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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

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4 1996 ALL AGREEMENT STATES

5 MEETING

6 + + + + +

7 TUESDAY,

8 SEPTEMBER 17, 1996

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10 ROCKVILLE, MARYLAND

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12 The meeting came to order in the auditorium at  
13 Two White Flint North, Rockville Pike, Rockville, Maryland  
14 at 8:00 a.m., F.X. Cameron, facilitator, presiding.

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

(8:10 a.m.)

MR. BANGART: Welcome. It's good to see everybody. Just in case you're confused, I'm not Chip Cameron. Chip will be your facilitator; however, for most of the meeting, nearly all of the meeting, actually, he was conducting a public workshop in Ohio last night to discuss an environmental impact statement related to site decommissioning management plant site there. He should be leaving Columbus early this morning, and we expect him to be here to begin his facilitation mid to late morning.

I'll remind you that the meeting is being transcribed, so when you speak please use the microphone and introduce yourself before making comments. Before we get started and go any further, why don't we go around the room and introduce ourselves so we all know who's here in attendance.

I'm Dick Bangart. I'm the director of the Office of State Programs. Paul?

MR. LOHAUS: I'm Paul Lohaus. I'm deputy director for the Office of State Programs.

MR. QUILLIN: I'm Bob Quillin, Colorado.

MR. ERICKSON: John Erickson, state of Washington.

MR. SINCLAIR: Bill Sinclair from Utah.

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1 MS. ROGERS: Alice Rogers with Texas Natural  
2 Resource Conservation Commission.

3 MR. RATLIFF: Richard Ratliff with Texas  
4 Department of Health.

5 MR. GRAYS: Johnny Grays with state of  
6 Tennessee.

7 MR. PORTER: Henry Porter, South Carolina.

8 MR. BATAVIA: Max Batavia, South Carolina.

9 MR. LEVIN: Stuart Levin, Pennsylvania.

10 MR. PARIS: Ray Paris, Oregon.

11 MR. SUPPES: Roger Suppes, Ohio.

12 MR. WANGLER: Ken Wangler, North Dakota.

13 MR. PADGETT: Aaron Padgett, North Carolina.

14 MR. GAVITT: Steve Gavitt, New York.

15 MR. FLOYD: Bill Floyd, New Mexico Environment  
16 Department.

17 MS. TEFFT: Diane Tefft.

18 MR. MARSHALL: Stan Marshall, Nevada State  
19 Health Division.

20 MR. HEARTY: Brian Hearty, Nebraska.

21 MR. HALLISEY: Bob Hallisey.

22 MR. FLETCHER: Roland Fletcher, state of  
23 Maryland.

24 MR. SCHELL: Bob Schell, state of Maine.

25 MR. SPELL: William Spell.

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1 MR. COOPER: Vic Cooper, Kansas.

2 MR. FLATER: Don Flater, Iowa.

3 MR. EASTVOLD: Paul Eastvold, Illinois.

4 MR. HILL: Tom Hill from Georgia.

5 MR. PASSETTI: William Passetti from Florida.

6 MS. JEFFS: Vicki Jeffs from the Commonwealth  
7 of Kentucky and the first agreement state.

8 MR. BEVILL: Bernie Bevill from Arkansas.

9 MR. WHATLEY: Kirk Whatley.

10 MR. GODWIN: Aubrey Godwin, Arizona.

11 MR. KELLY: Skip Kelly, Arkansas.

12 MR. MCCARTHY: Kevin McCarthy, Connecticut.

13 MS. MCCARTHY: Ruth McCarthy, Texas.

14 MR. HACKNEY: Charles Hackney, region IV.

15 MR. MORRISON: David Morrison, Office of  
16 Research, NRC.

17 MR. BANGART: Let's go over here.

18 (Whereupon, at this point, the audience  
19 introduced themselves individually.)

20 MR. BANGART: Anybody else? And Bill Hehl  
21 from Region I just walked in. Let me go over a couple of  
22 logistical things while we're waiting for commissioner  
23 Dicus to arrive.

24 First of all, you should have all received or  
25 been given a visitor's badge. That badge you will need if

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1 you leave this room and go into any area where you have to  
2 go pass a security guard. However, you can use the small  
3 elevator here, get up to the main floor here, go into the  
4 cafeteria and never have to pass a security guard. At the  
5 end of the day, today, and at the end of each session, we  
6 ask you to turn in your badges to Brenda or whoever's  
7 sitting out at the table, and they'll be reissued to you  
8 the next morning.

9           For the reception at the end of the day today,  
10 we've made arrangements with security that you'll not need  
11 the badges but will need to assemble and go to this first  
12 building and go up to the 18th floor as a group. So we'll  
13 assemble out in the lobby here and then depart for the  
14 other building and go upstairs to the Commissioner's  
15 dining room for the reception.

16           We have scheduled some tours for both the  
17 business process Reengineering Center and the Advanced  
18 Computing Center on Wednesday and Thursday. There are two  
19 tours early in the morning and two additional tours either  
20 around lunch time, actually during the break, on those  
21 mornings.

22           I have subdivided the agreement state  
23 representatives alphabetically as shown on that chart over  
24 there and numbered each alphabetical group. If you look  
25 at your agenda and on the first day marked one, two,

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1 three, and four by the respective tours that are ing to  
2 take place that day, you'll see which tour that you've  
3 been designated to take part in.

4 If you go to Thursday, September the 19th and  
5 do a reverse ordering, do a four, three, two, one down the  
6 page, then you should be assigned for the tour of the  
7 other facility on the second day by the same alphabetical  
8 grouping.

9 If you do need to go to any part of the White  
10 Flint facility other than the areas that I designated, you  
11 will have to have an NRC person escort you.

12 Commissioner Dicus, welcome. Got a place for  
13 you over here. I'm very please to have Commissioner Greta  
14 Dicus as a keynote speaker for this, the 1996 Annual  
15 Agreement States Meeting. You may remember that because  
16 of the important state perspective that she brings to the  
17 Commission, Terry Strong, while serving as chair of the  
18 executive committee of the OAS, specifically invited her  
19 to speak at this meeting. We very much look forward to  
20 here remarks this morning.

21 Commissioner Dicus has an impressive record of  
22 career accomplishments that is well known, I think, by all  
23 of you. Some of her most noteworthy accomplishments  
24 include serving as director of the Arkansas Department of  
25 Health, Division of Radiation Control on Emergency

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1 Management for nine years; serving on the board of  
2 directors of the United States Enrichment Corporation; and  
3 serving as chair of the Central Interstate Low Level  
4 Radioactive Waste Commission; she was sworn in as a member  
5 of the Nuclear Regulatory Commission on February 16th of  
6 this year.

7 I've been asked to make my introductory  
8 remarks brief, so they will be. It's now my pleasure  
9 introduce Commissioner Greta Dicus.

10 COMMISSIONER DICUS: Thank you and good  
11 morning everyone. My friends and colleagues -- and notice  
12 I said "friends and colleagues" and not "former friends  
13 and colleagues." I'm very pleased to welcome you to this,  
14 the 1996 Annual NRC All Agreement State Meeting. I've  
15 entitled my comments to you this morning as "Through the  
16 Looking Glass: Reflections from the Other Side."

17 And you can well imagine, this is a unique  
18 experience for me and that I'm certainly not a stranger to  
19 these meetings, having served, of course, as Dick  
20 mentioned, director of a state program and also had the  
21 honor to serve as chairman of the Organization of  
22 Agreement States, and now as a Commissioner on the Nuclear  
23 Regulatory Commission.

24 So, having now stepped through the looking  
25 glass, so to speak, I have the opportunity to view the NRC

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1 Agreement State Program from the perspectives of both an  
2 NRC commissioner and as a former agreement state radiation  
3 program director.

4 I want to give you a little outline, a bit of  
5 an outline on what I'm going to talk about this morning.  
6 I will begin my remarks with a short review of the  
7 Agreement State Program. I will then share with you my  
8 impressions of the NRC, my views on basic regulatory  
9 concepts; I will provide you the latest news on the NRC's  
10 strategic assessment and rebaselining program; and I will  
11 discuss some of the personal views that I bring to the  
12 Commission. Finally, I will offer some thoughts for the  
13 future of the Agreement State Program.

14 In Lewis Carroll's classic, "Through the  
15 Looking Glass," the king says, "I shall never forget," to  
16 which the queen replies, "You will though if you don't  
17 make a memorandum of it." So the following is my brief  
18 memoranda of the history of the NRC Agreement State  
19 Program. Now you might -- and most of you here know about  
20 all of what I'm getting ready to say; some of you may not  
21 be as familiar with it. But I think it's very important  
22 to put this history together very concisely; and also,  
23 today, as part of the official record.

24 The Agreement State Program was the product of  
25 a lengthy, thoroughly deliberated Congressional action

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1 that culminated in 1959 in a carefully crafted addition to  
2 the Atomic Energy Act which is section 274 which is  
3 entitled, "Cooperation with States." The most  
4 significant part of section 274 was the creation of a  
5 unique program of cooperation with the states in the  
6 regulation of nuclear materials -- the Agreement State  
7 Program.

8 In 1983, twenty-four years later, the National  
9 Governors Association cited this program as a remarkably  
10 successful endeavor in federal, state relationships.  
11 Today it continues to stand as a uniquely successful  
12 program in this regard. Nonetheless, it was not without  
13 controversy at its inception; and in the thirty-four years  
14 since the first agreements were signed in 1962, there have  
15 been differing views among its stakeholders about the  
16 direction and implementation of this program.

17 And when I say stakeholders, I mean not only  
18 the NRC and the states, but our licensees and the public  
19 whose public health and safety we are obligated to  
20 protect. How well we are able to reconcile those  
21 differing views and also meet our regulatory  
22 responsibility of protecting the public health and safety  
23 and the environment are my subjects this morning.

24 When the 1959 legislation was introduced into  
25 Congress the Atomic Energy Commission commented that, and

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1 I quote, "It provides a statutory framework within which  
2 the states may assume and independent regulatory role in  
3 extensive areas now occupied by the Atomic Energy  
4 Commission on a basis which will assure appropriate  
5 protection for public health and safety and continued  
6 compatibility of the regulatory programs of the states and  
7 the Atomic Energy Commission."

8 The joint committee on Atomic Energy in its  
9 comments on the bill also emphasized the bill's intent to,  
10 and again quoting, "clarify the responsibilities of the  
11 federal government on the one hand, and state and local  
12 governments on the other." And the committee went on to  
13 say that: "It is also intended to increase programs of  
14 assistance and cooperation between the Commission and the  
15 states so as to make it possible for the states to  
16 participate in regulating the hazards associated with such  
17 radioactive materials."

18 With respect to section 274(i), which  
19 authorizes the Commission to provided training or such  
20 other assistance to employees of states or local  
21 governments, the committee report said that, again  
22 quoting, "Such assistance shall take into account the  
23 additional expenses that may be incurred by the state as a  
24 consequence of the state entering into an agreement with  
25 the Commission."

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1           The committee also took into account that such  
2 training would have wide spread benefits in that the  
3 capacity of state and local officials to, quoting, "deal  
4 with other materials already under their responsibilities,  
5 such as x-ray machines and radium, would also be  
6 increased, thus, further protecting the public health and  
7 safety."

8           Some examples that I will now give you show  
9 that the Agreement State Program and its associated  
10 training provided to the states by the NRC has become a  
11 valuable national asset. In 1983 when radioactively  
12 contaminated iron and steel products were annoyingly  
13 imported from Mexico into the United States, the states  
14 responded to NRC's request for assistance in surveying,  
15 locating, and controlling contaminated products.

16           As a result, over 500 tons of contaminated  
17 steel rebar and 2,500 contaminated cast iron pieces were  
18 returned to Mexico. The states contributed 7.9 person  
19 years of direct effort and incurred over two hundred  
20 thousand dollars of out-of-pocket expenses.

21           Similarly, in 1991, radioactively contaminated  
22 steel fence components were reported from India. In 1993,  
23 radioactively contaminated ferric phosphorous was imported  
24 from Kazakhstan. In both cases radiation surveys by the  
25 states helped to assess the potential radiological impact.

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1 In 1988, when the NRC recalled 48,000  
2 defective polonium 210 static eliminators, the agreement  
3 states provided over 8,000 hours of survey effort to  
4 support and NRC decision.

5 When the states provide such assistance, it  
6 occurs at the cost of diverting critical and usually  
7 limited state resources from the state's programs to  
8 protect public health and safety in areas for which you're  
9 responsible. There are, however, no provisions for  
10 reimbursements to the states for such assistance nor have  
11 any been made.

12 If the Agreement State Program were not in  
13 place, the NRC would be responsible for regulating an  
14 additional fifteen thousand specific lot materials  
15 licensees and over sixty thousand general licensees with  
16 the attendant needs for staff and training -- all at  
17 federal, not state, cost levels.

18 Given congressional mandates to reduce our  
19 budget, notwithstanding that it is almost paid for by  
20 licensee fees, the NRC is not staffed to assume  
21 responsibility for a large number of licensees from  
22 agreement states that might elect to terminate their  
23 programs.

24 In summary, Congress, when it enacted section  
25 274, concluded that there was a need to more clearly sort

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1 out the roles of the state and the Commission, recognize  
2 that states would incur additional expenses by taking  
3 advantage of the Agreement State Program, and it  
4 prescribed a means for offsetting this burden.

5 In practice, the agreement states have become,  
6 as I have said, a valuable, national resource thanks to  
7 the NRC Agreement State Program. The NRC has avoided  
8 significant regulatory cost, and the federal government  
9 can rely on the agreement states to augment national  
10 responses to radiological events that pose a potential  
11 threat to the public health and safety. Like Alice's  
12 king, we should not forget this.

13 I now want to turn to a second point that I  
14 want to make with you this morning and that's some of my  
15 impressions of the NRC. Since becoming a Commissioner I  
16 have become even more impressed than I was prior to  
17 becoming a Commissioner by the professionalism of the NRC  
18 and by the wide range of activities that the NRC regulates  
19 -- nuclear reactors, the related fuel cycle activities,  
20 together with radioactivity materials, and of course,  
21 waste disposal.

22 In addition to all this, the NRC has extensive  
23 international responsibilities. I have seen how much we  
24 can learn from our fellow international regulators and how  
25 important it is to share information with other federal

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1 and international agencies and organizations. In April of  
2 this year I attended an international meeting on the  
3 radiological consequences of Chernobyl which was sponsored  
4 by, among others, the International Atomic Energy Agency.

5 I have also been appointed by the Chairman as  
6 the NRC's representative to the joint coordinating  
7 committee on radiation effects research. This is a joint  
8 United States/Russian committee to coordinate research  
9 that former Commissioner Gail DePlanque was instrumental  
10 in creating.

11 This research is focused on radiation effects  
12 of exposures of workers and the public in and around U.S.  
13 nuclear weapons plants and the Russian nuclear complex at  
14 Myak near Cheliabinsk. Some preliminary reports on the  
15 research opportunities there were presented in 1994 at the  
16 Annual Health Physics Society meeting in San Francisco and  
17 were published in the July 1996 issue of Health Physics  
18 Journal.

19 These are some of the positive sides of what  
20 we do. But there is also the other side of the coin, and  
21 there are frustrations that arise from -- for example, the  
22 lengthy amount of time it takes for the NRC to focus upon  
23 and then resolved issues. Examples are very lengthy  
24 rulemaking activities -- I suggest Part 20 as an example.

25 Development of responses to correspondence and

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1 requests -- sometimes, I noticed, it's over a year maybe  
2 before a piece of correspondence is answered; and  
3 sometimes it takes a little while for agreement state  
4 reviews to get back. And regulatory guidance development  
5 is sometimes not always in concert with when the  
6 regulations come out.

7           As the red queen said to Alice, "Now here, you  
8 see, it takes all the running you can do to keep in the  
9 same place. If you want to get somewhere else you must  
10 run twice as fast as that." Well, I hope we can improve  
11 in this area by not running twice as fast, but simply by  
12 working more efficiently.

13           I am concern that communications with  
14 stakeholders and even inside the NRC are not always clear.  
15 One result is that when regulatory problems emerge,  
16 questions also arise about the effectiveness of our  
17 regulatory oversight. Examples of such issues are those  
18 recently identified concerning the reactors operated at  
19 Millstone, Maine Yankee, and Haddam Neck. I had been on  
20 the Commission, I think, two weeks when the Time magazine  
21 article came out, so it was welcome to Washington.

22           Earlier this year I participated in a  
23 celebration marking one hundred years of use of  
24 radioactive materials at the annual meeting of the  
25 Conference of Radiation Control Program Directors. I

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1 remarked the last one hundred years were marked by  
2 constant change and evolution in the use of radioactive  
3 materials; hence, for the next one hundred years, we, as  
4 regulators, must be flexible. We must be prepared to meet  
5 the regulatory challenges presented by future changes in  
6 how radioactive materials are used and we must do so with  
7 shrinking resources.

8           Let me now turn to basic regulatory concepts.  
9 In 1991, under the sponsorship of Commissioner Rogers, the  
10 NRC issued the principles of good regulation, which  
11 include the concepts of independence, openness,  
12 efficiency, clarity and reliability.

13           Inherent in these principles is the concept of  
14 necessity -- let's don't do it if we don't have to -- the  
15 importance of open channels of communications, the  
16 responsibility and accountability of regulators, and the  
17 need for self-assessment by and responsiveness of  
18 regulators to the changing needs, and the need to involve  
19 users, the public, and other stakeholders in the  
20 development of regulatory programs.

21           An example of fully and successfully involving  
22 licensees, the agreement states, and other stakeholders  
23 was the approach taken by the joint agreement state/NRC  
24 working group charged with reviewing the need for better  
25 control and accountability of licensed devices. While the

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1 Commission has not yet received the staff's  
2 recommendations, the working group's report is publicly  
3 available and will be published as a new reg document.

4 I noted with interest that the core  
5 recommendations originated from representatives of the  
6 stakeholders most likely to be effected being the vendors  
7 and the licensed users of these devices. This happened  
8 because the working group reached out to the stakeholders  
9 early on and fully involved them in their deliberations.  
10 This working group is a model for future regulatory  
11 initiatives which jointly involved the agreement states  
12 and the NRC.

13 Finally, we must recognize that regulatory  
14 programs must be flexible because statutory requirements  
15 change, technologies change, priorities change, and  
16 resource allocations certainly change. In this sense I  
17 believe that the NRC is well prepared, at least in part,  
18 because of the NRC's strategic assessment and rebaselining  
19 program.

20 Now let me give you the news about this  
21 assessment and rebaselining and bring you up-to-date on  
22 its origin and where we are at the moment. In 1995,  
23 Chairman Jackson, after consulting with Commissioner  
24 Rogers, concluded that given the changing environment in  
25 which NRC must conduct its business, which includes

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1 increasing budget constraints, the staff should conduct a  
2 strategic assessment and rebaselining.

3           Such an effort would also provide additional  
4 assurance that the NRC would meet the requirements of the  
5 Government Performance and Results Act of 1993. After  
6 reviewing over 4,000 NRC activities and the reasons behind  
7 them, the Commission's staff identified several key  
8 direction setting issues, which we have been referring to  
9 as DSI's, and developed policy issue papers for  
10 preliminary Commission consideration.

11           The approved issue papers, including the  
12 Commission's preliminary views, were released for public  
13 comment yesterday, September the 16th. I also understand  
14 that copies will be available at this meeting. The  
15 Commission set for itself and the staff an ambitious  
16 schedule for moving forward on this effort. According to  
17 this schedule, staff will begin a series of public  
18 meetings with stakeholders beginning in October. The  
19 schedule calls for final Commission decisions on the issue  
20 papers beginning next year.

21           Each issue paper generally starts with a  
22 discussion of the issue followed by a list of options to  
23 consider, and in most cases, the preliminary views, and I  
24 do stress, preliminary views, of the Commission on those  
25 options. Now when we first saw the DSI's and they came up

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1 at the Commission level and we were reviewing the options,  
2 there seemed to be some basic themes that ran through  
3 these options, and I can briefly summarize what the  
4 Commission's options are, for the most part, on the issue  
5 papers as we saw them the first time.

6           Some options said we'll do more than or do  
7 less than or do the same as we're doing right now. Other  
8 options said do it faster than or do it slower than or  
9 pretty well do it at the same pace you're doing it. Other  
10 options said let someone else do it or we'll do it or  
11 don't let anybody do it. And yet, we also saw options  
12 that said be pro-active, be reactive, or just be inactive.

13           I hope that the options have matured somewhat  
14 from that, and I think I can tell you that they have. I  
15 must note that there was an exception to these options  
16 that did exist in a proposed issue paper on regulatory  
17 excellence no one suggested to us.

18           I urge you to very carefully follow  
19 developments as we continue on this process. The public  
20 meetings will be on October the 24th and 25th at the  
21 Washington, D.C. Hilton, October 31st and November 1st at  
22 the Colorado Springs Sheraton, and November 7th and 8th at  
23 the Chicago Ramada at O'Hare. Try to attend and  
24 participate. If you cannot attend the public meetings  
25 then please send us your comments. I assure you that your

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1 comments are important. We want to hear them. They will  
2 be read, and they will be carefully considered.

3 Let me turn now to some personal views that I  
4 would like to share with you this morning. I have spoken  
5 about my personal impressions of the NRC together with the  
6 basic regulatory concepts that undergird NRC's regulatory  
7 programs and the need to assure that our regulatory  
8 program will continue to provide a good fit with current  
9 as well as future needs. You may also ask, "Well,  
10 Commissioner, what are the beliefs that you as  
11 Commissioner bring to the regulatory decision making  
12 process?"

13 Well, first, I do believe strongly in the  
14 Commission system of making decisions for this agency.  
15 The advantage of a Commission form administration is that  
16 decisions reflect the expertise and diverse perspectives  
17 of the individual commissioners. This assures that agency  
18 decisions have been carefully thought through.

19 When a consensus is not attainable, the  
20 separate views of the minority provide insights into the  
21 Commission's decision making process. As you can see from  
22 comments that I have been making, I am also a very strong  
23 believer in seeking stakeholder input as early as possible  
24 in the decision making process.

25 Do we need a regulatory effort, and what form

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1 should it be in are questions that should be asked early  
2 and often and in settings that encourage stakeholder  
3 responses. We need to carefully consider the full impacts  
4 of regulatory actions. An example is the Commission  
5 decision to seek recovery of cost for training and other  
6 support for the agreement states. In my view, this  
7 decision deserves further consideration because this  
8 policy may lead individual states to drop out of the  
9 Agreement State Program in the future. It may also  
10 discourage states from joining this program.

11 As I said earlier, the NRC is simply not  
12 staffed to assume responsibility for a large number of  
13 programs that agreement states might return to us. I am  
14 also concerned about seeking reimbursement from our fellow  
15 countrymen in agreement states for services while those  
16 are provided to foreign governments and their employees  
17 and are paid from revenues derived either from NRC  
18 licensee's fees or from public revenues.

19 Because the agreement states are key elements  
20 in the overall national program for protection of public  
21 health and safety and the environment with respect to  
22 materials that are covered by the Atomic Energy Act, the  
23 NRC needs to be sure that we do not undertake an action  
24 that jeopardizes your continuing participation in that  
25 program.

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1           It is not clear to me that this action will  
2 not jeopardize your continuing participation in the  
3 program. This matter will be addressed under the  
4 strategic assessment umbrella. But beginning October 1st  
5 the agreement states will have to reimburse the NRC for  
6 training and other costs. Therefore, I am going to very  
7 soon as the Commission to reexamine its position to this  
8 matter. I would appreciate learning your additional views  
9 on the issue.

10           I would add to the foregoing values my  
11 personal belief that regulatory decision should stand the  
12 test of reasonableness, necessity, and cost effectiveness.  
13 Again I note that these personal values fit well with the  
14 NRC principles of good regulation that were in place when  
15 I began my term as Commissioner. So, what about the  
16 future? Where are we going to go from here?

17           As I've already mentioned, one thing is  
18 constant, and that is change. I believe the Commission is  
19 positioning itself to respond well to the changes that  
20 confront the NRC and the agreement states. The NRC must  
21 strive for openness, flexibility, actively seek  
22 stakeholder input, and be willing to undergo critical self  
23 examination. Collaboration with the agreement states,  
24 which today regulate well over two-thirds of the licensees  
25 in the United States, is essential.

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1                   What should the agreement states do? Let me  
2 offer some views that reflect my experience as a state  
3 radiation control program director and as an NRC  
4 Commissioner. The agreement states need to become more  
5 visible, but in a very organized way. Twenty-nine  
6 independent and sometimes disjointed opinions will never  
7 have the same impact as a timely, coordinated, well  
8 written communication.

9                   At its annual meeting in May of 1996, the  
10 Conference of Radiation Control Program Directors  
11 developed a position on the National Academy Report on the  
12 regulation of radioactive materials in medicine. This  
13 position, I think, is a model of its kind. It was well  
14 drafted and conveyed a clear sense of the views of the  
15 state radiation control programs.

16                   When you are in Washington, especially those  
17 of you who are members of the executive committees of  
18 INPUT and the Organization of Agreement States, you should  
19 routinely ask for courtesy visits with all of the  
20 Commissioners; not just with me, but with all of the  
21 Commissioners. Your visits will be especially important  
22 because you can personally make the Commissioners aware of  
23 the views and concerns of the agreement states. When you  
24 visit Commissioners you have direct input. You will also  
25 gain a better understanding of the Commissioner's

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1 concerns.

2           Prior to these visits you should decide what  
3 issues are important to you and be prepared to discuss  
4 your issues in detail. For example, today, what are the  
5 foremost issues for you right at this moment, at this  
6 meeting that you'll be in today, tomorrow and Wednesday,  
7 Thursday? Is it funding for training? Is it the  
8 regulation of licensed materials used in medicine? Is it  
9 oversight of DOE? Is it control and accountability of the  
10 licensed devices or something else or all of these? But  
11 have a prepared agenda and keep it up to date -- perhaps  
12 with the assistance of the INPUT secretariat. In short,  
13 be pro-active.

14           Tweedledee's wonderful poem, The Walrus and  
15 the Carpenter, contain the memorable verse: "The time has  
16 come, the Walrus said, to talk of many things; of shoes  
17 and ships and sealing wax; of cabbages and kings; and why  
18 the sea is boiling hot and whether pigs have wings." Well  
19 I've not spoken today about whether pigs can fly or sing  
20 or herd sheep, but whether the Agreement State Program can  
21 continue to prosper.

22           The Agreement State Program is part of a  
23 national fabric of radiation protection. We, the  
24 regulators, our licensees, their workers, the public, and  
25 the environment are threaded together. We, the

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1 regulators, and our licensees are joined in the common  
2 goal of protecting workers, the public, and the  
3 environment from potentially harmful effects of radiation  
4 from radioactive materials.

5 But the degree of radiation and the approach  
6 are almost always matters of disagreement. But all the  
7 stakeholders, regulators, licensees, workers, and the  
8 public must commit themselves to working together to meet  
9 that goal. When the regulators adhere to the principles  
10 of good regulation, actively seek the involvement of all  
11 the stakeholders, and remain flexible and open-minded in  
12 response to changing environment, effective regulation for  
13 radiation protection will not be a dream as was Alice's  
14 looking glass house, but will be a reality.

15 I hope you have an extremely successful  
16 meeting today. It's been wonderful to be here this  
17 morning with you. I think we're running well ahead of  
18 schedule. I'm going to be up here a little bit and try to  
19 answer any questions that you may have. Thank you.

20 MR. BANGART: Are there any questions?  
21 Comments?

22 COMMISSIONER DICUS: This is not a shy bunch.

23 MR. BANGART: Roland?

24 MR. FLETCHER: Roland Fletcher, state of  
25 Maryland. First of all, Greta, I'd like to commend you on

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1 that presentation. It was very informative, probably one  
2 of the most informative I've ever received here.

3 COMMISSIONER DICUS: Thank you.

4 MR. FLETCHER: And I certainly appreciate your  
5 comments. And besides the specific actions that you  
6 outlined, are there any other things that we in the  
7 agreement states can be doing to try to work more closely  
8 with the NRC to get our voices and our concerns maybe  
9 elevated more quickly?

10 COMMISSIONER DICUS: I think -- I'll go back  
11 to what I said about making yourselves visible and being  
12 well organized in that approach to the extent possible. I  
13 mean, you're always going to have diverging views and  
14 that's understood. But being visible, trying to be well  
15 organized, and as I mentioned, knock on people's door,  
16 especially on the 17th and 18th floors -- I'm not  
17 indicating -- for your policy decisions.

18 I don't want to detract from the fact that  
19 obviously on operational issues, on day to day matters,  
20 the directors in the Agreement State Programs, those are  
21 the people to contact and to be working with; and also on  
22 some of your policy issues. But when you have come to a  
23 focus on what you think you want to discuss and you want  
24 that communication, then don't be shy when you're in  
25 Washington with the NRC or any other of the federal

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1 agencies that you must work with.

2 I think also the very recent edition of the  
3 INPUT newsletter discussed the visibility of your programs  
4 within your own state, and I underscored about everything  
5 in that article. I think that is an important point for  
6 you to do as well and try to keep the cohesiveness of the  
7 state program -- it's very, very valuable.

8 MR. BANGART: Richard.

9 MR. RATLIFF: Yes, Greta, one of the questions  
10 I had was looking from the agreement states' perspective  
11 we know our priorities, but what do you see as the NRC's  
12 priorities in the future with high level waste? What  
13 would you characterize as their top three priorities?

14 COMMISSIONER DICUS: I think our top three  
15 priorities are probably going to really fall out of the  
16 strategic assessment and rebaselining program as we look  
17 at the issues that are out there and see where we're going  
18 to fold those in. I can tell you what some of our  
19 concerns are, and I alluded to it in my talk this morning,  
20 and that's shrinking resources.

21 We definitely are learning to do our jobs more  
22 efficiently because Congress is looking at budget cutting.  
23 I'm sure your programs are dealing with, for the most  
24 part, the same issues. We are clearly on the horizon what  
25 changes may occur in some of our regulatory oversight

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1 activities with the possibility, to some extent or the  
2 other, we will have greater responsibility for the  
3 oversight of DOE facilities, some issues that will arise  
4 with that, and clearly our international programs -- that  
5 effort is growing quite a bit -- and waste disposal.

6 Not so much low level waste; although, that  
7 program is probably not going to be abandoned, I don't  
8 think, but high level waste and what will happen with it  
9 particularly with bills that are currently being  
10 considered in Congress as to whether or not a central  
11 interim storage facility will be built at Yucca Mountain,  
12 and our need to license it will keep us hopping because  
13 it's a very limited time schedule.

14 So, and again, as I said, we have all of these  
15 things coming down the pike with very limited and more  
16 limiting resources to deal with them.

17 MR. PARIS: Training or funding for training  
18 seems to be a hot button. But I heard you say that  
19 October 1, indeed, states will begin paying for training.  
20 Also heard you say you were wanting to reevaluate that --  
21 or the Commission was going to reevaluate that, suggest  
22 that. But I didn't hear a time frame for that latter and  
23 if there's any schedule that might give the states any  
24 kind of a feeling that it may or may not ever be  
25 overturned. What is that likelihood?

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1           COMMISSIONER DICUS: Good question. We're  
2 working on it. We're in the process of developing white  
3 paper to circulate to my fellow commissioners stating the  
4 cause and things of this nature. I've got poor Joe  
5 overloaded right now, but we're almost ready to circulate  
6 that paper. I can't give you a specific time. Ideally,  
7 we would like to have it out before October 1. I'm not  
8 sure that we will make that. But certainly in October.

9           But generally once I start, if you will,  
10 lobbying my fellow commissioners with this, it shouldn't  
11 take terribly long to get a decision. I always stay  
12 optimistic that somewhere in five commissioners I can get  
13 two more votes, and we're hopeful, but we'll have to see.

14           I would say October, some time in October to  
15 early November is a reasonable time frame, which is,  
16 obviously to say, there will be a gap.

17           MR. BANGART: Bill.

18           MR. SPELL: Commissioner Dicus, do you  
19 envision possibly the NRC seeking to expand its authority  
20 to include other forms of radioactivity in the not too  
21 distant future?

22           COMMISSIONER DICUS: Again, that possibility  
23 or that thought, that option, is not, as I recall, stated  
24 in that way in the issues and the DSI's, the issue papers,  
25 but the idea is embodied in some of the options, the

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1 possibility. I don't foresee it in the near future.  
2 Whether or not over the course of time as people study the  
3 direction that the NRC should go and particularly even  
4 studying standardization of standards -- perhaps at some  
5 point in time, these ideas can start coming together. But  
6 I have to tell you, I don't see it in the near future.

7 MR. BANGART: Diane?

8 MS. TEFFT: Greta, I'd also like to  
9 congratulate you on your presentation. I think it was  
10 excellent.

11 COMMISSIONER DICUS: Thank you.

12 MS. TEFFT: I'd like to ask you your thoughts  
13 on how the other Commissioners see our -- view our effort  
14 in communicating or whatever. I think I heard what you  
15 had to say, but I'd like to know what you think how they  
16 see it.

17 COMMISSIONER DICUS: I think, by in large,  
18 there is a growing visibility of the states and there's a  
19 growing recognition that the views need to be listened to  
20 and that there is a great deal of value in that. Picking  
21 up, and actually the last chat that I had with Chairman  
22 Jackson, she sort of indicated that she was beginning to  
23 change her views a little bit in recognizing all the  
24 stakeholders that we deal with and the importance of their  
25 comments. She had always believed that, but she's really

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1 mentioned that she's seeing it a little clearer, perhaps.

2 I think that, as I mentioned though, you need  
3 to increase your visibility and to be very direct and  
4 distinct and have your program in your hand when you come  
5 in to talk. And I think that will be helpful, too. But  
6 beginning to come up more on the radar screen than you  
7 were.

8 MR. BANGART: Yes, Ken.

9 MR. WANGLER: Yes, Greta, we now have a full  
10 commission?

11 COMMISSIONER DICUS: Yes.

12 MR. WANGLER: All five Commissioners in place?  
13 Would you comment one way or the other on how you think  
14 that impacts the Commission as far as decision making or  
15 if they have -- basically, I guess, just what kind of  
16 impact will that have if any over B2 and 3 Commissioner,  
17 Commission that we've had over the last few years?

18 COMMISSIONER DICUS: It's going to enrich our  
19 decision making process; and I say that not intending to  
20 detract from -- prior decisions had been made when  
21 Chairman Jackson was having to deal with the Commission by  
22 herself and with Commissioner Rogers' help and when I came  
23 on.

24 But as I mentioned, we were set up by Congress  
25 to be a five-member committee and that seems to be the

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1 magic number. Five opinions are manageable more so than  
2 seven and enriching beyond, just say, having three. And  
3 of course, you always try to have the odd number to have  
4 the tie breaker.

5 But I think with the -- particularly the  
6 Commission that we have today and the diverse views that  
7 each person brings to it, I just think the overall  
8 decision making process together with the decisions that  
9 will come out are going to reflect this enriched capacity  
10 to debate the issues. I think it's going to be very, very  
11 useful and very helpful to all of us.

12 MR. BANGART: Any other comments or questions?

13 MR. QUILLIN: I thank you for your comments.  
14 I thought they were very well put. You mentioned the NRC  
15 oversight of the Department of Energy but you didn't  
16 expand on that. Can you give us some further insights to  
17 that?

18 COMMISSIONER DICUS: You know, a report that  
19 was done on this which I think most of you have read,  
20 certainly those of you that have DOE facilities in your  
21 state, suggested the NRC is a possible regulator of DOE  
22 facilities. And this is, by the way, one of the direction  
23 setting issues to be discussed in the public meetings.

24 The NRC has not taken a position on whether or  
25 not we should be the regulator of DOE facilities other

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1 than to say that if Congress decides that DOE should be  
2 externally regulated. We are probably the agency with the  
3 greatest expertise to do that. But it's clear that we  
4 will need tremendous resources beyond what we have now.  
5 So if Congress does make that decision, Congress has got  
6 to ensure that we are funded to be able to do that. So  
7 that's basically our view on it.

8           On the other side of the coin, assuming  
9 responsibility for these facilities will not be an easy  
10 task. There's going to be an unusual situation much in  
11 the same way as when we were given the responsibility for  
12 licensing the gaseous diffusion plants. We had to take  
13 over plants already in operation and already had issues  
14 and problems with them such that we didn't do a typical  
15 licensing for those plants.

16           As I think most of you are aware, what we have  
17 done with those plants is a certification process because  
18 we couldn't do a traditional licensing. So these are  
19 among the issues we have to take under consideration if we  
20 were by Congress given the responsibility for these  
21 plants. We have to determine for these facilities do we  
22 do -- would it be for the entire facility or would it be  
23 for certain activities in those facilities? Would it be  
24 for all of the facilities or just, for example, the  
25 National Lab?

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1           So there are many, many questions. And  
2 Congress will make that decision. As I said, we just have  
3 to be sure they give us the resources to do it right the  
4 first time, and we have to accept the fact it will  
5 probably be an atypical licensing process, perhaps another  
6 sort of certification process.

7           MR. BANGART: Aubrey?

8           MR. GODWIN: Godwin, Arizona. In regard to  
9 the DOE, I would suggest that you should not put the  
10 regulatory cost burden back on any of the existing  
11 licensees but rather have an appropriate fee schedule for  
12 DOE since that's a fully cost recovered program which  
13 might solve some of your resource needs.

14           I would also remind you that DOE has several  
15 facilities that are not under the Atomic Energy Act  
16 operations that do have some norm, and you might want to  
17 look how you're going to relate to that. You may end up  
18 backdooring yourself into regulating norm. I personally  
19 think it would be a good way to go because I think they  
20 need some regulation there. We've seen some weird stuff  
21 come out of some of those places. But do look at the  
22 resources as being recoverable from DOE when you -- when  
23 and if you get a chance to talk to Congress about it.

24           COMMISSIONER DICUS: I hear you.

25           MR. RATLIFF: Richard Ratliff, Texas. One

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1 other question, Commissioner Dicus, it hasn't come up for  
2 a long time, but the states that have nuclear reactors,  
3 many of them have environmental monitoring programs to  
4 basically confirm the licensee's results. We were told  
5 the last time we were extended one year after there was a  
6 lot of inquiry from our different legislatures. Do you  
7 think that this is a dead issue now that -- come in  
8 January 1st when states will no longer be funded to  
9 continue these monitoring efforts?

10 COMMISSIONER DICUS: I don't know the answer  
11 to that question. I don't know if anyone on staff here  
12 can respond to it. I'll have to look at that.

13 MR. BANGART: It is addressed in the agreement  
14 state issue paper as a related issue. But the staff has  
15 not yet discussed about what should be done in the interim  
16 for this yet another interim year as to the decision about  
17 whether we should continue to fund it or not.

18 MR. RATLIFF: May we help you?

19 MR. BANGART: Steve.

20 MR. COLLINS: Steve Collins from Illinois.  
21 You mentioned some of the benefits this nation and its  
22 citizens have received from the training monies provided  
23 to the agreement states over the years, and we all agree  
24 that the citizens and the licensees of this country have  
25 benefitted greatly from that. How will the citizens and

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1 licensees, particularly licensees who pay the fees,  
2 benefit from a basically unstructured international  
3 program where their monies are spent with other countries  
4 to discuss nuclear issues?

5 COMMISSIONER DICUS: In a broad sense -- and  
6 some of these comments may also -- can be related to  
7 agreement states as well -- in a very broad sense, some  
8 of, for example, the training that is being provided for  
9 employees of foreign governments that are coming over here  
10 to obtain this training, a great deal of it has to do with  
11 reactor programs to make those reactors safer or to help  
12 in many ways with how companies -- countries, other  
13 countries, are dealing with their reactor issues.

14 So it does have safety implications. There's  
15 also -- some of this is involved in research efforts to  
16 help us better understand some of the problems we're  
17 dealing with in this country with, for example, aging  
18 reactors and some of the problems there. There's a great  
19 deal going on with that sort of thing.

20 It's also very helpful in terms of some of the  
21 countries that are involved in these programs, frankly,  
22 have emerging radiation safety programs. And if we can  
23 make those programs better maybe we will have less of  
24 these contaminated elements coming into the country, into  
25 our country from those countries, and that will help us

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1 all.

2 So you have to look at it in a very broad  
3 spectrum of the -- being able to provide increasing levels  
4 of safety in those countries which can have direct and  
5 indirect impacts on us -- they're very positive.

6 MR. BANGART: Any other comments or questions?

7 Thank you Commissioner Dicus very much.

8 COMMISSIONER DICUS: You're welcome. And  
9 everyone, I hope all of you will be able to come to the  
10 reception this afternoon, and I will see you there. Thank  
11 you very much.

12 MR. BANGART: We are going to go directly to  
13 break. That will allow some time for Chip Cameron to get  
14 here and begin his facilitation. Once again, a reminder,  
15 you can use the cafeteria without having to go through any  
16 security checkpoints by using the small elevator off to  
17 the side here. Restrooms are in the back. And I believe  
18 Commissioner Dicus will have a few minutes to remain and  
19 mingle in the lobby with you. Thank you.

20 (Whereupon, the foregoing matter went off the  
21 record at 9:12 a.m. and went back on the  
22 record at 9:52 a.m.)

23 MR. CAMERON: We're going to get started with  
24 the substantive portion of the agenda. And for those of  
25 you who don't know me, I'm Chip Cameron. I'm with the

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1 Office of General Counsel. And I'm pleased to have the  
2 opportunity to serve as the facilitator for this meeting  
3 again this year.

4 I find it useful to sort of take off what my  
5 responsibilities will be as facilitator to sort of remind  
6 us of all the things that may go into having a good  
7 meeting. One is keeping us on schedule since we do have a  
8 lot to cover; secondly, keeping the discussion focused,  
9 relevant, and organized; third, ensuring that each of you  
10 have a chance to participate and to say what you want to  
11 say; and fourthly, to make sure that we clarify any issues  
12 that need to be clarified and that we don't leave anything  
13 ambiguous and hanging.

14 The ground rules for the discussion today and  
15 for the other two days are fairly simple. If you want to  
16 talk, if you could please turn your name tent up -- and  
17 this does a couple of things: one, it helps me to keep  
18 track who's next in the queue, so to speak; and secondly, it  
19 helps the transcriber, the court reporter, to turn out an  
20 organized transcript so that if you could do that; and  
21 also, as Dick, I'm sure, has reminded you, state your name  
22 before you talk.

23 And one other small request, let's just let  
24 whoever's talking talk and not talk over or interrupt  
25 anybody. There were two suggestions from last year that I

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1 thought we'd implement this year. One is the so-called  
2 parking lot. And these are for issues that come up during  
3 the discussion that we may not want to address at this  
4 particular time, but we want to save them for some other  
5 part of the discussion. So we'll put them up here to make  
6 sure that we don't lose track of them. And this was my  
7 pathetic attempt to draw a car -- it looks like a parking  
8 lot amoeba. I did ask Kathy Schneider to --

9           And the second thing is just a shorthand list  
10 of action items. What the state program does each year is  
11 they do go through the transcript and pull out all the  
12 action items, either for NRC or it may be for the  
13 Organization of Agreement States or a particular state,  
14 whatever. But I thought it might be useful, if it doesn't  
15 get too unwieldy, to just list those action items over  
16 there and then we're all know what's going on. And I  
17 think I'm going to ask states program, perhaps, when we  
18 get the action item, to put them up there.

19           Again, like last year, I'm going to happily  
20 defer any legal issues to my colleague, Hampton Newsome,  
21 who is with us. Where is Hampton? There he is. Okay. I  
22 wanted to make sure he's here. I'm especially glad to  
23 defer the legal issues this year. And you'll note that on  
24 your agenda we do have Bill Olmstead who's the associated  
25 general counsel who has the responsibility for agreement

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1 state areas. He's going to join us for a few minutes on  
2 Wednesday to talk about regulations, orders, whatever.

3 Now, what I'd like to do is just go through  
4 the agenda quickly and see if anybody has any suggestion  
5 for other items or questions on the agenda. This morning,  
6 the next thing we're going to do is, I think Dick has some  
7 things he wants to say about a regulator's meeting and  
8 then we're going to have Mel Knapp who is going to talk  
9 about strategic assessment.

10 And then we're going to turn to Nick Costanzi  
11 on early and substantive input on rules. We have Kathy  
12 Allen and Dennis Sollenberger on the training working  
13 group; we have an IMPEP status report; then we're going to  
14 have a home page demonstration for you. After lunch, Hugh  
15 Thompson is going to be with us to talk about the overall  
16 status of the Agreement State Program.

17 We're going to have Mike Weber, I believe,  
18 then Frank Cardile from our Office of Research, NMS3, to  
19 talk about decommissioning. And we're going to -- let me  
20 make sure I'm working off the same agenda -- take a break,  
21 come back, and we're going to get into medical issues; and  
22 then at 4:30 to 6:30 there's a reception that's going to  
23 be hosted Commissioner Dicus.

24 On Wednesday, we start the morning off with a  
25 couple of tours; and Dick has divided the group into four

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1 groups for purposes of the floor and if you have any  
2 questions about that we can clarify that. Carl Paperiello  
3 will join us; we're going to have Frank Congel from AEOD  
4 to talk about incident response, lessons learned from  
5 recent events; Ed Bailey and Craig Gordon from Region I  
6 are going to be with us.

7 We're going to take another break and then  
8 there's another tour at the NRC Advanced Computing Center.  
9 Eleven o'clock, big topic that I'm sure all of you are  
10 interested in -- the adequacy and compatibility working  
11 group is going to report, and then we're going to have  
12 Bill Olmstead, as I mentioned. And then we go to lunch  
13 and to your meeting, Organization of Agreement States  
14 meeting, on Wednesday afternoon.

15 Thursday morning we start off with another  
16 tour; then we're going to start off the business session  
17 with a report from the Organization of Agreement States  
18 discussion; Bob Quillin is the chair, will lead that.  
19 Dick Bangart is going to give us the Office of State  
20 Programs perspective; then we're going to have a  
21 discussion led by Paul Lohaus on topics for the 1997  
22 spring meeting; then we're going to have the radioactive  
23 devices working group report; another tour; and then we're  
24 going to have the low level waste panel; and we're going  
25 to adjourn.

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1           There was one tour on here -- or that isn't on  
2 here -- it's a tour of the Office of General Counsel  
3 library.

4           (Laughter.)

5           But if anybody's interested in this, there's a  
6 sign-up sheet.

7           (Laughter.)

8           That will be a blank. And speaking about  
9 that, I guess I should introduce Mel, but -- no, I'm just  
10 kidding. I'll turn it over to Dick.

11           MR. BANGART: We have a little time this  
12 morning so we wanted to follow up on the theme of  
13 strategic assessment that Commissioner Dicus discussed.  
14 During the break the copies of the material that was  
15 released yesterday, both to the NRC staff and the public,  
16 was distributed to each agreement state or a state that is  
17 seeking agreement.

18           There should be one copy available for each  
19 organization that has regulatory responsibilities in an  
20 agreement state. There are very few additional copies  
21 outside this room at the registration table that are  
22 available if for some reason your state didn't get a copy.  
23 Mel will discuss the packet that you received and what  
24 strategic assessment steering group activities led to the  
25 production of that package of material.

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1 I want to spend a few minutes to talk about a  
2 concept that we're currently thinking about and need to  
3 get input from you. We know that the Commission has  
4 expressed an interest, a strong interest, in getting  
5 agreement state views on -- specifically on the issue  
6 paper that should be in your package that deals with the  
7 NRC and agreement state relationship.

8 It does contain the funding issue, both  
9 training and travel, and technical assistance and funding  
10 for environmental monitoring program, as well as getting  
11 input from agreement states on other materials related  
12 issues that could have an impact on you or other general  
13 issues like fees that certainly have an impact on you as  
14 well.

15 And the concept that we're thinking about is a  
16 special -- what I'm calling a regulator's meeting -- the  
17 day before the October 24th and 25th meeting here in  
18 Washington, D.C. at the Hilton and the District of  
19 Columbia. And at that meeting, we would spend as much  
20 time that day in discussion primarily of the agreement  
21 state/NRC relationship paper.

22 As time allowed, we would then go into  
23 discussion during that day long meeting of other issue  
24 papers that are of most interest to you and the agreement  
25 state community. That, obviously, is a meeting that will

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1 depend on the number of attendees that will likely be able  
2 to come to that meeting. With the new policy in place as  
3 we've discussed during Commissioner Dicus' talk, we no  
4 longer will be generally paying for your travel.

5 We have had initial discussions up to this  
6 point, and because of the importance of the agreement  
7 state views on this issue, we've deliberated and decided  
8 we can use our limited amount of invitational travel to  
9 fund attendance at that meeting at least by, or only by,  
10 at this point, the members of the executive committee of  
11 the Organization of Agreement States.

12 So as you elect your next chair elect -- that  
13 would be a maximum of four people that we would be able to  
14 fund the travel for to at least assure ourselves that we  
15 had the executive committee views as part of that input.  
16 So we will be making our normal distribution of this  
17 package that you've received today.

18 You'll -- we'll put it on the server so there  
19 will be announcement of its availability, and we'll have a  
20 bunch more copies made and we'll have them mailed out to  
21 you so that each program will receive a copy by our normal  
22 method of distribution. I believe this information is  
23 also available electronically now?

24 MR. KNAPP: Yes.

25 MR. BANGART: As we distribute this material,

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1 we will be asking you if, indeed, you will be able to  
2 attend this special regulator's workshop on the 23rd of  
3 October, the day before the first two-day workshop here in  
4 Washington, D.C. If you're not able to attend that and  
5 have the collective discussion on issues that are of  
6 importance among all of the regulators, then as  
7 Commissioner Dicus said, we do encourage you to try to be  
8 able to attend either the session in Colorado Springs the  
9 week later or in Chicago the week following that.

10 But with that, I'll end my introductory  
11 remarks about the meeting on the 23rd. If you have  
12 knowledge now about whether you think that's an approach  
13 that is worthwhile, we'd like to get any input that you  
14 have on whether you think that's a viable, beneficial way  
15 to get the agreement state input.

16 MR. CAMERON: You want to take --

17 MR. BANGART: Yes, I guess we can do that now,  
18 and then we'll turn it over to Mel. Yes, Ed.

19 MR. BAILEY: Number one, I was disappointed  
20 that there was no meeting being held west of the Rockies,  
21 as usual. And I would offer the state of California to  
22 help you in hosting one west of the Rockies. And second  
23 of all, I'll be happy to come to your meeting if you will  
24 tell when I'm rescheduled for my review. And I intend to  
25 come to your meeting, so I want the review postponed.

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1 MR. BANGART: We'll have to deal -- we'll  
2 discuss that -- let me just ask Mel to help on that -- on  
3 the decision about number of meetings, location of  
4 meetings, because that was steering committee's decision,  
5 I think, in large part.

6 MR. KNAPP: The decision was, in no small  
7 measure, governed by where we were actually able to get  
8 reservations with the time available.

9 MR. BAILEY: There is no place in California.

10 MR. KNAPP: I can only tell you what was  
11 reported to me.

12 MR. BAILEY: You have got to be kidding.

13 MR. KNAPP: No, sir; I'm serious. When we  
14 attempted to schedule meetings in the time frame we're  
15 talking about, we were told that this is a very popular  
16 time of the year. I raised my eyebrows at Colorado  
17 Springs, frankly, which is one of the meeting sites, and I  
18 asked the same question that you did. I can only give you  
19 the response I was given that of the various places where  
20 we could meet, Colorado Springs seemed to work the best.  
21 I'll be happy to try to find a detailed answer to that  
22 later, but that's what I was given. I am sympathetic to  
23 your concern. I would like to have had one further west  
24 myself.

25 MR. BANGART: Ed, I think, as I understand, as

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1 you're all aware, that the original time frame to try and  
2 have this step of the process completed was much earlier  
3 than it turned out to be. And as a result of the  
4 addition 1 time that it was taking to get the process  
5 done, there was a realization, I think, across the board  
6 in the NRC that we needed to speed up the process or else  
7 it was going to be stretched out over a much longer period  
8 of time than we had hoped, initially.

9           So having that realization come to mind, I  
10 believe there was an effort to try to move the rest of the  
11 process along as quickly as possible, which I believe led  
12 to the importance of getting these workshops scheduled as  
13 quickly as possible; and that, then, in turn, led to the  
14 fact that they ran into difficulty in finding meeting  
15 rooms of sufficient size that would accommodate the number  
16 of people.

17           MR. CAMERON: Do you have a final comment that  
18 we could print on the record? Probably not. Before we  
19 turn to --

20           MR. BAILEY: If I could find a meeting room  
21 that met your specifications before this meeting is over,  
22 would you agree to have one on the west coast?

23           MR. KNAPP: I can't speak for the Commission.  
24 My expectation is that we would not because this has  
25 already been pretty well put into place.

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1 MR. BAILEY: Thank you for your consideration.

2 MR. BANGART: Ray?

3 MR. PARIS: Ray Paris, Oregon. You happen to  
4 have an agenda for this meeting that we could take a look  
5 at? Or something to discuss at the all agreement state --  
6 the meeting here on Thursday so that we could have some  
7 kind of consensus --

8 MR. BANGART: Are you talking about the  
9 regulator's meeting or the --

10 MR. PARIS: The regulator's meeting.

11 MR. BANGART: It would be along -- we don't  
12 have an agenda. This is all still in its formative stages  
13 as I indicated. But it would be as we've envisioned it in  
14 our early discussions to take the agreement state  
15 relationship paper and have the authors and those who have  
16 been involved in writing that paper go through with a  
17 detail discussion, almost point by point in the paper, the  
18 options that are identified there.

19 If you look at the format of each paper,  
20 they're almost identical in terms of format, and there are  
21 options, alternatives that are outlined. The authors can  
22 give the perspective on why these were the alternatives  
23 that ended up in the paper and the discussions that were  
24 associated with those. There can be discussions about  
25 whether -- there are not pros and cons, per se, associated

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1 with each of the alternatives, but there obviously are  
2 points that make this a preferred or more preferred  
3 alternative, other points that make a less attractive  
4 alternative.

5           So those can be discussed. Were the pros and  
6 cons adequate in terms of scope that are addressed in the  
7 paper? Are they important or not so important points that  
8 are made? What are the views in terms of alternatives for  
9 selection that you would favor? The Commission has taken  
10 a position on some of them, at least in terms of their  
11 initial leaning on the issue paper. So, it would be that  
12 kind of a discussion for the paper that we believe is of  
13 most importance to you; and we would take as long as  
14 needed to get through that level of detailed discussion.

15           And then, based on your feedback that we'll  
16 receive from this letter -- one, if you agree that it's  
17 worthwhile to go forward with this meeting; and secondly,  
18 get your feedback if that is the case as to what are other  
19 issues. Then we can prioritize those other issues and  
20 have them on the agenda for discussion as well but not in  
21 as detail a fashion as the agreement state paper.

22           But, you know, this is -- we're open for  
23 ideas. If that doesn't sound like the right kind of  
24 format, today, during this meeting or when we go out and  
25 ask for a more formal response, tell us. And we can make

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1 the regulator's meeting on October the 23rd whatever you  
2 want it to be.

3 MR. CAMERON: Are there further comments on  
4 the regulator's meeting before we get to the now? And we  
5 can also revisit the regulator's meeting, obviously, since  
6 it's all tied together. Don, did you --

7 MR. FLATER: Yes, I think Steve also had some  
8 comments. I think it's a good idea, but I can tell you  
9 right now, Iowa, because of its legislative situation has  
10 no state funds available for out of state training. I  
11 haven't had for years. I've got a request in, but that's  
12 not good until July 1 of 1997.

13 The other point is, I do not understand why  
14 the Commission didn't come to the state programs when  
15 they're looking for places to have meetings. I mean, I  
16 think if they had talked to Ed he could have probably  
17 found one. I know if they had talked about Iowa, we could  
18 have found one. I guess I don't understand why state  
19 programs, as important as this meeting was, why we weren't  
20 contacted to give you some help.

21 I mean, I thought this was a partnership and  
22 we were supposed to be trying to help each other. A quick  
23 phone call to the state program could probably have found  
24 you any place you wanted to have a meeting.

25 MR. CAMERON: Don, I think now when he --

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1 you're going to talk a little bit about the process, too?  
2 It may be -- the answer to that may be clearer, perhaps,  
3 after Mel gets done talking about this.

4 MR. FLATER: Yes, but Chip, if Ed could find a  
5 place in a day, which I think I just heard him say, or a  
6 day and a half, we could have probably found a place for  
7 you to meet a lot quicker than you guys can. And we're  
8 only a phone call away.

9 MR. CAMERON: Well, I think that's a point  
10 that's been noted up here, and now we'll take that back to  
11 him as he does his strategic assessment. But as he's  
12 already indicated, I think that it probably is set. Mel,  
13 now is there any flexibility at all in this because I  
14 think we're going to have a lot of discussion and  
15 suggestions on this point.

16 MR. KNAPP: I can certainly take the comments  
17 back. And if there is a location -- there were meeting  
18 requirements that we found rather difficult to meet, and  
19 if a place is suggested, I'll be happy to take it back. I  
20 think in light of the fact that we've already set the  
21 meetings we have, I think those are fixed and won't be  
22 changed because we will have a number of people that will  
23 be very concerned if any of those are canceled. I can  
24 certainly recommend that we have an additional meeting. I  
25 can't tell you how the Commission will react to that.

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1 MR. CAMERON: Let's go to Steve and then to  
2 Roland.

3 MR. FLATER: My last comment is I just hope  
4 that there's a lesson learned in this about meeting  
5 places, at least.

6 MR. COLLINS: Steve Collins from Illinois. If  
7 any of the OAS parties that were mentioned cannot make the  
8 meeting, will you accept their designed and pay their way  
9 in their place to the meeting in Washington?

10 MR. BANGART: We haven't discussed that point  
11 specifically. But I think given what we have agreed to  
12 that if they were acting in place of a person who's an  
13 executive committee member, it would be logical to pay for  
14 those. Roland.

15 MR. FLETCHER: Roland Fletcher. I'm a little  
16 concern about having it regulated after October 1st and I  
17 think the majority of states have already indicated that  
18 would be very difficult. It seems to me that even though  
19 you made an offer to the OAS executive board, you already  
20 know that there's going to be a limited amount of  
21 participation, that states have already said that. I  
22 don't understand and I haven't heard an agenda as to  
23 what's going to be on the schedule. I don't understand  
24 the whole scheduling of this meeting.

25 MR. BANGART: The schedule was determined by

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1 the Commission and the steering committee. Mel will speak  
2 to the process. But you need to understand and may not be  
3 aware that there was a special steering committee formed  
4 that had representatives from a number of offices on it  
5 that reported directly to the chairman and the Commission.

6 And Mel, for example, his normal position as  
7 deputy director of the Office of NMSS, but for better or  
8 for worse, he has been full time on the steering committee  
9 together with a number of other high level managers in NRC  
10 dedicated to this strategic assessment activity -- the  
11 authority of issue papers, the initial round of papers  
12 that went to the Commission and the revisions to those  
13 papers after comments from the Commission were received --  
14 and that's what's been published.

15 And all of this at this point has been put on  
16 a very fast track now to try to speed up the process and  
17 this is where we are. The timing of the meeting to  
18 discuss among the regulators, the issue papers of  
19 interest, we tied to one of, in this case, the first  
20 workshop because we thought that it would make more sense  
21 to have state people travel once to a meeting among all  
22 the regulators and also be able to attend a workshop and  
23 listen and participate in a more full discussion of the  
24 issue among a variety of stakeholders at the main workshop  
25 meeting. So that was the logic behind that.

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1           Also, as a practical matter, the workshop  
2 planning and the need to have these held as quickly as  
3 possible in order to speed up the process was something I  
4 believe they just unfolded within at least the last week  
5 or two because at least that's the earliest that we had  
6 heads up that there was this planning that needed to be  
7 conducted.

8           MR. CAMERON: Why don't we have Mel make his  
9 presentation and then we can go back to questions on all  
10 of this. Go ahead, Mel.

11           MR. KNAPP: I hope this will carry. I wanted  
12 to take a couple of minutes and talk about the product  
13 that you were given. It's a couple of inches thick, and I  
14 wanted to at least give you some hints on how to wade  
15 through it without taking more time than absolutely  
16 necessary and just give you a sense of what's in it.

17           The first section that you have is the press  
18 release which talks a little bit about what we've done in  
19 the other products. The second section is entitled  
20 "Stakeholder Involvement Process Paper." It'll talk a  
21 little bit about how you can be involved. All of these  
22 papers and these documents will be available on the  
23 Internet probably tomorrow, and it tells you how to get on  
24 to the NRC's web site. Also, it will tell you how to  
25 enter comments if you wish to enter comments

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1 electronically.

2           The third document is called the "Strategic  
3 Planning Framework." And that talks about the eventual  
4 product that's coming out of these issue papers which is  
5 the strategic plan that the NRC will be assembling and  
6 finalizing. It's actually required by law to be done by  
7 September of next year. I certainly hope we will beat  
8 that deadline, but that is a part of why we're having a  
9 strategic plan.

10           And then we come to the issue papers. And you  
11 have handed to you in this stack a total of fifteen issue  
12 papers. Now originally when we worked as a strategic  
13 assessment committee, we wrote twenty-four papers. Of the  
14 twenty-four, eight, for various reasons, have been set  
15 aside; and one on operating reactors is still being  
16 reviewed by the Commission and is expected to be released  
17 around the end of September. The other fifteen you have.

18           So as you look at papers and you see that you  
19 start out with number two, that's because paper number one  
20 was set aside by the Commission. If you'd like to get a  
21 sense of which ones we looked at and what the titles were  
22 -- and I think you'll find this handy before you start  
23 looking at individual papers -- if you will look at pages  
24 26 and 27 of the framework document, that's a third of the  
25 documents you have.

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1 I don't suggest you unbind your stack if you  
2 haven't; but if it is unbound, on those pages you'll see  
3 what is called appendix 4, "Direction Setting Issue Paper  
4 Development," and it lists the twenty-four papers we  
5 started with and how they were disposed of. That is a  
6 quick way to get an overview of all the papers.

7 After you've taken a look at that, you may  
8 want to look at individual papers. I'm sure the one that  
9 will be of most interest to you will be paper number four  
10 on agreement states. And I suspect one that will follow  
11 it pretty closely will be paper number seven on materials  
12 and medical oversight.

13 As you look at those papers or any of the ones  
14 that you like, let me offer the following suggestions: for  
15 each of the issue papers, the first page is identical; --  
16 it's an introduction to the issue papers in general. Once  
17 you've read that page once you don't need to look at it  
18 again. The succeeding pages, generally two or three  
19 pages, will provide a summary of the paper and summaries  
20 of the options that were presented to the Commission. For  
21 example, in the case of the agreement states paper, that's  
22 on pages two and three.

23 After the Commission considered the options,  
24 they came to some preliminary views and these are in each  
25 of the papers. In the particular case of the agreement

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1 states paper, those are on pages 26 and 27. So as you  
2 look through the papers, I recommend that the first thing  
3 you do is take a look at the summary in the first couple  
4 of pages and then turn to what is generally near the back  
5 of the paper, the Commission's preliminary reviews. You  
6 can see the material expanded in terms of options,  
7 background, and other things; but that will give you a  
8 quick snapshot of what we offered to the Commission and  
9 what they're considering.

10 In terms of how you can express your comments,  
11 we've already talked a little about the meetings that are  
12 set up. You're probably aware by now that we have planned  
13 a total of three meetings -- the one in Washington on the  
14 24th and 25th, in Colorado Springs the following week, and  
15 then the last week on November 7, 8 in Chicago; and the  
16 public comment period on these will close on November  
17 15th, the week after that.

18 We don't have a firm format for the public  
19 meetings yet. But what we anticipate we will do, we will  
20 try to cover all of the sixteen issue papers in a two-day  
21 meeting. As you look through the documents you've been  
22 given, the framework for the strategic plan identifies  
23 some strategic arenas. The one I think will be of most  
24 interest to you will be the one on nuclear materials.  
25 That will include a discussion of agreement states and a

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1 discussion of the materials issue papers among others.

2 Right now we expect to meet on that topic on  
3 the afternoon of the first day of each of these meetings.  
4 So that would be on the 24th of October in the afternoon  
5 in Washington, on the 31st of October in the afternoon in  
6 Colorado Springs, and on the 7th of November in the  
7 afternoon in Chicago. The morning part of those sessions  
8 we'll talk about the strategic planning process in  
9 general, about the issue papers in general and other  
10 items. But, I suspect if you're interested in agreement  
11 state issues and materials issues, the afternoon will be  
12 of most interest.

13 We have tried to separate the sessions in the  
14 public meeting so that you're not going to try to be in  
15 two places at once. I hope we've been successful. But if  
16 you're not at the meetings there will also be a video  
17 camera where you can actually record comments that you  
18 have if you don't have a chance to speak at a session. We  
19 will also have computers so that you can provide input at  
20 that location electronically. And of course we'll accept  
21 written comments there or as turned in in a routine way to  
22 the NRC.

23 That's pretty much a quick snapshot of how --  
24 of where we are and what we're going to be doing next.  
25 Briefly, in terms of how we got there, over the last year

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1 about a dozen managers like myself have worked on this  
2 project. We analyzed what the NRC was doing, we  
3 identified a series of issues, we combined them into what  
4 we called direction setting issues, and then we wrote a  
5 paper on each of those.

6 We provided those to the Commission around the  
7 end of April of this year. The Commission considered  
8 those; and as I said earlier, set some aside and reached  
9 preliminary views on the others. That process was  
10 completed around mid-August.

11 Since that time, we have been trying to work  
12 rapidly to get these out to the public, and as Dick has  
13 said, to have public meetings as soon as we could after  
14 that. That's about where we are, and I'll be happy to do  
15 the best I can to answer questions or talk about issues.

16 MR. BANGART: Can we have some cards, Richard?

17 MR. RATLIFF: Yes, Richard Ratliff with the  
18 Texas Department of Health. I guess a major question I  
19 have is when you undertake such a large project, and this  
20 obviously is taking the NRC a long time, why should there  
21 be such a short fuse to finish it without getting adequate  
22 comments from the public and the agreement states where we  
23 really have time to look at it and get back to you? Is  
24 there some Congressional deadline you have or is this just  
25 an internal deadline?

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1 MR. KNAPP: It's my understanding that the  
2 Commission is anxious to complete the product as promptly  
3 as possible. That's the best answer I can give you. I  
4 can only tell you that I am sympathetic, I'm very  
5 sympathetic to the time that you folks have. Some of the  
6 internal deadlines we have to review your comments and get  
7 them to the Commission are all so very tight. And I can  
8 only share with you that this is the direction we have and  
9 we're going to do the best we can to make it work.

10 MR. BANGART: Anybody else? Aubrey.

11 MR. GODWIN: Godwin, Arizona. In looking at  
12 the report, particularly on the agreement states, and a  
13 rather quick look since I just got this -- it looks like  
14 at least two options, apparently, was not considered, and  
15 I'm curious as to how exhaustive you tried to look at  
16 these things.

17 I would think that the more obvious option,  
18 for example, would be to go to FDA rather than EPA as an  
19 agency to regulate. That looks more in that kind of game  
20 -- to look at health issues and things; it's more akin to  
21 the type of issues that they look at.

22 Secondly, you did not address the issue of  
23 perhaps creating another agency to do the regulatory  
24 program. Those are just sort of the obvious ones it seems  
25 to me that come up, and I'm just curious how exhaustive

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1 you considered -- did you look at the options?

2 MR. KNAPP: It's a good point. That's one of  
3 the reasons that I think I would strongly recommend you  
4 look at the materials paper as well where the FDA option  
5 is considered. These things were created over time while  
6 a lot of things were happening. One of the facts was that  
7 as we were looking over what we should do with the medic  
8 program -- and I think you're probably well aware of the  
9 IOM report and comments on it -- FDA, as in DHHS, said  
10 they were not interested in that role. That was the  
11 comment that they offered to us. The option was  
12 considered there.

13 In terms of whether or not we got the right  
14 set of options what we tried to do is to come up with a  
15 large number of options which we then tried to simplify to  
16 a relatively small number just to make it manageable. One  
17 of the places where we're looking for comment is maybe we  
18 did it wrong. There may be a significant option that we  
19 should have layed out that we don't have. We would be  
20 happy to hear it; the Commission will be happy to consider  
21 it.

22 And that's one of the things we're going out  
23 to the public for. So please tell us how we can change  
24 it; we'll consider that very carefully.

25 MR. CAMERON: Any further comments or

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1 questions for Mel on strategic assessment? And there may  
2 be some grist for the mill for the OAS meeting tomorrow on  
3 some of this, also. Any questions at this point? Okay.  
4 Well thank you very much, Mel.

5 And let's go to Mr. Costanzi from the Office  
6 of Research. He's going to talk about early and  
7 substantive input to NRC rulemaking.

8 MR. COSTANZI: Good morning. I'm Nick  
9 Costanzi of the Office of Research. I'm scheduled this  
10 morning to speak about early and substantive input by the  
11 agreement states to NRC's rulemaking process. I intend to  
12 do this in the context of the agency's management  
13 directive 6.3 of the rulemaking process.

14 To begin with I'd like to give you a bit of  
15 history. About a year and a half ago the staff made some  
16 recommendations to the Commission on how the staff might  
17 better execute its rulemaking responsibilities;  
18 specifically changing the process to make it more  
19 efficient, more effective, and more transparent, both to  
20 ourselves and to the public.

21 What we had done was examine our rulemaking  
22 successes and failures. Successes and failures being  
23 defined as rulemakings which went through fairly smoothly;  
24 that is to say there was not a lot of internal  
25 disagreement and did not take an interminable period of time

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1 to get through from the idea that we needed a rule to  
2 propose and then a final rule and the failures, which, of  
3 course, are the rulemakings which seem to drag on forever.

4           What we found was that petitions for  
5 rulemaking offered a very good example or a good guide of  
6 how rulemakings could be done fairly quickly. What we  
7 found was that in the case of petitions, the problem,  
8 which was to be solved presumably by rulemaking, was  
9 pretty well articulated -- the petitioner had done that  
10 for us.

11           The petitioner also often offered suggestions  
12 and while the staff may not necessarily agree that that  
13 was the right way to solve the problem, certainly the  
14 petitioner's solution gave a greater focus and permitted  
15 more in-depth understanding of the nature of the problem.

16           Well, taking this as a lesson, we suggested to  
17 the Commission the development of a rulemaking plan. And  
18 this plan is really the focus now of what I'm going to  
19 speak about and is also the opportunity which is now being  
20 provided, we hope, to obtain early and substantive input  
21 from the agreement states.

22           Rulemakings can be initiated in a variety of  
23 ways. I mentioned the most common -- you get legislation  
24 The Congress tells us to do something; or the Commission  
25 tells us to do something. Or there is a regulatory or

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1 licensing or enforcement problem that's identified by the  
2 program offices. Or, as I mentioned before, we received a  
3 petition for rulemaking.

4 In response to any of these, under the  
5 management directive, what the staff does is develop a  
6 rulemaking plan. Rulemaking plan basically consists of a  
7 clear articulation, or at least we hope it's clear, of  
8 what is the problem to solve. Basically, what's broken;  
9 what the solution is; what we, the NRC, or what the  
10 licensee must do or not do that they are doing now or not  
11 doing now; what has to change? Not so much how it's going  
12 to be done; not so much the language in the rule itself,  
13 but rather what do we want to accomplish? What's the  
14 endpoint?

15 A preliminary cost-benefit analysis -- is this  
16 trip really worth taking? Is what we're going to cost in  
17 fixing this problem, both in NRC resources and licensee  
18 resources, worth the net benefit? Is there a net health  
19 and safety benefit, and is it worth the cost -- worth the  
20 trip? And of course, what I'm sure concerns you all  
21 mostly is what is the effect on agreement states? What's  
22 the compatibility level?

23 This draft rulemaking plan is developed by the  
24 Office of Research and circulated to the program offices  
25 and the Office of General Counsel for their review and

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1 comment and eventual concurrence. When this is done --  
2 may I have the next slide please -- the draft rulemaking  
3 plan which -- the rulemaking which would effect the  
4 agreement states -- is then sent by the Office of State  
5 Programs to the agreement states for a forty-five day  
6 review and comment.

7           At the same time, the draft rulemaking plan is  
8 sent to the Commission for their information. Of course,  
9 the Commission can at that point give the staff direction  
10 including "kill it; this is a bad idea," or "do it this  
11 way, not that way." But mostly at this stage it's for  
12 Commission information.

13           I might mention at this point that what I am  
14 speaking of right now is the rulemaking plan and the  
15 rulemaking process in management directive 6.3 as is being  
16 currently revised. As I mentioned, we started this  
17 process about a year and a half ago and the Commission  
18 approved our suggestion for changing the way we did  
19 rulemaking.

20           And last spring the Commission gave us further  
21 direction on how to better involve the states, and we're  
22 revising the rulemaking process management directive to  
23 reflect that now. That should be with the Executive  
24 Director for Operations by the end of October.

25           I might also mention at this point that when

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1 the Office of State Programs sends the draft rulemaking  
2 plan to the states, the package is labeled "pre-decision"  
3 and is not for public dissemination at this point. We  
4 have not published this rulemaking -- will not publish the  
5 rulemaking plan for public comment.

6 At the same time, the suggested state  
7 regulation chair of the INPUT has also been provided with  
8 the draft plan and obviously notified at that point that  
9 we're considering rulemaking which effects agreement  
10 states. If the rulemaking does not effect agreement  
11 states, then the process is simply that the draft  
12 rulemaking plan goes to the Commission for their approval  
13 and we don't bother the agreement states with it. So this  
14 really only pertains to rulemakings that would effect you  
15 all.

16 Next slide please. After the forty-five day  
17 comment period and we receive comments from the agreement  
18 states, we provide a revised, appropriately revised, draft  
19 rulemaking plan to the Commission for their approval.  
20 This is usually by negative consent; but if it's a highly  
21 controversial or a matter of major policy then we could  
22 ask the Commission for a vote.

23 The Commission, at that point, is informed in  
24 writing what the opinions of the agreement states were.  
25 The comments of the agreement states are analyzed and

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1 responded to in the transmittal of the rulemaking plan to  
2 the Commission.

3           If the Commission approves the plan, perhaps  
4 with modification, perhaps with not, they -- then the  
5 approved plan is posted on NRC's electronic bulletin board  
6 for public comment. Of course, at that point, the states  
7 are free to comment again. I hope you're all familiar  
8 with our bulletin at FedWorld and have -- and are using it  
9 regularly. I did notice that we have been getting  
10 comments on some of our rulemakings from the states, which  
11 is good.

12           In the meantime, the staff starts actually  
13 flushing out the proposed rule. Let's say, writing the  
14 words for the Federal Register, the rulemaking language  
15 itself; doing an expanded regulatory analysis, cost-  
16 benefit analysis, if you will; preparing an environmental  
17 assessment or environmental impact statement may be  
18 necessary and whatever OMB packages appropriate --  
19 concerning what reporting requirements may or may not be  
20 in the rule.

21           At this point, also, when the Commission has  
22 approved the draft plan, again, the INPUT, SSR chair is  
23 notified and the staff makes itself available, will make  
24 itself available for cooperative work in the area of  
25 developing the exact rulemaking language.

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1           Now, a few things might be of interest. As I  
2 said, we proposed the revision of the rulemaking process  
3 to the Commission about a year and a half ago. We have  
4 been operating under a revised management directive for  
5 rulemaking process for about a year, and we're now  
6 revising it again to change the timing of how we interact  
7 within -- the way in which we interact with the agreement  
8 states.

9           We have had a couple of rulemaking plans which  
10 have been sent out to the agreement states -- next slide  
11 please -- and one of them dealt with the reciprocity rule  
12 in which the agreement state input made a significant  
13 change in that plan. And the other one is the self-  
14 guarantee for non-profit/non-bond issuing licensees of  
15 which we have also had input from -- comment from the  
16 agreement states.

17           We think that this process is going to work  
18 well. Certainly the development of a rulemaking plan  
19 before proposed ruling which, I guess, put input place has  
20 worked -- we think has worked well. We've noted that in  
21 general, the time that it has taken us to go from an  
22 approved rulemaking plan to a proposed rule out in the  
23 Federal Register for public comment has been about two or  
24 three months.

25           Prior to this, it has been taken -- could have

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1 taken a year from the time that we started a rulemaking to  
2 the time we get to a proposed rule. Whether the overall  
3 process from beginning to end -- that's to say when we  
4 first get direction or start developing a rulemaking plan  
5 to the final rule -- is shorten, we don't know; it's too  
6 early to tell. We are keeping track of the rulemakings,  
7 however, and it does appear that we are saving some time.

8           Personally -- speaking from personal  
9 experience I can attest to the fact that the process has  
10 been, if not less arduous, certainly clearer, more  
11 straight forward. It's clearer why we're doing things and  
12 what we're trying to accomplish with this new process. I  
13 would expect that that will carry over to the portion of  
14 the process, the early portion, where we would get an  
15 early input from the agreement states.

16           Again, what we are asking the agreement states  
17 to do when you review a draft rulemaking plan, as we say  
18 in the plan, we state a problem, we state what the fix of  
19 the problem is, our view as to whether it's worth the trip  
20 and how it effects the agreement state. Particularly what  
21 we would hope to get from your comments and your review is  
22 did we get the problem right? Did we get the fix right?  
23 Is it really worth the trip in your view? And how is it  
24 going to effect -- did we get the compatibility level  
25 right?

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1           That's all I have to say. I'd be pleased to  
2 answer any questions you might have.

3           MR. BANGART: Can we have the lights back on  
4 please?

5           MR. CAMERON: Do you have some questions or  
6 comments for Nick and all of this? Ray?

7           MR. PARIS: Ray Paris, Oregon. I was somewhat  
8 involved in the INPUT joint parallel process, and it was  
9 my understanding that perhaps the INPUT, SSR chair would  
10 be involved in the rulemaking plan level rather than the  
11 review process. I mean, it's my understanding that when  
12 you have the rulemaking plan that's when you're talking  
13 about the problem to be solved, cost-benefit, and it would  
14 be good to have at the least the people on the appropriate  
15 SSR group to be in that process as well to see if, indeed,  
16 if there is a problem at the state level as well as what  
17 is perceived at the Commission level.

18           So, is there a possibility to change that,  
19 your diagram there, to include the SSR's at the review --  
20 I mean, at the rulemaking plan level?

21           MR. COSTANZI: When the management directive  
22 6.3 was originally adopted about some year ago, a little  
23 over a year ago, indeed, that was the scheme of things;  
24 and in fact, the first rulemaking that I mentioned had to  
25 do with reciprocity was done that way -- there was a draft

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1 rulemaking plan that was sent out as a staff document and  
2 that was sent to the agreement states for their review.

3 The Commission determined that that was a  
4 little early in the game because the Commission at that  
5 point had not had an opportunity to determine whether or  
6 not it thought that the staff was appropriately expending  
7 resources and it wanted to be able to take a look at that.

8 Clearly, in order to have early and  
9 substantive input from the states, you want to get the  
10 states in as early as you can. So you don't really want  
11 the Commission to have considered and blessed a particular  
12 path to go down and then ask the states in.

13 On the other hand, the Commission didn't want  
14 to have the states get spun out on a particular issue that  
15 the staff had proposed and the Commission not knowing  
16 about it, and then -- so, in order to provide sufficient  
17 Commission awareness of what the staff was doing, but  
18 still as best we could guarantee that the states would  
19 have early input, the compromise was reached that we would  
20 send out draft plan which had office concurrence.

21 Let's say the program offices felt that this  
22 was a good statement of what was broken and what the fix  
23 was, and then allowed the states to look at it at the same  
24 time the Commission would look at it, and if the comments  
25 came back from the states and said, "Hey, staff, you're

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1 all wet," the staff would duly transmit those comments up  
2 to the Commission with an appropriate revised plan of  
3 perhaps even a recommendation based on the state input to  
4 kill it, that the rulemaking wasn't a good idea.

5 MR. PARIS: I'm not so much concerned about  
6 the issue -- at the review process you sent out to the  
7 states, but at the rulemaking plan process, just simply  
8 notify the SSR chair and you'd have -- that chair is not  
9 going to be necessarily sending out and getting feedback  
10 from all states, it's just their committee who has that  
11 expertise in that area that would be able to give input  
12 into the rulemaking plan. They may have an idea that  
13 there is or there is not a problem. That would also  
14 benefit the Commission, I think, to whether or not to go  
15 on to the review process.

16 So my point is: notify the SSR group at the  
17 rulemaking plan level and not at the same time in the  
18 review level where you're sending it out to the agreement  
19 states and to the SSR group. So get a small input at the  
20 rulemaking -- I mean, at the rulemaking plan level from  
21 the appropriate SSR group.

22 MR. COSTANZI: I understand what you're  
23 saying. I really can't say anything more about that other  
24 than the various options of how to secure early and  
25 substantive agreement state input were discussed. That

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1 option wasn't, as I recall, explicitly discussed. But  
2 ways of when, I should say, in the process the agreement  
3 states should be asked for their comment, asked to look at  
4 what the staff is doing, was discussed quite extensively.

5 And again, it was felt that the earliest time  
6 that it would be appropriate for the staff to present  
7 anything to the agreement states was after the staff, at  
8 least, had enough of its own act together to give the  
9 states something to shoot at.

10 Very often what we have found -- very often --  
11 I would guess -- and we've done about eight rulemaking  
12 plans since last summer -- three instances -- and these  
13 did not all affect agreement states; most of them have not  
14 -- but in three instances, in the course of developing the  
15 rulemaking plan, as, say, getting our thoughts down on  
16 paper as to what's broken, what's to fix, was it worth the  
17 trip, we determined that there really is no problem or the  
18 problem is not worth fixing, and we canceled three  
19 rulemakings because of this process.

20 We feel that -- the Commission felt that to  
21 try and present something to the states earlier than that  
22 we would be wasting, you know, your resources,  
23 potentially, as well as ours. At least at the point where  
24 there's staff concurrence that this is the problem and  
25 here's the fix. then we can give something concrete to the

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1 states. We felt that that was the most sufficient use of  
2 both our resources and your resources.

3 MR. PARIS: Again, I want to make the point,  
4 I'm not advocating notifying the states at the rulemaking  
5 plan process, it is only the appropriate Suggested State  
6 Regulations working group. I think there was a FACA issue  
7 there, or whatever that's called --

8 MR. COSTANZI: Yes.

9 MR. PARIS: Where that -- it was determined  
10 that that would not violate any FACA rules at that  
11 rulemaking plan level. So, again, I don't want to give  
12 the impression that we want you to notify all the  
13 agreement states, just simply the appropriate working  
14 group of the SSR at the rulemaking plan level.

15 MR. COSTANZI: I understand your comment.

16 MR. CAMERON: Are there any other comments or  
17 questions for Nick? It seems like the process that he  
18 described is fairly satisfactory to most of the states  
19 other than the point that Ray is raising in terms of early  
20 input.

21 MR. COSTANZI: Incidentally, the development  
22 of this process, or the revision of the process, had been  
23 discussed with the agreement states; so, we hope you like  
24 it.

25 MR. CAMERON: Okay. Thank you, Nick.

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1 MR. COSTANZI: Thank you.

2 MR. CAMERON: Before we go to Kathy Allen and  
3 Dennis Sollenberger for a report from the training group,  
4 we do have two action items that came out of our session  
5 so far -- a possibility of additional meetings on  
6 strategic assessment, and that wraps in the whole content  
7 of where the meeting should be held. And Mel Knapp is  
8 taking that back to the Strategic Steering Committee.

9 Well let's go to Kathy and Dennis for the  
10 training report.

11 MR. SOLLENBERGER: Good morning. This is  
12 going to be a joint presentation. I'll start it out and  
13 Kathy Allen will come up and finish up the second half of  
14 it as co-chairs of the working group. Next slide.

15 Part of this presentation is a little bit of a  
16 history and background of how the working group got  
17 established and then I'll talk about the charter of the  
18 group, the members who make up the group, and the  
19 activities that we have to date. And Kathy, then, will  
20 elaborate on some of the activities that we've done.

21 The kind of history comes out of NRC's  
22 combining of the training programs for agreement states  
23 and for NRC personnel. And last year in Chicago I gave a  
24 short presentation on that program, explained how the  
25 classes had been combined and that the technical training

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1 center was coordinating the presentation of all the  
2 training courses now, and that the Office of State  
3 Programs is coordinating the selection of agreement state  
4 staff attendees at those courses.

5           Resulting from that presentation, the  
6 Organization of Agreement States made a recommendation  
7 that a working group be established, and that was in their  
8 letter of November of '95. NRC's response in December of  
9 '95 was that we would work on establishing such a group,  
10 and at that time I was assigned to work on that and  
11 prepare a basic charter for it.

12           And the charter -- by the way, in the package  
13 that was handed out, and there were extra copies out on  
14 the table. For those not at the table there is a copy of  
15 the final charter that we've worked through in the working  
16 group. The charter includes a brief history as I just  
17 went through, the tasking letter; a list of working group  
18 membership provides a framework for conducting the  
19 meetings and provides milestones for task completion.

20           The working group is made up of, from the  
21 Nuclear Regulatory Commission, myself, Cathy Haney, and  
22 John Ricci. Cathy Haney works in Nuclear Materials Safety  
23 Program; John Ricci is representative from the Technical  
24 Training Division, and he's located in Chattanooga,  
25 Tennessee.

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1           The Organization of Agreement States executive  
2 committee made recommendations for membership of the  
3 agreement state staff, and Kathy Allen from Illinois,  
4 Marilyn Kelso from Texas, and Bill Sinclair from Utah. We  
5 had a meeting yesterday to go over the presentation today  
6 and few other issues and scheduling another meeting, and  
7 so all the members are here. So feel free if you have  
8 comments on the presentation to pass your comments on to  
9 the individuals and we look for your feedback on what  
10 we're doing.

11           The activities that we've done so far is, like  
12 I said, drafted a charter. Once the members of the group  
13 had been established, that was circulated to the members  
14 through E-mail communication and faxing it out. We had a  
15 conference call meeting to go over the charter, some of  
16 the activities, planning of those activities, and to kind  
17 of lay out a schedule of how those activities could get  
18 accomplished.

19           We then had a face-to-face meeting which  
20 occurred in August where we went through and identified in  
21 more detail the tasks and established milestones for, you  
22 know, including in the charter. What I put in the charter  
23 are kind of the ending milestones for those tasks, when  
24 they will be done. We have a number of intermediate tasks  
25 in our own working draft milestone and some details of

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1 future meetings where we'll complete a draft of the task.  
2 And we're going to circulate a lot of this information out  
3 to the states for comment and then we want to resolve  
4 those comments before going on.

5 A couple of other areas that -- we worked on  
6 the issue of qualifications of training, and that was one  
7 of the major tasks given to the working group. And we  
8 started out looking at the inspection manual, chapter 1246  
9 requirements, and looked at how we could develop courses -  
10 - we used the -- we're using some slightly different  
11 terminologies so that people don't get hung up on a  
12 course.

13 But we're talking about training areas, such  
14 as nuclear medicine, and we're talking about essential  
15 elements in training there; and that could be satisfied  
16 through attending an NRC course or through attending  
17 another course from another institution or going through  
18 on-the-job training with specific check off that those  
19 things have been accomplished.

20 But one of the things -- major task our group  
21 has to do is to go through and identify what those  
22 essential elements are in each training area; and we're  
23 using the training course outline as the starting point.  
24 We've got a major meeting scheduled in November to be done  
25 at the Technical Training Center to work through those

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1 essential elements.

2           We also -- we're dealing with the issue of  
3 successful completion of training. And as part of the --  
4 in the package there's a draft letter, an all agreement  
5 state letter, that presents a policy on successful  
6 completion on training. Essentially, that comes out as if  
7 you're attending an NRC training course, whether you're an  
8 agreement state personnel or you're an NRC person, you  
9 need to take the exam and make the successful completion  
10 there.

11           So we are looking for feedback on that letter.  
12 We'd like to send it out final, you know, some time during  
13 the month of October. So if you have any feedback, we'd  
14 appreciate getting back to us on that. Next slide.

15           Here, basically, the milestone says we've laid  
16 them out in the charter, and again, I talked about -- one  
17 of the things we're going to do is work on developing a  
18 model training program description. And this would be a  
19 brief description that each state could adopt which would  
20 say this is how we're going to -- this is our policy and  
21 how we're going to handle training. Kathy's going to talk  
22 about that in more detail.

23           The other one, as I discussed a little bit  
24 earlier, is develop essential elements necessary for  
25 course equivalency. And the major work on that's going to

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1 be done in November. These two doc efforts will be  
2 combined into what we would call a guidance document to  
3 the states that would briefly describe, you know, have a  
4 program description, and it would have the essentials that  
5 are needed in each training area.

6 We've got out for you for your review the  
7 draft letter. Kathy will be going through a list of --  
8 one of the things they asked us to look at is alternative  
9 training course options or training options, and the group  
10 went through and basically had a brainstorming session at  
11 our August meeting and came up with a list. And we'd like  
12 your input back on that when Kathy presents it to see if  
13 there's something that we didn't consider that we should  
14 have on our list to be put out as options.

15 And then through this process, one of the  
16 things the group wanted to look at, and it's also in our  
17 charter, is look at the efficiency and effectiveness of  
18 the training, particularly when we go through and look at  
19 the essential elements of the training course. We'll look  
20 to see are we putting on things in the course that really  
21 aren't beneficial to the people; it might be nice to know,  
22 but aren't essential in doing a regulatory role.

23 And so what we plan after we go through this  
24 process is to look at possible recommendations we may have  
25 in course modification -- maybe combining of courses,

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1 separating of courses, but other areas that might help the  
2 effectiveness and efficiency of the training program. So  
3 we expect after we get done with all the others that that  
4 would be kind of a follow-up action to pull that together.

5 I think I've basically gone through this  
6 policy. Basically there's an exam given that the  
7 individual ought to successfully complete it, that is, a  
8 passing score in NRC's guidance document is 70 percent.  
9 We have been holding up some exams that have not been  
10 returned to the states because the individuals had not  
11 gotten a 70 percent or above.

12 And if you read the enclosure to that letter  
13 in the package, you'll find out NRC has a process of going  
14 back and retaking an exam after a course has been given  
15 where the individual has not successfully completed at a  
16 70 percent level. And what we recommend is the individual  
17 study over the material, go over the exam that they have,  
18 particularly the weak areas, and then another exam which  
19 the Technical Training Center would provide could be given  
20 in a controlled environment by the program director, a  
21 proctored exam.

22 And that would be returned to the Technical  
23 Training Center and they regrade it, and then if the  
24 individual had a 70 percent or higher score on the exam  
25 retake, then they would be given a certificate as

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1 successfully completing the class.

2 I guess, then, in your packet, you'll see the  
3 next couple of things are the charter and the milestones,  
4 the working group -- the working group, we've included the  
5 phone number, address, and E-mail addresses of the  
6 individuals so that if you want to contact somebody on the  
7 working group, whether it's an NRC individual or an  
8 agreement state person, to provide comments, feel free to  
9 do so. And then those will all be brought together to the  
10 working group for resolution.

11 Okay, at this point, Kathy will come up and  
12 continue the presentation.

13 MS. ALLEN: Do you guys want the lights up  
14 higher? Is it too dark out there? Can you guys see the  
15 paperwork in front of you? Do you want the lights higher?  
16 No? Okay. Well, I have to start this out with, first of  
17 all, I think everybody in the committee, well, a majority  
18 of the people in the committee would sincerely hope that  
19 Greta is successful in trying to reinstate funding for  
20 agreement state training.

21 Whatever outcome from this committee, however,  
22 would still be beneficial. Right now we're looking at it  
23 -- at training as a whole. How can we sort of streamline  
24 the process? What are the problems and how can we create  
25 something that will be beneficial to both NRC and

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1 agreement states? We need to identify core courses; and  
2 it doesn't appear from the committee that the core courses  
3 are the same for agreement states as they would be for  
4 NRC.

5 We need to look at options to attending NRC  
6 training courses and allowing agreement states the  
7 flexibility to manage their programs, which includes  
8 training. So whether or not funding is reinstated, the  
9 information that the training group is working on is still  
10 benef l.

11 We'll start with an overview of what NRC has  
12 for the inspection manual program, or the inspection  
13 manual chapter 1246. NRC has identified core training,  
14 which you all are fairly familiar with; in addition,  
15 there's specialized training which are specific areas --  
16 well logging courses, industrial radiography -- those  
17 types of things. Then there's supplemental training,  
18 which is additional training to enhance the reviewer  
19 inspector's expertise. And then of course, refresher  
20 training.

21 In addition to this set of courses, inspection  
22 manual chapter -- it's about as thick as the documents  
23 handed out on -- it's on everybody's table right there --  
24 and it deals only with training. And there's a series of  
25 -- there are oral exams; there are all kinds of things

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1 that are documented -- basic health physics knowledge,  
2 understanding of all their guides and directives and  
3 everything; and that's very detailed and very organized.  
4 We recognized that not all agreement states would want to  
5 develop something as big as that for their programs, so  
6 we're keeping that in mind with the committee.

7           We looked at the list of core courses and came  
8 up with something we kind of almost call the core of the  
9 core -- that's the basic training, we're calling. And  
10 then there would be program training which is additional  
11 training for different areas. And then advanced training  
12 and continuing education. We'll kind of get back to that  
13 in a second.

14           There's a feeling that NRC needs to take --  
15 that agreement states need to take a look at a policy on  
16 training -- develop something that would say what that  
17 policy is to train their people. This is our proposal --  
18 just a couple of paragraphs and that's it.

19           Agreement states should ensure that staff is  
20 qualified to perform licensing and inspection functions  
21 for all types of licensees -- all types of licenses issued  
22 by the state. I mean, that doesn't -- we all kind of  
23 agree that we want to know what we're licensing. In  
24 individual would not be a lead inspector at a licensed  
25 facility unless the individual has demonstrated competency

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1 in the program training areas applicable to that type of  
2 license. For example, you wouldn't send out a new  
3 inspector to do industrial radiography unless you  
4 understood -- unless you felt that that inspector was  
5 competent and knew which end of the camera was up.

6 Same thing with an individual being -- a  
7 senior license reviewer or -- we're not sure about the  
8 terminology here -- but would not perform reviews of  
9 licenses that they did not understand what medical uses  
10 were -- why would you have them review medical licenses  
11 without any kind of peer review?

12 The program training area and essential  
13 elements to be covered in each training program area would  
14 be described in the document that Dennis described earlier  
15 -- we're going to come up with a list of issues that need  
16 to be covered for each training area. When an individual  
17 has demonstrated competency in that area, whether it's by  
18 attending training courses, on-the-job training, however  
19 the state decides to provide that training, then it would  
20 be -- some sort of chart would be signed off or agreed to  
21 by a member of management. And refresher training would  
22 be provided as necessary.

23 And I talked about the basic, and the program,  
24 and advanced, and continuing education -- this is what we  
25 had in mind for basic training areas: for example, a

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1 license reviewer -- and you've got more detail than the  
2 slide shows -- basic training areas would include health  
3 physics. We felt that that was the minimal amount of  
4 training necessary to do a job in radiation protection.  
5 And that include a bachelor's degree in health physics, a  
6 master's degree in health physics, five-week training  
7 course, or training that would match or meet all of the  
8 requirements or hit on all of the objectives covered in  
9 the five-week training course.

10           So, this is one of the areas that the training  
11 group will try and focus in on. We'll take the outline  
12 from the five-week course and say, "What is absolutely the  
13 minimum amount of information you need to know in health  
14 physics in order to say, yeah, I feel comfortable with  
15 this person, that they understand health physics so that  
16 they can take a look at radiation safety?"

17           So we're going to take a look at the five-week  
18 course and say, "Okay, great. What are the key points we  
19 absolutely want?" We're not trying to turn the five-week  
20 course into a five minute course; but we are trying to  
21 figure out for the states, what do we need to be sure that  
22 our staff knows?

23           Ideally, we'd all be going to the five-week  
24 course or sending our staff there. But recognizing that  
25 we might not all have ten thousand dollars ready to shell

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1 out, the committee's trying to figure out a way to do  
2 this. Then there's an overall program orientation, kind  
3 of like, "Hi, this is the state of Illinois; this is what  
4 we do." State regulations, obviously, any available  
5 regulatory guides or documents, procedures, whatever you  
6 have, whatever your procedures are. And most of us agree  
7 that this is something we do anyway; then teaching that  
8 person how to perform license review according to the  
9 state's program -- whatever process you have.

10 And that would be the basic training area for  
11 a license reviewer. Take someone off the street, make  
12 sure they know health physics or with a degree, and you  
13 indoctrinate them in your system, how you do licensing.  
14 Now for an inspector it would be very similar -- teach  
15 them how you do inspections. But there is a feeling that  
16 they should also probably know the transportation  
17 regulations, as well.

18 Then there would be program training. If, for  
19 example, you wanted to send somebody out to do medical  
20 inspections or review medical licenses, if the person that  
21 you just hired might have come from -- maybe they were in  
22 nuke med tech before, would you want to send them to the  
23 nuclear med course? Probably not. We all have been doing  
24 it.

25 We've all been sending them off to these

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1 courses because when NRC came to evaluate us, they looked  
2 at our training charts and said, "Is that box checked?  
3 Did you somebody to that course?" So we've all been doing  
4 this and the committee's trying to rethink this and say,  
5 it shouldn't be based on boxes anymore, you shouldn't have  
6 to go to NRC's course if you've got someone adequately  
7 training and they've demonstrated competency in the area,  
8 there's no reason to send them away for a week so that  
9 they can be bored at a course that they would rather teach  
10 than attend.

11           On the other hand, there are times when you do  
12 need to bring someone up to speed on changes, on new  
13 things. So it would be up to the management for each  
14 agreement state to cover those areas, to ensure that that  
15 person is trained in all the areas. And this is where we  
16 try and get a level playing field with NRC. You make sure  
17 they're trained in the program areas before they went out,  
18 then advanced training, things like the two-week course.  
19 If you've got a lot of interesting kinds of licensees in  
20 your state, you might want someone who knows how to do  
21 internal dose calculations.

22           On the other hand, you might feel more  
23 comfortable dialing 1-800-OAKRIDGE, or something like  
24 that. And same thing with continuing education. We all  
25 recognize that it's important to keep people up to speed

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1 on the changes going on, and we would support that as  
2 well. I'm not going to go through the inspection one --  
3 it's very similar.

4 I talked about equivalency. I didn't like the  
5 term when I heard it, but it's better than compatibility,  
6 so we're go on from there. Agreement state staff may  
7 demonstrate equivalency or proficiency in a training  
8 subject area by successfully completing an NRC course --  
9 that's ideal. Passing an equivalency or challenge exam --  
10 and John Ricci has informed us that, like Dennis  
11 mentioned, if someone doesn't pass an exam, that they have  
12 an exam that they'll send out that you can administer to  
13 your staff.

14 Well, if a course is coming up, you can write  
15 to the Technical Training Center and ask for an exam that  
16 would be given for that course. You have copies of the  
17 exams. If you want to just administer those exams to your  
18 staff so that they can demonstrate competency there in the  
19 area, and they pass that exam, then they don't need to go  
20 to the course and you can sign off and say, "Yes, see,  
21 they know everything that they were suppose to know to go  
22 to that."

23 You've got -- it's beneficial to the state if  
24 you have someone who knows that information and they can  
25 demonstrate that. And then you don't have to send them

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1 away for a week; you still have them working for you.  
2 Maybe successfully completing training that covers the  
3 essential elements -- again, that's what we're going to be  
4 meeting in November about -- going through every single  
5 course, coming up with lists of things -- core issues that  
6 should be covered to give you a feeling that you  
7 understand that technology.

8           The next slide, or page 7 of your little  
9 handout -- I numbered my pages. I'm sorry. This is how  
10 it sort of shakes out: the inspector manual of core  
11 courses hasn't changed yet. There's a possibility after  
12 this that maybe they'll rethink some of this. But,  
13 frankly, this is just what the agreement states are  
14 looking at -- what we can do to make sure our staff is  
15 trained.

16           Basic inspection concepts should be taught to  
17 inspectors; basic licensing concepts to license reviewers.  
18 P means program training; these are the program areas like  
19 nuclear medicine, medical therapy, industrial radiography.  
20 If someone's going to be reviewing a well logging license,  
21 maybe they should know something about well logging. So  
22 you kind of go through that with your staff to ensure that  
23 they understand it. You can add advance courses on  
24 investigation or advance health physics, or whatever you  
25 chose to do.

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1           So how do you accomplish that training? Well,  
2 this is the list of researchers that we sort of  
3 brainstormed about. Everybody on the committee recognized  
4 that when we sent members of our staff to NRC courses,  
5 that it was very beneficial to NRC and agreement states --  
6 it was a way to communicate amongst ourselves, common  
7 areas that we had problems with -- it was a great  
8 opportunity to meet some of the other people and share  
9 experiences.

10           It appears as if most people won't be able to  
11 go to these courses. So we'll be losing that opportunity  
12 and so will NRC -- they'll be losing the ability to share  
13 that insight with us. However, recognizing that the  
14 Technical Training Center is costly to get to, especially  
15 for people on the west coast -- it takes a day to get out  
16 there and a day to get back -- and for a five-day course,  
17 that's seven days worth of travel. I mean, you're gone  
18 seven days. States need options. We can't all flock to  
19 one location.

20           So, here's our resources: you can try  
21 commercially available courses such as NRC, Harvard,  
22 Georgia Tech, Oak Ridge, other places. CSCP has  
23 established a working group to assemble a list of  
24 available courses. The Health Physics Society, we  
25 believe, has a list of available courses. Training

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1 courses provided by other government agencies, EPA, DOD,  
2 DOE, FEMA, HHS.

3           It's very possible to talk to contractors to  
4 develop a course. It's very possible that if you have an  
5 area that you need -- if you want to do mostly on-the-job  
6 training, then you just need to supplement that with some  
7 information. You can contact some manufacturers or  
8 licensees in your area and ask to visit their sites or  
9 their facilities.

10           You do in-house training programs, computer-  
11 based training, professional topical meetings. Sometimes  
12 going to an annual or semi-annual HPS meeting, or an ANS  
13 meeting, or AAPM can get you the latest technology --  
14 there's your update; that's the information that you need.  
15 Training videos -- agreement states have some, NRC has  
16 some, HPS has a set of pep courses that you can borrow.

17           You visit licensed sites; check the web for  
18 additional information. In some cases we've audited or  
19 we've been offered a chance to audit a manufacturer's  
20 training course to all our licensees and it would just be  
21 a matter of us going and attending, usually free of  
22 charge, to audit their course and see what kinds of  
23 information they're sharing. And in exchange, we provide  
24 information on what our state needs. You can administer  
25 challenge or equivalency exams as we discussed earlier.

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1           So, what would you do with this information?

2   Well, there's a recommendation that -- and it's one piece  
3   of paper, page 9, has a list of all the basic training,  
4   and all the specialized, and all the advanced training  
5   that comes off of that other chart. It's very possible to  
6   put a name at the top, date completed, initials or  
7   signature, or any comments you have when an individual  
8   completes that training.

9           The next page, page 10, has an example of  
10   training provided for Jane Doe. This person received a  
11   degree in health physics from Purdue; so, in '87 that  
12   objective was completed. You'll notice that there are  
13   things -- you go down to basic training areas -- this  
14   person is an inspector, not a license reviewer, but  
15   licensing could be covered under cross training.

16           You'll notice that I included medical x-ray.  
17   The idea is to tailor this to your program. Don't worry  
18   about impact, don't worry about what you're doing for NRC  
19   -- look at your program and what you need. We feel that  
20   you really should take a look at documenting some of this  
21   training because of experiences that many of us states  
22   have had in going to hearings -- not the IMPEP review, but  
23   the actual real life hearings that when we're trying to  
24   convince a licensee that they've done something wrong, and  
25   they've got their lawyers trying to convince a hearing

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1 officer that your people don't know what they're doing --  
2 that's when the training records become very important.

3 And so just for your own sake, consider  
4 looking at this. I've included things like fix gauges and  
5 portable gauges. NRC doesn't have courses on that. We  
6 all recognize it. We're training our staff on how to  
7 recognize a fix or portable gauge and what they do when  
8 they go out to see one. So, maybe take credit for that.

9 The last page is just the same list, but  
10 across the top I've included initials for individuals, and  
11 this is some sort of tracking chart that you can look at  
12 or consider doing. If you look at review of state  
13 regulations, like the third or fourth line down, everybody  
14 has the same date. It appears as if there was some sort  
15 of in-house training given and everybody attended; there  
16 was a change to the regulations and everybody was updated.

17 Notice under medical therapy, it's all blank.  
18 Well, obviously, this poor state didn't get a chance to  
19 get in under the deadline when it was free training, so  
20 now they need to address this area. Gauges. Under  
21 gauges, this state wasn't able to get in under CMHS.

22 This person has experience, 9/89, but wasn't  
23 hired if you look up at the top until 1992. The state has  
24 chosen to take credit for the experience gained by that  
25 individual prior to working at the state. Maybe this

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1 person was an RSO.

2 It's just time for us to start looking at  
3 other ways to deal with training issues and figure out how  
4 we can insure that our staff is trained.

5 I recognize that NRC wants adequate or  
6 equivalently trained individuals in our states, and we're  
7 saying we feel our staffs are trained. We would love to  
8 participate with you in training, but we need to take a  
9 look at addressing this for ourselves.

10 Okay. We can turn on the lights, and I don't  
11 have a button, but we'll take any questions you have.

12 FACILITATOR CAMERON: Does anybody want to try  
13 to hit the bull's-eye?

14 MS. SCHNEIDER: Mr. Bangart, do you want to  
15 address this?

16 MR. BANGART: I think the work of the training  
17 group has been outstanding so far. They've briefed me in  
18 a recent meeting here in headquarters, and they have  
19 progressed as rapidly as any group that I've seen in  
20 modern times. So they're moving very quickly, and I think  
21 the kind of products that they're talking about here and  
22 guidance and recommendations are just first rate.

23 FACILITATOR CAMERON: Don.

24 MR. FLATER: I didn't see anything in here  
25 after I read it over that you talked about grandparenting

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1 or whatever one wishes to call it, but I think we need to  
2 have something on that, and the second one that I would  
3 have is Dennis mentioned something about some of the  
4 things being held up relative to people taking tests down  
5 at the training center and those kind of things. It would  
6 be nice if the program directors knew that was done and  
7 who it was done on because we sure could push on some of  
8 our employees. I happen to have one that I know has taken  
9 the course and I know he has failed it only through the  
10 grapevine, but I've never been notified about what he did  
11 and that kind of thing. I think his time is about up.

12 MR. SOLLENBERGER: Well, let me address the  
13 second one first. What we hope to do is in sending out  
14 this letter that was drafted in the package here, if we  
15 can get it out in October we would follow that up with  
16 letters to the individual states with any exams and  
17 instructions as far as getting challenge exams.

18 The other thing I did mention in the policy  
19 attachment to that letter is that if an individual were to  
20 score less than a 50 percent score on an exam, the NRC  
21 policy is to recommend that they go back and repeat the  
22 course or take other training because at that point  
23 there's such a gap between what they gathered in a whole  
24 week training course that I don't think self-study per se  
25 unless, you know, you feel strongly otherwise taking a

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1 challenge exam would be of benefit at that point in time  
2 and a retake. So we recommend you look at other training.

3           On the first issue, we didn't elaborate on it  
4 a whole lot, but the logic behind signing off on other  
5 types of training and qualifications was that if you have  
6 a 25 year inspector, he's doing a very good job, but he  
7 missed a course, you know, that you normally would have  
8 required somebody to take in the first three years of  
9 being in the program, but he knows all the material,  
10 that's where a program director can sign off based on his  
11 experience and if you want to do an oral exam or challenge  
12 exam for that, that you can qualify him, but I think that  
13 we have to leave that to the program directors. There are  
14 some people who have worked 25 years as an inspector that  
15 you still wouldn't want to issue a license because they  
16 haven't done licensing. They're not familiar with that.  
17 So what you choose to qualify the people in your staff in  
18 would be up to you, but that's the provision by which you  
19 grandfather someone that you're saying that you know that  
20 individual is competent, and you're willing to sign on the  
21 training sheet. The only way that would be challenged is  
22 if in the process of doing an IMPEP review, that the  
23 person was found to be not knowledgeable in the area, and  
24 then they might come back and ask what was his training  
25 background and look into that. So that's one of the ways.

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1           We don't think that we need to have a blanket  
2 grandfathering. I think it's better that the program  
3 director review his staff and sign off on the individual  
4 training areas once the list comes out.

5           FACILITATOR CAMERON: Does that answer your  
6 question, Don? Go ahead.

7           MR. FLATER: No, because I think what I just  
8 heard Denny say, if I sign off he's qualified and if NRC  
9 disagrees with that, we've got a fight going right there.  
10 What I'm asking for is I want to know what the minimum is.  
11 I mean is NRC going to come in and ask one question? The  
12 person can't answer that question, and you're going to  
13 challenge me. That's what I'm saying. I need to know  
14 what NRC is going to say is going to be the minimum, you  
15 know. Let's get a level playing field here, and let's  
16 find out where you're going to go with this because maybe  
17 I'm going to let everybody in and Paul here's going to say  
18 everybody's got to have a master's degree. Well, I mean  
19 that's his prerogative and that's my prerogative, but I  
20 think we need a level playing field. I think you need to  
21 define it.

22           MS. SCHNEIDER: Well, that's what we're trying  
23 to do with creating the lists of topics that need to be  
24 covered.

25           You could have someone with a degree or

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1 without a degree. If they know the topics covered under  
2 the health physics training guideline, an outline of  
3 issues that need to be covered or trained, that individual  
4 needs to be trained on, then they've met the minimum.

5 Same thing with any of the other courses.

6 We're going to come up with a list that would  
7 be in a booklet form that you could look through and say,  
8 okay. For nuke med, these are the topics that need to be  
9 covered. Does this person know this information? Now if  
10 you feel that that individual knows that information, you  
11 can sign off on it. Even if you sent that person to a  
12 nuke med course, that wouldn't guarantee that they would  
13 know any of the answers to any of the questions asked  
14 under an IMPEP review.

15 The bottom line is and the way I've viewed it  
16 is that if you've got your staff that is trained, and  
17 you're comfortable with that, you should continue being  
18 so.

19 If IMPEP comes in and they go out on an  
20 inspection and they see a problem area or someone had a  
21 problem on an inspection let's say, and it was a  
22 transportation type issue, you could go back and ask,  
23 well, gee, did you get any training on transportation?  
24 Was that covered on transportation? And maybe that person  
25 just forgot it and that's the end of it. Maybe there was

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1 an issue that was missed on training or an issue that  
2 wasn't covered on training, but that's between the state.  
3 I think the state can easily demonstrate that maybe it's  
4 one of a kind. Maybe there is an overall problem, but  
5 that can be discussed during IMPEP. Kathy's going to have  
6 to address this.

7 We discussed IMPEP in great details and great  
8 lengths in this committee. We don't want IMPEP to be  
9 showing up saying, all right, give me all your training  
10 sheets, give me all your exams, all the signed off  
11 documents. IMPEP is supposed to be performance based so  
12 that when they come in, there may be no reason at all to  
13 see your chart of whose got what training, because if your  
14 people are doing their jobs, that should be the end of it.

15 FACILITATOR CAMERON: Okay. Roger.

16 MR. SUPPES: Is there a generalized exam for  
17 health physics that you could give to a new employee or an  
18 existing employee to look at their level of knowledge to  
19 help design a training program for them or an  
20 individualized training program for them at the Technical  
21 Training Center?

22 MR. SOLLENBERGER: I don't believe. We have  
23 some self-study quizzes on the various parts of the  
24 regulations that are available as part of the NRC Staff  
25 Training Program. Those are used, but in general, health

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1 physics knowledge, I'm not aware that there's one. The  
2 only thing I could say is that if you had somebody who had  
3 attended like the five-week class or other courses where  
4 exams were given, you could sanitize or reproduce that in  
5 a manner that could be given to check general knowledge,  
6 but we don't have any standard exam. Some people call  
7 those screening exams, and there are none available right  
8 now.

9 MS. ALLEN: John, do you have anything?

10 MR. RICCI: Yeah.

11 MS. ALLEN: This is John Ricci of the  
12 Technical Training Center.

13 MR. RICCI: It's a good thing that it's not  
14 after October 1st. I'd have to charge you for my  
15 information.

16 We do not have any screening exams like you  
17 mentioned, although we are developing one for our two week  
18 course because we've had so much difficulty with people  
19 failing our two week course. We're trying to come up with  
20 a screening exam that we can send out to people who will  
21 be attending. That's not necessarily the same exam that  
22 you're looking for.

23 However, we also discussed this in our working  
24 group, that rather than challenging one of our exams, the  
25 state would be perfectly free to make up their own

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1 challenge exams, and one way you could do that would be to  
2 get copies of the exams that we offer in our different  
3 courses and kind of cut and paste and make up your own  
4 exams, exams that you'd feel comfortable with in terms of  
5 administering to your own people to see if they can  
6 demonstrate equivalency or competency in different areas,  
7 but right now there is no one exam that we have that we  
8 are comfortable in giving to somebody to say that they are  
9 a qualified health assistant.

10 FACILITATOR CAMERON: Thank you. Any further  
11 discussion on training and the working group? Don.

12 MR. FLATER: The only thing I would say to  
13 John on that is we run into a little bit of an issue if we  
14 start developing our own exams about validated exams and  
15 now with unions and those kinds of things, I can just  
16 imagine that the first one that fails that, they're going  
17 to come at us with a lawsuit saying, hey, that's not a  
18 valid exam, and therefore it doesn't mean anything. So  
19 you get into all those legal kind of funny things that get  
20 us into trouble.

21 MS. ALLEN: See, that's the beauty of this  
22 program. You don't have to issue exams if you don't want.  
23 If because of your union situation, you can't do that, you  
24 don't have to. You can figure out another way to  
25 determine whether or not that person's qualified or has

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1 the knowledge to do the job.

2 FACILITATOR CAMERON: Okay. Thank you. I  
3 would note that this handout on training is missing some  
4 pages. I don't know if anybody else noticed that.  
5 There's been a couple of reports on that. So we may want  
6 to do another Xerox for people.

7 MR. WANGLER: I do have one additional  
8 question. Have you considered making available the  
9 training materials for self-study? I know some of our  
10 folks who go off to courses, this is not a common comment,  
11 but occasionally will just come back in and say, I'd wish  
12 they'd just sent me the material and let me sit down for a  
13 few days with it rather than going and sitting through the  
14 course. So I just wonder if you thought about making  
15 those available that way.

16 FACILITATOR CAMERON: Dennis. Kathy.

17 MS. ALLEN: John.

18 FACILITATOR CAMERON: I guess it rests in his  
19 hands.

20 MR. RICCI: I could really clean up here if it  
21 was after October 1st.

22 We have traditionally never given our training  
23 manuals out ahead of time to students mainly because they  
24 usually lose them when they come to the course and then we  
25 have to give them another one anyway, but all of our

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1 training materials are available for anybody. I mean it  
2 doesn't have to be just for states. Licensees, members of  
3 the public, anybody can get copies. It's all available  
4 through FOIA. I would see no problem and I say this not  
5 being in a position to make any decisions at the training  
6 center, but where we could provide copies of training  
7 manuals to the states and then you can, of course,  
8 reproduce them at your leisure for your own people for  
9 self-study. The only problem is you would have problems  
10 in terms of getting updates whenever we revised manuals to  
11 make sure that they're current. But all of our manuals  
12 are available, and if your students have attended courses,  
13 you already have them. You could get them from your  
14 students and Xerox them.

15 MR. WANGLER: Yeah. Many times those are  
16 already marked in, other things like this. They don't get  
17 to get a clean copy.

18 FACILITATOR CAMERON: Go ahead.

19 MR. SCHELL: Bob Schell from Maine. In your  
20 options available for training, you didn't really list any  
21 of the learning alternatives, initiatives that are going  
22 on now, video, teleconferencing, things of that nature.  
23 I'm wondering if you'd want to add that or if NRC is  
24 perhaps looking into doing that type of activity or having  
25 that available.

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1 MR. RICCI: We have been looking into that for  
2 many years.

3 MR. SOLLENBERGER: Yeah.

4 MR. RICCI: We've gotten nowhere.

5 MR. SOLLENBERGER: The training center is  
6 looking into it as far as NRC's needs. Also prior to our  
7 last meeting, I talked with Kelly Sauer at the FDA, the  
8 Deputy Division Director in their training group and who  
9 has worked with the conference on its training committee,  
10 and she was the one who helped coordinate the Part 20  
11 televideo conference that we did a number of years ago,  
12 and was talking to her about some of the new things that  
13 are going on. It is improving and costs are coming down.

14 One of the things that really gets into that  
15 is air time. Say you took a five week class and you  
16 condensed it into three six hour days and you did it  
17 countrywide and everything, what you're taking about to  
18 make it cost effective, you'd have to train literally  
19 hundreds of people because you're talking about something  
20 like that costing \$100,000 to put something like that on  
21 with air time, the script writing, this type of thing and  
22 studio time to rehearse. It takes, you know, a week of  
23 practice ahead of time before you even go on the air. So  
24 you're talking, you know, 50,000 to \$100,000 to put on a  
25 course. Then the question is who pays for that? Because

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1 now again we're out spending. If current policy were to  
2 go forward, there's not money in the NRC budget to do that  
3 for training state people.

4 Now the question would be if there was  
5 something so urgent, you know, that would warrant that,  
6 that could be worked out quickly. I know she made the  
7 comment that for a quick announcement like say the steel  
8 incident where we need to get it out to everybody quickly,  
9 something like that could be done on a couple day  
10 turnaround and we can get an hour air time, and it can be  
11 done very cheaply. She said they were just getting ready  
12 for like a four hour update on NQSA I believe, and she was  
13 talking there they had been working for about six months  
14 on planning for this four hour presentation that they had  
15 made, getting the lecturers in, the script written out and  
16 everything. So it takes a lot of effort to put, you know,  
17 a professional level training televideo conference on.

18 The training center has done several  
19 professional videos and again there you're talking about a  
20 lot of time and the price can go from, you know, like I  
21 said, 50,000 to \$100,000 depending on how much of it is  
22 live, how much of the video teleconference is done by  
23 already pre-canned videos where you're doing 15 minutes to  
24 show something and then you discuss is. It also takes a  
25 lot of coordination ahead of time on down link locations,

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1 although she says that's becoming much, much less of a  
2 problem. Most state health departments have down link  
3 locations, and they're familiar with how to do it, but you  
4 may start competing with other people doing training  
5 courses too to get the availability of a given course.

6           So the training committee itself has looked at  
7 it. Kelly has an open invitation to us to come out and  
8 visit their new facilities that are actually starting up  
9 this month. They've moved their studio. So facilities  
10 are being updated and modernized, more available, but I  
11 still think there's a logistics problem and a cost problem  
12 in doing that.

13           If there's something, I actually think like  
14 new Part 20, where everybody had to change everything, you  
15 wanted to train everybody in the states, I think it would  
16 be very efficient, but where you've got ones and twos in  
17 states that need trained, even across the whole country,  
18 like I say, if you don't have an audience of 100 or more,  
19 the costs become very prohibitive. We are looking at it  
20 though.

21           FACILITATOR CAMERON: Okay. Thank you,  
22 Dennis. We should move on to IMPEP now. Thank you very  
23 much, Dennis and Kathy.

24           This is Kathy Schneider and the five IMPEPs,  
25 right?

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1 MS. SCHNEIDER: Yes. It sounds like a song,  
2 doesn't it?

3 FACILITATOR CAMERON: And we have a group  
4 assembling in the back of the room who are going to do a  
5 tremendous demonstration for you and I would just ask them  
6 to be patient because we're running a little bit behind.

7 MS. SCHNEIDER: I think most of you know me.  
8 I'm Kathy Schneider with the Office of State Programs.  
9 George Pangburn is now assisting me with the slides and  
10 it's fall, so it's my turn to speak. George does the  
11 spring meetings. I told him I always end up with a cold  
12 at these meetings and I'm going to switch with him.

13 What I want to cover today is the status of  
14 the interim implementation of IMPEP, maybe we'll make up a  
15 little bit of time, and then I believe Lloyd Bolling  
16 contacted the five states who have completed the IMPEP  
17 reviews, and we'll ask them to say a few words from their  
18 viewpoint. George, the first slide.

19 To date we have completed five state IMPEP  
20 reviews and two regional, and this includes, you know, the  
21 draft report that goes out, the comments back from the  
22 state, our MRB meeting and the final letter out and the  
23 evaluation of the response from the state. Just for those  
24 who may have forgotten, we suspended the 1992 policy  
25 statement on the previous reviews of Agreement States

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1 Program in October of '95, and the first IMPEP review was  
2 in December of '95.

3 There were two follow-up reviews that aren't  
4 on this schedule, and that was Maryland I believe that was  
5 in November and Oregon we did in July, and that was a  
6 carryover from the 1992 policy statement. Nebraska was  
7 done also in July, and we have not issued the draft  
8 reports. We are still working on that at this point in  
9 time.

10 You can see for the five states we found them  
11 all adequate and compatible, and the regions were found  
12 adequate. Of course, we don't make a determination of  
13 compatibility for the regions.

14 FACILITATOR CAMERON: You should.

15 MS. SCHNEIDER: We should. Okay. We'll take  
16 that under advisement.

17 The next slide is the schedule, and I just  
18 want to remind you what I said last time we all got  
19 together to talk about this. When we first came up with  
20 this schedule to implement IMPEP, we took a look at the  
21 state's performance under the 1992 policy statement, and  
22 of course now with having done five reviews, I project out  
23 a four year schedule, and then depending on what the  
24 results are from the MRB meeting and the review, what the  
25 next cycle would be. I passed out at each of your places

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1 a copy of these slides. I also passed out the 1997  
2 schedule which at this point in time is dated July 17th.  
3 I work on a fiscal year schedule with the states who are  
4 coming up this next cycle, who the team leaders are, and  
5 who a good portion of the cadre or the people will be. We  
6 are working with NMSS, and some of team leaders I believe  
7 have already been in touch with you in setting up the  
8 upcoming IMPEP review.

9           Next slide, George. Last year I talked to you  
10 in September or the beginning of October and said we were  
11 going to do a training program which we did. It was a one  
12 day session with all the team members, and we had  
13 approximately 36 people and on that sheet where we have  
14 the schedule, I had the cadre of people up in the various  
15 boxes. As we said last year, we feel it's important  
16 because this is a new program, and it is evolving though  
17 we are doing retraining every year, and we've learned a  
18 lot during this year just in some of the practical, the  
19 mechanics and then fine tuning what sort of things and  
20 experience we've learned looking at the various indicators  
21 and gathering more information in the non-common  
22 performance indicators which is really the first time  
23 we've looked at these in the IMPEP fashion during this  
24 cycle.

25           The training is going to be unlike the other

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1 training. I think I am allowed to say that that is  
2 something that we continue to pay for, the states who  
3 participate as team members to come in for that training.  
4 So that will be paid for, and we have this auditorium for  
5 December 10th, and we're getting everything back in place  
6 for conducting that this year.

7           Next slide. I'd like to bring two issues  
8 before you and tell you that first of all we are going to  
9 go back to the Commission to let them know what we've done  
10 so far, and we're scheduled for briefing the Commission on  
11 November 20th on the implementation because it was an  
12 interim implementation, and we stay in the interim phase  
13 until the adequacy and compatibility policy statement and  
14 procedures is finalized by the Commission.

15           We're also going to go and seek input from  
16 both the states and the Commission on two areas that were  
17 identified during our experience this past year. One is  
18 in the decommissioning area. When we went down the path  
19 and developed the program and then went back to the  
20 Commission on what we were going to treat as non-common  
21 and common in implementation, we ended up with a situation  
22 where for the -- I'm getting a little ahead of myself.  
23 Let me just say on the other issues, the meeting with the  
24 Agreement States between IMPEP reviews which is an issue  
25 that came up during reviews, George, if you'll turn to the

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1 next slide. As I started to say, for the Agreement  
2 States, we were treating decommissioning issues in the  
3 common area with the technical quality of licensing and  
4 technical quality of inspection program. For the regions  
5 it was to use a non-common indicator, and what we're going  
6 to do is propose that the decommissioning area be treated  
7 as a non-common performance indicator and like I said,  
8 this is based on the experience we've had just going  
9 through this. We are going to propose something, we're in  
10 the development stage, to the states and the regions, the  
11 stakeholders, for them to comment on, and what we would do  
12 is get your input, and then we're going to go to the  
13 Commission and get their approval for going this way  
14 because we were really silent on the subject to  
15 decommissioning in the last two commissioning papers that  
16 went to the Commission on what was going to be covered by  
17 IMPEP.

18 George, the next one. The other area, from  
19 lessons learned or from information gathered, was that  
20 with the extended schedule, I think in the original paper  
21 we had proposed a two year cycle and then with guidance  
22 from the Commission we can extend the IMPEP review up to  
23 four years, we are looking at some sort of meeting between  
24 the states between IMPEP reviews. I think that's a  
25 comment we heard from all five of the states during the

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1 MRB meetings, that they thought four years was a long time  
2 to go without seeing us which was nice that some people  
3 actually liked to see us occasionally. What that meeting  
4 would be, one of the areas we're going to look to, the OAS  
5 and the states for some information and the frequency and  
6 the issues to be covered, and again, we'll seek the  
7 Commission's commissioning paper on proceeding with this  
8 area.

9           Next slide, George. Okay. Where we are right  
10 now. Last year, we developed a resource notebook for our  
11 reviewers, and we are changing that and modifying it as we  
12 gather experience. We're in the process now of revising  
13 to get ready for the training course, and eventually we  
14 expect it to be an office procedure that will be available  
15 to everyone. All of the people in the Agreement States  
16 who attended the training got a copy and a couple of other  
17 states have asked for it, and we have sent portions of it  
18 to other states.

19           We did issue a good practice paper in July,  
20 and what we found as we were going the MRB, both during  
21 the pilots and as we did the reviews this season, there  
22 were a lot of good things that were going on in both the  
23 states and the regions, and we're going to be doing that  
24 annually, and we even identify these good practices in the  
25 minutes that we document for the Management Review Board

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1 meetings, and hopefully they found those useful. Maybe  
2 we'll get some feedback on that.

3           Next slide, George. One of the things we  
4 promised last year was to get some of this stuff out to  
5 you and ask you for your comments. Because we had no real  
6 criteria at the time we started implementing the non-  
7 common performance indicators, we put out in January a  
8 Sealed Source and Device Evaluation Criteria, and we  
9 received two comments, and I have factored those in that  
10 we received. Of course, I think Illinois and Washington  
11 were the two states at that point. We sent out in June  
12 the information on the Low Level Waste Program, and we  
13 received three comments to date.

14           Next slide, George. We are also at this point  
15 in time, I expect within this next week or two, to be able  
16 to get out the non-common performance indicators for  
17 mills. We put that on a less, it wasn't as high a  
18 priority to get out because the mill states were this next  
19 cycle, and we expect to get those out and give the states  
20 the 60 days from comment on that.

21           Where do we go from here? At this point we're  
22 going to continue with the interim program until the final  
23 policy on the adequacy and compatibility has been issued  
24 by the Commission. As Kathy and Dennis said, IMPEP is an  
25 important part. Training is one of the common performance

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1 indicators, and we have been working, and Dennis is tired  
2 of hearing from me what I think IMPEP needs, and the  
3 flexibility for performance. We going to take what the  
4 training group comes up, and then we'll revise and factor  
5 that into our performance evaluation. We envision that  
6 the management directive that's out there now that we're  
7 using will have to be revised once the adequacy and  
8 compatibility policy statement and when any procedures are  
9 completed and the Training Working Group is done with  
10 their work, and we will also then incorporate the guidance  
11 for the sealed sources device, low level waste and uranium  
12 mills.

13           That's really all I have to cover, and what I  
14 would like to do at this time, and I believe Lloyd  
15 contacted each of the five IMPEP states to ask for some  
16 feedback or a few comments from them on their experience  
17 in going through this process, and then we'll take  
18 questions.

19           And shall we go it in order as you got  
20 IMPEP'ed as they say? That would be North Carolina.  
21 Aaron.

22           MR. PADGETT: I don't have many comments on  
23 the process. I was not directly involved in it. I came  
24 into this position after the IMPEP was over, and we were  
25 in the review process, but I can offer some general

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1 observations.

2 I think we were somewhat concerned,  
3 apprehensive, about the process as we went into it, how it  
4 would be handled, the relationship, what we would actually  
5 gain from the process, if anything. As we went through  
6 the IMPEP process, I think that some of those concerns  
7 that we had went away. We think that there was a very  
8 good exchange of information between the folks who were on  
9 the team and our people. We think that the program will  
10 be better because of the IMPEP review, and so we came away  
11 from it with a qualified vote of confidence in the IMPEP  
12 process and pretty favorable about the process.

13 MS. SCHNEIDER: Yes. Next would be Ken  
14 Wangler from North Dakota.

15 MR. WANGLER: We also have a very favorable  
16 impression of the IMPEP process. Overall I think it's a  
17 very good review process. We had Jim Lynch from Region  
18 III as a team leader. Jim came out once in January to do  
19 an oversight inspection or an accompaniment inspection of  
20 our inspectors. That in itself requires a lot of  
21 diligence to come to North Dakota in January.

22 We had then a team come in to do the  
23 administrative inspection in February and Jim fell into  
24 some misfortune on that trip, and so we had kind of a  
25 reduced team. We had Scott Moore from NMSS acting as the

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1 team leader. Jim was supposed to be the team leader but  
2 couldn't make it. Chuck Madison from Colorado was also in  
3 our office for that week, and Kathy Schneider worked  
4 remotely to review our regulations for the compatibility  
5 of our regulations. We were fortunately I guess in the  
6 process of just asking NRC to review a revision to our  
7 regulations at that time. So she had them in hand and so  
8 that worked fairly smoothly.

9 I would summarize the review as being very  
10 thorough. When you look at the amount of man hours, or  
11 person hours I guess to be correct, that were spent on the  
12 review, there was a lot of effort put into it just in the  
13 number of people and the amount of time that they spent.  
14 It's a very hard-working team. Because they were one  
15 person short, they worked late into the evenings and often  
16 took material home. So I think we need to commend that  
17 team and we did in fact commend them to the management of  
18 NRC.

19 We received our information back in a timely  
20 manner. There was a schedule set in the beginning as to  
21 when to expect the preliminary review documents that we  
22 could review for factual correctness, and then when we  
23 could expect the final report out, and how soon after that  
24 we could expect the MRB. Those dates were shifted  
25 slightly backwards as time progressed, but we were kept

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1 very well informed of those shifts. Kathy Schneider  
2 called usually a day or two in advance of when we would  
3 expect to receive documentation and advise us if they were  
4 going to be late, and generally that was never more than a  
5 week or 10 days which I thought was fairly good.

6           The review was more performance based than  
7 prescriptive. It seems difficult to move away from a  
8 prescriptive based review and towards performance based,  
9 but I would say overall they worked very hard at doing  
10 that. The team itself did and the Management Review Board  
11 in some cases would negate some of the team's findings  
12 based on the prescriptive nature of the finding. So I  
13 thought that went very well.

14           Specifically, there was a recommendation from  
15 a previous oversight that we should increase the frequency  
16 of inspection at a facility. The Management Review Board  
17 threw that out as being too prescriptive, that the review  
18 team should not be making that specific recommendation,  
19 that if the state was doing a good job overall with that  
20 facility, that the Review Board or the review team should  
21 not be so prescriptive as to say that a particular  
22 facility needs more oversight.

23           The only thing that I have some concerns about  
24 would be the cost of doing these IMPEP inspections. If  
25 they were to look at past inspections in North Dakota, and

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1 I'm talking about NRC oversight inspections, we would get  
2 one or two people depending on whether it was a primary  
3 year or an intermediate year, and we would get them for  
4 approximately three days. So we would have one or two  
5 people traveling and approximately three to six person day  
6 investment. With the MRB, including the MRB travel, we  
7 had about seven person days or seven people traveling and  
8 approximately nine to 12 person day investment. So you're  
9 talking, you know, six times as much travel in some cases,  
10 anywhere from three to six times as much travel and two to  
11 four times as much personnel investment. I think it's a  
12 better process than we had before. I guess anytime you  
13 improve something you can probably expect to increase the  
14 cost. That's not all negative, but it certainly has to be  
15 or appears to be to me more cost intensive. That is  
16 somewhat offset by the reduced frequency of inspections.

17 Now if we're going to have intermediate  
18 meetings I guess, you know, I hadn't realized that until  
19 you brought it up just now. Our frequency was set back to  
20 three years. We did have a few things that we were  
21 whacking on. We didn't get the full four year extension.  
22 I personally appreciate the reviews. I think they help  
23 our program to improve itself, and I spoke with Kathy a  
24 little bit about cost and I guess in the interest of  
25 fairness, she has something she would like to add about

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1 the cost to the NRC and to the Agreement State that  
2 invests the person. In our case, it was Colorado.

3 MS. SCHNEIDER: Yeah, I know. One of the  
4 things we're doing while we're preparing for our  
5 Commission briefing, is we're looking at the resources  
6 we've expended, and some preliminary results look like we  
7 were kind of on track of what we predicted. That's what  
8 you're talking about, Ken.

9 MR. WANGLER: And I think you said that  
10 because of the efficiency that's involved in turnover, the  
11 staff do not spend as much time laboring over the reports.

12 MS. SCHNEIDER: Yeah. It looks like we are  
13 being more efficient even though it looks in getting the  
14 reviews out than we were say under the old system, but  
15 like you said, some of that data is still preliminary and  
16 we are looking at it to see, you know, if we stayed within  
17 the resource predictions to the Commission and whether the  
18 program is being effective and efficient. Okay. Anything  
19 else, Ken?

20 MR. WANGLER: No, that's all.

21 MS. SCHNEIDER: Okay. Tom, you came back in  
22 the room. Guess what? Tom Hill. It's your turn. We're  
23 going down the list. Georgia was next. If I understand,  
24 Lloyd told you or warned you about this?

25 MR. HILL: You did?

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1 MS. SCHNEIDER: I think so.

2 MR. HILL: In February I believe it was, the  
3 IMPEP review team came to Georgia. There were four folks  
4 that came, one Agreement State person from Tennessee.

5 They reviewed the program. I found it to be a  
6 very positive experience. The questions, the interaction  
7 of the individuals with our staff was very good. I liked  
8 the idea of the four different sets of eyes looking at  
9 what we were doing and asking questions from their  
10 individual perspectives. I think that helped.

11 One of our staff members also serves as an  
12 IMPEP team member, and she has participated in one review  
13 with one more coming up shortly. That has been a very  
14 positive experience in bringing information back to us,  
15 you know, seeing what someone else is doing, if they've  
16 got something a little better. They've got a different  
17 way of doing it. It may not be better. It's different,  
18 but it gives some perspectives, food for thought, for what  
19 we are doing as we look at what we're doing and what we  
20 want to accomplish.

21 The Management Review Board meeting I thought  
22 was very good. The questions that were asked I thought  
23 were good, and being able to explain, you know, and talk  
24 about the way we are doing things, what we are doing, and  
25 why from a management perspective, not just a technical

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1 perspective, was I thought a very positive experience  
2 also.

3 MS. SCHNEIDER: At this time, Don Flater is  
4 next, Iowa.

5 MR. FLATER: We went through the process in  
6 April, and I must admit up until the day they arrived, we  
7 became quite paranoid. The reason for that is that we  
8 started out with a team and two of those individuals  
9 because of medical needs had to back out. It wouldn't  
10 have been so bad but it was exactly the same medical need  
11 for both of them. So we really got a little concerned at  
12 that point. But we went through I think with a good  
13 positive experience.

14 We were concerned to begin with. My  
15 management was quite concerned because of some experiences  
16 we had in the past, but that changed, and I think I'm  
17 going to have to say that that probably had to do, and  
18 it's not just because I've known Kathy for a long time,  
19 but I think it has to do with the person that was the team  
20 leader. I mean generally speaking as a team leader that  
21 person has to be somewhat of a referee and if they don't  
22 referee, you end up with some problems.

23 There were some issues that came up relative  
24 to what we were doing and how we were doing them and those  
25 kind of things, and with the process that at least Kathy

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1 followed going back and sitting down and talking in the  
2 evening about what they found and negotiating those things  
3 out and it being performance based and them understanding  
4 that, the next morning things started to get a lot better.  
5 So every morning our concerns seemed to go away at least  
6 about what was found the day before.

7           It was a good process. It was nice not to  
8 have to worry about whether we had a capital letter in a  
9 license or whether we didn't have a common in the right  
10 place or those kind of things, and those do not become  
11 issues.

12           The thing about getting the report ahead of  
13 time and having the possibility of discussing that with  
14 the people and making changes was great. My management  
15 took it upon themselves to say anything that the NRC tells  
16 us that we've got a problem with we will have addressed  
17 prior to going to the Management Review Board. So we had  
18 the opportunity when they brought up the recommendations  
19 and that's all we had were recommendations.

20           We didn't have any major problems. We handed  
21 them the answers to the recommendations at the point of  
22 our meeting with them, and that was nice because then they  
23 couldn't make any mention even of those recommendations in  
24 our letter that came back, and politically that was good  
25 for us because you have an employee who is spending a good

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1 deal of time trying to figure out what we're doing wrong,  
2 and so we got a nice clean letter. That letter has  
3 already been received and already shipped on to the  
4 appropriate people.

5           So I think the whole thing was exceedingly  
6 positive for us. They came in with a five day agenda.  
7 They left after four days because they got through the  
8 whole thing. We knew what they were looking for. We knew  
9 what information they needed, and so it saved a full day  
10 of time. So I would say that the IMPEP program as we  
11 experienced it was a very positive situation.

12           MS. SCHNEIDER: Thank you for those kind  
13 words. The next person is Vicki from the State or  
14 Commonwealth --

15           MS. JEFFS: Commonwealth. Commonwealth.

16           MS. SCHNEIDER: I corrected myself.  
17 Commonwealth of Kentucky.

18           MS. JEFFS: I just want to say ditto to the  
19 positive remarks that have previously been made.

20           When I found out that we were going to have an  
21 IMPEP review and knew that four people were coming for a  
22 week, I was a little apprehensive and was preparing to be  
23 defensive when they got there because I just anticipated  
24 that they would find every little typo and every little  
25 mistake that we had made, and I found that that was not

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1 the case. I think we did have a thorough review since  
2 there were four people there for a week, but it seemed  
3 like there was more dialogue during this review. They  
4 would ask us questions about why we did things the way we  
5 did. We were able to discuss the results that we achieved  
6 from our process, and they took that into consideration.

7 Another good point is it seemed like this time  
8 if they found an area that they thought that we did  
9 remarkably well in, that they pointed that out to us at  
10 the time of the review. It's not like a gold star reward  
11 by any means, but it was nice to get a verbal, sort of a  
12 pat on the back at the time. Also comments were made in  
13 the report about a couple of areas that they thought we  
14 had done exceedingly well in.

15 So I did like it because it was performance  
16 based. I liked having another Agreement State person  
17 there. I gained from that. We had a good review. It was  
18 extended four years, and after someone here mentioned that  
19 that's kind of a long time to go without seeing anyone,  
20 you know, I tend to agree with that. It's a relief to  
21 think that they won't be there for four years, but we like  
22 the attention every once in a while, you know, at least in  
23 an area like that.

24 First of all, we did our Management Review  
25 Board meeting by telephone conference since we didn't have

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1 any major points to discuss, and it indicates on here we  
2 were found adequate and compatible. We were reviewed in  
3 April. We got the draft report in our office June 19th.  
4 So that is an improvement because I believe when we were  
5 reviewed previously in April of '94, in February of '95,  
6 Mr. Bangart was calling our office telling us to expect  
7 the letter at anytime. So that is a considerable  
8 improvement on us getting feedback.

9 I can really only say positive things about  
10 the IMPEP review. It was kind of hard for us to  
11 accommodate four bodies for a week but we managed and I  
12 want to thank our team of Jack Horner, Richard Ratliff,  
13 Dave Collins from Region II, and Jim McNeeze from Alabama.  
14 Thank you.

15 MS. SCHNEIDER: Any questions?

16 FACILITATOR CAMERON: Yeah. Any final words  
17 on that? We are running behind, and we sort of have an  
18 event at the end of the day that we have to try to get to  
19 also. Alice.

20 MS. ROGERS: I apologize for these very  
21 specific questions that are related to non-common  
22 performance indicators but that's all we have.

23 Are you going to reissue SP96059 with the  
24 group comments included in it?

25 MS. SCHNEIDER: What I planned on doing,

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1 Alice, is we have to get the one out for the uranium mills  
2 for you and Colorado and Washington.

3 MS. ROGERS: That's two questions down.

4 MS. SCHNEIDER: I'm sorry.

5 MS. ROGERS: I'm asking --

6 MS. SCHNEIDER: I have a markup. I'm not  
7 reissuing it yet at this point. I had --

8 MS. ROGERS: So do you want us to follow the  
9 one that we commented by or do you want to make a new  
10 comment before you come? That's what I'm trying to ask.

11 MS. SCHNEIDER: I hadn't thought that far  
12 ahead. Let me take that down and discuss it. I did not  
13 make any changes. We're using what we issued at this  
14 point for the low level waste area.

15 MS. ROGERS: Okay.

16 MS. SCHNEIDER: We're hoping that adequacy and  
17 compatibility gets out soon so we can, you know, do  
18 another iteration for the management director of the  
19 aspects for compatibility plus the non-common performance  
20 indicators too.

21 MS. ROGERS: So you're going to issue the one  
22 regarding uranium recovery shortly. How shortly is  
23 shortly?

24 MS. SCHNEIDER: Hopefully within two weeks. I  
25 just got the markup from my management, and we've been a

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1 couple of rounds. It's is a victim of vacations and a few  
2 other things. I was hoping to have it out by the  
3 beginning of August. So --

4 MS. ROGERS: Okay. And if we take time to  
5 read it and comment on it, those comments would not be  
6 included at that time in December.

7 MS. SCHNEIDER: Like I said, I had not planned  
8 on doing that, but you raise a good point, and I need to  
9 talk to Dick and will do that. Most of the comments on  
10 the other ones were mostly clarification. So that --

11 MS. ROGERS: Clarifications relevant to --

12 MS. SCHNEIDER: Right. Well, we gave the  
13 directive to the reviewers.

14 MS. ROGERS: Okay.

15 MS. SCHNEIDER: But we didn't reissue it.  
16 Everybody got copies. You know, what we tried to do is  
17 give copies of the comments to all the reviewers.

18 MS. ROGERS: And then you also say you're  
19 going to ask the Commission to make decommissioning, and  
20 that's an interesting choice of words, to be a non-common  
21 performance, and so would you, if they said yes, issue a  
22 paper on that too?

23 MS. SCHNEIDER: Yes, in the same fashion.  
24 We'll develop some criteria, send it out for both the  
25 regional and the states' comments and then factor it in

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1 and then eventually it would have to be part of the  
2 management directive 5.6.

3 MS. ROGERS: Okay. Thank you.

4 MS. SCHNEIDER: Sure.

5 FACILITATOR CAMERON: Okay. Paul or is that  
6 Steve?

7 MR. COLLINS: Steve Collins for Illinois. I'd  
8 like to recommend that instead of you developing those  
9 IMPEP criteria and things and sending them out for comment  
10 that you allow the Agreement States to work together with  
11 you in developing those on the non-common performance  
12 indicators, any new ones, but especially decommissioning  
13 the mill tailing stuff.

14 MS. SCHNEIDER: What we did, Steve, you know,  
15 how we laid out the common performance indicators and what  
16 we said last year in the commission paper, that we would  
17 do the uranium mills sealed source device and low level  
18 waste in a similar fashion, and that's the way we laid it  
19 out at the mill one. Dick, what's your reaction? I was  
20 going to say we were at the point of sending the mill one  
21 out.

22 MR. BANGART: Yeah. I think we've already  
23 dispensed so much effort on all but the decommissioning  
24 one now that I'd like you to just react to the current  
25 draft we're going to send out because it literally is just

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1 about ready to be put in the mail.

2 MS. SCHNEIDER: Right.

3 MR. BANGART: And we haven't started on the  
4 decommissioning one yet, and that's a better candidate I  
5 think to work jointly.

6 MR. COLLINS: Do you have any doubt about us  
7 reacting to it?

8 MS. SCHNEIDER: Not the State of Illinois.

9 MR. BANGART: Kathy is exactly right. They  
10 track remarkably alike because, you know, there are  
11 certain key elements in each area and each one of the  
12 indicator's review criteria tracks that way. So you're  
13 not going to see any surprises. If you don't like the  
14 current ones, you're not going to like these, and vice  
15 versa.

16 MS. SCHNEIDER: You weren't that upset about  
17 the low level waste, but had comments on sealed sources  
18 device.

19 MR. COLLINS: No. I don't think we were upset  
20 about any of them, but we always have some comments.

21 MS. SCHNEIDER: Yeah, right. And like Alice  
22 says, clarification is always good, and you know, like I  
23 said, you raise a good point, Alice. Let me take a look  
24 and then what we can do is reissue.

25 MR. COLLINS: I take the fact that since

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1 Illinois is due March of '97 and Illinois was not listed  
2 in those states that you're going to work with on the mill  
3 tailing stuff, that you do --

4 MS. SCHNEIDER: Oversight on my part.

5 MR. COLLINS: -- recognize that we no longer  
6 have a mill. We're just decommissioning what used to be  
7 one, and we have no licensees and so you wouldn't be  
8 reviewing us in that category. Is that what I'm hearing  
9 you say?

10 MS. SCHNEIDER: No. You have the authority,  
11 you know, you have the --

12 MR. COLLINS: So maybe you need to include us  
13 in that list of people that are --

14 MS. SCHNEIDER: I just said, that was an  
15 oversight on my part. There are four mill states.  
16 Illinois is included.

17 FACILITATOR CAMERON: Okay. Thanks, Kathy.  
18 Thanks, George. Could we have the demonstrators come down  
19 and --

20 MR. MEYERS: I thought we were going to have a  
21 long meeting.

22 FACILITATOR CAMERON: Well, you may have.  
23 We're going to find out. I'd just call your attention,  
24 there's a couple other action items up on the list while  
25 our next presenters are coming down. It is that of the

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1 course results of students who did not successfully  
2 complete the course. This is the Office of State  
3 Programs, and examine and providing states with copies of  
4 the NRC course manuals and we will be looking at that  
5 issue and I think that that Training Work Group is also  
6 going to be providing these things, and Paul, we have a  
7 couple of action items that came out of the IMPEP  
8 presentation. Is that correct?

9 MR. LOHAUS: Yeah, we have two. One is to  
10 address whether to reissue and use the low level waste and  
11 uranium recovery IMPEP guidance that would reflect the  
12 state comments that we have received during the upcoming  
13 reviews; and the second is to examine and consider a  
14 collective process of state NRC development of future  
15 IMPEP guidance.

16 FACILITATOR CAMERON: Okay. Thanks, Paul.  
17 And Paul will put those up on the list so that you can  
18 look at those action items. We want a complete list and,  
19 Jim, do you want to take over?

20 MR. MEYERS: I'll try. I'm Jim Meyers, in  
21 case we haven't met before. It's good to see all the  
22 friends from the Agreement States here, and welcome to  
23 Maryland.

24 While we take a couple of minutes for my  
25 helpers here to set this up, let me first say that this

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1 project started a long time ago, and probably we worked  
2 hard on it in the last four months or so, and in fact, we  
3 were working on it right down until last Friday at about  
4 1800 when I left here. That's 6:00 to everybody,  
5 civilian-wise. So we hope everything is working right.  
6 We checked it all out before, yesterday evening, and made  
7 sure it's all working.

8 I'd like to particularly address some thank  
9 yous to some folks. The Technology Assessment staff from  
10 IRN, Pam Kruczik is the staff manager there. Lou Clayman,  
11 Ilene Miller and Janet Thot-Thompson who are in the back  
12 over here helped us a lot from NRC's side in advanced  
13 technology. The Technology Center staff, particularly Ray  
14 Tilly and Steve Martin, and Steve is somewhere over here,  
15 helped us set up the equipment and bring it down for you  
16 all. The Edmond folks, particularly Donny Grimsle, Walter  
17 Olio and Jeff Main were very helpful too in getting us in  
18 the right frame of mind if you will so it's NRC acceptable  
19 kind of stuff. Lastly, this was done through a contract  
20 with Oak Ridge National Laboratory, the Health-Science  
21 Research Division. Mary Francis is the program manager  
22 for that, and she worked with us extensively to start this  
23 up some time ago. The Technology Transfer team of Mary  
24 Lou Lankston, Rose Hoss, Darla Arnwein, Linda Treadwell,  
25 essentially are the ones who are working on transferring

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1 the information which you'll see into this system so it  
2 works well, and we had Lois Floyd I think who we all would  
3 like to give an applause to because she did the graphics  
4 and design that you'll see, and lastly, Gloria Cayton, the  
5 program coordinator who is down here in front of the  
6 computer who will do the pointing and clicking right now  
7 for us, but she and I worked very closely together to get  
8 this going.

9           Lastly, this could not have been put together  
10 without some help from other friends and associates like  
11 Bob Kulikowski, Lloyd Bolling, Rosetta Virgillio, Donnie  
12 DuSheri from Spec who took a look at it through a  
13 different net browser, Julie Feleece, Kathleen McAllister,  
14 Kathy Island, Jake Jacoby, Terry Frazee, and Joyce  
15 Davidson, just to name a few people who got a chance to  
16 look at this and try it out and give us some very, very  
17 important feedback about it.

18           So are we ready to go, gang? Okay.  
19 And, Richard, if you would kill the lights down please.

20           What we're going to do is take a slight  
21 deviation from the agenda here again. Nick Costanzi asked  
22 that we show some stuff here about, what is it, the  
23 regulation --

24           MR. COSTANZI: I'm just going to beg your  
25 indulgence for a moment, and just show you something that

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1 is on the NRC or available from the NRC home page that you  
2 probably already know. It's the list of rule makings that  
3 we have posted on Federal, and if you will click the rule  
4 making button.

5           When going to the NRC home page clicking the  
6 rule making button, this is what you get. There's a lot  
7 of information about ruling making, about how we do it,  
8 the processes and the like, but in particular drawing your  
9 attention to the first three items, the information on the  
10 rule making billboard system, that just tells you about  
11 what we have which is currently up to Federal, and then  
12 the next two items really are the listing of rule makings  
13 that are currently out for comment.

14           If you'd click on the middle one, the second  
15 one. When you click on that button, this is what you get  
16 which is essentially a chart of each rule making or  
17 petition for rule making which is out for public comment  
18 and posted on Federal. The various buttons lead you to  
19 files at Federal, and of course, you can get this  
20 information by going the Federal, but this may be a little  
21 bit faster. Certainly it's easier if you're already on  
22 the Net and doing other work.

23           Each button tells you about the particular  
24 rule making, where it is in process. The library of files  
25 lists all the documents including a list of documents in

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1 the form of comments which have been received on the rule  
2 makings. The comments themselves are categorized in three  
3 ways, public comments, closed comments and state comments.  
4 Whether a comment has been received in writing in a letter  
5 to the SECY or has been posted on the Federal system, it's  
6 available by clicking that button. Last is the staff  
7 member who is responsible for that particular rule making.

8 I won't ask to go through and show you this  
9 because it takes a little bit of while after you've  
10 clicked on any of these buttons to go through it. This  
11 system is unfortunately slow, certainly slower than ours.  
12 We're still stuck with using them right now. The reason  
13 we're still using Fed World Courses is that they have the  
14 capability of allowing you to upload comments. We do not  
15 have that capability as yet. Hopefully we will have that  
16 capability within the year.

17 Now back to Jim.

18 MR. MEYERS: Thanks, Nick. This looks really  
19 exciting, and I haven't gone there yet, but I definitely  
20 am going to make a surf over to your site and take a look  
21 at that.

22 Okay. Let's talk about the organizational  
23 home page of NRC. This is our banner page, and while we  
24 look at that and enjoy it for a second, let's talk about  
25 what you need to see this. First of all, I will say that

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1 it is seen best, okay, using Netscape 2.0. Other browsers  
2 will look at this, they'll see it, and you may get  
3 slightly different results depending on the system that  
4 you're using or the software you're using.

5           Secondly, you do have to have something called  
6 Adobe Reader 2.1 installed on your system and configured  
7 to operate under Netscape. The reason for that is that  
8 we've selected something called deportable document format  
9 or PDF file as our choice to essentially put the documents  
10 into the system. This particular PDF format allows us to  
11 not only put text in without using HTML language into the  
12 text, but it also allows us to incorporate diagrams and  
13 schematics and so forth which you'll see a little later  
14 under the SS&D section.

15           Now I've tried this and a lot of other folks  
16 have tried it. I think one of the significant things that  
17 you need on your machine to see this well is at least a  
18 14.4 modem. If you don't have at least that, you're going  
19 to have a lot of trouble getting the connection right and  
20 getting the speed up. It will work on 486 machines and as  
21 slow as a 486/25 which I have at home and I'm using a 28.8  
22 modem at home, and it works fairly well, but it is a  
23 little bit slower and if you had something say 23.8 with  
24 Pentium machines for example, they'll work a lot faster.  
25 Please recall that all web sites and this is no different

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1 from any other site that's out there is almost a works in  
2 progress.

3           How many people have actually surfed the net?  
4 You know, guys that have lathered up with the Hawaiian  
5 Tropic, put on the sunglasses and sit there and actually  
6 surfed. Not the want to bes, but the ones who have really  
7 surfed. Please raise your hand. Okay. Good. We've got  
8 a lot of people that do it.

9           The point here is that as you all know, every  
10 web site is kind of like a works in progress. If you go  
11 there today, you come back a month or two later, it has  
12 changed. There's things that have been added to it. Its  
13 look might have changed, all kinds of things change on  
14 them all the time, and this is not going to be any  
15 different.

16           Significantly what we're intending to do is to  
17 continue to add more data and more information at this  
18 site for you under the categories that we selected.

19           Please also remember that your results will  
20 vary. I can't guarantee that everybody heres look on  
21 their page at their page at their machine is going to be  
22 the same nor the search engines do the same job retrieving  
23 all of the information, but by and large it does work  
24 pretty well, and as we go through life, it will probably  
25 get a little better. So accept the unexpected. Okay.

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1           The last thing about speed and using the  
2 system, we think based upon a lot of discussion among the  
3 technical folks that most of the time when you observe  
4 slowness in the system, it's because that the Internet is  
5 kind of jammed up. It's kind of like a gridlock on the  
6 internet, and so if you see that your machine is working  
7 very slow, please take into consideration that you might  
8 be using your primetime, a lot of kids might be home from  
9 school who are surfing the Net and everybody else is out  
10 there surfing the Net, and consequently the data  
11 transmission across the lines is going to be tied up and  
12 it will be slow to get things, but most of the time it  
13 works pretty fast.

14           Please remember to pick up a copy of our cite  
15 address. We've got them out on some papers out there. We  
16 have the address for the NRC's home page and we also have  
17 the one for our organizational home page which is located  
18 at Oak Ridge. There will also be some information out  
19 there about the Worldwide Web Federal Consortium, okay,  
20 which is sponsored by NRC and it is made up of like 17  
21 federal agencies that are part of that consortium. You  
22 might find that interesting and perhaps useful in locating  
23 information. Okay.

24           This basically is what our organizational home  
25 page looks like and typical of all pages down at the

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1 bottom over here, you see that there is a toolbar, and  
2 we'll start over here. Let me start at the bottom one  
3 here, Gloria. This NRC home page, if we click this, this  
4 is a hot key from the button over to the end of the  
5 wording essentially clicking anywhere in there will take  
6 us back to NRC's external home page. It's linked back to  
7 the organization.

8 NRC links right now is not operational because  
9 we really haven't decided where we want to link to in NRC,  
10 but we're going to build other links in there so that it  
11 would perhaps take you right back to Nick's rule making  
12 area. So you could just click there, see the rulemaking  
13 and then you'd be able to click in at the rulemaking and  
14 it'll take you back to NRC's location.

15 Okay. Scroll down just a little bit please.  
16 Okay, fine. That's great. We also have the same things  
17 right here. These are also hot keys down here at the  
18 bottom and you can click on these as well to make the  
19 system operate.

20 At the top which we won't go back to just  
21 right now, but up at the top corner up here, there is a  
22 thing for folks who don't want to see the graphics. You  
23 can actually do the text up here. You just click this and  
24 it will give you the text file. Okay.

25 Let's go down again. This is very interesting

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1 and important down here I think. Questions and comments.  
2 You want to click that one. Great. What you get here or  
3 essentially when you click this is that you get the  
4 ability to send an E-mail directly to me, and you can tell  
5 me that the system is working great which is what I hope I  
6 get a lot of those kinds of letters and cards coming in  
7 over the Net, but also if there's suggestions about how to  
8 improve it, perhaps maybe a link has gone south on us  
9 someplace and it's not working as well as it should or  
10 it's not working at all, we would like to know that, and  
11 we'd appreciate it if you'd use this kind of format in  
12 order to send me a message so that we can look into it and  
13 fix the problem. Okay.

14 Let's go back. All right. Let's take a look  
15 at the directories for a second right here. The first  
16 page you see behind this essentially is kind of a list of  
17 the kinds of directories that you can find in here. We  
18 have our headquarters. We have the Regional State  
19 Agreement Officers. We have the State Liaison Officers,  
20 Agreement State programs and we have the non-Agreement  
21 State programs at the bottom here. So if we click on any  
22 one of those hot keys, it will essentially take us over to  
23 a directory. So if we want to say maybe contact Lloyd  
24 Bolling right here, we could actually click this blue bar  
25 right here and you can send a mail message directly to

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1 Lloyd. Cool, huh? You bet it's cool. All right. And we  
2 also put down the telephone numbers, and we also have the  
3 Regional Agreements Officers as well as those folks from  
4 the State Liaison listed there, and we try to keep these  
5 as current as we can. Okay.

6 Let's go back to the -- there you go. Now  
7 let's click on Agreement State. Okay. And from this  
8 right here you can choose either by the last name you're  
9 looking for or you could actually view it by the state  
10 agency. We're just going to try state agency for a  
11 second. Now I will tell you that this is all real time.  
12 Okay. We've not juiced up the computer and put little  
13 secret files in there in loading them up. It's actually  
14 working in real time. So at this time of day, about  
15 12:30, it might be a little bit slow to recover some  
16 things. Okay.

17 We're going to reload. There we go. Okay.  
18 So what we see now essentially is kind of like an  
19 alphabetical push buttons and then below that you can  
20 actually look down and find them alphabetically. You can  
21 scroll down if you wish. Let's try one state please,  
22 maybe Arkansas. All right. And what we get from this  
23 essentially is the program director, in this case, Bernie  
24 Bevill. Bernie, are you here?

25 MR. BEVILL: Yes, sir.

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1 MR. MEYERS: You're on the Net, buddy. Didn't  
2 know that, right? Okay.

3 So basically the information about their  
4 addresses and everything and telephone numbers, fax  
5 numbers, and we'll try to keep those as current as we can  
6 so that anybody looking for you, they can find you right  
7 there.

8 The non-Agreement States is pretty much the  
9 same way, and also at the bottom of that screen you'll see  
10 a couple of keys that allow us to go back to the  
11 organizational home page or actually to go back to the  
12 search area. Right. Okay.

13 Let's go back to -- it don't go down anymore.  
14 Okay. Well, that's okay. We know what down there. It's  
15 a couple of push buttons that allows us to go back to this  
16 screen, at the top to make kind of a course choice again  
17 or it allow us to go back to the organizational home page.

18 All right. Let's go back to the  
19 organizational page. Okay. And scroll up just a little  
20 bit. There you go. Okay. Let's take a look at the NRC  
21 State Communications for a second. Okay. We have the  
22 same kind of thing like that course index here if you will  
23 and what we've done is organized these. This is  
24 essentially the collection of Agreement State letters.  
25 We've used the five or six criteria that we have,

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1 incidence, program, training, technical, other and also we  
2 have a category called all, but basically what you would  
3 do is if you think what you're looking for let's say is in  
4 the training area, you'd click training because that cuts  
5 out a whole lot of documents that you don't need to search  
6 through. So when you get to training, the first three you  
7 get now is kind of the searching page, and hold right  
8 there for a second, back down just a tiny bit. Okay. If  
9 I can get this pointer to work here, Gloria. Hold on just  
10 a second. There it is. Hold it.

11 Right at the top you see this thing that says  
12 contents. If you click that, it goes back essentially and  
13 tells us essentially kind of an indication of how many  
14 documents we have loaded in there at this time and we'll  
15 attempt to keep this pretty current for you so that if  
16 you're looking in it, as we build up this information  
17 base, you'll be able to kind of get a feel for how much  
18 information is really there. Okay.

19 Go back to engine. Okay. Now if you have an  
20 Adobe Reader user, we've installed a clickable key right  
21 here that will take us back to the Adobe web site where  
22 you can download for free the reader. Okay. And then to  
23 install it into your systems, you can click right here,  
24 and that will take you into a page where it will show you  
25 essentially the directions on how to configure your

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1 Netscape to work with the Adobe Reader. Okay. And if you  
2 get stuck, send me a note, give me a call and we'll work  
3 you through it. Okay.

4 Now we have put in here essentially a search  
5 engine so that you can look for documents by typing in key  
6 words. It's pretty flexible really, and in this  
7 particular case since we're looking for letters in  
8 training, I think we selected to demonstrate here was it  
9 transportation, Gloria. So she's going to type in  
10 transportation of radio active material, and this engine  
11 uses like quotes around it so it looks at that as a  
12 phrase. It's looking. Okay. And what comes back now is  
13 essentially a list of documents that pertain to  
14 transportation of radio active materials. Pretty neat,  
15 huh? Yeah, okay.

16 So let's take the first one up here and we  
17 want to say we think this is the document we were  
18 searching for. It invokes the reader or in the technical  
19 parlance it spawns the reader, and shortly we get the  
20 document back. Okay. Now this document can be saved to  
21 your computer. It can be printed from your computer or if  
22 you don't want to do either one of those, you can go out  
23 of it and go back to the browser and look around. Okay.  
24 Pretty straightforward. It works really pretty simply and  
25 pretty quickly, but the speed of the retrieval depends a

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1 lot on how busy the Net is as well as on the size of the  
2 document, and generally larger documents take a teeny  
3 weeny bit more time. Okay.

4 Let's go back and take a look then, I have to  
5 find my notes up here. Let's see. We looked at letters.  
6 Okay. Okay. Let's go take a look at reviews, and I'm not  
7 trying to give you great detail on all this stuff but  
8 basically just to show you what is there and if you want  
9 to spend a few minutes later, we can sit down and go over  
10 some of this in more detail. Reviews works the same way.  
11 You've got the same information as you had at the letter  
12 page. If it's your first visit, you need to, you know,  
13 download the reader, whatever. Gloria's going to type in  
14 the word Kentucky. I think Vicki Jeffs was talking about  
15 your review, right? Right, Vicki?

16 MS. JEFFS: Right.

17 MR. MEYERS: Okay. So what was the date of it  
18 roughly?

19 MS. JEFFS: April 15.

20 MR. MEYERS: Okay. Is that the first one?  
21 Somewhere. Okay. May 11th. Let's get that one right  
22 there please. We're not picking on Vicki or Kentucky but  
23 it just happened to be one that we picked out, and take a  
24 look at. So it's now retrieving it from the server, and  
25 you know, it's always interesting that whenever you're

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1 showing this stuff to somebody it always seems to take 10  
2 times longer than if you were just using it on your  
3 desktop. So some of this may again have to do with the  
4 time of day.

5 MS. JEFFS: I have a question for you.

6 MR. MEYERS: Sure.

7 MS. JEFFS: Are you considering publishing to  
8 other areas?

9 MR. MEYERS: We are considering that, yes, and  
10 I think we'll probably end up doing that, but at this  
11 point in time we haven't done it. Did it go away? Let's  
12 try another one. Just click it again. Here we go. Okay.  
13 It's looks like it's retrieving it. I can't see the  
14 screen very well because I'm kind of at an angle to it,  
15 but -- okay. There you go. How about that? Right there  
16 under the concurrence page, everything. It's all there.  
17 Okay. It works the same as if we were doing this  
18 Agreement State letters basically. It's just a different  
19 subject. Okay.

20 Gloria, let's take us over to the Source and  
21 Device Registry, I think we were going there next.  
22 Anybody have an idea how long we've wanted to have a  
23 Source and Device Registry that everybody could access. I  
24 hear somebody voting 15 years in the back. Anybody else?  
25 Consensus of about 15 years. Okay.

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1           Why don't you go ahead and start that one to  
2 retrieve if you will please. We're going to use gauging  
3 systems. Okay. We'll use gauging systems as search words  
4 and basically what we've done here essentially is take the  
5 Source and Device Registration sheet, have it scanned in  
6 and put into the PDF format, and that makes it retrievable  
7 for us so that you can get the full document retrievable  
8 back on your screen. When I say full document, it is the  
9 full document. Okay. So what did we get? Blank screen.  
10 One hit and we're retrieving it now. Okay. How about  
11 that? Complete with Mr. Bolling's initials at the top of  
12 the page. We're going just to kind of scan down the  
13 pages. Hold it one second. And we don't need to look at  
14 the details of each page, but it's all there and right now  
15 we're waiting for it. Just gently scan down a little bit,  
16 okay, and let her come up. What happened? One page at a  
17 time. There you go.

18           The point of this is that we've got the full  
19 document. Eventually we will get to the diagrams if you  
20 will, the schematics, the pictures that are associated  
21 with the Resource and Device Registration sheets. We had  
22 it, Gloria. What happened to it?

23           MS. CAYTON: I don't know.

24           MR. MEYERS: Well, can we reload it again?

25           MS. CAYTON: Yes.

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1 MR. MEYERS: Okay. We'll take a second and  
2 reload because I think it's important that we see. There  
3 you go. Maybe it dropped the graphic off of it. We got  
4 into it too quick. There you go. Signatures. Okay. Why  
5 don't you reload it again and start from the beginning or  
6 something.

7 While we're doing that, let me just say that  
8 we've tested this using a variety of descriptors say like  
9 Krypton 85 or a manufacturer's name or a source model  
10 number or a device model number, and this search engine  
11 will pick up those sheets that have that particular device  
12 or model number or manufacturer's name in it. So  
13 essentially it's a pretty good tool. There you go. What  
14 do you think? Did you lose it again or is it just trying  
15 to relay?

16 MS. CAYTON: Let me look at another page and  
17 see.

18 MR. MEYERS: Okay. All right. Let's go back  
19 to that one. That's fine. Wherever it is. Okay. There  
20 you go, and just kind of scroll it up gently. Okay.  
21 It'll bring the rest of it, I'm sure. There you go. So  
22 this one right here is a fairly simple diagram, but can  
23 you take the magnifying glass and just pull that down and  
24 do a spot somewhere? That's good. Okay. Have trouble  
25 reading it on your little 14 inch screen or 13 inch

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1 screen, you can actually zoom it up with this tool, the  
2 magnifying glass, and you can print this. You can save it  
3 to a disk just like any other document. Okay.

4 I guess in consideration for the lateness of  
5 the hour, we're running maybe about an hour late with this  
6 thing, but if anybody wants to see more of this, I'll be  
7 happy and Gloria will be here and we'll sit down and run  
8 over it again. Can you take us back to our organizational  
9 page please?

10 As we kind of close this up, I guess future  
11 things, like Kathy Allen asked about, you know, links to  
12 other areas, we're going to consider that. You know, if  
13 there's products that you think that would be beneficial  
14 to folks, we'd appreciate knowing about it, and then we'll  
15 take that under some consideration as to whether or not we  
16 want to put those one.

17 So that concludes what I have unless there's  
18 some questions.

19 MR. BATAVIA: Jim.

20 MR. MEYERS: Yes.

21 MR. BATAVIA: On the NRC home page, how do you  
22 get the big program?

23 MR. MEYERS: Well, Max, right now you can't  
24 because we don't have the NRC home page linked to this  
25 particular site yet, and that will happen within the next

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1 couple weeks maybe or couple of days, but for right now,  
2 you can get to this site by using the FTTP address, I'm  
3 sorry, the HTTP address that's on the sheet out in the  
4 lobby. Any other questions?

5 Well, I hope you've enjoyed it. Thanks. And  
6 also Gloria, thank you.

7 FACILITATOR CAMERON: Okay. Thanks a lot,  
8 Jim, and everybody else that was involved in that  
9 presentation. We are running late, and try to be back by  
10 1:30. That gives you 45 minutes and if you're a little  
11 late, we'll just deal with that, but try to be back around  
12 1:30 please.

13 (Whereupon, the foregoing matter went off the  
14 record at 12:45 p.m. and went back on the  
15 record at 1:40 p.m.)

16 FACILITATOR CAMERON: Okay. Let's get started  
17 for this afternoon's session, and it's a pleasure to  
18 introduce Hugh Thompson to you. He's Deputy Executive  
19 Director for Operations for the Commission and I'm sure  
20 that most of you know Hugh and is going to give us an  
21 overview on the Agreement State Program.

22 MR. THOMPSON: Thanks, Chip. I really  
23 appreciate this. I'd like to welcome everyone here to  
24 this wonderful Washington weather. Seattle, Washington,  
25 that is. We've had everything here but a hurricane named

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1 Hugh. That was a few years ago that Hugo came through,  
2 but now when they say that we're all wet, we just think  
3 it's because another hurricane is coming through, and it's  
4 just telling us the truth up here in Washington. Can  
5 everybody hear me all right? Is anybody alive here yet?  
6 There's at least one person here alive. I don't know.

7           You know, the three toughest things in life to  
8 do is to climb a ladder that's leaning towards you, kiss a  
9 woman that's leaning away from you, and making remarks  
10 right after lunch. Now Dick Bangart said he knew I had  
11 done the first two with mixed results I must admit, and so  
12 he's going to give me the opportunity to do the third one  
13 here today. So I'll try to do that.

14           I thought I'd talk about the four Cs.  
15 Communications, corporation, change and challenge. Last  
16 year when I spoke to you, I was accused of preaching. So  
17 I'm not going to preach today I hope. I'm just going to  
18 share my views with you one things, but I must admit that  
19 I truly was pleased with our level of communication. We  
20 have not always agreed on everything, on every issue, but  
21 I think the communication today has been candid,  
22 professional, open. We have no doubts as to where you  
23 stand on issues. Hopefully you don't have a lot of doubts  
24 on where we stand on the issues, but it really has been I  
25 think an improvement over the past, and I certainly

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1 appreciate the efforts that you have made to make our  
2 communications as professional as it has been.

3           It's important to me, it's important to the  
4 staff, but it's also important to the Commission. I think  
5 today you will recognize that the Commission, we have all  
6 five Commissioners, and we probably have the best  
7 knowledge of Commissioners about nuclear material programs  
8 that we've ever had. We have an individual who used to be  
9 a licensee in the materials area as well as Commissioner  
10 Dicus who you certainly know all well and her very  
11 wonderful background in the materials area. So I think it  
12 is the best opportunity to communicate and be understood  
13 by the Commission that we've had in a long time.

14           Likewise, the decision to conduct the annual  
15 fall meeting here in NRC headquarters will further  
16 facilitate our ability to communicate both with the people  
17 in NRC who is doing the program and working together and  
18 other avenues to talk to other decision makers around  
19 here, and I think that really works well.

20           The cornerstones of our revised Agreement  
21 State Program are continuing. They're the implementing  
22 procedures for the IMPEP, the revised Agreement State  
23 Program, the adequacy and compatibility policy statement  
24 and the principles policy statement. Certainly we welcome  
25 and are working very closely with you in these areas, and

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1 it's particularly important.

2           The Agreement State Program evolution is  
3 providing for more effectiveness, more efficiency, more  
4 corporation and coordination and less prescriptive program  
5 and policy decisions.

6           Rulemaking bulletin boards offer opportunities  
7 for the Agreement State input before new rules are  
8 drafted. This is particularly important to understand and  
9 be able to be connected with NRC in this electronic age  
10 with the bulletin boards. We think that this is an area  
11 which will benefit both you and us in improving both the  
12 timeliness and the quality of the input that you provide  
13 for us.

14           The IMPEP program in its effort to be  
15 performatory is I think a terrific program and I will  
16 mention this a little bit later, but we are now  
17 implementing the program. We have essentially finished  
18 off using the trial program and the efforts to use the  
19 longer approach that had been previously put in place, and  
20 I am terrifically pleased with the results of the program  
21 both in the participation of the NRC people, the regional  
22 people, the Agreement State team members, and the  
23 Agreement State board members. In particular, Ed Bailey,  
24 Bob Quillin, Roland Fletcher and Richard Ratliff, I  
25 appreciate your efforts in this past year to participate

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1 as advisors and commenting to the board during this  
2 meeting. We've had representatives from over 10 states  
3 participate as team members and each one of those board  
4 meetings that I've attended, I've always asked the  
5 individual who had not really been part of the process  
6 before, not been to these meetings that we have, what they  
7 got out of the process, and everyone of them mentioned  
8 specifically how much they appreciated the opportunity to  
9 participate, how much they appreciated the learning  
10 experience, seeing how other organizations did a similar  
11 job and almost in every case there were good practices  
12 that they were going to pick up and take back to their own  
13 programs. I certainly appreciate your support for that.

14           One of the other things that kind of gave me  
15 some degree of confidence that the program is working well  
16 despite all of our thinking it's working well, the FDA  
17 sent a representative over to the last meeting to observe  
18 how we were doing it because the rumors are out in the  
19 states that NRC's finally got one thing they're doing  
20 right with the Agreement States there. So they were  
21 coming out to observe it, and hopefully we can continue to  
22 improve it.

23           One of the very good things that I was pleased  
24 about the program today is our ability to identify good  
25 practices. I know Paul sent out in mid-July a number of

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1 the good practices that we had previously identified and  
2 let's see. Is Wayne Kerr here? Well, wherever Wayne Kerr  
3 is, he'll just hold his breath while I say something good  
4 about Illinois, but anyway we identified a number of good  
5 practices in almost every state that we participated in  
6 the pilot program. Illinois had a number of them. In  
7 particular, with the way the managers use computer data  
8 base to help establish and track inspection schedule and  
9 allowing the staff to readily retrieve inspection and  
10 licensing information and preparation for inspections or  
11 the conduct of a licensing review as well as using a  
12 licensing template for individual reviewers which the  
13 computer then gave bold face type where changes have  
14 occurred, and I think this is very helpful in indicating  
15 ways to use the electronic, the techniques and skills and  
16 we have today.

17 In Utah they employ a customer satisfaction  
18 survey approach for its inspections, results and we're  
19 sufficiently pleased with that, and they've expanded it to  
20 include the surveys for licensing actions. We're not  
21 ready to go out and ask our licensees what they think of  
22 our inspections yet. So we get enough comments from a  
23 couple of the doctors who we don't even inspect. We're  
24 afraid to go out and talk to too many doctors out there.

25 And New Hampshire has a great program. The

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1 New Hampshire approach I thought was terrific in their  
2 ability to collect fees on an annual basis, but they also  
3 collect information about the licensee, basic  
4 understandings. Have there been any major changes in the  
5 people? And, the licensee knows that they're being held  
6 accountable and I think that with some of the things we're  
7 having to look at for those licensees that we don't  
8 inspect every year, they may have changes.

9           Likewise, in NRC Region III, we identify that  
10 they have established a quality control team of license  
11 reviewers who meet on a monthly basis to review a small  
12 percentage of the completed cases before it's dispatched,  
13 helping to insure uniform quality and timely feedback and  
14 to insure that the appropriate licensing procedures are  
15 being used by the licensing staff.

16           Since I think these are just a number of the  
17 things that we have found in the first phase of the  
18 program and I certainly anticipate and I know that we have  
19 found good practices in other states as we've proceeded  
20 into implementing the full program.

21           Electronic communications as I mentioned  
22 earlier, we are now establishing a CIO, Chief Information  
23 Officer position at NRC, and we're recruiting nationwide.  
24 We have probably almost 200 people who have applied for  
25 the job, and so hopefully we'll really have a good

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1 candidate to find ways to improve our ability to do  
2 electronic and use the computer age that we're in and  
3 using the Internet both for licensing reviews,  
4 communications and all of those types of things.

5           The important one that we're working with you  
6 on is the reporting of event data, and as you know, the  
7 NUMED, the Nuclear Materials Event Database is up and  
8 running, and we are incorporating with you and we're  
9 discussing with the Commission now a continuation of the  
10 pilot program as we get the final Windows version of the  
11 NUMED installed.

12           I guess from our initial results, maybe this  
13 has been fed to you before, but we think we get the big  
14 events reported pretty well. Where we think that  
15 improvements are still needed is in the reporting of the  
16 less significant events and the follow up information on  
17 such events. Of course, the staff will be going back up  
18 to the Commission in May with an update of what this  
19 program is and how well we're being able to communicate  
20 and particularly on these areas where there's some  
21 deficiencies ongoing. I guess unfortunately I'll have to  
22 report to you that I can't pay you for those bills  
23 although some of you still want to bill me for everything  
24 I ask for, but that's all right.

25           The BPR Program is still in effect. We're

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1 still working to improve that area, and I imagine that  
2 somebody else will touch base on that in more detail, but  
3 again, I know we're working with the Agreement States on  
4 that area, and that should be a good one.

5 Another example of corporation and  
6 communication deals with our working groups that we've set  
7 up. We have one with the compatibility and adequacy  
8 policy, one with radio active source and devices which I  
9 think you'll hear from later, one with lessons learned  
10 from the instance such as the stolen industrial  
11 radiography cameras and another one on training. So I  
12 think these are really some key elements that we're  
13 working on.

14 As you all know, Bob Kulikowski is co-chairing  
15 a working group. He's working now as a consultant to NRC  
16 in order to complete the development and implementing  
17 procedures for the new compatibility policy. I think it's  
18 really important that we continue the momentum we have in  
19 this area, and I'm certainly pleased with that.

20 Finally, the organizations of Agreement States  
21 continue to facilitate communications in allowing us  
22 pretty much of interactive discussions on the policy  
23 modification. I think the only thing more difficult than  
24 trying to please five bosses is trying to please 29  
25 bosses. So Bob, you have a real challenge there ahead of

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1 you in getting a consensus with us, but it is a very  
2 important effort. I think it's been very, very valuable  
3 and I certainly appreciate your effort on that.

4 But looking ahead to some of the challenges  
5 and the changes that we have, obviously the Commission is  
6 still feeling the effects of the ongoing events at  
7 Millstone up there. We recently had a Congressional  
8 hearing before the Subcommittee on Energy and Power, and  
9 there was a lot of heavy criticism of the NRC and there  
10 was a lot of heavy criticism of NRC in the press in that  
11 area about our lack of being a vigorous regulator in the  
12 nuclear power industry, and that's an area where although  
13 the charges we believe may be clearly overstated, there  
14 were improvements in our programs that need to be made.  
15 We are in the process of putting together an effort to  
16 make those improvements, and of course, the Northeast  
17 Utility itself has to make its own improvements. We can't  
18 really change a licensee and certainly one of that  
19 significant size is going to be very difficult to do that.

20 On the other hand, during the same hearing  
21 there were a lot of comments that we were over regulating  
22 doctors. I have no idea who thought we were over  
23 regulating doctors, but obviously they were very effective  
24 in communicating to the Congressional Oversight Committee  
25 about their views on that matter. So that's obviously an

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1 error we'll be looking at in the future and one of the  
2 areas that will be part of the strategic planning. We  
3 certainly wouldn't want to be too tough a regulator on  
4 doctors and not tough enough on the reactors. So we'll  
5 get our balance.

6 Part of that also was an effort to look and  
7 make sure we improve our handling of allegers and whistle  
8 blowers. Most of our background deals with pumps, valves,  
9 scientific discovery, engineering evaluations. Our  
10 experience really is geared to solving traditional type  
11 problems. When it comes to personnel interactions between  
12 a boss and their employees, that gets much more difficult  
13 at times and we have to be much more sensitive to how we  
14 do this. Obviously we do respond to allegations.

15 In each region we have an Allegations Review  
16 Board, and we have meetings as allegations come in. We  
17 spend a lot of time and effort doing that. Anytime a  
18 process has gone to that level of controversy, there will  
19 be no happy parties on either side of this. So we're  
20 obviously trying to be reflective as to how to better  
21 improve the process, but it's really up to our licensees  
22 to be sensitive to and be able to address these issues  
23 promptly before they become such a national issue, and we  
24 obviously do what we can to certainly investigate these  
25 matters before.

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1           As you know, we investigate wrongdoings from  
2 the perspective of did the licensee do something wrong to  
3 their employees for which we are able to take some  
4 enforcement action against the licensee. Our process  
5 doesn't reinstate the individual who may have been fired  
6 to their former job and given back pay. That's done by  
7 the Department of Labor under their authority, and those  
8 processes are also being looked at to be improved, and  
9 most people though find and want to hold us accountable  
10 for not having that authority. But again, they are the  
11 experts in labor management relationships and they are the  
12 ones which should be appropriately sensitive to that type  
13 of issue.

14           We have issued recent directives and we're  
15 increasing the priority in doing independent  
16 investigations of H&I, intimidation and harassment  
17 concerns that are raised to us even in parallel with the  
18 Department of Labor. In case the Department of Labor is  
19 slow in doing theirs, we may be able to promptly get our  
20 investigation of the matter and potentially get it  
21 resolved earlier. In any event, we will provide whatever  
22 evidence that we do conclude in our investigations to the  
23 Department of Labor so that they may complete theirs in a  
24 timely fashion.

25           Some of you may wonder what happened about

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1 allegations we get about Agreement State licensees or  
2 about Agreement State officials. Though we don't get very  
3 many, we do have a small panel that meets on an ad hoc  
4 basis whenever something comes in. If it's an Agreement  
5 State licensee, we have a panel that meets with myself,  
6 Dick Bangart, Karen Cyr, the general counsel, Guy Caputo  
7 who is the head of our Office of Investigations and then  
8 we're supported by an Allegation Review Board recording  
9 individual. And then we would normally refer that over to  
10 you if it deals with one of your licensees with  
11 wrongdoing.

12           If it unfortunately deals with one of you,  
13 obviously following up and asking you to investigate  
14 yourself is not quite the process, and we typically will  
15 then look if there's an outside Inspector General to refer  
16 something like that to or to the State's Attorney General  
17 if it appears to be that approach, and that process seems  
18 to be working reasonably well. If someone has a better  
19 idea they want to pass onto us, how to make those  
20 referrals or what to do with those types of allegations,  
21 we'll certainly be pleased to receive that.

22           Another challenge and another change we have  
23 up here is the NRC's strategic assessment. The phone  
24 number you want to have down for knowing where those next  
25 meetings are that you're asking for is 1-800-952-9674.

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1 That's the NRC 800 number. You go through and follow a  
2 little code and it'll tell you where all your strategic  
3 assessments meetings are being held and being scheduled.  
4 As you know, I think you just recently got the documents.  
5 They are being put on the electronic web, the Worldwide  
6 Web this week. As you know, we'll hold three public  
7 meetings to discuss this as well as we're prepared to hold  
8 special meetings either before or after, probably before  
9 in Colorado Springs or up in Chicago if you guys decide  
10 you'd like a special meeting in addition to the one that I  
11 guess we're prepared to hold here on the 23rd of October.

12 We are on October 8th meeting with the state  
13 liaison officers and an overview of the strategic  
14 assessment will be provided to that group I think similar  
15 to probably what it was with you today. Comments from the  
16 issue papers are going to be due on November 15th. I  
17 don't think they're particularly difficult to review and  
18 provide comments in by that time frame, but some of the  
19 issues are pretty important. Some of these issues deal  
20 with the fundamental way the agency has run its regulatory  
21 programs in the past and this commission and I believe  
22 this chairman felt that having a full commission address  
23 some of these issues was pretty important. We've had the  
24 full commission now for maybe a couple of weeks, one  
25 Congressional hearing, and they certainly will be

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1 reflective on a wide range of interests on these issues.  
2 The key element is that, you know, having a full  
3 commission, you wouldn't have a commission policy change.  
4 If you have a three person commission, two other  
5 commission and if they slip two to one and two other  
6 commissions come in and the commission's policy could be  
7 reversed. So it's clearly a time frame where we now have  
8 the full commission and we can move on forward with our  
9 strategic assessment.

10 A couple of other things of interest, and I  
11 know my time seems to be running out, but you guys were  
12 lollygagging around out in the lobby.

13 First the budget. Good news and bad news on  
14 budget space. We got our FY97 budget except for some of  
15 the funds we asked for the High Level Waste Program. As a  
16 result of that, the agency will be able to continue  
17 funding the Environmental Monitoring Program as well as  
18 the TLD Program that we had in the past and on the edge of  
19 the budget prep process. I would note that it's still in  
20 the lower realm of budget space, and if severe budget  
21 process cuts come in the future, that program, at least  
22 the Environmental Monitoring Program there will likely be  
23 on the potential for being cut. So I think for those of  
24 you who are concerned about that type of program and the  
25 continued funding, please look at that program for other

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1 innovative ways that you may have to keep that in place.  
2 Whatever it means, State Legislation to give you the  
3 authority to do that or whatever you need, you ought to be  
4 doing that.

5           The High Level Waste Program is going to be  
6 cut about \$3 million or so below what we anticipated  
7 needing for this year, and it will actually result in some  
8 of the key technical areas at Yucca Mountain, of us not  
9 being able to monitor and follow. We will probably end up  
10 cutting some of the staff of our center down in Texas from  
11 being able to work on our staff, and in fact,  
12 unfortunately some of those we may not be able to recover  
13 and put other type work down there in order to be able to  
14 do that and keep them on board.

15           Here is the good news. The real good news is  
16 we were able for the first time to get a program off the  
17 fee base in addition to the High Level Waste Fund. We  
18 were authorized some FDs and some money to have oversight  
19 responsibility of the DOE and for tank cleanup effort and  
20 the privatization effort. So that doesn't mean that we  
21 have been successful in getting some of the other  
22 programs, the state programs or for international  
23 programs, but at least that to me is a watershed event and  
24 I can guarantee you that hopefully you will have more  
25 political influence on this issue than we do. But in any

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1 event, I know it's something that has been important for  
2 you. It's going to be more important as more states  
3 become Agreement States and we know that that is  
4 occurring, that for you to be as active as you can be in  
5 having that issue addressed in an appropriate manner.

6 Let's see. Just briefly since my time is  
7 running up and I did want to open up for a few questions,  
8 Sealed Sources and Device reviews, that still remains an  
9 option for you. NRC is working both with NCRP and the  
10 National Academy of Science to take a new look at the  
11 health effects of low levels of ionizing radiation. We  
12 funded a three year grant to NCRP to take a critical look  
13 at the scientific assessment of the cellular, molecular,  
14 animal and human epidemiologic studies of the effective of  
15 low dust levels, you know, that is the 10 to 20 millirem  
16 area.

17 We're also working very closely and working  
18 with the DOE and EPA, OMB and others, on what the cleanup  
19 standards and the dose levels should be for  
20 decommissioning. We are also looking, as we said earlier,  
21 at the Medical Regulatory Program, and I think we have  
22 been asked to work with the State of Arizona to look at  
23 being able to utilize Agreement State inspectors to do  
24 inspections at some NRC facilities and Aubrey is just  
25 delighted to do that for us. Aubrey, I appreciate your

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1 work on that, and you have been a stalwart in that program  
2 despite all the naysayers. You do not give up. Bulldog  
3 Godwin we call him up here.

4 But in any event, I see that we do have a  
5 couple of other things on the agenda that are important.  
6 I look forward to seeing you this evening, later this  
7 afternoon, and I just guess I would say in closing that  
8 before I answer questions, that I promised Dick Bangart  
9 that I wouldn't do the Macarena dance, that it had already  
10 been demonstrated promptly by some of the political  
11 conventions, so that if you don't ask too tough of  
12 questions, I won't dance too much up here. So with that I  
13 open up for a few questions if anybody has some.

14 FACILITATOR CAMERON: Do you have some  
15 questions for Hugh? Roland.

16 MR. FLETCHER: Roland Fletcher, Maryland.  
17 Hugh, I think either last year or the year before when we  
18 discussed the budget woes we're all undergoing, it was  
19 pointed out that one of the difficulties was that the  
20 level of priority of OSP programs was not as high perhaps  
21 as other programs. Is that still the case?

22 MR. THOMPSON: I think OSP's program was  
23 supported very highly in this past budget program, that is  
24 that there weren't cuts in the program itself. What was  
25 the difficult parts of the program and I think I'll talk

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1 about the Environmental Monitoring Program which was an  
2 NRR program that they had been funded and NRR's view was  
3 that the continuation of funding of that particular  
4 program was less important for some of the health and  
5 safety issues that they had. That program was put back  
6 into the budget after discussions and a recognition that  
7 that's an integral part of the state's program. So we're  
8 able to elevate that high enough to have it in the budget.

9           There are lots of things that get cut out of  
10 the budget. I don't think in the space of FTE reductions,  
11 the state program has not suffered major FTE reductions as  
12 other program offices. As you know, the whole Federal  
13 Government is decreasing its staffing and obviously an  
14 important area for state programs, primarily one of the  
15 most important deals with their own staffing levels, both  
16 in headquarters and the region. So that remains an  
17 important and a priority position for us.

18           Dick, do you have any other comments that you  
19 want to provide on that?

20           MR. BANGART: Actually, when the program was  
21 in the throes of all the modifications that resulted from  
22 the GAO report of '93, we did get a couple of FTE increase  
23 because of that and because of the fact that there are  
24 four new states that are in line to get agreements. So  
25 those staffing increases have been upheld during this most

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1 recent budget cycle.

2 FACILITATOR CAMERON: Okay. Aubrey.

3 GOVERNOR GODWIN: Governor of Arizona. I was  
4 sure happy to hear that your budget came out so well. I  
5 assume this means that the funds for training were  
6 therefore contained within it.

7 MR. THOMPSON: The funds that we had  
8 programmed in for training are still there. However, we  
9 didn't put any funds in there for the current year. We  
10 didn't put any in there for you, but you're near and dear  
11 to our heart, and if we have space available, if there's  
12 an empty chair, we'll make it available for you.

13 Now my comments were focused on FTE, not ours.

14 GOVERNOR GODWIN: I understand. I understand  
15 that distinction and also the training costs for the  
16 courses themselves is funded through AEOD's budget, not  
17 ours. We pay for the travel. AEOD pays for the cost of  
18 the training courses.

19 MR. THOMPSON: Can you put your tent down now  
20 or do you want to say something else?

21 FACILITATOR CAMERON: Steve.

22 MR. THOMPSON: Steve Collins.

23 MR. COLLINS: Steve Collins from Illinois. I  
24 heard you say that if there was an empty chair available,  
25 you'd make it open to us.

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1 MR. THOMPSON: Yes.

2 MR. COLLINS: And since NRC contracts for  
3 courses as a whole, all chairs are paid for, then you'll  
4 give it to us, right? We don't have to pay for that slot.

5 MR. THOMPSON: For the training, for that  
6 slot. I think that's right. You have a smile on your  
7 face. When Illinois smiles, I'm worried. Honest to God,  
8 I'm worried.

9 FACILITATOR CAMERON: Hold your wallet.

10 MR. THOMPSON: Hold my wallet. I think the  
11 answer is if we have a course, we'll let you know about  
12 the courses ahead of time. If we have space, we'll make  
13 it available to you at no charge. You pay the travel, you  
14 pay the training, I mean the travel and the per diem. Is  
15 that right? Did I get it right?

16 MR. BANGART: As we understand the position  
17 today, that's correctly described as we speak. It has  
18 shifted several times during the course of the last couple  
19 of weeks.

20 MR. THOMPSON: The hurricanes that blow in and  
21 out of here, you understand we're all wet sometimes.  
22 There must be some other question out there. Okay. I  
23 won't dance anymore. I look forward to seeing you this  
24 evening, and I do encourage again and I do appreciate your  
25 efforts. In particular, I want to express my appreciation

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1 to all those who are making their staff available for the  
2 IMPEP program. I really think it benefits the Agreement  
3 State Program reviews, they benefit us, and I think they  
4 benefit the nation as a whole. So thank you very much.

5 FACILITATOR CAMERON: Okay. If Mike Weber and  
6 Frank Cardile could come up here. We're going to do a  
7 session on decommissioning, and Frank Cardile is from our  
8 Office of Research, and he's the Project Manager for the  
9 decommissioning rulemaking radiological criteria  
10 rulemaking, and Mike Weber who I'm sure you all know is  
11 from the branch in NMSS that specially deals with sites  
12 for decommissioning.

13 MR. CARDILE: Okay. As Chip said, we're here  
14 to talk about the current status of the rule and the  
15 regulatory guidance related to radiological criteria for  
16 decommissioning. Basically what we'll be talking about  
17 today quickly is the contents of the proposed rule and in  
18 general some of the public comments we got, although I  
19 think a lot of that is fairly well known to most of you,  
20 the status of the proposed rule today, and the status of  
21 planned guidance which would implement that rule.

22 The major issues covered by the NRC proposed  
23 rule included the four that you see up there as well as  
24 several others, but these are the principal issues. The  
25 course of dose criteria for unrestricted use which was 15

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1 millirem TEDE to the average members of the critical  
2 group.

3           Secondly, there was criteria included in the  
4 proposed rule on restricted use. If a licensee could  
5 demonstrate to the NRC that restricted use was reasonable  
6 and could provide institutional controls that would  
7 control the TEDE to 15 millirem per year, and also if  
8 these controls were to fail, these institutional controls,  
9 that the dose would be capped or limited to no more than  
10 100 millirem per year.

11           The third major item in the proposed rule was  
12 that there were ground water protection standards included  
13 in the rule separate from the 15 millirem TEDE. These  
14 separate ground water standards were based on the EPA  
15 standards in 40 C.F.R. 141.

16           The last major item in the proposed rule was  
17 that if a licensee or one of the major items of public  
18 participation was that if a licensee was going to use  
19 restricted use, it would have to convene a site specific  
20 advisory board to solicit community device and input on  
21 this restricted use and on the institutional controls.

22           Those were the major issues in the rule. We  
23 got quite a large number of public comments, both pro and  
24 con on a number of the different issues, a lot of  
25 questions with regard to the 15 millirem. Some thought

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1 the criterion should be higher. Some thought it should be  
2 lower. There were other comments with regard to the  
3 ability of institutional controls to be reliable for  
4 restricted use. There were also a number of comments on  
5 the separate ground water protection standard, some saying  
6 that the all pathway standard of 15 millirem was  
7 sufficient and others saying that there should be separate  
8 standard to protect the ground water resource, and  
9 finally, on the site specific advisory board, there were  
10 also comments pro and con on whether this advisory board  
11 was needed and whether there should be more flexibility in  
12 providing other types of boards or other types of review  
13 processes.

14           So where we stand now, we've been going  
15 through the public comments for quite a bit of time, and  
16 obviously one of the major items we're going is to  
17 evaluate the alternative suggested by the public comment.  
18 One of the major items of public comment was a second  
19 item, the second bullet you see up here, and that is that  
20 a lot of the comments suggested that the facilities that  
21 we included, the referenced facilities that we analyzed in  
22 our regulatory analysis were unrealistic, that the  
23 contamination amounts and the distributions were not  
24 representative of real world situations. So what we have  
25 been trying to do is look at some actual data from real

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1 facilities where it is available and factor that into our  
2 cost benefit analysis.

3 The third bullet, the draft EIS, supporting  
4 the proposed rule did not contain an assessment of the  
5 ground water situation and so what we've been doing is  
6 looking at again some real contamination data that might  
7 exist either in soil and/or ground water and what the  
8 costs to clean up that contamination might be.

9 These two bullets that you see here are both  
10 being done in support of preparing a final rule that  
11 provides a cost effective or cost beneficial rule.

12 Another major comment that we received on the  
13 proposed rule was that licensees would not be able to  
14 survey at the dose criteria levels that we were proposing.  
15 So we have been and are currently doing some field  
16 investigations of the measurability of the dose criterion,  
17 actually of the soil concentrations that would correspond  
18 to the dosage criterion.

19 Lastly, NRC has been working with the  
20 Environmental Protection Agency, the Department of Energy  
21 and the Department of Defense on a document called MARSSIM  
22 which is a Multi Agency Radiation Site Survey  
23 Investigations Manual. It's been going on for the past  
24 year and a half, and most recently it's been prepared and  
25 has been reviewed by the staffs of those four agencies.

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1 Those comments by the staffs are being resolved right now,  
2 and it's hoped to put this document out for public comment  
3 and review in November of this year.

4 Those are all activities going on to develop  
5 responses to the public comment that we received on the  
6 proposed rule.

7 The specific activities involved in the actual  
8 process of putting out the rule are laid out on this page.  
9 One of the things that has happened as indicated in the  
10 first bullet is that in the interim after NRC issued it's  
11 proposed rule, EPA has now developed a proposed rule for  
12 cleanup and earlier this year has sent it to the Office of  
13 Management and Budget. I'm not sure of the exact status  
14 of that proposed rule right now, but as it's stated on  
15 this first bullet, NRC will have to implement and enforce  
16 any final EPA standards for NRC and Agreement State  
17 licensees. So we're trying to work with EPA as they  
18 prepare their proposed rule to iron out, resolve any  
19 questions or differences between the two rules.

20 High level management from both NRC and EPA as  
21 well as DOE and the Office of Management and Budget had  
22 been meeting to deal with the questions on the impact of  
23 any potential differences between the rules and on the  
24 impact that the EPA rule might have on the schedule of the  
25 NRC's final rule. So therefore as of this moment the

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1 schedule for issuance of the NRC's final rule is still  
2 under development pending the outcome of some of these  
3 discussions.

4           We have also been working on regulatory  
5 guidance to implement this rule that we would hope to  
6 issue at the same time as the rule. Obviously we want  
7 guidance that is usable and reasonable in order to  
8 implement the criteria rule. The major two items in terms  
9 of guidance are how to conduct the final surveys at the  
10 dose criteria that we envision, and secondly, the method  
11 for selecting appropriate parameters to relate soil and  
12 structure radio nuclei concentrations to the dose criteria  
13 and of the final rule. Guidance on both of these areas is  
14 being developed. We held a workshop in September of last  
15 year in which we invited in a number of industry and  
16 public persons and got a lot of good feedback from that,  
17 and we've been going forward with some of this site  
18 investigations that I mentioned previously.

19           We plan to have both of these two bulletins,  
20 conducting final surveys and parameter selection, included  
21 into one regulatory guide with appropriate reference to a  
22 new reg of concentrations perhaps but we haven't worked  
23 out the specific details, but both of these would be in  
24 one regulatory guide. Now the status of that regulatory  
25 guide is on the next two pages. The first component on

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1 how to conduct final surveys, the bases for the regulatory  
2 guide are new regs 1505, 06 and 07. They were published I  
3 think a year ago, and they are being revised. Also the  
4 MARSSIM document is also a basis for the regulatory guide,  
5 and we're developing the details of what components of  
6 MARSSIM and the new regs will be part of the guide. When  
7 MARSSIM is issued in November of this year, you will begin  
8 to see a little bit more about the details of what will be  
9 in the guide although we're trying to decide. MARSSIM is  
10 a lengthy manual of a number of practices and we're trying  
11 to determine which of those practices are appropriate  
12 guidance items, and as it's indicated here, the guide  
13 would contain guidance on area classifications depending  
14 on contamination potential, the size of survey units,  
15 background, reference areas, MDCs of static and scanning  
16 instruments, a number of samples, elevated measurement  
17 comparisons and the hypothesis testing that would be used  
18 for the statistical tests. A lot of this is already laid  
19 out in new reg 1505 and also in MARSSIM.

20           The other major component of the regulatory  
21 guide will be the parameter selection component, and  
22 basically what this is is we would establish default  
23 parameters similar to what you saw in new reg 1500 that  
24 was issued I think two years ago and we would also  
25 establish the methods by which a licensee would come in

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1 and demonstrate more site specific parameters where  
2 appropriate for his or her use. These are the level two  
3 or level three parameters and models that we talked about  
4 and this guide would also give the approach and steps for  
5 using the D&D screen computer code for running the dose  
6 criteria and determinations.

7           Again as I indicated earlier, We're working  
8 towards producing or putting together a regulatory guide.  
9 A working draft of the reg guide was issued on the Web I  
10 think a year ago, and we haven't got to the point yet  
11 where we want to change that. When we do, we will be  
12 working with state programs as to the best step as to how  
13 to proceed.

14           That was the major components of this talk and  
15 kind of lays out where we are today.

16           Mike, you may have some additional items you  
17 want to mention.

18           MR. WEBER: Thanks, Frank. A couple of  
19 comments to embellish on what Frank's already presented.  
20 On MARSSIM, as Frank mentioned, we did recently complete  
21 an internal staff review of MARSSIM. That was the first  
22 time that the guidance manual went out to the NRC staff,  
23 and we had our regional staff as well as the headquarters  
24 staff involved in the review of that document. I think  
25 the general reaction to the document was ugh. It's

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1 different than what you have in new reg CR 5849, our  
2 existing draft manual on termination surveys. It  
3 introduces new statistical concepts, new techniques, new  
4 diagrams, a whole new approach in some cases to designing  
5 final status surveys. It considerably increases the  
6 flexibility that exists in doing and designing final  
7 surveys. All that translates to the regulator as we're  
8 going to have to have people that are sufficiently  
9 sophisticated about these techniques to be able to review  
10 licensee submittals. We're going to have to train our  
11 people to insure that they're in that kind of a position  
12 to review and respond to those kinds of things.

13           The reason I wanted to raise it today is to  
14 alert you to that and also to prepare you for when you do  
15 see the document that you can perhaps counsel your staff  
16 and encourage them to give it a reasonable review and not  
17 to be too influenced by their initial reaction because I  
18 think the NRC staff experience may in some way kind of  
19 give you an indication of what similar responses may be  
20 evoked when other people review the document including the  
21 licensee community. I would imagine we would get a  
22 similar reaction especially from some of the smaller  
23 licensees.

24           The group that's developing it, the  
25 interagency group has worked hard. They are trying to

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1 develop a technically defensible methodology that does  
2 allow a considerable amount of flexibility, but all that,  
3 of course, translates to all these things I've been  
4 mentioning about, insuring that the staff is able to  
5 review the kind of submittals that are going to come in,  
6 the training and becoming familiar with a lot of these new  
7 concepts. Some perhaps are not new in the technology, but  
8 they're new at least in our part of the final status  
9 survey program.

10 I wanted to embellish on what Frank said in  
11 terms of our working with EPA. Nothing has changed in  
12 terms of the original agreement between the agencies.  
13 Frank mentioned that if EPA promulgates final status or  
14 final standards that would apply to NRC Agreement State  
15 licensees, then we would be obligated to implement and  
16 enforce those standards, and that's true. Of course, we  
17 did agree back in '92 that we would work cooperatively  
18 with the objective that they would find our rules  
19 sufficiently protective so that they wouldn't have to  
20 apply their standards to NRC Agreement State licensed  
21 facilities, and that's still our objective.

22 Frank mentioned that we're in some fairly high  
23 level discussions with the agencies and the object of that  
24 is to formulate a consistent approach within the Federal  
25 Government on how to resolve some of these difficult

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1 issues like is 15 millirem per year the right dose  
2 objective? Should there be separate ground water  
3 protection standards? These kinds of issues.

4 I wanted to mention briefly also that while  
5 we're developing the guidance for the rule, we're also  
6 developing our internal procedures for the program as it  
7 is today within the NRC, and that includes a development  
8 and refinement of inspection programs and inspection  
9 procedures for materials decommissioning. We are also  
10 finalizing hopefully this month a manual chapter which  
11 will describe kind of a soup to nuts set of procedures and  
12 guidance and criteria that are out there that will be used  
13 in the decommissioning program and when the final rule is  
14 established for the radiological criteria, we will then  
15 update this manual to reflect those new criteria that  
16 would come out of the rulemaking.

17 In the meantime, if it's going to take a year  
18 or so to resolve some of these issues, we felt it was  
19 important that we have a common set of procedures at least  
20 for the NRC staff so that we would promote some  
21 consistency and some predictability to the decommissioning  
22 program. Now what we've been trying to do is take the  
23 lessons learned from the Site Decommissioning Management  
24 Plan Program which specifically focuses on some of the  
25 NRC's problem sites and in a smart way apply some of those

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1 lessons to the more conventional, perhaps more involved  
2 decommissioning projects. Yet do it within a constrained  
3 resource environment. So we're trying to learn from the  
4 lessons in the SDMP and apply them in an intelligent way,  
5 and I would think that the states would be interested in  
6 that manual once its developed. Clearly that's something  
7 that you would all have to look at in terms of your own  
8 programs because obviously our procedures are not  
9 necessarily your procedures.

10           In addition to what we're doing in the  
11 materials program, we're also working with the Office of  
12 Nuclear Reactor Regulation to refine our inspection  
13 procedures on reactor decommissioning, and I realize you  
14 all don't regulate reactors at least in the radiological  
15 side, but you may be interested in those procedures as  
16 they're developed for your own interests and what we do  
17 look at when we go out to these kind of facilities and how  
18 we're implementing the program. You probably are aware of  
19 the promulgation this past summer of final reactor  
20 decommissioning procedures which is a departure from the  
21 original policy laid out by the commission in 1988 in that  
22 it changed the process for reactor decommissioning. Some  
23 of you, who have reactors in your states that are actively  
24 undergoing decommissioning, are probably following it at a  
25 little bit more than others. We're not aware that that

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1 casts any blueprint for how the materials decommissioning  
2 will be revised in terms of the decommissioning process,  
3 but it's something that we're now working to implement for  
4 reactor decommissioning.

5 So I think that wraps up our general remarks,  
6 and Chip, do we turn it back to you for questions?

7 FACILITATOR CAMERON: Yeah. I think Don  
8 Flater has a question or comment down there.

9 MR. FLATER: I have two questions, one that's  
10 a bit specific. If you go back to page number 6 of your  
11 handouts, the last statement in your triangle, I'll call  
12 it a triangle instead of a bullet, number 1 has got me a  
13 bit perplexed because I really don't know how you're going  
14 to enforce it in an Agreement State or is that just a poor  
15 choice of words?

16 MR. WEBER: It may just be a poor choice of  
17 words.

18 MR. FLATER: Well, it is that, then I don't  
19 have any problems with it, but --

20 FACILITATOR CAMERON: Is it clear what the  
21 question is and what the answer is here? Maybe we could  
22 try to clarify that.

23 MR. FLATER: Page number 6 says, "NRC will  
24 have to implement and enforce any of the final standards  
25 for NRC and the Agreement States." And I just would like

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1 to know how NRC is going to come in and enforce something  
2 in our states.

3 MR. WEBER: That's a good point for  
4 clarification.

5 MR. CARDILE: It's a poor choice of words.

6 MR. WEBER: We could have worded that better.  
7 We should have worded it better. The concept would be if  
8 EPA promulgates standards and they apply to Atomic Energy  
9 Act licensed facilities, NRC would be obligated to  
10 implement and enforce the standard in non-Agreement States  
11 and then the Agreement States would follow suit and  
12 promulgate their own requirements and be responsible for  
13 an implementation agreement.

14 MR. FLATER: I've got no problem with that  
15 side of it. The other question that I do have is right  
16 now we're using your document quite a bit on trying to  
17 straighten out some DOE facilities. What kind of thing  
18 are we going to do if a new rule comes into effect on the  
19 decommissioning process? Is there going to be a new set  
20 of standards on one that we sign off on and it's been  
21 decommissioned and all of a sudden this --

22 MR. WEBER: Oh, I see.

23 MR. FLATER: -- final rule drops into place?  
24 Are we going to have to go back and start this process all  
25 over again?

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1 MR. WEBER: The Commission when it proposed  
2 the radiological criteria for decommissioning included  
3 within it plans or requirements for implementation, and  
4 one thing that it committed to do would be to grandfather  
5 facilities that had been decommissioned in accordance with  
6 prior criteria provided that it had been done in  
7 accordance with an NRC approved plan. I would think that  
8 the Agreement States would have a like amount of  
9 flexibility in implementation of the decommissioning  
10 criteria.

11 MR. BANGART: I think your question is getting  
12 at what if the EPA standard goes in place, and it's  
13 different from the criteria that we're using at a DOE  
14 facility. Do you have any insights --

15 MR. FLATER: You won't try that one on?

16 MR. WEBER: No. It's a good question for EPA  
17 and DOE though, look for a grandfathering provision in  
18 their rule I guess.

19 MR. FLATER: Yeah, because I know there's  
20 going to be some that are going to fall in place that way.

21 FACILITATOR CAMERON: Good question. Aubrey.

22 GOVERNOR GODWIN: Governor of Arizona. In  
23 looking at your earlier documents and my impression from  
24 your comment is you don't address the issue of the quality  
25 of the laboratory data that you get from the site and in

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1 many cases where you're not doing gross gamma across the  
2 site, you're really looking for a detailed analysis of  
3 soil samples or something of that nature. The quality of  
4 your laboratory really determines what kind of  
5 decommissioning you really get. There really needs to be  
6 a close look at that. We have seen some laboratory  
7 results that even though they were from "licensed and  
8 approved laboratories" that raised our eyebrows a little  
9 bit. You need to look at the counting times, what their  
10 sensitivity levels are, what kind of QC they got, all of  
11 these kind of issues, and I'm not sure. Are you all going  
12 to address that in these documents?

13 MR. WEBER: There is a parallel effort  
14 underway between the agencies to MARSSIM and this is  
15 called MARLAP which is the Multi Agency Radiological  
16 Laboratory Accreditation Procedure, and comments, all  
17 right, and that is paced a little bit behind where MARSSIM  
18 is. We don't have a draft manual at this point, but the  
19 agencies have recognized the importance of the laboratory  
20 measurements and agree that some sort of set of  
21 requirements is appropriate for those facilities. How  
22 that's implemented is too early to tell because we haven't  
23 advanced to that stage. Whether it's going to be required  
24 or whether it's some sort of voluntary program, you know,  
25 we've got to sort through the options on that.

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1 FACILITATOR CAMERON: Let's go over to Ray and  
2 then we'll hop back over Roland and then go to Mike  
3 Rogers. Ray. And then if you have something at the end  
4 of this discussion to add on SD&D sites.

5 MR. PARIS: Ray Paris from Oregon. Will the  
6 scope of your soil and radionuclide concentrations include  
7 the uranium and thorium series? Specifically uranium.

8 MR. CARDILE: Oh, yes. That's part of this  
9 investigation we're doing now, but the specific procedures  
10 to follow will be worked out for those types of nuclide  
11 compared to the cobalt cesium.

12 MR. PARIS: And are you developing your own  
13 code as in RESRAD or something else? Your own code.

14 MR. CARDILE: Yes. I don't know if you're  
15 familiar with the Dandy D&D, D&D screening code which is  
16 being developed at NRC. It was being prepared in support  
17 of new reg CR 5512 which was our parameter and modeling  
18 document put out a couple of years ago, and that code  
19 should be either available for use shortly. We put out a  
20 copy earlier but the actual code is not available yet, but  
21 that will come out and be done in support of this rule.

22 MR. PARIS: Did I miss when this document is  
23 supposed to be finalized?

24 MR. CARDILE: The new reg 5512.

25 MR. PARIS: Yeah.

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1 MR. CARDILE: New reg 5512 was issued for  
2 public comment and then we received public comment, and it  
3 was reissued I think in 1993. We are now taking another  
4 look at the parameters and the models in that document.  
5 So it'll probably be issued again with the revision within  
6 the next year or year and a half.

7 FACILITATOR CAMERON: Okay. Roland.

8 MR. FLETCHER: I was a member of the NACEP  
9 subcommittee on cleanup standards, and some of the  
10 discussions that were brought up during some of those  
11 meetings I think the Agreement States need to be aware of.

12 Even though most discussions were about large  
13 DOE facilities and cleanup criteria, this cleanup criteria  
14 would apply across the board meaning that if the  
15 university may have a spill that cleanup would have to  
16 abide by the same standard, and from my recollection the  
17 last time we met, the EPA was pushing for a standard that  
18 included groundwater standards, which would mean that the  
19 cleanup criteria that they had was 10 millirem rather than  
20 15. Now think about, I forget what Don or Aubrey said,  
21 but think about the cleanup criteria under unrestricted  
22 use that we currently use and if a new standard comes,  
23 what's it going to mean as far as Agreement States and  
24 licensees being able to meet those standards. That's  
25 talking about all licensees.

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1 FACILITATOR CAMERON: Roland, could you just  
2 clarify for those of us who don't know what the NACEP is?

3 MR. FLETCHER: I think it's the National  
4 Advisory Committee on Environmental Protection.

5 FACILITATOR CAMERON: This is a national  
6 advisory committee to EPA.

7 MR. FLETCHER: The subcommittee was advising  
8 the EPA on development of cleanup standards. Now we  
9 haven't met in some time. So I'm just giving you some  
10 background on what some of the discussions were on the  
11 cleanup standard to be developed, but I know that there  
12 was strong support of a 10 millirem ground standard, five  
13 for groundwater.

14 FACILITATOR CAMERON: Let me ask Frank and  
15 Mike to clarify something if they could related to that.  
16 Did EPA ever put out a draft proposed version of their  
17 rule?

18 MR. WEBER: Yes.

19 FACILITATOR CAMERON: If they did, can you  
20 talk about what the standards actually were in that?

21 MR. WEBER: They did put out a draft proposed  
22 rule and when they did, it had a 15 millirem TEDE all  
23 pathways limit and then a separate limit to insure that  
24 the concentration rate in nuclides in groundwater that was  
25 suitable for use did not exceed the primary drinking water

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1 standards. So you had the four millirem per year for beta  
2 gamma and you had the five for radium and the 15 peakikers  
3 per liter for gross alpha. They've indicated to us since  
4 that they intend at some point to convert the dosimetry in  
5 the drinking water standards to a TEDE or at least a CEDE  
6 methodology. So the four millirem, instead of being organ  
7 or whole body dose, would go to something compatible with  
8 Part 20.

9 FACILITATOR CAMERON: Okay. Mike, do you have  
10 a question?

11 MR. BRODERICK: It's more of an observation  
12 actually. The pocket of people back here did not get the  
13 handouts.

14 FACILITATOR CAMERON: Okay. Do we have some  
15 extra handouts?

16 MR. WEBER: We'll get some more.

17 FACILITATOR CAMERON: Okay. We'll get them  
18 for you in the morning. Is there any of you who want to  
19 pursue the relationship between the EPA and the NRC  
20 standard any further? Any discussion on that? John.

21 MR. ERICSON: There are an alternative number  
22 of higher numbers beyond 15 with institutional control.

23 MR. WEBER: Yes.

24 MR. ERICSON: What's the standard proposed  
25 now?

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1 MR. WEBER: We proposed 100 millirem per year  
2 as our upper cap and I believe EPA when they circulated  
3 their draft proposed it was 75 millirem per year as their  
4 cap. That's assuming the institution controls fail, what  
5 would the dose be for a residential farmer scenario.

6 FACILITATOR CAMERON: Ray, do you have another  
7 question?

8 MR. FLETCHER: No.

9 FACILITATOR CAMERON: Ed, did you want to say  
10 something?

11 MR. BAILEY: Yeah, I guess so. Ed Bailey from  
12 California. Is there going to be any resolution of which  
13 computer code we're going to use? This is the third one I  
14 hear. We're been using RESRAD pretty much. EPA won't  
15 allow us to use that anymore. You've got to use their own  
16 in-house code. Now I hear NRC's going to come up with a  
17 code, and I'm just wondering when are we going to stop  
18 reinventing the wheel and settle on one that we can use  
19 today and next year and maybe even five years from now?  
20 We're picking at gnats anyway, and you know, any good  
21 modeler can change the dose and order of magnitude with  
22 just changing the parameters a little. So is there any  
23 attempt to even fix on one model?

24 MR. CARDILE: Well, there is an attempt. NRC  
25 and the EPA are working together on various interagency

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1 committees and as a matter of act, there's one directly at  
2 the subject of models and consistency of models. I  
3 recognize what you're saying, the problem, especially if  
4 NRC has a code that says you can release the site using  
5 our code, but I think Mike's point was that the way the  
6 agreement is worked out is that EPA is supposed to look at  
7 the NRC rule and if it finds it sufficient to protect  
8 public health and safety, then there's not going to be a  
9 second review of a site that's terminated or the license  
10 is terminated using the NRC code with another EPA code.  
11 So you won't be faced with, for the same site, using two  
12 different codes, but in terms of the general questions of  
13 can we make sure these two codes are consistent and  
14 compatible, that's what we're trying to work out right  
15 now, but yeah, you do have this problem of EPA developing  
16 a code and NRC for the past three or four years has been  
17 developing a code and it's up to us to make sure that  
18 they're compatible.

19 MR. BAILEY: Can I follow onto that?

20 MR. CARDILE: Sure.

21 FACILITATOR CAMERON: Go ahead.

22 MR. BAILEY: That may be easy for NRC to do,  
23 but I think for the states we may be put into a position  
24 unless you get an agreement on one code where closing  
25 military bases, closing DOE facilities, closing this, that

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1 and the other, and let's say accelerators and let's say  
2 NORM and on and on and on, that you don't all bother to  
3 regulate, we will be still in the position, a de facto  
4 position of having to deal with two different codes unless  
5 we can get general agreement that one will be acceptable.

6 The other sort of follow on to that is when  
7 we're looking at the criteria for restrictive use release,  
8 what are you looking at in terms of level of compatibility  
9 for that? For instance, some states may want to be much  
10 more restrictive than NRC or EPA is currently looking at  
11 like they will be, and I would hate to see it be a level  
12 one item of compatibility where we had to accept these  
13 sites and the responsibility for the ongoing maintenance  
14 against our will. So it's a suggestion that this might  
15 not be an item of compatibility at all.

16 MR. WEBER: You mean strict compatibility.

17 MR. BAILEY: At all.

18 MR. WEBER: At all.

19 FACILITATOR CAMERON: Frank, do you want to  
20 set this out, review of the bidding about what is said in  
21 the proposed rule on compatibility?

22 MR. CARDILE: Well, it didn't say anything in  
23 the proposed rule about compatibility because the  
24 statement of consideration said that the compatibility  
25 policy was still under review and at the time of the

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1 proposed rule there was nothing to say. Now in the  
2 courses of preparing the final rule, we've had these kind  
3 of conversations and we really haven't, you know, decided  
4 upon the specific approach for compatibility for the final  
5 rule. This is certainly good input that we can use in our  
6 thinking.

7 FACILITATOR CAMERON: We did ask I guess for  
8 comment.

9 MR. CARDILE: We asked ask for public comment,  
10 and we've got a number of comments on that. I don't  
11 recall that there was any specific comment related to  
12 restricted use, but in our conversations we've talked  
13 about the different components of the rule or different  
14 parts of the rule and how they should stack up against the  
15 compatibility components. And so, that's something we  
16 should keep in mind.

17 One thing to be clear is that, I know we  
18 skimmed quickly through the rule contents, but the  
19 restricted use is meant to be a situation in which  
20 institutional controls like a deed restriction are put in  
21 place such that, as I think it was Mike that was saying,  
22 the dose to an individual under the controls is 15  
23 millirem, and that only if these controls fail would  
24 someone get a higher millirem. So I just wanted to  
25 clarify that so it was clear.

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1 FACILITATOR CAMERON: Okay. I think that this  
2 probably deserves a lot more discussion. Perhaps we can  
3 pick it up under adequacy and compatibility and put it in  
4 the parking lot over here. Steve.

5 MR. COLLINS: Steve Collins from Illinois.  
6 The only thing that Ed said that I agreed with is we  
7 didn't want it to be an item on compatibility.

8 Not all states want you to pick out one model  
9 and tell us this is the acceptable one. We would like for  
10 you to have a list of suggested models all of which could  
11 be appropriate depending on the circumstances and let us  
12 say why we pick that model and justify our use of it.

13 MR. WEBER: Okay. Just for your benefit, we  
14 do at the staff at NRC continue to use the RESRAD code.  
15 We find that an acceptable tool. We certainly expect D&D  
16 screening will be an acceptable tool. They have different  
17 capabilities. D&D screen is a screening code at least  
18 level one, level two. So I think when these codes become  
19 widely available, we'll all have to sit down and say,  
20 okay, where do we go from here? There is an effort as  
21 Frank talked about through the ISCOR subcommittee on the  
22 cleanup standards to look at parameter selection, and  
23 ISCOR is the Interagency Steering Committee on Radiation  
24 Standards, and Frank and Cheryl Trottier are heavily  
25 involved in that subcommittee.

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1 FACILITATOR CAMERON: Do all of you know what  
2 ISCOR is, what the objective is and what the scope of its  
3 activities are? I know, Dick, you want to get to STNP  
4 sites, but Mike, could you try to give us a 30 words or  
5 less summary? And we're counting.

6 MR. WEBER: I'm not sure 30 but --

7 FACILITATOR CAMERON: And you can take your  
8 shoes off.

9 MR. WEBER: Yeah. Many of you are no doubt  
10 aware of the CHIRRPC and its fate. In the dust that  
11 settled after CHIRRPC, there was a concern that the agency  
12 still had a need at the federal level to work together and  
13 to try to facilitate resolution of interagency issues on  
14 how best to regulation radiation in the environment. So  
15 out of that grew the Interagency Steering Committee on  
16 Radiation Standards which is co-chaired by EPA and NRC at  
17 least for the first two years. Other members include the  
18 Department of Energy, Department of Defense, Department of  
19 Transportation, Department of Labor, OSHA, Department of  
20 Health or HHS, FDA, and OMB and OSTP are observers to that  
21 process. Bill Dornsife is a state representative from the  
22 State of Pennsylvania on that group, and I believe keeps  
23 groups like the low level waste forum informed about  
24 what's going on on ISCOR.

25 There are various subcommittees within the

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1 organization and one of them is cleanup. One of them is  
2 contaminated sewage. There's one on recycle. There's one  
3 on risk harmonization, and the whole purpose is to attempt  
4 to resolve these issues or at least to discuss the issues  
5 so that they can then be elevated up to the decision  
6 makers and we can come to closure, and we start  
7 cooperating with each other better and stop feuding  
8 between the agencies. That's the objective.

9 FACILITATOR CAMERON: And was there a proposal  
10 to have a subcommittee on NARM or is there a subcommittee?  
11 There's not one on NARM yet.

12 MR. WEBER: There was a proposal for a NORM  
13 subcommittee I believe, not NARM, but NORM as I recall,  
14 and I believe it was tabled for some reason that escapes  
15 me right now. There was a commitment that the agency  
16 should share the modeling, the survey technique guidance  
17 and all those sorts of things with the states. We  
18 certainly recognize the NORM commission. That's under the  
19 CRCPD, and to some extent we want to wait and see what  
20 comes out of that. Carl Paperiello has committed that we  
21 would support that process, and I believe EPA is also and  
22 I see John Greeves wanting to say something.

23 MR. GREEVES: Just to refresh your memory.  
24 Didn't EPA say they were going to do a study on it?

25 MR. WEBER: Yeah. There was earlier some

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1 Congressional language that directed EPA or would have  
2 directed EPA to task the National Academy of Science to do  
3 a review of NORM regulation, but I'm not clear on whether  
4 that legislation actually passed or whether the committee  
5 language passed. But they have committed to do that  
6 study. So that was another thing that was out there  
7 working that led ISCOR to the conclusion that perhaps it's  
8 not right at this time, given the CRCPD special commission  
9 and the NAS study to convene a NORM subcommittee.

10 FACILITATOR CAMERON: Okay. Thank you, Mike.  
11 Dick, do you want to talk about STNP?

12 MR. BANGART: This relates to formerly  
13 licensed NRC sites that through our contractors efforts  
14 have now been identified as candidates at least for  
15 further evaluation to see whether the licenses were  
16 terminated in a manner such that acceptable residual  
17 levels of contamination were only left at the facility.  
18 We've talked about this at least in passing over I think a  
19 couple of years, and as you know, if any of those sites  
20 that have surfaced are in an Agreement State, the regional  
21 office has been in contact with you to discuss what needs  
22 to be done last or next.

23 We haven't always sent a clear, definitive  
24 message though either by the statements that we've made or  
25 by our actions, and we have ongoing now within NRC an

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1 activity to develop a very clear statement about whether  
2 or not NRC bears any residual regulatory authority for  
3 those sites. If the definitive legal answer to that  
4 question is no, then what obligation, if any, do we bear  
5 in some other sense such as providing support to an  
6 Agreement State to further evaluate a site that may need  
7 some additional effort applied towards it to determine its  
8 up-to-date status in terms of residual contamination.

9           Primarily it heads up at this point. In some  
10 cases I believe that we've tended to act more as if we  
11 bear residual regulatory responsibility, meaning that if  
12 like an agreement state doesn't have the resources to take  
13 some follow up actions, then we jump in there just as if  
14 we still regulate. Does that go too far given our  
15 regulatory authority that remains, if any? Or, is that  
16 properly within the bounds of providing assistance to the  
17 Agreement State if indeed the answer is that we have no  
18 residual or regulatory authority?

19           So we want to get a clear statement to that  
20 effect. We want to have regions implementing actions  
21 relative to potentially contaminated former NRC sites in  
22 the Agreement States that are consistent across the board  
23 so that one region isn't handling those kind of sites  
24 differently from another region, and that we have a proper  
25 definition of the kind of bounds that exist on how far we

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1 can go in providing support to an Agreement State if  
2 needed without starting to act like a regulator. That's  
3 just the heads up as I mentioned.

4 FACILITATOR CAMERON: Any questions or  
5 comments on that particular aspect? Ken.

6 MR. WANGLER: Ken Wangler from North Dakota.  
7 Paul, how does this relate to those sites that we had in  
8 North Dakota? Maybe that would be a good example, and I'd  
9 explain it, but I don't think I fully understand it  
10 myself.

11 MR. BANGART: I may ask for some help from  
12 Mike Weber here, but the sites that Ken refers to are the  
13 Bellfield-Bowman sites which are two sites that were  
14 earlier identified and placed on the Title I ENTRA  
15 Program. This is the program that DOE carries out to  
16 remediate some of the old Manhattan Engineering District  
17 facilities that produced uranium for the Defense Program,  
18 and there are, I think, somewhere in the neighborhood of  
19 20 or so sites that were identified. These were generally  
20 old mill sites with 11(e)2 uranium mill tailing  
21 contamination and were going to be handled, the  
22 remediation of those sites would be handled by the Federal  
23 Government.

24 Ken, I think these sites are in a different  
25 category than the sites that Dick was referring to. The

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1 sites that Dick's referring to were former NRC licensed  
2 facilities under which the license was terminated at  
3 sometime in the past and what we've done is we've had Oak  
4 Ridge go back and look at each of those files using a set  
5 of criteria and from that they've identified a number of  
6 facilities that were released from their license in the  
7 past where there may be residual contamination, and we're  
8 going back and checking those. I think the sites you're  
9 referring to are a different category.

10 In your case as we discussed, those two sites  
11 did not have a 11(e) 2 material. It was more source  
12 material contamination. So if DOE elects not to complete  
13 remediation of those facilities, given that it's source  
14 material, that would be a responsibility for North Dakota  
15 under the agreement and we would look at that as a  
16 responsibility that the state would have to follow through  
17 with the current owners of that property for remediation.  
18 So I think those are in a different category.

19 Mike, I don't know if you have any further  
20 comments on that, but --

21 MR. WEBER: No. I think you're correct. The  
22 only thing I would add is I believe in both cases there  
23 were also terminated licenses, and they were identified  
24 through the Oak Ridge review. So we got to the same point  
25 through two different paths and that's always reassuring.

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1 FACILITATOR CAMERON: Ed.

2 MR. BAILEY: We have more than our fair share  
3 of these and one of the problems and we're trying to  
4 respond back to you where you've indicated very definitely  
5 that you all don't want any responsibility for them, and  
6 that here they are, California. We are trying to respond,  
7 but the problem we're having is putting down in words sort  
8 of our feelings and also getting our lawyers to buy off on  
9 it. And when I say that, I'm referring to the fact that  
10 the sites in particular that we're looking at do not have  
11 licensable quantities of material there and absent any  
12 regulations regarding acceptable contamination levels  
13 either by us or you. Our lawyers don't see how we've got  
14 a handle on it. There's not a licensable quantity there.  
15 So we don't feel we have a real way to get at them since  
16 we never licensed them, and the only person that has any  
17 responsibility or has any possible way of getting to them  
18 is the NRC which did license them.

19 So we have some real problems in how you think  
20 we have responsibility for the sites, how we have the  
21 authority to regulate them and why we should do it because  
22 we entered into this agreement in full faith that you all  
23 were giving us a good package. And, you know, if we want  
24 to go to court and say you didn't give us full disclosure,  
25 we can do that, but this is a serious situation where

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1 we're talking about the facilities that were terminated 30  
2 or more years ago, and you're the only ones who have the  
3 records on them. Going back through and piercing the  
4 corporate bale and all that to get at who's going to clean  
5 them up, we don't want to bear that cost, and we think  
6 rightly the Federal Government should since the Federal  
7 Government is the one that signed off saying they were  
8 clean. Thank you.

9 MR. BANGART: That's exactly why we want to  
10 come out with a definitive statement and that kind of a  
11 situation should be within the scope of what we address.  
12 We don't have a final position yet, and in fact, it may be  
13 a complicated and legal policy issue that may have to go  
14 to the Commission first before we come out with something  
15 as to what our agency position is.

16 FACILITATOR CAMERON: Dick, can you tell the  
17 group what the time frame is on this if you know?

18 MR. BANGART: We don't have a definitive time  
19 frame established. It's been an issue, as I said, that's  
20 been before us on the table for a couple of years now. We  
21 have finally made the decision that, yes, we need to  
22 establish a definitive legal/policy position on the  
23 matter. We've drafted something. It's in the process of  
24 being finalized now in preparation for the further  
25 management review.

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1 FACILITATOR CAMERON: Okay. Thank you. Don.

2 MR. FLATER: We've got a site in Iowa that I  
3 guess is a little bit different because I know NRC never  
4 licensed it. It happens to be a dump site, and we've  
5 cleaned it up based on historical documents, and for some  
6 reason, historical documents especially about the  
7 Manhattan Project aren't true. We're finding there is not  
8 the same thing that they say is there, and we've got one  
9 site right now where they dug down to the bottom of the  
10 pits which was seven feet. They went down 10 feet and  
11 removed it all, \$3.2 million went to our friend out in  
12 Utah, and now we're finding material that's at 15 feet,  
13 and we've also found it off site in groundwater, and I'm  
14 talking about U-234, U-238 and U-235, and they say they  
15 don't need to do anything, that Mother Nature will take  
16 care of it. And so we're having a little bit of a tussle  
17 right now about whether they got rid of the source term  
18 which they say they got rid of. So, you know, I think  
19 some of these sites are even bigger problems than we want  
20 to talk about.

21 FACILITATOR CAMERON: I won't ask you to  
22 clarify who the friend in Utah is.

23 MR. FLATER: Okay.

24 FACILITATOR CAMERON: Any comments from up  
25 here on this?

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1 MR. WEBER: I would just say that we  
2 understand the complexity of some of these sites. That's  
3 why we have the Site Decommissioning Management Plan. The  
4 sites that we identify that are in non-Agreement States  
5 get on to the STNP through that process because they need  
6 that kind of intense review.

7 FACILITATOR CAMERON: Okay. Well, thanks,  
8 Frank and Mike, and let's be back at 3:30. We have a  
9 break now and then we have an interesting panel that's  
10 going to do a presentation.

11 (Whereupon, the foregoing matter went off the  
12 record at 3:05 p.m. and went back on the  
13 record at 3:35 p.m.)

14 FACILITATOR CAMERON: For the tour tomorrow  
15 morning, please convene outside of this room in the lobby,  
16 right, Dick?

17 MR. BANGART: Yes.

18 FACILITATOR CAMERON: Okay. Secondly, we did  
19 get a request to fix one of the lights back there and  
20 apparently there's nothing that can be done about it, and  
21 it made me think that these things come in threes. The  
22 light, the having the strategic assessment meeting west of  
23 the Rockies and funding training. So here we are.

24 There is a local chapter meeting of the Health  
25 Physics Society tonight for those of you who are

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1 interested in it, and it's on the Health Physics response  
2 to the internal P-32 contamination of biomedical  
3 researchers at the National Institutes of Health. I think  
4 most of you are familiar with that particular incident.  
5 They are going to be starting the discussion at 8:00  
6 tonight down at the Naval Medical Center which is fairly  
7 near here, and if you need more information, we have a  
8 description of it, and I believe Tom O'Brien who is right  
9 back here can also provide you with more information on  
10 it. So talk to Tom if you're interested.

11 And before we break up today, Bob Quillin  
12 wants to talk about some logistics for tomorrow, but right  
13 now we're going to go to an excellent panel that's going  
14 to discuss a wide range of issues and these subjects are  
15 all discrete enough so that we can take questions after  
16 each presentation I guess rather than waiting until the  
17 end of it. We'll just have to make sure that we get out  
18 of here in time to go to Commissioner Dicus' reception,  
19 but for your information, we have Larry Camper from our  
20 office of Nuclear Material Safety and Safeguards who is  
21 going to give us an update on the IOM report. Trish  
22 Holahan is going to talk about Part 33. We have Cheryl  
23 Trottier from Research who is going to talk about the  
24 unauthorized use rule which is related to the NIH  
25 incident, and Will Hutchison from our Office of

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1 Investigations is going to talk about handling a potential  
2 wrongdoing.

3 So I'll turn it over to Larry now, and we'll  
4 just go on from there.

5 MR. CAMPER: Thank you, Chip, and I will try  
6 to make my remarks move along quickly. I don't want to be  
7 the cause of being late for a reception or a party. So we  
8 will try to keep it moving.

9 What I thought I would try to do today is to  
10 continue our effort to keep you up-to-date in terms of  
11 what's going on with the National Academy of Science, the  
12 IOM report. I'm not going to go through the details of  
13 the report at this point. We have talked with you a  
14 couple of times already.

15 I thought that what I would do quickly for the  
16 benefit of perhaps some of the audience that may not be as  
17 familiar with the findings of the IOM, I would quickly  
18 just review the slides in a cursory fashion in terms of  
19 what we ask them to do and what they did, and then more  
20 importantly try to tell you what are we doing now, what I  
21 foresee us doing in the next few months or next year or  
22 so.

23 You may recall that if one goes back in time  
24 to about 1994 or so, we had two major expressions of  
25 concern about our program. On one hand, we had been

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1 getting some criticism that the program was overly  
2 burdensome, that it was impeding the practice of medicine,  
3 that we were dealing with issues that should be reserved  
4 to the practice of medicine and things that physicians  
5 should deal with, and unfortunately we also had the  
6 patient death which occurred in Indiana, Pennsylvania,  
7 that resulted in a series of articles in the Cleveland  
8 Plain Dealer. We had a Congressional hearing with Senator  
9 Glenn at that time who had expressed some criticism of our  
10 program.

11           So in view of these divergent opinions about  
12 our program, the Commission decided that perhaps the best  
13 course of action would be to take an external look at our  
14 Medical Use Program, and try to identify an organization  
15 that would have an appropriate pedigree of scientific  
16 validity and competence to do that study. As a result of  
17 that, we awarded a contract to the National Academy of  
18 Science, the Institution of Medicine.

19           In December of last year, the IOM presented to  
20 us a report entitled "Radiation in Medicine, A Need for  
21 Regulatory Reform".

22           The major goals are depicted on this  
23 particular slide, and the basis of those goals, the  
24 essence of those goals was to take a global look at how  
25 radiation in medicine is regulated in the United States,

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1 take a look at the risks associated with it, take a look  
2 at the broad policy issues associated with it, and then  
3 some idea of how we might critically assess how well we  
4 are or are not regulating the use of radiation in  
5 medicine. Next slide.

6 We did seek some specific recommendations in  
7 that report. We wanted to know what the Academy could  
8 recommend in terms of a uniform approach, nationally, to  
9 the regulation of ionizing radiation in medicine across  
10 the board and some idea of appropriate criteria for  
11 measuring the effectiveness of the regulatory programs  
12 that were needed to protect public health and safety.  
13 Next slide.

14 IOM considered a spectrum of alternatives. I  
15 think there were seven of them in their consideration.  
16 They ultimately settled upon their alternative D which was  
17 one that would have called for and does call for NRC's  
18 authority for the regulation of the medical use of  
19 byproduct materials to be discontinued, that this  
20 authority would be transferred to the states, the idea  
21 here being that the majority of ionizing radiation in  
22 medicine is currently regulated by the states given your  
23 responsibilities for not only byproduct material via your  
24 agreements but also other materials, x-ray and so forth,  
25 and the idea being that all of it should be regulated by

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1 the states trying to achieve some uniform approach across  
2 the country.

3 Identify a federal agency other than the NRC  
4 to assume a guidance leadership role. This was a  
5 substantially different role than our agency currently  
6 plays. This was one of being a facilitator and providing  
7 guidance, training and this type of thing. The Department  
8 of Health and Human Services was recommended by IOM in its  
9 report, and then that the federal agency, in this case  
10 DHHS, would work in conjunction with the CRCPD and other  
11 professional organizations to develop recommended state  
12 regulations and so forth for all ionizing radiation in  
13 medicine. Next slide.

14 The report contained three sets of  
15 recommendations, the first being to Congress, and the IOM  
16 recommended that Congress do certain things with regards  
17 to eliminating the statutory authority for our Medical Use  
18 Byproduct Material Program, also to direct the Secretary  
19 of the Department of Health and Human Services to put in  
20 place a program that would support, coordinate and  
21 encourage activities and so forth as called for by their  
22 recommendation and this would be things such as supporting  
23 the CRCPD, assisting the state's implementation of  
24 regulations and so forth. Next slide.

25 There were recommendations to the NRC which

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1 was to immediately relax the enforcement of 10 C.F.R.  
2 35.32 and 33; 32 deals with the Quality Management  
3 Program; 33 deals with our reporting requirements to  
4 patients and referring physicians. If Congress were fail  
5 to act within two years on the recommendation, then the  
6 NRC should initiate formal steps through the  
7 Administrative Procedures Act to revoke 10 C.F.R. Part 35  
8 in its entirety, and that also we should move to separate  
9 the costs of formulating regulations from the cost of  
10 administering those regulations. In other words, there's  
11 a cost to create regulations. There's a cost to implement  
12 them, and they felt that this cost should be broken up.  
13 Next slide.

14           There was some recommendations for the CRCPD  
15 in the states that the CRCPD should be incorporating into  
16 the suggested state regulations any relevant concepts  
17 contained within 10 C.F.R. Part 35, enact legislation.  
18 The states should enact legislation to incorporate the  
19 regulation of reactor generated byproducts into existing  
20 state regulatory programs, and then to continually  
21 evaluate those regulations to insure that they were  
22 current scientific and they were appropriately scientific  
23 and technically valid. Next slide.

24           We did go out and solicit a number of  
25 comments. I'll step to the next slide, and we'll show you

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1 what all we did once we got this, but we did amongst the  
2 various things go out and get a number of comments. We  
3 published this within the Register notice and solicited  
4 comments. We received really to no surprise a mixed bag  
5 of comments. About two-thirds did not favor the ION  
6 report as recommended, certainly not in its entirety.  
7 Approximately one-third did. The range of opinion  
8 expressed ranged from one end of the spectrum we should  
9 perhaps merely acknowledge the NAS report and the basic  
10 tenants raised in that report to at the other end enacting  
11 the report exactly as recommended and pretty much  
12 everything in between. Next slide.

13 Now we have done a number of things since we  
14 got the report. The first was to immediately try to get  
15 it out to the eyes of the public as promptly as possible.  
16 As I said, we did publish a Federal Register notice in  
17 January of '96 which we requested comments by April this  
18 year. Those are the comments I was just referring to. We  
19 provided the report along with some questions to all of  
20 the governors of the states and the territories and the  
21 essence of those questions was to try to ask what would be  
22 the impact of the recommendation as provided by the  
23 Institute of Medicine to your state or to your existing  
24 programs. We provided this also to the Radiation Control  
25 Program directors and to federal agencies that would be

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1 impacted or had been identified within the Institute of  
2 Medicine report. We also provided it to the advisory  
3 committee on the medical use of isotopes and we also  
4 provided it to Congressional oversight committees.

5           Along the way while we were doing that, the  
6 staff also conducted an analysis of the report. We tried  
7 to provide a summary of the recommendations provided by  
8 the Academy, the rationale for those recommendations, some  
9 of the criteria used in reaching the decisions, and we  
10 provided no opinion as to the recommendations. Rather, it  
11 was simply an analysis of what the committee had said and  
12 why it had said it.

13           We also provided a plan to the Commission for  
14 its consideration as to how we might proceed to deal with  
15 the NAS report. That plan did call for a very active  
16 public participation, establishment of operational  
17 committees and so forth. However, the Commission decided  
18 to incorporate the processing or reacting to the National  
19 Academy of Science report into the larger strategic  
20 assessment or rebaselining efforts that were underway by  
21 that time. Next slide.

22           I'll come back to talk about that in a minute  
23 how it impacts the medical and materials area.

24           We held a number of public meetings. We  
25 wanted quickly to solicit input from as many people as

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1 possible. We met with our advisory committee on the  
2 medical use of isotopes. There was a Commission briefing  
3 timely that was going on by the organization of Agreement  
4 States. They had some comments on the report. There was  
5 a Commission briefing by the National Academy of Science,  
6 the IOM Committee, and then there was also an NRC  
7 Agreement State technical workshop that took place earlier  
8 this year. Next slide.

9           Now in terms of trying to share with you some  
10 additional steps that we have taken, that you may or may  
11 not be readily aware of, we'll talk quickly about some  
12 adjustment in our guidance for the conduct of inspections  
13 of quality management programs. I know that this  
14 particular memo either has been or will be transmitted to  
15 the states very quickly. I think it has been. It's a  
16 memo that was provided August 1, 1996. We had a temporary  
17 instruction in place for our regions to inspect the  
18 quality management rule. That TI expired in August of  
19 this year.

20           We provided some guidance to the regions, and  
21 the essence of the guidance was to change the focus, the  
22 tone of the inspection. What we wanted to do was to  
23 provide instructions to our regions that would make the  
24 inspection less obtrusive. One of the concerns that we  
25 had heard expressed by the medical community was that this

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1 inspection of this particular rule takes inordinate  
2 amounts of time, it's interfering with our technical  
3 staff, our physicians and so we wanted to try to react to  
4 that. Another major change in this guidance was to  
5 attempt to make the inspection more performance oriented.  
6 Next slide.

7           The TI had been a very detailed instruction.  
8 It contained with it a set of extensive field notes that  
9 we had had our inspectors collected over the period of two  
10 year life of the TI. We had done that because we wanted  
11 to collect a lot of data about the inspection findings as  
12 it related to the implementation of the QM rule by our  
13 licensees. We now have that data. We are currently  
14 analyzing that data. We intend to ultimately share with  
15 the Commission the findings of that analysis and also to  
16 share with you, the states, and also the regulated  
17 community what we observed during this two years.

18           What we tried to do in capturing the  
19 performance approach, we asked our inspectors to only look  
20 at the big ticket items within the Quality Management  
21 Program. You know, does the QM Program exist and is it  
22 commensurate with the program that they had, the  
23 modalities involved? Has it been implemented? Are all of  
24 the modalities included? Is the licensee conducting a  
25 review of the QM Program at least annually? Are the

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1 records being maintained for three years as required by  
2 the regulation? Next slide.

3           We provided some guidance for reactive  
4 inspections or misadministrations or a combination of the  
5 two. In the case of a misadministration or reactive  
6 inspection, we did want the QMP to be reviewed again as  
7 part of the preparation of that inspection. We wanted our  
8 inspectors to follow the guidance contained within our  
9 Management Directive 8.10 entitled NRC Medical Event  
10 Assessment Program and the instructions in TI 2800.025  
11 which is the TI in question. Again, this is for reactive  
12 inspections or misadministrations. Take a look annual  
13 reviews during the past three years, what has the licensee  
14 been finding out about its program, and then if there was  
15 a misadministration to insure that the reporting  
16 requirements had been complied with that are contained  
17 within 35.33. Next slide.

18           Another issue that I would think is probably  
19 on your minds is what does all of this mean today in terms  
20 of the compatibility requirements associated with this  
21 particular rule. You may recall that in December of last  
22 year, we provided you with some information that in  
23 essence did two things. It deferred findings of  
24 compatibility. If the states had not for whatever reason  
25 enacted this particular regulation or complied with the

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1 compatibility requirements associated with it, there was a  
2 one year time line associated with that deferral. It also  
3 provided flexibility for you in terms of how you would  
4 receive and review your QM programs and also provide  
5 flexibility for use of definitions as it applied to other  
6 than byproduct materials.

7           It's now one year later. The time line for  
8 that particular memo to you was December of this year. We  
9 have not been able to resolve this issue obviously. It  
10 will take some additional time to resolve it. So what we  
11 need to do is revisit in the very near future this memo.  
12 We intend to meet with the folks in the Office of State  
13 Programs, with Carl Paperiello, probably with Hugh  
14 Thompson because he had a lot of interest in this  
15 particular issue, and decide what we should do about the  
16 deferral that was granted last December and we will  
17 probably also need to communicate what our outcome we  
18 decided based on the discussions with the commission for  
19 its approval. Next slide.

20           Strategic assessment as it relates to  
21 materials of the medical program. I think by now you've  
22 probably heard a fair amount about the strategic  
23 assessment. I would only quickly point out that it does  
24 deal with the reassessment of NRC activities. That would  
25 include, of course, the Medical Use Program as part of the

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1 Overall Materials Program. There are going to be some  
2 direction setting issues paper. They will be publicly  
3 available or perhaps are as I speak publicly available. A  
4 key component of the strategic assessment as it relates to  
5 the Medical Program or materials at large, of course, is  
6 to solicit public comment. I think you've been told that  
7 there will be a number of public meetings held across the  
8 United States. That's a key component. And then finally,  
9 of course, we'll ultimately receive Commission direction.

10 Now the direction setting issues paper which  
11 will become public or perhaps now are public, does contain  
12 the preliminary views of the Commission, and then there  
13 will be a solicitation of comments about those views and  
14 then ultimately the direction will be established by the  
15 Commission and the staff will receive a staff requirement  
16 memorandum advising us how to proceed. Next slide.

17 One very positive thing that is going to  
18 happen as far as public participation and participation by  
19 the regulated community is that we have an Advisory  
20 Committee meeting, the ASMUI, scheduled to meet on the  
21 14th and 15th of November. One of the primary topics  
22 during that meeting will be a discussion of the DSI paper  
23 on the Medical Program. What we would like to try to do  
24 is to get a formulation of the response from the ASMUI to  
25 that paper, some sense of direction and then an idea of

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1 how we could develop a plan to proceed based in part upon  
2 the Commission's preliminary opinion as expressed in the  
3 DSI, recognizing that that preliminary opinion may or may  
4 not change and we would have to adjust the plan. So we  
5 have an opportunity to involve the ASMUI very quickly and  
6 it's a very timely meeting and we look forward to doing  
7 that.

8 That's all of the formal comments that I had  
9 to make. I'll be happy to entertain a question if there's  
10 time, Chip, or if you want to move on, I can do something  
11 later

12 FACILITATOR CAMERON: No. I think that there  
13 may be some questions. We probably should address them  
14 now. Does anybody have any questions or comments for  
15 Larry?

16 MR. CAMPER: Okay. Thank you.

17 FACILITATOR CAMERON: Next we're going to turn  
18 to Trish Holahan from MNSS to talk about 10 C.F.R. Part  
19 33.

20 DR. HOLAHAN: Thank you. I'd just like to  
21 take a few minutes and update you on an advanced notice of  
22 proposed rulemaking that we are hoping to publish shortly  
23 regarding Part 33 which is the section of the regulations  
24 that deal with specific licenses of broad scope. Next  
25 slide please, Larry.

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1           This effort was initially begun last December.  
2 We started working on this, and currently the regulations  
3 are codified in Part 33. It was initially published in  
4 '65, and the regulatory basis for the broad scope licenses  
5 was never clearly specified in Part 33. It's sort of a  
6 very raw regulation, just indicating the different types  
7 of broad scope licenses and basically sort of some minimum  
8 requirements that the licensee must develop. There were  
9 no specifics on the Radiation Safety Program and that was  
10 all looked at through licensing and guidance was issued on  
11 submitting applications for broad scope licenses.

12           During a senior management review in 1993, it  
13 was identified that there was a need for clarification of  
14 the roles and responsibilities of licensee management  
15 control and the RSO responsibilities. In addition, the  
16 guidance has been revised over the years, adding  
17 additional items for licensees to address in submitting  
18 applications for broad scope licenses and there was a  
19 question as to whether there was possible need for  
20 clarification of the requirements in the regulations  
21 and/or incorporation of the guidance into the regulations  
22 themselves. Next please.

23           In October of 1994, we issued a draft  
24 regulatory guide for applications for licenses of broad  
25 scope. We issued it for public comment. At this point it

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1 has not been finalized and is still out there as a draft  
2 guide. That expanded greatly on the previous reg guide  
3 that was out there. It outlined that the management  
4 should submit an organizational structure. It detailed  
5 some of the roles and responsibilities of the RSO, the  
6 Radiation Safety Committee, discussed the training for  
7 authorized users both for medical and non-medical broad  
8 scope licensees, and addressed handling of waste and the  
9 overall Radiation Safety Program.

10 In addition, in December of 1994, new reg 1516  
11 was issued as a draft for comment, the management of  
12 radioactive materials safety programs at medical  
13 facilities, and that focused on the management triangle,  
14 the roles of executive management, the RSO and the  
15 Radiation Safety Committee, and the importance of all  
16 three entities functioning for Radiation Safety Program.

17 Then last summer following the incident at NIH  
18 and then subsequently the incident at MIT which involved  
19 contamination with P-32, both events P-32 contamination of  
20 both individuals, there was an incident and investigation  
21 team formed to look at the MIT incident and at that time  
22 it was identified that there was possible need for  
23 additional guidance or regulations on management and also  
24 for control and security of licensed material and  
25 inventories. Okay. Next slide please.

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1           Therefore, as I said, over the last several  
2 months, we have been developing an advanced notice of  
3 proposed rulemaking which is going out basically to ask  
4 the question, is there a need to revise Part 33? Should  
5 some of the guidance that's in the draft reg guide be  
6 incorporated into the regulation? Should specific  
7 requirements be put in at least in terms of what licensees  
8 are required to submit or what areas may need to be  
9 addressed in a license application?

10           The proposed ANPR also includes some draft  
11 rule language that was developed with the State of  
12 Illinois. Last December they indicated that they had been  
13 working on draft language and we worked with them in terms  
14 of the straw man language in the ANPR.

15           So what I'd like to do is just sort of go  
16 through the major questions that are in the current  
17 proposed ANPR. First of all, should the different  
18 categories of broad scope licenses currently in Part 33,  
19 types A, B and C, be removed and replaced with a single  
20 category?

21           Over half of the broad scope licenses that NRC  
22 currently has are type A licenses and they vary depending  
23 on the quantity and types of material that the licensee is  
24 requesting. The type A broad scope also requires a  
25 radiation safety committee. When you get down to type C

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1 which is more limited in the types and amounts of  
2 material, there's only a requirement to have a radiation  
3 safety officer. However, the question is can those  
4 licensees actually be a specific license of limited scope  
5 rather than is there a need to have the broad scope  
6 flexibility?

7           There is currently no difference in the fee  
8 category for the three types of broad scope licenses. So  
9 that's not necessarily a driving force there.

10           The second question is should there be a  
11 category for master materials licenses incorporated into  
12 Part 33?

13           Currently there are three master materials  
14 licenses issued to the Air Force, Navy and USDA in which  
15 there's a single license issued and they administer their  
16 own inspection program, that's then overseen in part by  
17 NRC, but they basically develop their own inspection and  
18 issue permits to different entities within their  
19 organizational structure, and there is nothing  
20 specifically in the regulations that defines a master  
21 materials license or has specific requirements, and so  
22 whether or not that should be incorporated into Part 33.

23           Third, should requirements for multi-site  
24 facilities be codified into 10 C.F.R. Part 33?

25           Nowadays there's more and more corporate

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1 entities that are either merging and therefore have  
2 multiple sites either across the state or nationwide.  
3 However, in many cases, they may not need the flexibility  
4 for the types of use and the areas of use that is  
5 currently authorized under Part 33, and so that is a  
6 question, as to whether or not there is a need for that.  
7 Next slide please.

8           The next questions that's address in the ANPR  
9 is whether or not the responsibilities of licensee  
10 management for the Radiation Safety Program be clarified.  
11 Should the organizational structure and the need for  
12 oversight by licensee management actually be required  
13 there in terms of making sure that they understand their  
14 responsibilities for the program?

15           Next, should the NRC incorporate requirements  
16 for the duties and responsibilities of the radiation  
17 Safety officer and radiation safety committee?

18           Currently there are specific requirements in  
19 Part 35 for both of these, and whether or not something, I  
20 won't say the same types of requirements, but something  
21 similar to specific requirements, for the responsibilities  
22 as well as the authority of the RSO and NRC be addressed.

23           Next, currently there are only specific  
24 training and experience criteria in the existing Part 33  
25 for authorized users for type C broad scope licenses.

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1 There are no specific training and experience criteria for  
2 either type A or type B. It is addressed in the guidance  
3 and also for authorized users for medical use. They must  
4 meet the requirements in Part 35. So there is a question  
5 as to whether or not the flexibility should be there as it  
6 currently or should there be recommended training  
7 particularly for non-medical users.

8 Next as I say in the Incident Investigation  
9 Team report, they identified that there might be possible  
10 weaknesses and requirements for inventory and  
11 accountability as well as security of material, and  
12 whether or not there should be specific requirements  
13 incorporated for that. Next slide.

14 Also as I said, the reg guide for applications  
15 was issued as a draft in October of '94. Are there other  
16 specific requirement with regard to the Radiation Safety  
17 Program, handling of wastes, waste disposal, that should  
18 perhaps be codified into the regulations?

19 Finally, the next question is in terms of  
20 currently nuclear power reactors are allowed to make  
21 changes to their Radiation Safety Program that don't  
22 involve specific changes to the safety analysis report,  
23 but that the equivalent of the radiation safety committee  
24 can make and approve so long as they perform a safety  
25 analysis and justify in writing or document in writing

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1 that there is not decrease in safety by making this change  
2 in the Radiation Safety Program.

3 Part 35 currently allows medical licensees to  
4 make ministerial changes which are minor changes but  
5 there's nothing in the regulations that specifically  
6 allows a broad scope licensee to make changes to their  
7 Radiation Safety Program. So the question that is posed  
8 is whether or not they should be allowed and many broad  
9 scopes do make some minor changes but in general, it's not  
10 specifically authorized as to whether or not they can make  
11 changes in their program similar to those allowed for  
12 power reactors that would be approved by the RSO and the  
13 radiation safety committee and then documented that  
14 there's no change or no decrease in safety.

15 Okay. The main components of the ANPR at this  
16 point, there's a background discussion, there are the  
17 questions that I just outlined and discussion on each  
18 question and then there is the straw man language that was  
19 as I indicated before was developed in partnership with  
20 the State of Illinois.

21 The public comments that we're seeking are the  
22 ethicality and utility of the proposed changes, asking for  
23 specific comments on the questions or any additional  
24 questions or changes that perhaps should be considered and  
25 then also asking for comments on the proposed language

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1 that is out there.

2 As I indicated, we're hoping that it can be  
3 published for comment in the next couple of months or so,  
4 and we'll go from there. So are there any comments or  
5 questions?

6 FACILITATOR CAMERON: Anybody on Part 33?  
7 Okay. Cheryl, are you ready to talk about unauthorized  
8 use.

9 MS. TROTTIER: What I mainly wanted to do  
10 today was primarily to alert you and remind you of the  
11 fact that we have given you a second opportunity to  
12 comment on this rule.

13 A little history which I didn't put on the  
14 slide. This was published as a proposed rule last  
15 January. I remember telling you at last year's All  
16 Agreement States Meeting that we were doing this  
17 rulemaking and it was going to be very fast tracked, and  
18 it is. As other people have said today, one of the  
19 factors that led to the development of this rule were the  
20 incidents that occurred last summer, in particular the  
21 incident at NIH where not only were one or two individuals  
22 contaminated, but multiple individuals received  
23 contamination.

24 When we proposed the rule, there were several  
25 provisions in it, and I'll just remind you of them. One

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1 was that any event where there was known unauthorized use  
2 was to be reported. The second major provision was any  
3 event where there was some unexpected contamination that  
4 had occurred or some potential for exposure and you  
5 couldn't rule out that the event was intentional within 48  
6 hours you had to call us.

7 We put this rule out for a 30 day comment  
8 period, the absolute minimum we can put a rule out for  
9 comment. We got 85 comment letters. Now we don't usually  
10 get 85 comment letters on rules that are out for short  
11 periods of time. We actually probably didn't get all 85  
12 in the 30 days. We immediately got requests to extend the  
13 comment period which we did for another 30 days. So that  
14 85 represents the total. Eighty-one of those commenters  
15 were opposed to the proposed rule. Four were in favor.

16 We did get only, and I'm going to tell you  
17 this for a good reason, we only got comment letters from  
18 eight Agreement States. When we were ready to get this  
19 rule up to the Commission, we subsequently got two  
20 letters, one from the Organization of Agreement States,  
21 one from the CRCPD, that prompted us to put the rule back  
22 out for your review. If you feel strongly about this rule  
23 and what we have ended up with as a final rule, it's  
24 really important for you to state your case. What goes to  
25 the Commission is what we have on paper which is comments

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1 from eight Agreement States. So, you know, the letters  
2 will certainly be addressed, the fact that we got a letter  
3 from the CRCPD and that we got a letter from the  
4 Organization of Agreement States, and we'll also say that  
5 we then sent the draft final rule out for a second look,  
6 but as of today, which is I think the 17th and the 20th is  
7 coming up in a few days, I don't know that we have gotten  
8 any second round of comments. Now the staff person who's  
9 now working on this is on vacation. So he could have an  
10 E-mail that I wouldn't be aware of, but I haven't seen  
11 anything come in.

12 I have extra copies here. So if you don't  
13 have it, you would like to have a copy, you probably would  
14 like to read it tonight, but you know, anyway, if you want  
15 to take another package, I have extra copies that I'll let  
16 you take with you. We can take comments past the 20th,  
17 but I'm going to tell you that the 27th is really a firm  
18 date. That's a week in addition, and that's almost two  
19 weeks, well, 10 days from now, but anyway, that gives you  
20 a little additional time, but if this is really something  
21 you want to express your views on, then I'm recommending  
22 that you do so quickly.

23 One thing you'll notice, and you'll probably  
24 think I did this on purpose, but anyway, the third bullet  
25 says that we addressed one of the commenter's concerns.

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1 Well, it wasn't one commenter. I meant to put the  
2 apostrophe at the end, not in the middle.

3 There are basically two or three major  
4 concerns raised by the commenters. The first biggest one  
5 was withdraw this rule, it's stupid, and you don't need  
6 it. The second comment was if you're going to do this, at  
7 least put a dose limit in it.

8 Then a third comment which is one that we  
9 really felt created the major burden associated with the  
10 rulemaking was the 48 hour provision because what we got  
11 and what we thought were very valid comments from people  
12 that if you put this provision in here and I'll cite one  
13 of them because I remember it as being very effective and  
14 I put a check source in my pocket inadvertently, forget  
15 it's in there, and go wandering around, how is the  
16 licensee going to know that this individual was not doing  
17 this on purpose or just forgot.

18 The same thing with a spill. What if somebody  
19 spills something on a counter top? How am I going to know  
20 that they did this on purpose or was it an accident and  
21 I'm supposed to do this within 48 hours? So because it  
22 was what we realized a potential burden associated with  
23 it, and licensees also said that if you put a severity  
24 level III violation on top of this, we are simply going to  
25 report every contamination event that ever occurs to

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1 protect ourselves. So it did seem like an excessive  
2 burden. We recognize that it eliminates the change for  
3 immediate action on the NRC's part, but what we're trying  
4 to do is still have a provision in place where licensees  
5 when they get into situations as happened last summer, do  
6 not sit around and contemplate it for two or three months,  
7 but in fact notify us right away.

8           The reason we did not put a dose limit in  
9 there is because the question that we really raised  
10 originally is it's the potential for this individual who  
11 obviously in some cases is sick in the mind to be going  
12 out dosing his fellow workers, is he going to now start  
13 doing this to members of the public, other workers, how  
14 far can this spread?

15           So we couldn't really come up with any dose  
16 value which in our minds seemed legitimate to put on that,  
17 that you know, how could we rationalize that it was okay  
18 for them to dose their workers at a certain level. It was  
19 too hard to assess this as a dose based concern. The  
20 concern is that you have obviously deviant behavior  
21 occurring. The question is, you know, at what point do  
22 you want to know about it? We made the decision we want  
23 to know about it regardless, but that being the case we  
24 still believe that by removing the 48 hour provision that  
25 the major burden has been reduced. It may not alleviate

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1 all the concerns that people expressed, but we feel that  
2 it at least has resulted in producing a rule that the  
3 staff is comfortable with and we are at least at this  
4 point ready to go forward and provide it to the  
5 Commission. Would you move to the last slide please?

6 The second point that I want to bring up and  
7 since this is not my area of expertise, I may defer to  
8 Dick on this a little more. At this point the package  
9 does not have a compatibility level assigned. If you  
10 remember, when we put the rule out as a proposed rule, we  
11 asked the question then should it be a Division II or III  
12 and the Agreement States who provided comments almost all  
13 said well, if you're even going to do this rule, make it a  
14 III. Right now we're leaving it open and I don't know  
15 whether Dick wants to explain that a little more, but I'll  
16 let him do that.

17 MR. BANGART: Well, we continue to face the  
18 dilemma that our rule is a safety based rule, and  
19 therefore that drives you in the direction using the  
20 current policy of having to consider it as I or II rather  
21 than III which was the comments that were received from  
22 the Agreement States.

23 So rather than tackle this rule, the  
24 compatibility of this proposed rule using the existing  
25 policy, we took the somewhat unusual action to say we

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1 would defer the compatibility determination until such  
2 time as one, the final rule is in place which may still  
3 get modified based on comments received from you all at  
4 this point in time, and secondly, we have the implementing  
5 procedures and the final compatibility policy in place.  
6 Clearly the new policy even with minor revisions does add  
7 additional flexibility in terms of the compatibility  
8 determinations.

9           So we thought the better course of action at  
10 this point in time would be to wait until these additional  
11 steps were behind us and then address the compatibility  
12 issue.

13           MS. TROTTIER: Okay. That's all I have. As I  
14 said, if you do want a copy, I have a pile up here. So  
15 I'll be more than glad to give you one. Thank you. Oh,  
16 questions. Are there questions?

17           FACILITATOR CAMERON: Ed Bailey.

18           MR. BAILEY: Yeah, Ed Bailey from California.  
19 I don't remember the rule, you know, the exact wording and  
20 all, but is there also a requirement that they notify the  
21 local law enforcement of the assault and battery on the  
22 individual?

23           MS. TROTTIER: No, because, and maybe Will  
24 Hutchison can answer that better, it's not our  
25 jurisdiction. So we did not put that in there.

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1 MR. BAILEY: Okay. And what majority do you  
2 have to have on comment letters before you say, hey, it's  
3 a bad idea?

4 MS. TROTTIER: Certainly the Commission will  
5 look at the fact that we got 81 negative comment letters.  
6 It is not something that we hide under the rug and not  
7 tell them. So they know that there will be a lot of  
8 negative comment letters, and I've told people this  
9 before. It's not a popularity contest unfortunately. So  
10 it's not, you know, we get six yeses and four nos, we go  
11 with it, but certainly you have to consider the negatives,  
12 and in this case, I think that we were attempting to do  
13 was to be responsive to what we read into these letters as  
14 being the main problem which was the 48 hour provision.

15 FACILITATOR CAMERON: Anybody else? Thank  
16 you, Cheryl.

17 And last, but not least, Will Hutchison from  
18 the Office of Investigations.

19 MR. HUTCHISON: They're all waiting for me.

20 FACILITATOR CAMERON: We've all been waiting  
21 for you.

22 MR. HUTCHISON: I don't have any slides.  
23 Actually most of you know me. If you haven't heard me  
24 speak at other meetings, you've perhaps been in attendance  
25 at the several seminars that we've put on or that I put on

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1 around the country not too long ago and had a good  
2 response from, two and three day seminars on the issues of  
3 wrongdoing. So I'm not going to bore you with a lot of  
4 detail. I'm going to tell you for those of you who don't  
5 know, a little bit about what our office does and a little  
6 bit about how we do it in a very, very short time, and  
7 then leave it open for questions.

8           The basic mission of the Office of  
9 Investigation is to assist the regulatory process by  
10 investigating wrongdoing which are essentially deliberate  
11 violations of the Atomic Energy Act or the Energy  
12 Reorganization Act committed by licensees, contractors to  
13 licensees or vendors to licensees.

14           The results of our investigations can go two  
15 ways. We are 3518-11 criminal investigators, and if we  
16 substantiate a case and we have about 10 percent I think  
17 about of our total cases that comes out substantiated, the  
18 first option goes to the Department of Justice to  
19 prosecute under the Atomic Energy Act or the Energy  
20 Reorganization Act, and that is the first option. The  
21 second option, of course, if the Department of Justice  
22 declines to do so, is to go to the NRC Office of  
23 Enforcement and the Office of Enforcement then proceeds  
24 with the results of our investigation toward potentially  
25 escalated enforcement action.

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1           Our office is not very large. We have 35  
2 investigators and 10 support folks. Our average  
3 experience of our investigators is approximately 20 years  
4 each. The background comes from most of the federal  
5 agencies, the FBI, ATF, DEA, the military criminal  
6 investigation divisions and most of the other federal  
7 agencies and some IG investigative units. We have a  
8 headquarters element and four co-located Offices of  
9 Investigation, field offices, that are co-located with the  
10 regional staff, and they consist of about six to eight  
11 agents each and a field office director.

12           We conduct all of the interface necessary to  
13 accomplish our criminal investigations and the regulatory  
14 investigation with the outside agencies, law enforcement  
15 agencies, Department of Justice, local and state agencies  
16 involved.

17           Our approach to wrongdoing is a rather simple  
18 approach. It's the same approach every investigative unit  
19 that I'm aware of uses. It's not a mystery. We basically  
20 deal in three things. We deal in our skills in interviews  
21 and interrogations which means we're able to talk to  
22 people in a fashion where we can solicit the freest  
23 flowing bits of information that we can get to accomplish  
24 the gathering of testimonial evidence toward building a  
25 case, and along with the interviews, we usually accomplish

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1 record reviews which is very much like every other  
2 inspector does in the world, here in the NRC and in all of  
3 the states, in examining various different record to again  
4 build evidence to build a case. And, lastly, we collect  
5 physical evidence, and we do that rather frequently  
6 nowadays which includes original documents that may have  
7 been altered, counterfeit circuit breakers, anything which  
8 physically could prove or disprove the guilt or innocence  
9 of an individual or a firm.

10 Our processes is refined now into a rather  
11 streamline process. The first thing that happens when we  
12 open an investigation and absolutely the vast majority of  
13 our investigations in the 80, 90 percent range come from  
14 allegations received from concerned individuals who allege  
15 that there is something wrong that they have observed in  
16 either a plant or a business or someplace where it comes  
17 under the Atomic Energy Act or Energy Reorganization Act  
18 license. And those allegations are placed in the  
19 Allegation Management System which you're going to hear a  
20 great deal about here I think, at least it is a very  
21 popular topic now, and the allegations are then brought  
22 before an Allegation Review Board.

23 At that Allegation Review Board, which happens  
24 fairly quickly after receipt of the allegation, are  
25 present all of the technical people necessary to look at

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1 the allegation plus a representative from the Office of  
2 General Counsel and if there's any indication of  
3 wrongdoing, and I know I've been in Region III out in  
4 Chicago for about a year and a half on and off as the  
5 Acting Field Office Director, and we go to every single  
6 Allegation Review Board that comes up. So even if there's  
7 no indication on the surface, we at least hear about these  
8 allegations to make a determination. There is an Office  
9 of Investigation representative at the Allegation Review  
10 Board.

11           At that board, decisions are made concerning  
12 the circumstances as they are known at the time the  
13 allegation is received. First, is it the NRC  
14 jurisdiction? Is there a violation that comes under the  
15 NRC rules or regulations and that's answered by both the  
16 technical staff and ultimately by the Office of General  
17 Counsel representative, and the question we ask at that  
18 board is simply, if all of these circumstances that we  
19 know now are true, is there a violation of NRC regulations  
20 or requirements? And, if the answer to that is yes, then  
21 the next question is, what is the impact on safety if a.l  
22 of these circumstances are true? If the impact on safety  
23 is such that there is a priority, and there always is, we  
24 establish at least a preliminary priority and proceed out  
25 to what we call the initial phase or evaluation phase of

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1 an investigation.

2           Once we have opened a number on the case which  
3 normally happens very close to that Allegation Review  
4 Board meeting, if we open a number on the case, within 30  
5 days we interview the allegor or we at least make  
6 arrangements for that interview and any cognizant staff  
7 members or technical people that we need to talk to  
8 because frankly, folks, our expertise is not technical,  
9 our expertise is in investigations, and we need all of the  
10 technical staff at NRC to assist us in the technical part  
11 of it, and having done that preliminary phase and gone out  
12 to talk to the allegor and establish the parameters of the  
13 allegation even more definitively in the sense that we're  
14 looking for, is there a broader scope to this allegation?  
15 Does it go beyond what was initially said? More  
16 importantly does it go higher than what was initially  
17 established? Is there for instance not just a supervisor  
18 involved in this, but is there a senior level manager  
19 involved? And we answer all of those kinds of questions  
20 hopefully more in the initial phase.

21           We bring it back and we may even hold a second  
22 Allegation Review Board where the technical staff and the  
23 Office of General Counsel look at it a second time to  
24 establish even more of a priority specificity that may go  
25 from a normal priority to a high priority based on the

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1 results of our preliminary investigation. It may not even  
2 be necessary to do that because it may be obvious on its  
3 surface.

4           Either way, if we open a full investigation,  
5 then we continue that investigation to accomplish all  
6 available leads to their full circle, to bring them back  
7 to be able to address all of the pertinent, germane leads,  
8 to build a case toward either a prosecution in federal  
9 court if it's substantiated or toward an escalated  
10 enforcement action on the part of the Enforcement Office  
11 of NRC.

12           That is our life story, and we're sticking to  
13 it.

14           Once our investigation is completed, it is the  
15 case agent's responsibility to finish the report of  
16 investigation and to do so in as timely a manner as  
17 possible. We have a rule that says we don't put anything  
18 in a report that we don't substantiate in the exhibits.

19           So there are no quantum leaps in logic in our  
20 reports, at least that's what we try desperately to avoid.  
21 Our reports reflect the evidence that has been obtained,  
22 and if the evidence shows the case is substantiated, then  
23 that's the call we make, that the conclusion of this case  
24 we have substantiated the allegation of intentional  
25 wrongdoing on the part of the subject of the case. If we

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1 do not have that evidence, then it is an unsubstantiated  
2 case. We don't get anymore credit for substantiated than  
3 we do for unsubstantiated. What we get credit for is  
4 coming to the truth as best we can, and that's what we try  
5 to accomplish.

6 Those reports, once they're finished, again go  
7 to the Department of Justice and Enforcement at the same  
8 time and Enforcement normally defers to see if the  
9 Department of Justice is going to handle the matter, and  
10 then if the Department of Justice declines, the  
11 Enforcement folks carry on.

12 We work in the Office of Investigations with  
13 both the Department of Justice and the Enforcement staff  
14 in the same fashion as you have probably had some  
15 experience in the FBI working with the Department of  
16 Justice. We stay with them until the end. If there's a  
17 hearing, we'll be there beside the Enforcement people and  
18 if there's a trial, we'll be sitting beside the Department  
19 of Justice attorneys.

20 Are there any questions? Amazing. Thank you  
21 very much.

22 FACILITATOR CAMERON: Bob Quillin wants to say  
23 a few words. I would just remind you before Bob gets up  
24 to return --

25 MR. QUILLIN: I'm not going to get up.

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1 FACILITATOR CAMERON: Did you go to law school  
2 or something? Before Bob talks, turn your badges in  
3 outside the room so we can collect them and I guess take  
4 them up into the other building for the reception. Is  
5 that the idea?

6 SPEAKER: They don't need them.

7 FACILITATOR CAMERON: They won't need their  
8 badges. Okay. You can turn your badges in outside. Bob.

9 MR. QUILLIN: Four quick things for the  
10 Organization of Agreement States meeting tomorrow  
11 afternoon. Number one, we're going to be discussion how  
12 we can organize ourselves to respond to this document. So  
13 I would appreciate it if you would at least look at the  
14 index of the various topics and especially look at the  
15 paper on Agreement States. There are other papers that  
16 may also be of interest to you like the low level waste  
17 paper and materials paper, et cetera.

18 Secondly, I've been asked whether the meeting  
19 is open tomorrow and keeping with our most recent  
20 tradition, we will have an open meeting unless I hear  
21 great objections.

22 Third, I've received one resolution for  
23 consideration tomorrow from Tennessee, and last, I've  
24 received one nomination for chair-elect as of this time.  
25 So if there are other resolutions or nominations for

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1 chair-elect, please get them to me as soon as possible.

2 Thank you. That's all I have.

3 FACILITATOR CAMERON: All right. Thank you,

4 everybody. We'll see you at the reception or at 8:00

5 tomorrow morning or 7:30 for the tour.

6 (Whereupon, the foregoing matter went off the

7 record at 4:35 p.m.)

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This is to certify that the attached  
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Regulatory Commission in the matter of:

Name of Proceeding: 1996 All Agreement States Meeting

Docket Number: n/a

Place of Proceeding: Rockville, MD

were held as herein appears, and that this is the original  
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