

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

**Title: REACTOR OVERSIGHT PROCESS INITIAL
IMPLEMENTATION EVALUATION PANEL
PUBLIC MEETING**

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

REACTOR OVERSIGHT PROCESS
INITIAL IMPLEMENTATION EVALUATION PANEL MEETING

PUBLIC MEETING

Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Room T-8A1
11545 Rockville Pike
Rockville, Maryland

Thursday, November 2, 2000

LOREN R. PLISCO, Director, Division of Reactor
Projects, Region II, NRC, Panel Chairman, presiding.

1 STAFF AND PRESENTERS:

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3 Region I, NRC

4 R. WILLIAM BORCHARDT, Director, Office of Enforcement, NRC

5 KENNETH E. BROCKMAN, Director, Division of Reactor Projects,
6 Region IV, NRC7 SAM COLLINS, Director, Office of Nuclear Reactor Regulation,
8 NRC9 STEVE FLOYD, Director, Regulatory Reform and Strategy,
10 Nuclear Energy Institute11 RICHARD D. HILL, General Manager, Support, Farley Project,
12 Southern Nuclear Operating Company13 ROD M. KRICH, Vice President, Nuclear Regulatory Services,
14 Commonwealth Edison Company

15 ROBERT A. LAURIE, Commissioner, California Energy Commission

16 PARTICIPANTS:

17 DAVID LOCHBAUM, Nuclear Safety Engineer, Union of Concerned
18 Scientists19 JAMES H. MOORMAN, III, Senior Resident Inspector, Palo Verde
20 Site, NRC

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4 MR. HICKMAN

5 MR. HOUGHTON

6 MR. JOHNSON

7 MS. DECKER

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P R O C E E D I N G S

[8:10 a.m.]

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2
3 MR. PLISCO: Good morning. Welcome to the second
4 day of our public meeting on the initial implementation
5 evaluation panel.

6 Again, this is a public meeting, and it's being
7 transcribed.

8 I want to take care of a couple of business items
9 first this morning, before we get to the Staff's
10 presentation on the self-assessment metrics.

11 First, you should have a copy of the revised
12 bylaws. If you could take a look at those during the
13 morning, I'll take an opportunity later in the morning to
14 see if there are any other issues before we approve those.

15 The second thing is that I want to talk a little
16 bit about dates for the second meeting, and look at some
17 proposals, and hopefully by noontime we can make a decision,
18 try to fix some dates on an alternate that we can look at.

19 We had talked yesterday about having one in
20 December. I guess as a starting off point, why don't we
21 look at the first full week, the week that starts the 4th.

22 MR. PLISCO: You have a problem?

23 MR. BROCKMAN: I have a problem.

24 MR. PLISCO: That's the full week itself of just
25 the first half of the week?

1 [Discussion off the record.]

2 MR. PLISCO: Back on that first week, how many had
3 a problem? A lot. That's the full week.

4 [Discussion off the record.]

5 MR. CAMERON: So what dates are you dealing with?

6 MR. PLISCO: The 11th and 12th.

7 [Discussion off the record.]

8 MR. FLOYD: Could I suggest that we look toward
9 the end of January, perhaps, only because we do have an
10 industry information forum on the oversight process the 18th
11 and 9th of January, and that might be a good opportunity to
12 get some stakeholder feedback.

13 MR. PLISCO: Yes, let's look at the week of the
14 22nd.

15 [Discussion off the record.]

16 MR. PLISCO: Does that look good, the 22nd and
17 23rd? Let's try that.

18 MR. KRICH: What were those?

19 MR. PLISCO: The 11th and 12th of December and the
20 22nd and 23rd of January. We'll try to finalize those this
21 afternoon.

22 Chip, did you want to say a couple of things?

23 MR. CAMERON: Yes, I just wanted to say just a
24 little reprise from yesterday. I re-did your panel, your
25 objectives up here, the three objectives or questions you're

1 going to be trying to answer, and any annotations that were
2 made in the discussion of that.

3 There were a bunch of things that people brought
4 up when we were talking about scope, including this. Are we
5 going to address issues from the March 28th SRM?

6 Keep in mind that we still have a parking lot
7 issue here. It may not take a lot of discussion, but with
8 the word, monitor, what does that mean in terms of the
9 Committee's charge?

10 There was a lot of discussion about the how's,
11 okay, the plain english issue of don't just focus on the
12 staff metrics. I just put this up here for your
13 information.

14 There's one action item, complete list of future
15 meetings, like the January 17th and 18th that might be -- if
16 that can be compiled somehow and sent to the panel members,
17 I think that would be useful for your not only planning, but
18 if people want to go to those sessions.

19 And I will just remind everybody about this Global
20 Parking Lot issue that Ed brought up, but there may be
21 larger issues. Keep track of those and then circle back and
22 do those later.

23 And in terms of your agenda, which we'll be
24 talking about later on today, for the December 11th and 12th
25 meeting, there was an interest in getting some input from

1 external parties, establishing a work plan, and then perhaps
2 from there, some subcommittees and outline of the final
3 report.

4 MR. PLISCO: Thank you. Next, we'll get back on
5 the agenda. Bill Dean is here to first give us an overview
6 of the status of the program, and then to provide some of
7 the details of the self-assessment metrics. Bill Dean.

8 MR. DEAN: Good morning, everybody. Although I
9 recognize a high percentage of the people here, there are a
10 few people that I don't recognize, some of the new members
11 of the panel.

12 I'm Bill Dean. I'm the Chief of the Inspection
13 Program Branch. I'm definitely not independent of NRR.

14 Just as a means of introduction, I'm going to
15 spend a little bit of time this morning -- Loren asked me to
16 just go over the status of the oversight process, where we
17 are.

18 I'm going to take 15 minutes doing that, and then
19 the bulk of the morning is going to be spent talking about
20 what we have established for our self-assessment process.

21 Those of you who followed the pilot program,
22 remember that we established a number of, if you will,
23 metrics to help us in some sort of objective way, at least,
24 to get insights into the efficacy of the process.

25 We've done a similar thing for initial

1 implementation, although to, I believe, a much greater
2 magnitude and level of depth, and building on our
3 experiences in the pilot program.

4 So we'll spend most of the morning talking about
5 that, and then I think the afternoon is set aside for you
6 all to ask us questions and probe us on that self-assessment
7 process, and perhaps discuss some possible conclusions.

8 I'm just going to -- the same page, hopefully
9 everybody has seen this. This is not going to be a -- of
10 the oversight process, but just to kind of ground everybody.

11 Our regulatory framework starts off with the
12 Agency's overall mission of protecting public health and
13 safety. It filters down through the three major strategic
14 performance areas that -- cornerstones of safety that we've
15 established.

16 And under that is the cross-cutting areas, and I
17 will say that the cross-cutting areas has been a area of
18 discussion, a number of issues in that area, both in the
19 pilot program, and initial implementation, and so that's an
20 area that is going to receive focus over the course of the
21 next six months or so.

22 With respect to the process itself, this slide is
23 just to kind of review, you know, how the process is really
24 organized. At the bottom of this chart, you have the two
25 major inputs into the oversight process, that being the --

1 inspection program, as assessed by the significance of
2 termination process.

3 And there are the performance indicators, which
4 are judged against the threshold where you come up with
5 green, red, white, and yellow characterization of our
6 inspection findings and the performance indicators.

7 The results of those are assessed through the
8 assessment process, which basically is was the use of the --
9 matrix and the various columns there, all the way from
10 licensee response -- performance, and on.

11 The combination of PIs and inspection findings
12 across thresholds help dictate the range of actions by the
13 Agency in -- In response to that, out of the assessment
14 process, we have our communication tools that come out of
15 that, midcycle, end-of-cycle letters, assessment followup
16 letters, public meetings, website, which hopefully you all
17 have had a chance to peruse through over the previous
18 months, as well as Agency response relative -- any sort of
19 additional regulatory actions and further supplemental
20 inspection that can be processed again.

21 So, this is basically just a review of the
22 oversight process structure.

23 I want to spend just about 25 minutes catching up
24 on the status of the oversight process, where we are, and
25 I'll focus our discussion on basically these four areas:

1 Status of initial implementation; what we're doing
2 relative to garnering program feedback; what we see as some
3 of the key issues thus far, and then future activities and
4 programs.

5 With respect to initial implementation status,
6 we've essentially completed now seven months of initial
7 implementation at all reactor sites. And I would say that
8 for the most part, things are going I think very much as we
9 would have expected.

10 People are becoming more familiar with the
11 process, both internally in the NRC and external
12 stakeholders, licensees, are becoming more familiar with the
13 process.

14 You know, we've seen some issues emerge, but
15 overall, I think things are going pretty well for a new
16 process.

17 We have had the opportunity to exercise aspects of
18 the oversight process that we weren't able to in the pilot
19 program. I know there was a concern; in fact, our pilot
20 program only encompassed six months and covered nine sites.

21 And I think the message that we sent to the
22 Commission earlier this year was that while that did not
23 give us perhaps enough information to exercise all aspects
24 of the oversight process, it gave us enough information to
25 recognize that we did have an improved process; that we had

1 put a process together that addressed the concerns raised by
2 the Commission, and that it was worthwhile moving forward
3 with this process and implementing it at all sites.

4 In some respects, it's kind of an extension of the
5 pilot, and that's why we characterize this first year as
6 initial implementation, because we know we're going to
7 continue to learn lessons, and, indeed, that's been the
8 case.

9 Midcycle assessments, basically the review of the
10 first six months of performance will be taking place in the
11 Regions this month. Region IV is actually starting today,
12 so over the course of the next month or so, we'll be seeing
13 the results of midcycle assessments, changes to the
14 inspection program, and those documents will be coming out.

15 And we've noted a spectrum of plant performance.
16 We've had issues in both PIs, and inspection findings, a
17 number of cornerstones, and crossing different thresholds.
18 So we have seen a spectrum of performance akin to what we've
19 seen in the past. We think that that's been a good thing.

20 With respect to program feedback, we've been
21 getting a steady stream of stakeholder feedback. We've
22 maintained a lot of the activities to try and garner that
23 feedback, as well as, for example, internally, we've
24 developed a formalized internal feedback process for
25 inspectors and Regional staff to be able to get issues in

1 front of us in terms of concerns that they might have.

2 So we've been getting a steady stream of feedback
3 through that venue, as well as through our periodic meetings
4 with industry, public meetings that we have here at
5 headquarters about once a month.

6 We've got this initial implementation evaluation
7 panel, which was something that the Commission recommended,
8 based on the success of the pilot program evaluation panel
9 that provided an independent report to the Commission on
10 their assessment of the efficacy of moving forward with the
11 oversight process, and, of course, that's what you were all
12 working on yesterday, developing and finalizing your charter
13 and bylaws.

14 Basically this will be a major source of feedback
15 to the program.

16 We're having midcycle public forums in each of the
17 Regions. We've already had one in Region III a couple of
18 weeks ago, and we'll be having midcycle forums, basically an
19 opportunity for Region and licensees to basically in a
20 public venue, to discuss what's been going well with the --
21 what are the challenges that are out there, and do that in a
22 public forum and allow any members of the public to ask
23 questions and look for feedback. So those will be taking
24 place over the next several weeks.

25 We've embarked on a program of Regional site

1 visits. We've been sending out little teams of members of
2 my staff to each of the Regions, and going out and meeting
3 with Resident Inspectors at various sites, and also taking
4 the opportunity to meet with licensee management of those
5 sites.

6 Once again, we kind of get face-to-face feedback
7 as to how basically the process is going, and then going to
8 the Regional office and meeting with management and staff in
9 the Region.

10 And those have been going pretty well, and we're
11 getting some good feedback.

12 We will be issuing in the very near term, a
13 Federal Register Notice that will basically solicit feedback
14 from the public on the process, with some focus on some key
15 specific areas.

16 As we go through the self-assessment process,
17 we'll identify some of those areas where we're utilizing the
18 feedback that we'll get from this Federal Register Notice as
19 one of our means of input or self-assessment.

20 And then we're planning a public lessons learned
21 workshop, similar to the workshop that we had at the end of
22 the pilot program last January. Right now we're looking at
23 the March timeframe, and we haven't locked in the date yet.

24 March is the same month as the Regulatory
25 Information Conference, so we're kind of working around

1 that, but my guess is that it will probably be late March.

2 And the intent there is to, much like we did last
3 year, bring together a number stakeholders, both internal
4 and external to the Agency, and allow for the opportunity to
5 look at those issues, and help develop a prioritization, if
6 you will, of those issues, and perhaps recommend approaches.

7 So that will be probably in mid-March.

8 MR. KRICH: Bill?

9 MR. DEAN: Yes?

10 MR. KRICH: The visits out to the Regions, if you
11 remember back early in the process, there was a survey done
12 that included a survey of Resident Inspectors, and there was
13 a fair amount of press about the negative response.

14 Have you gotten new data on that?

15 MR. DEAN: We're going to -- yes, with respect to
16 the internal survey that we did with our inspector staff
17 that participate in the pilot, I wouldn't characterize the
18 results of that as negative. There were certainly a couple
19 of issues on there that they had a strong response to.

20 For example, one of the key areas was that they
21 were skeptical that this process would identify in a timely
22 manner, those licensees that were in declining performance.

23 And that's one of those -- basically a lot of our
24 Inspectors have the mentality who's from the state of
25 Missouri, you know, sort of show me.

1 And so we recognize that there is in any new
2 process, a certain amount of skepticism. We pay our
3 inspectors to be skeptical, and I think that was a
4 reflection of that.

5 We'll ask that same question again. We plan on
6 doing an internal survey and it will be a broader survey.
7 Obviously we have more inspectors involved in the oversight
8 process.

9 We plan on doing an internal survey once again of
10 our inspectors, and that will be the question that we'll
11 have on that. And we'll use that to try and see, has there
12 been, you know, some progress in some of those areas that
13 were seen as less than positive.

14 But the overall results of that survey were
15 actually pretty positive about the oversight process and the
16 framework.

17 MR. KRICH: Do you have a feel yet for where that
18 -- the sentiment?

19 MR. DEAN: The sentiment? I think there is still
20 some out there, but I think as they're getting familiar with
21 the process, and they're seeing that we're able to address
22 what the inspectors believe to be significant issues,
23 appropriately, I think that that concern is probably getting
24 -- to some degree.

25 Obviously, you know, the members from the Region

1 that are on this panel can provide insights in that regard.
2 But that was one of the things, you know, that we're going
3 out to the Regions over the next couple of weeks to try and
4 get a feel for. Are we still seeing that kind of sentiment
5 out there?

6 MR. PLISCO: Bill, when will you have the dates
7 nailed down for your final lessons learned workshop?

8 MR. DEAN: We'll know before your next meeting.

9 MR. PLISCO: We're planning to schedule a meeting
10 in March, and I know that the Regulation Information
11 Conference is meeting, and we want to make sure we schedule
12 it right.

13 MR. DEAN: Well, one of the things that was done,
14 I think, last year with the PPEP, is that they actually
15 scheduled a meeting at the tail end of that workshop.

16 They attended the workshop, and then they used the
17 insights and information they got to help further define the
18 panel's consensus.

19 So, is that what you're looking at?

20 MR. PLISCO: Yes.

21 MR. SCHERER: Bill, maybe you can answer this
22 later, but what's the scope of your self-assessment that
23 you're talking about here? Is it -- all the way through?

24 MR. DEAN: Yes.

25 MR. SCHERER: Action matrix?

1 MR. DEAN: If you give me five minutes, I'll start
2 getting into the self-assessment, so you'll hear that.

3 MR. SCHERER: Okay. These key issues are not from
4 your self-assessment?

5 MR. DEAN: Let's talk about that. These key issue
6 have emerged from -- you know, we have a lot of things -- I
7 guess I was trying to give a sense for all the things we
8 were doing to get feedback right now, besides just our
9 self-assessment process that you'll hear today, which is
10 actually an effort to develop some objective measures
11 associated with all the elements of the oversight process.

12 Okay, but the feedback forms we've gotten, the
13 public meetings that we have with industry, you know,
14 certain letters and correspondence that we've gotten from
15 various stakeholders, have all led to development of these
16 as what I would consider being the key issues.

17 One of the things that we consciously did with
18 this oversight process was that we recognized that over the
19 past decade there has been a fairly good degree of
20 improvement overall at the safety level for licensee
21 performance.

22 And we also recognize that contributing to that
23 has been a greater effectiveness overall with licensees'
24 corrective action programs, a greater emphasis on problem
25 identification and resolution.

1 And so in that regard, in our oversight process,
2 we recognize that there is a level of issues, a degree of
3 issues that we, the Agency, should allow the licensee some
4 latitude to address, and those would be, for example, issues
5 identified as green issues or low or very low
6 safety-significant issues.

7 It's the same thing with PIs, if you've got the
8 PIs within the green band, the licensee response for that
9 performance indicator, then basically other than the
10 baseline inspection program, we don't engage any further.

11 It's when we start seeing performance indicators
12 across thresholds or risk-significant inspection findings
13 occur, that we engage beyond the baseline inspection
14 program.

15 In doing that, there has been an adjustment, if
16 you will, in the threshold of the issues that we document in
17 the inspection.

18 We're not documenting every action or every item
19 that an inspector might have gotten involved with, but only
20 those issues that reach certain thresholds, i.e., those
21 issues that are green issues are above in the inspection
22 report.

23 So, that's been a challenge internally to our
24 staff because it is somewhat of a philosophical paradigm
25 shift for them and so that continued issue, and as we get

1 more experience with the oversight process, we come upon,
2 for example, areas embedded in cross-cutting areas, okay?

3 That's been a challenge to try and categorize and
4 classify those appropriately in the inspection reports. And
5 as we get more experience, I think we're doing a better job
6 refining our guidance to be able to get our inspectors to
7 document those things that we think are pertinent.

8 We recently issued Manual Chapter 0610*, which is
9 our inspection report document that's been out since the
10 beginning of initial implementation in kind of a draft form.

11 We formally issued it as a document just a couple
12 of weeks ago, and so the next round of inspection reports
13 should apply some of those lessons learned from the first
14 six months of initial implementation, and hopefully make
15 sure they're all consistently reporting at the same
16 threshold.

17 That's really, I think, more of an internal issue
18 than an external issue. I think the feedback that we've
19 gotten from industry is that they believe the issues that
20 are being reported are appropriate, that we're providing a
21 risk-informed cache to those issues, and at the appropriate
22 threshold.

23 You know, one of the things we'll ask in our
24 Federal Register Notice is public feedback on this issue.
25 They believe the inspection reports, you know, the content

1 and structure of those inspection reports, are better
2 facilitating public understanding of the key issues at the
3 sites.

4 And so this will be one that we'll be working on.

5 The cross-cutting issues, not to get into a whole
6 lot of depth with that, but, you know, as I mentioned
7 earlier, under the cornerstones of safety are three
8 cross-cutting issues and the premise or the precept of the
9 oversight process is that those cross-cutting issues, if
10 there are problems in those areas, you will see that in
11 events and changes in performance indicators, and changes in
12 inspection results.

13 And that's still a concept that doesn't have full
14 buy-in, if you will, from our inspectors. They believe that
15 we should be engaging in cross-cutting areas.

16 So this is something that's going to play out, I
17 think, over time, in terms of, you know, are we seeing
18 issues, say, in human performance at a site that aren't
19 resulting in PIs crossing thresholds.

20 And so that's going to be one of the things that
21 we're going to continue to look at over time.

22 We do have a cross-cutting issues working group
23 that's formed. It's been an internal working group for the
24 first four or five months.

25 We're going to start opening that up now to public

1 observation and stakeholder feedback.

2 Getting our arms around do we have the right
3 cross-cutting issues, are we appropriately capturing them in
4 the oversight process, is going to be an area of ongoing
5 discussion and concern, I think for some time until we get
6 enough experience with the process that will either prove
7 out that premise or disprove that premise.

8 Performance indicator issues, just to highlight a
9 couple, I think everybody is aware that just before the
10 initial implementation, there was an issue raised by
11 industry or some members of industry about unintended
12 consequences of the manual scram PIs.

13 And we committed, as directed by our Commission,
14 to work with industry to develop a proposed alternate
15 performance indicator. That should be pilot-tested soon,
16 and we plan on pilot-testing that beginning next month.

17 We'll take the results of that and assess it and
18 see whether it gives us an improved performance indicator in
19 that area. But there are other performance indicator issues
20 as would be inspected.

21 For example, there is the unplanned power change
22 performance indicator is one that we're looking at; the
23 potential there for perhaps unintended consequences, and so,
24 that's one.

25 The unavailability performance indicator has

1 gotten a lot of criticism from industry, and that one has
2 perhaps caused some unintended problems in the other
3 direction where the licensees may not be taking equipment
4 out to do maintenance because it may adversely affect that
5 unavailability performance indicator.

6 And so that's one that we've got to look at more
7 closely and see are we engendering improper or unsafe
8 behavior with that performance indicator?

9 MR. HILL: Let me ask a question: Are you going
10 to get -- can you get me a copy of this, a copy of the
11 handout?

12 MR. DEAN: Yes.

13 Okay, fire protection inspection and SDP issues:
14 That's an area that's gotten a lot of attention. The fire
15 protection inspection is a triennial inspection, and it
16 builds on lessons that we learned from previous fire
17 protection efforts.

18 But in the transition from basically our fire
19 protection program was conducted, greatly from headquarters
20 with contractor support, we've been transitioning that
21 inspection process to our Region-based inspectors.

22 And while we gave some training and tried to get
23 them up to speed, fire protection is a very unique area, and
24 so we're going through some growing pains in being able to
25 implement that inspection procedure properly in getting

1 inspectors all on the same page.

2 We've also had some problems with the significance
3 of termination process, which for the fire protection areas,
4 is somewhat of a complex SDP and difficult to work with and
5 understand.

6 We're looking at trying to develop some additional
7 guidance to help our inspectors be able to apply that
8 appropriately. So that's been an area that just emerged
9 just from direct feedback from our inspectors and licensees.

10 And the last bullet there, Safeguards Inspection
11 and SDP issues, we have got some challenges there. You
12 know, we tried to risk-inform the Safeguards SDP by taking
13 issues that emerged, say, for example, out an OSRE and deal
14 with those, usually the reactor safety SDP and that process
15 probably was not as well thought out and tested before we
16 went into initial implementation. And so we have had some
17 early issues that, in using that process, we have found has
18 a lot of flaws. And so we are in the process of revising
19 the SDP to help deal with those issues in a more appropriate
20 manner, and that issue is before the Commission right now.
21 We hope to have something out from the Commission in the
22 next few days.

23 Okay. The last slide before we get in the
24 self-assessment, Future Activities and Development. SDP
25 improvement and enhancements, I mentioned a couple. We are

1 also in the process of getting what we call our Phase 2
2 worksheets. These are workbooks that basically take the
3 licensee's IPEs and take the higher level action sequences
4 and cut sets and provide guidance to our inspectors as to
5 how to assess issues and focus on the key accent sequences.

6 And we have that tool in place now, but, you know,
7 we recognize there is a need for improvement, and we are
8 finalizing those workbooks now, and those should be coming
9 out in final form starting in the next week or so. It will
10 probably take us a couple of months to get those out, but
11 those should be a good improvement and help better develop
12 the tool. We intend for the SDP to be a tool used by our
13 inspectors. We are finding that our senior reactor
14 analysts, in their readings, are spending a lot of time
15 right now because of some of the flaws in those workbooks,
16 and so we hope that these workbooks will help alleviate the
17 burden on our SRAs and get at least the initial significance
18 determination process determination more in the hands of our
19 inspectors, which is where we intend it to be.

20 MR. LOCHBAUM: Bill?

21 MR. DEAN: Yes.

22 MR. LOCHBAUM: Are these available on the web
23 site?

24 MR. DEAN: Those will be available on the web
25 site. I believe the existing ones are available on the web

1 site.

2 MR. MADISON: The existing workbooks are available
3 on the web site.

4 MR. DEAN: And then when we issue the new ones, we
5 will make those available on the web site.

6 The SCRAM PI Pilot Program, I talked about that
7 already. I addressed the, I talked about the unplanned
8 power change and unavailability of PIs.

9 Fourth bullet there, develop industry trends
10 assessment process. We have a lot of tools or programs in
11 this agency that give some insights into industry
12 performance. For example, Research has the accident
13 sequence precursor program that looks at events in a
14 risk-informed manner and does a characterization of those to
15 try and come up with a change in core damage probability
16 figure to try and ascertain what was the actual risk of that
17 event.

18 Research also does reliability studies. They look
19 at equipment performance over extended periods of time and
20 determine whether we are seeing, for example, in the aux
21 feedwater system, what are we seeing in terms of performance
22 over a large block of time. We used to have the Office of
23 AEOD, they had performance indicators that, while they were
24 lagging to some degree, they did provide a view of industry
25 performance and broke it down into peer groups.

1 And then our own performance indicators and
2 inspection program provide insights that can be utilized to
3 make some sort of assessment of industry-wide performance.
4 Because one of the key questions of this oversight process
5 is are we maintaining safety. The oversight process itself
6 looks at safety on a plant-by-plant basis. But how do you
7 look at, is the oversight process maintaining safety
8 industry-wide?

9 So what we are doing is we are trying to pull
10 together some of the disparate parts and develop a process
11 by which we can make some sort of judgment about
12 industry-wide performance. How do we see industry
13 performance going? And that will help us in a lot of
14 respects judge the efficacy of the oversight process in
15 maintaining safety.

16 So we are starting to pull that together and that
17 may take us perhaps a couple of years to get a fully
18 developed program, but we will start seeing bits of this
19 over the next six months. We hope to be able to at least
20 have some rudimentary metrics and information to provide to
21 the Commission at the first agency action review meeting,
22 Commission meeting in June, and that is a process that over
23 the next few months you will see some information come out
24 on and it will follow some of the development in this area.

25 The next item is risk-based performance indicator

1 development.

2 MR. SCHERER: AEOD was broken with those functions
3 moved.

4 MR. DEAN: Correct.

5 MR. SCHERER: So the metrics that they were
6 looking at in the past are still being looked at.

7 MR. DEAN: They are still being looked at, but
8 what is going to happen is that we are going to take over
9 the responsibility. We have got an outside contract that
10 basically reviews LERs and then develops those metrics, as
11 well as some other information. We are in the process of
12 transferring contractual responsibility in the Office of
13 Research to my branch for that, and then we are going to
14 basically refine those to cull out the ones that are
15 duplicative of what we are capturing or can capture with our
16 oversight process metrics, but then keep the other ones, at
17 least for some period of time, because one of the things in
18 train analysis is that one or two points don't make a trend,
19 okay.

20 In the oversight process with the metrics, we
21 don't have enough historical information to really identify
22 trends. We are talking about three to five, you know, eight
23 years, you know, for those types of trends. And so those
24 AEOD performance indicators at least have that trend. And
25 so for a period of time, there will be some overlap. You

1 know, we may eventually phase those out, or most of them
2 out, but we think it is important to keep some of those for
3 a period of time until we can generate enough historical
4 enough with ROP performance indicators.

5 Okay. Risk-based performance indicator
6 development, our Office of Research has been developing a
7 methodology to more risk-inform the performance indicators.
8 We are currently reviewing the Office of Research's Phase 1
9 report which I expect over the next month or two will see
10 the light of day. And that will help us determine whether
11 there are some things that they are proposing that we think
12 would be beneficial for the oversight process.

13 We may see, for example, in the area of
14 reliability, okay, we are trying -- the oversight process
15 doesn't have a real good grasp of reliability in terms of
16 performance indicators, which has caused some problems with
17 respect to full exposure time and things like that, and it
18 may give us some help there. It also may give us some help
19 in developing some metrics that might be used for the
20 industry-wide assessment process. So we are going to look
21 very closely and see if there are some things that can help
22 us out.

23 I already mentioned the Lessons Learned Workshop
24 in March, and then we expect a Commission paper on the first
25 year of initial implementation and a meeting with the

1 Commission in the June-July timeframe of this year. So that
2 is pretty much where we are in terms of the oversight
3 process.

4 Any questions before I start talking about our
5 self-assessment?

6 MR. LOCHBAUM: You said that there is a Federal
7 Register Notice seeking public comment going out soon.

8 MR. DEAN: Yeah, we will be issuing that.

9 MR. LOCHBAUM: When is the closing date for that?
10 Is that going to be before or after the Lessons Learned
11 Workshop in March?

12 MR. DEAN: It will be after. Well, that is a good
13 question. We will probably want to have that before the
14 other thing. I think we probably want to get the public
15 feedback before that workshop, because we will want to
16 integrate that.

17 MR. LOCHBAUM: The public won't have access to the
18 meeting.

19 MR. DEAN: Yeah.

20 MR. LOCHBAUM: I mean that was the way it was done
21 last time and that didn't seem to be the right order.

22 MR. DEAN: Which way did we do it, we did it last
23 time, we had it before?

24 MR. LOCHBAUM: You closed the public comment
25 period and then had the workshop.

1 MR. DEAN: Okay. So you are suggesting that that
2 should be something -- do that after the public workshop?
3 Augie.

4 MR. SPECTOR: We are planning on having the
5 Federal Register Notice -- right now the thinking is to
6 issue the public -- the Federal Register Notice in January,
7 or late December, okay, and then keep it open until
8 Aprilish, and the public workshop, you know, we don't have
9 an exact date, so they would kind of be close, but it is a
10 good suggestion that maybe we should extend it a little
11 longer.

12 We also have the Commission meeting in June, so we
13 have to be prepared for that, too.

14 MR. DEAN: Yeah, we have to look at how all the
15 things come together, but I think that is probably the right
16 order to have that close after the public workshop.

17 Any other questions?

18 [No response.]

19 MR. DEAN: Okay. One of the things that we saw as
20 significant need was to be able to develop some sort of
21 process that would allow us to judge in some objective way
22 how well the oversight process has been working through
23 initial implementation.

24 As I mentioned earlier, we had metrics that we
25 utilized for the pilot program, and so we built on that

1 process. And we have actually been working on developing a
2 self-assessment process since even before we did initial
3 implementation. But the purpose really is to determine the
4 ROP is meeting its objectives and our performance goals and
5 hopefully provide us some insights into some areas that we
6 can focus upon that will improve the oversight process.

7 We developed this oversight process, as I
8 mentioned, over the course of really the last six or seven
9 months. We just issued this self-assessment process a few
10 weeks ago and we started working on this in early March. We
11 used a facilitator in a number of our sessions to help us
12 kind of focus our attention. We did a lot of interactive
13 working sessions with our regional counterparts. We had
14 several meetings with our division directors and deputy
15 division directors, and a lot of internal review from
16 management.

17 So it has been a process that has been undergoing
18 a lot of development and review over the last six months.

19 MR. REYNOLDS: What is the IIPB?

20 MR. DEAN: IIPB is just -- that is the
21 nomenclature, I'm sorry, for the inspection program.

22 In developing this process, the first thing that
23 we felt we needed to do was actually establish criteria.
24 What are the criteria we are going to judge the oversight
25 process against? We will talk about that in a minute.

1 Once we established that criteria, we looked at
2 those criteria and say, what are the questions that we want
3 to ask ourselves in these areas that form the criteria? And
4 once we determined what we thought the right questions were,
5 we had to identify the measures. What would be the key
6 measures that we could look at that would help answer those
7 questions? Then we had to say, how are we going to collect
8 that information and who is going to do it? So that is kind
9 of a description of the approach.

10 Okay. Once we got to that stage, okay, we worked
11 on this in independent groups for a certain period of time.
12 Basically, we worked along the lines of the four major areas
13 of the oversight process, performance indicators,
14 inspection, the SDP and assessment and enforcement, and we
15 had individual groups look in all those areas.

16 But once they did all the work to get to the how
17 and the who, we then reviewed, as a group, all the groups
18 together, and we looked at these for commonality and
19 synergy. There are some metrics here that one group
20 identified that another group also identified. Well, we
21 don't need to be collecting that information twice. Or are
22 there some things that one group identified as being some
23 key areas to look at that then gave, provided some good
24 suggestions or input to another group that said, yeah, we
25 ought to be looking at a similar sort of thing in our area.

1 So we spent some time, you know, looking at the
2 individual work group products and then pulling those
3 together, look for commonality and synergy.

4 And then where we could, we identified success
5 criteria. With a new process, you know, it is kind of hard
6 for some of these areas to say, well, here is how we are
7 going to judge success. That a lot of what we are going to
8 measure in the first year may actually provide the benchmark
9 for future years. And you will see that as we go through
10 the individual metrics with you later. Some, we were able
11 to identify success criteria, but some of them we are just
12 looking at trends. You know, are we seeing a trend in the
13 right direction?

14 And as I mentioned, we used inter-group process.
15 We had a number of meetings, a number of reviews. Kept
16 trying to improve and refine and challenge and question
17 ourselves. And in doing this, we also identified the need
18 that we should have some overall ROP metrics, okay, not just
19 in each of the individual areas, but we ought to have
20 something that kind of measures the overall efficiency of
21 the oversight process, for example, resources. What sort of
22 resources are we spending? That is really kind of more of
23 an internal issue, but it does have an impact externally in
24 terms of resource expenditures.

25 The issue of maintaining safety. Is the oversight

1 process maintaining safety? And that is one of the reasons
2 why we have started to develop this industry-wide
3 assessment, because that is going to be one of the things
4 that is going to help us answer this maintain safety
5 question. So we will talk about these a little bit more
6 later today.

7 Okay. I already mentioned the key areas that we
8 identified, PIs, inspection, SDP and assessment and
9 enforcement. With respect to the criteria, after some
10 discussion, this is one of the key things we had to do
11 earlier, we had to identify what were the criteria that we
12 were going to judge the process on. And we basically went
13 back and looked at two things, okay. One, what was it that
14 the Commission told us that they wanted this oversight
15 process to be? Okay. They wanted it to be more objective,
16 they wanted it to be more risk-informed. They wanted it to
17 be more understandable or scrutable. And they wanted it to
18 be more predictable, okay. And so it was pretty easy to
19 say, here are four key things that the Commission told us
20 they wanted this oversight process to be, we ought to
21 establish those as criteria.

22 The last four items are the performance goals for
23 this agency. We want the process to maintain safety. We
24 want to be able to have a process that is effective,
25 efficient and realistic. We want to be able to enhance

1 public confidence and reduce unnecessary regulatory burden.
2 So we have pretty well locked in on these criteria because
3 that really forms a basis of what the oversight process was
4 intended to do and the basis for what the agency is trying
5 to do with its whole regulatory program.

6 And there is some overlap and you will see that as
7 we go through the individual metrics where we have some
8 metrics that give us insights to say, for example, the same
9 metric will give us insights in terms of risk-informed of a
10 certain process and also will give us insights regarding
11 maintaining safety. And you will see that there is some
12 overlap with a number of the metrics, giving us insights in
13 different criteria.

14 In terms of the timeframe, as I mentioned, we just
15 rolled out the guidance to our regions and our other
16 internal stakeholders on this, and I believe that that was a
17 public document, right?

18 MR. MADISON: Yes, it is.

19 MR. DEAN: We have asked the regions to provide an
20 initial data set covering the first six months. We have
21 asked them to provide that information to us by the middle
22 of this month. We also have internal collection, not all
23 the information is coming from the regions. A lot of the
24 information is being generated internally, for example,
25 looking at the number of feedback forms that we get, looking

1 at the number of hours that are expended on different
2 inspection models and things like that.

3 The intent is for the regions to provide, or
4 actually all the data to be collected on a quarterly basis.
5 We basically provide a quarterly submittal pretty much along
6 the lines of the way the oversight process is working in
7 terms of performance assessments to the licensees. We do
8 basically a quarterly assessment. And so we look at this as
9 a quarterly process.

10 We hope to have, after we get all the data this
11 month, we hope to have, hopefully, a time period in the next
12 meeting when we will be able to have information collated
13 and put together, and displays and all that stuff, so we
14 have something that we can provide this group in terms of
15 hard data. That is our goal.

16 The question came up earlier in terms of
17 self-assessment and the tools that we are going to use. I
18 mentioned the regional data collection form. We are getting
19 input and feedback from site visits that we have, lessons
20 learned public forums provides some feedback on the
21 self-assessment process. I mentioned earlier a survey we
22 are going to do with our internal stakeholders again. The
23 inspection program branch, one of our roles is an auditing
24 function, an audit of regional performance to assure things
25 like adherence to program guidance and consistency and so on

1 and so forth.

2 We are going to get into -- well, a lot of our
3 work over the last couple of years has been program
4 development. We are going to get back into some degree of
5 auditing regional performance, and so that is going to
6 provide feedback into the self-assessment process. Internal
7 data collection systems, and then I mentioned the Federal
8 Register Notice that we are going to issue.

9 MR. HILL: What kind of audits are you talking
10 about?

11 MR. DEAN: For example, inspection reports. Okay.
12 We will look at a sampling of inspection reports from all
13 the regions and evaluate those against the 0610 star
14 guidance. Okay. Are they applying the guidance appropriate
15 to the inspection reports? Are they documenting issues
16 appropriately relative to the threshold? And things like
17 that.

18 MR. HILL: So it is an audit internal, not --

19 MR. DEAN: Correct.

20 MR. HILL: Okay.

21 MR. DEAN: Correct. And the Federal Register
22 Notice, which will be a major tool to try and get feedback
23 from our public stakeholders. And we are going to try,
24 Augie and me, we may have the opportunity for Augie to talk
25 about that a little bit later. Augie Spector is my

1 communication lead and he is developing the FRN, but we want
2 to make sure that that Federal Register Notice includes some
3 of the key questions you are going to hear this morning on
4 the self-assessment process that, you know, we are looking
5 for specific public feedback. Randy.

6 MR. BLOUGH: Yeah, I had a question on that last
7 slide on the self-assessment tools.

8 MR. DEAN: Yes.

9 MR. BLOUGH: And this is one thing that -- I had a
10 problem with this. When we have been talking about
11 self-assessment, lots of times we were really meaning just
12 the metrics when we talk about it. But, really, the
13 self-assessment is all that.

14 MR. DEAN: Correct.

15 MR. BLOUGH: It is everything we are doing.

16 MR. DEAN: Right. Yeah, the document that you
17 have in front of you really focuses on, you know, the data
18 collection and the metrics, okay, but we get feedback that
19 give us insights into the self-assessment process from a lot
20 of different areas.

21 I mean, for example, we have developed -- or are
22 developing a Lessons Learned report from Indian Point 2
23 steam generator tube failure. Okay. That will be something
24 that we will insert into our self-assessment process and
25 utilize that to see if there are some improvements or

1 enhancements that can be made in the oversight process.

2 MR. BLOUGH: So my questions are this, one, first
3 of all, the October 16th document on the metrics, you know,
4 is fairly extensive and it is hard to read in some ways. I
5 don't think it includes factoring in everything on this
6 slide somewhere into this October 16th. I think some of it
7 may feed in here and some doesn't. But it is hard for me to
8 tell, so I was just going to ask you.

9 MR. DEAN: Yeah. You know, a lot of these tools,
10 okay, provide us, as you will, subjective feedback about the
11 process.

12 MR. BLOUGH: Right.

13 MR. DEAN: Okay. The document that we issued, and
14 that was one of the challenges that we had in developing
15 this self-assessment process relative to metrics is, what
16 are the things that we can actually measure and have
17 criteria to judge them against? Okay. We are going to get
18 input, okay, from these areas that you can't judge or, you
19 know, put in a metric.

20 MR. BLOUGH: Right.

21 MR. DEAN: So, obviously, self-assessment has to
22 encompass looking at all the inputs and feedback that we
23 get. Okay. This program that we are going to discuss today
24 is what we have been able to identify where we can at least
25 provide some sort of objective process and, you know, be

1 able to collect reasonable data that you can evaluate that
2 gives us insights, but it is not going to be, you know, in
3 total, all the self-assessment we have done on the process.

4 MR. BLOUGH: Is there a higher level description
5 to this October 16th memo that says in plain language the
6 types of things you have just covered with us that basically
7 describes the overall self-assessment program of which the
8 metrics are a part? This discussion is very helpful and I
9 think it is fairly easy to follow what you have said so far.
10 I am just wondering --

11 MR. DEAN: I think a higher level document, or
12 maybe a complementary document is that we have developed a
13 communication plan that lays out a lot of these types of
14 activities, okay, that we would utilize to communicate and
15 get feedback from our various stakeholders. And that is
16 something that has been an internal initiative sponsored by
17 the EDO's office that we recently provided to them.

18 I am not sure, once again, I guess I will ask
19 Augie to step up. With respect to the communication plan,
20 do you know what the plans are relative to making that
21 available for external survey?

22 MR. SPECTOR: We having it converted
23 electronically into a different format, hopefully, next
24 week. We are going to try to actually put it on the web.
25 We can make available to people here, that is no problem, I

1 don't think. But the communication plan is about eight or
2 nine pages long and it indicates specifically how we are
3 going to be interfacing with different stakeholders to get
4 feedback and communicate back and forth.

5 MR. DEAN: Okay. I think Alan -- Alan, did you
6 want to --

7 MR. MADISON: Yeah, we are developing an actual
8 inspection manual chapter that will cover this. It is in
9 draft form right now. It is really not ready for prime
10 time. We had one handout, a single handout on it. I don't
11 know if you want to -- we shared it with the regions during
12 our last internal meeting, that kind of covered the broad
13 scope areas that we had intended to cover and the overall
14 assessment program.

15 MR. DEAN: Well, my next slide talks about that to
16 some degree. So, anyway, so answer Randy's question, there
17 is -- I recall a complementary document, which is our
18 communication plan, which discusses, you know, these types
19 of activities as the means of communicating and soliciting
20 feedback from our stakeholders. Alan mentioned the fact
21 that we are developing a manual chapter. Do you think that
22 there would be an issue, because I am concerned a little bit
23 about overstepping the EDO's office?

24 MR. SPECTOR: Yeah, I was just talking to Mohan.
25 Technically speaking, the communication plan is an internal

1 document, each of the offices have it, and they are not, you
2 know, giving them out to the public. It is an internal
3 document. I don't know we have to decide whether it is
4 appropriate to give it out to this particular group as an
5 internal document.

6 MR. DEAN: But what are the plans with respect to
7 -- you said that they are converting those documents to an
8 electronic format?

9 MR. SPECTOR: To electronic format for the
10 internal web page, to the NRC internal web page.

11 MR. DEAN: Can you do me a favor? Can you
12 sometime this morning get with Joe Holonich?

13 MR. SPECTOR: Yeah, I will find out.

14 MR. DEAN: Okay.

15 MR. SPECTOR: I will find out exactly how we
16 should approach that.

17 MR. DEAN: Joe Holonich is the EDO representative
18 responsible for the communication plans.

19 MR. SPECTOR: I will find out.

20 MR. DEAN: I think it might be worthwhile to be
21 able to share that with this group.

22 MR. SPECTOR: With this group.

23 MR. MONNINGER: Share it, it is supposed to be
24 public?

25 MR. DEAN: Yes.

1 MR. BLOUGH: What strikes me is that understanding
2 the overall self-assessment, you know, it has been helpful
3 in listening to you, but there is us, being we are
4 representing groups, being able to go back and explain to
5 the groups what the self-assessment is in the large portion.
6 If we get people the October 16th thing, they are going to
7 be kind of getting into a lot of detail before they know the
8 big picture. So just being able to go back to our groups
9 and get reaction from the group to help us prepare for the
10 subsequent meetings down the road, it would be helpful.

11 MR. DEAN: Have something that is a little bit
12 more comprehensive.

13 MR. BLOUGH: Yeah, the big picture, just the big
14 picture.

15 MR. DEAN: And I guess, Alan, you think that the
16 manual chapter will serve that purpose?

17 MR. SPECTOR: Yes.

18 MR. DEAN: Okay. The last slide I have got here
19 is the overall measurements, and I kind of touched on this a
20 little bit earlier. The industry wide trends is going to be
21 a case of our overall assessment. And, as I mentioned, it
22 may take a couple of years for us to pull all of that
23 together to where we are happy with it. But we are starting
24 work on that now and we will have at least some preliminary
25 tools in time for the Commission briefing and paper in June.

1 Resource analysis is a big thing. It is more of a
2 internal, you know, it is how much does the oversight
3 process take? You know, the question was asked, are we
4 spending more or less on inspection? And I will share with
5 this group the fact, and it is probably no surprise, that
6 with respect -- during the old program, which consisted of a
7 core inspection program and regional initiative and reactive
8 type inspection, that -- and in the new process we have
9 baseline inspection program and supplemental inspection
10 program, that our baseline inspection program is
11 substantially more than the core inspection program was in
12 the past. So we are looking at, on a standard basis at each
13 plant, more.

14 The regional initiative has dropped noticeably,
15 replaced by supplemental inspection. The overall balance
16 right now is that, the last data I saw, which was after I
17 think like the first four months, five months, was that the
18 overall hours expended weren't all that much different. I
19 think it might have been a little bit lower in the current
20 process, but it wasn't substantial. And that is probably
21 close to what we expected. I think we expected to see more
22 effort expended in the baseline program just because we
23 think it was a more comprehensive program, building on the
24 Lessons Learned from all over the inspection programs, what
25 we think are the important things to look at.

1 Yeah, that is something we are going to take a
2 look at.

3 MR. LOCHBAUM: Bill, is the resource analysis
4 going to be rooted to the inspection program, and to
5 enforcement and assessment as well?

6 MR. DEAN: Yes. It will include the entire --
7 what was expended on oversight in the past? What are we
8 expending on oversight now? Where have we seen shifts in
9 balance? You know, are we spending more or less on
10 assessment? You know, how much time are spending on SDP?
11 You know, it will look -- and try and make some conclusions
12 in that regard. And that is something we owe the Commission
13 as well in the June timeframe.

14 And then the overall metrics assessment which is,
15 you know, what we are going to talk about for the rest of
16 the morning, which is the metrics that we were able to
17 identify and be able to put in place to help us judge the
18 efficacy of the oversight process.

19 So, before we start getting into more gory details
20 and walking you through, is there any questions I can
21 answer?

22 MR. PLISCO: What is your timeline for this, the
23 manual chapter? Because I think that is a document that I
24 think we certainly would be interested in looking at.

25 MR. DEAN: I will let Alan commit to that because

1 he is responsible for it.

2 MR. MADISON: It is in draft form, it is not ready
3 for sharing, but we were hoping to get it out probably in
4 December timeframe for at least regional comment. I don't
5 know if we will have it available at your next meeting, but
6 it would be at least available I would think for the January
7 meeting.

8 MR. DEAN: Now, one of the things about this, and
9 I guess to keep in your mind as we go through more
10 discussions this morning on this part, to paraphrase Randy,
11 of the self-assessment activities that we are doing, is
12 that, you know, we consider this to be a work in progress as
13 well. We have taken our best shot over the last -- efforts
14 that we have expended over the last six or seven months to
15 try and develop what we think are appropriate metrics,
16 things that we can measure, that we can potentially apply,
17 at some point, criteria to in the future. But we may find
18 some of these are not -- are metrics that, you know, don't
19 give us much insight, that maybe we need to develop other
20 metrics.

21 You know, in our discussions with you all this
22 afternoon, you might identify some areas that we may need to
23 look at or embellish. And I am sure that we will probably
24 go through some of the same discussions that we have gone
25 through internally over the last six or seven months as to

1 why we are counting this thing this way, why aren't you
2 counting this? And you will hear similar arguments like,
3 well, it is something that we really couldn't establish a
4 criteria for, or something that we just didn't have an
5 appropriate way of collecting this information, or that in
6 order to do it, we are trying to develop a whole new process
7 that may be perhaps too much burden on either the regions or
8 other staff, or on the licensees, or on our public
9 stakeholders.

10 So, you know, we hope to get perhaps some insights
11 and maybe identify some early enhancements, improvements
12 that we can make. But it is going to be something that we
13 are going to, just like the oversight process, we are going
14 to learn and continue to improve. It is not a stagnant
15 self-assessment program by any means.

16 With that, what I would like to do is have Alan
17 Madison come up here and start walking you through the
18 oversight process. The first thing we are going to do is
19 kind of walk you through some of the nomenclature and some
20 of the elements of it, because that was something that was a
21 lot of fun, because with four different groups, we all
22 developed individual nomenclature for how we wanted to
23 characterize metrics, and so a major effort on our part was
24 just to try and get everybody, you know, characterizing
25 things the same way. So I will have Alan walk you through

1 that.

2 MR. SCHERER: Before that, Bill, can I ask a
3 question?

4 MR. DEAN: Yes, sir.

5 MR. SCHERER: Earlier, you talked about the fact
6 that it had been collected by AEOD, and the fact that that
7 is still being collected. Did I understand you correctly
8 that you are going to go look at those trends to see whether
9 the reactor oversight process, PIs, and process that we are
10 now implementing, missed something? I mean that there is a
11 trend -- AEOD used to collect information and issue a report
12 that drew conclusions as to industry trends. We can't prove
13 a negative, but one of the questions that had been asked of
14 the oversight process is, would it miss some significant
15 precursor to an industry trend?

16 MR. DEAN: Right.

17 MR. SCHERER: It would appear to me that if you
18 still have the data that AEOD used to use, and it is still
19 being collected, and compare that to the trends being shown
20 by the current reactor oversight process, and try to
21 determine whether or not there would have been a trend
22 missed. If, in fact, they are both tracking similarly,
23 again, it doesn't prove the negative.

24 MR. DEAN: Right.

25 MR. SCHERER: But if there is a trend that would

1 have been missed or is being missed in the current oversight
2 process, then we could look at that, determine whether or
3 not that is a trend that is significant, it is something
4 that should have been captured in the process, and would
5 have to go into a self-evaluation.

6 MR. DEAN: Yeah. I probably didn't elucidate as
7 well. You know, one of our initial efforts, okay, in
8 applying those indicators is similar to what you just
9 described, and that is, you know, look at are we seeing a
10 trend with those that we aren't seeing perhaps a similar
11 trend with the performance indicator we have in place for
12 the oversight process?

13 But, you know, the AEOD indicators are fairly high
14 level, and what we expect to have them serve as to some
15 degree is kind of a check and balance measure to look at,
16 you know, our individual -- are we seeing individual plant
17 performances all staying stable or improving performance?
18 But, you know, for example, let me give you an example. You
19 know, a licensee could be in reactor scram space, say, if we
20 maintain that performance indicator. All the plants can
21 stay underneath the threshold for green and white, so we
22 wouldn't take any action. But, you know, right now,
23 industry scram rate is, what, maybe .6 scram, .7.

24 MR. FLOYD: Point 5.

25 MR. DEAN: Yeah. Okay. You know, relatively low.

1 They could go up to -- each plant could go to two scrams a
2 year, okay, and still everybody would be within the green
3 band. But if you were to look at the overall industry
4 trend, it would show that, you know, the trend in overall
5 scram rate is going up. You know, that may be an indicator
6 to us that, gee, is this something that, the fact that we
7 have established in this oversight process a licensee
8 response band where we don't engage at perhaps the same
9 level we did in the past, is that having a negative impact?

10 Okay. We have -- one of the things that the
11 Commission asked us to do is develop statistically
12 significant adverse trends relative to industry, that is in
13 our strategic plan. And so that is part of one of the
14 things that we are going to try to integrate in an
15 industry-wide assessment is some sort of criteria that tells
16 us whether there is a statistically significant adverse
17 trend in this report.

18 And so we think that we can look at the old AEOD
19 performance indicators as helping us in that regard, but we
20 think over time that we will probably phase those out as we
21 get more data with our own process. I don't know if that
22 answered your question.

23 MR. SCHERER: I am not sure it did, because it
24 would appear to me that it would give you information as to
25 whether or not the current PIs miss anything significant.

1 MR. DEAN: Correct, that is one of the things we
2 are going to look at.

3 MR. SCHERER: Okay. So you are going to look at
4 that to determine whether or not the current PIs are causing
5 the Commission to fail to focus on something that was, in
6 fact, significant.

7 MR. DEAN: Correct.

8 MR. BLOUGH: The current PIs or the current
9 program?

10 MR. DEAN: It is the whole process.

11 MR. BLOUGH: The whole process.

12 MR. DEAN: The whole process. And Tom Boyce back
13 here is my lead on the industry-wide assessment, so I think
14 -- I am not sure whether that would be something that, at a
15 future date, is that something, you know, in terms of, you
16 know, one of the tools that we are going to use to try and
17 ascertain overall safety, if that is something that we might
18 want to have.

19 MR. PLISCO: Well, we adopted it yesterday. Our
20 third objective is to look at the overall self-assessment
21 process that is going to be in place in the long term.

22 MR. DEAN: Right. And this will be part of it.

23 MR. PLISCO: And provide an evaluation of that.

24 MR. DEAN: Any other questions?

25 MR. SCHERER: I have one more.

1 MR. DEAN: Yes, sir.

2 MR. SCHERER: Frequently asked questions have been
3 a very viable part of this process. Are you looking at the
4 overall questions that were asked and see if there is a
5 lesson to be learned in terms of setting up the process or
6 retuning it, or building in some feedback loops into your
7 process to clarify certain areas? Are there trends when you
8 step back and look at the overall frequently asked
9 questions?

10 MR. DEAN: That is a good comment, and, in fact,
11 some of the things that I noted earlier as key issues, for
12 example, the unavailability of performance indicators, we
13 have gotten a lot of frequently asked questions, okay, about
14 the unavailability of performance indicators. We said that
15 is telling us there is something wrong. Okay. So,
16 absolutely, we are using that process to help identify, you
17 know, more global issues.

18 We are seeing -- as a matter of fact, I think that
19 might be -- one of the metrics talks about, you know, how
20 much feedback are we getting in a particular area. You
21 know, if we get a lot of feedback in an area, that tells us
22 we need to go look at that.

23 MR. LOCHBAUM: How many of those frequently asked
24 questions are asked by non-industry folks?

25 MR. MADISON: We probably get, as far as --

1 considering our own inspection staff is non-industry folks,
2 I hope, but we get an equal balance of questions.

3 MR. LOCHBAUM: Non-industry and non-NRC folks
4 then.

5 MR. MADISON: Ah, non-industry and non-industry,
6 that is what I was trying to focus on. We don't get a lot
7 of questions from the public in the frequently asked
8 question venue. We do get some questions from the OPA or
9 via contacts at public meetings that we convert into
10 frequently asked questions that our staff does. So it would
11 be hard to separate, because we get a question at a
12 workshop, we will convert it into our own FAQ that we will
13 bring to the table to discuss.

14 But we have not got -- to date, we haven't gotten
15 more than a couple of FAQs from the public.

16 MR. DEAN: Yes. Don Hickman, who is my PI task,
17 Don, anything at least in the PI area, which is where most
18 of the FAQs tend to fall out?

19 MR. HICKMAN: I don't recall any that came from
20 the public. Generally, the industry or NRC generate them.

21 MR. DEAN: Yeah, and, you know, we have had
22 discussions about, internally, how do we treat them. I
23 think what Alan described is how we intend to treat queries
24 that we get from a public stakeholder, whether it comes in
25 through a letter, say, for example, several months ago we

1 got a letter from Jill Lipoti from the State of New Jersey,
2 and it had a number of issues there. Okay.

3 How we think we ought to incorporate those is
4 review that information and, you know, if it is asking a
5 valid question or providing some feedback that we need to
6 assess, then what we will do is we will convert that into
7 our own internal feedback form process. We probably need
8 some way to make sure we recognize that that feedback came
9 from an external stakeholder.

10 MR. LOCHBAUM: The reason I asked you that, I have
11 asked several questions several times, frequently asked
12 questions, that aren't in there, so I assume the answer is
13 that they are not valid then, based on that process.

14 MR. DEAN: I guess.

15 MR. LOCHBAUM: Because I don't have a single one
16 in that whole list.

17 MR. DEAN: Through sending us letters or
18 through --

19 MR. LOCHBAUM: Letters, public forums, a number of
20 mechanisms, and none of them are in here, so I just assume
21 that I must not be asking valid questions.

22 MR. DEAN: Maybe you and I can talk.

23 MR. MADISON: Yeah, we probably need to talk about
24 what the questions are, David, because I know your
25 questions, we have addressed through the Lessons Learned

1 meeting process, through a number of processes. We have
2 looked at your questions and responded to your questions.

3 MR. LOCHBAUM: To me?

4 MR. MADISON: I know for a fact we have responded
5 to a couple of e-mails.

6 MR. LOCHBAUM: Because I have looked for the
7 response to them.

8 MR. MADISON: And lettered back to you.

9 MR. LOCHBAUM: The reason I keep asking them is I
10 don't get a response, so that is -- I am trying to figure
11 out how do I get into the process so I can get a response,
12 or how do members of the public in general, and I don't see
13 it.

14 MR. MADISON: I guess I will have to look at that,
15 if we are not satisfying that part.

16 MR. HOUGHTON: Maybe the panel needs to look into
17 the process.

18 MR. DEAN: Well, yeah, I guess with respect to
19 external stakeholder feedback, you know, we consider our
20 primary entry point either correspondence that is directly
21 sent to us, or queries that come through our Public Affairs
22 office that they say this is the question that the
23 inspection program branch ought to answer.

24 And so we typically deal, for example, we get an
25 issue from OPA, we typically work on a response and then get

1 back to the individual who sent that, whether it is through
2 electronic transmittal. If it is a letter that comes in,
3 would we write a letter back to the individual? So if you
4 are writing us letters and we are not responding to you, you
5 know, that is --

6 MR. MADISON: I find it hard to believe, because I
7 know I participated in writing several responses back.

8 MR. LOCHBAUM: E-mails.

9 MR. MADISON: But I mean not even in letter form.

10 MR. LOCHBAUM: But that is different. You
11 described an FAQ process where it goes up there, so
12 everybody could see. I am getting individual responses on a
13 few e-mails, but comments I have provided on performance
14 indicators, there is nothing. I don't know where that goes.
15 It doesn't go into the FAQ. So I am just curious, and I
16 have asked it several times, I am curious as to what the
17 process is. I think I know what the process is, I am
18 curious as to why it doesn't go into the FAQ thing.

19 MR. PLISCO: I am not sure it answers his
20 question, but I think, you know, one of the issues, even
21 with our inspectors, is FAQs is sort of a misnomer I think.

22 MR. DEAN: Right.

23 MR. PLISCO: Those questions, my understanding is
24 really they are questions where there were interpretation
25 differences that some agreement had to be worked out. We

1 get a lot of questions from our inspectors that we find out
2 what the answer is and we get it back to them, process
3 issues. They are, I think in the Internet world, are
4 considered FAQs, but I think -- and that is why I say I
5 think the name you have for it probably causes some
6 confusion, because they aren't really frequently asked
7 questions. Sometimes it is just one person asked the
8 question.

9 MR. DEAN: They are just questions.

10 MR. PLISCO: But they are issues where initially
11 there isn't agreement on what the answer is, and that has to
12 be worked out.

13 MR. GARCHOW: That's is what they are.

14 MR. PLISCO: That is what I think those questions
15 really are. They aren't really frequently asked questions.

16 MR. SCHERER: They are closer to code
17 interpretations, but they are code cases and they are
18 interpretations, in my mind. So maybe there is -- I think
19 David raises a good and interesting point. If there are
20 frequently asked questions and we are giving answers on an
21 individual basis, should there be a forum? If it isn't the
22 FAQ, what is the forum of putting on a web page, here are
23 the questions that we have been getting, and here are the
24 answers we have been giving, so that people don't have to
25 individually write those same questions over and over again.

1 If the FAQ process is, in fact, my words,
2 essentially code cases for the process, then what is the
3 forum for communicating those answers?

4 MR. GARCHOW: I think we ought to be careful panel
5 because I think we are just here to judge overall what is
6 being done, not necessarily solve problems. I think your
7 point is, you know, making an evaluation, does the public
8 have the ability to get questions answered and is that
9 process well understood? That would be something to pass
10 value judgment on in our panel.

11 But I mean I am figuring out and I am thinking
12 whether Dave is getting an e-mail response every time, I
13 think is out of the scope of the panel. He didn't ask this
14 to start out, he is saying, what is the process? But if the
15 public has a question, that they have the ability to get
16 answered, that is different than the interpretation. But I
17 think we could pass judgment on that, I think we will be
18 here till five or six years if we try to solve every
19 problem.

20 MR. BROCKMAN: There is a very significant second
21 part to David's question that I understood. How does the
22 public know questions that were asked by every other member
23 of the public and what the answers were? Which is not just
24 the answer to their question. And I hear that as the bigger
25 question that is coming forward.

1 MR. JOHNSON: Can I just add a word? Michael
2 Johnson. I would just add that we are getting ready to --
3 we are issuing for comment to the regions, internal
4 stakeholders, a process, a manual chapter that describes the
5 process for getting questions about performance indicators,
6 some of which ultimately end up in terms of being frequently
7 asked questions. And I think the issue is a good issue and
8 we need to continue to take it back and look at it.

9 Right now what that manual chapter says is that,
10 as we will indicate, and I think maybe Alan indicated,
11 inquiries come in through -- formally come in through OPA.
12 Those get funneled over to us and we deal with them.
13 Incidentally, not all questions that get asked result in a
14 frequently asked question. For example, if a resident has a
15 question that is easily answered with a simple
16 clarification, that would not result in a frequently asked
17 question. I think NEI probably has a similar threshold.

18 It is really a question that would cause us to
19 consider whether, in fact, there is potential change. You
20 know, does this really need to be addressed to add
21 clarification to the guidance? And so those end up as
22 frequently asked questions. But we do need to make sure of
23 that. In fact, Alan and I have had conversations about our
24 struggles to make sure that public stakeholders can raise
25 questions.

1 Incidentally, the bottom line is we want to reply
2 to every originator of a question about PIs to provide some
3 indication of how we address the question and close that
4 out. So we will make sure the process does that.

5 MR. DEAN: Okay. Any other questions or comments?

6 MR. PLISCO: Chip read my mind, add that issue.

7 MR. CAMERON: Just so you don't lose this when you
8 come back to the feedback loop aspect of it.

9 MR. MADISON: Okay. We have got two parts to the
10 package. One, the first part that I see people have opened
11 to, because it may seem like the easiest one to read, is the
12 matrix. It lists on one side all the metrics that we intend
13 to measure, and across the top we have the criteria and the
14 data. And the data elements are who is going to collect it
15 and a method, a methodology for collection.

16 You will notice on that page, underneath each of
17 the criteria, there are some large M's and some small m's.
18 Large M indicates that it is a primary indicator of
19 performance in that area, under that criteria. A small m
20 means it probably has some, provides some indication, some
21 influence, but not a primary influence.

22 And that is as far as you need to know on that.
23 You can skip over that and refer to that later if you need
24 to. The real body, the real meat of it is really in the
25 other section that I will try to go over in more detail now.

1 MR. LOCHBAUM: The Federal Register Notice that is
2 going to be coming out, is that going to reference this
3 document, or is this mainly an internal document for use by
4 the regions?

5 MR. MADISON: This is mainly an internal document.
6 The Federal Register Notice will include questions that come
7 from this.

8 MR. LOCHBAUM: Okay.

9 MR. MADISON: The elements, some of the elements
10 that are in here will be included in that Federal Register
11 Notice so we make sure we get data back from that FRN to
12 assess the program.

13 MR. GARCHOW: During the last evaluation panel we
14 did, the PPEP I, Alan, all the handouts that you ended up
15 providing in here, ended up being part of the package that
16 ended up on the Federal Register as part of the PPEP thing,
17 if I recall. So I would suspect that anything that is
18 through virtue of this panel, anything that --

19 MR. MADISON: No, this is already a public
20 document.

21 MR. GARCHOW: This matrix?

22 MR. MADISON: Yeah. The matrix and the
23 information you have has already been made available to the
24 public.

25 MR. GARCHOW: Okay.

1 MR. PLISCO: And we discussed yesterday this
2 specific document, we will also include it on the web page
3 for this panel.

4 MR. MADISON: Yeah, if that was the question,
5 anything we share here is going to be made --

6 MR. GARCHOW: Great.

7 MR. MADISON: Bill mentioned that we have broken
8 up into four major areas, performance indicators,
9 inspection, SDP and assessment and enforcement, and that is
10 the way the list is arranged, the first one being
11 performance indicators.

12 As he mentioned, we started off by looking at what
13 criteria we were going to measure against, and then we asked
14 ourselves what questions, what would we need to know to
15 satisfy ourselves that the performance indicators met the
16 criteria of being objective? So that is also how it is
17 broken down. We first have a question, if the PIs values
18 obtained by different users are the same, given the same
19 condition, then we would consider performance indicators
20 being objective.

21 One thing Bill alluded to, and I want to kind of
22 emphasize, we asked a lot of questions. It was a
23 brainstorming session. We had a lot of questions that we
24 asked in each of these areas, in all the major topic areas.
25 Many of them we couldn't answer, we couldn't come up with a

1 key measure for. And many of those that we did come up with
2 a key measure for, we found out it was hard or impossible,
3 too hard or impossible to get the data to support that. So
4 there was, as he said, an iterative process. So we asked a
5 lot of questions that couldn't be answered, and even if we
6 could answer some of the questions, the effort to answer the
7 question was beyond what we were prepared to do.

8 So you may have additional questions that you can
9 throw us. Hopefully, I have got the background information
10 that we had asked a similar question. And if not, we would
11 like to consider that for additional input into this
12 process.

13 The next statement is more of a subquestion. If
14 we look at the independent verification as kind of the key
15 measure, independent verification, performance indicator,
16 and this IP-71.151 is the PI verification and inspection
17 procedure. And we count the number of significant
18 deficiencies identified there that would cause a performance
19 indicator to cross a threshold. So that may give us some
20 indication of whether or not the users, the implementers of
21 this, the licensees, understand the criteria the same way we
22 did when we wrote it.

23 And how we are going to go about doing that, the
24 regions are going to be, as part of their quarterly
25 documentation, when they conduct the PI verification, they

1 are going to identify if they have had any discrepancies
2 under that PI verification that have caused -- would have
3 caused a performance indicator to cross a threshold. We
4 will just simply count that number and then at the end of
5 the quarter, we will do a national rolling sum.

6 MR. HILL: Would you repeat what the large M and
7 the small m stand for?

8 MR. MADISON: The large M means --

9 MR. HILL: Are there not definitions in here or
10 anything?

11 MR. MADISON: Yeah, major, minor, basically. It
12 is a major indication for that. If you go back, let's look
13 at the first sheet, under performance indicators, this one,
14 for example, we feel this measure or this indicator could
15 provide a major indication for whether or not the
16 performance indicator program, criteria are objective. It
17 also provides a major indication whether the criteria are
18 understandable and people can implement them, and whether or
19 not it is predictable, because if they understand it, they
20 can read it right, then everybody is going to come up with
21 the same answer.

22 We think it may have some minor indication of
23 whether it maintains safety or not, because of the aspect of
24 if they can appropriately account for the data routinely,
25 then we have some aspect of maintaining safety. The same

1 with effective and efficient and enhancing public
2 confidence. That was our thought process as we laid the
3 matrix out. But it is basically -- it provides some
4 reference, but it is not necessarily the tool that I would
5 expect you to try to understand what the metrics are doing.

6 In this one we have identified a success that we
7 would expect low numbers, and, overall, long term, we would
8 expect more of a stable or a decreasing trend. We are going
9 to use the first year of data to provide a benchmark and
10 then try to then establish a trend based on this.

11 Here we have established IIPB as a lead. In
12 actual fact, that is going to be provided by the regions, so
13 that will be a change to this document.

14 Any questions on that one?

15 [No response.]

16 MR. MADISON: The next one was counting the number
17 of discrepancies in reporting, plus the number of questions
18 regarding the interpretations. This is the one where Bill
19 was referring to that we would look at the FAQs, internal
20 and external FAQs. And we look at the metric as a sum of
21 these discrepancies, plus the FAQs added, provided.

22 Yes, Steve.

23 MR. FLOYD: Just a question. Would it be better
24 to do it on a PI basis, because then that would tell you
25 whether, if you had a large number of hits, whether a

1 particular PI is driving that, as opposed to the whole
2 collection of PIs? For example, we already know that the
3 vast majority of PI FAQs are coming from --

4 MR. MADISON: From the unavailability.

5 MR. FLOYD: From the unavailability and the
6 interpretative differences that we are seeing, and the
7 discrepancies are in the unavailability data. I wouldn't
8 necessarily want to characterize all the PIs as having a
9 problem with this metric if it is just one.

10 MR. MADISON: Okay. Good comment. The lead for
11 this area, as most of you probably know, is Don Hickman.
12 Don is in the back of the room taking notes, as am I.

13 This is something we expect in our branch that we
14 can collect ourselves. We do this because we have the FAQ
15 process and that can track this and provide that data.

16 Now, we have also got on here what we expect the
17 graphic display to look like, and that is basically for our
18 reference, for what we think it ought to look like. It
19 won't be just a graphic display when we do the overall
20 assessment report. We will have the graphic display, plus
21 we will do an analysis of that, of what that means, because
22 some -- and this will help us also determine in the future
23 how good these metrics are. If we have to go through a lot
24 of explanation of what they mean, and it is not really
25 apparent just from the graphic, we may have a problem with

1 the metric. We may have to develop a better metric. But we
2 will provide an analysis on each of these.

3 MR. REYNOLDS: As we are going through, each of
4 us, making the individual recommendations, and some of them,
5 like the one Steve has made, very good, do we want to
6 capture those and talk about them later, those
7 recommendations that the panel may want to make, as opposed
8 to just an individual making the process? Just -- I mean,
9 otherwise, we are going to miss that recommendation, you
10 know, like Steve's recommendation.

11 One of our overall recommendations, if we want to
12 make a recommendation on how to revise and improve things,
13 would be, you know, we want to capture the individual
14 recommendations.

15 MR. MADISON: For your process, we are going to
16 capture your recommendations.

17 MR. REYNOLDS: Right. But I am talking about from
18 the panel, for the panel that we recommend.

19 MR. BLOUGH: You are asking -- I had the same
20 thing when I was asking a question earlier, the same
21 question in my own mind, you know, what do we do with that
22 stuff? And, of course, it is a facilitator question and the
23 facilitator --

24 MS. DECKER: He is not here, so why doesn't
25 somebody write it down.

1 MR. MONNINGER: I am taking notes within the
2 meeting summary. And once he gets back, we can, you know,
3 get him back --

4 MR. BLOUGH: It is like what I said about having a
5 plain language description. If someone had a real different
6 view, they could jump in at that time to try to keep it from
7 going too far in the other direction. I think we probably
8 ought to cycle it back.

9 MR. REYNOLDS: We have had a half a dozen or more
10 good recommendations, Randy's and David's, and Steve's, and
11 Ed's, and so on and so forth. And if we go all day and
12 would never capture them, we are going to do it all over
13 again or we are going to forget them.

14 MR. LOCHBAUM: Well, the only problem with
15 capturing them is that we are going to have to reach a
16 consensus on each and every recommendation, and it is going
17 to be tough to reach a consensus on those eight objectives
18 up there. It might be easier for individual members to
19 submit them outside the panel.

20 MR. FLOYD: It is nice to get some initial
21 feedback, just a gut reaction whether you are all wet or
22 not.

23 MR. BLOUGH: I think the staff is going to go
24 based on questions we ask, and they are going to make those
25 decisions on what they want to do. And so if --

1 MR. GARCHOW: Yeah, this panel's purpose wasn't to
2 craft the self-assessment, the NRC was doing it instead.
3 And understand what they are doing and then pass judgment on
4 the process based on the self-assessment. So I mean we
5 would build a very interesting self-assessment process for
6 the NRC, given enough time and energy. I am not sure that
7 is what I want to be sitting here doing.

8 MR. MADISON: Yeah, one of the things -- we went
9 through, you mentioned the iterative process, we went
10 through several rounds with the region, regional folks, and
11 in some cases we had the same question five and six times.
12 We would put something in one week and take it out the next,
13 and then put it back in the following week. I don't want to
14 go through that process if I can avoid it with this group.

15 MR. GARCHOW: Maybe while we go through this, we
16 could just have the individual members offer suggestions.

17 MR. FLOYD: Right.

18 MR. GARCHOW: And there were some, they don't have
19 to be necessarily agreed by everyone. Steve offered a
20 suggestion, you can throw it in the blender.

21 MR. FLOYD: Consider it.

22 MR. GARCHOW: Consider it and it either happens or
23 doesn't. It is your self-assessment program, not mine. So,
24 you do have a panel here that has some different views, and
25 maybe the people that crafted your self-assessment program

1 might just take the feedback and we will see the results
2 when you come back with the data.

3 MR. PLISCO: Right. And as a group, this isn't,
4 obviously, our first bite at the apple for the metrics. I
5 think this is meant to be an introduction, and we are going
6 to talk about this some more --

7 MR. MADISON: We are going to have several
8 opportunities at this.

9 MR. PLISCO: -- later as data becomes available.
10 And we will obviously be providing some overall
11 recommendations, inclusions at the end on the overall
12 process. So I think the suggestion is good, you know, if we
13 have some suggestions, just to raise consideration, bring
14 those up now. But as a group, the issues, as far as
15 reaching consensus on what we think about them, we can talk
16 about those later.

17 MR. FLOYD: I have one other comment on this, the
18 second metric under objective. When you say you are going
19 to count utility change reports, are those just those that
20 are related to errors in reporting? Because most of the
21 utility change reports that are coming in now are either to
22 add or remove fault exposure hours as a fault exposure
23 occurs. So just those associated with errors?

24 MR. MADISON: Don. That is a good question.

25 MR. HICKMAN: The change reports we are talking

1 about are those where they are correcting previously
2 submitted data that was in error. Not if they are taking --

3 MR. FLOYD: Okay. Not as the result of fault
4 exposure?

5 MR. HICKMAN: Well, if it is something that is
6 allowed and that they are permitted to do, that doesn't --

7 MR. FLOYD: That wouldn't count. Okay. I just
8 wanted to

9 MR. MADISON: We needed to clarify that. Thanks.
10 Thank you.

11 MR. HILL: Could we go back to the previous
12 question. The question was brought up, should we capture
13 the comments? And I think there was a lot of discussion
14 that we don't necessarily want to have consensus on it, but
15 I think we just kind of dropped it. I think it still might
16 be valid just to capture the comments anybody makes in one
17 area versus dispersed throughout the minutes, so that later
18 when we look at this, you know, we can have them in one
19 place. Here are all the comments people made. It doesn't
20 necessarily have to make consensus, but it would be for our
21 input. Maybe on the parking lot or something, you know,
22 side lot or whatever.

23 MR. MADISON: John said he was taking notes. I
24 don't know if that is --

25 MR. HILL: He is going to take minutes, but unless

1 he defines it that way, he wouldn't necessarily say here is
2 something he could later give us as here is all the
3 comments.

4 MR. CAMERON: Yeah, Alan, if you will just excuse
5 us for one minute, we will go -- let's go offline here from
6 the presentation and have a discussion of this particular
7 issue. When you hear this, presentations like this, and you
8 ask questions, some of these -- how do you want to capture
9 all of these? In other words, Richard, what you are saying
10 is that let's have them all identified.

11 MR. HILL: No, not just questions. He made a
12 recommendation, a change recommendation. I know there was a
13 little discussion when you were out of the room on what do
14 we do with that.

15 MR. CAMERON: All right.

16 MR. HILL: And that is what I was saying, should
17 we -- you know, initially, we said we ought to capture
18 those, and the concern was we had to get consensus, but we
19 don't want to lose it. I am suggesting we don't necessarily
20 have to get consensus as a group committee, but capture it
21 in one place, the recommended changes.

22 MR. CAMERON: So that you could come back later.

23 MR. HILL: We can come back later.

24 MR. CAMERON: Are we going to talk about it?

25 MR. SCHERER: I guess my reaction is I would tend

1 to put those into two categories. I took Steve's comment as
2 a valid comment and a good one. I happen to agree with it.
3 But it wouldn't change whether I would conclude this was a
4 viable program or not, or there but for his comment.

5 Now, if there was something that came up in this
6 discussion that would change the overall conclusion, then I
7 would say, well, I find that to be a fatal flaw unless you
8 correct it, then I would want to make sure that it got
9 captured, that the panel discussed it and be part of a
10 report, which goes to all of the discussion we had yesterday
11 on trying to reach a consensus.

12 So I have tended to listen to this discussion,
13 and, you know, there are good comments. I would endorse
14 some. But so far, none of these comments have reached the
15 level where it would reach what we were discussing yesterday
16 and trying to -- the three areas we were going to be trying
17 to include in our report, and the conclusions we were trying
18 to reach.

19 If it did, then I would say that we would need --
20 I would personally, any time I heard one, ask for that to at
21 least be put on a list so we could discuss it, because, for
22 me, absent that, or regardless of that change, I wouldn't be
23 prepared to support it, or it might change my support.

24 MR. HILL: I agree that the comment isn't
25 something you would want to write in the report, but part of

1 our charter is to evaluate the results against these metric
2 measures. And so any comments, suggestions, or whatever
3 about the metrics that might be made, might be important to
4 recall later when we have to actually compare against the
5 metrics.

6 I am not suggesting we are going to create, you
7 know, put something in the report or anything like that.
8 Just somehow or another -- he is capturing it in the
9 minutes. I am just suggesting putting that into one little
10 -- you know, all together versus dispersed out to a couple
11 of different areas.

12 MR. CAMERON: As much as we can, do you want to
13 try to keep, not with this previous issue that David raised,
14 in a parking lot. We can keep a running tab during these
15 context sessions that we are having, what we could call
16 panel issues. I mean we don't need to necessarily be really
17 precise about it, but if it would be helpful to note things
18 along the way so that you can make sure you can come back to
19 that, I mean we certainly can do that, although there may be
20 disagreement about how high a level of significance it rises
21 to. I mean it wouldn't mean that the panel agreed
22 necessarily that it needs to be resolved. It would just be
23 sort of a reminder, and is that what you are --

24 MR. HILL: Yeah, that is all it is, a reminder.

25 MR. CAMERON: Any other comments? I mean on that.

1 I don't think it would be too disruptive to try to do that.
2 But since I was out of the room, can you give me an
3 articulation of what the issue is you wanted me to remind
4 you of?

5 MR. FLOYD: Yes, two.

6 MR. CAMERON: Okay.

7 MR. FLOYD: And it is OP1b.

8 MR. CAMERON: OP1b.

9 MR. FLOYD: OP1b.

10 MR. CAMERON: Okay.

11 MR. FLOYD: OP-wan-kenobe. Small b.

12 MR. CAMERON: Small b. Okay.

13 MR. FLOYD: And the first one is we need a
14 discriminator by PI.

15 MR. MADISON: Suggesting a discriminator.

16 MR. FLOYD: Suggesting a discriminator by PI.

17 MR. CAMERON: Okay. Suggesting a discriminator by
18 PI.

19 MR. FLOYD: Right. And the second one was a
20 clarification. Change reports should be limited to errors.

21 MR. CAMERON: So change reports should be limited
22 to errors.

23 MR. FLOYD: Right.

24 MR. CAMERON: And that needs to be clarified.

25 MR. FLOYD: Yes.

1 MR. CAMERON: Richard, does this help?

2 MR. HILL: Yeah, I think -- well, I don't know how
3 much it will help later, but it will be there in case it
4 does help us later.

5 MR. CAMERON: All right. Anything else that
6 anybody wants to bring up for this list from Bill Dean's
7 presentation? While we are here, before we go back to Alan.

8 MR. MADISON: We had Randy's comment.

9 MR. REYNOLDS: We had Randy's comment about a list
10 of all self-assessment activities. A plain language --

11 MR. MADISON: A plain language summary.

12 MR. REYNOLDS: In order to deal with the
13 assessment.

14 MR. MADISON: Plain language, the manual chapter
15 is going to be, but we will make an attempt at it.

16 MR. CAMERON: So a plain language summary of all
17 self-assessment information?

18 MR. GARCHOW: Process, of the process.

19 MR. MADISON: I will write it in plain English,
20 but then afterwards I will revise it.

21 MR. CAMERON: The self-assessment process.

22 MR. GARCHOW: Processes.

23 MR. PLISCO: Yeah, Alan, one thing that would help
24 us out, too, it is not to me obvious your nomenclature of
25 your metrics. Could you explain how, so we could read those

1 and cross-reference?

2 MR. MADISON: Okay. The first letter designation
3 is the criteria, O for objective. The second letter
4 designation is the ROP process area, P for performance
5 indicators. 1 is the first one, the first question we
6 asked, and then under that, if there were key measures or
7 key issues underneath each question, A, B, C, D, and so
8 forth. And that is how we broke it up.

9 Is this satisfying your needs, going through each
10 of these one at a time? Give me an opportunity to look at
11 it and providing some information on it and comments? Okay.

12 Any more questions on OP1A or B?

13 [No response.]

14 MR. MADISON: Underneath "Risk-informed" it says
15 "None." That doesn't mean we have abandoned the attempt to
16 find out whether performance indicators are risk-informed or
17 not. We have really relegated that to the overall measures,
18 and one of the areas specifically in the FRN will be ask to
19 ask stakeholders feedback regarding whether or not the
20 performance indicators are considered risk-informed.

21 Finding a way to measure whether or not the
22 performance indicators are risk-informed, we couldn't come
23 up with an objective way of doing that other than collecting
24 feedback from internal and external stakeholders.

25 And a shortcut, the next couple of areas,

1 understandable and predictable for -- primarily for
2 performance indicators were considered the same as -- the
3 same measures under objective could be considered as good
4 measures for understandable and predictable.

5 MR. SCHERER: How about frequently asked
6 questions?

7 MR. MADISON: That is part of that.

8 MR. SCHERER: So frequently asked questions are in
9 1A?

10 MR. MADISON: OP1B.

11 MR. SCHERER: I understood that. I am saying is
12 frequently asked questions part of 1A? If somebody asked --
13 the inspector comes in, looks at a PI and there is a
14 disagreement as to whether or not the PI was interpreted by
15 the utility correctly, and it results in an FAQ, does it
16 count in A?

17 MR. MADISON: No, it counts in OP1B.

18 MR. SCHERER: Okay.

19 MR. MADISON: But it is counted. We did ask
20 ourselves, under "predictable for a performance indicator,"
21 another question, whether or not, if the process remains
22 stable over time, then we felt it would also be an
23 indication of whether or not it could remain predictable, at
24 least from both implementer's and the public's point of
25 view.

1 Now, do we feel we can get to that by measuring
2 the number of changes that complete or exit the flow path of
3 the change process? And that is kind of cryptic for you
4 because you haven't seen the flow diagram for the change
5 process, although that is going out to the regions.

6 When will that become public, Michael?

7 MR. JOHNSON: Probably in about --

8 MR. MADISON: It is going out to the regions in
9 draft form for comment?

10 MR. JOHNSON: And, in fact, we have already put a
11 draft, a copy of the draft --

12 MR. MADISON: We have put a draft out in a public
13 document. So if anyone would like me to copy that, we can
14 get you a copy of that procedure as well. And that has the
15 flow diagram with that.

16 We do have a process for changing the performance
17 indicators, and the number of changes that then exit or
18 actually occur then, we would count those. We expect low
19 numbers or a stable or decreasing trend. We are going to
20 use the first year of information or data as a benchmark and
21 then use that.

22 Any questions in this area?

23 MR. HILL: I would like to ask one question. The
24 number of changes, when you look at whether they are
25 obtained by different users, get the same data input, to

1 what degree are you going to go look and actually verify
2 what the individual plants are doing? This kind of relies
3 on the plants to identify that they did something that they
4 had to change, doesn't it?

5 MR. MADISON: No, this is talking about our
6 process. Is our process changing? So if we make a large
7 change or a change to the performance indicator process, or
8 the performance indicator guidance criteria, and it comes
9 through our process, that means that the program is not
10 stable. If we are constantly changing it, so that goes to
11 saying it is not as predictable. You can't predict from one
12 quarter to the next what the information is going to be.

13 MR. HILL: Okay. You are talking about PB2?

14 MR. MADISON: Yes, PB2.

15 MR. HILL: Okay. I guess my question is back on
16 1.

17 MR. MADISON: All right. What is the question?

18 MR. HILL: Okay. Well, I guess I am trying to
19 figure out how you are actually going to go verify that, and
20 I guess you are doing -- is that through inspection?

21 MR. MADISON: That is through the Inspection
22 Procedure 71-151, which is PI verification. So the output
23 of that actual NRC inspection process is going to be the
24 input to our data collection.

25 MR. BROCKMAN: Wouldn't it be either one? If a

1 licensee identifies a problem and submits it, that is a
2 change. If we, being we the inspectors, would identify a
3 problem, either one is a problem --

4 MR. MADISON: Either one is going to be documented
5 in an inspection report. We will capture that data there.

6 MR. HILL: Okay.

7 MR. FLOYD: Do I have it right? As I understand
8 it, OP1A would only track those that cross a threshold.

9 MR. MADISON: Yes.

10 MR. FLOYD: And OP1B would track all reporting
11 discrepancies?

12 MR. MADISON: Yes.

13 MR. FLOYD: Okay.

14 MR. CAMERON: Jim, did you have something you
15 wanted to offer here?

16 MR. MOORMAN: Well, we were talking about how the
17 information on the changes was going to come forward and
18 whether or not that would be identified in the inspection
19 report. I don't think you will see it in the inspection
20 report, but if an inspector identifies the issue, it will
21 cause the utility to make the change report. It will stay
22 out of the report. So that is how it is going to go
23 forward.

24 MR. MADISON: That is for the lower level.

25 MR. MOORMAN: That's correct.

1 MR. MADISON: If it crosses across a threshold for
2 OPIA, that is going to be in an inspection report.

3 MR. MOORMAN: Exactly.

4 MR. HILL: I just saw one in an inspection report
5 that didn't cross a threshold, where there was an identified
6 -- you know, how it was reported, the number of hours. So
7 it was not crossing a threshold, but it was reported in the
8 inspection report.

9 MR. MOORMAN: I apologize for the sins of the
10 earlier process.

11 MR. MADISON: We initially, during the pilot
12 program, we wanted to collect data through the inspection
13 reports on all discrepancies.

14 MR. HILL: No, I am talking about a report that
15 just came out like a week ago.

16 MR. MADISON: And during the initial
17 implementation, we scaled back on that, but the message
18 hasn't gotten to all inspectors yet, the idea being that we,
19 unless there is an issue, an underlying issue with the
20 licensee's process to collect performance indicator data,
21 that if the performance indicator discrepancy doesn't cause
22 the performance indicator to cross the threshold, it won't
23 be document.

24 MR. HILL: Okay.

25 MR. MADISON: That is the new guidance.

1 MR. JOHNSON: That new guidance, what happened was
2 -- the inspector's new PI verification is in conflict with
3 the documentation procedure. And Alan is exactly right, it
4 has that low threshold. I have the revision in my hand, and
5 that should go out within the next few days.

6 MR. MOORMAN: That is basically an outcome of our
7 transition from pilot to initial implementation.

8 Okay, OP1 or OP2, any further questions?

9 [No response.]

10 MR. MADISON: Under maintain safety, we've got a
11 couple questions in there. The first question is if it
12 provides timely indication of declining safety performance?

13 And we consider that the performance indicators
14 would be maintaining safety. We feel we can measure that by
15 tracking or trending the performance indicators across
16 multiple thresholds.

17 The idea there being that the premise of the
18 program is that you'll have a progression of declining
19 performance that will be indicated by performance indicators
20 and through the inspection program; that it would go from
21 green to white to yellow to red.

22 If you skip thresholds, if you go from green to
23 yellow, that may be an indication that it's not providing
24 timely -- that the performance indicators are not providing
25 timely indication.

1 We would expect that to be low numbers. We've got
2 in parenthesis here, near zero, and we're hoping not to see
3 any of that if we've got it right.

4 But we would -- if we do have any, we would expect
5 a stable or decreasing trend as we refine the process.

6 MR. KRICH: Alan, just an observation: On the one
7 of the yellow holders of the industry --

8 MR. MADISON: Did you go from green to yellow?

9 MR. KRICH: Went from green to yellow, and because
10 we did an 18-month surveillance test, and it failed, and
11 you're automatically into yellow.

12 And so there's an interaction here between some of
13 your measures that, you know, you need to solve the problem
14 on performance indicators that may influence the way that
15 this indicator or this metric comes out.

16 MR. MADISON: I'd argue that the indicator has
17 identified the problem.

18 MR. KRICH: Has?

19 MR. MADISON: Yes, that it's caused -- that this,
20 by saying that we're going to identify it as a problem and
21 performance indicators skip from green to yellow, that has
22 identified the potential problem in that performance
23 indicator.

24 And we are working to address that performance
25 indicator because of that.

1 MR. KRICH: Would you also say that it provides an
2 indication of declining performance?

3 MR. MADISON: I think we're arguing semantics
4 here. What I'm saying is that this measure, the
5 self-assessment measure, is going to count the number of
6 times a performance indicator crosses two thresholds at
7 once, goes from green to yellow.

8 MR. KRICH: Right.

9 MR. MADISON: If that counts that, that says we
10 potentially have a problem in that performance indicator;
11 that it's not providing timely indication of decreasing
12 performance, or that there is a problem with that
13 performance indicator.

14 And I would say the case of Quad Cities is a good
15 example.

16 MR. PLISCO: So I think you're saying that that
17 first sentence is really what the goal is that they are
18 trying to measure.

19 MR. MADISON: If it does provide timely
20 indication, then it wouldn't cross multiple thresholds at
21 once.

22 MR. GARCHOW: You -- the function as a timely
23 indication. I mean, you would cross through white before
24 you went to yellow. So a definition that if you went right
25 to yellow, that wouldn't be very timely, and we're counting

1 that as an exception in this performance.

2 MR. KRICH: Yes, and I understand -- that the
3 implication is that if you do that, you are -- it's
4 declining safety performance.

5 The problem is that you didn't catch it fast
6 enough. What I'm saying is that is not necessarily an
7 indication of declining safety performance.

8 MR. MADISON: That's true. That's why we're
9 looking at that performance indicator.

10 MR. KRICH: All I'm pointing out is that there is
11 some interaction here. It's just an observation. There's
12 some interaction here, and like all measurements, you have
13 to be aware of other things going on.

14 MR. MADISON: All right, let's also get clear on a
15 term here. Maybe we're mixing the term.

16 This is not a measurement. This is an indicator.
17 Just as I said before on performance indicators for the
18 program, we can't -- we're not going to develop these or
19 refine these to the point where they are measures of
20 performance.

21 They're indicators. We will hope that they
22 indicate the types of performance we're looking for, but
23 we'll have to analyze them, what the numbers mean, to
24 determine whether or not that's the case.

25 And if there are exceptions such as the case of

1 Quad Cities, we'll have to note those.

2 MR. REYNOLDS: I think what might help is this is
3 a self-assessment of the performance indicator, not of the
4 plant.

5 MR. KRICH: I understand that also. Again, my
6 only point is that when you're doing this -- and I
7 understand exactly what you're doing, and how you're doing
8 it, and that makes perfect sense and is a good way to go
9 about it.

10 But it's an observation that there is interactions
11 now between issues that are ongoing and what you are using
12 to determine the effectiveness of the program. We just need
13 to keep those in mind.

14 MR. MADISON: That's true in other indicators, and
15 not just this one. That's true on other indicators as well.

16 MR. COLLINS: Hey, Alan, one went from yellow to
17 green?

18 MR. MADISON: Yes.

19 MR. KRICH: That would not be a decline in safety.

20 MR. MADISON: But that may be potentially a
21 problem with the performance indicators.

22 MR. PLISCO: I understand.

23 MR. MADISON: And we're looking at the performance
24 indicator with this indicator.

25 Our second indicator is -- the question was that

1 it doesn't provide an incentive for licensees to make
2 prudent decisions, and minimizes incentive for licensees to
3 take actions that have the potential to adversely impact
4 plant safety.

5 Bill talked about a little bit of that this
6 morning as one of the areas we're already looking at. So
7 the two subissues are, A, reports of unintended
8 consequences. And we are primarily going to get this from
9 the surveys, internal and external.

10 We'll look at this specifically in the performance
11 indicator area, and that's why it's not necessarily thrown
12 in as an overall measure, although there is a parallel
13 question in overall measures that looks at unintended
14 consequences overall in the program.

15 We expect low numbers, although we've already got
16 some indications in a couple of areas that we potentially
17 have that problem.

18 MR. SCHERER: How do you note unintended
19 consequences?

20 MR. MADISON: It would be somewhat subjective. I
21 was going to start saying that it was in the eye of the
22 beholder, but we're looking for issues that would engender
23 negative performance.

24 For example, one of the concerns that some of the
25 inspectors have -- and we've seen a couple of -- we think

1 we've seen a couple of examples in the unplanned power
2 changes performance indicator, if licensees would normally
3 have performed the power reduction immediately and now are
4 waiting greater -- waiting for three or four days to do that
5 so they can beat the performance indicator, that would be an
6 unintended negative consequence that we would count here, if
7 we get an example of that.

8 If, on the other hand, if we have an
9 unavailability performance indicator, we have licensees that
10 are not performing preventative maintenance that they should
11 be performing, because they don't want to take a hit in
12 unavailability, that's also an unintended consequence.

13 MR. SCHERER: So this requires, for example,
14 waiting till the actual unintended consequence occurs, as
15 opposed to where a utility --

16 MR. MADISON: This is something we would get as
17 feedback during a survey.

18 MR. SCHERER: And then you'd take ever FAQ to be
19 trying to avoid an unintended consequence, because if I
20 waited till I avoided the preventative maintenance, then it
21 would count here.

22 If a utility submits an FAQ to say I want to
23 exclude this preventative maintenance from the performance
24 indicator, it wouldn't count here. Is that correct? Did I
25 get that right?

1 MR. BROCKMAN: Ed, you could see it a lot earlier.
2 You could change the procedural -- proceduralize some of
3 these changes that you did this -- you went into old
4 criteria where you would do something, and you've changed
5 your procedures now by how you do it, and that could be an
6 unintended consequence where you see that coming.

7 MR. HILL: How would that be identified?

8 MR. BROCKMAN: That's the inspectors onsite to
9 provide feedback. The one that I think could be in there is
10 the SDP, the significance determination process, and the RP
11 is very much -- the RP area is very much focused on what
12 your ALARA planning goals are.

13 If all of a sudden I see that the outage that used
14 to have an ALARA planning goal of 50R for the outage, I
15 would have said not it becomes 200R, and that's an
16 unintended consequence.

17 But it hasn't occurred yet, in that we haven't
18 gotten exposure, so the impact is not there, but you can see
19 it beforehand in some of these things.

20 But it's very much driven by the observations of
21 the inspectors in the field, or feedback through other
22 sources that you could get. I mean, workers on site and
23 what have you, and there are other sources that come in and
24 provide information to the Agency that could also be -- for
25 communicating.

1 MR. MADISON: We're going to have to be very
2 careful in how we -- this is going to be dependent, very
3 dependent upon the survey question that we ask and how we're
4 going to get the information.

5 But we are going to rely on a survey, and we are
6 going to get some professional help on this to ask the
7 questions so that we can address the issue here.

8 MR. HILL: Let me ask a big-picture type question:
9 What are the plans for giving us a lot of this information?
10 A lot of this is internal collection by the NRC to go, you
11 know, compare against this performance measures, yet part of
12 our role is also to evaluate the program results against
13 performance measures, so are we going to be -- how are we
14 going to get this type of information, feedback forms and so
15 on?

16 MR. PLISCO: Yes, this is what I was trying to get
17 to yesterday in laying out our plan, talking to Bill on
18 their schedule. The initial data collection for the first
19 six months is going to be reported to the Program Office in
20 mid-November timeframe.

21 And I thought that for our purposes, we not only
22 want to see the data, but I think we'd want to see the
23 staff's initial evaluation of that data, too, which would
24 give -- and that's why I was proposing in our January
25 meeting, we'd do that.

1 We'll see the data, and we'll get the staff's
2 initial evaluation, their views on that evaluation in our
3 January meeting. And now that we've picked later January,
4 it looks like we can be assured to have that.

5 MR. MADISON: Now, you won't have, necessarily,
6 this survey, because we'll be in the process of collecting
7 the surveys.

8 -- on a quarterly basis, and I've identified some
9 of that already, some of the number data that we'll collect
10 from the Regions, and -- ourselves; you'll have that.

11 So this one you will not have.

12 MR. HILL: At all?

13 MR. MADISON: Until March.

14 MR. HILL: You already have some feedback forms
15 and other things, right?

16 MR. MADISON: This is not from feedback forms,
17 this will be through a survey. And we'll have to design a
18 survey. I think that the original concept was that we
19 design it on a -- scale, so we could actually quantify the
20 response, and the scale is one to five.

21 MR. PLISCO: And internally, we'd have both the
22 surveys. Internally, just within the last month, we've
23 asked the inspectors to start to include these kinds of
24 issues in their feedback forms. So the first -- that
25 information was not collected and we just now are doing it.

1 MR. MADISON: We could count feedback, but that is
2 not necessarily going to give us an objective number. That
3 we will get more from an actual survey where we make sure we
4 get it out to everybody, as many people as we can, and then
5 get information back all at once.

6 MR. HILL: Question 8 says it comes from feedback
7 forms and surveys.

8 MR. MADISON: We're going to change that. We're
9 not going to get that from feedback forms; we'll get that
10 form the survey.

11 MR. GARCHOW: Alan, later on there, where you talk
12 about the action matrix, that part of the -- the real issue
13 with the unintended consequences is the licensees' response
14 and reactions and the public response and reactions from
15 crossing over to the green/white threshold, and the either
16 perceived or actual impact of that on the licensees.

17 So the unintended consequence like on power
18 reductions is if you have to exceed the threshold. It's
19 seen that the perception of the licensees is the same at
20 seeing white as very punitive.

21 Is there a piece of the evaluation of the process
22 that gets at the perception or the reality or the
23 intentional reaction we wanted or didn't want out of this
24 process relative to crossing from green to white?

25 MR. MADISON: In an overall frame, that's where

1 we're going to go, that type of -- that's the direction
2 we're taking in the overall question. We're asking similar
3 questions in the overall efforts.

4 MR. GARCHOW: You've got to put the real issue on
5 the --

6 MR. MADISON: Right.

7 MR. GARCHOW: And that is the real issue; it's not
8 whether someone's going to wait to shut down the plant. So
9 you're avoiding some -- and all that perception.

10 MR. HICKMAN: A comment about the feedback forms:
11 Again, a lot of comments initially were in the form of
12 e-mail rather than actually on the feedback form itself.

13 In several instances, we have gotten reports of
14 the unintended consequences through e-mail messages. Those
15 originate, actually, from the licensee.

16 We've had licensee's come to the Residents and
17 tell them, this is what your guidance says. I can use that
18 guidance and I can do this, and what they're proposing to do
19 is detrimental to plant safety.

20 We take that information, we look at what we need
21 to do to fix it, so we do get those kinds of feedback.
22 Sometimes they come right out and tell us.

23 MR. PLISCO: Alan, before you continue, I think
24 this is a good time for us to take a break.

25 MR. MADISON: Well, can I hit B, because B is the

1 same one, basically.

2 MR. PLISCO: Finish B.

3 MR. MADISON: This is the external portion of the
4 internal and external portions of the graph.

5 MR. SCHERER: I don't want to hold up -- but what
6 about the corollary to this, which is are you looking or
7 capturing the times that -- a PI changes color.

8 And it was not an indication of degraded
9 performance, for example, because the utility elected not to
10 have the unintended consequence. It did the preventive
11 maintenance and went white.

12 The NRC looks at it, makes a judgment, yes, you
13 did the right thing; we agree. Where are you capturing
14 those examples that the NRC agreed that, you know, the
15 change in color came under the PI, but it was the correct
16 thing to do? It was not degrading performance.

17 MR. MADISON: That's a good question. Directly,
18 we're not asking that. But we are asking in the unnecessary
19 regulatory burden part -- is that -- I think that would have
20 an influence from the licensee's perspective, that this is
21 an unnecessary regulatory burden.

22 I'm counting this; it's showing up on my screening
23 --

24 MR. SCHERER: I glanced at the performance
25 indicators, and I didn't find it anywhere.

1 MR. MADISON: Pardon?

2 MR. SCHERER: I said I just glanced ahead on the
3 performance indicators, and I didn't see anyplace on the
4 performance indicators, any of the areas, that you were
5 capturing that metric.

6 MR. MADISON: That's why I why I said I don't
7 think, directly, we're looking at that, but we're asking the
8 question, and they're under necessarily regulatory burden,
9 if there are instances of those. And that's where we would
10 capture that issue.

11 We're not directly counting the numbers of times
12 that that happens.

13 MR. HICKMAN: That's not necessarily indicative of
14 a problem with the performance indicators. It may be a
15 problem with the threshold, but it's not necessarily
16 indicative of a problem with the indicator.

17 We will continue to look at the thresholds to see
18 if they need adjustment as industry performance changes.
19 We're not going to ratchet them, but what we're saying is
20 that if industry starts in a deregulated environment, doing
21 more plant shutdowns at night so they can operate during the
22 day, they start changing the way that they operate.

23 We need to continue to look at the PIs and the
24 thresholds to see if we're going to have problems in that
25 area.

1 But it's not directly a reflection on a problem
2 with the indicator.

3 MR. HILL: It could be. Unavailable hours is a
4 good example where that might be reflection on the PI, not
5 the threshold in how you define what unavailable hours are.
6 So it could be on the PI as well as the threshold.

7 MR. HICKMAN: That's correct.

8 MR. CAMERON: Steve, you have a comment?

9 MR. FLOYD: Just another comment on this area on
10 the maintain safety sort of a corollary to Ed's question.
11 There were some performance indicators put in the program
12 with the intent of changing behavior in a positive manner,
13 and did we want to try to capture any of that?

14 MR. MADISON: No, that was not -- this was
15 negative.

16 MR. FLOYD: All negative?

17 MR. MADISON: We talked about whether or not to
18 capture the positive aspect of it, and we felt that's really
19 not what we're looking for. We're looking for problems.

20 MR. FLOYD: Okay.

21 MR. MADISON: So we would identify where there are
22 problems.

23 MR. HILL: Is a negative, though, only relative to
24 the NRC and not to the licensee?

25 MR. MADISON: Negative to the -- well, unintended

1 consequences, we're asking for unintended consequences -- I
2 mean, unnecessary regulatory burden, which would be our
3 aspect of what would be negative for the licensee.

4 When we're talking about negative consequences,
5 we're talking negative to safety, which is the impact on the
6 public.

7 MR. HILL: So unintended consequences, you're not
8 talking about unintended consequences relative to adverse
9 effects on the licensees; what wasn't what you intended.

10 MR. MADISON: How do you define adverse effects on
11 the licensee?

12 MR. PLISCO: I think when you get to B, B is
13 asking the licensees if there were undesirable things that
14 they had to do because of the PI.

15 MR. MADISON: But again, -- undesirable effects on
16 the licensee.

17 MR. HILL: Well, I guess I'm trying to figure out,
18 are you talking about undesirable only from your
19 perspective, and not from a licensee perspective?

20 MR. MADISON: We're talking about undesirable from
21 the perspective of safety.

22 MR. KRICH: So an undesirable consequence, and
23 unintended consequence for a licensee may be that they go --
24 that the performance indicator goes white because they took
25 a system out of service to do preventative maintenance on

1 it?

2 And it was the right thing to do, but the
3 indicator is now white and shows up on the quantity report
4 as white, and you, as we talked about before being white or
5 any less than green has some consequences.

6 MR. MADISON: Well, what's the outcome of that?
7 The outcome of that is that it does turn white, that we
8 consider a supplemental inspection, and that is maybe
9 unnecessary regulatory burden, so we would see that question
10 being asked in unnecessary regulatory burden.

11 MR. KRICH: That would be more consequences than
12 --

13 MR. MADISON: That's the consequence that's
14 negative for the licensee?

15 MR. KRICH: Is that what you were --

16 MR. HILL: Yes. I'm just trying to figure out the
17 definition of unintended consequences, and I think I'm
18 seeing that, again, it's from your perspective only.

19 MR. MADISON: Which should be the perspective of
20 the licensee as well as the NRC.

21 MR. FLOYD: Let's see if I can help. To me, what
22 unintended consequences has meant in the program is that the
23 licensee takes action that they otherwise would not have
24 taken in the interest of what they think is the correct
25 thing to do because of the fact that there's an indicator

1 there that's measuring it.

2 So if you decide to do or not do planed
3 maintenance on the basis of not going to or not going to
4 cross a threshold, as your primary determining factor in
5 that, and not whether you think it's the right thing to do
6 or not, then that's an unintended consequence.

7 MR. PLISCO: And as Alan mentioned earlier, it is
8 subjective in the eyes of the inspector.

9 MR. MADISON: It is somewhat in the eyes of the
10 beholder in a lot of ways, yes. That's why we're doing it
11 in a survey format, to get that feedback directly from both
12 internal and external stakeholders.

13 MR. HILL: I guess the point that may be -- to me
14 and may be to others, is the part that adversely impacts the
15 licensee, you're putting that in unnecessary regulatory
16 burden versus unintended consequences.

17 I would have had a bigger definition of unintended
18 consequences.

19 MR. MADISON: We do have an overall question that
20 looks at overall unintended consequences, and that's in the
21 overall metrics. But we are focusing here on the safety
22 aspect of that.

23 And there's bleed across a lot of areas, and we
24 say that there is. And, you know, that's why you have, if
25 you look in the matrix, you'll see that one performance

1 indicator may have -- may touch on more than one area.

2 What I'm trying to focus on here is this measures
3 impact on maintaining safety in performance indicators only.
4 If we're going to ask that question, we're going to focus
5 that question on its maintenance of safety aspect in
6 performance indicators.

7 MR. HILL: Could I ask why it's presented as
8 provided -- you're measuring whether it provides an
9 incentive for licensees to make prudent decisions versus --

10 MR. MADISON: That's probably awkward wording.

11 MR. HILL: Okay.

12 MR. CAMERON: Can I ask if this captures the point
13 that Ed brought up about a metric. Do we need a metric for
14 when performance isn't actually degraded, but the measure is
15 tripped? Does that capture it enough so that you guys
16 understand what that means to come back to it?

17 MR. TRAPP: If the metric is tripped, the
18 performance is degraded. I mean, that's the whole idea of
19 the metrics. But that would be, I guess --

20 MR. FLOYD: Not necessarily.

21 MR. GARCHOW: The concept of a process, the metric
22 ought not to be perfect, but you trip them conservatively
23 rather than not trip them, and you even have the Resident
24 Inspectors on cases, if it was that simple, be able to just
25 go look and just write two sentences in an inspection report

1 that there wasn't a safety issue.

2 MR. MADISON: I want to emphasize -- that's not a
3 bad outcome. That's not a bad outcome, so if I have a
4 performance indicator that crosses the threshold, and it
5 goes to white, and it causes me to look at it, and just --
6 and I do a couple of hours and looking at it and say it's
7 not really a problem, that's not a bad outcome.

8 MR. GARCHOW: We design in the process.

9 MR. MADISON: That's what we do; we designed it to
10 be conservative, because there might be that one out of 100
11 times where it is a problem.

12 And so that's okay. So we may be measuring the
13 times that it crosses that. It's not a bad outcome to have
14 a performance indicator cross the threshold, conservatively,
15 but if the NRC's reaction is to send a 20-man team out
16 there, that's a bad outcome.

17 The reaction is to look at it to determine whether
18 it's a problem; that's our job.

19 MR. SCHERER: For one out of 100, that's not a bad
20 outcome, but if, as Steve mentioned earlier, if one PI is
21 being tripped across the country, repeatedly for
22 non-degraded safety reasons, then I think, personally,
23 that's something that should be looked at and corrected.

24 MR. MADISON: I agree.

25 MR. CAMERON: All right.

1 MR. GARCHOW: Well, that sort of gets back to -- I
2 think the unintended consequence of the program that we
3 didn't foresee or wasn't foreseen by the NRC was the outside
4 the emotional response that appears to have come about as a
5 result of when somebody crosses from green to white, even
6 though in the construct of a process, that wasn't seen as
7 unsafe, wasn't seen as anything other than tripping an
8 indicator and having somebody, the Resident Inspector or
9 somebody else, have to go in and look at the reasons for it,
10 and which the reason may be valid and the indicator goes
11 back green.

12 But over the whole last year, we seemed to have
13 really made it like the green light threshold is a big deal
14 for the construct of the program, and it wasn't intended to
15 be that big of a deal.

16 And that brings a lot of emotion around the
17 unintended consequences.

18 MR. HILL: Actually, the definition of unintended
19 consequences, the example you just gave doesn't fit in your
20 example of unintended consequence, right?

21 MR. MADISON: I disagree. It depends upon the
22 performance indicator. As we said in the unavailability,
23 from the licensee's perspective, if there going to not take
24 a hit on -- by not doing preventative maintenance, that's an
25 unintended consequence that's a negative impact on safety

1 from our perspective, too.

2 We expect them to --

3 MR. HILL: If that preventive maintenance was
4 necessary at that time. It may not have been. They have
5 been just more conservative in maybe changing that with some
6 basis.

7 MR. SCHERER: I guess my view is, and the issue I
8 tried to raise briefly before the break, was to --

9 MR. CAMERON: Did we take a break already?

10 MR. SCHERER: Was that the corollary -- there is
11 unintended consequences. If we were to go and defer
12 preventative maintenance we would otherwise do to the next
13 calendar quarter, well, we'll hold off another two weeks,
14 not for any good and sufficient reasons, but because I want
15 to move it into a different calendar quarter, I think that
16 you would list this, and I probably would agree, as an
17 unintended consequence of that PI.

18 I want to get the corollary where we do the right
19 thing, we do the preventative maintenance today, not wait
20 the two weeks, move to white. The NRC comes out, they do
21 their inspection and they say, oh, gee, you guys did the
22 right thing.

23 I want to capture that somewhere. So if it's the
24 one in 100, okay. But if there's a pattern now across the
25 country that the NRC can capture, gee, we've been changing

1 people from green to white for doing the right thing, and we
2 need to go back and revisit that.

3 MR. MADISON: That's fine, yes.

4 MR. BROCKMAN: I think that within the ground
5 rules of our charter, we capture that as something for you
6 all to consider. And as we said, we're going to look at the
7 program and judge it as opposed to trying to create it here.
8 It's time for a break.

9 MR. PLISCO: You've got to capture the thing,
10 right, Chip.

11 MR. CAMERON: Yes. I'm going to move that issue
12 that was brought up this morning.

13 MR. PLISCO: Now we'll take a break.

14 [Recess.]

15 MR. MADISON: I'm a little more relaxed now. MP2
16 A and B, are we -- do we have any other questions on those
17 two? Basically it's a survey instrument.

18 The next area is effective and efficient and
19 realistic. Our first question is was it that it's reported
20 accurately?

21 We feel that with the same indicators that we have
22 in OP1 A and B will provide information in that area.

23 But in addition to that, we've asked a couple of
24 questions.

25 MR. SCHERER: Where did the five weeks come from?

1 Are those things supposed to be reported --

2 MR. MADISON: This is our -- we're posting on the
3 external web. This is the -- basically comes from -- we get
4 it in three weeks.

5 Now, we give the Regions a two-week period --
6 well, they don't really get a two-week period; they get like
7 three or four working days, and it's also the timeframe it
8 takes us to then migrate it from internal to external web
9 through our OCIO office of -- Chief Information Office.

10 MR. HILL: We get the data in three weeks and we
11 have one week to -- what happens i that we then send an
12 e-mail message back to Licensing telling them what we've
13 got. We have a week in there to make sure that what we got
14 was actually correct.

15 And then we have a week for the Region, so the
16 total is five weeks.

17 MR. MADISON: The total is five weeks, but there
18 is also some cushion in there that allows for OCIO to get to
19 it, to migrate it from internal to external web, if I'm not
20 mistaken.

21 That's not true?

22 MR. HICKMAN: Yes, that's it.

23 MR. MADISON: That's that second week. That's
24 primarily what it's for.

25 The question that you were trying to address here

1 is, is the information provided in a timely manner? And
2 we're holding ourselves to five weeks.

3 We may adjust that time as we get more effective
4 and efficient at doing that and drop that threshold down.
5 Right now, we're setting it at five weeks, because we think
6 it's reasonable to achieve.

7 We're also asking under this -- under effective,
8 efficient, and realistic, is the process stable over time?
9 Does it meet the safety objectives?

10 The project provides timely indication --
11 performance, and the unintended consequences issue is a
12 question.

13 We feel it will also have impact in the -- . This
14 is probably busy in this area, and we'll clean this up.

15 This is a working tool.

16 MR. FLOYD: Just a comment under EP-6, and it
17 looks like you have a typo and that should be MP2 A and B,
18 if you don't have it.

19 MR. MADISON: Yes, thank you.

20 MR. FLOYD: One other comment: Under the category
21 of efficient, would it be useful at all to track false
22 positives, to keep track of the number of false positives
23 that the agency --

24 MR. MADISON: On performance indicators?

25 MR. FLOYD: Yes, that the agency might be then,

1 per your guidance and procedures, having to respond to? I
2 think it's mostly -- it's probably also a burden on the
3 licensee, but it's an also an inefficiency for the
4 regulatory if their process calls for them to have to go out
5 and do a supplemental inspection for a false positive.

6 I'm not suggesting that there never should be any
7 false positives, but if you see an increasing trend of
8 those, then that might be a flag to you to take a look at
9 the PI.

10 MR. MADISON: Okay. Don, did you get that?

11 MR. HICKMAN: Yes. I guess that would be how is a
12 false positive identified?

13 MR. FLOYD: Well, I think it requires some
14 evaluation, clearly, but, I mean, for example, like the ones
15 we have right now on fault exposure where the licensee has a
16 relatively low value for planned and unplanned
17 unavailability on the system, then they do an 18-months
18 surveillance or something, and then, bingo, all of a sudden,
19 they go from green to yellow, and it's really not indicative
20 of their overall performance.

21 And so it is sort of a false indication of the
22 true unavailability of the system. There might be also some
23 instances that maybe -- you know, Ed was talking about --
24 where under the maintenance rule, you're balancing
25 availability and reliability, but some of the thresholds are

1 more restrictive in the PI program for some licensees than
2 what their performance criteria is under the maintenance
3 rule.

4 So when they're doing the proper thing to balance
5 availability and reliability under the maintenance rule,
6 they may trip a threshold. But it's the right thing to do.

7 But it's a false positive, because, again, it's
8 not indicative of them taking the wrong action or of
9 declining performance; it's actually the converse.

10 MR. FLOYD: False negatives as well.

11 MR. HICKMAN: Yes, you could have them.

12 MR. TRAPP: That would be possible.

13 MR. MADISON: False negatives would fall more
14 under the area of maintaining safety.

15 MR. FLOYD: Maintaining safety where you're
16 missing things.

17 MR. GARCHOW: Then there's the other problem, you
18 know, where one side of the NRC is giving a tech spec change
19 -- 14 days; the other side is that -- 14 days, I crossed
20 over white nearly at the yellow threshold. And then there's
21 inconsistency between the license --

22 MR. MADISON: There was some discussion in this
23 working group about false positive/false negatives, and the
24 performance indicator.

25 I think where they may have decided not to pursue

1 that area was in coming up with an objective indicator,
2 objective definition and then an indicator of what a false
3 negative was and how to measure that.

4 But it's a good comment, and we'll look at it.

5 All right, under enhances public confidence, we
6 basically -- now, one of the overall comments that we have
7 for the -- program -- that's why we're going to look at this
8 -- is overall measures to enhance public confidence.

9 If we meet the measures of maintaining safety, if
10 we meet the measures of being predictable and objective and
11 so forth, that's got to go a long way to enhancing public
12 confidence in the process.

13 So that's what the first comment, CP, goes
14 towards. But it also -- the feeling of the group also was
15 that it's accurate and understandable information that's
16 provided in a timely manner, and there's three measures that
17 we look at there, three indicators that it would also go to
18 enhancing public confidence.

19 MR. LOCHBAUM: I have a question.

20 MR. MADISON: Yes?

21 MR. LOCHBAUM: I look forward, too, to find out if
22 it's covered somewhere else, and I didn't see it, but if it
23 is, let me know.

24 That's right now there's three indicators where
25 the number that's on the website is below the graph, out

1 side the graph.

2 MR. MADISON: Three numbers that are outside and
3 below green?

4 MR. LOCHBAUM: Yes, but that pointed out the trend
5 for all of the non-green performance indicators on the
6 website. And there are three of them where the datapoint is
7 not on the chart; it's below the chart because the axis, the
8 Y axis is screwed up.

9 MR. MADISON: Do you know what those are, Don?

10 MR. HICKMAN: The IP2 is consistent. It's off the
11 graph, but the value is in the table.

12 MR. LOCHBAUM: Right, all three of them the values
13 are -- that's how we knew that it wasn't where it was.
14 Somehow it looks like the trend chart ought to have the
15 point on the graph.

16 MR. HICKMAN: One of them is actually below it,
17 and you can actually see there are two lines going to it,
18 and it looks like a big X.

19 MR. SCHERER: Yes, I think it's a Y.

20 MR. LOCHBAUM: It may be. That may be accurate,
21 but the understandable part, I think comes up a little on
22 the shy side.

23 MR. MADISON: We need to capture that on a
24 feedback form, Don.

25 MR. SPECTOR: Excuse me. I'm not sure, but it

1 might be a technical problem with the way the graph is made
2 electronically, and that might be the reason why those lines
3 look a little confusing.

4 I am familiar with what you're talking about.

5 MR. GARCHOW: For this panel, the comment is,
6 you've got to have a web page that people can understand.

7 MR. LOCHBAUM: I guess the comment is that if
8 there is anything in there that is going to look for things
9 like that. The fact that it's up there within five weeks is
10 great, but if it's goofy, it's less than great.

11 MR. MADISON: Part of the survey instrument would
12 go to question the public -- you know, from the FRM
13 perspective, question whether or not we are looking at a
14 question on our web page; is the web page understandable and
15 providing information?

16 And so it would get to that. It wouldn't ask the
17 specific question on performance indicators, but it's asking
18 it of the web page in total.

19 MR. PLISCO: Is that discussed in this?

20 MR. MADISON: No, that's one of the overall
21 questions that we're asking. It's in the overall metrics.

22 MR. LOCHBAUM: But this is basically the basis for
23 a going-forward self-assessment program? You're not going
24 to FRM people all the time, I assume, so wouldn't you want
25 something like that in here?

1 MR. MADISON: I think the concept is, we're
2 looking at probably an annual type of feedback, formal
3 feedback that we would collect on the oversight process.

4 So it wouldn't be on a quarterly or -- time basis,
5 but, yes, I think we would routinely collect that feedback.
6 That's our thinking right now.

7 MR. JOHNSON: I think actually this is one of
8 those that goes to sort of the comment that you all were
9 making earlier on that I thought was well taken.

10 And that was that the metrics don't capture
11 everything. And we are going to -- I mean, the feedback
12 process is where you would expect to see things like this
13 bubble up that we would address. And we know that -- we
14 know that continual problems with various aspects of the web
15 page and the rest of the process.

16 And the feedback process -- ongoing feedback is
17 where we should be capturing that stuff, and trying to react
18 to it. So we may not have a metric to capture every aspect
19 of this.

20 MR. MADISON: Let me just get this done. I want
21 to collect that on a feedback from, and we'll look at that
22 and try to see what we can do about it.

23 MR. JOHNSON: Don's got that.

24 MR. HILL: Is there something in there that I just
25 don't see that's kind of going to determine or measure

1 whether the thresholds are appropriate?

2 MR. MADISON: Don, do you want to address that?

3 MR. HICKMAN: I'm not sure I understand the
4 question.

5 MR. HILL: Do you have anything that looks to see
6 over time, whether your threshold is appropriate? If every
7 plant is always green, there's nothing in here that's going
8 to necessarily say it's a problem.

9 It's the same way if they're all white; there's
10 nothing in there that necessarily tracks that to see whether
11 the thresholds are appropriate or not.

12 MR. HICKMAN: That's true that it's not in here.
13 That's then a stated objective of ours. We talked about
14 that all the time in our meetings; that we intend to
15 continuously look at the PIs and the thresholds to ensure
16 that they're appropriate. But there are no words in this
17 there this time.

18 MR. MADISON: As part of the program, whether or
19 not we use it as a -- and it is in the procedure 0608,
20 Chapter 0608, which -- do you want a copy of that for your
21 folks?

22 MR. PLISCO: Yes.

23 MR. MADISON: Augie, can you get us Chapter 0608?
24 Get copies for everybody on that.

25 It is in there, and that's going to be part of the

1 program. We can monitor those, but as far as developing an
2 indicator, we have not developed an indicator like that.

3 MR. PLISCO: Now, wasn't our previous comment
4 about looking at ways to measure the false positives and
5 false negatives, sort of lead you to answer this question?

6 MR. MADISON: That sort of leads you there, yes.
7 But it's part of the program and continuing.

8 The other aspect of that, though, is that one of
9 the things we recognize with the wording that we choose in
10 the Agency performance goal, to maintain safety, is that
11 safety in the overall industry is currently acceptable.

12 And so everybody being in the green band is not a
13 bad thing. And even though everybody may eventually achieve
14 green band performance, that's not something that we would
15 necessarily adjust our threshold because of that.

16 MR. HILL: Okay. Let me go from that to the Item
17 CP, enhances public confidence, if all criteria of the
18 attributes are met.

19 Now, all attributes, is that all criteria; is that
20 everything in this metrics? Or what does that mean?

21 MR. MADISON: That's an overall statement that was
22 made by the group; that they felt that if the criteria -- if
23 all the -- if it's subjective, if it's predictable, if it's
24 risk-informed, if it maintains safety, that's going to go a
25 long ways to enhancing public confidence.

1 That was a comment made by the group in EPRI in
2 their portion of the document. We may remove it. It's a
3 comment. It's a truism, but it's not a indicator,
4 necessarily, that we can point to.

5 MR. HILL: Well, I guess if the definition to
6 enhance public confidence is that all criteria, the
7 attributes are met, the converse would be if there is
8 something you didn't meet, whether it's timeliness or
9 anything else, then you haven't met this; you haven't
10 enhanced public confidence, if it's stated this way that you
11 have to meet everything.

12 MR. MADISON: It's not a definition of enhancing
13 public confidence; it's a statement made by the group that
14 if you meet all the criteria, you would enhance public
15 confidence.

16 MR. BROCKMAN: But if you don't, you aren't
17 necessarily not enhancing public confidence?

18 MR. MADISON: The contrary is not necessarily
19 true.

20 Reducing unnecessary regulatory burden is the
21 final criteria. We've got two questions in this area. And
22 they both are from -- we felt -- and this is true in all the
23 areas that we looked as far as looking at reducing
24 unnecessary regulatory burden, we felt was with respect,
25 primarily, to internal stakeholders, and we're going to do

1 that via a survey instrument.

2 We're going to look at the issue of whether or not
3 the inspection, the PIs and the inspection program has the
4 appropriate overlap; that we know that there's overlap
5 between the two programs, and we'll ask that question in the
6 survey instrument.

7 And the other issue that we've seen that we've
8 gotten from feedback already from licensees, is the
9 reporting conflicts that we have from different NRC
10 requirements and also industry requirements where they are
11 reporting criteria and reporting guidance is in conflict.

12 We'll look at that issue via the survey
13 instrument. Steve?

14 MR. FLOYD: Just a comment: If you decide to do
15 anything with the false positive comment under efficiency, I
16 think it would also fit under reducing unnecessary
17 regulatory burden. It's a double-edge to that one.

18 MR. MADISON: Yes, it may have impact in that
19 area, too, yes, I would agree.

20 MR. HILL: I guess a comment relative to this:
21 This sort of looks like you're going to ask specific
22 questions on overlap and on reporting conflicts to determine
23 if there is unnecessary regulatory burden. I suggest that
24 you leave an open-ended question that allows people to give
25 you the other things that they perceive as unnecessary

1 regulatory burden.

2 Because if you only ask specific questions, you
3 limit what choices, what options they can give you of their
4 perception.

5 MR. MADISON: Would you say your comment again? I
6 think I understand what you're saying.

7 And we do that in all FRMs. We leave an open
8 ended question at the end.

9 MR. JOHNSON: It's the purpose of the survey to
10 solicit comments, whatever they are.

11 MR. SPECTOR: Will the Federal Register notice the
12 survey?

13 MR. HILL: No, I'm talking about whatever the
14 survey here is, it says add a question to overall
15 internal/external surveys, administrative, licensees, to --
16 ask about overlap.

17 Well, you know, also ask them, do you think that
18 there is any other unnecessary regulatory burdens.

19 MR. SPECTOR: The external survey, the Federal
20 Register notice, is open ended questions, and that's exactly
21 -- it's probably the question you can actually use, the way
22 he said it.

23 And the internal survey consists of both, closed
24 ended and open ended questions. And I think we're getting
25 to those points.

1 MR. MADISON: Again, we are not trying to measure
2 the entire process, just as the performance indicators in
3 the process only look at a few things.

4 We're using them as indicators of problems in the
5 program. We're looking at -- so we're not trying to develop
6 measures for the entire process. So, you'll probably hear
7 me say that because I have to keep reminding people about
8 performance indicators in the program.

9 They are not measures; they're not trying to look
10 at the entire process. There are indicators that will look
11 at certain things to indicate, to see if there are
12 indications of problems. But we also have a program of
13 doing audits and looking at the overall process.

14 And there are other measures that Bill has
15 mentioned in the overall program that we're going to be
16 looking at as well. So it's one piece of an entire program.

17 MR. CAMERON: Ed?

18 MR. SCHERER: On BP-2 -- I have two comments, one
19 on BP-2:

20 I, for one, don't see a major issue in differences
21 between INPO, WANO, and NRC. They're different
22 organizations, they have different purposes, and if we have
23 different indicators, I can probably live with that.

24 MR. MADISON: Yours is one comment.

25 MR. SCHERER: I understand, but my concern on both

1 of these is that it leaves out a whole area which I think is
2 significant, and that's the licensee costs of volunteering
3 this information to the NRC.

4 We recognize that we voluntarily did that; that's
5 fine. But there's a burden that goes with that.

6 MR. MADISON: We're asking that question in the
7 overall measures. That's a very good point. That doesn't
8 show on here, the overall measures and the overall
9 indicators are not showing in here in this document.

10 But we are asking that as an overall question of
11 overall resource burden with the program.

12 We saw that question not only applying here in
13 PIs, but applying in the SDP, and in the inspection program.
14 So we felt that was more of an overall question that should
15 be asked through --

16 MR. SCHERER: I think that it would be valuable
17 for you to know that licensee burden for reporting
18 performance indicators, in addition, in -- and you may get a
19 different answer than when you talk about the four elements
20 of the program, than you do if you talk about the overall
21 program.

22 MR. MADISON: Thank you for your input. We don't
23 necessarily agree, but thank you for your input.

24 We did look at whether or not to ask that
25 question. We have also some limits placed on us as far as

1 what and how many questions we can ask in the survey. So we
2 have to be effective and efficient in our methods of asking
3 questions.

4 Now, I can ask a question and ask for unnecessary
5 regulatory burden or unnecessary resource burden, and leave
6 it open ended so that the person that's responding can then
7 focus their response in the area of concern.

8 And I can get the same information without asking
9 five questions. I can ask one, and that's where we would
10 propose going, is asking one question and trying to get at
11 all the issues.

12 MR. REYNOLDS: Is it possible to get a list of
13 those overall questions?

14 MR. MADISON: Not yet. It's something that we
15 would provide probably at your next meeting.

16 MR. REYNOLDS: Okay.

17 MR. MADISON: We're working on it. Now, part --
18 we've been struggling, trying to get this in place, and it's
19 taken a lot longer than we thought it would. So this is the
20 point where we're at now where we're prepared to share this
21 information.

22 The other information, we're still developing.

23 MR. SCHERER: I can't comment on a question I
24 haven't seen.

25 MR. MADISON: That's true.

1 MR. SCHERER: But I still have an opinion.
2 Unencumbered as I am with any facts, I will give you my
3 opinion.

4 It would be valuable to the Commission, in my
5 opinion, to understand that while the licensee might find,
6 for example, the overall burden of the reactor oversight
7 process, is either improved or better or stable, that
8 elements of the process have increased the burden
9 unnecessarily.

10 And you need to be able to capture which elements
11 of the program have unnecessarily increased the regulatory
12 burden, if you're going to be able to address it.

13 And, you know, my head's in the oven, my feet are
14 in the refrigerator and on the average, I'm okay, is not
15 necessarily a good answer.

16 MR. PLISCO: Have you got that, Chip?

17 MR. KRICH: There has just been a suggestion. An
18 issue that we've run into lately is that we count certain
19 things now in PI space that we may not count in LER space.

20 And that does add a burden. So, just a thought,
21 if you might want to use that --

22 MR. MADISON: I think this goes to that, too. I
23 think it touches that as well.

24 MR. KRICH: You know what I'm talking about?

25 MR. MADISON: Yes, I do, RCIC.

1 MR. KRICH: RCIC or we even have another issue.

2 MR. MADISON: There are probably others.

3 MR. CAMERON: Does everybody know what these guys
4 are talking about, besides me, and I probably don't need to
5 know.

6 Does someone want to explain that?

7 MR. MADISON: Yes, all right, go ahead.

8 MR. KRICH: There is an issue going on between the
9 industry and the NRC for some time about reporting the
10 reactor core isolation cooling system when it's unavailable,
11 or when it's inoperable, I should say, and reporting it as
12 an LER because it's a single train system.

13 And so a number of BWRs do not report it because
14 it is not an engineered safety feature, and, therefore, in
15 our opinion, does not come under the reporting
16 requirements.

17 However, an agreement was worked out from the
18 perspective of risk that it was a useful information in
19 terms of risk. And Steve, correct me if I go wrong here --
20 and so we are going to report it under the PI, if it's
21 unavailable, so we have a situation now where we're not
22 reporting it.

23 Because before we got to this issue, the LER
24 basically tripped the performance indicator. That was how
25 you determined when something fell under the performance

1 indicators, is when the LER got written.

2 So now we've got a situation where there is not
3 match.

4 MR. MADISON: This is on the safety system
5 functional failure.

6 MR. KRICH: Right.

7 MR. HICKMAN: This is not actually the first time
8 it's occurred in the program, but we are working towards a
9 common goal. We are looking ahead, and it takes some time
10 for paperwork to catch up.

11 And what we have done, what we feel was very
12 important in our process, is that we be internally
13 consistent within the NRC.

14 So we run all of these issues past the PRA people,
15 the reporting requirements people, the maintenance rule
16 people, to be consistent.

17 And sometimes they're not all in lockstep and it
18 takes awhile for everything to catch up. But we have an end
19 point in sight where things will catch up.

20 So sometimes there will be that confusion, you're
21 right.

22 MR. KRICH: I understand, but then there's a
23 potential burden onto the -- it's just a thought.

24 MR. HICKMAN: Right.

25 MR. MADISON: Any other comments on performance

1 indicator metrics?

2 [No response.]

3 MR. MADISON: Inspection program: Under
4 objectives, the question we asked was, if the findings and
5 conclusions in the inspection reports are based on facts
6 documented in the reports, then -- now, you could consider
7 the inspection program or the results -- it's kind of a
8 results measurement.

9 If we look at the output of the inspection program
10 and the report has facts documented in it that support the
11 conclusions, then it's an objective -- then it shows the
12 results of an objective program.

13 We would look at doing this in an audit format.
14 Bill mentioned some of this in the past or in his
15 presentation talking about IIPB doing some audits but we are
16 also going to be asking -- it doesn't show here -- we are
17 also going to be asking more of an independent audit by
18 groups within NRC but that are not directly involved in the
19 inspection program such as the Headquarters folks that look
20 at nonreactor issues in emergency preparedness and
21 safeguards and the Headquarters folks that look at risk
22 issues, Rich Barrett's branch, and others and ask them to do
23 an audit of the outputs of the inspection program to see if
24 that is the case.

25 We sent a memo to these folks on October 16th. I

1 asked them to look at the various things that were in here
2 that would call for an independent audit and provide us an
3 audit plan.

4 We were hoping, and I saw Tom bailed out, I
5 believe we're requesting a response by November 9th from
6 those folks. We will see what their audit plan looks like,
7 but the early feedback that I have is that it would be done
8 on an ongoing basis so that we could get a quarterly output
9 from that and we could actually present data on a quarterly
10 basis from that audit.

11 MR. LOCHBAUM: Was there any thought given to
12 region cross review, because it might lead to best practices
13 where a region learns something that someone else is doing
14 is better?

15 MR. MADISON: Yes, we did talk about that.

16 I am thinking one of the reasons why we didn't do
17 it is it became unnecessarily, it became a large burden on
18 the regions.

19 We were already asking them to do a lot in other
20 areas, but we did talk about having something like an annual
21 regional panel look at the reports to get that cross thing,
22 but it just became too large a burden on the regional folks.

23 We are going to look for some independence, which
24 may get the same output or outcome that way, because if they
25 show that one of the regions is doing something different

1 than another region, we'll get that from that audit.

2 MR. GARCHOW: Alan, your second comment there, I
3 was going to ask you a question that you sort of touched on.

4 This panel is going to be relying heavily on your
5 rollup of these assessments that the regions do, and since
6 many of these are new, you know, you are sort of developing
7 this as you go and this document's working, what are you
8 doing to ensure that the regions have the consistency that
9 you need region to region?

10 MR. MADISON: For reporting the information?

11 MR. GARCHOW: Yes, in reporting and these
12 assessments sort of look the same as you rack them up in
13 Region I through Region IV, because they went by finding to
14 do these assessments.

15 I'm sure the regions are scrambling a little in
16 figuring how to get all of this information together and in
17 that provides a lot of chance for inconsistency and I think
18 we are going to be using that data very heavily to make our
19 decision.

20 MR. MADISON: Actually, I just had a phone call
21 this morning with some of the coordinators in the regions.
22 There are assigned individuals in each region to coordinate
23 collecting this data.

24 Let me back up a little bit. First of all, we did
25 go to the regions, the regional management, several times to

1 make sure they not only understood these but they actually
2 had input in the development of these performance indicators
3 so that the understanding was clear on what we meant.

4 We got a lot of feedback from them on what do you
5 mean by substantial, let's define it. That's a little more
6 clear on our terminology so that was very helpful so that we
7 all had a common understanding.

8 We held a conference call earlier this week --

9 MR. BLOUGH: On Monday.

10 MR. MADISON: Was it Monday? Where we had
11 provided the information to the regions and we provided
12 them -- I don't know if you folks say this -- a data
13 collection sheet.

14 MR. PLISCO: It's at the back of this memorandum.

15 MR. MADISON: Is it? Okay. So we provided them a
16 data collection sheet --

17 MR. PLISCO: The October 16th memo.

18 MR. MADISON: -- which engendered several
19 questions.

20 We had a conference call this Monday to try to
21 resolve those questions so that they have a common
22 understanding on what we expect them to report, where we
23 thought they ought to get the information, and so that it is
24 from a common source.

25 MR. BLOUGH: Well, Monday's call was more like

1 people that start trying to gather the data and additional
2 interpretation questions arose, so the regions all put out
3 their interpretation questions by e-mail and then on Monday
4 all four regions and Headquarters talked through those, so
5 there would be a common interpretation of what it meant.

6 MR. MADISON: And they know to call me basically
7 and I am kind of working as the focal point and if they have
8 additional questions to resolve, and we will probably get
9 some of that during the first couple of quarters, the first
10 couple of reports where we have to resolve some of the
11 differences that we are seeing.

12 MR. GARCHOW: Are you going to do any
13 spot-checking along the way to make sure that the data is
14 getting racked up the way you anticipated?

15 MR. MADISON: On a quarterly basis. We'll have to
16 look and make sure we are getting the right information.

17 Especially when we get into some of the hard data
18 that comes out of RPS there's a couple of cross-checks
19 there. You know, the data comes from two different sources.
20 We can cross-check the data.

21 MR. FLOYD: I assume we are still on OI-1?

22 MR. MADISON: Yes, sir.

23 MR. FLOYD: When you say the "how" you say count
24 the number of reports that contain findings not meeting the
25 program requirements.

1 MR. MADISON: Yes.

2 MR. FLOYD: Do you mean findings perhaps more
3 broadly to also include observations?

4 MR. MADISON: No.

5 MR. FLOYD: Okay, just findings.

6 MR. MADISON: We are looking strictly at -- this
7 is just the indicator. To look strictly at the findings is
8 one indication, because that is the primary one that
9 actually causes -- goes into a PIM and then actually causes
10 a color on the webpage, so that is the primary impact.

11 We know there may be some -- there's going to be a
12 lot more subjective judgments made as far as what goes into
13 the body of the report as far as observations and that I am
14 not sure how we can measure that and control it, but we
15 can -- we think the guidance is fairly clear on at least the
16 finding level and that is, we think, the critical piece that
17 we are going to at least get some indication on. Yes?

18 MR. HILL: When would you be counting the number
19 of reports versus counting the number of findings? I mean
20 one report could have three risk-classified findings or
21 whatever and another one have only one but they would be one
22 and one.

23 MR. MADISON: That's a good question, something
24 we'll look at, because we do look at number of findings in
25 another area.

1 MR. PLISCO: I just want to make one comment to
2 address I think part of Dave's earlier question, this
3 consistency between the regions.

4 It is not part of the self-assessment process but
5 one of the fallouts of having all of this information on the
6 web is now the inspectors can easily look at other people's
7 inspection reports and issues and findings, and we are
8 seeing that happen a lot more.

9 It used to be difficult for them, too, to pull out
10 a report from another region and look at the specifics. Now
11 they can go through and look on the webpage -- if they see a
12 colored finding they can pull it up quickly and read what
13 the issue is.

14 I think there is a lot more information flow
15 between the inspectors on issues across the regions than
16 there used to be just because of the webpage and the access
17 to that information, so not only has the public and
18 utilities gained because of that web access, but the
19 inspectors themselves have a lot more information than they
20 used to quickly.

21 MR. MADISON: Yes. I led the group that went into
22 Region II. Mike took the group in Region III. We have done
23 two regions so far on the site visits and regional
24 management visits and that was part of the feedback we got
25 from those two visits so far.

1 Risk informed -- looking at it, you will note that
2 there are some references, so we will cover each of those
3 topics as we get to those. I don't know why the references
4 are here first -- primarily because three of them are out of
5 this SDP area, so we'll cover those specifically when we get
6 to those.

7 Inspection program uses risk insights was the next
8 question, and we're looking at that as the number of changes
9 to the inspection programs relating to improving the risk
10 informed aspect of the inspection program.

11 This is going to be an audit performed by our
12 branch. We haven't defined the periodicity. We can
13 actually report this on a quarterly basis.

14 We have a process that controls the inspection
15 procedure change and we will note on that change whether or
16 not the change was made for -- to improve the risk-informed
17 characteristics of the inspection program or to address the
18 improving risk aspects of the inspection program.

19 We'll count those changes and we are expecting
20 relatively few significant changes but we will trend it and
21 use the first year as a benchmark and track the trend.

22 MR. BLOUGH: There's several like this where we
23 are going to track the number of changes that result, and of
24 course everyone knows where we identify enhancements that we
25 can make and they make sense we want to make them, but we

1 also want to, on the other hand, to the extent we can, have
2 a stable, predictable process.

3 MR. MADISON: Yes.

4 MR. BLOUGH: When you got done with these was
5 there a look at the overall balance of these ones that are
6 like going to track the number of changes and Low seems to
7 be a good number for number of changes -- was there a look
8 to see if there's appropriate balance here between those two
9 goals, really, of enhancing the program where we see logical
10 ones, yet keeping a stable one?

11 Obviously if goals like this number of changes on
12 Low is good was the only one, then it would be out of
13 balance.

14 MR. MADISON: And that is why we have not
15 established zero or any numbers yet because we know we are
16 going to get some of that, that some of that is necessary
17 and so we are going to look at it during the first year and
18 determine where we go from there.

19 Yes, that was our method of saying that we're
20 going to balance those competing objectives, that we want to
21 make sure we have a good risk-informed program and make the
22 appropriate changes, but we also want to have a stable
23 program and so we want to minimize the perturbations.

24 MR. LOCHBAUM: You guys seem to be immune to
25 unintended consequences. By tracking this, you are not

1 going to save them up and make one change to incorporate
2 several minor good things --

3 MR. GARCHOW: Of course not.

4 MR. LOCHBAUM: -- to keep the numbers down.

5 Of course, the industry -- you seem worried about
6 the industry being vulnerable to playing a game with the
7 metrics -- just how the immunity system works.

8 MR. MADISON: Well, I don't know if you want to
9 address this, Bill.

10 We have a process for making changes to inspection
11 programs that's been running for a number of years.

12 During the pilot program we made a lot of fairly
13 rapid changes because it was a pilot program. We were
14 trying to -- we were really making the program as we were
15 implementing it.

16 We have gone back to that old tried and true
17 process, which is slower and does collect multiple issues to
18 make a change, and so we would expect to see changes on a
19 quarterly basis at a maximum I think is what we are looking
20 at -- Bill, correct me if I am wrong.

21 MR. DEAN: Yes, let me just -- there's two
22 elements here.

23 One is if there is a need to change something
24 because it's an issue of significance we'll change it. We
25 are not going to wait for a quarterly process to change it.

1 MR. MADISON: We'll make it now.

2 MR. DEAN: And we have got examples of that that
3 we have already done in this process but any time you
4 implement a program of this magnitude, as you exercise it
5 you find out some things that you can do to improve an
6 inspection procedure. Maybe the guidance just isn't clear
7 enough from the inspectors.

8 For example, a lot of the feedback we get from the
9 inspectors provides some enhancement maybe to an inspection
10 procedure. We are going to collect those on a more
11 deliberate basis and send those out in a package to the
12 region. As a matter of fact we are getting ready to issue a
13 change notice package to the regions this week that says
14 here's 15 procedures that we think we want to improve,
15 change some language or something like that, and send them
16 out for comment and get their comment and make it a
17 deliberate considered process.

18 MR. MADISON: So if we saw 15 out of 15 we had
19 three of them were related to this, that would be three
20 hits, not one?

21 MR. DEAN: Correct.

22 MR. MADISON: If three inspection procedures were
23 changed to add risk informed characteristics to it, so that
24 would be three hits for that quarter?

25 MR. HILL: I think one thing that comes back

1 again, your description says you want to look at the number
2 of changes to the document but down in your display it's
3 number of documents that are changed, not the number of
4 changes to them, so I think that's where you could -- you
5 know, is 15 different changes to a document, does that count
6 as one or does that count as 15?

7 MR. MADISON: That counts as one document change.

8 MR. HILL: But isn't what is significant is the
9 actual number of changes you have made? That's what your
10 words said.

11 MR. MADISON: We will have to correct the words,
12 because the only way we can actually measure it, there may
13 be within a document, to add one issue there may be 15
14 changes made in that document but it is really only one
15 issue that we are trying to address.

16 Counting it 15 times is not appropriate, but what
17 we can count is the number of documents on a quarterly basis
18 that are changed for various reasons.

19 MR. HILL: But what if of 15 changes in one
20 document, three of them are significant?

21 MR. MADISON: But one is enough, if you keep the
22 numbers low, we're tracking the numbers down on the low end,
23 one is enough to possibly cause some action to be taken.

24 MR. HILL: That's where I think David's comment
25 comes in that if you had a bunch of changes you can save

1 them up and make one document change and it is only one hit
2 instead of five or 10 or whatever.

3 MR. MADISON: But what are we trying to accomplish
4 here? There is no threshold. If there's a problem we are
5 going to fix it. We are not going to back to anything else.
6 It's not like we make six changes and say whoops, we're
7 going back to SALP. It's not going to happen that way, so
8 all they are trying to catch is how many of these are coming
9 and are we improving.

10 MR. HILL: I'm with Randy. I would like to see --
11 I'd get more worried if there weren't these changes
12 occurring all the time. I would like to just keep seeing
13 the program get more and more risk-informed as more and more
14 insights are being gained, so the fact there would be no
15 changes I would find that more of a problem than the steady
16 amount of user -- it's just like how our industry procedures
17 get changed. Even a plant 20 years old is still refining
18 procedures based on lessons learned and I expect this will
19 be the same way.

20 MR. MADISON: We'll get that through where we set
21 our threshold for action, I think.

22 MR. PLISCO: And I would also hope that it's not
23 just the numbers that you are looking and then your
24 evaluation process -- the significance of the change. We
25 may only have one change but if there was a big hole in the

1 program that still raises an important issue.

2 MR. MADISON: And that is why I said earlier the
3 display is not a stand-alone display. There will be
4 analysis to look at those issues.

5 Item B addresses the issue of no color findings,
6 that we were going to look at the number of no color
7 findings in the inspection report in accordance with the
8 program guidance.

9 We are focusing on this area specifically because
10 we see this as a potential problem area so we developed a
11 performance indicator that would focus on this particular
12 issue of no color findings. Steve?

13 MR. FLOYD: This appears to be somewhat of a
14 subset of O(1)(a)?

15 MR. MADISON: Yes, it should be.

16 MR. FLOYD: Okay.

17 MR. MADISON: And this area we see as a potential
18 problem area we wanted to focus on.

19 MR. FLOYD: And I presume under the "how" you
20 don't mean that Green to be in the next-to-last line
21 there -- that no color Green finding?

22 MR. MADISON: Right.

23 MR. FLOYD: Okay.

24 MR. GARCHOW: I agree that this is a good thing to
25 look at. This is the hardest thing to explain to our

1 stakeholders when explaining the process of what a no color
2 finding is.

3 MR. MADISON: It's kind of hard to explain to our
4 people too.

5 [Laughter.]

6 MR. GARCHOW: Just a comment.

7 MR. NOLAN: The same comment goes to this thing.
8 You may want to count findings in other reports.

9 [Pause.]

10 MR. MADISON: The next area of questions we asked
11 is if the inspection area looked at, and we are looking at
12 the scope, frequency and so forth, the inspectable areas are
13 appropriate and the inspectable areas are risk significant,
14 nothing is missing, there's nothing extraneous -- this
15 probably need to be reworded to be a little clearer.

16 We are looking at the number of changes to the
17 baseline inspection program that affect the scope or
18 frequency of the inspection program.

19 Again we will be able to identify through the
20 change process which changes affect the scope, the
21 frequency, and we will count those up.

22 This is making -- the counts are going to be done
23 through IIPB. Basically what we are going to be doing here
24 is analyzing the number of -- the changes we are making to
25 the program, this score -- excuse me -- provides somewhat of

1 an analysis of what do those changes mean, why are we doing
2 them, and what does that tell us about the program, what's
3 happening.

4 MR. GARCHOW: Alan, did you think about -- I
5 respect the changes coming in would be all the Staff doing
6 all their reviews and catching the areas for improvement and
7 writing changes. I got that, but there was a framework and
8 a basis factor for the inspection program that was written
9 way back when, a couple years ago, that sort of laid out
10 what the basis was for the inspection program. I think
11 Bruce wrote that up.

12 Did you think of going back, doing an assessment
13 and taking that document and now you are going back to say
14 okay, based on what we have got for findings are we actually
15 covering the landscape of the inspectable areas based on
16 what was defined in that earlier basis document?

17 MR. MADISON: Well, we have already done that,
18 Dave, as part of our looking.

19 We reported on that in a couple of the SECY
20 documents as to whether or not we have looked at -- well,
21 99-007, whether the inspection program is based upon it and
22 the inspection procedures identify which area they are
23 touching one, and there's a whole chart in 99-007 that shows
24 what area is touched on by one inspection procedure or
25 performance indicators, so that is already accomplished.

1 What we are trying to do is stay true to that and
2 our procedure at the end 25-15, which talks about the
3 inspection program overall, has a subsection that talks
4 about changes we would make to the inspection program.

5 As part of that, it is required to go back to that
6 basis document 99-007 to make sure that you are still in
7 compliance with the design, the framework design.

8 MR. GARCHOW: That's coming at it from a different
9 perspective.

10 MR. MADISON: That is our method of maintaining
11 that tie.

12 MR. GARCHOW: How do know that that is exactly
13 what your inspectors are doing? I was coming at it from a
14 different spot.

15 You have a basis document. You're trained the
16 inspectors. You've been at it for, you know, nine months
17 for a pilot and another six months for real.

18 I was wondering if you are thinking about how you
19 are going to actually get at the fact are the inspectors
20 staying true to that when they are out in the field?

21 I mean if not, you are just doing a paper review
22 but the rubber hits the road with the inspectors. I mean
23 are they really focusing in on the inspectable areas --

24 MR. MADISON: That's more of a management
25 oversight issue that the regions are going to be responsible

1 for.

2 We have identified by inspection procedures the
3 sample size and the information that the inspectors are to
4 gather to look at during that inspection. It tells them in
5 fairly thorough detail what aspects of that sample or that
6 issue they are supposed to look at.

7 Then it is up to the management of the region to
8 provide the oversight necessary to ensure that they are
9 still doing, that they are actually doing that. They do
10 that by periodic sight visits by a branch chief and other
11 management, other regional management.

12 Randy, I don't know if any of the Division
13 Directors here want to comment on that? Regional folks?

14 MR. CAMERON: Does anybody need more information
15 on this basis, inspection basis document that David brought
16 up for the relationship to this program?

17 MR. DEAN: I think the only other thing I would
18 share is part of our audit process that we review is the
19 Inspection Program Branch and going out and periodically
20 looking at inspection activities would probably incorporate
21 some element of that, Dave, in terms of looking at how are
22 our inspectors executing the inspection program.

23 We don't necessarily have any plans to do, at
24 least in the near term, some sort of revisit of the basis
25 document versus what is actually going on out there. We

1 tried to make sure that our guidance was prescriptive enough
2 that the inspection process would ensure that our inspectors
3 are staying true to the --

4 MR. GARCHOW: And you are faced with the same
5 issues you have in running the program -- I mean you have to
6 go out there and do assessments and audits to make sure you
7 are getting exactly what you want.

8 MR. DEAN: Yes, and we will incorporate that into
9 our audit process to look at that element but --

10 MR. GARCHOW: So relative to this panel I what I
11 am hearing is to this point in time you had no formal
12 information coming back to this panel that would say that,
13 you know, would talk to the efficacy of the inspectors,
14 actually their adherence to the program and to what extent
15 internal assessments by the regions would be showing that
16 they either are or they are not?

17 MR. PLISCO: I think that's a good comment to
18 capture because I mean I think from the regions'
19 perspective -- I know I can speak for myself -- is we focus
20 on whether the inspectors are following individual
21 procedures. I don't think we expect the inspectors and I
22 don't think it happens often that they go back and look at
23 this basis document.

24 I mean their tool was the procedure itself.

25 I don't think many of them go back and look at

1 that basis document.

2 I think that's a good point, that there should be
3 something in this self-assessment process to figure out the
4 cross-checking.

5 MR. PLISCO: We could end up with the world's best
6 program on the shelf and have no understanding to what
7 extent --

8 MR. MADISON: I think you are talking two
9 different issues.

10 He is talking about are we auditing whether or not
11 the inspectors are doing what the procedure tells them to
12 do.

13 MR. PLISCO: I thought it initially started out on
14 are they following true to the basis document that was
15 developed.

16 I don't think right now our process does that. We
17 make sure they follow the individual procedures.

18 MR. MADISON: But the individual procedure is
19 written from the basis document -- staying true to the basis
20 for that.

21 MR. GARCHOW: That was my point.

22 MR. PLISCO: As we change the procedures, if it
23 drifts away --

24 MR. MADISON: And that is why I said the change
25 procedure requires, the 25-15 requires that we go back to

1 the basis document before we make the change, so that is the
2 tie for the document.

3 I think the issue that I heard from -- I think we
4 have got it addressed in the program to make sure that we
5 stay true to the basis document. I think the question that
6 I heard was whether or not the inspectors were actually
7 implementing the document as written.

8 MR. GARCHOW: And how would you know that?

9 MR. MADISON: How would you know that?

10 MR. GARCHOW: I think I have two pieces. He
11 answered the one -- if you review the basis document and the
12 procedures, got that.

13 Now I'm saying okay, the last line is how well are
14 the inspector following the procedures, then what basis do
15 you have to tell that they are doing it to an acceptable
16 level or not or how would you even know?

17 MR. PLISCO: And right now it's two ways. One by
18 the line management overview with the inspector and the
19 intent in it is the future would be part of Inspection
20 Program Branch audit function or the regions when they go
21 out and do audits of the regions.

22 MR. BLOUGH: That is a big challenge, because the
23 Branch Chiefs with the exception of maybe one that's been
24 recently promoted somewhere have never implemented the
25 inspection as inspectors either, you know, so they are

1 students as well and they are providing the oversight and
2 the inspectors all provide feedback and once in awhile you
3 can tell from the feedback that the inspector didn't
4 understand the procedure, but that is very rare.

5 Also, the inspection reports can give you some
6 indication of how well the inspector understood the
7 procedure but not to the degree they used to, so the
8 supervisor has quite a challenge as well.

9 In Region I we have this fledgling effort called
10 Procedure Sponsor, where the inspector is tasked with
11 becoming the regional expert in this procedure and looking
12 at variance and getting together little focus groups to talk
13 about how they are doing the procedure and to look for these
14 variations but I think there are variations now, how the
15 inspectors are reading the same procedure and doing it, so I
16 do think it is a challenge.

17 MR. GARCHOW: Plus you guys work independently and
18 so you are working out of a region and they are sending an
19 inspector out to a plant and they are pretty much working
20 independently until they get done with their -- they may be
21 on the phone or something but they are working independently
22 and I just wonder how we are catching the variations.

23 MR. BROCKMAN: What I heard of the question I know
24 that a lot of utilities have the performance observation and
25 field observation. Supervisor goes out and watching the I&C

1 tech conduct a surveillance or something. We have all got
2 this and seen this. Do we have such a document in place? I
3 don't think we do anywhere within the agency to do that.

4 MR. MADISON: It's an expectation of management to
5 do it but it is not a written document.

6 MR. PLISCO: And practically we get a lot of
7 feedback I know in Region II from the utilities. If they
8 don't think the inspector is following the procedure, they
9 are usually very quick to give me a call or give my regional
10 administrator a call and say this inspector doesn't appear
11 to be following this procedure.

12 We get a lot of our feedback that way.

13 MR. BLOUGH: That would all drive in one
14 direction. That would tend to catch the abuses and people
15 going overboard, too far, going outside the bounds.

16 MR. GARCHOW: It wouldn't catch the others?

17 MR. BLOUGH: Some that just aren't doing this the
18 full scope may or may not get caught.

19 MR. GARCHOW: I would say that may be an open area
20 for this panel because I think there's a lot of the
21 inspection program that is hinging on the fact that the
22 inspectors are actually following it to some level of rigor
23 and to the extent that we either do or don't have
24 information on that I would think it could add or detract
25 from our ability to make some conclusions on the

1 inspections.

2 MR. PLISCO: And I would also add that this is not
3 a question from the new proces. This existed with the old
4 process as well.

5 MR. GARCHOW: Okay, I'm satisfied.

6 MR. MADISON: Any other questions on inspection
7 program under the area of risk informed?

8 [No response.]

9 MR. MADISON: Under the area of understandable,
10 we're looking at trying to address this question via the
11 survey of internal and external stakeholders, as to whether
12 or not the -- and primarily it's going to be from internal
13 stakeholders.

14 Is the guidance provided to them understandable?
15 And we've asked this actually on inspector feedback forms,
16 as to whether or not they're having problems understanding
17 the guidance provided in the inspection procedure.

18 Under the area of predictable, if the inspection
19 program is implemented as defined, then inspections are
20 predefined and implemented as planned, and then it's a
21 predictable program.

22 So there are two subareas underneath here. The
23 rate of completion of the baseline inspection program across
24 the regions is one area, and the other is the proportional
25 inspection schedule changes and justification for the

1 changes.

2 We can look at those two areas to see whether the
3 inspection program, as defined and as planned, is being
4 implemented. We feel we can get this information in the
5 first case via the RPS, the --

6 MR. PLISCO: RPS is just the data collection
7 system.

8 MR. MADISON: I'm sorry, yes. What does that
9 stand for, by the way? Does anybody remember?

10 MR. GILLESPIE: Reactor System Program.

11 MR. MADISON: Reactor System program, as simple as
12 that? Okay. You probably wrote it.

13 It's an accounting system that tracks the planned
14 inspection activities. We can track the information and get
15 it out of there, and track that during the initial year to
16 set program goals, but with the full expectation at the end
17 of the year that we have 100 percent completion of the
18 baseline inspection program, because that's the way the
19 program is defined.

20 There may be some quarterly differences, but at
21 the end of the quarter -- at the end of the year, 100
22 percent of the baseline process is accomplished at all
23 sites.

24 MR. HILL: Let me ask a question. This is going
25 to go into the public document. RPS stands for Reactor

1 Protection System in a lot of places. Is that going to be
2 misleading? It looks like you're analyzing Reactor
3 Protection System data?

4 MR. MADISON: That's a good comment. We probably
5 ought to write it out, but even if we write it out, I'm not
6 sure that the public will understand it then, either. But
7 it would be better not to have a conflict.

8 Okay, the same goes for the next, proportional
9 inspection schedule changes, justifications for the changes.
10 We can count that based upon the -- we can get the number of
11 changes through the system, and we'll count those.

12 Actually, the Regions are going to report that to
13 us. And we'll graph that information.

14 We think that will show -- between the two of them
15 that will give us indications of whether the program is
16 being implemented as designed or as far as planned.

17 Another aspect of this is that scope of the
18 inspection program is implemented is consistent across the
19 Regions. This may get to an issue that you have, too, Dave.

20 And we'll do that by comparisons of the
21 frequencies of the baseline inspection sample sizes and
22 direct inspection across Regions.

23 Again, the RPS system has data on inspection
24 effort by procedure. We're going to look at this
25 information in several different ways, looking at it by

1 procedure, by Region, by plant, by site, that type of
2 information, to look at the -- looking to see if there's
3 significant deviations or to explore the reasons for any of
4 these deviations.

5 There are a couple of other issues. Under
6 success, there's really three areas:

7 The first area is no significant deviations. The
8 second area is that we're going to look at overtime,
9 specifically, because that may be an indication that the
10 program, as written, is -- they have some problems, as it's
11 written, if it's requiring excess amount of overtime across
12 the Regions.

13 We're also going to look at the issues -- some of
14 the concerns we had initially with the program is the impact
15 we were having on prep and doc time, preparation and
16 documentation time.

17 We're also going to look at travel and
18 communications. Communications doesn't show on here.

19 There are four areas that we monitor that are kind
20 of like overhead, and those would be preparation,
21 documentation, travel, and communication. We'll look at
22 those to determine what the baseline is, and see if that is
23 becoming a problem with the program, whether the overhead
24 costs of the program are great, too great.

25 MR. SCHERER: Where is it now that you're picking

1 up on the fact that an inspection module is or is not
2 adequate to cover the area?

3 I mean, if it's done within the window, and it's
4 done within the hours, but the inspectors are finding either
5 the inspection module gives them insufficient number of
6 hours or too many hours to cover that area, where does it
7 get captured in what I've been hearing?

8 MR. BROCKMAN: At the Regional level, we're doing
9 some analysis, but to answer the question, you've got an
10 estimated number of hours per activity.

11 Let's take one that's got 20 occurrences. I'm
12 going to go do 20 of these during the year. I estimate five
13 hours per -- and the data will come down.

14 If I'm doing it, all my data naturally says I'm
15 averaging three hours per, and my variances isn't --

16 That says there was more than enough time
17 allocated for this, and I probably don't need as much.

18 Likewise, if I'm coming down there, wow, I'm
19 running seven hours per on each one of these, I mean, it's
20 going to call out real quick when you do a compare and
21 contrast.

22 I didn't have enough hours allocated to do the
23 activity. So the budgeting aspect of resources to do the
24 activity, I think will fall out very easily when we're
25 gathering this data we've talked about in RPS.

1 MR. MADISON: But the aspect of the question
2 really goes not towards the predictability of the program,
3 but does it maintain safety? And so we ask that question.

4 If you look at RI3A, we figure we can get
5 indication of that issue by the number of changes we have to
6 make to the scope and frequency. If, because of feedback,
7 and comments we get from other stakeholders, we're making
8 changes to the scope and frequency of the inspection
9 procedures, that may be an indication that they weren't on
10 target.

11 MR. PLISCO: I guess we could implement changes to
12 estimated hours and frequency.

13 MR. MADISON: Yes.

14 MR. SCHERER: So when you take it up there, it
15 goes in a positive and negative direction.

16 MR. MADISON: Yes, which answers the next area,
17 which was maintain safety for inspection program, and that's
18 how we're going to be looking at it.

19 MR. LOCHBAUM: I have a question. In both the
20 inspection program and the PI program, in the issue of
21 maintain safety, it doesn't look like you're looking at
22 unusual events and alerts and other emergencies that are
23 declared to see whether that -- is that reflective of a
24 problem or a gap in the inspection or the ROP or not?

25 MR. MADISON: That's a good comment. We are

1 looking at that in SDP. We also saw that as an overall
2 measure for the -- it's not just the inspection program
3 that's going to be doing that. Performance indicators are
4 going to be doing that, and assessment programs are always
5 going to be doing that, too.

6 That issue was brought up to look at -- Loren, you
7 probably remember this, too. We pulled that -- that
8 specific question out for kind of an overall measure of the
9 program.

10 MR. PLISCO: I think it's also captured in R13A.
11 I think the logic, if I recall, is if we have an even or
12 issue that gives us a lesson of some change we needed in the
13 inspection program, then we're counting the changes and
14 that's what drives it.

15 So this wouldn't count the events, but --

16 MR. MADISON: It will, indirectly.

17 MR. PLISCO: But what should happen is that
18 there's a change in the inspection program, based on the
19 lessons learned that come out of that event.

20 MR. MADISON: Yes.

21 MR. PLISCO: That's where it would get put.

22 MR. MADISON: It's an indirect, but we also talked
23 about -- and I have it, I think, in the overall category --
24 we did have it under the SDP to look at events and determine
25 whether or not there was something missing in the program,

1 or the that the SDP wasn't covering it.

2 We felt that also should be looked at in
3 performance indicators and inspection programs.

4 So it got pulled into the overall measure area.

5 Part of that is going to be looked at, too, in the
6 overall industry measures that Bill alluded to in the ASP
7 program, and the look we asked Research do to on an annual
8 basis at the ASP program identifies holes in the overall
9 process.

10 MR. LOCHBAUM: That's a much higher threshold.

11 MR. MADISON: Actually, they look at E to the
12 minus six events which is a fairly low threshold.

13 MR. GARCHOW: Relative to NUE, there is a 100
14 percent access -- most criteria which would cause -- and
15 things that are counted or inspected in the oversight
16 process. I mean, there's shift, sidestep, run into a rock
17 outside my plant, and I'm in an NUE putting in -- and it has
18 nothing to do with this process.

19 So, I mean, there are several NUE type events that
20 aren't even related to any of the six cornerstones, but we
21 would still be calling them -- alerts and higher, I think
22 that they is probably a much closer tie between this program
23 as far as being able to ascertain some measure of licensee
24 performance relative to getting into alerts or higher.

25 But NUEs, many of those are outside the licensee's

1 control, and certainly not a reflection of the licensee
2 performance, the fact that it might be in an NUE for some
3 reason or another.

4 MR. PLISCO: I think the current ongoing practical
5 example is the Indian Point 2 event. I know all the regions
6 of ASP, lessons learned report comes forward, is there an
7 impact on the inspection program and should we be changing
8 anything in the inspection program based on that?

9 I know that's under review now.

10 MR. MADISON: Any other questions or comments?

11 Under the area of effective, efficient and
12 realistic, that's -- we look at the first question which is
13 inspection resources consistently applied within program
14 guidance? And we've already measured that under PI2,
15 unpredictable.

16 We also look at the resources available are
17 adequate to conduct the inspection program? We're going to
18 look at the actual FTE used to implement the baseline and
19 compare it to the estimated FTE.

20 We can get that, again, out of the RPS data and
21 analyze that. We will -- you know, that's going to be
22 broken across -- we compare Region-to-Region, but it's also
23 dependent upon site size, whether it's a single unit site or
24 dual unit site or a triple unit site, and we'll be comparing
25 apples to apples, hopefully, within the program.

1 MR. GARCHOW: Are you going to break that down by
2 inspection so that you -- at least if you had an outlier, be
3 able to -- but in the aggregate, it might all roll up to
4 look okay?

5 MR. MADISON: Well, we' look at that detail, and
6 we do look at by inspection detail as another measure. So,
7 we've got it both areas.

8 MR. GARCHOW: Okay.

9 MR. CAMERON: Richard, you look a little
10 quizzical. Do you have anything on it?

11 [No response.]

12 MR. CAMERON: All right.

13 MR. MADISON: Another issue, part of that is
14 tracking and trending contractor dollars. That's something
15 that we don't directly capture the hours a contractor spends
16 within our own manpower accounting system.

17 But we can look at that through our contract
18 dollars and the Inspection Program Branch has control or
19 oversight for that, so we'll be monitoring that ourselves.

20 We'll also look at changes to the inspection
21 schedules and the reasons for the changes by discipline to
22 help determine whether or not we're being effective or
23 efficient.

24 If we're making a lot of changes, we may be having
25 problems with the efficiency aspect of it.

1 Any questions or comments on this area?

2 MR. PLISCO: Yes. I hate to go back to the table,
3 but this -- I know this issue comes up a lot in our
4 communications with the utilities. I mean, you would think
5 this at least has a small M under regulatory -- unnecessary
6 regulatory burden.

7 I know that when we change schedules, especially
8 for the more significant inspections, that does create a
9 burden for the utility. And I know that internally within
10 our Region, this is one of the measures we use to judge that
11 impact.

12 You know, if we have a lot of changes in the
13 inspection schedules, that it is an impact.

14 MR. MADISON: Good comment, thank you. I've got a
15 small M in there now.

16 MR. REYNOLDS: On page 10 you talk about the
17 graphic display for the calendar --

18 MR. MADISON: Which paragraph, D or C?

19 MR. REYNOLDS: C, at the bottom of page 10,
20 program assessment, where we talk about calendar quarter
21 Region 1245 category. You may want to clarify what we mean
22 by manual Chapter 1245 category. It's not clear to people
23 outside the NRC, what that is.

24 MR. MADISON: Right, Manual Chapter 1245 is our
25 training Manual Chapter with the inspection qualifications.

1 And I'm not really sure why that's in here.

2 MR. REYNOLDS: Well, I think it's either by
3 calendar region or by EP inspector, HP inspections.

4 MR. MADISON: Okay.

5 MR. REYNOLDS: I think that's what it means, but I
6 think we need to clarify it.

7 MR. MADISON: Okay, thank you.

8 MR. REYNOLDS: That will make it user-friendly.

9 MR. FLOYD: I've got one in this area: Under PI2A
10 you collect the number of resources per each inspection
11 procedure. Have you given any thought to taking a look at
12 the number of findings or average number of findings per
13 inspection hour by module or some metric like that?

14 I mean, if you have a couple hundred-hour
15 inspection procedure that's not finding anything versus a
16 30- or 40-hour procedure that's finding quite a bit, it
17 might tell you that maybe you need to change the scope of
18 those two inspections and be more efficient and effective in
19 your resource allocation.

20 Is that -- did you give any thought to that
21 metric? I mean, you've got all the data, it looks like, for
22 it. On the PI2A you're collecting the hours, and in the
23 other sections, you're collecting the findings.

24 It would be a matter of just --

25 MR. MADISON: We talked about that. It's

1 something I want to be careful with. In some ways, we
2 almost avoided that intentionally because of the issue of
3 headhunting.

4 Do we want to put in an expectation --

5 MR. CAMERON: You might want to explain
6 headhunting.

7 MR. MADISON: Yes. We might not want to put an
8 expectation on our inspectors that -- to go out and find
9 lots of inspection items or there are also some inspection
10 activities where is it a bad thing if we look at it and we
11 don't find anything? No.

12 Does it mean that we should stop looking in that
13 area? Not necessarily.

14 So if I have an indicator that says that I have
15 zero findings for this inspection activity, would I
16 eliminate that or reduce in scale? Not necessarily.

17 MR. FLOYD: I don't disagree with that. I mean,
18 that all makes sense to me, but I would agree that you don't
19 want to promote headhunting just to bump the counts up, but
20 there is a significance determination process that looks at
21 it.

22 I mean, if you're finding nothing of significance
23 with a tremendous expenditure across the Agency in one
24 inspection module, I mean, cycle after cycle, when you go
25 through that and nothing ever comes up. I mean, licensees

1 do the same thing.

2 They try to adjust their self-assessment
3 schedules, based upon what they find for results. And if
4 they're finding an area where they're starting to see some
5 problems, then they increase the frequency and scope, and if
6 they see an area that they've been looking at, you know, ad
7 nauseam and not finding anything wrong, then they generally
8 extend the frequency or reduce the scope. It's just how to
9 use your resources most effectively.

10 And if you use the significance test for the
11 findings, then I think you might be able to overcome the
12 headhunting issue.

13 MR. MADISON: I'm not sure how to do it.

14 MR. PLISCO: I think I'll just follow up on that
15 comment. If you do focus on the more significant findings,
16 you know, look at -- use greater than green as your measure,
17 then I think you'd get away from this concern about trying
18 to find a bunch of issues. If you use the logic to try to
19 justify your existence by, you know, feeding that indicator,
20 and just focus on a more significant issue that has to go
21 through the SDP process, a formal process to come out, I
22 think you could get some insights from that on where are we
23 most effective and efficient on our resource expenditures as
24 far as finding issues.

25 MR. MADISON: Well, yes, but there is an argument

1 with that, too, Loren. If I'm going out as -- doing an
2 inspection activity that I've committed to the public that
3 I'm going to do, the fact that I'm going out there as NRC,
4 whether or not I find problems, I'm still meeting my goals
5 and objectives.

6 So if I don't find problems, that may not be
7 telling me that I don't need to go out there and look at it.

8 MR. PLISCO: But, again, it's an indicator.

9 MR. MADISON: It's an indicator.

10 MR. BLOUGH: You evaluate what it means to you.
11 It's an evaluation and a process. I guess, you know, if I
12 was designing the process, you know, you have the data that
13 you showed you're spending a lot of time and not finding
14 much. The first step, since the framework told you we
15 thought we should look in that area for risk reasons, the
16 first step is to look at how you're doing the inspection,
17 and see if it's a good inspection methodology, and if you
18 can change that, and see if it turns up more, and then if
19 not, you either have to look at dropping it or saying, yes,
20 we need it just to maintain the assurance, you know.

21 If it's important enough from a risk standpoint,
22 we're going to do it, even though we don't expect to find
23 anything unless there's an industry trend that develops in
24 that area.

25 But it's still -- you know, it still is a starting

1 point for saying why are we spending these hours and not
2 finding much?

3 MR. FLOYD: It cuts both ways.

4 MR. BROCKMAN: We're being engineers again and
5 trying to solve the problem. We've got the issue, Alan?

6 MR. MADISON: Yes.

7 MR. BROCKMAN: We are about to going into a much
8 longer discussion about it.

9 MR. MADISON: Moving right along then, an
10 inspection program, if the inspection program is timely,
11 you'll see timely as kind of a consistent theme as far as
12 effective and efficient and realistic, and if we feel timely
13 is a measurement, we can -- or our goal that we want to
14 achieve, so we'll look at the number of inspection reports
15 issued within the program goals, and we'll also look at the
16 number of TIs completed by the TI completion date.

17 So if we meet our program goals and the dates that
18 we've established, then by definition, we're timely.

19 MR. NOLAN: Are you going to look at that as one
20 giant subset for all inspection reports, or are you going to
21 separate the inspection reports that identified greater than
22 green findings from the other population and look at them
23 separately?

24 MR. MADISON: We're going to keep it as one,
25 unless there's problems identified, and then we'll do the

1 analysis to look at where the specific problems lay.

2 MR. NOLAN: The only thing I would offer is that
3 based on the numbers and percentages, if you look at them as
4 one, the greater than green findings will get averaged out
5 and you won't see if there's a change in performance for the
6 most significant issues.

7 MR. MADISON: We'll see that in another area. We
8 do a measure in the SDP area where we look at greater than
9 green findings.

10 MR. NOLAN: Great.

11 MR. MADISON: Whether they're meeting the
12 timeliness goals. So we'll see that in another area.

13 This is dealing with the inspection reports being
14 issued.

15 MR. NOLAN: Okay.

16 MR. MADISON: The inspection program, if the
17 inspection program is stable, then we're likely having an
18 effect in the program. Stability promotes effective and
19 efficient operation. So we'll look at the number of
20 significant changes and the Inspection Program Branch will
21 look -- for any reasons -- so this will be the overall
22 measure, and then we'll pick some subsets out of this for
23 other things.

24 In the area of enhancing public confidence, again,
25 there's an overall statement in that in there. It is,

1 again, a concept by the groups that public confidence is
2 really enhanced by the overall process if it all works.

3 But what we are really looking at in this area,
4 our primary indicators are going to be dealing with public
5 communication being timely and accurate. And so we'll look
6 at whether or not we meet our program goals for getting the
7 timely posting of the information on the Web in ADAMS, and
8 we'll also look at by doing an audit, to look at the number
9 of inaccuracies that go out on the Web.

10 For example, if a performance indicator is -- the
11 data is inaccurate for whatever reason on the Web, that will
12 be ahead. If an inspection finding is characterized as
13 green in the inspection report, but for some reason it shows
14 up on the Web as a white or whatever, we'll count that as an
15 inaccuracy.

16 MR. BROCKMAN: Clarity and understandability, even
17 though not here, would be captured through the survey?

18 MR. MADISON: Yes. Any questions in that area?

19 MR. BLOUGH: I have comment, just something Dave
20 said earlier about the website.

21 From the website, the information you can get is
22 all the PIs, plus you can get the most significant
23 inspection report.

24 But if -- inspection finding in each cornerstone
25 -- if that's white, you can't tell from the website, I don't

1 think, whether there's one white finding or multiple white
2 findings; can you?

3 MR. MADISON: That's true. But you can go to the
4 PIM and get the information.

5 MR. BLOUGH: So, a member of the public couldn't
6 go from the website into the action matrix and figure out
7 where they should be. I don't know if they should be able
8 to do that.

9 MR. FLOYD: If you click on the white box, it goes
10 to each inspection report that has a white finding.

11 MR. MADISON: Well, it goes to the PIM. It goes
12 into the plant issues matrix, and then you can go to the
13 inspection report.

14 And the plant issues matrix would have each
15 individual finding on it, so you could recreate -- you're
16 going to have to go to some -- you're right, just from that
17 first page, you can't recreate for the action matrix, but by
18 going into the PIM, you can then get the data necessary to
19 do it.

20 MR. BLOUGH: I didn't want to bog us down here,
21 but it's just something that occurred to me that I hadn't
22 mentioned before.

23 MR. MADISON: Okay. I see where you're going,
24 though.

25 In the area of reduces unnecessary regulatory

1 burden, this was felt to be the overall question we'd ask,
2 part of the overall question we'd ask on unnecessary burden,
3 the impact of the program and whether or not the inspection
4 program had any impact in that area.

5 MR. KRICH: Is this done at the overall area?
6 Another suggestion, in this area, at least. You're looking
7 at measuring what's the impact, what's the burden on the
8 licensee. Is there a way to look at conflicts, disputes
9 between the inspector and the licensee, and how many of
10 those come up and how they're resolved, how many are
11 resolved in the licensee's favor, the inspector's favor?

12 MR. MADISON: We've looked at that. That became a
13 part of the measure.

14 MR. KRICH: You know what I'm talking about.

15 MR. MADISON: What we did end up with for an
16 overall measure, at least in the SDP, was, we felt we could
17 count, could easily measure the number of appeals, because
18 that's a formal thing that we've got to get a handle on.

19 MR. KRICH: That make sense.

20 MR. MADISON: The actual every day conflicts, we
21 just felt that was too hard to try to get a handle on.

22 Any other questions?

23 [No response.]

24 MR. MADISON: We're finished with the inspection
25 program. Do you want to take a break?

1 MR. PLISCO: It looks like this is a natural point
2 to me. I think our original schedule has -- can we make it
3 back by 1:00?

4 [Whereupon, at 12:15 p.m., the meeting was
5 recessed, to reconvene at 1:00 p.m., this same day.]
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A F T E R N O O N S E S S I O N

[1:03 p.m.]

1
2
3 MR. PLISCO: Before we turn the meeting back over
4 to Alan, I want to get a couple business things taken care
5 of so we don't hold those till the end of the day.

6 I know people have some flights to catch as soon
7 as we get near the end of the day. I want to make sure we
8 get these done.

9 First is the meeting dates. We were going to
10 confirm those, see if anyone else had problems with the
11 December dates, the 11th and 12th, and January 22nd and
12 23rd.

13 Any other problems?

14 MR. GARCHOW: That's good for me.

15 MR. NOLAN: Is it going to be here?

16 MR. PLISCO: Well, that was my next point of
17 discussion.

18 First, I want to talk a little bit about the
19 agenda in December and then we can talk about location
20 because I know, especially for the January meeting, if we
21 are going to get into the results of the metrics I think it
22 probably would be beneficial to have it here. It would be
23 easier for the Staff to support that and bring whoever they
24 need over to help go through the specific information.

25 But as we talked yesterday, the issues in December

1 I don't think it's as critical, I guess, because we are not
2 going to need much Staff support for that December meeting,
3 so I think that one is a little more open.

4 Location -- I am not sure one location is more
5 beneficial than another. We can talk about that.

6 We'll talk about the agenda first and then talk
7 about location, because depending on what external input we
8 want to get that may help us pick a more beneficial
9 location.

10 MR. FLOYD: I think we are suggesting we are going
11 to be getting some feedback from the regional mid-course
12 meetings both from the region perspective and the licensee
13 perspectives in the region.

14 MR. PLISCO: In the December meeting?

15 MR. FLOYD: In the December meeting.

16 MR. PLISCO: So for that external input we are
17 really looking for what the results of those meetings were.
18 I think all except the one have been conducted --

19 MR. SCHERER: Is it obvious to everybody that
20 those should be two day meetings? Can we cover it in one?

21 MR. PLISCO: I was going to talk about it. I
22 think based on our experience so far we want to plan on two
23 full days, on the 11th and 12th. We'll start first thing,
24 eight o'clock.

25 MR. SCHERER: No, I was worried about Parkinson's

1 Law.

2 MR. PLISCO: Oh.

3 MR. GARCHOW: If you start at 8:00, I will make a
4 commitment to come in the night before. I thought this
5 started at 9:00. Sorry. Apologize for being late today. If
6 you start at 8:00 I will just come in the night before.

7 MR. PLISCO: We will plan on starting at 8:00.

8 MR. CAMERON: Besides the results of the regional
9 meetings, I got the impression that over time you wanted to
10 have various types of input from external sources and
11 stakeholders.

12 Is there anything else that you want to try to
13 schedule for your December meeting? Any specific
14 stakeholder groups or -- I take it for these results of
15 regional meetings that someone from Bill Dean's staff would
16 be presenting what those results are?

17 MR. PLISCO: Let's talk about that.

18 If we have panel members who are going to attend I
19 think we can get the feedback directly from them on what
20 they heard. If not, we may need some help. That's why I
21 want to check to see what people's plans are.

22 Obviously the one in Region II I'll be there.

23 MR. FLOYD: I'll be up at Region II and Region IV
24 and Tom from the industry was at the Region III one so we
25 can cover the industry input unless we thought it would be

1 useful to have some direct utility input.

2 MR. SCHERER: Wouldn't it be of value to do both,
3 to ask the Staff what they thought they heard and compare
4 that to what we thought we were hearing?

5 MR. FLOYD: Right. I think it would be
6 interesting to see maybe what the differences were across
7 the regions as to what they thought were the important
8 issues that needed to be addressed too. You might have
9 different insights based by region. I don't know.

10 MR. GARCHOW: The other thing I think we need to
11 consider, I mean I have plans for a state that has a lot of
12 interest by some of the state votes and it might be
13 beneficial -- I know there are several states that have been
14 active in providing comments and viewpoints on the process,
15 and it might be valuable in this December meeting at least
16 invite them to have an opportunity to take 15 or 20 minutes
17 or a half hour and present some of the states' perspectives
18 if they have an interest.

19 I know the State of New Jersey has been very
20 active in the process.

21 MR. CAMERON: While we are on that, New Jersey, I
22 know that the Illinois agreement state program, for example,
23 is pretty active.

24 MR. PLISCO: One of the other things I was going
25 to suggest -- of course, neither one of them are here -- and

1 this comes out of a discussion we had earlier about
2 subcommittees is have our two state representatives
3 essentially set up a panel and solicit who would be
4 interested in presenting information to us, and have them
5 coordinate that, because I think they are in a better
6 position probably to find out who has input who wants to
7 provide information to us from their viewpoint and rather
8 than us trying to figure out who all the --

9 MR. CAMERON: The suggestion being that the panel
10 members, individual panel members, coordinate their state
11 participation, including I guess Bob, to see if anybody from
12 California -- if he wants to bring anybody, specific staff
13 in to make a presentation.

14 MR. REYNOLDS: Richard Pinney from the State of
15 New Jersey is here. I don't know if you were aware of that.

16 He's going to coordinate all the states --

17 MR. PLISCO: I am not talking their specific
18 state. I am talking about just state interests across the
19 board -- and find out what are their interests and who would
20 be interested in providing viewpoints to us.

21 MR. SCHERER: Don't forget the public too. You
22 may have people who want to make them, and include states,
23 NRC, industry.

24 MR. FLOYD: We talked yesterday about maybe some
25 time between now and the next meeting everybody that is on

1 this panel will kind of organize what they think from their
2 perspective the major issues are.

3 I do not know how we would want to organize that,
4 maybe by the four areas of PI inspection, SDP, assessment,
5 enforcement. One way you could do it, by cornerstone or
6 whatever, but if we still want to do that maybe we want to
7 pick a time for when we maybe get that to John and then
8 maybe John could or somebody could summarize that, put that
9 all together, get that input together and weed out the
10 commonalities and come up with one chart of what those all
11 were and maybe give us a short presentation on what the
12 collective wisdom of this group was before we starting
13 getting additional feedback.

14 MR. CAMERON: So that would be another agenda item
15 for the next meeting -- identification of major issues? It
16 would be sort of collated from individual and panel
17 perspectives on major issues.

18 MR. REYNOLDS: That goes to Objective 2, what
19 Steve is talking about.

20 MR. FLOYD: It might take more than two days to
21 summarize our collective wisdom.

22 MR. GARCHOW: That's why I thought if we did it
23 offline and got it in to them, then somebody could roll that
24 up and pull out what the nuggets were.

25 MR. FLOYD: Write a summary.

1 MR. REYNOLDS: You would have to state it
2 succinctly.

3 MR. FLOYD: Because I think there will be a lot of
4 repetition.

5 MR. CAMERON: Is everybody clear on that homework
6 assignment basically, that you are going to send John your
7 list of what you consider major issues that need to be
8 addressed and as Steve refined that, these major issues go
9 to Objective 2, or is it broad?

10 I want to make sure that everybody agrees with
11 that.

12 MR. PLISCO: I think it would be helpful in the
13 long-run to tie your issue to at least one of these goals,
14 to help us collate the issues and where they do either
15 support or don't support one of those goals we are going to
16 be trying to measure the program against.

17 I mean it could be a positive comment or it could
18 be a negative comment. We'll try to collate with one of
19 those eight goals and that is how we will try to sort the
20 issues.

21 MR. CAMERON: So it is broader than just Objective
22 2, but you would like people to not only come in with their
23 issue but say what issue or what objective or objectives
24 that particular issue goes to. Does that make sense to
25 everybody?

1 MR. REYNOLDS: Did you say by Objective 1, 2, 3 or
2 do you mean by the goals?

3 MR. PLISCO: The Sub-8.

4 MR. MADISON: Maybe we could talk the same
5 language too, because we are calling those criteria. You're
6 talking about objective, risk informed -- we're collating
7 those as criteria and if you did collate into the four major
8 areas, we have broken it into, there would be some synergism
9 there.

10 MR. CAMERON: Okay. We go back --

11 MR. MADISON: PI inspections, SDP, assessment and
12 enforcement.

13 MR. FLOYD: We could organize it by those four and
14 then say which ones of those criteria --

15 MR. MADISON: Which of those criteria were working
16 right.

17 MR. CAMERON: Let me make sure that that's --
18 review the bidding here.

19 MR. MADISON: I am just suggesting that there --

20 MR. CAMERON: That would be consistent with the
21 way you organized it.

22 MR. PLISCO: Say that again.

23 MR. CAMERON: Yes.

24 MR. FLOYD: Break it down into the -- collate your
25 problem areas or your significant areas by whether it is a

1 PI-related issue, an SDP, an inspection, or enforcement
2 issue, and then next to each issue that you identify in
3 those four categories identify the criteria which is most
4 impacted by that.

5 MR. CAMERON: The criteria under Objective 1.

6 MR. FLOYD: Right.

7 MR. CAMERON: So there's four categories. Put
8 your major issues in these four categories is the
9 suggestions -- PI, SDP, inspection, enforcement.

10 Each of those issues that you identify --

11 MR. PLISCO: Assessment and enforcement.

12 MR. CAMERON: All right, assessment and
13 enforcement. But when you categorize, after you are done
14 categorizing your issues, relate that to what has been
15 termed criteria under Panel Objective 1.

16 Anybody have any problems with that? Randy?

17 MR. BLOUGH: Yes. Well, if we are going to matrix
18 it, I would rather matrix where we divide them into the
19 comments about these -- the goal because starting off
20 bidding them into the four categories, you know, is like --
21 that is not as diverse as if we went at it at a little bit
22 different way.

23 I mean we are supposed to be a bit diverse and I
24 think some of my issues are just kind of broad, over the
25 whole program and not necessarily even categorizable.

1 I can still do it that way. I just wonder --

2 MR. MADISON: We have got a fifth category of
3 overalls.

4 MR. CAMERON: Does that satisfy your concern,
5 Randy, is if there is a fifth category called "overall" or
6 are you saying that there is a different way to organize
7 this that may be more revealing about what the issues are?

8 MR. BLOUGH: Yes, I would rather just organize it
9 by those eight and then if they apply to one of the four
10 mention it that way and if they don't apply to one of those
11 four, then not, but I could go either way. I'd reverse it.

12 MR. CAMERON: You'd reverse the starting point and
13 then note whether it goes to one of these four.

14 Anybody have any strong feelings about which way
15 or opinions on which way that is done?

16 MR. PLISCO: Yes, I think the only advantage is
17 making sure we kept both lists to help align ourselves with
18 the Staff's self-assessment and to help John do the
19 collation when he gets to 15 inputs, just to make it easier
20 for him to try to bin similar issues, to help us out in our
21 first meeting when we get started.

22 MR. BLOUGH: I could go with it that way if we
23 just add an overall.

24 MR. CAMERON: Okay.

25 MR. PLISCO: And I want to leave it open too. If

1 you have an issue and it doesn't seem to fit any of those,
2 send that too.

3 MR. CAMERON: Let's hear from Ken and then Rod.
4 Ken, you're done?

5 MR. BROCKMAN: He just hit my topic, yes. If you
6 can bin it, bin it. If you can't, submit it anyway. Don't
7 let that inhibit communications.

8 MR. CAMERON: Rod?

9 MR. KRICH: That may go to -- I was going to make
10 a comment later but I guess it's now. This is just a
11 thought, so do we need to stay within the criteria that's
12 been established by the self-assessment or should we look at
13 all the other measurements?

14 The charter says that we have to determine the
15 effectiveness of the ROP against the performance measures.

16 It seems to me that we shouldn't be restricted to
17 what the NRC is using for their own self-assessment and to
18 consider if there's other performance measures that we
19 should look at.

20 That was my only point.

21 MR. CAMERON: And that would go to -- let's see if
22 I understand this -- from an organizational point of view,
23 the major issues that you identify don't necessarily have to
24 be confined to just what the NRC has identified?

25 MR. KRICH: Right. That I guess gets to the

1 question.

2 MR. CAMERON: Does anybody have -- I think that is
3 what I heard all of you saying when we had this discussion
4 before, but does anybody have any problem with Rod's
5 suggestion? I think it is a recommendation, isn't it, Rod,
6 that it should be broader?

7 MR. REYNOLDS: Well, we almost have to do that,
8 don't we?

9 MR. KRICH: Yes.

10 MR. CAMERON: Okay.

11 MR. KRICH: I am just throwing out the idea of not
12 being confined by the categories that the NRC has set up for
13 their own self-assessment, looking at it in a different way
14 or a broader --

15 MR. PLISCO: Right, and I think we have to do
16 both.

17 MR. KRICH: Right.

18 MR. PLISCO: Because part of our charter is to
19 make some judgment of what the Staff came up with, whether
20 it has everything you need, and then if there is any other
21 idea or recommendations that are outside of that, we need to
22 provide those.

23 MR. KRICH: Otherwise I don't think we would be
24 doing what we are supposed to do. It's not that I don't
25 trust the other way.

1 MR. CAMERON: Okay, so there's organize your
2 comments into those five categories. The fifth one is
3 "Overall" -- and then for each issue in those categories tie
4 it back to the eight criteria under Objective 1.

5 When do you want to have that homework assignment
6 in to --

7 MR. KRICH: Chip, could you go through the deal
8 one more time?

9 MR. CAMERON: Yes, sure. You would take the
10 problems, the issues that you think have to be addressed,
11 should be addressed by the panel in terms of this revised
12 reactor oversight process in your charter, take those issues
13 and bin them into the four categories that Alan was talking
14 about, which are the PI, SDP, inspection. The fourth is
15 assessment and enforcement, and then there is an Overall
16 category.

17 For each of those issues or problems that you
18 identify, and I think you are going to be doing sort of a
19 brainstorming on your own here, so I wouldn't -- you might
20 want to be liberal in your identification of issues or
21 problems but then try to tie those to what, which one of
22 these eight criteria -- safety, effectiveness, that
23 particular issue goes to, and they may go to more than one.

24 A lot of them may go to safety but if you define
25 public confidence as meeting the safety -- I mean you will

1 just have to work through how you are going to do that, but
2 is that homework assignment clear?

3 MR. MONNINGER: No. As far as timing, I guess it
4 would depend whether you just wanted to discuss that at the
5 next meeting or if you wanted to use those topics to set
6 agenda items and to identify speakers and groups to come to
7 the next meeting.

8 MR. CAMERON: I think that --

9 MR. MONNINGER: The reason I am getting to that is
10 that the Federal Register notice and 15 days and then, you
11 know, that type of stuff, we cut into it.

12 But if you just wanted to have a list for the next
13 meeting, you have more time, but if you wanted to have that
14 influence your agenda --

15 MR. CAMERON: I think that from what I heard that
16 the only thing that you would have as an agenda item, the
17 panel perspectives, okay? -- and you wouldn't be using that
18 to identify external interests that you might want to get in
19 for the meeting --

20 MR. FLOYD: Maybe the January meeting.

21 MR. CAMERON: But not for the December meeting.
22 Okay?

23 MR. MONNINGER: Yes.

24 MR. CAMERON: So you have four agenda items here,
25 external input -- and I really want to make sure that we

1 have closed on that one too, and know what we are doing
2 there, but work plan, potential identification of
3 subcommittees and that may come out of also the panel
4 perspectives on the issues. I think that is what Steve was
5 suggesting.

6 MR. PLISCO: To me it looks like the panel
7 perspective issue is something we want to put early in the
8 agenda, I guess we could use that in our work planning and
9 deciding what other external input we want in follow-on
10 meetings, so we will put that early in the agenda.

11 MR. CAMERON: External --

12 MR. GARCHOW: Did we close out on a due date for
13 the homework?

14 MR. CAMERON: No, we didn't. That's a good point.

15 When do you want to have that? The meeting is the
16 11th and 12th and now it's the 1st and 2nd -- like before
17 Thanksgiving, the week of Thanksgiving --

18 MR. MONNINGER: As long as it just consolidating
19 it, the first is fine.

20 MR. CAMERON: So December 1st?

21 MR. MONNINGER: I think I'll send the consolidated
22 list back out prior to the meeting.

23 MR. CAMERON: Okay. John, you get them, you
24 collate them, and you send them back out. All right.

25 December 1st.

1 How about the panel in terms of external input?
2 The panel members who are at various meetings are going to
3 report back on these regional meetings.

4 We then said let's have some state people here and
5 I wasn't clear about how you were going identify --

6 MR. SCHERER: Before you leave that point --

7 MR. CAMERON: Pardon me, Ed?

8 MR. SCHERER: Before you leave that point, I was
9 hoping that we would have the Staff report of what they
10 think they heard at those meetings and then compare that to
11 those members of the panel that were there.

12 MR. CAMERON: So you would have the NRC Staff --

13 MR. SCHERER: It is important to me to understand
14 what the Staff thinks they got in the way of feedback and
15 compare that.

16 MR. CAMERON: See what other people --

17 MR. FLOYD: As well as industry, because I would
18 like to get a sense for what the industry thought they heard
19 as well.

20 MR. SCHERER: Yes. I am saying, not just NRC
21 Staff.

22 MR. CAMERON: Would you bring in, would you ask
23 some people from industry besides yourself --

24 MR. FLOYD: Right.

25 MR. CAMERON: -- and the other panel members?

1 Okay. So there's three inputs here on this results of the
2 regional meeting.

3 There's NRC Staff. There's the individual panel
4 members. There's industry observers at those regional
5 meetings --

6 MR. SCHERER: Well, isn't it in general the other
7 stakeholders? That includes industry. That includes the
8 states and it includes the public, anybody who was at that
9 session.

10 MR. GARCHOW: Are these meetings transcribed as
11 public meetings?

12 MR. DEAN: No.

13 MR. GARCHOW: I find this sort of interesting, you
14 know. Somebody is going to say something, and then we are
15 going to have six people come in here and try to make sure
16 we heard what they said right. If it was that important
17 that we heard it right, why don't we just ask the people to
18 come here, tell us what they think?

19 I find this sort of an interesting discussion
20 about trying to translate what we heard and if it were
21 transcribed we could just read it.

22 MR. MADISON: One of the things that came out of
23 the Region III ANS meeting were each of the working groups
24 had closing statements. We captured the notes from those
25 closing statements.

1 Is that -- would that suffice for at least
2 giving bulletized output.

3 MR. GARCHOW: Unless we really think there's some
4 translational things going on that we suspect, which I don't
5 think we suspect. I mean we are professionals. Somebody
6 transcribed my notes. I don't need that six people to tell
7 me their version of what they heard.x

8 MR. CAMERON: Let's let Bill Dean give us his --

9 MR. DEAN: I just want to make sure there is a
10 common understanding of what these meetings are.

11 These meetings are really just an opportunity for
12 us to collect in a certain venue and also provide the public
13 an opportunity to observe basically where do we think we are
14 with respect to the oversight process right now.

15 What are the things that it looks like have been
16 working pretty well in all those key areas and where do we
17 see some potential challenges in the future?

18 The intent is not to come up with recommendations
19 on how you are going to fix these things. It is really just
20 an opportunity to lay out in kind of a public forum kind of
21 where things stand, so it's not like there's going to be a
22 whole lot of attempt to try to come to resolution on the
23 issues.

24 You know, I think Al's suggestion about
25 assimilating what were the issues, you know, I mean that's

1 pretty much all that we would expect to get out of this.

2 MR. MADISON: I would think out of each session at
3 the public meeting there would be some close-out made --
4 these are the issues we have identified during this session,
5 before we move on to the next.

6 That output would be what you would be interested
7 in hearing.

8 MR. DEAN: Right.

9 MR. GARCHOW: That's all I really need.

10 MR. CAMERON: And keep in mind too this point that
11 David raises about reporting on the report.

12 When you mentioned that you wanted to have state
13 people in, I inferred from that that these state people
14 would not be coming in to report on the regional meetings.

15 MR. DEAN: Right.

16 MR. CAMERON: They would be coming in to tell you
17 what their problems were directly, just as you may have a
18 panel of citizen group representatives or industry come in
19 at some point and tell you what they think about this
20 process.

21 MR. GARCHOW: That's what we did in the PPEP.

22 MR. CAMERON: Okay, so is that a correct
23 distinction to make here? Okay, in terms of the results of
24 the Regional meeting, you'll have someone here from Bill's
25 staff that will talk a little bit about what happened, and

1 you'll have the panel members who were there, who can chime
2 in on that.

3 And then you -- is that enough for a Regional
4 meeting?

5 MR. PLISCO: That's enough, at least for this
6 December meeting.

7 MR. DEAN: We would not have had the Region I
8 meeting at the time. The Region I meeting is the 13th of
9 December.

10 MR. GARCHOW: The NRC probably knows better than
11 we do as a panel, which states have been more active than
12 other states, and I guess I would just leave it up to
13 somebody in the NRC that is used to dealing with the states
14 to figure out who would be -- to whom it would be correct to
15 send out a formal invitation, and at least give them an
16 opportunity to come express their views, if they so desired.

17 I wouldn't presuppose that that would be the
18 minimum of the states.

19 MR. PLISCO: I can talk to the staff, and also I
20 can talk to state panel members in our State Programs
21 Office, and I can put together a proposed list that we can
22 send out with a proposed agenda. If there are any other
23 ideas or thoughts, then --

24 MR. CAMERON: Okay. You'll need to do that; in
25 other words, David's suggestion is leave it to the NRC's

1 discretion in conversations with the Office of State and
2 Tribal Programs, other people in NRC, to invite those
3 people.

4 You have to do that with enough lead time to make
5 sure you get them here. But one slot on your agenda, okay,
6 I guess this has two components.

7 This is the Regional meetings, and then you're
8 going to have an agenda slot that's going to be state views.
9 And to the extent that the states that are here, the
10 individual representatives who are at the Regional meeting,
11 then they can also do that.

12 But any other external input at this particular
13 meeting?

14 MR. TRAPP: There is some talk of letters that we
15 have already received from the state people. I mean, would
16 that be one way to get the state views? I mean, they have
17 already given it to us in writing.

18 Is worth them coming to tell us what they've
19 written to us? We could look at what they're written to us.

20 MR. HILL: They could decide that.

21 MR. GARCHOW: I think there's value in the public
22 confidence in at least giving them the opportunity. If they
23 choose not to go or think that they've got their input in at
24 the Regional meeting, then so be it, at least we gave them
25 the opportunity.

1 MR. CAMERON: And there may be questions. You can
2 question them about how something that is unclear, whatever
3 -- okay, so is that -- we're going to have them there.

4 David?

5 MR. LOCHBAUM: The NRC -- I thought it might be
6 useful to have someone from the NRC staff to participate in
7 many of those like -- or somebody, about some of the common
8 themes that came up, not necessarily ever single one, but
9 some of the common issues that we raised?

10 MR. CAMERON: Common themes from individual plant
11 meetings.

12 MR. LOCHBAUM: I have a videotape that I can watch
13 sometime this weekend, but --

14 MR. CAMERON: I still have some of the videos from
15 the BRC meeting.

16 MR. LOCHBAUM: If you play those backwards, it's a
17 lot better.

18 MR. CAMERON: Bill?

19 MR. DEAN: Just with respect to David's comment,
20 one of the things that -- those meetings that we had in the
21 locales of the nuclear plants, were actually conducted by
22 the Regions.

23 We helped develop a presentation format and
24 provided them with materials, but those were really
25 conducted by the Regions.

1 And one of the things that we'd ask each of the
2 Regions to provide us was their lessons learned and feedback
3 from that. Thus far, I think we've gotten some input from
4 one or two of the Regions.

5 My sense is that that might be something that
6 would be perhaps better for the Regional reps on the panel
7 to maybe bring back, as opposed to ourselves.

8 MR. MADISON: I think it's a good thing to do, no
9 question. We only got to go to a couple of those meetings,
10 so it would be a better way of getting more information.

11 MR. CAMERON: Can we then give each of the
12 Regional reps on the panel, the homework assignment to come
13 in and give us the common themes from their Region, or if
14 you want to work on it, coordinate it in advance, you can
15 try to identify common themes, but at least the Regional
16 people will be prepared to talk about common themes from the
17 individual plant meetings in their Region.

18 MR. REYNOLDS: I was thinking that we didn't get a
19 whole lot back from the public. We haven't talked about it
20 and it was maybe somewhat unfulfilling to everybody, but --

21 MR. CAMERON: So be it, I guess.

22 MR. LOCHBAUM: That's why didn't volunteer --

23 MR. REYNOLDS: If I remember right, at Quad
24 Cities, between the NRC and the licensee, I can't remember
25 if there were many people there from the public at all.

1 MR. MADISON: Four.

2 MR. REYNOLDS: That was -- they didn't ask any
3 questions.

4 MR. CAMERON: Let's make sure that we understand
5 Richard's comment here. Say it again, Richard.

6 MR. HILL: When they took these Regional visits,
7 they went and talked to people at the plant as well as the
8 public, didn't they?

9 MR. PLISCO: These were open public meetings.

10 MR. HILL: You didn't have a meeting at the plant.

11 MR. BROCKMAN: Different form, yes, that's been
12 done on numerous occasions, talking to them. Information is
13 available if this is done on a different date.

14 MR. CAMERON: That type of information may factor
15 back into --

16 MR. HILL: I just misunderstood what meeting you
17 were talking about then.

18 MR. CAMERON: It comes in later.

19 MR. PLISCO: These are the evening public meetings
20 we had just to provide some information on the oversight
21 process.

22 MR. CAMERON: Okay, so you have external input and
23 there's three inputs there. You have the panel perspectives
24 on major issues, organized the way we talked about it.

25 You want to talk about a work plan, so I guess

1 that after you hear these major issues, you can do work plan
2 and outline a final report, or whatever way you do it.

3 But it seems like you have one, two, three, four,
4 agenda items for your next meeting.

5 Does anybody else want to say anything?

6 MR. BLOUGH: My comment about the one-day meeting

7 --

8 MR. CAMERON: Anything else on agenda? Randy?

9 MR. BLOUGH: Well, just one point. I'm confused
10 on exactly how the states would be -- so I'll just throw in
11 Pennsylvania now because I -- they and New Jersey have both
12 been involved with NRC activities for at least 20 years,
13 very heavily.

14 MR. CAMERON: Even though it was suggested that
15 we leave it to the discretion of the NRC staff to identify
16 them and also the NRC staff will invite them, besides -- and
17 I think I -- are there any suggestions from the panel? Now,
18 we have New Jersey, Illinois, California and Pennsylvania.

19 Are there any of these that we shouldn't have? I
20 think I might have -- I put California down, but you would
21 agree with Illinois, though, right?

22 MR. KRICH: Yes.

23 MR. CAMERON: Dave?

24 MR. LOCHBAUM: I don't know of anybody specific to
25 mention, but since Congress oversees the NRC, and as a

1 result, the oversight process, I would assume, is used by
2 Congress to evaluate whether they're doing it or not, maybe
3 having somebody from Congressional staff. I know they have
4 a Congressional -- a Senate caucus on nuclear issues -- come
5 in and say, you know, does it give them enough information
6 to make whatever decisions they make?

7 MR. CAMERON: Okay, so that would be, beside the
8 states, do a Congressional -- have a Congressional
9 representative at this meeting.

10 Discussion on that?

11 MR. BROCKMAN: The only thing, which is sort of
12 anecdotal, I think if we do that, whatever meeting we may
13 choose to do that, by definition, we've identified that to
14 be a Washington, D.C. meeting. We talked about locations
15 otherwise, just some things to talk about.

16 MR. CAMERON: David, did you mean to suggest --
17 were you talking about the December meeting for this one?

18 MR. LOCHBAUM: Not necessarily the December
19 meeting.

20 MR. GARCHOW: You were saying we were looking for
21 external viewpoints, and you identified one that we hadn't
22 discussed. We may want to get --

23 MR. CAMERON: Okay.

24 MR. PLISCO: We could do it in the January
25 meeting. It needs to be up here. We'll need to go over

1 this, the results of the data.

2 MR. HILL: The office --

3 MR. PLISCO: I wanted to get to the agenda, first,
4 and that was something that drove us to a certain location.
5 That's what a I wanted to see.

6 MR. CAMERON: Is this -- the Congressional input,
7 is that -- do you want to do that in December, or are you
8 thinking about January or some other time, just so we're
9 clear.

10 MR. PLISCO: Isn't there going to be an
11 Inauguration right around our meeting in January?

12 MR. BROCKMAN: December the 18th. What are the
13 odds that the Congress in session on December the 18th?

14 MR. CAMERON: Now, I think, probably pretty good.

15 MR. BROCKMAN: We'll want to make sure that there
16 is at least somebody that we can get.

17 MR. SCHERER: I don't know what the results of the
18 election will be, but Congress may be changing who they
19 would want to send, and January may be a more appropriate
20 time as the Committees sort out.

21 MR. PLISCO: We may have to look internally at the
22 protocol for them to come over to this meeting, too.

23 MR. CAMERON: Okay, I'm going to put -- I'm just
24 going to bracket this.

25 MR. PLISCO: Hold that till January.

1 MR. CAMERON: For a later meeting, all right.

2 MR. MONNINGER: You may also want to consider
3 someone from GAO.

4 MR. CAMERON: Maybe one of the other things that
5 may be another homework assignment is for people to come
6 back prepared to talk about not only the categories of
7 external input that they would like to do for future
8 meetings beyond December, but perhaps individuals that would
9 fall into those categories who might be good to bring in.

10 So you've got the meeting date, two meetings in
11 advance. You've got your agenda for December.

12 MR. PLISCO: We just need to think of a location.

13 MR. CAMERON: Oh, location, all right.

14 MR. PLISCO: I mean, looking at the agenda, I
15 don't see anything on there that really drives us to any
16 specific location. Does anyone else?

17 MR. GARCHOW: Does it have to be a geographic
18 blend of the group. I have -- all the way from California.

19 It looks like we have a lot of NRC folks from all
20 over the United States.

21 MR. BLOUGH: I don't care; I'll go anyplace.

22 MR. GARCHOW: I would support King of Prussia.

23 [Discussion off the record.]

24 MR. PLISCO: I was going to suggest Atlanta
25 because in terms of travel and access, it's easy. We could

1 provide the resources there, too, in the Regional Office.

2 MR. GARCHOW: I don't have a problem with it.

3 MR. PLISCO: We can do that or we can look at some
4 other arrangements, too. Of course, we're always looking at
5 cost, and I can do it for free in our meeting rooms. We've
6 got plenty of room.

7 MR. CAMERON: Does anybody have any problems with
8 Atlanta?

9 [No response.]

10 MR. CAMERON: Okay, December 11 and 12 in Atlanta.

11 MR. PLISCO: In January, we're talking back here.
12 In January, just thinking ahead, we talked about staff
13 input, and that's the tentative plan now is to have it here.

14 And I'll do one thing when I get back, just to
15 confirm that -- I mean, Atlanta is a big conference town,
16 and just to make sure that's not a bad week as far as
17 getting hotel rooms; I'll confirm that.

18 [Discussion off the record.]

19 MR. PLISCO: One last business item: Did we
20 finish our meeting an agenda?

21 MR. CAMERON: I think we did.

22 MR. PLISCO: One last thing I wanted to do before
23 we got to Al, is, any comments on the bylaws? John made the
24 changes. Actually, we watched him make the changes
25 yesterday. He finished that up.

1 MR. SCHERER: Before we leave, the homework
2 assignments, can we expect that within a week or two, that
3 you'll document these homework assignments to us?

4 The reason is, I would like to be able to get it
5 to some of the others in Region IV, and it would make it
6 easier if I were using the same language everybody else was
7 in terms of what inputs we're looking for now.

8 MR. NOLAN: You know, in all fairness to John, we
9 set the date of 12/1, and then afterwards we asked for him
10 to send it to us in advance. You're going to issue those
11 and get it out before the meeting.

12 MR. MONNINGER: With respect to input up front, it
13 would be easiest, I think, if it just fell into the meeting
14 cycle, you know, the -- I would think that within the -- we
15 have to get the transcript back, of course, too, but I would
16 think that within two weeks we should easily be able to
17 issue the meeting summary.

18 MR. GARCHOW: This meeting summary, which would
19 have the summary for the homework assignment.

20 MR. SCHERER: That shortens the time available.
21 Again, I would personally like to try to get it out --
22 Region IV has some pretty active utilities that want to
23 contribute some thoughts on it, and I would like to try to
24 get their input.

25 MR. MONNINGER: We can shoot for next week, I

1 guess. Personally, it's easy if the meeting summary -- we
2 have a lot of attachments in there, too, and working it
3 through our electronic systems and all.

4 MR. CAMERON: Ed, what do you want?

5 MR. SCHERER: I'm only looking for the homework
6 assignments.

7 MR. CAMERON: You'd like a statement of what the
8 homework assignment is, so that you could just fire that
9 out?

10 MR. SCHERER: Exactly.

11 MR. GARCHOW: Could you send us an e-mail just
12 with that on it?

13 MR. SCHERER: Even if you just gave us that part.

14 MR. MONNINGER: That would seem appropriate, and
15 we'll just place the e-mail down in the PDR.

16 MR. SCHERER: Sure.

17 MR. GARCHOW: If you could do that --

18 MR. SCHERER: I think it would be great to put it
19 in the public -- to put it on the website, but if you gave
20 it to me electronically, or the members of the panel,
21 electronically, that would allow those of us that want to go
22 outside and get additional input, to do it on common basis.

23 MR. CAMERON: Okay, I'm going to put this up as an
24 action item for John, is to send out the homework
25 assignment.

1 MR. MONNINGER: Send it out next Tuesday.

2 MR. CAMERON: And then everybody will know, but I
3 won't put an action item up here that you all have to
4 complete your homework assignments, but everybody will
5 understand that.

6 Anything else before we go to bylaws?

7 [No response.]

8 MR. CAMERON: Did everybody have a chance to look
9 at this to see if it matches up with what we discussed
10 yesterday?

11 You'll note the first change is to make sure that
12 Loren is stuck being the Chairman, so that he doesn't try to
13 get out of this.

14 MR. PLISCO: Do I need to walk through the
15 specific changes again?

16 MR. FLOYD: No.

17 MR. PLISCO: Were there any other issues on
18 bylaws?

19 MR. MONNINGER: I did take the liberty of taking
20 in two additional comments, and that was under the -- on
21 page 3, roles of the IIEP officials, in particular the DFO.

22 The last two sentences -- is it expected that all
23 agenda items recommended by panel members within the scope
24 of the IV's charters and activities will be included in the
25 meeting agendas.

1 It is expected that the chairman and not the DFO
2 will chair all meetings.

3 MR. SCHERER: Yesterday we had a discussion about
4 the due date for a report that's not in the bylaws. That
5 will be in the minutes?

6 MR. PLISCO: I think part of that is going to be
7 our -- my recommendation is we put together a work plan at
8 our next meeting where we establish those milestones and how
9 we are going to meet the end objective and really put it in
10 that document once we lay that out.

11 MR. CAMERON: I take it there was no problems with
12 the additions that John added, because they seemed to meet
13 the intent of the discussions.

14 Okay, so this is your first consensus --

15 MR. PLISCO: Our first decision.

16 MR. SCHERER: So we can take the word "draft" off
17 the bylaws.

18 MR. CAMERON: So I take it there is. Is there a
19 consensus on the bylaws?

20 MR. PLISCO: Okay, we'll take the word "draft"
21 off. Make it Rev. 1. We'll issue the one without a
22 "draft."

23 Are we ready to move on?

24 MR. MADISON: Now everybody take a nap. I'll
25 talk.

1 We have covered the performance indicators --

2 [Laughter.]

3 MR. MADISON: He didn't fall asleep yet.

4 MR. LOCHBAUM: I have a question on this morning's
5 thing that came up that I should have asked this morning but
6 I didn't.

7 MR. MADISON: Which area was it on?

8 MR. LOCHBAUM: Both the PIs and the inspection
9 program.

10 MR. MADISON: Okay.

11 MR. LOCHBAUM: D.C. Cook is starting up on the
12 0350 process with a transition to this ROP thing, and there
13 is a plant in Region I that is not going to be in 0350 and
14 is going to stay in ROP for some reason, so I was wondering
15 nowhere in this self-assessment do you evaluate the 0350
16 handoff to the ROP.

17 It looks like if there's ever an opportunity to do
18 it, this might be a good time.

19 MR. KRICH: What's that about Region I?

20 MR. LOCHBAUM: Indian Point 2 is not going to be
21 handled in the 0350 process, for whatever reason.

22 MR. MADISON: I think the comment that I know you
23 have made before, I think we handled that as far as just
24 feedback, not necessarily a metric we want to measure, but
25 this is a comment and we need to look at how we are going to

1 address the comment.

2 MR. CAMERON: David, could you -- does everybody
3 understand what David's comment is, what the implications of
4 that are? I think so.

5 MR. BLOUGH: It's an assessment comment though,
6 really. It's our assessment program, just the way we parse
7 things. It's our assessment program that drives us to the
8 decision of whether to keep them, the assessment of the
9 plant, in 305, which is our assessment manual chapter or to
10 switch it over to 0350.

11 MR. LOCHBAUM: But once that decision has been
12 made, then you either do the inspection and PI report or you
13 don't and so forgetting the assessment part of it, the fact
14 that there is a plant that is in that category going through
15 the PIs and inspection program under 350 and eventually it's
16 going to transition over to the full ROP, right? -- that's
17 an issue. That's part of the program. 0350 was revised
18 specifically to make it integrated with the ROP.

19 MR. BLOUGH: Right. I'm not saying it is not --

20 MR. DEAN: Before you write that down, let me
21 embellish a little bit what I think David is trying to get
22 to is that -- and what some of the problems are with that --
23 is that in the transition from the old process to the new
24 process we went through some specific guidance to the
25 regions as to how do you translate those issues that are

1 still on your plate from the old process to the new process?

2 For example, at D.C. Cook they are still within
3 the old 0350 process, okay? They are not being assessed
4 within the 0350 process necessarily that we have established
5 that is a cohesive part of the current oversight process.

6 In other words, we're in this transitory stage and
7 so we worked specifically with the region on that particular
8 plant -- how would we go about the transition, and so
9 clearly there's lessons learned but it's very specific
10 because it has to do with the transition from the old to
11 new, not from 0350 to ROP.

12 Do you understand the distinction that I am trying
13 to make there?

14 All the activities that were taking place with
15 respect to D.C. Cook were under the auspices of the old 0350
16 process, which is not necessarily the same. There's changes
17 in that 0350 process to try and make -- if a plant were to
18 get an 0350 now, they would be treated a little bit
19 different than Cook was, so we can maybe learn some specific
20 lessons from that case but we're really more wrapped into
21 the transition from the old program to the new program and
22 not so much from a plant that is an 0350 process to the ROP.

23 MR. GARCHOW: As I understand it, Bill, you made
24 the 0350 process one of the tools that you have in the
25 action matrix, very far to the right.

1 MR. DEAN: Right. It would be a process that
2 would be considered for a plant that was either in the
3 repetitive mode where we get a degraded cornerstone column
4 or certainly an unacceptable performance that you would
5 implement the 0350 process as it currently exists.

6 MR. CAMERON: Are there any transition issues
7 either from old to new or 0350 -- I mean forgetting about
8 what specific plants are caught in the transition or
9 examples, are there any transition issues that are important
10 for the panel to discuss?

11 MR. DEAN: I would say probably not, because it's
12 just such a unique situation, depending on where that plant
13 is in point of time it actually entered the process and so
14 we made a considered decision working with the region that
15 we did not want to try and transition D.C. Cook to the new
16 0350 process.

17 We wanted to complete activities utilizing the old
18 0350 process and now we are transitioning them into the ROP
19 and there are some challenges there with respect to
20 performance indicators and when those started giving us
21 meaningful information and what inspections do we do at that
22 site.

23 That aspect of it maybe is appropriate because
24 that would be something that would be common to any plant
25 that gets into 0350 in an extended shutdown that you lose

1 the capacity to use some of the performance indicators to
2 provide you some assessment input and you have to augment
3 that.

4 That piece maybe would be beneficial but not I
5 wouldn't say the overall D.C. lessons learned.

6 MR. BLOUGH: If you set D.C. Cook aside though,
7 and you just -- the rest of Dave's comment seems to go to
8 assessment program, on page 22, where it says OA1 is
9 subjective judgment is minimized and OA2 says the program is
10 well defined enough to be consistently implemented measured
11 by such-and-such, so it seems to me that that is where he's
12 really commenting on, you know.

13 He's saying that D.C. Cook, IP-2 I think in his
14 view, were treated inconsistently.

15 I think the handling of D.C. Cook is primarily a
16 transition issue, but you can still have the same question
17 if you just look at Indian Point 2.

18 I mean we spent a lot of time at the Agency
19 thinking about the right handling of Indian Point 2, which
20 is in the new program, is it 0305 or is it 0350 and, you
21 know, where, so the comment has merit.

22 MR. LOCHBAUM: Technically it's not in the program
23 but the event occurred before the new program started. For
24 some reason it's being considered in the new program but the
25 event occurred with it under the old program.

1 MR. BLOUGH: Right.

2 MR. DEAN: And that is another issue that was a
3 transition issue, the Indian Point 2 issue and how do we
4 deal with that and in that respect since it occurred so near
5 the initial implementation, we made the judgment that it was
6 appropriate to apply to the greatest degree the new
7 oversight process.

8 MR. BLOUGH: Right, but the plant had PI data and
9 they were up to speed on the new program. They were ready
10 to support their site at the implementation of it.

11 MR. PLISCO: As far as capturing this, it is
12 probably an issue we should put in our parking lot because
13 the metrics don't look at this issue as far as I guess the
14 transition between the program and 0350, but we have I guess
15 some examples and issues that we can look at.

16 MR. DEAN: Well, it wouldn't be an issue, it
17 wouldn't be something you would capture in this aspect of
18 the metrics.

19 It would be something that we would look at in
20 terms of self-assessment, oversight process, in terms of
21 gathering lessons learned -- such a unique thing, you
22 couldn't develop an objective measure.

23 MR. MADISON: We thought we would get issues like
24 that through feedback. Where we would have a comment, we
25 would have to address the issue that there was an

1 inconsistent application in one case and get it through a
2 feedback form to address that specific issue, but I want to
3 be sure I understand the issue that you are getting at is
4 that you consider that there's been an inconsistent
5 application of the transition to or reason for entering the
6 0350 process between D.C. Cook and IP-2.

7 MR. LOCHBAUM: When D.C. Cook restarted we
8 recommended performance indicators and the decision was no,
9 you can't do that because the plant has been shut down for
10 so long that the PIs aren't meaningful and we need to do
11 something else until the PIs start tracking.

12 Then when Indian Point 2 is going to be shut down
13 long enough that its PIs are not going to be tracking
14 meaningful, so I suggested starting up under 0350 they said
15 no, no, no, we are going to use the PIs.

16 So it is apparently whatever is the opposite of
17 what we say is the only think that I could figure out.

18 [Laughter.]

19 MR. LOCHBAUM: That's why I want to make sure I
20 understood --

21 MR. MADISON: You're right, David.

22 [Laughter.]

23 MR. MADISON: No, that's why we want to understand
24 the issue, because we do -- and if you will look at Manual
25 Chapter 0608, which I think John handed out, we do address

1 the issue of when the performance indicators are meaningful,
2 and that is irrespective of the 0350 process, so if those
3 performance indicators because the plant IP-2 is shut down
4 for an extended period of time or not providing meaningful
5 indication, then Manual Chapter 0608 will require us to do
6 something else to replace that information, so it doesn't
7 have to go under the 0350 process to address that concern.

8 That is why I wanted to understand what the
9 concern was.

10 MR. CAMERON: Let me try to see if I understand
11 what the sense of the panel is.

12 I put down transition issues, and I think you need
13 to flesh out -- it seems like there's some transition issues
14 that might be important for the panel to discuss.

15 Loren, is that what you were basing this on?

16 MR. PLISCO: No, I am talking about looking at the
17 program itself based on the examples -- not really consider
18 those transition issues but the issues about now, in the
19 current program, is it clear where the breakpoints are
20 between 0350 and the new process.

21 As far as our assessment panel evaluation, that's
22 something that we should look at that obviously the metrics
23 are not going to be able to pick up on. It's just a
24 question.

25 That's why I said if we put it in the parking lot

1 I think it's an issue we should at least talk about.

2 MR. CAMERON: And this will be -- this is your big
3 parking lot, okay? What would you, how would you like me to
4 phrase that, what you want to put in the parking lot.

5 MR. PLISCO: It's Dave's question. I was going to
6 ask him to phrase it first.

7 MR. LOCHBAUM: Is there an award to the panel
8 member who puts the most things in the parking lot?

9 MR. CAMERON: Unless it's you -- no.

10 [Laughter.]

11 MR. LOCHBAUM: I'll just withdraw it.

12 MR. CAMERON: Another question is that Randy said
13 was talking about the fact that David's point would be
14 brought up again on page 22, and we can discuss that again
15 when we get to that particular assessment issue, as I think
16 you put it.

17 I just want to make sure that I capture everything
18 that people want to have captured here.

19 MR. BROCKMAN: I still David's got a point here.
20 This is a unique opportunity, when the program per se is up
21 and running, to be able to catch some insights as to how do
22 you re-integrate a plant back into the totality of the new
23 process, no matter what vehicle they are coming from if it
24 is one where you have had a long period of time without PIs.

25 It may still be adequate or it is one like Cook,

1 where they are just coming back in but to bring somebody in
2 when the rest of the program is up and running, how do you
3 do that? Is the process viable to make that happen? I have
4 no reasons to believe it isn't.

5 But I think it is a unique opportunity to follow
6 it and identify whether there is a problem there and whether
7 that is. I think it's worth a calling and taking a look at
8 it.

9 MR. CAMERON: David, let me ask you -- Norm was
10 going to ask you this, and I guess I'll ask you, is that in
11 terms of articulating the issue here to put, put up, Ken
12 just gave us a general issue about how do you integrate
13 plants that are just coming back, shut-down plants. How do
14 you integrate them in to the new process?

15 Something you said before about the -- maybe,
16 maybe Ken's captured this, the applicability of the PI or
17 0350 to shut down plants, and is there something larger
18 going on here? Dave --

19 MR. LOCHBAUM: Well, but with the larger, the, the
20 broader issue -- I mean, if the PI's rendered invalid for
21 any reason or the plant's been shut down for a while or it's
22 thought not to be tracking accurately, I don't see anything
23 in the self-assessment where that, those are tracked,
24 monitored and evaluated for appropriateness or not.

25 In the specific case, we look at Indian Point 2

1 and DC Cook and two plants that are very same as far as the
2 PIs, whether they're meaningful or not, are being handled
3 completely different, which increases the chances of one of
4 them handled right, but --

5 [Laughter]

6 MR. LOCHBAUM: -- it's not real clear, and I don't
7 understand it and I don't know if it's objective unless
8 we're flipping a coin. And then it's objective, but it's
9 not repeatable or predictable. So I just don't understand
10 the process at all, even though I've had a discussion with
11 Hub Miller about how, how it got there. And I still don't
12 understand.

13 MR. CAMERON: So I put "clear and consistent
14 process for addressing shut-down plants"?

15 MR. MADISON: No. I think his concern is clear
16 and consistent process for application of what we're calling
17 -- what are we calling it, discrepant performance indicator
18 or invalid, invalid performance indicator, David?

19 MR. LOCHBAUM: That's right.

20 MR. MADISON: Discrepant.

21 MR. LOCHBAUM: Discrepant, or non-reported.

22 MR. CAMERON: What was that word you used?

23 MR. MADISON: Discrepant.

24 MR. CAMERON: Discrepant.

25 MR. GARCHOW: That's my word for today. I'm

1 supposed to learn one every day.

2 MR. CAMERON: We're forging into new territory
3 here. Discrepant. A clear and consistent process for
4 addressing discrepant -- discrepant plants?

5 MR. FLOYD: PIs. Performance Indicators.

6 MR. CAMERON: Is it discrepant performance
7 indicators?

8 MR. LOCHBAUM: Yes.

9 MR. CAMERON: Does everybody understand what
10 "discrepant" means in this context?

11 MR. MADISON: We actually have a manual chapter
12 devoted to discrepant performance indicators, that describes
13 what we will do in, what defines a discrepant performance
14 indicator and what -- I don't remember of the procedure.
15 And --

16 MR. LOCHBAUM: 71150.

17 MR. MADISON: 71150?

18 MR. LOCHBAUM: Discrepant and underreported
19 performance --

20 MR. MADISON: There you go. Thank you. That
21 defines what a discrepant performance indicator is, and what
22 actions we will take in response to that.

23 MR. CAMERON: And David, this captures your
24 concern of an issue that should be discussed. We are
25 inconsistent -- there should be a, do we need, or whatever,

1 however you want to modify that -- do you need a clear and
2 consistent process for addressing discrepant performance
3 indicators?

4 MR. MADISON: We think we do. We think we have it
5 though, with the procedure.

6 MR. GARCHOW: We should review and --

7 MR. CAMERON: What is that procedure again? I'm
8 sorry, Alan --

9 MR. MADISON: 71150.

10 MR. CAMERON: 71150.

11 MR. LOCHBAUM: I guess you covered -- not to
12 question it, that's not true -- but the self-assessment in
13 the PI section, you never even looked at that question, at
14 least -- you know, if you look at that little chart --

15 MR. MADISON: I'm not sure if it looks at it the
16 right way. You're right. It may not look at it directly.
17 I think we were looking more indirectly at that, with, if
18 there's a problem with that, you would expect to see changes
19 in that procedure to address those problems. We would get
20 that from feedback and address that feedback in, by making
21 changes to that procedure.

22 MR. CAMERON: I'll put that need for
23 self-assessment to look at this.

24 MR. MADISON: But that's common, definitely common
25 --

1 MR. CAMERON: And keep in mind, these are, these
2 are issues for further discussion. It may turn out that
3 nothing needs to be done with them, but at least for now, it
4 goes on the list.

5 How about -- and I put Ken's over here, which I
6 take it as Ken is -- is Ken's a different issue?

7 MR. BROCKMAN: I think it is. I think this is
8 clearness and consistency in going into how you deal with
9 discrepancy, whereas the other part of it is, if we got some
10 one's now, then how do you come out of discrepancy back into
11 the regular?

12 MR. MADISON: That's also in that, in Manual
13 Chapter 0608.

14 MR. BROCKMAN: No argument there, but I think that
15 for, if we got opportunities to see it at work and see if it
16 works, it would be a good thing for the panel to look at.

17 MR. MADISON: That's gonna be more anecdotal
18 information, Ken. It's gonna be found like a lessons
19 learned, rather than a metric that you can do something
20 with.

21 MR. CAMERON: And Loren, does this capture what
22 you wanted to capture? These, these --

23 MR. PLISCO: Yeah, like I said, I didn't want to
24 try to solve it here. I think we've captured it.

25 SPEAKER: That issue's something we need to look

1 at later.

2 MR. CAMERON: And I take it that I don't, probably
3 don't need this transition issues, then. We probably
4 captured it? All right.

5 MR. PLISCO: Alan, want to try again?

6 MR. MADISON: Yes. Everybody's blood sugar
7 dropped lower?

8 [Laughter]

9 MR. MADISON: Objective under "significance of
10 termination process." We have basically looked at one, one
11 question. Do the SDP outcomes, are the SDP outcomes tied to
12 clear standards. And we're expecting to do that through two
13 methods. First, on issues that are greater than green, or
14 that are considered to be greater than green and actually go
15 to Significance and Determination Evaluation Review Panel,
16 otherwise affectionately known as SERP, S-E-R-P.

17 Though the number of packages that are returned to
18 this panel, due to not meeting established standards, and we
19 would ask the panel to make that determination, and we would
20 count the numbers of times that that happened and track that
21 as an indicator of performance in that area.

22 The second one is, as I mentioned earlier, some
23 independence in auditing, where we would ask --

24 MR. SCHERER: Excuse me, Alan. Do you believe
25 there's a difference or should be a difference whether it

1 was returned because it was miscategorized, or it was being
2 returned because the documentation, it was correctly
3 categorized, but you found the documentation inadequate?

4 MR. MADISON: That's a good question. I'm not --
5 if the documentation is inadequate, then they really haven't
6 met the standard as far as the --

7 MR. SCHERER: I'm not arguing that at all. I'm
8 just saying, would you put them into different buckets? You
9 may want to track both, and I'm not suggesting that, you
10 know, one is not significant or shouldn't be tracked. But
11 wouldn't there be a difference whether it actually changed
12 the finding or changed the documentation supporting the
13 finding?

14 MR. MADISON: There may be, but I'm not sure we
15 would -- yeah. I'm not sure we would get into that unless
16 this overall, this large -- that would be part of the
17 analysis of what this is telling us. If we see a problem in
18 this particular indicator, I would expect that we would try
19 to analyze what, what about that was a problem, and then if
20 it is just the fact that they're not coming with enough
21 documentation that they've really got the right information,
22 but just not the right documentation.

23 MR. SCHERER: If you track that data, then I think
24 you could make that determination and I would drop my
25 comment. In other words, if in fact you just measure how

1 many get returned, that would be one thing. If in fact you,
2 you do collect data -- well, this got returned for
3 inadequate documentation, this one because we determined
4 ultimately it was incorrectly --

5 MR. MADISON: Inadequate documentation though is
6 more an effectiveness and efficiency measure, rather than an
7 objective measure. So, I'm not -- we're looking at other
8 things in effectiveness. This was focused more on whether
9 or not the process is objective. If it's not, if it's being
10 returned because it didn't meet standards, that's something
11 we want to know, in this area anyway.

12 MR. SCHERER: Okay.

13 MR. MADISON: I'm not sure -- I hear your point.
14 I'm not sure -- it doesn't fit here. I'm not sure. Let's
15 look at it when we get to effectiveness and efficiency,
16 whether it fits in there.

17 MR. TRAPP: And I guess this circle would make it
18 clear when they're returning the package.

19 MR. MADISON: That's the concept, yes.

20 MR. TRAPP: Okay.

21 MR. MADISON: In fact, we suggested adding a block
22 to added to the review sheet --

23 MR. TRAPP: That'd be great.

24 MR. MADISON: -- that shows what it, why -- in the
25 future, we'll have to go back for the previous two

1 [inaudible], we're gonna have to go back and look at those
2 and make a determination. But we're going forward; we're
3 suggesting adding a block to that.

4 MR. TRAPP: Because we frequently ask, you know,
5 did you look at this? Could you look at that? I want to be
6 sure whether that was a reject or not.

7 MR. MADISON: Right. Yeah, that's gonna have to
8 be a determination made by the panel.

9 MR. TRAPP: Okay.

10 MR. MADISON: I'll just be sure to make a note to
11 come back to that when [inaudible].

12 All right. The other area we're looking into,
13 that I started to talk about, is the independent audit. And
14 we would ask the four groups to be looking at independent
15 audit green findings, in this particular case, to look at
16 whether or not they meet the standards. And we figure that
17 the greater the green can be handled by this, this review of
18 this, the SERP. And then the green findings will be done
19 through an independent audit.

20 Now during the pilot program, we had DSSA. The
21 one group that's monitored here, which is basically our risk
22 analyst group, look at all green findings during the green
23 findings during the, during the pilot program. They came
24 out with a determination of whether or not they met the
25 standards. So we would be basically re-doing that, asking

1 our risk analysis group to look at the, those on the reactor
2 side of the house, and then asking them for the non-reactor
3 side of the house, the headquarters, focused area experts in
4 emergency preparedness, radiation protection and safeguards,
5 to look at the findings, the green findings associated with
6 those areas and make a similar determination. And we'd ask
7 them to provide an audit plan that would give us a 95
8 percent confidence factor that that would happen.

9 In the risk informed area, our overall comment
10 that the significance determination process, by its very
11 design, is risk informed. However, there are some metrics
12 that provide some insight. There are primary measures in
13 some areas, and they do provide some insight in this area.

14 MR. GARCHOW: Let me -- it's hard to draw a nexus
15 on some of the non-reactor cornerstones, to say that, just
16 to blanket say the risk-informed, especially in --

17 MR. MADISON: And we expect to handle that type of
18 comment primarily in the feedback we get from external
19 stakeholders, external and internal stakeholders.

20 MR. GARCHOW: [Inaudible] definition in ROP's sort
21 [inaudible] --

22 MR. CAMERON: Did you want to make an issue?

23 MR. GARCHOW: No, it's just -- that was one of
24 those pay you fifty cents and [inaudible]. And I've
25 certainly paid my fifty cents and believe at this point that

1 we'll get to it when we cover some, we will get that kind of
2 feedback from the stakeholder, so --

3 MR. MADISON: We did during the pilot, so --

4 MR. SCHERER: Alan, I realize we're talking about
5 significance determination process, and I agreed with this
6 independent audit of green findings agrees with selective
7 finding, meets established standards for a green finding.

8 I don't recall -- earlier, did you discuss that,
9 when you're looking at the green findings that you also made
10 a determine and met the established standing for a finding?

11 MR. MADISON: That's part of the work that we're
12 doing in 06, in the inspection area. We are looking at the,
13 whether it meets the guidance in 06-10 star.

14 MR. SCHERER: Okay, so --

15 MR. MADISON: So, yes.

16 MR. SCHERER: When are you going to look at those
17 reactor findings? In an earlier part, I should have found
18 the place where it --

19 MR. MADISON: That's in the inspection program.

20 MR. SCHERER: Okay.

21 MR. MADISON: That's at page 6, OI-1.

22 MR. SCHERER: Okay.

23 MR. PLISCO: And if I could add -- I think the
24 intent of this was to really look for things that are
25 classified as green and should be higher. That's why we put

1 that one in there. I mean, we're looking at the non-greens,
2 and this is really to see, did we miss something that either
3 should have been higher or shouldn't have been green at all.
4 It could be either one of those, but it's really to, to see
5 if we missed something that should have been higher than
6 green.

7 MR. MADISON: From a safety standpoint, we're not
8 as concerned with the false positives as much as we are --
9 we don't want any false negatives. We don't want any green
10 findings that should have been, should have been elevated to
11 white.

12 Under "understandable", we've got, it looks like
13 two questions that survived the cut. And the first one is
14 that all information needed to reach a conclusion, including
15 the basis for any deviations, is available. And we're
16 looking at that in a couple of ways. First of all, we will
17 continue to do this audit that we've talked about in the
18 past, where the auditor can trace through the available
19 information in an inspection report or on the web, and
20 recreate the finding based upon the information provided,
21 and come to the same conclusion; and second, by stakeholder
22 feedback, through Federal Register notice. Any questions in
23 this area?

24 The second measure, or the second question, is
25 that the inspection staff is comfortable and proficient in

1 using the SDP tool and find value in using it. And we feel
2 that's primarily going to be measured through internal
3 survey. We'll conclude that on an internal survey result to
4 look at the issues of whether or not the inspectors are
5 finding value and whether or not they feel their training
6 has been adequate to, to use the tool provided.

7 MR. LOCHBAUM: You're gonna ask people if they're
8 proficient?

9 MR. MADISON: Primarily comfortable. Whether or
10 not they find, they find value in using the tool. If they
11 find value in using it and they feel that the training's
12 been adequate, that'll satisfy, that'll satisfy this
13 measure.

14 MR. GARCHOW: Just a comment, during the PPEP we
15 found it valuable, and it was just -- I'm not suggesting
16 that carte blanche would do it, but the SDP process is such
17 an integral part of this relative to moving through the
18 action matrix and, you know, an admission of the agency.
19 The last time, we had at least one, if I'm not mistaken, or
20 even two of the actual reactor analysts come, you know,
21 discuss their viewpoints on the SDP process. I think we can
22 get that from Jim, maybe, for the panel. But that offer
23 that -- we saw in the PPEP there was a wide variation of
24 senior reactor analysts' viewpoints on the SDP that was,
25 that was actually, we had a lot of our PPEP discussion

1 around the efficacy of using that. So I just offer a
2 suggestion that that might be an area somehow to poke, to
3 poke in. I mean, I wouldn't suggest, you know, all thirty
4 of them would come in here and talk to us, but somehow,
5 since it's so important that this be done and the people
6 that are doing it, are doing it, well, I suggest that we may
7 need to, maybe to get more of them just surveys, or at least
8 just really understand, if you're going to use a survey,
9 where the wide ends were, and find out who it was on either
10 end of the spectrum of the survey had a different viewpoint
11 that don't just get blended out in the average, and try to
12 understand, you know, why there were one or more folks that
13 might have been on the very far outside of the spectrum.

14 MR. TRAPP: I guess I'm [inaudible], but there's
15 only six of us left, and, and the other thing is, I guess as
16 part of my homework assignment, I was gonna email that
17 homework assignment out to all six. And they're pretty
18 responsive, so I'd probably be able to convey their views to
19 you.

20 MR. GARCHOW: That would address --

21 MR. SCHERER: You may want to consider some of the
22 former.

23 MR. TRAPP: Right. I'll do that as well.

24 MR. GARCHOW: That would address my [inaudible].

25 MR. MADISON: Anybody else?

1 [No Response]

2 MR. MADISON: The next area is "predictable."
3 We're utilizing a previous measure for "understandable", but
4 if they can be reproduced that it's likely that the process
5 then is predictable.

6 But we're also looking at the standards of
7 processes remaining stable over time -- very similar to a
8 measure that we had in the other areas, that if it's stable,
9 then the process is, is likely to be predictable. And we'll
10 look at the number of substantive change notices issued on
11 program guidance tables, worksheets. And we've defined
12 "substantive" as anything that is not editorial or due to
13 errors in the worksheets not reflecting plant design. We're
14 gonna track the errors in the worksheets, do the plant
15 design separately, in another measure that we're looking at.

16 MR. TRAPP: I guess that's something that's gonna
17 -- I mean, now we know the worksheets are still in draft,
18 and I guess the last date I've heard is December --

19 MR. MADISON: Yeah.

20 MR. TRAPP: for them, so I guess that's something
21 we'll miss this cycle, but we'll pick up subsequently. I
22 mean, it seems like we need these worksheets to start
23 monitoring.

24 MR. MADISON: Yeah, this is the first year -- we
25 said the trend in the number of changes versus the

1 threshold, collect the data the first year, possibly to
2 establish a baseline, and then see what happens after the
3 first year. Because we are in the process of still
4 rewriting some of those worksheets.

5 The next question, the next measurable variable is
6 looking at the SDP tools reflecting current design --

7 MR. SCHERER: Before you move on, just so I
8 understand, what is your comment on the "graphic display --
9 expect low numbers; however, could divide into cornerstone."
10 What is --

11 MR. MADISON: We may look at, we may be able to
12 divide it into, to get at Dave's question area, there,
13 reactor safety SDP may be, may not have as many problems as
14 some of the other SDPs, so we may be able to break it into
15 reactor safety SDP, you know, radiation protection SDP,
16 depending upon the numbers. If we need to focus on a
17 problem area, that may be something that we do to improve.

18 MR. SCHERER: Good idea.

19 MR. MADISON: And the next, the next measure
20 metric is where we're going to look at the errors due to
21 worksheet. Our worksheet problems, because they lack
22 design, accurate design information, that, we would track
23 that as a measure of, separately as a measure. Again,
24 that's an areas we would hope over time would level out to
25 zero.

1 The next question, the next area, is the SDP
2 results are the same color, proceed to translate to the same
3 level of concern to all cornerstones. That's really, we're
4 gonna have to look at that, we feel, from a survey from
5 stakeholder feedback as to whether or not we have the same
6 level of concern for a yellow finding in safeguards, as we
7 do in reactor safety across the board.

8 MR. FLOYD: Wouldn't that also -- you say other
9 areas effective and efficient. Wouldn't it also be a public
10 confidence issue if the colors don't mean the same thing?
11 Because to the public, when they look at yellow, yellow is a
12 yellow is a yellow.

13 MR. MADISON: Yep, that could be. Okay, any
14 questions on, on that area?

15 [No Response]

16 MR. MADISON: The next area is "maintain safety."
17 Again, the same statement that we made in the other areas,
18 that if all the goals were made, we'd probably maintain
19 safety. But specifically, if the SDP focuses NRC and
20 licensee attention on safety-significant issues, then we
21 feel we'd maintain safety. And we'll measure that by
22 tracking the number of, basically the false positive and
23 false negative -- over-conservative, non-conservative SDP
24 results. And we'll be looking at that via -- the first one,
25 OS-1A is the rejection by the panel. And the second method

1 we would look at is audit, an independent audit of the
2 representative sample of the green findings, to look at
3 whether or not we've got false positives, false negatives.

4 So here, in one area we were just looking
5 primarily at the false negative. Now we're gonna look at
6 both false negatives and false positives.

7 MR. NOLAN: What about disputed cases?

8 MR. MADISON: We're gonna, we're gonna measure
9 that in a different way.

10 MR. NOLAN: Okay.

11 MR. MADISON: That, we don't necessarily feel
12 touches directly on "maintain safety." That may be more in
13 effectiveness and efficiency, or unnecessary burden. Any
14 questions?

15 The next area is "efficient, effective, and
16 realistic." Here we're getting into talking about the
17 resources applied, if they're appropriate to the benefit.

18 The first -- we've got a couple way's we're
19 looking at this. And the first method was to -- we
20 initially, in this area, we had looked at a couple of ways
21 of trying to capture our resource, actual resources expended
22 on the SDP, and that became too difficult to measure because
23 of the impact. In some cases, we do not direct, we don't
24 directly measure management [inaudible] on SDP, for the
25 panels and so forth. So we don't have a method of capturing

1 that time. We initially thought that would be a good way of
2 doing it, but we found we couldn't actually measure that
3 amount of time. So we went to more indirect methods, and
4 the first method we chose was looking at the number of times
5 NRC must interact with the licensee to produce the desired
6 result. And here we're looking at the amount, the number of
7 document submittals on the part of the licensee. We expect,
8 with most findings greater than green, we'll get at least
9 one. But if we have an inordinate amount, that may be
10 telling us we have a problem.

11 With the way we're doing the process, it's not
12 effective or efficient as we thought it was. So we'll track
13 and trend that, and determine what, what goal or what an
14 appropriate level of performance ought to be there.

15 MR. REYNOLDS: I don't know if we can come up with
16 a way to measure it, but I know at the Quad Cities
17 [inaudible] SDP and the Braidwood fire protection SDP, a lot
18 of resources have been spent that don't fall into these
19 [inaudible] submittals --

20 MR. MADISON: The other way in which we're gonna
21 try to capture that --

22 MR. REYNOLDS: I'm not sure how to capture it, but
23 --

24 MR. MADISON: -- the other way we may capture
25 that, Steve, is the next, the next -- is gonna be including

1 it as a survey question.

2 MR. REYNOLDS: Okay.

3 MR. MADISON: And getting some feedback -- it may
4 actually get us there. But it's an indirect way of
5 measuring it, but we've found --

6 MR. REYNOLDS: That's probably the only way. As
7 long as it's not lost.

8 MR. KRICH: Actually, that would fit under the
9 inspection ROP as well, not only the STP, but yeah.

10 MR. REYNOLDS: Oh.

11 MR. SCHERER: Would it be a more accurate
12 measurement, or have you considered the measurement of the
13 amount of time lapsed? How many volleys went back and forth
14 -- if it took a long time for either the staff or the
15 licensee to come up with a position, to me it may be
16 indicative of being a more tenacious issue than if, you
17 know, we had six letters in a week.

18 MR. MADISON: Well, we have concluded that as
19 ES-3. We'll get there.

20 MR. SCHERER: Okay, thank you. Prompt
21 consideration of my comment.

22 [Laughter]

23 MR. MADISON: We also would consider it effective,
24 efficient, and realistic if the SDP results are accurate
25 now. And we're gonna look at that with the previous measure

1 we've already identified.

2 And to get to your concern, the SDP results are
3 timely as measured by whether we meet the time limits and
4 goals have been established already in the program. And if
5 we, if we don't meet those time limits and goals, we'll have
6 to look at the issues and try to address it that way.

7 There's US2A. The references are hard here.

8 MR. PLISCO: Are you missing a title there?

9 MR. MADISON: Yeah. It's really -- if the, it's
10 efficient and effective, we should get feedback from the
11 inspectors if they're comfortable and they find value in
12 using it. That's what ES4 is. It's US2, which is
13 inspection staff comfortable and proficient in using the
14 tool. We got a little too abbreviated in there.

15 And the final area is looking at licensees
16 accepting the SDP results. And this is not necessarily
17 accepting, but the, not necessarily in agreement. It's kind
18 of a gross measurement. Here we're looking at the total
19 number of appeals. This is something we can actually track.
20 And also looking at, comparing the total number of appeals
21 that are filed, as well as the total of number of appeals we
22 say successful, which means that we have overturned that or
23 changed our call on that, based upon the appeal being filed
24 and the information brought out in that appeal.

25 MR. FLOYD: Just that goal, to me, was to be right

1 for unintended consequences. I mean, you could beat that
2 goal today by just saying we're never gonna pass judgment on
3 it. I'd feel better if that was a steady or decreasing
4 trend, similar to the other measures in the program. At
5 least give yourself a little bit of the latitude to maybe
6 accept once in a while.

7 MR. MADISON: I'm not saying that we won't accept

8 --

9 MR. FLOYD: I know what your point is. You're
10 putting down a goal of zero, that's easy to get.

11 MR. MADISON: We can make that change.

12 MR. LOCHBAUM: With my 2.206 experience, I can
13 help you read that.

14 [Laughter]

15 MR. SCHERER: We did it by region and total. I
16 assume you're also looking at it by SDP.

17 MR. MADISON: We may not have enough data, is our
18 concern. We could; that's a good comment. We could look at
19 it by --

20 MR. SCHERER: Well, if most of your appeals are on
21 the emergency planning SDP, that would cause you to come to
22 a different conclusion --

23 MR. MADISON: we can consider that. Part of the
24 struggle is to get, you know, if you have a small amount of
25 data, how do you cut it. And we were going on, you know,

1 primarily if we have an indicator using small data, that we
2 would, we should set a trend or a threshold such that it
3 would key us to analyze that data further and then find that
4 information out.

5 MR. REYNOLDS: You may get that quicker region by
6 region.

7 MR. MADISON: Yeah.

8 MR. REYNOLDS: It may be, you may never get that,
9 but chances are, you might have more of an issue with SDP
10 nationwide than regional issue in several SDPs.

11 MR. MADISON: Yeah.

12 MR. LOCHBAUM: Toward that end, TS5A, where you're
13 tracking just the number of appeals, it's like a percentage
14 of finding or non-green findings. It might be a better,
15 more appropriate merger.

16 MR. MADISON: ES1?

17 MR. LOCHBAUM: TS5A.

18 MR. MADISON: TS5A.

19 MR. LOCHBAUM: Page 20. Because if performance
20 improves and you have fewer and fewer non-green findings,
21 there's few reasons for -- you know, licensees aren't going
22 to appeal a green finding, probably.

23 MR. MADISON: We had a licensee appeal a green
24 finding.

25 MR. FLOYD: That must be bad.

1 [Laughter]

2 MR. FLOYD: Remember, green is not good.

3 MR. BLOUGH: I guess we've had cases where there
4 was a green [inaudible] and the licensee said we don't
5 believe there's any violation of the regulatory
6 requirements. That's one category. And then I think we
7 always have to entertain those. But we've also had cases
8 where there was agreement, but the licensee just thought it
9 was even less than green and just should have been minor.
10 So it's --

11 MR. LOCHBAUM: There won't be that many anyway.

12 MR. NOLAN: Alan, this is just a minor comment
13 about appeals. For licensee acceptance of SDP results, I
14 would track that as total number of appeals that we did not
15 agree with in the end, and that --

16 MR. MADISON: That's what B does.

17 MR. NOLAN: -- and then if an appeal were
18 overturned, i.e. they disputed it and we said, you're right,
19 we made a mischaracterization, that that would apply more
20 towards NRC performance.

21 MR. MADISON: Well, that's -- we are measuring, we
22 are measuring the performance of the program, so our
23 argument for B would be that it, if their appeal were
24 successful and there was something wrong with our program
25 that led to them, that they would have to make an appeal and

1 for us to have to change it.

2 MR. NOLAN: I agree, but I just, it's tied to
3 licensee acceptance of SDP results. And I think if they
4 appeal and we agree with it, it's not an indication that
5 they're having trouble accepting it. It should be NRC
6 performance that's applicable, not licensee. Minor comment.

7 MR. MADISON: Okay. I understand the comment.

8 Part of this is probably from the warts of the way
9 we developed this; it's by asking the question first.

10 MR. NOLAN: Sure.

11 MR. MADISON: And developing the measure
12 afterwards, and we didn't change the question for your
13 benefit. We probably could have gone back and revised the
14 question. It's better to get what we ended up with.

15 MR. BLOUGH: Well, that metric also does, fits
16 right into ES2, though, right? The SDP results are accurate
17 and complete, measured by --

18 MR. MADISON: Yeah, and we have that, did those
19 touch on risk-informed, enhancing confidence, and
20 unnecessary regulatory burden as well.

21 In the next area, talking about enhancing public
22 confidence, we came up with one measure, looking at the
23 accuracy of the facts that communicated -- we've already
24 talked about whether or not the data is understandable.

25 We're looking here -- we've already identified as

1 understandable. If, then, it's accurate, then that would
2 enhance public confidence, unless, you know, by not putting
3 the stakes out on, in, on the web. We plan to do that via
4 an annual audit of the website, to look at errors on the
5 website. And actually, we'll likely do that on a quarterly
6 basis.

7 MR. LOCHBAUM: I don't think accuracy is the right
8 part. I think ES3A is far more important than whether you
9 get the rest of it right or wrong. Because by the time that
10 SDP results get on the website for anything that's not other
11 than green, it's so late and they've probably been debated
12 in public so much that I don't think the public cares
13 anymore.

14 MR. MADISON: Actually, there's a translation
15 problem here, because I would agree with you, and as I -- if
16 you look at ES3A, we have enhanced public confidence that's
17 marked also primary, a primary indicator for that.

18 MR. LOCHBAUM: Timeliness is much more important
19 than accuracy.

20 MR. MADISON: Correct. Timely and accurate should
21 have also been noted in this area.

22 MR. GARCHOW: -- the public getting a lot of the
23 information out there quickly.

24 MR. MADISON: Yeah, we felt accuracy was actually
25 more important than timeliness.

1 MR. LOCHBAUM: Having a home pregnancy test that
2 works a year, takes a year to get results -- even if it's a
3 hundred percent accurate, is it fully useful?

4 MR. GARCHOW: I wouldn't say this is similar. I
5 think there's a lot more consequences of getting erroneous
6 information out there quickly than your example with -- I
7 would say we should strive for both. Wouldn't you agree?

8 MR. LOCHBAUM: Right.

9 MR. SCHERER: I also take a somewhat broader view
10 on enhancing public confidence. For example, just going
11 back one, if the NRC is reversing itself, for good and
12 sufficient reason -- but if it's reversing itself, says it's
13 a yellow finding, then changes its mind and says it's a
14 green finding, that's not going to enhance public
15 confidence. So there's a lot of elements already here, that
16 I think are legitimately part of the enhancing public
17 confidence.

18 MR. MADISON: We agree. And as you note down here
19 on "other areas" it's covered as another indicator of public
20 confidence.

21 MR. SCHERER: Yeah, okay. Good.

22 MR. MADISON: And that's one of the things that
23 the other groups did, is they put a, a major heading
24 underneath public confidence. If you met all the other
25 measures, there were a lot of other measure in the other

1 areas that would probably touch on this area. We agree.
2 And if you don't maintain, you're not maintaining safety,
3 you're likely not to maintain public confidence for very
4 long.

5 Under reducing unnecessary regulatory burden, we
6 looked -- again, we have the overall questions that we're
7 gonna touch in this area from stakeholder feedback.
8 Licensees primarily, look at the burden applied. We felt
9 that ES1, resources, feedback from the licensees, whether or
10 not the stakeholder feedback regarding the appropriateness
11 of the resources applied in SDP would likely get a specific
12 response there.

13 MR. SCHERER: Why wouldn't the total number of
14 appeals also go to that one?

15 MR. MADISON: Total number of appeals also touches
16 in that area. We've got that also touching in reducing
17 unnecessary regulatory burden. We have that
18 cross-referenced.

19 MR. NOLAN: One comment in this area, and this is
20 just for our panel's use of this information, Alan's got a
21 real struggle because a lot of people are gonna be really
22 interested in the greater-than-green aspect of the SDP
23 program. And based on where we are in the program, the
24 number of issue we have is not a large enough sample size,
25 such that the results from these are gonna be totally

1 objective. So there's gonna be a lot of subjectivity. And
2 we have to understand that when, if we're using outcomes
3 from this information that the population size of findings
4 that we're drawing information from is not large, based on
5 where issues are in the pipeline and the amount of time that
6 the program's been going.

7 MR. MADISON: That's very true. The first, first
8 year, even the second year, we're gonna be very dependent
9 upon the analysis made, not necessarily the display of the
10 numbers in a graph.

11 MR. NOLAN: So he's gonna have to go to an actual
12 subjective evaluation of the data, because in terms of
13 number of appeals for greater-than-green findings, we may
14 not have it. So just something for us to know in terms of
15 the quality of the information.

16 MR. MADISON: That completes the significance of
17 termination process portion.

18 MR. PLISCO: I'd say we take a 15-minute break.

19 [Off the Record]

20 MR. PLISCO: Let's go ahead and get started. This
21 session is in session.

22 Okay, we'll go ahead and finish this assessment
23 program section, and then see if there's any final questions
24 or comments to the staff on the self-assessment metrics.
25 And I want to emphasize, this isn't our last opportunity to

1 ask questions and provide comments on these. We'll see the
2 data in January and again have another opportunity to raise
3 issues or questions. This is really meant to be an
4 introduction to get some preliminary comments. We'll
5 revisit these later. And then we'll wrap, we'll have a
6 couple just wrap-up things.

7 Actually, as far as the agenda goes, that last
8 session we've really done all that. And we'll just do some
9 concluding business. After Al is done, we'll be finished.
10 Al.

11 MR. MADISON: Okay. The assessment area also is
12 concerned with some, indirectly with enforcement because
13 enforcement is an outcome of the assessment part of the
14 process, although we don't directly ask questions from this
15 in the enforcement area. We expect we'll get some, in some
16 of the areas we expect we'll get some comments related to
17 the enforcement aspects of the program.

18 The first area is objective. Again, we ask a
19 couple of questions, the first one being "subjective
20 judgment is minimized and not a central feature of process."
21 Actions are determined by quantifiable assessment inputs.
22 And we expect to measure that in two way -- we have two Bs
23 here.

24 [Laughter]

25 MR. MADISON: Tom Boyce was the lead in developing

1 this part of the process. The number and type and scope of
2 deviations from the action matrix, including whether the
3 level of management is appropriate. We would be looking at,
4 by doing an audit -- our branch would do an audit and look
5 at the number of times that we would have -- I would assume
6 you're -- if it's not clear, we ought to make it clear.
7 We're looking at deviations. Two deviations from it, from
8 the program, basically.

9 MR. GARCHOW: This is my data, but -- my sense
10 would be this hasn't occurred very often, given the limited
11 data set. Is there anything really here to review?

12 Tom, you want to comment on it?

13 MR. PLISCO: That doesn't mean you won't have some
14 in the future.

15 MR. BOYCE: Okay. Tom?

16 MR. GARCHOW: That answered my question.

17 MR. BOYCE: Tom Boyce, Inspection Program Branch.
18 The answer was zero to date, but we'd have some in the
19 future. We thought it important to keep a placeholder to
20 make sure that if it came up.

21 MR. BROCKMAN: You mean, zero deviations today?

22 MR. BOYCE: Zero deviations today. And the
23 Commission has asked to be informed of any deviations. So
24 there's a significant pucker factor before we deviate from
25 the action matrix.

1 MR. MADISON: There is a high level of concern in
2 this area.

3 [Laughter]

4 MR. MADISON: Okay, next one. Is the percent of
5 successful in number and type of scope of documented
6 challenges of assessment outcome. And this, we expect to
7 get from the regions, and that they will document the number
8 of docketed challenges, successful challenges to the
9 assessment process.

10 The next [inaudible] if the program is well
11 defined enough to be consistently implemented, then --

12 MR. SCHERER: Does this include the -- there's all
13 this debate going on as to whether an issue that showed up
14 in two areas are the same issue, and it's being
15 double-counted or not. Where would that issue show up
16 and/or its resolution?

17 MR. MADISON: We have addressed that a couple of
18 times.

19 MR. BLOUGH: Double jeopardy is now addressed
20 directly in Manual Chapter 0305, so you don't have to go
21 through deviation or appeal or anything. The staff has the
22 flexibility, if we think the same thing is causing two --

23 MR. SCHERER: I understand that, but where do we
24 capture that -- there's a case of a utility that believes
25 that it was in double jeopardy or a staffer believes that it

1 was inappropriate, where do we capture that information that
2 those are occurring and have, in fact, been resolved?

3 SPEAKER: That's probably going to be under the
4 unnecessary regulatory burden aspect.

5 MR. BLOUGH: Well, I understand the first time
6 that shows up is on the PA1A, results are repeatable. Okay,
7 and what you'd want is for the, based on this metric PA1A
8 actually captures two aspects, and that is the inputs that
9 you get to bring you into bring you into the action matrix.
10 And that's where I think it would be picked up is, that if
11 you had a double counting, you know, get a PI that turned
12 white, you did a follow-up inspection and you had a white
13 finding, that's where you'd capture that double-counting is
14 on the input side.

15 This -- while I'm here, this also captures the
16 output, make sure the regions do the same thing based on
17 that input.

18 MR. MADISON: Yeah, that really is not addressing
19 the issue, I don't think. If you look at BA1, we'll get
20 there I think. The focus is licensee resources on areas of
21 greater significance and minimize rework or duplication.
22 That would be from feedback, survey or feedback would
23 capture that.

24 MR. SCHERER: So if a licensee appealed and said,
25 well I think you've been double-counting this one, and the

1 staff agreed, it would show up there in that metric?

2 MR. FLOYD: It could be in OA1B also, couldn't it?

3 MR. MADISON: Yeah, it could be.

4 MR. PLISCO: Yeah. Look at MA1A too. It's, it's
5 really gonna be a survey feedback on appropriateness of any
6 actions that are taken. That's, I think that's another
7 opportunity.

8 MR. MADISON: We're going to get to --

9 MR. PLISCO: -- if you think it's inappropriate.

10 MR. MADISON: We feel that if the program, to be
11 an objective program, we should stick to the written
12 program. That makes it objective, if we stick to the
13 written program. We're not putting subjectivity into our
14 decisions in the actions we're taking. We're following the
15 program as it's written. And we'll be able to tell that by
16 looking at the number of deviations, and then the number of
17 challenges we receive.

18 We'll also be able to look at that from the
19 challenges we've received by licensees that say, hey, you're
20 not sticking to your program. You're not doing what, you're
21 not consistently applying what you said you were gonna do.

22 So, looking just at the objective portion of it,
23 we feel we can get to it and part of it, part of the
24 question there. The other part we're gonna get is, if it's
25 consistently implemented, then it's an objective program as

1 well. Then you can expect to get the same result in region
2 1, region 2, region 3, or plant to plant. And we'll do
3 that, we figure we're gonna do that -- that's the second
4 part of the question. We'll look at that audit. Our branch
5 will do an audit of program application via O305.

6 In the area of risk-informed, the question is, if
7 the actions that are taken are commensurate with the risk of
8 the issue in the overall plant risk. We're expecting to
9 look at that in a couple of ways. The actions or the lack
10 of actions taken are plan-appropriate for the level of
11 significance. We're looking at doing that via IIP review of
12 actions taken for greater-than-green findings. Again, an
13 audit by our branch. And then through the first measure,
14 the objective measure, the number and type and scope of
15 deviations from the program.

16 Understandable, we feel, is better held, or better
17 dealt with by the survey questions, feedback questions form
18 the overall metrics. The assessment, by trying to -- the
19 overall metrics, the overall, the questions we were asking
20 in this area were broader than just the assessment programs.
21 It's kind of hard to separate that question from the impact
22 of the inspection program or the PI.

23 It all feeds into the assessment program, and so
24 the overall metrics, the overall questions we're asking
25 there, we felt were better geared for answering the question

1 whether the assessment program was understandable.

2 Underneath "Predictable", we are looking at
3 whether the actions are repeatable, basically the actions
4 taken under the action matrix for similar actions, for
5 similar inputs, and the number of green findings, number of
6 white findings are the same, or similar from plant to plant,
7 that we would have taken the same action, the supplemental
8 inspection was the same, was pretty much very similar.

9 This is gonna be done, I feel again, via an audit
10 by our branch and looking at the actions taken from region
11 to region, plant to plant.

12 The next question is, if the program is
13 implemented as defined and it's predictable, we, we've
14 already talked about a couple of areas in the objective,
15 because it's the same type of question. But we're also
16 wanting to look at the resources expended, whether or not
17 they're appropriate and consistent across regions.

18 MR. GARCHOW: Obviously, there is a very limited
19 data set for the agency action review in that.

20 MR. MADISON: Yes.

21 MR. GARCHOW: At this point in time, that we've
22 not [inaudible] design for going forward.

23 MR. MADISON: True. We have a RPS code, though,
24 the send for assessment, where we can track staff on, in the
25 assessment part of the process.

1 MR. GARCHOW: Right.

2 MR. MADISON: So that's new; we can't compare that
3 to a previous process because we didn't have that ability.
4 We can look at the current process and see what time was
5 associated there and get a baseline during the first year
6 and track that for subsequent years. And we can compare
7 regions to regions, too.

8 We're also planning to look at the number and type
9 and scope of actions that -- they're going beyond the
10 actions already taken from the oversight, from the agency
11 action review meeting. Was this the question that you were
12 getting at?

13 MR. GARCHOW: Yes.

14 MR. MADISON: Okay, yes. That will be, we're only
15 gonna have one to go on this first year, so that'll be a
16 little difficult to measure. But we'll start, we'll start
17 gathering some data from that and go forward.

18 MR. BOYCE: This is one of those, which answers
19 the question, do you have an ongoing process? You know,
20 looking down the road, do you have an ongoing process to
21 effect changes to a program, and the agency action review is
22 one vehicle and forum for that. If they come out with
23 recommendations that we should have done something different
24 in our oversight program, that's good feedback.

25 MR. KRICH: Just for example purposes, what was

1 the one case?

2 MR. MADISON: No, we're -- we're only gonna have
3 agency action review meeting for this first set.

4 MR. KRICH: Okay.

5 MR. MADISON: That's what we're gonna -- if we
6 have any, it'll be just out of this next meeting.

7 MR. KRICH: Yeah, okay.

8 MR. MADISON: Next question: is the information
9 readily available in a timely manner? And so we're gonna be
10 looking at both, the question, tracking the number of
11 instances in which the timeliness goal are met or not met.
12 We'll be looking at the timeliness aspect.

13 Looking at the timeliness of web posting. That's
14 what CA4 gets to. So we're looking at the time limits goals
15 from, in the area of when we do the reviews, when we get the
16 letters out, and deviations from those timeliness goals.
17 We're also looking at the timeliness goals of getting the
18 information out on the web. And finally, in that area, as
19 far as whether or not the information is readily available
20 in a timely manner, we're expecting to collect stakeholder
21 feedback via survey.

22 And a fourth question is, the processing of
23 documents are stable -- this is, we're seeing some common
24 themes. We've had the same questions in this area and the
25 other [inaudible] as well -- if the process is stable, it's

1 predictable. And we'll look at the number and type and
2 scope of the provisions to the 0305 chapter.

3 MR. BLOUGH: I've been thinking of the assessment
4 process. It's really a continuum that includes 0305 almost
5 always. And then occasionally, it includes 0350. And so I
6 was trying to look at these measures and see where, which
7 ones, you know, you might be, want to consider 0350 as well
8 as 0305. And I guess the two that I saw just, this is just
9 a thought, is PA4, which seem that, you know, 0350 being
10 part of the assessment continuum. You know, this will apply
11 to that.

12 MR. MADISON: Okay.

13 MR. BLOUGH: And also back on page 22, OA2, you
14 know, it's possible that, you know, O3 -- you know, number
15 of significant departures from 0305 and 0350, you know,
16 would be of significance. It just completes the picture.

17 MR. MADISON: Okay. Any other comments or
18 questions?

19 Maintain safety. Appropriate actions are taken to
20 address performance that is not in the licensee response
21 column and to prevent recurrence. It's measured by -- and
22 we're basically gonna be getting, we're looking at getting
23 feedback on this issue. I just want to be sure -- Tom, help
24 me read your reference here. You have PA2D -- okay, D.
25 Type and scope of actions recommended by the Agency Action

1 Review Committee, or Review Meeting, as well, in that area.
2 The Agency Action Review Meeting agrees with the
3 appropriateness of the action.

4 MR. BOYCE: Right.

5 MR. MADISON: Under maintain safety and
6 specifically focus with the NRC actions being timely, we're
7 gonna look at the lag time between the issuance of an
8 assessment letter and the completion of the supplemental
9 action, supplemental inspection. So from, basically looking
10 from identification of the problem, where we issue the
11 assessment letter, and the time we actually complete the
12 actions, we'll track that the first year because that's
13 gonna be very dependent on the finding, and the issues
14 associated with the plant to try to determine some sort of a
15 baseline and measure it from there.

16 Under efficient, effective, and realistic, if it
17 achieves the desired outcomes and we read that in the
18 assessment area -- i.e. maintain safety, that's the desired
19 outcome -- and it's effective. And then we'll look at the
20 efficiency and realistic portions. But first of all,
21 looking at resources expended appropriate to the plant
22 performance, a couple ways we want to look at that, getting
23 stakeholder feedback, it's probably the primary way. We'll
24 get that, as far as the assessment portion of the program.

25 But another way to look at it is to look at

1 deviations between the level of folks involved versus the
2 actions that are specified in the action matrix. We were
3 trying to focus the actions taken down to the lowest level,
4 lowest appropriate level, for the level of performance at
5 the plant. And whether or not we've achieved that, we may
6 be able to tell by deviations from whether, if the regional
7 administrator feels the need to go out into a plant that has
8 performance in the licensee response [inaudible], that may
9 tell us we have something wrong some place in the program
10 with that deviation.

11 MR. FLOYD: That could also result in a public
12 [inaudible] --

13 SPEAKER: It could also result in what?

14 MR. FLOYD: In public conference issue.

15 MR. GARCHOW: You have to be careful how you
16 contact with certain regions. In certain regions, the
17 [inaudible] somebody just thinking that because they showed
18 up on my doorstep that means something is amiss.

19 MR. BOYCE: Yeah, this is not the method to count
20 regional administrator site visits, which you should do as a
21 matter of routine.

22 MR. MADISON: Yes, just for discussion of
23 assessment.

24 MR. SCHERER: So this is limited to action matrix
25 visits?

1 MR. BOYCE: Right. Right.

2 SPEAKER: It's really action matrix public
3 meeting.

4 MR. BROCKMAN: That answered my question.

5 SPEAKER: You don't want to inhibit a regional
6 administrator from visiting you. He needs to do a drop-in
7 with the plant manager.

8 MR. MADISON: That's more communication as well,
9 effective communication.

10 MR. BLOUGH: But we would also count it as a
11 deviation, if the branch chief was supposed to sign the
12 assessment letter and it was really someone else than the
13 branch chief, right?

14 MR. MADISON: Yes.

15 MR. BLOUGH: Okay. So this, who signs what is --

16 MR. MADISON: Is also -- yeah.

17 We're looking at effectiveness and efficiency, by
18 [inaudible] whether the agency action review confirms the
19 decisions made through the assessment cycle. We've already
20 discussed how we're gonna do that. We're also gonna look at
21 whether the actions are timely and the process provides
22 timely indications of declining performance. And we've
23 talked about some measures already, in that area. In
24 addition, if the process is stable.

25 No questions, so I'll just proceed right along.

1 Enhancing public confidence. Again, the kind of a
2 motherhood statement, all of the self-assessment goals and
3 attributes are essentially met, then that would be likely to
4 enhance public confidence.

5 Actions taken are consistent with the action
6 matrix. We're gonna get at that the same way the action,
7 agency action review committee, or meeting.

8 And that the information is relevant, useful and
9 meaningful. A couple ways we want to look at that is that
10 the reports are written in plain language. We expect to do,
11 get that from survey stakeholder feedback, and also any
12 other specific feedback from stakeholders on whether or not
13 the process provides relevant, useful, meaningful
14 information.

15 MR. SCHERER: Can we come back to 26. When I read
16 these EA2(b), it sounds different than what I thought I
17 heard in the discussion. It says, count deviations between
18 the job level of people involved in NRC actions versus the
19 job level specified in the action matrix. So if a regional
20 administrator is curious and wants to involve himself in the
21 process, not required by the action matrix, this now becomes
22 [inaudible] under this?

23 MR. MADISON: Directly, yes. If he, if he wants
24 to interject himself in the process, in the public meeting
25 process, yes, that becomes a [inaudible] on the program.

1 MR. BROCKMAN: If you look at the action matrix
2 and the thing's -- it would be a hit if the RA signed out
3 the report, because the action matrix says the report should
4 be signed out by the [inaudible]. It would be a hit if the
5 RA cheered the meeting at the end of the supplemental
6 inspection.

7 MR. SCHERER: If he decides to go and the branch
8 chief runs the meeting and the RA's sitting in the room --

9 MR. BROCKMAN: I already asked your question.

10 MR. MADISON: I don't think we're looking at, I
11 don't think we're looking at as a hit, if the RA is there
12 for -- he may be doing that as part of his oversight process
13 implementation.

14 MR. SCHERER: But if he wants to come to San
15 Onofre and he wants to sit in on a meeting to audit his
16 staff, I guess I'm having trouble understanding why is that
17 a hit.

18 MR. MADISON: It's not.

19 MR. BOYCE: It's not.

20 MR. MADISON: But if the RA is participating in
21 the presentation or making the presentation, then it would
22 be a hit.

23 MR. BOYCE: The background on this is, the, in
24 some regions, the RA was going and doing all the public
25 meetings and all the interface, and it was, the staff wasn't

1 doing as much. And when the regional administrator shows
2 up, there's a big resource impact on the licensee side,
3 because, you know, many people get invited. So in the
4 action matrix, we try to drive that back down to the branch
5 chief. And so we're trying to control internal resources
6 and impact on licensees, by specifying in the action matrix
7 exactly what level of people should be involved in
8 assessment meetings related to the action matrix. There are
9 processes like what you're describing that go on outside of
10 assessment, and there might be an audit of our inspection
11 program; it might be a Commissioner visit. And the RA
12 should be part of the Commissioner's visit there. There
13 might be, you know, foreign visitors who show up. There are
14 other reasons outside of the assessment process. We're just
15 trying to keep control on our own resources as it relates to
16 assessment.

17 MR. BROCKMAN: It very much helped.

18 MR. SCHERER: Thank you.

19 MR. FLOYD: We're on CA3, CA4 now.

20 MR. MADISON: CA4.

21 MR. FLOYD: Yeah.

22 MR. MADISON: Information related in a timely
23 manner. This is almost a repeat, isn't it Tom? Looking at
24 timeliness and the web postings again here? Oh, that's
25 right -- it's cross-referenced, but you wrote it out here

1 first.

2 MR. BOYCE: Yes.

3 MR. BROCKMAN: Alan on CA3. CA3(a), are there
4 going to be two difference activities going on, both the
5 survey and an OPA activity, or does that indicate that that
6 survey is going to be done by OPA?

7 MR. MADISON: That indicates that that survey is
8 likely, or that look is likely to be done by OPA.

9 MR. BROCKMAN: Thank you.

10 MR. MADISON: Because they're, they're the experts
11 in plain language descriptions, right? Bill?

12 MR. DEAN: I think there's two things here that
13 are intended. By survey, we would refer to, for example,
14 the Federal Register notice. And we would ask a question of
15 our stakeholders in that regard. But in addition, we may
16 get feedback through OPA that may give us an insight. So I
17 believe that there's two --

18 MR. MADISON: Yeah. The only thing, we've got a
19 survey, basically, in (b), too, whereas (a) looks more like
20 the plain-language issue in OPA.

21 MR. BROCKMAN: I was just wondering, is OPA
22 planning on sending out a survey?

23 MR. MADISON: No.

24 MR. DEAN: No. That's what I'm saying. The
25 survey's separate from feedback [inaudible].

1 MR. MADISON: Right, that's true.

2 MR. BOYCE: Yeah, we were just going to pulse OPA
3 and say, hey, what feedback are you getting from, you know,
4 newspaper reporters and the people you deal with?

5 MR. DEAN: We did the same thing in the pilot
6 program.

7 MR. BOYCE: And on the web page, they're who's
8 listed as the point of contact. Okay, so they might be
9 seeing stuff that we're not. They're also going out on a
10 daily basis and reading all the newspaper articles that are
11 out there, and collecting examples. So we want to pulse
12 their feedback; we don't want them to have to do a formal
13 survey.

14 MR. BLOUGH: On page 28 where you talk about
15 unnecessary burden, feedback from licensees and --

16 MR. MADISON: I haven't gotten there yet.

17 MR. BLOUGH: I'm ahead of you?

18 [Laughter]

19 MR. MADISON: Yes, you are.

20 MR. BLOUGH: That's the first time --

21 [Laughter]

22 MR. BLOUGH: I'll hold it.

23 MR. MADISON: CA5 -- almost there. Information
24 accurate. We're gonna look at the assessment and the
25 assessment follow-up letters and make sure they're

1 consistent with the reports. We will expect to do that via
2 branch audit. Looking at the assessment letters and
3 assessment follow-up letters and make sure that the outcomes
4 are consistent with the way the report is written. The
5 information provided is accurate.

6 Now, under the area of reduces unnecessary
7 regulatory burden, if there aren't any other questions in
8 that area. It also focuses licensee resources on issues of
9 greater significance and minimizes rework or duplication.
10 This is very similar to a survey question that we talked
11 about earlier, in the area of the SDP. The same with the,
12 similar type question in the area of assessment. Any
13 question on that?

14 MR. BLOUGH: Yeah. When the regional managers
15 visit sites, they ask typically licensee management about,
16 you know, what issues do you have with NRC's performance,
17 and one of them is in cases where we're causing undue
18 burden. And then we report those on a different form.

19 MR. MADISON: The regulatory impact form.

20 MR. BLOUGH: Yes.

21 MR. MADISON: We initially considered including
22 that in this, and we're still looking at whether or not to
23 include that. Right now, we're talking strictly survey
24 because we can control the -- in other words, we're gonna
25 get all that information at pretty much the same controlled

1 time, which is the scattering of information we'll get from
2 regulatory impact forms.

3 MR. JOHNSON: That feedback is folded into the
4 process, Randy, the guy who collects those people's forms
5 walks over and sees the guy who had the feedback process in
6 the hands of [inaudible], so they end up --

7 MR. MADISON: Yes. They basically get folded in;
8 we make those our own feedback and put them into our
9 feedback process. But this metric we were looking at, for
10 control purposes making it a survey question.

11 MR. BLOUGH: So those reg impact reporting points
12 are part of the overall assessment process, but they're not
13 feeding into this --

14 MR. MADISON: That's a true statement.

15 And then the second area of concern was whether
16 it's minimize the inconsistencies between the regions, and
17 between inspectors. And we'll look at that via program
18 office assessment of letters for consistency in compliance
19 with 0305, the branch during an audit.

20 And the other direction - let's see. EA2(c) --
21 Tom, what happened to EA2(c)?

22 MR. BOYCE: Oh, yeah. Yeah, EA2(c). It does not
23 look like it exists.

24 MR. GARCHOW: We spotted an inconsistency in the
25 consistency PI.

1 [Laughter]

2 MR. MADISON: There you go. Why don't we go back
3 to an earlier -- I might have the earlier drafts here.

4 MR. FLOYD: It could be EA2(b), couldn't it?

5 MR. MADISON: It may.

6 [Pause]

7 MR. MADISON: That's why you hang on to these
8 things. That was the question we threw into overall.

9 MR. BOYCE: Yes, indeed. What it used to say was,
10 compared to resources expended in the assessment process in
11 each region to the other regions. You know, compare and
12 make sure we were consistent. And for resources, that, we
13 invented the overall methods because we were going to do an
14 overall look at resources and it didn't make sense just to
15 look at one individual piece. So it got moved. So the
16 answer is, this needs to be deleted. BA2(b) should just be
17 deleted.

18 MR. MADISON: As soon as I find my pen, it's
19 deleted. My signal to quit. Any questions? Comments?

20 MR. PLISCO: I guess this is one good opportunity,
21 if anyone has any other questions or comment, as we've been
22 sitting here today, related to the metrics. Obviously we're
23 gonna take another look at these, and also when the overall
24 indicators in metrics, I think there's been a number of
25 issues I think we've had that we've deferred until we see

1 those, so and then we'll look at those another time, also,
2 once those are --

3 MR. GARCHOW: I appreciate the effort that Alan
4 and his staff made in getting these together. This has come
5 a long way in just the last six or eight months, so I know
6 that reflects a lot of efforts. But the real trick's gonna
7 be gathering all the data and assimilating it where we can
8 look at it.

9 MR. MADISON: We're not, we're not done. We'll
10 continue to refine it and we'll share the revisions with you
11 as they come. But it's a good comment. We may also find as
12 we collect some of this data that it's not telling us what
13 we thought it was gonna tell us. It's not as valuable as we
14 thought, and we may be eliminating more of these performance
15 indicators or adjusting them, so that we get the information
16 we're trying to get.

17 MR. DEAN: Alan, is it safe to say that we'll be
18 making some adjustments on this based, just even on the
19 feedback we got today?

20 MR. MADISON: I guarantee we'll be making several
21 adjustments based upon the feedback I've gotten today. And
22 we'll get, we'll look at it -- and also there's some
23 consistency issues in the document itself that we'll try to
24 address.

25 MR. PLISCO: Thank you, Alan.

1 MR. BLOUGH: I had a question, for Bill I guess.
2 the inspectors are out there doing the procedures all the
3 time and filling out those procedure feedback forms, and
4 it's just, you know, a lot of them won't do a procedure and,
5 you know, put in a sentence or two of feedback. Some, more.
6 But you know, there's just a lot of feedback. You know, if
7 you print them all out, even from one region there's quite a
8 stack. Are you guys, are you able to keep up with those?

9 MR. DEAN: Well, no. One of the things that we
10 did -- what you're referring to is, in the pilot program we
11 asked specifically for all the inspectors who conducted an
12 inspection procedure to submit a feedback form, to look at,
13 you know, how well the inspection procedure worked, the
14 requirements appear to be appropriate, et cetera, et cetera.
15 We haven't required that of our inspectors for initial
16 implementation because of that very issue. It would be
17 overwhelming, it would be no way.

18 I mean, we are relying on the region, through
19 their experience, to be able to summarize experiences with
20 the inspection procedure, but we're not gathering feedback
21 forms on each and every execution or every inspection
22 procedure. Only one, the inspector feels that there's an
23 issue that we have some feedback.

24 MR. BOYCE: Right, but there's still a lot.

25 MR. DEAN: There's still a lot of feedback form,

1 and I would say that, are we keeping our head above water?
2 I think every once in a while, we have to use the lead or
3 something. But you know, you combine that feedback process
4 with the feedback process associated with PIs and the FAQs.
5 There's a lot of activity internally, just trying to answer
6 people's questions, and so we do give them a certain amount
7 of triage. We do try and get back to the individuals who
8 send information.

9 Our goal is, within two weeks, to provide at least
10 an initial response to an individual and let him know that,
11 you know, this is a good issue and we may deal with it in
12 the next quarterly procedure revision, or we may wait until
13 the end of initial implementation when you gather data from
14 everybody. Or, we're gonna go change it now. I mean, you
15 try to give them some feedback, at least initially. And
16 hopefully we'll be more successful in that than perhaps we
17 were early on. So -- I don't know if I've answered your
18 question.

19 MR. PLISCO: Any other questions for Bill or Al?

20 [No Response]

21 MR. PLISCO: Thanks.

22 MR. DEAN: Are we free to go?

23 MR. PLISCO: Today. For today. I just want to
24 wrap up a couple business items, when we finish.

25 One of the things, before the meeting, we, in our

1 Federal Register notice, we had asked, if there was any
2 written or oral input, it should be provided to us. And
3 what John's passing out is, we did receive one email input
4 that has to do with Indian Point 2. I just ask you to take
5 a look at that. John and I have looked at it preliminarily,
6 and we didn't really see any specific issues that should be
7 addressed that are within the scope of the panel, but I'll
8 let you take a look at it and make your own judgment.

9 The staff already has this for action. It was
10 sent to the commission also, and through the staff's
11 internal process they're gonna review it and prepare a
12 response. But it was also forwarded to us.

13 MR. SCHERER: When I heard you say the Commission
14 is gonna respond?

15 MR. PLISCO: Yeah. It's already in our internal
16 process to respond, but it was also sent to us. What was
17 the question?

18 MR. BROCKMAN: Are they treating this like a 2.206
19 thing?

20 MR. MONNINGER: I know it was green-ticketed to
21 projects. It was actually sent in a couple weeks ago, so
22 I'm not sure how they're treating it.

23 MR. BROCKMAN: Paragraph 2 just sort of --

24 MR. PLISCO: And I know it's being reviewed
25 in-house, and I don't know what the status of it is. But

1 apparently, the individual also sent it to us, so by our
2 procedures we'll need to at least consider it and see
3 whether there are any issues in there that we need to
4 consider or review.

5 I scanned through and John scanned through and I
6 didn't see anything. But I'd like you to look at it to make
7 sure there aren't any issues that we need to consider.

8 And as far as our last agenda, as I said before,
9 we've already taken care of that. We've made our plans for
10 the next meeting and laid out our agenda. We'll draft that
11 up and get that out to you. You've got your homework
12 assignments and John has the action to send you the summary
13 of that electronically so you can start on that ahead of
14 time before you get the meeting minutes.

15 Information needs -- I know as we went through, I
16 took notes of a couple things that are upcoming, that aren't
17 available yet, that we do want to look at. But is there any
18 information at this point specifically that people want to
19 get copies of between now and the next meeting?

20 MR. GARCHOW: Obviously, the directions to the
21 meeting and where some local hotels are by [inaudible] area
22 of Atlanta those of us not in your region aren't familiar
23 with. So we don't have a clue where to go to find your
24 offices.

25 MR. SCHERER: One question I had. There was a

1 discussion earlier, yesterday, on cost-cutting issues and an
2 internal working group report. Is that information that
3 this panel would want to --

4 MR. PLISCO: I'm not -- is there a report
5 available?

6 MR. BROCKMAN: It's not --

7 MR. SCHERER: I don't think it's out.

8 MR. BROCKMAN: I think when it comes out it would
9 definitely be something we would want.

10 MR. FLOYD: Actually, the meeting minutes are out
11 now.

12 MR. BROCKMAN: Yeah, but they're not done. I mean
13 it --

14 MR. FLOYD: Oh, well okay.

15 MR. BROCKMAN: Yeah, first or second meeting or
16 something like that. But without a doubt, where that's
17 going -- and it's probably --

18 MR. FLOYD: There's a stakeholder meeting on
19 schedule for December 11. That's when the stakeholder
20 involvement matches, starts to match up with the internal
21 correct thing, or --

22 MR. SCHERER: What date did you give?

23 MR. FLOYD: December 7.

24 MR. SCHERER: December 7.

25 MR. CAMERON: You know, you guys --

1 MR. SCHERER: Well then there'll be plenty of time
2 for our meeting on the 12th. Right?

3 MR. CAMERON: You guys keep coming back to -- we
4 keep hearing about more and more of these meetings that are
5 happening. You do have one action item that fits into this,
6 what information do we need? This piled list of meetings.
7 I guess the NRC probably knows about their meetings, but if
8 there are industry meetings, other meetings, if you could
9 send -- it might be a good idea to send those to John to
10 compile this list, because there's, I don't think we've
11 heard about the December 7th meeting.

12 MR. BROCKMAN: That's an issue we really don't
13 talk much about [inaudible], and it was very significant --
14 it, it came up in the middle of the pilot program evaluation
15 panel. I believe that came up the day the senior resident
16 came in.

17 MR. PLISCO: I suspect when we pull these lists
18 together, you're gonna see in your homework assignments,
19 that'll be one of the ones.

20 MR. MONNINGER: Yes, it was on Bill Dean's list
21 too, of key issues.

22 MR. PLISCO: Yes. Thank you.

23 MR. BLOUGH: Yeah, I just -- about our next
24 meeting. You know, on the agenda is "the results of the
25 Regional meetings on the progress reports in the first

1 year." We have warned people that even though region 1 will
2 not have held their meeting yet, I may have by then slides
3 that people told me they're going to present.

4 I may have a preview of issues or whatever, so I
5 would intend to say something from Region 1, either in terms
6 of what, what input we've been getting in advance of the
7 meeting as we go along, or whether it's specific to the
8 meeting. I wouldn't plan on taking a lot of time, since we
9 wouldn't have had the meeting. But I would plan to, you
10 know, try to provide some flavor of, you know, Region 1.

11 MR. BROCKMAN: And we'll have the January meeting,
12 at which I would think on that agenda we'll want to get an
13 update from you as to what happened at yours.

14 MR. BLOUGH: Right. Right.

15 MR. PLISCO: But I didn't hear anything else. I
16 guess my original question is, is there any specific
17 information -- I think that list will be out, but we'll
18 prepare that.

19 MR. CAMERON: Did Augie get us the NUREG that we
20 asked him for yet? He was gonna get everybody a copy of the
21 NUREG that came up, discussion came up this afternoon.

22 MR. BROCKMAN: Was that a draft manual chapter?

23 MR. PLISCO: It was a draft manual chapter.

24 MR. CAMERON: Okay. Yeah, you do have this one.
25 There's only one, at least for this, today's meeting, the

1 parking lot issue of the word "monitor." And I don't know
2 if -- you know, that came up early in your discussions. You
3 may feel more comfortable with that now. But I just wanted
4 to call it to your attention in case anybody did want to
5 discuss it.

6 MR. BROCKMAN: Let me throw my two cents' worth
7 in. I think after the discussions we've had all day today,
8 there was a whole lot of data that's being provided that is
9 ongoing data that makes me comfortable with the aspect that
10 I'm going to have more stuff to review that carries the
11 broad thoughts of monitoring with it.

12 When you combine that with our next meeting, which
13 is, do we have additional topics we want to bring up --
14 we're talking about the homework assignment -- I think we'll
15 be there without a problem and I don't have any concerns
16 personally with the word "monitor" because we're gonna get a
17 whole lot of in-process data. There's my thoughts on this.
18 Everybody else comfortable with this?

19 MR. BLOUGH: I think we started "monitoring" about
20 ten minutes into when Bill Dean started talking.

21 MR. BROCKMAN: I agree.

22 MR. PLISCO: Any other comments?

23 MR. MONNINGER: It would seem like, with respect
24 to the email that we got in, you potentially could take four
25 actions. You could take it under review for the panel; you

1 could put it in some type of parking lot to consider for a
2 panel in the future; you could decide to defer response
3 actions to the NRC; or you could do no action whatsoever.
4 That would be four potential dispositions of it.

5 MR. GARCHOW: What the gentleman's asking for is
6 not in the purview of this --

7 MR. PLISCO: That was my -- I just wanted to make
8 sure that the panel agreed with that.

9 MR. FLOYD: I would go for option C, turn to the
10 staff, which is where it belongs, for proper evaluation.

11 I play caveat with it. If any of this causes
12 anyone, they should use it as part of their decision-making
13 process as the issues that they think that are appropriate
14 to forward it as part of our homework assignment. It may
15 spin your thoughts somewhere, but you have no direct action.
16 But it certainly still is a document we've got, we can use,
17 as we're developing our issues, as appropriate.

18 MR. BROCKMAN: There's an assumption in the
19 letter. I mean, clearly, having steam generator tube leaks,
20 although not desired, is well within the design licensing
21 basis. The fundamental issue isn't about the steam
22 generator tube leak occurring and not safe or unsafe. It's
23 nothing to do with this process. We've got plants out there
24 currently licensed with tube leaks and ruptures as part of
25 their design and licensing basis, expected to occur with

1 some frequency. You never want them at your plant, but you
2 expect them to occur. They were expected to occur when the
3 plants were licensed.

4 MR. FLOYD: They are expected to occur about once
5 every five years.

6 MR. BROCKMAN: I think it's essential we just
7 don't say, not ours. There's an answer that has to go back
8 to this individual. Remember the public is concerned.
9 Within the context of this Committee, we will look at it and
10 use this as we're developing the issues that are within the
11 scope of this committee to review. The immediate technical
12 answers associated with this have been referred to the
13 staff, and they're dealing with it too. I think that's what
14 we're gonna do and it's also the right type of message to
15 send back to the person, as opposed to just saying, not our
16 job, man.

17 MR. CAMERON: So with that, what you're implying
18 is that, also that the staff should be notified to put in
19 their, whatever response they make, is that this committee
20 will consider any generic issues as appropriate that are
21 raised? Is that what you're saying?

22 MR. BROCKMAN: I think we took it under review,
23 and we will use it within the realm of our consideration.

24 MR. SCHERER: I think that the staff could say
25 that they gave us a copy of it, and that the committee's

1 free, will consider it for what it's worth in our
2 deliberations. And that's it.

3 MR. CAMERON: Yeah, that's -- okay.

4 MR. GARCHOW: We're not getting into specific
5 assessment modules in any other area. Why would we get into
6 a specific inspection modules in this area, as opposed to,
7 you know, pressure boundary leakage, you know, because that
8 seems to be the thing of the day. I mean, where does it
9 end? We'll never get out of here.

10 MR. SCHERER: Well, it's factually correct and I
11 have no problem with the staff giving us a copy of it. And
12 we can consider this, you can consider it and I can consider
13 it to the extent that we will, in our deliberations.
14 Period.

15 MR. PLISCO: Any other --

16 MR. MONNINGER: So is a response going back from
17 the panel to the individual?

18 MR. BROCKMAN: Did this come directly to the
19 panel?

20 MR. MONNINGER: Yes. That came directly to the
21 panel. So myself and Loren --

22 MR. BROCKMAN: I would propose that the panel has
23 to send a response back to the individual.

24 MR. GARCHOW: I don't agree with that. But we
25 could -- I think the NRC could send the gentleman a letter

1 back, you know, we respect the fact that you sent it to this
2 panel, but [inaudible] this panel, we take your concern
3 seriously and this is how it's gonna be dealt with by the
4 NRC.

5 MR. MONNINGER: Option 3, the option 3 was to
6 refer it back to Sam Collins, for him, you know, it's not
7 within the Panel's scope or whatever words. Defer it back.
8 Loren sends a memo, defer it back to NRR for --

9 MR. PLISCO: But I think we could recommend that
10 there a sentence be included that will, just as we
11 discussed, that we'll take any --

12 MR. NOLAN: Based on time, standard practice would
13 be is for the DFO to write a brief letter to the individual
14 saying this is what the Panel did. We took it under
15 advisement, we consider it, you know, in developing our
16 major issues for consideration. However, the crux of your
17 issue will be evaluated in depth by NRR, and deferred. And
18 give the name of the person who's the contact in NRR, and
19 then NRR will close it out.

20 MR. BROCKMAN: But the mail is addressed to us,
21 and we should answer the mail and say this other person's
22 gonna give you your answer.

23 MR. NOLAN: Right. And it's just a one-paragraph
24 letter.

25 MR. CAMERON: David, you have no problem with

1 that?

2 MR. GARCHOW: That's fine.

3 [Discussion of the Record]

4 MR. PLISCO: Any other business?

5 MR. MONNINGER: With respect to the binders, are
6 you interested in "living" binders? Are these good
7 references to bring to each meeting?

8 MR. FLOYD: Yes.

9 MR. MONNINGER: Do you [inaudible] the shelf? Do
10 you want to keep it here?

11 MR. GARCHOW: I want to keep it, that works out
12 great for me. I appreciate you're doing it.

13 I'll just prepare another one for the next
14 meeting.

15 MR. MONNINGER: Okay. And if you have too much
16 luggage, I can mail them back. And also, if you want to
17 keep your name tags here and timecards, we won't have to --
18 unless you want them as souvenirs.

19 MR. BLOUGH: Do you want us to leave them for you
20 then?

21 MR. MONNINGER: Yes. Leave them for me.

22 MR. SCHERER: We'll keep them as souvenirs after
23 we file our report.

24 MR. REYNOLDS: That's right.

25 MR. PLISCO: Anything else?

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[No Response]

MR. PLISCO: Thanks. We'll close the meeting.

[Whereupon, at 3:55 p.m., the meeting was closed.]

CERTIFICATE

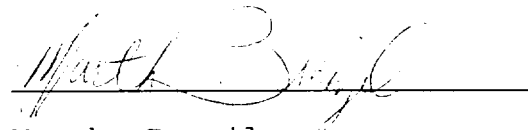
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: REACTOR OVERSIGHT PROCESS INITIAL
IMPLEMENTATION EVALUATION PANEL
PUBLIC MEETING

Case Number:

Place of Proceeding: Rockville, MD

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Martha Brazil

Transcriber

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