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 Rulemaking Process

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING WITH NON-GOVERNMENTAL ORGANIZATIONS

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PUBLIC PARTICIPATION IN NRC'S RULEMAKING PROCESS

+ + + + +

THURSDAY,

JUNE 12, 2008

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ROCKVILLE, MARYLAND

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The Public Comment Meeting was convened in the Commissioners' Hearing Room, One White Flint North, 11555 Rockville Pike, at 1:00 p.m., Lance Rakovan, Facilitator, presiding.

NRC STAFF PRESENT:

LANCE RAKOVAN

MIKE CASE

JAKE ZIMMERMAN

LAUREN QUINONES

MIKE LESSAR

HOWARD BENOWITZ

MERRI HORN

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1 NGO COMMENTERS PRESENT:

2 DAVID LOCHBAUM

3 JIM RICCIO

4 ROCHELLE BECKER (via telephone)

5 DEBBIE GRINNELL (via telephone)

6 JIM WARREN (via telephone)

7 MARY LAMPERT (via telephone)

8 PHILLIP MUSEGAAS (via telephone)

9 LISA RAINWATER (via telephone)

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

(1:02 p.m.)

MR. ZIMMERMAN: All right. Why don't we get started. Good afternoon, everyone. Appreciate everyone here at NRC headquarters that's in the audience, and also those of you that are participating at various locations throughout the country.

I'd like to thank each of you for your interest and participation in this important meeting.

I especially want to thank David Lochbaum for coordinating with the other representatives from the various NGOs, working with Lauren Quinones on my staff, to set up this meeting. I think it's a great opportunity for us to get some dialogue going over the rulemaking process in EP, and see how we can improve the process.

My name is Jake Zimmerman, and I am the Branch Chief for the Regulatory Analysis, Policy, and Rulemaking Branch, in the Division of Policy and Rulemaking. And that's the Office of Nuclear Reactor Regulation.

Before we get to the formal part of the meeting, I guess I want to spend just a little bit of time explaining how we got here. David might find this a little bit humorous. During the rulemaking

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1 process session that was held back in March of this
2 year -- David was a panel member -- and during that
3 discussion the NRC staff presented the good, the bad,
4 and the ugly associated with rulemaking. And the good
5 in this case was the emergency preparedness
6 rulemaking, or at least that's what we thought was the
7 good.

8 And one of the key messages from that
9 meeting was that NRC was striving to improve our
10 outreach to external stakeholders, involve them more
11 in the technical basis about what we're calling the
12 regulatory basis development today, because that
13 really covers technical, regulatory, and policy
14 issues.

15 So as I indicated, David was a member of
16 that. And shortly after the meeting, David came up to
17 me and told me that he didn't think that the EP
18 rulemaking was in fact the good, but that was the
19 ugly. And that some of you here in the audience, and
20 also on the phone, have some views on that.

21 And I asked him to -- if he would be
22 interested in polling you and getting back to me,
23 because we really wanted to hear what your concerns
24 were, not only about the EP rule, but me personally,
25 the rulemaking process in general, how we can improve

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1 the process. And so we're looking for an opportunity
2 to engage you all.

3 It was interesting that we -- I thought to
4 myself, how could this be, that, you know, we thought
5 it was the good, and you thought it was the ugly. And
6 so I really appreciate the opportunity to meet with
7 you. I think it will be a great opportunity for us to
8 go over some of these issues.

9 And what I'd like to commit to you today
10 is that we will get back to you, in one way or another
11 -- whether it be a letter from myself, or Mike Case,
12 my Division Director, here with us -- responding to
13 the recommendations that you have come up with. There
14 may be things that we can do that may not be exactly
15 the recommendation that he made, you know, the
16 ListServ recommendation comes to mind, but there may
17 be things we can do like regulations.gov, like some of
18 those things will probably come out today in the
19 discussion.

20 The last thing I want to say is we really
21 do place a high value on public participation,
22 especially in the rulemaking process for me
23 personally, and believe that if we have early
24 engagement with all our external stakeholders, at the
25 end of the process rulemaking will be better off, or

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1 we think that there's a lot of value in getting this
2 input from all of you, and we look forward to getting
3 that, looking at how we can improve it.

4 So I'm very interested in your
5 recommendations today. I'm very interested in having
6 this dialogue. We've got a series of managers and
7 staff here to support the meeting. And if we can get
8 answers to some of these issues today, we will, but we
9 will get back to you.

10 And with that, I'm going to turn it over
11 to Lance Rakovan, who is going to go over some ground
12 rules and we'll start introductions.

13 FACILITATOR RAKOVAN: Thanks, Jake. I'm
14 Lance Rakovan, and I'm going to facilitate today's
15 meeting as much as necessary, if you will. The
16 primary reason I think that I need to go over some
17 ground rules is the fact that we are transcribing
18 today's meeting. Unfortunately, we had some issues in
19 terms of our transcriber couldn't jack into the mic
20 system, so we have a couple of microphones that he is
21 using that are set on the table. That's why I'm kind
22 of happy that we have everyone sitting at the table
23 here, so hopefully he'll be able to pick us up.

24 We did some work beforehand to make sure
25 that he could pick up the people on the phone. If by

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1 chance there is someone in the audience who wants to
2 make a comment at some point, raise your hand, get my
3 attention somehow, I'll be looking. And chances are
4 we're probably going to bring you to the table to sit
5 while you are engaged in the discussion, just because
6 I think it's the best shot that we have in terms of
7 getting you on the transcript.

8 In terms of when you speak, if you could
9 just, you know, the first couple of times let us know
10 maybe your full name and your organization. After
11 we're familiar enough with your voice, just -- if you
12 could just let us know when you start talking, "Hey,
13 this is Jim," or, you know, "Hey, this is Mr. Case,"
14 whatever. That way the people, especially on the
15 phone, will have an idea as to who is speaking at any
16 given time.

17 In terms of the transcript, again, it is
18 always great to have just one person talking. That
19 way we don't have people talking over each other. And
20 we'll try to do that as much as possible.

21 This is a Category 2 public meeting. So
22 we're here just simply to speak with the
23 representatives from the non-governmental
24 organizations. Looking across the room, I'm not sure
25 if anyone is here who is not an NRC employee, but we

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1 will open the meeting up at times for, you know,
2 people who are kind of outside of who are specifically
3 here to talk to -- in terms of the Category 2 meeting.

4 For the agenda, it's fairly simple. We're
5 going to start out with a short presentation, and then
6 we're going to turn things over. I think Dave
7 Lochbaum has a presentation that he is going to be
8 going through. We have a couple of different segments
9 of discussion, and then in between a break of course,
10 and we will have some short periods where we'll be
11 opening it up kind of to the wider audience called
12 public presentation, but, you know, that basically
13 just means, you know, the people who are not
14 specifically focused on discussing here. And then, I
15 think Jake is going to give some closing remarks.

16 MS. BECKER: Excuse me, Lance. This is
17 Rochelle Becker. I can barely hear you. And I'm
18 often accused of talking really fast, but I think
19 you're one of those people, too. So could you slow
20 down a bit and talk more into the microphone, please?

21 FACILITATOR RAKOVAN: I can slow down a
22 bit. I don't know if I can speak more into the
23 microphone. And, unfortunately, I'm recovering from a
24 cold, so part of your inability to understand me might
25 have something to do with that. So I'll apologize for

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1 that. Can you hear me a little better now?

2 MS. BECKER: I can, but you sure didn't
3 slow down. Thanks.

4 (Laughter.)

5 FACILITATOR RAKOVAN: All right. I will
6 try to slow down even more.

7 (Laughter.)

8 MS. BECKER: Thank you.

9 FACILITATOR RAKOVAN: Speaking of people
10 on the phone, I sent out an e-mail prior to the
11 meeting with the request that if you are not going to
12 be actively participating in the conversation, if you
13 could cut your -- try to keep your phone on mute, that
14 will help cut down on the noise level here. I'm going
15 to do the best I can to try to make sure that you have
16 full participation, just as deeply as anyone who is
17 physically here in the room.

18 So when we get to the more open times, if
19 you would like to make a comment, just say your name,
20 or try to get my attention by making some noise, and
21 I'll try to go to the phones when that happens. I'll
22 also probably just go to the phones in general and
23 just ask if people have comments, given the time.

24 Similar to the people who are on the
25 phones muting their phones when you're not speaking,

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1 if everybody here could silence your cell phone or
2 turn it off, or whatever other electronic device you
3 have, that will cut down on noise.

4 I'm hoping that everyone who is here
5 picked up copies of the materials that were at either
6 of the entrances. These are copies of the slides as
7 well as the public meeting feedback form. For those
8 of you on the phones, that information you should be
9 able to link through through the postings that we have
10 on our public meeting schedule.

11 Other than that, we've got a flipchart
12 here, just in case anybody needs to draw a sketch, in
13 case somebody wants to throw out an idea, we wanted to
14 make sure that we had it up so that everybody can see
15 it and agree upon it, that kind of thing. We are
16 taking a transcription, so every word that we say,
17 including the embarrassing ones, will be forever
18 immortalized on paper.

19 Before we get started -- I'm going to turn
20 things over to Lauren -- I did want to at least go
21 around the table and go to the phones, so that people
22 can introduce themselves. Again, I'm Lance Rakovan.
23 I'm a Communications Specialist in the EDO's office,
24 and, if my voice is a little off, again, I apologize
25 for that. Hopefully, it will be back to normal soon.

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1 MR. BENOWITZ: This is Howard Benowitz in
2 the Office of the General Counsel, Rulemaking
3 Division.

4 MR. CASE: Hi. I'm Mike Case. I'm the
5 Director of the Division of Policy and Rulemaking in
6 NRR.

7 MR. ZIMMERMAN: This is Jake Zimmerman.
8 I'm the Chief of the Regulatory Analysis, Policy, and
9 Rulemaking Branch.

10 MS. QUINONES: This is Lauren Quinones,
11 Project Manager in the Office of Nuclear Reactor
12 Regulation.

13 MS. HORN: I'm Merri Horn. I'm a Senior
14 Project Manager in the Office of Federal and State
15 Materials and Environmental Management Programs in the
16 Rulemaking Division.

17 MR. LOCHBAUM: David Lochbaum with the
18 Union of Concerned Scientists.

19 MR. RICCIO: Jim Riccio with Greenpeace.

20 MR. LESSAR: Mike Lessar, Chief of the
21 Rules, Directives, and Editing Branch in Admin. I
22 also chair the RCC, Rulemaking Coordinating Committee,
23 and we are interested in facilitating rulemaking in
24 all aspects.

25 FACILITATOR RAKOVAN: That's the sum of

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1 who is seated at the table here. I'll go to the
2 phones now to see if people can introduce themselves.

3 And let us know what organization you're with,
4 please.

5 MS. BECKER: Rochelle Becker, Alliance for
6 Nuclear Responsibility, California.

7 MS. GRINNELL: Debbie Grinnell, C-10
8 Research and Education Foundation, in Newbury Port,
9 Massachusetts.

10 MS. RAINWATER: Lisa Rainwater, Policy
11 Director of Riverkeeper in New York State.

12 MS. LAMPERT: Mary Lampert, Nuclear
13 Advisory Committee in Pilgrim Watch, Massachusetts.

14 MR. WARREN: Jim Warren with NC Warren in
15 Durham, North Carolina.

16 MR. MUSEGAAS: Phillip Musegaas with
17 Riverkeeper in New York.

18 FACILITATOR RAKOVAN: Is that all?

19 (No response.)

20 Okay. Thanks. And, again, if you guys
21 have trouble hearing, or there's any issues during the
22 meeting, please let us know. We'll do the best we
23 can. Unfortunately, we're limited by technology, and,
24 you know, I can't make any guarantees, but we'll do
25 what we can.

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1 With that, I will turn it over to Lauren.

2 MS. QUINONES: Hi. Good afternoon. My
3 name is Lauren Quinones, and I'm here to present you
4 an overview of the rulemaking process, and also
5 highlight what opportunities the public has to
6 participate in the process. So you have the handout,
7 the slides, we can go to Slide 2.

8 So we can start by defining, "What is the
9 rulemaking process?" The rulemaking process is the
10 process that federal agencies use to develop
11 regulations. The NRC regulations are the regulations
12 that the licensee needs to follow and meet to use,
13 transport, and store nuclear materials, and also to
14 operate nuclear powerplants.

15 A rule can be initiated by different
16 situations. It can be initiated by the NRC staff. It
17 can be initiated by the direction of the Commission or
18 the EDO, and also by Congressional mandate, Executive
19 Order, and by petition for rulemaking.

20 Slide 3, please.

21 So we have various opportunities to
22 involve the public in the rulemaking process. So some
23 of the reasons that we involve the public is that we
24 need to meet the Administrative Procedures Act. Also,
25 one of the NRC values is openness in communication,

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1 and so by involving the public we maintain openness in
2 communications.

3 These interactions also facilitate the
4 public understanding of what are we discussing during
5 the rulemaking process. And we also provide an
6 opportunity for the people that are affected by the
7 rules we are changing to voice their opinion on the
8 rulemaking. At the same time, we increase the
9 credibility of the NRC, and we also enhance the public
10 acceptance and cooperation during the process.

11 Slide 4, please.

12 So what we have provided here is an
13 overview of the phases of the rulemaking. Phase 1 is
14 the regulatory basis. In this phase, we can go
15 through the technical basis for the rulemaking, and
16 also the publications that we have regarding the rule.

17 Phase 2 is the rulemaking plan. This phase is not
18 mandatory, it is used for some of the rulemakings, and
19 we build a plan to go over the rulemaking and finalize
20 it and send it to the Commission for their approval.

21 Also, in the proposed rule phase which is
22 Phase 3, this is the phase where we build the proposed
23 rule language, and we issue the notice, and then the
24 public has an opportunity to provide formal comments.

25 Then, we will go to Phase 4, which is the final rule.

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1 In this phase, we are going to address all of the
2 comments received during the comment period, and then
3 incorporate it as needed on the final rule. After, we
4 would issue the final rule, and then go to the
5 implementation part.

6 If you go to the next slide, you have a
7 diagram. I guess on the last page you have a color
8 diagram. Everyone has a handout, so you can see
9 better. So we put together a flowchart of the process
10 and what opportunity the public has to participate in
11 the process.

12 To go over on the -- like the colors and
13 what everything means, I guess the stars are the
14 different opportunities for public participation, and
15 then we have the orange ones, which are mandatory
16 opportunities for public comments during the
17 rulemaking process. Then, we have the green stars
18 that are opportunities available on the rulemaking
19 process, depending on the complexity of the rule and
20 public interest. So they are used in some of the
21 rules and not all of them.

22 And then, as I mentioned before, Phase 2
23 is not mandatory, so it is not used for all of the
24 rulemakings, so I just put that in another color and
25 dash. So we don't really need to do that.

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1 So if you go to the rulemaking initiation,
2 after that we go to Phase 1, which is the regulatory
3 basis. During this phase, like I explained before, we
4 develop the technical basis and the legal policy
5 issues related to the issue discussed in the
6 rulemaking.

7 During this phase, sometimes we will have
8 public meetings to gather people's comments about the
9 issue that we are going to address on the rulemaking,
10 and also we would issue draft technical basis, so the
11 public can provide their input. Once we have all of
12 that information, we need to request approval on the
13 regulatory basis.

14 Then, we will go to Phase 2. Phase 2 is
15 the development of the rulemaking plan, and that's
16 kind of like a schedule of how we are going to go
17 about finalizing the proposed rule, and then going to
18 the rulemaking, the final rule, and the
19 implementation.

20 I guess after this -- between Phase 1 and
21 Phase 3, sometimes we may have public meetings. We
22 may issue draft preliminary regulatory guidance, so
23 the public knows what the staff is thinking about
24 going to the proposed rule language, and sometimes
25 they can provide comments and questions about our

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1 direction. So that's why we have the two stars, green
2 stars, for Phase 2.

3 For Phase 3, it will be the development
4 and issuance of the proposed rule. So in this phase
5 we finalize our proposed rule language and we issue
6 it, say to the public that this is out, and they have
7 a certain period of days to provide formal comments.

8 For this phase, sometimes we also have
9 public meetings to go and talk to the public about
10 what the proposed rule language is saying, clarify any
11 questions that they have, and also ask about their
12 comments for the rule. So once we finish that, we
13 collect all of the public comments, and we address
14 them on our final rule language, we make changes as
15 needed on the rule.

16 After the public comments are resolved,
17 then we go and have a public meeting with the ACRS,
18 where we present the rule, and then hear the comments
19 on the final rule. Also, after the -- if there is no
20 public comments, there's a star which says, "Post
21 public comment opportunities." I guess this is
22 opportunities that external stakeholders have that
23 they can request a meeting with a manager, the NRC, or
24 higher-ups, so -- to talk about their opinions about
25 the proposed rule language, what they have -- the

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1 public to go by.

2 So after that, we will go to Phase 4, and
3 that will be develop and issue the final rule. So
4 once we finalize the ACRS meeting and get their
5 comments, and everyone's comments addressed, we will
6 finalize the rule and send it to the Federal Register
7 notice. And once this public Federal Register notice
8 approval, we go to the implementation phase.

9 MS. LAMPERT: Can I ask a question?

10 MS. QUINONES: Yes.

11 MS. LAMPERT: My question -- this is Mary
12 Lampert, Massachusetts. For those that are colored in
13 green, public participation opportunity, depending on
14 the complexity of the rule, how is that defined, "What
15 are the criteria?" so that it wouldn't give the
16 appearance of a loophole? It's sort of like parents
17 saying to their, you know, children, "You're too young
18 to talk about that."

19 MR. ZIMMERMAN: There actually is no
20 criteria.

21 MS. LAMPERT: What about the
22 recommendations?

23 MR. ZIMMERMAN: Okay.

24 MS. LAMPERT: What about a definition and
25 an opportunity for public comment chart?

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1 MR. ZIMMERMAN: Okay. I think what we're
2 trying to depict there is, you know, I'll use the EP
3 rule as an example. Knowing that emergency
4 preparedness, there's a lot of external stakeholder
5 interaction -- interest in it, the staff had embarked
6 on a series of public meetings/workshops around the
7 country, and so that was something that was initiated
8 by the staff, perhaps by NGOs such as yourselves that
9 were interested in engaging in the process. I'm not
10 familiar with that part of it. I wasn't in this
11 current position.

12 But it's something that we can certainly
13 look at is developing a clear criteria, because not
14 all rulemakings would we need to do that. But I guess
15 what I'd like to focus on, though, is that if you are
16 interested in a particular rulemaking that you do
17 contact us, and we can start some dialogue, and --

18 MS. LAMPERT: Yes. But that puts the onus
19 on outside participants rather than -- other than --
20 another way of doing it would be a proactive
21 solicitation in a way by communicating that all of the
22 rulemaking processes are open to all stakeholders,
23 irrespective of whether they are in or outside the
24 industry, and then that way also it would solicit the
25 tactical information from those who are very -- fully

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1 capable of dealing with complex issues. I think it
2 does deserve a definition.

3 MR. ZIMMERMAN: Well, maybe there's a way
4 that we can communicate what we're doing, so that you
5 -- it sounds like maybe you're concerned with maybe
6 the access to information or how it's organized. But
7 I guess, you know, if you have a general interest in
8 the area, I would hope that you would be using our
9 website or regulations.gov to engage in the issue.

10 Just from a resource standpoint, if we
11 were to take every single rulemaking and try to engage
12 external stakeholders, no matter what the rule, I'm
13 sure there are some issues with that. But I'll take
14 the comment as something that we can consider.

15 MR. MUSEGAAS: This is Phil Musegaas,
16 Riverkeeper. I just have a comment on your last
17 statement. Do you engage the NEI on every rulemaking?

18 MR. ZIMMERMAN: I personally will engage
19 anyone who wants to engage on the rulemaking. I do
20 not go out and seek NEI's opinion on a rulemaking. I
21 just don't do it. I mean, my staff doesn't do that.
22 NEI engages us, and we certainly would respond to
23 whatever level of engagement -- you know, going
24 forward here today -- that you all want to on any
25 particular rulemaking.

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1 My door is open. If you want to have a
2 meeting with my staff or project managers on a
3 particular rulemaking, then we will avail ourselves.
4 And whether that's through a conference call or a
5 public meeting, we will avail ourselves to it. My
6 staff is not engaged in non-public conversations with
7 NEI regarding rulemakings. This is a public process,
8 and we intend to keep it as a public process.

9 MS. RAINWATER: All right. To wrap it up,
10 what I would suggest is -- this will tie in to later
11 comments -- is have the NRC's website be very user-
12 friendly in where to go under each key topic for
13 proposed rules, and then hyperlinked. And then, with
14 that could be a definition, if there is one, for the
15 criteria and process for participation.

16 MR. LESSAR: Mike Lessar. One of the
17 things I'd like to point out is we are now full
18 participants of regulations.gov

19 MS. LAMPERT: We cannot hear you.

20 MR. LESSAR: This is Mike Lessar. One of
21 the things I'd like to point out is NRC is now a full
22 participant in regulations.gov. All our rulemaking
23 actions are available there, and we are in the process
24 of posting dockets on regulations.gov for actions as
25 soon as they become or reach that rulemaking ballpark.

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1 I would also like to point out for the OIS
2 folks, I'll support them here, they are looking at a
3 redesign and a reorganization of the NRC website, and
4 I think public utility is one of the main focuses of
5 that.

6 MR. CASE: Hi. This is Mike Case. You
7 know, that's a good comment. We'll think about that
8 one. But, you know, there is a lot of old school
9 things that sort of get their -- the rulemakings that
10 we're working on out.

11 When I say "old school," it's like the
12 Federal Register, like the regulatory agenda. There
13 is all of these kind of old school tools that we have,
14 and why we like to talk to folks is that there are so
15 many different ways that we can do them now --
16 websites and regulations.gov, and pushing out e-mails.
17 So that's why we want to interact in these types of
18 forums, just sort of seeing what the folks are
19 thinking.

20 And we can actually have modern solutions
21 to some of these things that we sort of struggled with
22 in the past, and put in the Federal Register, that
23 people never read. So it was a good comment, and
24 we'll think about it.

25 MS. BECKER: This is Rochelle Becker with

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1 the Alliance for Nuclear Responsibility. And we have
2 received all of our OPA e-mails, and we either
3 calendar it, file it, comment, or delete it. But we
4 don't receive this.

5 And I think it would be easier if we just
6 received what you are doing, and we could choose
7 whether or not we wanted to participate, because it's
8 coming to us. We are paying, through our taxes, your
9 salaries. We are paying through the NEI with our
10 rates their fees. We don't have the wherewithal that
11 these larger companies do.

12 And so you need -- if you really want
13 public participation, I mean, if you really want it,
14 then you have to make it easier for us. Sending us
15 the information and allowing us to decide whether or
16 not we want to participate would be much easier than
17 having us having to sort of look through all of these
18 different sites to find out what's important to us and
19 what isn't.

20 MR. ZIMMERMAN: This is Jake Zimmerman.
21 We appreciate that comment. In fact, that was one of
22 the comments that David had provided us regarding I
23 think it was the ListServe idea. And that's something
24 that we have actually started to talk to Mike Lessar
25 and Adam and his folks about whether regulations.gov

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1 -- we think that it may have that capability, or, if
2 not, can we look into actually doing that?

3 I personally would like to see, if there
4 is a particular rulemaking that you are interested in,
5 and if you were able to somehow sign up through our
6 website or regulations.gov, and any time that there's
7 a meeting notice, it is going to go in the docket file
8 for regulations.gov, the meeting summary, everything.
9 And if you are signed up for that particular docket,
10 that you would get an e-mail blast, so that you would
11 know right away. That's what we want to do. That's
12 what we want to get to. So we do -- we really
13 appreciate your comment. We are going to look at it
14 very seriously to see if we can do it. I believe in
15 it.

16 MS. BECKER: Well, that, once again,
17 sounds like the onus is on us to tell you what we want
18 to look at when we don't know what you're doing.

19 MS. LAMPERT: That's why I had suggested a
20 friendly format. So you go to nrc.gov, and you go to
21 the key topics, and that this would be one of the
22 bullets. Just, for example, you hit emergency
23 planning B, you'd see that this is under discussion,
24 what the hyperlinks were to the process, how to
25 participate, tada, dah, dah.

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1 I have recently gotten very interested in
2 corrosion of various components. Who knew? And,
3 therefore, I would be interested in subjects relating
4 to that. That's my point.

5 FACILITATOR RAKOVAN: If I could remind
6 people on the phone --

7 MS. LAMPERT: So offer the menu, have the
8 equivalent of a buffet, and then the public can go,
9 stakeholders can go and choose from the table, and
10 perhaps find areas that heretofore they had not been
11 educated in.

12 FACILITATOR RAKOVAN: If I could remind
13 people on the phone, if you could please let us know
14 who is speaking.

15 MS. LAMPERT: That was Mary Lampert.

16 MR. LOCHBAUM: That was Lance Rakovan here
17 in --

18 (Laughter.)

19 FACILITATOR RAKOVAN: Touche, Mr.
20 Lochbaum. Touche.

21 Jim, did you have something you wanted to
22 add before we wrap this up?

23 MR. RICCIO: Yes. This is Jim Riccio with
24 Greenpeace. I do want to, you know, acknowledge the
25 use of reg.gov. It is a vast improvement over the

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1 rulemaking forum. I have only had limited opportunity
2 to use it with the aircraft impact analysis
3 rulemaking. But it is head and shoulders above what
4 the agency was providing in the past. I would
5 encourage all of my colleagues out in the field to
6 make use of that site.

7 At the same time, again, it is difficult
8 for the public to keep up with what this agency is up
9 to, and that role was generally performed by NGOs in
10 the past who would basically pore over your documents
11 and what was filed in the Federal Register and get it
12 out to people. For a decade I have been asking you to
13 post your Federal Register notice on your own website,
14 and that request has fallen on deaf ears for a long
15 time, and that's why reg.gov is at least an
16 improvement.

17 FACILITATOR RAKOVAN: Okay.

18 MR. RICCIO: Thank you.

19 FACILITATOR RAKOVAN: This is Lance. I'm
20 going to send things back to Lauren, see if she can
21 finish out her presentation.

22 MS. QUINONES: Thanks for all your
23 comments. Now we can go to Slide 6, and it's related
24 to what we were discussing. This is some of the ways
25 you can access information on the rulemaking

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1 activities, by going to the NRC public website and
2 going to the rulemaking page.

3 Also, we have all our documents on the
4 Agency Documents Access and Management System, called
5 ADAMS, where you can go using our public website to
6 access them also. We also have now all the rulemaking
7 documents on regulations.gov, which we were talking
8 about just earlier, and also on the regulatory agenda,
9 which is issued two times a year. So NUREG-0936, we
10 have kind of like an update of where the rulemaking
11 actions are.

12 Next slide.

13 I guess to conclude my presentation, we
14 really want to emphasize that the input from external
15 stakeholder is very valuable to us, and we think that
16 a diverse view can result in a better product. So the
17 NRC rulemaking process is a very mature process, and
18 we welcome any suggestions that you have to improve
19 the process.

20 Thank you.

21 FACILITATOR RAKOVAN: Thanks a lot. This
22 is Lance again. I think at this point -- Dave, did
23 you have some materials that you wanted to go over?

24 MR. LOCHBAUM: What we propose to do is
25 just go through all of this alphabetically as we go --

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1 with one exception. Mary Lampert asked to go first,
2 because she has some schedule issues that may come
3 into play. So, Mary, if you are ready? We are each,
4 Lauren, going to take about five or 10 minutes to hit
5 all of our issues or our prime issues. So, Mary, if
6 you are ready?

7 MS. LAMPERT: If you want to set it up,
8 Dave, go right ahead, and then I'll go after you.

9 MR. LOCHBAUM: Okay. With a pass, then,
10 Rochelle, are you ready?

11 MS. BECKER: Yes. Rochelle is ready.

12 MR. LOCHBAUM: Thanks. Go ahead.

13 MS. BECKER: California is still very
14 isolated from the NRC process that impact reactor
15 communities in the state, and often are increased
16 rates for customers. So we would like more -- a
17 closer relationship with the NRC.

18 What we have had in the past is we have
19 been participating for over three decades on nuclear
20 issues, and we have developed very close relationships
21 with oversight agencies in our state over these years.

22 But we have never ever had a close relationship with
23 the Nuclear Regulatory Commission, someone on staff
24 that actually helps us through this process.

25 There is a public advisor's office in some

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1 places, but usually they are not very helpful. It is
2 really just staff is working on the same issues that
3 we're involved in that have let us know that there are
4 things coming up, have -- when we have questions we
5 can ask them, they can help us find this. Right now,
6 we turn to Dave Lochbaum for almost everything, and he
7 isn't paid by the NRC.

8 So we would appreciate having -- I mean,
9 it is amazing to me that after 30-something years, we
10 still don't have one person at the Nuclear Regulatory
11 Commission that we feel that we can trust, that really
12 cares about what we're doing, and that we have a
13 relationship with working on processes within the NRC.

14 So we would like to find out if there is someone in
15 this NRC that actually really cares about what
16 California's concerns are.

17 We also noticed -- Lance was very kind to
18 send the list to us today of this meeting, which we
19 looked through, and I sort of perused the other
20 meetings that are happening and I noticed that the NRC
21 holds meetings at the NEI's headquarters or Areva's
22 headquarters. We find that to be unacceptable. We're
23 paying your salary. Those people can come to the NRC.
24 We shouldn't have to pay for extra travel time, extra
25 preparation, to go to other places in order to make

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1 these presentations.

2 This is part of the trust issue. The NEI
3 and Areva and the other nuclear cheerleaders have
4 plenty of money to do whatever they need to do. But
5 the public does not have that, and we need you to be
6 sensitive to our valid concerns and our input, and we
7 need feedback. We need to work with you. We need --
8 if we -- we sort of feel like we get to participate in
9 the process, but we aren't really part of the process.

10 And we feel tolerated, but really not
11 welcome. And we still participate because it's
12 important to us. So we would like to see some sort of
13 a process of which whoever is involved in that process
14 has a staff person assigned who actually really cares
15 about what the public has to say and not just token
16 cares because we have to do it under whatever
17 regulation you have, but actually cares about the
18 community enough to let them know what's going on, to
19 keep in touch with us, to say, "Oh, there's something
20 coming up, and you might be concerned about that."

21 And so if we had that same issue, we can
22 go to that person and have a dialogue. It's not just
23 that the ADAMS website is very impersonal. It's not
24 just a blurb out on e-mail from OPA. It's really a
25 relationship that's impossible for us to build from

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1 across the country, and that's pretty much all I have
2 to say.

3 MS. RAINWATER: Okay. Are you responding,
4 or are you in the receptive mode?

5 FACILITATOR RAKOVAN: Do you want us to
6 respond to that?

7 MS. RAINWATER: Do you want to respond to
8 the commenter, or do we just go one after another?

9 FACILITATOR RAKOVAN: We are here more or
10 less to listen. This is Lance. But in some cases, if
11 the NRC staff would like to step in and clarify and
12 maybe, you know, come back with another question.

13 MS. RAINWATER: And so maybe you could
14 indicate by saying "next" or something, so we don't --

15 FACILITATOR RAKOVAN: Okay. Well, Mike
16 Case has turned on his microphone, so I'm guessing
17 he'd like to say something.

18 MR. CASE: Yes. Well, that's a -- you
19 know, we hear you. That's a great issue. I don't
20 know whether I can solve it right at this point. Part
21 of it -- part of the hard part of what you're talking
22 about -- building the relationship part -- is -- you
23 know, some of it is driven by the way we do business.

24 So like I'll hear you, and I'll say wow.
25 You know, I'll -- I can commit myself to do that for

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1 rulemakings and the things that are under my
2 cognizance. But your interest is broader than just
3 rulemaking, so then I run into a problem that, ooh, I
4 need to get the inspection guy to also commit to this,
5 and, ooh, I need to get the regions to also commit.
6 So it's a very difficult issue for us, so we need to
7 find ways to do that. You know, we need to think
8 about it.

9 You know, Dave -- I don't know whether he
10 is going to mention it, but he talks about e-mail.
11 You know, I love e-mail, because it can break down
12 barriers and sort of keep people informed in a sort of
13 informal way. So you need to think about what you're
14 saying. We don't have a problem in principle with
15 what you're saying, but it's a very -- you know, it's
16 easy to say but very difficult to solve.

17 MS. BECKER: I'm sorry. I didn't get your
18 name. This is Rochelle.

19 MR. CASE: This is Mike Case.

20 MS. BECKER: Hi, Mike. I think that -- I
21 know that you can commit to it, but I guess my
22 statement was more that after 30 years you would think
23 it would already been in place with somebody that
24 worked at the NRC in some position somewhere. And so
25 this is really more of a -- I think a personal thing

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1 with people that work at the NRC. More than an
2 institutional thing, it's I care about what this
3 person is saying. I care about what that person who
4 lives 10 miles downwind of this reactor that is on an
5 earthquake fault thinks about this issue. And I'm
6 going to stay in contact with that person.

7 And this is NRC-wide. This is Commission-
8 wide. There hasn't been a person there who has ever
9 committed to that. And so I just want you to know
10 that we would appreciate it. We feel very comfortable
11 working with people who have sat in proceedings with
12 us and actually been sympathetic to our concerns, and
13 have made an effort to contact us and we have stayed
14 in contact with them.

15 This takes time. I'm certainly not going
16 to trust you tomorrow. But a relationship will build
17 over time in which you follow through on things you
18 have promised, and you have listened to me. And so
19 I'm not really -- you're looking for the word
20 "commitment." I'm just looking for the people in that
21 room, at that agency, to hear me.

22 MR. CASE: Okay.

23 MS. LAMPERT: Okay. Mary Lampert. I'm
24 sorry to have to cut short. The first thing -- this
25 is telling you about process, and input is a very

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1 important point, that the input be equitable, open,
2 and easily accessible to place your input. The letter
3 that David Lochbaum put together indicated that the
4 ratio of NGOs to industry is one to nine, at least not
5 that we know about. That is not equitable input.

6 Second, the way the input is recorded -- I
7 attended the August '05 and May '06 stakeholder NGO
8 meetings, the only two there were, and there were
9 transcripts for everybody to see, which was important,
10 really, for industry to be able to read our comments
11 and then have the opportunity, if they so chose, to
12 have a rebuttal, and that then is the old case control
13 method and advantage for the NRC.

14 However, the public was not given the same
15 opportunity. The record of the industry
16 conversations/meetings on the subject with the NRC
17 were simply summaries. And that hides input and puts
18 the NGOs at a disadvantage in forming a rebuttal. And
19 in the long run, it puts the NRC staff in a
20 disadvantage of making a fair decision based on all
21 points of view.

22 The second comment would be accessibility.
23 I referred to it maybe a few -- you know, 10 minutes
24 ago, that reg.gov is a great improvement. But for
25 those who aren't from NGO groups on the inside, if you

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1 will, who have been playing this game, for myself, two
2 and a half decades, that you don't know what's going
3 on, but you're getting interested.

4 And, therefore, it would be helpful if
5 right as soon as you get on NRC's website you could be
6 easily led to the various subject matters of what is
7 of your interest, and then the opportunity -- the
8 rulemaking process, with hyperlinks, would be there.
9 I think that, frankly, would be very helpful.

10 Also, I think it is important -- and
11 particularly in this subject -- is the lack of
12 timelines for rulemaking. I know Ray Shaddis out of
13 Maine, he had a petition that was not resolved for 27
14 years. And, fortunately, he filed that as a young
15 man. Eric Epstein had a petition going for three
16 years, and I can't even count the number of years that
17 Peter Crane's petition had been there, sometimes
18 published, sometimes not.

19 When NRC wants to get something done, like
20 the license renewal approval process, they know how to
21 do it. Two years, bang, it's going to happen. And
22 you go on the license renewal website, you see a
23 timeline, a chart. Here is the task. Here are the
24 dates that it will be discussed or a draft will be
25 issued, or what have you. Another column here is the

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1 date for completion, with documents published
2 accordingly and appropriately along the way.

3 9/11 occurred in 2001, and it's 2008. I
4 started reviewing, on an annual basis, the Town of
5 Duxbury's implementing procedures and plans in 1987.
6 And there have been essentially no changes made
7 despite recommendations by emergency management
8 directors.

9 And so my point is: a) in the rulemaking
10 process there has to be an end game, a date specified
11 that this will be accomplished by X date, and here is
12 the timeline, here is the chart of how we're going to
13 get there, the tasks, when they are completed.

14 We know with emergency planning it --
15 those who have attended any of the license renewal
16 public forums that have occurred in New York, in
17 Massachusetts, in Vermont, New Jersey, there has been
18 one theme that has been consistent, whether it be from
19 local officials, state officials, the public.
20 Emergency plans are inadequate.

21 Then, that gets me to the next point,
22 which is their process -- we can talk about process,
23 which is very important. But that is not going to
24 reduce risk for the public. In emergency planning, we
25 want to reduce risk and ensure that the plan meets

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1 today's needs. Personally, I was very disappointed
2 that the scope was not broader for this rulemaking.

3 Focus on security -- to me, what that says
4 is NRC planners are playing the same game, that except
5 for perhaps the unlikely event of a terrorist attack,
6 all other plans only have to fit the unrealistic
7 scenario assumptions that accidents will be slow-
8 breaking and of minimal consequence, particularly
9 important to emphasize minimal consequence as the
10 population around reactors is now increased in density
11 than when they were originally licensed, and they are
12 out of sync with the capabilities of the
13 infrastructure.

14 The response makes the area of concern
15 even smaller, so it looks good on paper. The reality
16 being that the focus should be on preparing for
17 accidents that could have large consequence, and then,
18 if you are -- whether they be from a security event,
19 which, granted, can have its own little issues, or
20 mechanical or human error. If your plans address
21 these scenarios, then if a well-behaved accident
22 occurs, then you will be prepared for it, which is not
23 the case now.

24 So even now you have created a new box
25 called a plan, or a proposed rule, for a security

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1 event, and everything else I guess is in some other
2 box, as opposed to having the box deal with an honest
3 assessment of what the proper assumptions are.

4 I'm looking, for example, in dealing with
5 -- in the security bid -- on the April -- I believe it
6 was April memo to the Commissioners. They talk about
7 -- let me see -- they talk about, for example,
8 evacuation time estimates, that in a --

9 FACILITATOR RAKOVAN: Mary? Mary?

10 MS. LAMPERT: Yes.

11 FACILITATOR RAKOVAN: This is Lance. I'm
12 sorry to interrupt, but the scope of today's meeting
13 was to talk specifically about improvements to NRC
14 rulemaking. I think --

15 MS. LAMPERT: Okay. So I will then defer
16 those comments, but I think in rulemaking there are
17 two parts. One is a general discussion of process and
18 participation. The second is scope. And the latter
19 part is something that has to be addressed also,
20 because that was largely what the NGOs discussed in
21 our two opportunities to provide input. However, none
22 of that -- those comments made were: a) addressed,
23 and b) -- and this is a general process comment -- nor
24 did we ever receive a rationale why they were
25 shredded.

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1 And I think that's a very important point
2 in all of the rulemaking, to put out in writing the
3 rationale and not some pabulum like reasonable
4 assurance, which the NRC fails to ever define anyway,
5 but a rationale why these sets of recommendations were
6 not chosen, why these sets of assumptions form the
7 basis of whatever the ruling is.

8 And I really appreciate this opportunity.

9 MR. LOCHBAUM: This is Dave Lochbaum.
10 Paul Gunter was going to be our next speaker, but due
11 to another conflict he is unable to be here today.
12 I'm sure he would have mentioned that he has concerns
13 about the fire protection rulemaking process, but he
14 can provide those in another forum.

15 Debbie Grinnell, if you are ready, this is
16 the time.

17 MS. GRINNELL: Yes. Debbie Grinnell with
18 the C-10 Foundation in Newbury Port --

19 FACILITATOR RAKOVAN: Debbie, this is
20 Lance. Debbie, this is Lance. Can I interrupt for a
21 second?

22 MS. GRINNELL: I'm sorry?

23 FACILITATOR RAKOVAN: There has been a lot
24 of beeping on the phone, and I just wanted to check
25 really quick to make sure that no one else had joined

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1 us.

2 (No response.)

3 Okay. I'm guessing it must have been
4 people leaving. I apologize for interrupting, but I
5 just wanted to make sure. Please start again.

6 MS. GRINNELL: Our comments are going to
7 pertain to your public communications issue. In 2003,
8 you recognized as an agency that you had a significant
9 public communication problem, and formed the Task
10 Force on Public Communication, which was chaired at
11 that time by Commissioner Merrifield.

12 It was tasked with providing strategies
13 for communication at all levels of your agency. The
14 task force concluded in July of 2003 that the NRC's
15 effectiveness in communication with stakeholders was
16 poor. This was your report -- that your communication
17 was poor, which directly affected parties, tribal
18 governments, the general public, civic groups, and
19 local government, while it was successful with the
20 nuclear industry licensee's trade organizations and
21 international counterparts.

22 We are talking about emergency planning
23 where the key and vital piece is having the confidence
24 of the public, local governments, and the issues
25 clarified for the plans that affect local governments

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1 in particular, the general public, and the affected
2 parties. So it was core at that time.

3 In Section 4-2-2 of the report, entitled
4 "Tools that Need Improvement," the task force stated,
5 and I quote, "The public comment process, which opens
6 many of our most important decisions to input from all
7 stakeholders, leaves them wondering why or whether
8 their comments were heard or even addressed."

9 The report stated ten strategic-level
10 recommendations to communicate effectively with
11 stakeholders. It concluded that for the agency to
12 move away from -- and this is your quote -- "decide,
13 announce, defend strategy" -- it recommended in
14 number 7 to provide NRC staff with the tools to
15 communicate effectively with stakeholders; and, in 8,
16 to develop business processes to be more responsive to
17 stakeholders.

18 Under business processes, the NRC, your
19 agency stated, and I quote, "Central to the notion of
20 responsiveness is that the NRC must not only listen
21 and consider the comments of the stakeholders, but to
22 demonstrate how the agency evaluates those comments in
23 its decisionmaking process." It was concluded in the
24 report that it was necessary for the NRC to do a much
25 better job in documenting how the agency resolved

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1 public comments.

2 The rationale, the factual materials
3 considered, all of those things are part of any
4 business or government process where the purpose and
5 rationale of a rule change or regulation really has to
6 be to identify the factual material that the agency
7 has used to rely on its proposal.

8 In a Statement of Reasons, you have to
9 demonstrate that each comment was considered, when,
10 and how. Those are details that if you are
11 considering inputs because you want to make the plans
12 workable, and you want the public to have confidence
13 in them, you have to lay out what the thinking --
14 internal thinking process was, how you resolved this
15 decision, and when and who was part of that process.

16 This task force report was five years ago.

17 And in our opinion, if there was ever a rulemaking
18 process that required careful consideration of
19 stakeholder comments, this is the one. Frankly, you
20 cannot create a plan that will work without the unique
21 and specific details and current issues of the
22 affected parties' daily lives.

23 They must be requested, thoroughly
24 evaluated, all issues addressed to satisfactory
25 conclusion, and buy-in from local responders and the

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1 affected parties. This is not an easy process. We
2 understand it's not an easy process. And this process
3 has to be made available to the public in a direct and
4 transparent and easily accessed way. I don't think
5 that has happened here.

6 I think we all know what's at stake. If
7 the affected parties don't believe the plans will
8 work, they are not going to follow them, are they? If
9 they don't follow them, your first responders and your
10 plan just simply is exactly what it is at this moment
11 -- a paper plan that is never going to work.

12 You've got to have buy-in, and the only
13 way you can have buy-in is if you really work in
14 detail with every single comment and respond
15 responsibly to it.

16 I think one of the things that I just
17 wanted to state is that when Seabrook was going
18 through the evaluation of the emergency planning
19 process, the Director of FEMA resigned because he
20 realized that the plans were not workable and could no
21 longer defend them.

22 We haven't forgotten that, and the plans
23 are still the plans that existed then. And your
24 rulemaking process has simply got to be accessible on
25 a -- it's not only accessibility; you have to really

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1 weigh in on the concerns that exist here, the traffic,
2 the details of the first responders' concerns and the
3 public's concerns. And if you don't address it
4 seriously, you will never have buy-in.

5 Thank you.

6 MR. LOCHBAUM: This is Dave Lochbaum
7 again. Thanks, Debbie.

8 It's Jim Riccio's turn at bat now.

9 MR. RICCIO: Thank you. I have given you
10 guys my opinions about rulemaking at the previous RIC
11 conferences and things of that sort. I think some of
12 the frustration you are hearing, both on the phones
13 and in this room, comes from basically the notion or
14 the perception that the NRC has for years been placing
15 production ahead of safety.

16 And part of that is based upon looking at
17 things like license renewal rules being worked through
18 very rapidly, and generic issues remaining on the
19 books for decades.

20 From a public perspective, process is
21 important. We have been frustrated that the agency
22 has failed to keep an arm's length distance from NEI.

23 I think separating the conjoined twins at NEI and NRC
24 would go a long way in improving public confidence.

25 When NEI is given first cut at SECY

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1 papers, when rules are changed based upon letters
2 after the comment period is over with based upon NEI's
3 input, things of that sort make the process laughable,
4 because basically we have participated and yet NEI
5 comes in at the last second and change an entire rule
6 based on a letter. Normally, you should be sued over
7 that.

8 We continue to work with this agency
9 because you are the only game in town. Unfortunately,
10 the agency and the industry have been driven seemingly
11 by two things. I reviewed several years' worth of
12 regulatory agendas before coming here today, and it
13 seems the two things that drive this agency's
14 rulemaking processes are either external events, like
15 9/11 or Davis-Besse or sleeping guards, or the NEI and
16 the industry's desire to reduce their costs.

17 The public I think would have a better
18 perception of the agency if we would see rulemakings
19 that enhance safety rather than merely reduce the
20 burden on the industry. The reason many of the
21 industry processes at this point are voluntary is
22 because they can't get through a cost-benefit
23 analysis, because there is no safety benefit to many
24 of the things this agency has been doing over the past
25 decade -- cost beneficial licensing actions, reduction

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1 of regulatory burden upon the industry. I can go
2 through a series of acronyms that hide the truth of
3 what has been doing on here over the last decade.

4 We know that there is going to be a new
5 President soon. We hope that that will be reflected
6 in the makeup of this agency as well. We hope that
7 with the change of administration this agency will be
8 more open to public input, and will be more available
9 for those people in the regions, as well as here in
10 suburban D.C., to engage you more often and to
11 actually ensure that nuclear doesn't pose an inimical
12 risk.

13 Those are my general comments. Thank you
14 for your time.

15 MR. LOCHBAUM: This is Dave again --
16 Lochbaum again. We also understand that silence
17 doesn't imply or mean consent.

18 Jim Warren, if you are still on the phone,
19 you are next.

20 (No response.)

21 Okay. Lisa Rainwater or Phillip Musegaas,
22 if you are on the phone, if you have --

23 MS. RAINWATER: Hi. This is Lisa. I'm
24 going to make a few comments, and then I think Phillip
25 is going to make some comments as well.

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1 First, I'd just like to say thanks for
2 hosting this rubric to share the concerns held by our
3 colleagues both in person at the meeting and on the
4 phone today, and there are a few things that we would
5 just like to highlight specifically of concern based
6 on the seven years now we have been working on Indian
7 Point, six and a half years on Indian Point.

8 And the first thing that we really want to
9 stress is that we want a rulemaking process that is
10 fair for all participants, not just for the industry.

11 And I think that the letter that David compiled shows
12 the very fact that oftentimes NGOs and the public need
13 to FOIA for documents in order to make responses to
14 comments specifically from, say, NEI, whereas various
15 e-mail correspondences that seem to suggest that NRC
16 staff is in fact seeking advice and comments from NEI
17 on any NGO comments.

18 So I think the first -- number one thing
19 is that we live in a democracy -- we all should have
20 fair access to our government officials, and we
21 should, likewise, have fair access to all of the
22 information that is being given to those government
23 officials.

24 Another -- one of our other points is easy
25 access to information. Some of this has already been

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1 stated, but I think many here today would agree that
2 to navigate the NRC's web-based interface, aka ADAMS,
3 is a byzantine maze that even the most adept have
4 difficulty in using.

5 For the countless hours that we at
6 Riverkeeper staff have lost getting through this
7 labyrinth, we support the Union of Concerned
8 Scientists' recommendations of a rulemaking system,
9 something that would greatly, greatly reduce the
10 limited staff time that we already have in terms of
11 time to track down documents.

12 And then, a major point is with regard to
13 a timeline protocol, which has already been shared a
14 bit. We have had our own experience with the Indian
15 Point nuclear reactor, and saw firsthand how
16 confounding the NRC's current process of reviewing the
17 2.802 petition truly is. There seems to be absolutely
18 no rhyme or reason as to how long a review process can
19 take, nor is there a definitely timeline for when a
20 decision has to be met.

21 And, you know, the news that hit most
22 recently, which has already been referred to, that the
23 NRC, you know, made a ruling on a petition that had
24 been submitted 32 years ago, and in an Associated
25 Press news report NRC spokesperson Eliot Brenner had

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1 the audacity to say, "No petition before its time."
2 And that is an absolute slap in the face to the public
3 who is waiting and waiting and hoping that this
4 federal agency that is charged by Congress to protect
5 our public health and safety and the environment has a
6 willy-nilly approach as to how long is too long before
7 they need to make a ruling.

8 And while this 32-year wait was not the
9 situation at Indian Point recently, there was an
10 extended amount of time before a decision was reached,
11 although with the NRC's rough guidelines of an 18- to
12 24-month process for a decision, and making reference
13 to the May 10, 2005, petition that was submitted by
14 Westchester County, to amend the rules for license
15 renewal of all nuclear powerplants.

16 Due to the timeliness of a decision,
17 Entergy had already announced its intent to apply for
18 a 20-year license extension. It's our opinion that
19 the NRC could have done a much better job on behalf of
20 the public than waiting for a final decision until
21 after the company has submitted its renewal process.

22 So we're looking at a May 10, 2005,
23 submission by Andrew Spano, who is a Westchester
24 County executive, and then Entergy filed their
25 relicensing application in April 2007, and then seven

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1 months later the NRC comes out and denies the county's
2 petition in December 2007.

3 To us, this doesn't make any sense when
4 the NRC already -- excuse me?

5 MS. LAMPERT: Lisa, excuse me. I
6 shouldn't have said, "Oh, it does make a lot of
7 sense."

8 MS. RAINWATER: Yes. Well, of course.

9 (Laughter.)

10 When the NRC already knows that a utility
11 or a corporation is seeking to submit a license
12 application, and a -- not even an NGO, they're
13 actually a local government, has submitted a petition
14 to change the relicensing criteria, and then it waits
15 the 18 months to come down with a ruling, is absurd to
16 us, and I think it is an impediment to the democratic
17 process.

18 And so what we're asking today, as
19 Riverkeeper, is that we have, as U.S. citizens, the
20 right to address issues with the Federal Government,
21 and all of our government officials, and to receive a
22 timely response. A 30-year wait or an 18-month wait
23 is unacceptable to hold hostage the concerns of
24 citizens.

25 We are requesting several things here.

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1 One is that the NRC develop a detailed description of
2 the decisionmaking process for 2.802 petitions that
3 includes the following -- a maximum time of 12 months
4 to reach a decision, required monthly updates to all
5 stakeholders as to where the NRC is in the review
6 process, and a devoted section on ADAMS for each 2.802
7 petition that includes all correspondences between NRC
8 staff, industry, stakeholders, in order that it is an
9 open and transparent process from beginning to end.

10 That's my comments. I'd like to turn it
11 over to my colleague, Phillip, to add his comments as
12 well.

13 FACILITATOR RAKOVAN: Before that happens
14 -- this is Lance -- I notice that Jake Zimmerman
15 wanted to say something. Jake?

16 MR. ZIMMERMAN: I'd just like to say that
17 I agree with your comments regarding how long it took
18 us to address those petitions. I, too, am aghast at
19 how long it took us to address that.

20 Something that we have embarked on over
21 the past year, and it's interesting that you indicate
22 12 months to come to a decision, we actually have
23 instituted within the past year performance metrics
24 for our groups, that we will resolve a petition -- in
25 other words, we will review the petition, and within

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1 12 months of noticing a petition for public comment,
2 we will come to a decision point where we will
3 determine whether are going to consider it in a future
4 rulemaking, or we're going to deny it.

5 We actually went back and looked at the
6 last eight years of petition data to see how we were
7 doing, and on average it was taking us about 18 months
8 to get to that point. We are now averaging 12 months
9 or less, all within a year.

10 We do owe it to you to get back to you in
11 a more timely manner. Internally, we are tracking
12 these, and we do have -- I come from License Renewal.

13 I was Branch Chief in License Renewal for audits and
14 for projects, so I'm very familiar with their website,
15 and also with the schedules and the milestones. And
16 we have internal schedules and milestones for
17 petitions. They have been in place since October, and
18 we are using them to drive these petitions to
19 resolution and closure, so that we get back to you in
20 a more timely manner.

21 MS. GRINNELL: Are those milestones
22 posted?

23 MR. ZIMMERMAN: No, they are not. But we
24 will consider your recommendation regarding that. I
25 personally don't have a problem with that, but I need

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1 to discuss this with my colleagues in FSME and also
2 Admin. But I think it's a reasonable request, and I'd
3 be willing to support it.

4 MR. CASE: This is Mike Case.

5 MS. GRINNELL: Your comment, Jake, just to
6 clarify -- so you're saying that you are already
7 seeking to make a final decision on a rulemaking
8 petition within 12 months.

9 MR. ZIMMERMAN: What happens is, within 12
10 months -- and we are actually in the process of
11 updating what we call our office instruction in NRR
12 about how we do all of our rulemaking processes -- and
13 this is expectations for the staff, and petitions is
14 handled -- is going to be handled in this office
15 instruction.

16 We have expectations that within 12 months
17 what the staff, the project manager, and the working
18 group members do -- and this is technical and legal
19 folks -- that they evaluate the petition, they
20 evaluate the public comments that were received, and
21 before that 12-month mark we convene a group of
22 managers to discuss whether we will accept this
23 petition for consideration in a future rulemaking or
24 we are going to deny the petition.

25 If the Board agrees with the

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1 recommendation, we then prepare a paper to the
2 Commission, and we have set a goal, and we are
3 tracking it, of providing that paper to the Commission
4 within three months of that Board meeting. And then,
5 it will be with the Commission, and however long the
6 Commission takes to review and vote and document their
7 decision, but we are clearly going after these and we
8 are going after old petitions.

9 And so the 32-year old petition, that was
10 a decision I made when it came up for an extension and
11 I said, "This is silly. Why is this still open?" And
12 so we spent the better part of the last year leading
13 up to closing that out looking through the regulatory
14 history on it and developing our basis to close it
15 out.

16 But I don't want to be here talking five
17 years from now saying we've got a 10-year old
18 petition. We intend to get these out and addressed in
19 a more timely manner, and right now I think we're up
20 to 1999. We're working the backlog off, and -- but at
21 the same time, new ones that come in, as of June of
22 '06, where we've instituted this new process of 12
23 months to Board meeting, three months to the
24 Commission.

25 MR. CASE: This is Mike Case. I just

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1 wanted to add on a little bit. Like Jake, I'm sort of
2 familiar with what I call the modern era of petitions,
3 where we actually try and get them done in a
4 reasonably timely way. And, you know, I just wanted
5 to remark on what I call the quality of the work that
6 undermines them.

7 You know, we assign them to a petition
8 manager, and generally they get the technical experts
9 together to do the petition. But they take these
10 petitions very seriously. You know, despite what you
11 might feel, they don't collude with other people to,
12 you know, try and influence license renewal at Indian
13 Point. They take on the issue straight up. They do a
14 lot of good technical work, a lot of good legal work,
15 and a lot of good policy work. Generally, it's
16 reflecting back on what has been the Commission
17 policies in the area.

18 But they really do invest quite a bit in
19 doing a real stand-up job on these petitions. And so,
20 you know, sometimes you don't see that work. You
21 know, I'm on the Petition Review Board, so we actually
22 -- you know, we -- they do all their work, and then we
23 ask them questions on how they arrived at that
24 conclusion. And believe me, they take these petitions
25 very seriously, and they put a lot of good, hard work

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1 into it.

2 MS. GRINNELL: Yes. But then, again, it
3 can't take longer than reviewing a license for license
4 extension.

5 MR. CASE: Right.

6 MS. LAMPERT: And my other question, I
7 guess to follow up, is if you've just indicated that
8 there's many things that we're not seeing in their
9 review process, shouldn't that be part of a fair and
10 open transparent process that we should see all of
11 those documents? We, for example, supported Andy
12 Spano's petition to change licensing criteria. And
13 we've never seen any of the rationale in terms of
14 working papers and documents that substantiated the
15 Commission's decision to reject that petition.

16 MR. CASE: It all goes in the Federal
17 Register notice. You see everything. There is no
18 other -- there is not large studies that underpin
19 them. You see most of it in the SECY paper and the
20 Federal Register notice.

21 MR. LESSAR: This is Mike Lessar. As part
22 of the petition review process -- and let me just as
23 an aside say that I, too, have been involved in this
24 for two and a half decades --

25 MS. GRINNELL: I'm sorry. I'm having a

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1 very hard time hearing you.

2 MR. LESSAR: I'm sorry. Mike Lessar. In
3 the petition review process, I have been involved in
4 this in one way or another in two and a half decades
5 myself. And in the last eight years, I think we've
6 come a long way toward being more receptive, more
7 responsive, and handling these things in a more
8 professional, quicker fashion.

9 The dockets that are established on
10 regulations.gov are petitions for rulemaking include
11 all the printed materials that are developed and
12 supported and issued for a particular rule. The
13 evaluation that is published in the FRN that responds
14 to the individual petition, the closure process,
15 should and does exhibit the rationale for what we
16 considered and how we considered it.

17 FACILITATOR RAKOVAN: I am going to step
18 in here. This is Lance. We've been hearing the NRC
19 talk a lot of our meeting, and we're supposed to be
20 listening to the NGOs. And according to my agenda, we
21 are due for a short -- just kind of opening up the
22 meeting to public participation, and then to take a
23 break. I just wanted to kind of throw it out there to
24 see if we wanted to continue on, or whether we really
25 wanted to take a short break. David, do you have a

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1 feel for that, or --

2 MR. LOCHBAUM: A break is fine.

3 FACILITATOR RAKOVAN: Okay. I'm going to
4 -- I don't think anyone is here except for NRC staff.

5 But given that this is a Category 2 public meeting,
6 I'm going to open the floor now, if there is any other
7 public participants besides the ones that we have
8 scheduled to discuss, if they have anything to say at
9 this point?

10 (No response.)

11 Okay. Seeing none, let's go ahead and
12 take, well, I'll say a five-minute break. And then,
13 I'll say let's get started at 2:30, because a five-
14 minute break is never a five-minute break.

15 (Whereupon, the proceedings in the foregoing matter
16 went off the record at 2:16 p.m. and went
17 back on the record at 2:29 p.m.)

18 FACILITATOR RAKOVAN: Okay. This is Lance
19 Rakovan again. I think we're going to go ahead and
20 get started.

21 If I could remind everyone again, since
22 we're coming back from the break, both on the phone
23 and here just to let us know who you are when you
24 speak. It's been pretty easy to follow the
25 conversation since we have been kind of going person

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1 by person, but when people have interjected sometimes
2 it's difficult to know who they are.

3 So, again, if you could just remember,
4 identify yourselves when you speak, then we can keep a
5 clean transcript. And also, the people on the phone
6 or here can also know who is speaking.

7 With that, I'll turn things back over to
8 Dave, and I think we are going to go to Phil.

9 MR. LOCHBAUM: Yes. This is Dave
10 Lochbaum. Phillip, are you ready?

11 MR. MUSEGAAS: Sure. Thanks, David. I
12 just have a -- you know, Lisa covered most of our
13 comments, so I have just a couple of things to comment
14 on. And I wanted to just respond very quickly to the
15 NRC staffer -- I missed his name, I apologize -- he
16 was talking about the level of review that they accord
17 to the petitions for rulemaking.

18 I just -- you know, with all due respect,
19 I think that in the case of Westchester County
20 Executive Spano's rulemaking petition regarding the
21 relicensing regulations, you know, the whole petition
22 was about six pages long. It cited some factual
23 documents, but it was basically I think a legal and
24 factual argument that I find it hard to believe it
25 takes the NRC two and a half years to figure out.

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1 So, you know, I would hope on the
2 technical rulemakings that they are doing the in-depth
3 technical and regulatory analysis. I don't know. But
4 on rulemakings that are mainly based on legal and
5 factual situations, I just don't have that confidence.

6 And I just, on a more positive note,
7 wanted to make a comment going back to what Jim Riccio
8 said regarding the GPO website. There is a way on
9 that website that you can basically sign up for a
10 ListServe that will have the table of contents of the
11 daily Federal Register notices e-mailed to you. I
12 would recommend anyone that is still listening to me
13 to look into that and to do it because it's very
14 useful.

15 You get a very simple e-mail with a table
16 of contents listed with links to pdf versions of those
17 sections of the Federal Register. It goes by agency.

18 So if you're only interested in the NRC, you can
19 right to the NRC section, look at what they have
20 posted for that day, and respond to that.

21 So one more just quick comment regarding
22 the timeliness of rulemakings and a general process
23 comment. Riverkeeper has been involved with this kind
24 of ongoing -- well, I don't think it's actually to a
25 rulemaking yet, but kind of the ongoing discussions

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1 about emergency planning that I think for us started
2 in August 2005 at a meeting in Washington.

3 In May 2006, there was a smaller meeting
4 between several NGO groups, including Union of
5 Concerned Scientists, Greenpeace, NIRS, and Pilgrim
6 Watch. Again, in Washington, you know, that
7 apparently was designed to collect our input on
8 potential improvements to the emergency planning
9 regulations.

10 That was two years ago. There has been
11 some fits and starts from the agency as to continuing
12 that process, but there is really no -- you know,
13 there is nowhere to check as far as, you know, where
14 the agency is at in terms of preparing for a
15 rulemaking. And it's very hard from an NGO,
16 stakeholder, petitioner's point of view to know if
17 this process is still going on or if it will ever come
18 to any conclusion.

19 I just think it's too long. You know, if
20 there is a -- if there is a process where they are
21 collecting input from stakeholders ahead of an actual
22 rulemaking, that's great. But there has to be follow-
23 up to tell us, you know, is this rulemaking still
24 going forward? What is it going to look like? And,
25 you know, what kind of timeframe is the agency working

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1 in?

2 So that's all I have. I thank you for
3 giving us this opportunity to make comments and giving
4 us the time. And hopefully it will be constructive.

5 MR. LOCHBAUM: This is Dave Lochbaum.
6 Thanks, Phillip.

7 Has Jim Warren rejoined the meeting?

8 (No response.)

9 If not, then I'll go to my own comments.
10 I was -- as Jake indicated in his opening remarks, I
11 was at that session when it was -- became obvious to
12 all parties that there was a difference of opinion or
13 perspective on the rulemaking effort. And I also note
14 that both parties were sincere. We thought --
15 sincerely thought there were problems with it, and the
16 NRC staff sincerely thought that it was a good
17 process.

18 So I welcome today's meeting as the way to
19 figure out why those difference in perspectives came
20 about and try to resolve, so we don't -- we may end up
21 with disagreement in the future, but not the
22 perception gap that we had that was evidenced by that
23 session.

24 A lot of the issues that I have today have
25 already been covered, so I'll try not to do too much

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1 duplication. I also need to point out that I've been
2 shown regulations.gov and have gone there, but I
3 haven't exercised that much, so I don't know fully
4 what it can and can't do, because I just haven't been
5 there. So that's some homework I need to do.

6 But a couple of questions related to that
7 is: when does a docket file open in regulations.gov?

8 It's our understanding, if you go back to the slide
9 showing the chart and the various phases, that it's
10 not early on, it's not -- you know, it's not in that
11 second box. It's later in the process. So that if
12 that's the case, then it becomes difficult for
13 somebody to come in midstream and come up to speed on
14 something.

15 MR. LESSAR: The docket is opened on
16 regs.gov when there is actually something to put in
17 it. So until there is a -- some kind of a product,
18 either a petition submitted or the -- possibly a
19 public request for comment in advance, I mean, on a
20 developing tech basis or a public meeting, there has
21 to be a trigger to get that docket established.

22 FACILITATOR RAKOVAN: Thank you, Mike
23 Lessar.

24 MR. LESSAR: Sorry.

25 MR. LOCHBAUM: I'll have to look at that

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1 to see if that -- the docket file may answer the first
2 recommendation we had for rulemaking tags. What I've
3 been trying to do through ADAMS and the website so far
4 when a question comes up about a rulemaking is try to
5 find out what the history has been, and it's very
6 difficult to find out what the record has been on a
7 rulemaking. Maybe regulations.gov and the docket file
8 will answer that for me, but the non-regulations.gov
9 stuff just doesn't provide that pathway.

10 MR. ZIMMERMAN: This is Jake Zimmerman.
11 As you are learning the capability of regulations.gov,
12 we are, too. And, in fact, we have a docket that was
13 just opened on I think it was 50.46 that Dick Dudley
14 is the Project Manager for, where we've got a
15 technical basis that we want to put out for comment
16 and get some dialogue going.

17 What we'd like to do in rulemaking is
18 we've started now this past year to project manage the
19 technical basis development all the way through the
20 implementation. In the past, the technical basis
21 development was done in security in NSIR. If it was a
22 technical issue in NRR, it was done in that particular
23 division, and then it was sent to the project
24 managers.

25 We are now getting involved in the

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1 technical basis development. So as soon as somebody
2 has -- whether it's a staff-initiated rulemaking,
3 whether it's a Commission direction, whether it's a
4 petition, we've got a project manager assigned to
5 that. And what we're finding is that the early
6 engagement of the process owners has I think helped
7 those offices, most recently the ERDS rulemaking, the
8 emergency response data system -- I think that's the
9 right acronym -- yes, the ERDS system.

10 We had a public meeting, I believe it was
11 back in March, to discuss that, and that actually was
12 at the prompting of our project manager, Mark Padovan,
13 to gauge external stakeholders' interest, that here is
14 what we're thinking, and to get some of that dialogue
15 going. In fact, it has caused NSIR to rethink their
16 technical basis, and go back kind of to the drawing
17 board, so to speak.

18 So we're trying to do a better job of
19 engaging, you know, internally, and then using
20 regulations.gov. I want to establish dockets as early
21 as we can, and then use those to track the regulatory
22 history of that decision. So if we have a meeting
23 that's coming up, the meeting notice will be on there.

24 If we have a meeting summary, it will be listed
25 there.

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1 If we have an additional document that is
2 going to be out for comment that we want to engage you
3 on, it's going to be in that docket. And if
4 regulations.gov does have the capability to e-mail you
5 on a particular docket, if you can sign up for a
6 docket, you know, we are going to look into that.
7 We're hoping that it does, and you can in fact stay
8 more informed in a more timely manner on when these
9 documents before available.

10 MR. LOCHBAUM: We appreciate that.

11 We have also -- from past participation in
12 various rulemaking activities, it is always difficult
13 for me to figure out where the NRC is in this multi-
14 phase, multi-year process on any specific meeting.
15 The ones toward the beginning and the ones toward the
16 end are a little bit easier to figure out. But those
17 in the middle, it's really hard to figure out exactly
18 where the NRC is when a public meeting on a rulemaking
19 is to be discussed.

20 So it might help to maybe even put a chart
21 or reference we're at this phase, so it would help
22 people make a decision whether to attend the meeting
23 or not to know whether there is a long history that
24 they need to do some homework on or this is the first
25 meeting ever. So that might help.

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1 It is also -- some of the meeting notices
2 themselves -- and this is a broader issue than just in
3 rulemaking space -- but some of the rulemaking meeting
4 notices are vague, to be charitable. I recall one
5 that said the purpose of the meeting was to discuss
6 items of mutual interest, which was great. Didn't we
7 say that for this meeting?

8 (Laughter)

9 It was kind of assumed that you weren't
10 abducting people at gunpoint to talk on these issues.

11 But a little more detail about what specific --
12 because here is what -- it's not a great loss. But
13 for some of the folks -- like Rochelle and others --
14 it's a bigger commitment if they want to attend the
15 meeting. So the down side of making a mistake in that
16 judgment is larger.

17 So the more information the NRC can
18 provide the more likely -- the better informed
19 decisions people can make. Again, that's a broader
20 issue than just rulemaking, but it would help
21 rulemaking as well.

22 As I indicated in the written comments we
23 provided, I appreciated the templates that Jake
24 suggested for how to provide some website information.

25 Those ideas that you suggested to the license renewal

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1 rulemaking were helpful. Just something to help us
2 figure out where -- what rulemakings are going on and
3 where a -- to find the status of a current -- to
4 harken back to the comment that Phil made about where
5 are we now. We've had some meetings. There has been
6 a passage of time. What's -- is it all over, or is
7 there -- is there a next step coming? That would be
8 helpful.

9 Also, talked about the rulemaking players.

10 You talked about the ERDS solicitation. I believe I
11 was contacted to see if I wanted to come to that,
12 because I also recognize the NRC staff has a hard time
13 figuring out who might be interested on the public
14 side in an issue. And that's a very difficult
15 challenge. That's why we suggested, as a straw man,
16 the ability for us to -- here's the topics that
17 interest us. If you're doing a rulemaking, we'd like
18 to know about it.

19 But, again, regulations.gov might also
20 provide that answer. We need to look at that and see
21 if that answers that question.

22 I also pointed out many people have
23 already said that rulemakings receipts -- when the
24 public does attend a meeting or provides -- submits
25 comments, it would be great to know what the final

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1 decision on that is. You know, a lot of times it
2 looks like it could just -- could have just sent it to
3 the wrong address.

4 There is no indication whatsoever that it
5 was received, agreed with, or disagreed with, or
6 whatever. I mean, there's got to be some indication
7 that -- for all the time and effort we've put into it
8 that it -- agreement would be great, but at least
9 acknowledgement and some indication of what -- why the
10 recommendations weren't incorporated into the final
11 rule would be nice. But, again, many other speakers
12 have said that, and we agree with that fully.

13 Several people have already commented on
14 the rulemaking access equity. We are not necessarily
15 saying we need to -- the same frequency and nature as
16 the industry, but a narrowing of that gap between the
17 industry getting to know about things very early on
18 and very quickly and us having to find it through
19 FOIAs. That's too wide a gap.

20 And the last comment I recognize is one
21 that you have absolutely no control over, but we'll
22 throw it out anyway, is the rulemaking integrity.
23 This whole thing gets killed when, at the end, the
24 industry can drop in on the Commissioners and rewrite
25 the rule behind closed doors. If that continues to

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1 happen, this is all a waste of time on all of our
2 parts.

3 But I also realize that you can't control
4 their doors, and we can't either. But that -- you
5 know, you could send a message to them to knock that
6 off, or at least cut down on it, that would be great.

7 Thank you.

8 FACILITATOR RAKOVAN: This is Lance.
9 Thanks, Dave.

10 I wanted to just see if any of the people
11 who we are scheduled to speak with today have anything
12 else that they want to throw out there at this time,
13 including just in case Jim Warren has joined us on the
14 phones.

15 MS. BECKER: This is Rochelle Becker, and
16 I was just wondering when the transcript is going to
17 be available from this meeting.

18 FACILITATOR RAKOVAN: I'm going to guess
19 that that's part of what Jake will be going over after
20 the meeting. But the look on his face now tells me
21 that he's not entirely sure. So, Jake, do you have --

22 MR. ZIMMERMAN: As quick as we can. I'm
23 not sure how long it will take. I'm looking at the
24 transcriber.

25 MS. BECKER: Less than a month?

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1 PARTICIPANT: Oh, yes. Absolutely.

2 FACILITATOR RAKOVAN: This is Lance.
3 Common times would be that we would have it within a
4 week. And I don't see any reason, given the number of
5 people, that we couldn't e-mail it directly to you.

6 MS. BECKER: That would be great. Thank
7 you.

8 MR. RICCIO: I just have -- this is Jim
9 Riccio with Greenpeace. I just have one comment.
10 When -- the last time I spoke with the agency about
11 rulemaking was a couple of years ago at the RIC. And
12 I remember that the only place where the industry and
13 I agreed was that you should make greater use of
14 advanced notices of proposed rulemaking.

15 That would basically front load your
16 reg.gov site. It would give an opportunity for the
17 public to learn early where you're heading, and before
18 they have to quickly turn around and have to submit
19 comments where they can get up to speed on where the
20 agency is, where the industry is, what the history of
21 the rule has been, and, again, provide a greater
22 opportunity for public comment.

23 FACILITATOR RAKOVAN: Any additional
24 comments from the group?

25 (No response.)

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1 Okay. Before I turn things over to Jake
2 to close out the meeting, again, since this is a
3 Category 2 public meeting, I'd like to open the floor
4 up, in case there are any public comments at this
5 time.

6 (No response.)

7 Seeing none, Jake, would you like to close
8 out the meeting?

9 MR. ZIMMERMAN: I would just like to thank
10 those of you participating here at headquarters, and,
11 again, those of you on the phone. We really do
12 appreciate the time and effort that you put into --
13 David, into coordinating this meeting, and all of you
14 that participate. And I want you to know that we do
15 intend to take these recommendations very seriously.
16 We will look into them.

17 What I'd like to -- again, what we'll
18 commit to do is to get back to you as to how we are
19 going to deal with the recommendations. Is it
20 something we can maybe just accept and here's how
21 we're going to implement it? Or is there something
22 else we can do? Or can we just not do it?

23 We might need some clarification, and, you
24 know, when we walk out of here and we -- and we read
25 the transcript, and we try to -- you know, maybe David

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1 and Lauren and I can get on the phone and we can talk
2 about the transcripts, and then what are -- you know,
3 if there's top ten issues or something like that, that
4 we want to focus on, then that's what we'll do, and
5 then we'll go after those issues and see if we can
6 address them.

7 We're obviously going to have to interact
8 with other folks that aren't here, namely like OIS,
9 because I think one of the big comments is the website
10 and the way that's structured. We recognize that, and
11 it's something we definitely want to improve on.

12 I really would like you all to have access
13 to this information. If I were king, it would be on
14 our website, you'd have the rulemakings, you'd have
15 the status, you'd have our schedules, and you would
16 have a way to keep informed. And so I'm committed to
17 seeing that through, and whether that's through
18 regulations.gov or whether that's through enhancements
19 to our website, I think our website can be improved as
20 far as our guidance.

21 If when you leave this meeting you have
22 ideas for how our website can be improved or, you
23 know, David, I would even be interested in having a
24 meeting with you or anybody else, if you want to walk
25 me through the pain that you're having, even if you

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1 want to call me on the phone and say, "Hey, Jake, go
2 to nrc.gov. Here's what I have to do to find out
3 about rulemaking." Okay? "Look at all of these dead
4 links."

5 For those of you on the phone, my phone
6 number is (301) 415-1220.

7 MR. LOCHBAUM: For us in the room, what is
8 your phone number?

9 (Laughter.)

10 MR. ZIMMERMAN: I'll give you my card.

11 And if you have any questions in general
12 on the rulemakings that are going on at NRR, please
13 don't hesitate to call me, our project managers. If I
14 don't know the answer, we'll put you in touch with
15 somebody that does.

16 And we really are trying to do a better
17 job of communicating with you, looking for
18 opportunities to engage you, because, again, going
19 back to the last slide from Lauren's presentation, you
20 know, the more diverse views that we get, I think at
21 the end of the day we are going to have a better
22 product.

23 So, again, I appreciate all the time and
24 effort you put into this. And looking forward to
25 continuing dialogue and addressing these issues. So

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1 thanks.

2 MS. GRINNELL: Excuse me. Hello?

3 FACILITATOR RAKOVAN: Yes?

4 MS. GRINNELL: In the wrap-up here, I
5 think what is still concerning is that what I'm not
6 hearing, what I'm hearing is the tools that you are
7 going to use to make sure that we know what the
8 decisions --

9 FACILITATOR RAKOVAN: I'm sorry. Who is
10 speaking, please?

11 MS. GRINNELL: It's Debbie Grinnell with
12 the C-10 Foundation. I think what, in the wrap-up, we
13 needed to hear is the -- your rationale, and the
14 internal process of evaluating the issues brought
15 forward in the comments, in the public comments, is
16 the information that we want access to.

17 We want to know how you're processing this
18 assessment. What are you doing in the process of
19 assessing your decisions? And that's still not what
20 I'm hearing from NRC staff today.

21 MR. ZIMMERMAN: I guess I'm not clear what
22 it is you're asking. Do you mean how we go about
23 deliberating on the issues that you present?

24 MS. GRINNELL: Yes. I mean, I'm hearing
25 that you're going to make your decisions, you know,

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1 accessible to us. And what I'm asking is that the
2 internal discussion about the individual issues that
3 we are raising needs to be transparent. We need to
4 see the thinking process.

5 MR. BENOWITZ: This is Howard Benowitz
6 with OGC. Leading up to the -- a proposed rule
7 issuance, there will be -- you know, when we receive
8 comments from the public, in the proposed rule, in the
9 Statements of Consideration, the supplementary
10 information, we present the -- if it's a change to our
11 current rules, we present what the changes are, why
12 we're -- and why we're changing them, and we should in
13 the future -- I mean, we must present the comments
14 that we have received, even in the ANPR, the advance
15 notice, time period, the tech basis development
16 period, address those comments and why we did or did
17 not make a change or revise or regulations pursuant to
18 those comments.

19 Is that the internal deliberation that
20 you're looking for? You want to see, you know, the
21 rationale behind it. That should be in the Statements
22 of Consideration of the proposed rule for the comments
23 that we have received up to that point, and then the
24 final rule -- there is a public comment analysis
25 document accompanying the final rule.

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1 FACILITATOR RAKOVAN: Does that answer
2 your -- does that address your question? This is
3 Lance.

4 MS. GRINNELL: Yes. Thanks.

5 FACILITATOR RAKOVAN: Okay. Having said
6 that, I think I'll call the meeting to a close.
7 Thanks for participating.

8 (Whereupon, at 2:52 p.m., the proceedings in the
9 foregoing matter were concluded.)

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