be more systematic in that regard. But we also, you
15 know, Doug Weaver isn't here, but he makes this point
16 and I'm going to make this point for him. You know,
17 realize that if you get an inspection, you know, a lack
18 of findings is not the same as a licensing approval.

19 So a subsequent inspector coming up and
20 raising a question isn't a change in regulatory position
21 necessarily.

22 MR. McCULLUM: Oh absolutely. I
23 understand that, and --

24 (Simultaneous speaking.)

25 MR. BENNER: But with that question,

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1 whether it didn't get raised in Inspections 1, 2 and
2 3, if it gets raised in Inspection 4, and maybe it has
3 applicability to the other, that needs to be
4 communicating and we need to assess the significance
5 of that.

6 I think we're both commitment to it, and
7 you know, we'll look forward to continuing to work on
8 that.

9 FACILITATOR LESLIE: Thank you, sir.
10 Before I turn to Eric and Mark for some closing comments,
11 I'll go out -- and Bobbi, do we have any comments from
12 the phone lines?

13 OPERATOR: At this time, I'm showing no
14 questions. Again, if you'd like to ask a question, just
15 press *1 at this time. Again, press *1, and one moment
16 please.

17 (No response.)

18 OPERATOR: At this time, I'm showing no
19 questions.

20 FACILITATOR LESLIE: Thank you very much,
21 Bobbi. Okay. I'm going to -- Eric wants to say a few
22 things, and then Mark, you can actually stay there.
23 You can use that mic there. So Eric.

24 Wrap-Up

25 MR. BENNER: I just want to, you know, I

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1 wanted to thank the Three Musketeers for all their
2 feedback today. I'm glad that Suzanne finally was able
3 to stand up and inject some things, because you know,
4 Suzanne, as the users group chair extraordinnaire, I
5 think has a lot of input that we can use.

6 You know, it's somewhat of a challenge,
7 because the inspection process by its very nature
8 isn't, you know, we've talked to our OGC folks about,
9 you know, how much do we share, you know, how much is
10 there of public involvement in the development.

11 So you know, we have strived to be as
12 transparent as possible and will continue to be. We
13 think this is healthy. I know we appreciate the
14 dialogue, and can tell you that the feedback you guys
15 provided was not nearly as challenging as the feedback
16 we got from our own internal stakeholders.

17 So it's been a good dialogue. I found out
18 something special about Neil this morning. Neil's a
19 hunter, and he's actually taking off this afternoon to
20 go hunting, and I told him industry individuals are off
21 limits.

22 So that we could get a frank dialogue, and
23 I feel like we did get a frank dialogue. So I appreciate
24 it, and again, I appreciate you staying or coming for
25 the second day, because like you said, you know, being

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1 here on a Friday can be a pain, especially if you have
2 long travel. So thanks a lot.

3 FACILITATOR LESLIE: Thanks Eric. Mark.

4 MR. LOMBARD: Thank you, Bret. Mark
5 Lombard from NRC. I think it's been a great exchange,
6 and I appreciate the open dialogue that we've had this
7 last day and this morning as well, and all you folks
8 coming over.

9 As Eric said, I know it's touch on Fridays,
10 when you want to be home. We have the same thing; we
11 just don't have as fare to go as some of you do.

12 I also wanted to point out that it's very
13 important to us that any issues that the folks do want
14 to raise, there were a lot of issues raised and some
15 feedback on our presentations we've had the last day
16 and a quarter.

17 But if you have any issues that you weren't
18 comfortable raising during the meetings that we've had,
19 there are some brochures in the back there that talk
20 about how you raise issues with the NRC. So you're
21 welcome to take a look at those, and please, send us
22 anything that you might have.

23 Lastly, I want to thank everybody who's been
24 such an integral part of putting this on and making it
25 such a success. First off is Bobbi, our operator today,

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1 that's helping us. I don't know if she said if there's
2 anybody on the line, but she's doing a great job of
3 managing that on her end.

4 Neil and John. Neil, yesterday as our AV
5 operator on this end with the slides and the GoToMeeting,
6 and John Vera today as well. Toby, our recorder, thanks
7 very much for your help, and you'll be transcribing and
8 getting us the transcript of the proceedings, so we can
9 have access to that.

10 Theron and Kendra, our unseen folks back
11 in the booth, thank you for your help back there and
12 ACRS, for letting us use their excellent room. It
13 worked out very well. I have these in order and then
14 I switched the order. Members of the public and
15 industry who participated periodically the last day or
16 so, and we really appreciate your input.

17 Then going down my list, speakers from the
18 NRC and from the industry, who helped us have such a
19 great interchange of information; Bret for doing a great
20 job of keeping us on track and keeping us safe and making
21 sure that, you know, we knew we weren't the NRA or the
22 NRC. I don't think Charlton Heston is our chairperson.

23 And lastly Kris, for doing such a great job
24 of organizing this whole thing from the beginning,
25 getting all your team together, and really made this

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1 a success by all the hard work that you put into it.

2 Thank you so much for your hard work.

3 FACILITATOR LESLIE: Thank you, everyone,
4 and with that, we're closed.

5 (Applause.)

6 (Whereupon, at 9:44 a.m., the meeting was
7 concluded.)
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