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 Comments on Emergency
 Preparedness

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Pages 1-12

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING TO DISCUSS COMMENTS

ON EMERGENCY PREPAREDNESS

+ + + + +

DRAFT PRELIMINARY RULE LANGUAGE

+ + + + +

Tuesday, July 8, 2008

The public meeting came to order at 1:00 p.m. in
Room 1G16 of White Flint One, Rockville, Maryland.
Lance Rakovan, facilitator, presiding.

PRESENT:

LANCE RAKOVAN FACILITATOR

CHRIS MILLERNSIR/DPR

KATHRYN BROCKNSIR/DPR

CHRIS FIOREFEMA

HOWARD BENOWITZ OFFICE OF GENERAL COUNSEL

RANDY EASTON PENNSYLVANIA BUREAU OF RADIATION
PROTECTION

PAUL GUNTER BEYOND NUCLEAR

MARTY HUG NUCLEAR ENERGY INSTITUTE

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P R O C E E D I N G S

(1:02:26 p.m.)

1
2
3
4 MR. MILLER: Okay. We'll go ahead and get
5 started. My name is Chris Miller. I'm the Deputy
6 Director for Emergency Preparedness in our Office of
7 Nuclear Security and Incident Response, and I just
8 want to welcome everyone who is participating in this
9 meeting, both on the phone, and out in the audience,
10 and around the table.

11 We'll go through some introductions, but
12 before we do, can I just get -- do we have people --
13 can you hear us on the phone?

14 MS. ZAWALICK: Yes, loud and clear. This
15 is Maureen Zawalick from California, Diablo Canyon.
16 So we can hear you out here.

17 MR. MILLER: Great. Okay. First of all,
18 again, thank you. I think we're here in this meeting
19 to discuss the comments on the Emergency Preparedness
20 Draft Preliminary Rule Language. And I think
21 everybody here has an interest in how we do emergency
22 preparedness, and ways we can improve that across the
23 industry, throughout the states, and the local
24 communities around the power plants, and in the power
25 plants themselves.

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1 We feel that emergency preparedness is a
2 very strong, important part of protecting public
3 health and safety in the vicinity of nuclear power
4 plants. I've got some prepared remarks. I'll
5 probably read straight from them, that'll make Kathryn
6 nervous a little bit. But before I do, let's go
7 around and do some introductions.

8 I told you who I was, and we'll start the
9 chain around to the right at our table. I have
10 Kathryn Brock, who's my Branch Chief.

11 MS. BROCK: I'm the Acting Branch Chief,
12 working for Chris, but my real job is Team Leader for
13 Regulatory Improvements, which means I'm leading up
14 the effort to do the enhancement to the regulations
15 and guidance for emergency preparedness.

16 MR. MILLER: Go ahead, Paul.

17 MR. GUNTER: My name is Paul Gunter. I'm
18 Director of the Reactor Oversight Project with Beyond
19 Nuclear at the Nuclear Policy Research Institute.

20 MR. EASTON: I'm Randy Easton with the
21 Pennsylvania Department of Environmental Protection,
22 Emergency Response Section.

23 MR. HUG: I'm Marty Hug with the Nuclear
24 Energy Institute in Emergency Preparedness area.

25 MR. FIORE: I'm Craig Fiore. I'm the

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1 Deputy of the Radiological Emergency Preparedness
2 Branch at FEMA Headquarters.

3 MR. BENOWITZ: This is Howard Benowitz
4 from the Office of General Counsel in the Rulemaking
5 Division.

6 MR. MILLER: Okay. And let me just -- as
7 we go a little bit further, we'll explain why the
8 people who are at the table were introducing
9 themselves, and why we have the meeting set up the way
10 we have it.

11 Let me just go into just a little bit of
12 history. After September 11th, the NRC Staff conducted
13 a review of the Emergency Preparedness Regulations and
14 Guidance, and determined that although the program
15 remains protective of public health and safety, there
16 are some enhancements that can be made. We found that
17 both in our review, and comments from stakeholders
18 across the country from all aspects.

19 The Commission directed the Staff to begin
20 rulemaking on several Emergency Preparedness issues,
21 and we ranked those issues in priorities. And we came
22 up with a list of 11 different issues that we're going
23 to be tackling with this current rulemaking.

24 One of the things, and I'll stray from my
25 prepared comments now, but I've been in this position

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1 for about a year, and I can tell you that I was very
2 impressed in my time here, and they haven't let me
3 down yet. My staff is very committed to a couple of
4 things that I think are important in Emergency
5 Preparedness. One is openness, and they want to make
6 sure that all our stakeholders understand what we're
7 doing. We're not trying to do anything behind closed
8 doors, or in secret. This is an open process, and
9 you'll find that some of the actions that Kathryn and
10 her staff have taken have really helped to keep that
11 an open process, and opened it even further in some
12 cases.

13 The second thing is that we believe in
14 early feedback from a wide variety of stakeholders.
15 We want to hear from the state and local governments,
16 we want to hear from outside entities. We want to
17 hear from the industry, because everybody has a stake
18 in Emergency Preparedness. We feel that's very
19 important, so with the diversity we get, we want to
20 hear those comments. And we took actions early on to
21 share what the staff is thinking in a draft guidance
22 format, put it up on regulations.gov so we could share
23 that with our stakeholders. And then we're having a
24 series of communications, meetings, et cetera, to help
25 get the word out what we're doing, and then to offer a

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1 forum for our stakeholders to get that information and
2 their feedback back to us.

3 I think that's very important. I found my
4 staff to be very committed to that, and I'm very
5 committed to it, so if you see us diverting from a
6 path in that direction let me know.

7 So in line with that, we had a meeting on
8 March 5th to discuss staff direction on the proposed
9 rulemaking. And we went over the details of what the
10 preliminary draft rule language would look like, and
11 we encouraged our stakeholders to submit comments to
12 us.

13 Following that meeting, we opened up a
14 period on regulations.gov where stakeholders could
15 send us comments. We took those comments, and we got
16 several requests to have -- let's have a meeting to
17 discuss those comments, so that's really where we're
18 getting to. It's the intent and purpose of this
19 meeting today is to say we've got some comments from
20 various stakeholders. Now we want to have a meeting
21 which discusses those comments, and the direction that
22 we may be going as a result of those comments; which
23 gets me back to our speakers around the table.

24 The speakers who are around the table are
25 representative of stakeholders that have given us

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1 comments. We're going to hear from the Nuclear Energy
2 Institute, Marty Hug. And they provided some comments
3 on our rulemaking language. State of Pennsylvania has
4 given us some good feedback and comments throughout
5 the process, and Randy Easton is going to be
6 representing the State of Pennsylvania in their voice
7 on our rulemaking.

8 And Paul Gunter, also representing our
9 stakeholders, not from the industry, but from non-
10 governmental organizations. And let me just say a
11 couple of words there. That's another area where
12 we're reaching out. I think we're trying to make sure
13 that all our stakeholders are able to submit comments.

14 And we're trying to be able to hear those
15 stakeholders in convenient locations, and meetings,
16 and communication forums across the country really.
17 So you'll see an effort where we're going to offer
18 some more opportunities there, once again, in the
19 spirit of openness, in the spirit of we want to hear
20 from you, so Paul has agreed to come and represent
21 some of the non-governmental organizations, and we
22 thank him for coming.

23 I don't want to forget Craig Fiore over
24 here. During this process, of course, the NRC
25 realized that you can't discuss rulemaking for on-site

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1 organizations without discussing how it affects the
2 off-site organizations. And we've been working in a
3 partnership with FEMA to insure that our guidance and
4 rulemaking align, so that when we come out of this
5 rulemaking process in 2010, that our guidance with the
6 NRC, and our rules and regulations with the NRC match
7 up with the rules the FEMA has, and the guidance that
8 FEMA has. And so, while FEMA is not sponsoring this
9 meeting, Craig thought it would be beneficial, and we
10 agreed that it would be beneficial for him to hear
11 what the communication is, and be able to understand
12 what some comments are coming out of this meeting. So
13 we thank you. Craig, go ahead.

14 MR. FIORE: I just wanted to thank the NRC
15 for the opportunity to participate in this public
16 meeting. FEMA is also taking a similar approach with
17 our revisions to our rep program manual, and our
18 guidance, where we want to really be as transparent as
19 possible during this entire process. And we really
20 want to extend multiple opportunities to our
21 stakeholders to provide feedback.

22 MS. ZAWALICK: We cannot hear Craig on the
23 phone.

24 MR. FIORE: Okay. I just didn't have the
25 microphone close enough. Is that better? Can you

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1 hear me now?

2 MS. ZAWALICK: A little bit.

3 MR. FIORE: Okay. Is that any better?

4 MS. ZAWALICK: Yes.

5 MR. FIORE: Okay. Great. No, all I was
6 mentioning was that FEMA is also taking a similar
7 approach as the NRC is, where we are trying to be as
8 transparent as possible as we proceed down the path of
9 revising our guidance, and updating, revising our rep
10 program manual.

11 Also important to the agency to reach out
12 in as many forums and opportunities as possible to
13 solicit feedback from our stakeholders as we proceed
14 down this path. So I thank the NRC, again, for the
15 opportunity to participate today in this public
16 meeting, and I look forward to hearing the
17 discussions, and hearing the comments from the
18 audience. Thank you.

19 MR. MILLER: Thank you, Craig. I want to
20 acknowledge a couple of other people that are helping
21 out in this effort, and then I'm going to turn it over
22 to our moderator, Lance Rakovan, who I also want to
23 thank for helping us out.

24 Howard Benowitz has been helping us as a
25 staff, Office of General Counsel lawyer, and has been

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1 working with us through the rulemaking process. And
2 we really appreciate his effort. He's at the table
3 with us. We also have our staff experts who have been
4 working on this rulemaking package for quite some
5 time. And, actually, their experience goes way back
6 in history on EP, so we have a lot of experience
7 working on this for us. Randy Sullivan, Don
8 Tailleart, Jeff Laughlin, and Steve LaVie are all
9 either here or on the phone, and able to answer
10 questions as we go through.

11 Also want to acknowledge the efforts of
12 NRR. Of course, the Office of Nuclear Security
13 Incident Response doesn't do rulemaking on their own,
14 and that comes out through our Office of Nuclear
15 Reactor Regulation. And those folks have been very
16 helpful to us, so I just want to acknowledge their
17 efforts, because we couldn't put this together without
18 them.

19 With that being said, I'd like to turn it
20 over to Lance Rakovan, who's going to go over some of
21 our ground rules, et cetera. Thanks, Lance.

22 MR. RAKOVAN: Thanks, Chris. One of the
23 things that I wanted to make sure, and thank you for
24 whoever that was on the phone who stepped in, was that
25 everybody who's participating in today's meeting can

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1 hear, so if at some point during the meeting,
2 especially those of you who are on the phone, if you
3 can't hear, please pipe up like you did before and let
4 us know. I'm going to ask those of us who are here to
5 make sure that they use the microphones, make sure
6 that they're close to your mouth, and also make sure
7 that you identify who you are each time you talk, and
8 that way the people on the phone have a better idea as
9 to who's saying what, and can actually, hopefully,
10 understand and hear us.

11 Again, as Chris was saying, the focus here
12 today is primarily to refine comments that we've
13 received. And this is going to be Category 2 Public
14 Meeting, by NRC's definition. And what that means is
15 we've got a primary group of stakeholders that we're
16 looking to interact with, and those would be the
17 gentlemen sitting at the table. So just to give you
18 an idea of what we're going to do here today, we're
19 going to have about a half an hour or so set aside for
20 each of the three gentlemen who are seated here to
21 have them go over their comments, and we can ask and
22 kind of have some discussion with them.

23 Given that they are the primary people who
24 we want to speak with, we're going to try to keep the
25 focus on them, so if there's people in the audience

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1 who have questions, or who want to chime into the
2 conversation, we're going to ask that you hold those
3 conversations or topics until the end when we have
4 public participation.

5 Now, having said that, if the people at
6 the table have something that they would like to get
7 some support on, or submit some additional information
8 from, there's nothing wrong with you turning and
9 looking to somebody else. But we're trying to keep
10 the focus here primarily with the people who are
11 seated at the table, so just to let you know.

12 Again, if you are on the phones, if you
13 guys could keep your phones on mute when you're not
14 participating that'll help us keep the noise level
15 down. The other thing that, of course, will help us
16 keep the noise level down in the room is if you have
17 cell phones or any other electronic devices, if you
18 could turn those off, or put those on mute at this
19 time.

20 I wanted to go through and see who we have
21 on the phone with us real quick, so if you're on the
22 phone, if we could do a quick roll call, please.

23 MR. TAILLEART: This is Don Tailleart.
24 I'm from the NRC. I work in the group involved with
25 regulatory improvements and the rulemaking.

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1 MS. ZAWALICK: This is Maureen Zawalick
2 from Pacific Gas & Electric, Diablo Canyon Power
3 Plant, and I'm also a member of the NEI EP Rulemaking
4 Task Force, specifically in the Q54 Quebec area.

5 MS. KUHR: Tina Kuhr, Duke Energy,
6 Corporate EP.

7 MR. KEMPER: Hello. This is Keith Kemper.
8 I'm the Director of Emergency Preparedness for
9 Exelon, and I'm also on the NEI Rulemaking Task Force.

10 MR. RAKOVAN: Anyone else on the phone
11 line? Okay. Thank you. We are transcribing today's
12 meeting, so that's another reason why it's very
13 important that you use a microphone if you're going to
14 speak. For the people seated at the table, that
15 shouldn't be a problem. When we go out to the more
16 open part of the meeting, or if there's discussion,
17 I've got the handheld here that I can bring out into
18 the audience, or we do have the podium mic here to
19 make sure that everybody is speaking in a microphone.

20 Hopefully, that will also help us make sure that
21 there's only one person speaking at a time. Again,
22 that allows us to get a clean transcript, so we can
23 tell who's talking, and we only have one person
24 talking, so people aren't talking over each other.

25 When you came in the room, hopefully you

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1 signed into one of the sign-in sheets, grabbed the
2 presentations that were sitting there, and also
3 grabbed a public meeting feedback form. For those of
4 you who were here early, I know some of the slides
5 weren't exactly complete. We do have complete
6 versions of the slides at this point, so I can
7 probably bring them around while the first speaker is
8 speaking just in case you want to grab some. If you
9 didn't have a chance to sign the sign-in sheet when
10 you first came in, if you could sign it when we take a
11 break, that would help us keep track of who was at the
12 meeting, what your affiliation was, et cetera.

13 With that, I will turn things back over to
14 Chris, and hopefully we'll have a productive meeting.

15 MR. MILLER: Okay. As I mentioned, we
16 have comments from three principal groups, and we're
17 going to start with the comments from the State. And
18 so, Randy, if you want to go ahead with your
19 presentation.

20 MR. EASTON: Thank you. I'm Randy Easton.
21 I'm with the State of Pennsylvania's Bureau of
22 Radiation Protection and Emergency Response Section.
23 And we appreciate this opportunity to provide comments
24 today.

25 The comments we submitted to

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1 regulations.gov and my presentation today follows the
2 NRC docket on that, so it's somewhat repetitive at a
3 couple of points. There's only 10 PowerPoints, so
4 there's not time for you to nod off for this one. The
5 next slide, please.

6 Our comments were submitted back in May,
7 and they were submitted by Martin Vyenielo, my
8 Supervisor, who was unable to be here today, so I'll
9 be providing this presentation on behalf of him. Next
10 slide, please.

11 Our first comment concerns Section 50.47,
12 which concerns emergency plans. And the comment asks
13 that this section be modified to include a reference
14 to an off-site incident command post, off-site staging
15 area, and reliable communications. Currently, our
16 Section 8 reads: "Adequate emergency facilities and
17 equipment to support the emergency response are
18 provided and maintained."

19 As we've been moving into these hostile
20 action-based exercises, there's been sort of a
21 paradigm shift in the way things were conducted. And
22 the exercises we've conducted over the past number of
23 years, when a plant declares general emergency, a
24 protection action recommendation is issued, you have
25 people moving away from the plant, in general. Very

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1 few people would be coming to the plant.

2 If you have something that requires a
3 response from off-site emergency response
4 organizations, such as police, fire, or EMS, you could
5 expect to have numbers, perhaps significant numbers of
6 people moving toward the plant. And this could occur
7 in a somewhat disorganized way, depending on how good
8 communications is among these folks.

9 Our concern is that a staging area be
10 identified for off-site organizations who are
11 responding to a large event at the plant, to come to
12 where they could be organized and dispatched to the
13 scene in some orderly manner.

14 Along with that, one would need an
15 incident command post, some place set up at a distance
16 from the site, perhaps a mile or two miles from the
17 site, to manage the incident in terms of the off-site
18 response. Currently, we don't typically exercise that
19 portion in the exercises that I've been associated
20 with. And along with that, reliable communications.

21 I was involved in an exercise not too long
22 ago where the State Emergency Operations Center was
23 trying to get in contact with the Incident Command
24 Post, and, in fact, delayed a protective action
25 decision for about 20 to 30 minutes trying to be in

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1 contact with the Incident Commander off-site to find
2 out if he concurred with this.

3 Eventually, the decision was made to
4 implement the protection action without contacting the
5 Incident Commander because we simply couldn't do so.
6 The numbers we had were either busy, or no one
7 answered. Communication just wasn't available. So
8 our concern is that Incident Command Post, Staging
9 Area, and communications for off-site response
10 organizations be explicitly referenced in the
11 rulemaking. Next slide, please.

12 The remainder of the comments refer to
13 Appendix E to Part 50, Section 4, Content of Emergency
14 Plans. And this first one regards organization.
15 Currently, there's nine sub-categories to the
16 organization piece. We're asking that a tenth one be
17 added, and the tenth one would be a description of the
18 on-site response capabilities as they comply and
19 interface with the Incident Command System. And this
20 should include positions within the emergency
21 organization at the plant, which would be required to
22 have training in the Incident Command, specifically,
23 the FEMA courses, ICS courses regarding Incident
24 Command.

25 If you have an event that requires a large

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1 off-site response to the site, the response is going
2 to have to be integrated in some way between off and
3 on-site pieces, and Incident Command System would
4 appear to be the logical way to do that, and the
5 accepted way to do that. I would like to see some
6 explicit reference made to the plants having an
7 Incident Command System interface, training for the
8 staff who will be responsible for managing the
9 response. Next slide, please.

10 The next slide concerns activation of the
11 Emergency Organization, which is Paragraph C. And
12 we're asking, again, that a third -- there's currently
13 two bullets there, or two sub-paragraphs. We're
14 asking that a third one be considered concerning,
15 again, the Incident Command Post, Staging Areas, and
16 reliable communications, because the activation of
17 these early in an incident would greatly facilitate
18 the response to the incident, and cut down on the
19 amount of confusion and duplication effort that would
20 result from agencies not being able to talk to one
21 another, find out who's where, and who's doing what,
22 and what assets were needed to bring to a location to
23 support the response from the off-site organizations.
24 Next slide, please.

25 Under Paragraph E, Emergency Facilities

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1 and Equipment, not only would we request that
2 locations for an Incident Command Post and Staging
3 Area be identified, but that procedures be in place to
4 delineate the relationship, and how the on-site
5 organization, the utility, and the off-site agencies
6 would interface with each other. In other words, it
7 would be very helpful if something as simple as phone
8 lists were produced, chains of command, who should be
9 talking to whom. Would the Incident Commander, for
10 example, be talking to the Technical Support Center,
11 the Utility Emergency Operation Facility, State
12 Emergency Operations Center. Would that person's
13 consent be required before any protective action
14 decisions are made, or would their input be more
15 collaborative and informative, rather than having veto
16 power over something?

17 Also, the Incident Commander would have
18 probably the best view of the immediate area off-site,
19 and the issues surrounding that. For example, we've
20 had the Incident Commander at one of our exercises
21 request an evacuation - I'm sorry - sheltering of a
22 two-mile radius around the plant, not for radiological
23 issues, but because they didn't want people out on the
24 roads when there was hostile action taking place at
25 the facility, and there were missiles, and so forth,

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1 bullets and projectiles flying around. So it was a
2 protection action, but it wasn't based on a
3 radiological or plant radiological concern. It was
4 based on a security concern, and that was a little
5 different for us, because we had to make a decision
6 about a protective action that didn't exactly fit into
7 the scheme that we had traditionally been using, which
8 was a radiological release and protecting the public
9 from that sort of incident. Next slide, please.

10 This part concerns training. And we think
11 it would be important for senior Emergency Response
12 Organization staff to receive training in the Incident
13 Management System, and FEMA has a number of courses,
14 the basic 100 and 200 courses, which everyone takes,
15 but also some more advanced courses, the 300 and 400
16 level courses, which we feel it would be helpful for
17 utility senior responders, managers to take in order
18 that they would understand how the off-site
19 organizations were going to come to the incident, and
20 the organizational structure that they expect to be
21 integrated into once they get there. Next slide,
22 please.

23 This concerns training, and it regards
24 Paragraph F. Currently, the proposed rulemaking reads
25 that each biennial exercise must proceed to the

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1 general emergency level. We are suggesting that the
2 "must proceed" be replaced with "should proceed",
3 which would allow some, not all, but some exercises to
4 terminate at emergency classification less than
5 general emergency, say site area emergency. Now, we
6 realize that there's a requirement of reasonable
7 assurance for public health and safety that that
8 finding be made in these exercises, and one would have
9 to be careful that that finding could be made at some
10 level below general emergency. But if it could, we
11 feel that it would be helpful, and that flexibility in
12 accident scenario development would be enhanced. It
13 would allow the on-site staff to succeed in mitigating
14 the consequences of an incident, reducing negative
15 training, and also avoiding pre-conditioning. We have
16 these exercises, we know it's going to general
17 emergency, and we know we're going to need to
18 evacuate, and so oftentimes thought process and the
19 analysis is truncated simply by the realization that
20 this is going to a certain endpoint, and we need to be
21 prepared for that endpoint, and we need to direct our
22 efforts to that endpoint. Certainly, not all nuclear
23 power plants end in general emergency, it's only been
24 one. So we don't want to cause people to be pre-
25 conditioned that an evacuation is the logical result

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1 of a site area emergency. Next slide, please.

2 This final comment regards Paragraph I,
3 On-Site Protective Actions During Hostile Actions
4 Events. Currently, it reads that "Protective actions
5 must include specific actions to protect on-site
6 personnel during hostile action events." We're asking
7 that that be modified to read, "On-site personnel and
8 off-site personnel that would respond on-site." Now,
9 perhaps that was the intent. It wasn't clear to us
10 that that was the intent, but during a hostile action
11 based event, you would expect to have fire, police,
12 EMS folks responding on-site. And when they're on-
13 site in the protected area, vital area of the plant,
14 we would expect the utility would have procedures in
15 place to integrate -- to provide the necessary
16 protection for them once they come on to the property.

17 Next slide, please.

18 That concludes my comments. Again, we
19 appreciate the opportunity to provide input on this
20 issue, and the contact information for Martin
21 Vyeniello, who drafted these comments, is listed on the
22 screen there. And he's more than willing to be
23 contacted and provide additional input, answer any
24 questions that you might have. So I thank you for
25 your time, and if there's any questions to me, I'll be

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1 happy to take them.

2 MR. RAKOVAN: Chris, is there any
3 discussion of this particular topic?

4 MR. MILLER: No. Just I'd like to take
5 the opportunity to say thanks, once again, for what
6 Marty's done, and to the State of Pennsylvania for
7 providing good comments. And, once again, we've had a
8 number of meetings talking about some of these hostile
9 action-based drills, and how we can improve in that
10 area, and Pennsylvania has been right in there with
11 us, and given us good feedback on conduct and what
12 we're getting out of these drills.

13 MR. RAKOVAN: Okay. Should we go ahead
14 and move on to our next speaker then?

15 MR. MILLER: Yes, let's move on to the
16 next speaker, if we could, Mr. Paul Gunter.

17 MR. GUNTER: Thank you. Again, my name is
18 Paul Gunter. I'm Director of the Reactor Oversight
19 Project with Beyond Nuclear. And I've been engaged in
20 the emergency planning issue for quite some time. I
21 have to say that I didn't come here with a prepared
22 presentation, but what I would like to do is to follow
23 with what's laid out in the agenda as the discussion.

24 So if I might be able to ask questions, and we'd
25 proceed with responses as I move along, that would --

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1 I think that would suit our purposes towards gaining
2 some insight into this rulemaking process. So is that
3 okay?

4 MR. MILLER: Yes.

5 MR. GUNTER: Okay. Very good. First of
6 all, I'd like to say that the issues associated with
7 emergency planning, they continue to challenge public
8 confidence, and so we appreciate this opportunity to
9 address the rulemaking, which seeks to allay public
10 concerns, and build public confidence.

11 I'd also like to add that we're very
12 appreciative of the overtures of openness and
13 transparency. However, responsiveness from the Agency
14 is paramount, that we've seen a number of these issues
15 linger for decades, and particularly now with the
16 necessity for hastened responses because of security
17 initiated events, we think that your schedules, your
18 responsiveness, I think that we can't allow things to
19 linger on, and on, and on, and on. And we understand
20 the rulemaking process is a very elaborate and
21 detailed process, but for a security-based initiative
22 that began September 11th, 2001, to see this lingering
23 on into September 2010 raises some concerns about this
24 issues of responsiveness.

25 With regard to the rule, there is this

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1 issue of schedule. First of all, I would just like to
2 elaborate that my comments are part of a composite of
3 public interest responses that were submitted by Dave
4 Lochbaum with Union of Concerned Scientists. We all
5 share in these concerns.

6 One of the underlying concerns, and it's a
7 subsequent issue for a number of our concerns later on
8 in this rulemaking, is this issue of schedule. The
9 schedule has the final rule published in March 2010,
10 and the associated guidance documents published in
11 September 2010. We simply feel that it's unacceptable
12 for the guidance documents to be issued so long after
13 the final rule is published. And if we're talking
14 about issues of transparency, and openness, and
15 participation, an effort that is designed to lend to
16 the issue of public confidence, these guidance
17 documents are basic, fundamental assumptions and
18 methodology that the NRC is basing this rule on, and
19 we simply don't understand why the schedule is as it
20 is. So I guess our first question is, could you
21 elaborate on why the guidance documents are so far
22 behind the final rule?

23 MS. BROCK: We agree with you that the
24 guidance documents need to come at the -

25 MR. RAKOVAN: Kathy, if you could

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1 introduce yourself, please, so the people on the phone

2 -

3 MS. BROCK: Oh, pardon me. Kathryn Brock,
4 Team Leader for Emergency Preparedness at NRC. We
5 agree with you that the guidance document should be
6 issued at the same time as the rulemaking. And the
7 reason we had the September date for the guidance was
8 just an internal milestone. All along, the Staff has
9 planned on publishing the guidance right along with
10 the rule, because we certainly can't impose a rule on
11 licensees if they don't know the extra details, or the
12 how to implement the rule.

13 And what the Staff has also decided to do
14 is to issue draft guidance right alongside the
15 proposed rule in February of next year, so that
16 hopefully stakeholders can get a complete picture of
17 what the guidance looks like right alongside the
18 proposed rule. So we agree with you, and we hope to
19 achieve that for you.

20 MR. GUNTER: Okay. Thank you.

21 MR. MILLER: If I could, Chris Miller. And
22 I just want to comment on a couple of points you made
23 earlier, and also say in addition to what Kathryn
24 mentioned is that not only have we recognized that the
25 guidance needs to go hand-and-hand with the

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1 rulemaking, but the NRC guidance and rulemaking has to
2 go hand-and-hand with the FEMA rulemaking and
3 guidance. And so, there's quite a bit of effort, and
4 it may not be immediately visible to you, of making
5 sure that all of those documents, the guidance and the
6 rulemaking from both sides of the federal family are
7 working together towards that same end, because you
8 can't have on-site saying one thing, and off-site
9 doing another. And you can't have the guidance not
10 supporting you, so that is clearly the way that Staff
11 is progressing along.

12 If I could just address one issue, and
13 that is the timeliness. You've got a couple of things
14 at play. First of all, from the time of 9/11, the
15 Commission has done a lot to enhance our posture on
16 dealing with terrorist-based events, and security-
17 based events. Just a couple of examples, we have
18 orders that were put out in 2002, and what we're
19 actually doing here in 2010 is codifying a number of
20 those provisions that were already required of
21 licensees in the orders.

22 Another thing you heard mentioned earlier
23 was these hostile action-based drills, which are
24 really, in my opinion, bringing a lot to light on how
25 on-site/off-site organizations need to communicate

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1 with each other, and how they support each other, and
2 how that overall protects public health and safety.

3 We're learning a lot through that, and we
4 didn't want to go into the rulemaking without having
5 those lessons being learned, so there's a voluntary
6 initiative where each of the sites across the country,
7 and, I might add, the states and locals, and FEMA have
8 agreed to participate in to observe these drills and
9 exercises, to gain that understanding before we
10 complete the rulemaking, so we inform the rulemaking
11 with all these lessons over the last couple of years.

12 So it really has -- there has been a lot done. It's
13 not like nothing is happening until 2010.

14 MR. BENOWITZ: I just wanted to clarify
15 one thing Chris just said, that we're not just
16 codifying.

17 MR. RAKOVAN: Could you let us know who
18 you are, please?

19 MR. BENOWITZ: Howard Benowitz, OGC, NRC.
20 We're not just codifying the EP elements that were in
21 the orders. We might propose them to codify them as
22 they were, but they will be -- though, they could be
23 amended per public comment.

24 MR. RAKOVAN: Okay. Yes, you're going to
25 have to use the mic, if you could. Okay. Just let us

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1 know who you are.

2 MR. SULLIVAN: Hi. Randy Sullivan. I`m
3 one of the Staff working on the rulemaking. Did you
4 have a specific that you thought was lingering,
5 because much of the rulemaking that we're doing now is
6 codifying industry commitments that came out of the
7 bulletin, 05.02, if I'm remembering right. I mean,
8 there is some additions to that, like ETE enhancement
9 and things like that, that didn't come out of the
10 bulletin. But if you had a specific that was of
11 concern, we'd like to hear it, because we think we've
12 covered the waterfront, but we're open to suggestions.

13 MR. GUNTER: Certainly. Paul Gunter. I
14 think one of the specifics that we're concerned about
15 is the ETE. And, specifically, some of the
16 assumptions. And I think that these can be cleared up
17 if, again, the guidance documents are available, so
18 that we can see how the Staff arrived at conclusions
19 and the assumptions that have gone into it. But I'll
20 comment a little bit on that ETE when we come to it in
21 the section of the rulemaking.

22 I'm going to -- I'm not going to go
23 through all our comments here, but I would like to
24 highlight a few of these at this point. Footnote 5 on
25 page 1 of 18, basically states that, "Applications can

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1 satisfy 50.34 by submitting a discussion of
2 similarities to and differences from facilities of
3 similar design for which applications have previously
4 been filed with the Commission."

5 Now, it's our concern that this would
6 applications to reference and cite materials that have
7 been unreviewed, unapproved, and unaccepted by NRC
8 Staff. So would you be able to elaborate on why we
9 shouldn't have a higher standard that would be applied
10 to these applications?

11 MS. BROCK: Sure. Actually, this is,
12 unfortunately, one of those situations where we're
13 going to perhaps look like we're unresponsive. This
14 particular portion of the rule in 50.34 is not under
15 consideration for being changed right now, so it's not
16 part of the enhancements to the EP regulations and
17 guidance. However, if it's something that you feel
18 strongly about, perhaps we can talk about it in
19 another venue.

20 MR. GUNTER: Right. Well, let me just
21 add, though, that -- could you shed some light on how
22 applications that provide similarities are to -- to
23 and from a facility of similar design, particularly
24 with the issue of emergency planning; how those could
25 be -- how the public could have confidence that, in

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1 fact, there was a detailed review?

2 MR. BENOWITZ: Well, as Kathryn was
3 saying, when we put out the February 2008 language, we
4 put out all of, or most -- the relevant parts of
5 50.34, 50.47, Appendix E, most of that language,
6 though, is not part of the rulemaking. It was there
7 for context.

8 What you are discussing now is one of
9 those points. That's not going to be part of the
10 rulemaking. What we would like to do here is discuss
11 comments on what is going to be part of the
12 rulemaking. That doesn't mean that we're not
13 interested in what you're saying. But, at this point,
14 I don't think there's anyone from NRC Staff that's
15 prepared to address the point you're raising right
16 now.

17 MR. GUNTER: Right. Well, I understand.
18 Again, the issue is the meshing of the rulemaking with
19 the current situation and conditions affecting public
20 confidence around emergency planning. And that is one
21 of our comments.

22 On page 2, Paragraph B.2, it discusses
23 adequate staffing levels to provide initial facility
24 accident response in key functional areas is
25 maintained at all times; yet, it would appear that the

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1 language provides for -- that it is -- what's excluded
2 here is the irradiated fuel in the spent fuel pool.
3 And because it's premised on individual qualified as a
4 Radiation Control Technician shall be on site when
5 fuel is in the reactor. And if you've got a full core
6 off-load, again, this is page 2, Paragraph B.2.

7 Now, again, is this a situation where the
8 -- it's not part of the changed rule language? Okay.

9 But, again, I would just like our comments noted,
10 that from a public perspective, we have considerable
11 concern with security events that are focused on spent
12 fuel pools. And that would be backed up by the
13 National Academy of Sciences.

14 MS. BROCK: I think it might be a great
15 idea for us to pursue some of these comments at
16 another time, because we do want to hear them. And
17 NRC wants to do a better job, the Staff wants to do a
18 better job when we talk with stakeholders to give you
19 closure on some of your idea and issues. If it's
20 something the Staff hears and doesn't intend then to
21 take a regulation change action on, you need to know
22 that. But I think we can probably get together at
23 another venue and hear you out fully on some of these
24 issues, and get some specifics.

25 MR. GUNTER: Okay.

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1 MR. MILLER: And I think we might have a
2 question on your question.

3 MR. SULLIVAN: I might introduce myself.
4 I'm Randy Sullivan. I'm Senior Staff here. I've been
5 doing emergency response for 30 years, before TMI. I
6 am not on a mannequin track. I have been in the shop.

7 I will be in the shop. I do EP for a living. Many of
8 my peers are similar. I'm a leader in my union. Call
9 me. I work for the public. I can help you with these
10 issues. I'll answer your phone call, just like I'll
11 answer their phone call. If you have a question about
12 the regulations, about the guidance, we'd be happy to
13 take your call and respond.

14 On this particular issue, the tech specs
15 are not the guiding requirement. It's the emergency
16 plan. So, in fact, the emergency plan requires a
17 minimum staff, the tech specs may not. The licensee
18 must comply with the emergency plan. I can help you
19 with issues like this.

20 I'd like to add one other thing, though.
21 I'm a professional. I consider you to be a
22 professional. If you're going to submit a letter to
23 us, it would be helpful if it was professional, and
24 not sarcastic. I understand that you have an audience
25 to write for, but if you're going to interact with the

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1 Staff, and I invite you to do so, I'd request that you
2 do it at a professional level, and I'd be happy to
3 help you.

4 MR. GUNTER: Could you make a specific
5 reference to -

6 MR. SULLIVAN: Sure. Well, perhaps I
7 can't since I don't have this memorized, but as I read
8 through it, I felt that there was sarcasm. And I'm
9 happy to respond, and I'm happy to respond
10 professional to professional.

11 MR. MILLER: Chris Miller. And I think
12 that's where we're all -- we're all trying to come to
13 a better understanding of each other's concerns so
14 that we get to the right endpoint, which is good
15 rulemaking that addresses the issues. So we do have
16 folks that are very interested in hearing what you
17 have to say. But, also, as Randy pointed out, we have
18 a lot of experience on our Staff that can go back and
19 answer some of these questions. So, once again, we
20 are open to your questions. Call us, call me, call
21 some of the technical staff you see listed here, and
22 we'll go through it with you.

23 As Kathryn pointed out, though, what we're
24 trying to do is get a set of comments based on what
25 we've already had on regulations.gov, and trying to

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1 address those. If you have other, there's going to be
2 additional commenting periods for this rulemaking. As
3 I mentioned earlier, the Staff is early in getting
4 this out to the stakeholders. The Staff is about a
5 year early in getting these -- what we're thinking
6 out, so there will be other periods, and I'll
7 specifically reference one. In February of next year,
8 there'll be the proposed rulemaking language that will
9 come out, and that will be the time to address
10 additional comments, additional concerns. And we'll
11 work with you all the way through that time, but if
12 you want to send the comments to us, we can look at
13 them, and have a little bit more time to digest what
14 you're saying, and get back to you on this.

15 MR. GUNTER: Okay.

16 MR. MILLER: But thank you for bringing
17 those up.

18 MR. BENOWITZ: Paul, one more thing along
19 the same lines. Your comments submitted in writing
20 will be addressed in the proposed rule in the SOC, not
21 the rule language, necessarily, unless we agree with
22 the comments and revise the rule text accordingly.
23 But written comments that are submitted to the
24 Commission, is our policy that we will respond to
25 them. So all of them that are in here will be

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1 addressed in one way or the other in the statements of
2 consideration of the proposed rule.

3 MR. GUNTER: Okay. Well, let me -- again,
4 I appreciate you allowing me to take the time here.
5 Let me just make a couple of more comments and
6 queries.

7 Page 8 references that, "This section is
8 being revised to require evacuation time estimates to
9 be provided to state and local government authorities,
10 and updates when conditions dictate." The comment
11 here is that the NRC cannot revise this rule to
12 address security-initiated events if it relies in
13 whole or in part on regulatory guidance documents that
14 assume no security-initiated events occur.

15 There is a concern that you haven't looked
16 at off-site antics in context of how an emergency plan
17 could be effected by the consequences of taking power
18 down, off-site power down to the plant will have
19 repercussions off-site, as well. So that needs to be
20 integrated -- we feel that needs to be integrated into
21 the response plan. So that when you're looking at an
22 overall impact of a security-initiated event at the
23 power plant, that we need to be looking at how the
24 emergency plan could be foiled, or could be
25 complicated by -- such as a common-mode failure

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1 affecting both the plant, and the emergency zone. One
2 key example being that all of the OSRIs, we
3 understand, are initiated by taking off-site power out
4 first. This could be a very widely affected area,
5 potentially affecting large zones, if not completely
6 the emergency planning zone. So we feel that, in
7 fact, that the latest revision should be more than
8 silent on the fact that off-site activities that could
9 present common-mode failure issues to an emergency
10 plan both on-site, and off-site.

11 Another concern is -

12 MR. MILLER: Can I -

13 MR. GUNTER: Go ahead.

14 MR. MILLER: Chris Miller. Can I just --
15 so you're talking about in the realm of back-up?

16 MS. BROCK: Evacuation time estimates?

17 MR. MILLER: I mean, are you talking
18 specifically -

19 MR. GUNTER: I think that's a piece of it.

20 For example, a security-initiated event affecting the
21 plant. Let's take the example of off-site power
22 supplies. That has implications for the 10-mile EPZ.

23 And it's our collective assessment that the
24 rulemaking should not be silent on those common-mode
25 failures that are security-initiated, security event

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1 initiated.

2 MS. BROCK: Maybe I can give you a little
3 bit of insight into what we are doing for updating
4 evacuation time estimates. And this is an issue we've
5 heard the stakeholders talk about from years ago, back
6 when we had some meetings, public meetings back in
7 2005, 2006. And I think the bottom line is that the
8 Staff agrees with the comments we've received that
9 evacuation time estimates need to be updated, maybe a
10 little more robust, have a quality standard. So we
11 are, in fact, updating the language for evacuation
12 time estimates to require that on a periodic basis
13 licensees update their evacuation time estimates, and
14 this will all start with an initial redo of ETEs that
15 the Staff will then review.

16 MR. GUNTER: Right. It states that the
17 rule includes this portion, "if the cumulative changes
18 impact the most recently submitted ETE by at least 10
19 percent." How is that assessment made? Again, this
20 might be clarified in the guidance documents.

21 MS. BROCK: It will be clarified in the
22 guidance documents. We are working with Sandia to
23 update some more academic guidance on evacuation time
24 estimates we published the last couple of years. And
25 the goal is to have a guidance document that's useful

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1 both for licensees in developing evacuation time
2 estimates, but then also for Staff to be able to
3 review those. And Randy here has been involved in the
4 effort for quite a long time, and I think he can help
5 with more details.

6 MR. SULLIVAN: Yes. Randy Sullivan.
7 Actually, the ETE issue comes out of the protective
8 action recommendation study that I've been working on
9 with Sandia for quite some time. It actually doesn't
10 come out of the security rulemaking. But I am kind of
11 interested in your comments that we're not assessing
12 every case, in particular, security-based cases in the
13 environments.

14 But to answer your question about
15 guidance, our current vision among the Staff is that
16 there be a capability of the licensee to make that
17 assessment on a bi-annual basis. Now, that's only the
18 proposed rulemaking. It may change, but what that
19 means is, every two years or so the licensee - well,
20 I'm getting into proposed rulemaking, but this will
21 come out soon enough - but the Staff thinking is every
22 two years the licensees would make an assessment.
23 That would require running the evacuation time
24 estimate program to see if there's a cumulative change
25 of more than 10 percent in terms of population,

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1 demographics, perhaps a new facility, a new shopping
2 center. If that 10 percent threshold, which is
3 arbitrary, it may change, maybe 15 percent is right,
4 maybe 5 percent is right. We'll have to feel our way
5 through this. If it changes, then we'd want a new
6 ETE, and the protective action recommendations
7 eventually will be tied to the ETE, depending on
8 evacuation times at various distances from the plant.

9 So we want this document to be more involved in
10 protection of the public, than perhaps it is right
11 now.

12 MR. MILLER: And, Randy, if I may - Chris
13 Miller. I just wanted to point out something that
14 Randy brings up, and that is that what we're talking
15 about here is comments on a draft proposed rulemaking,
16 so things might change. We have not submitted this to
17 the Commission. The Commission, before we come out
18 with a proposed rulemaking, will get a chance to look
19 at it, and see if they agree or not. So we may say 10
20 percent, and as Randy points out, it could be 5, it
21 could be 15, so don't take those numbers to the bank,
22 but the concept is what we're talking about,
23 throughout this whole meeting, I might add.

24 MR. SULLIVAN: Randy Sullivan, again. I
25 think I said, but perhaps not loudly enough, it's the

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1 Staff thought that this is the way we're going.
2 There'll be management review, and Commission review,
3 and stakeholder input.

4 MR. GUNTER: Again, I don't want to
5 dominate the presentation here, but if I could just
6 make one more. Okay.

7 Particularly, again with regard to the
8 ETE, can Staff comment on how it has closed out
9 extensive documentation that we've provided over this
10 process with regard to shadow evacuation phenomenon,
11 and the issue of role conflict of emergency response
12 planners?

13 MS. BROCK: Sure. This is also part of
14 Randy Sullivan's Protective Action Recommendation
15 Study, so he's the expert. We can let him -

16 MR. RAKOVAN: Randy, come to the table.
17 Come on. Grab an unused mic there, Randy.

18 MR. SULLIVAN: Red button is live. Oh,
19 sorry. Okay.

20 MR. RAKOVAN: Yes, red button is live.

21 MR. SULLIVAN: Yes. We have been doing
22 the Protective Action Recommendation Study, and we
23 followed up with a series of focus groups, and a
24 survey of the public within emergency planning zones
25 of all nuclear power plants. And we do have data for

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1 you. It's not published yet, but I think I can go
2 into some of it generally. We've been making some
3 presentations.

4 Your first question that I wanted to take
5 is role conflict. There is some evidence of role
6 conflict among emergency responders. Previously, as
7 you know, we did a study of some 230 evacuations
8 between 1992 and 2003, and we found little role
9 conflict that affected the evacuation. However, you,
10 as a matter of fact, brought up the point that all
11 those evacuations were non-nuclear, and so might the
12 nuclear situation be different?

13 In order to address that, at least at some
14 level, we embarked on a series of focus groups around
15 nuclear power plants. We picked five with large
16 populations, and we interviewed some 115 or so
17 emergency responders, and we attempted to ask them
18 that question, do you have role conflict?

19 Now, this was done by University of New
20 Mexico. They're professionals in conducting these
21 kinds of focus groups, and the question wasn't asked
22 quite like that. The responders were given scenarios,
23 and asked how they would respond, and asked about
24 concerns. Is there anything that might delay your
25 response? And almost unanimously, I mean, 110 out of

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1 111 said that yes, indeed, they'll call home on their
2 cell phone, most of them have emergency plans at home.

3 They were confident that their family could implement
4 the plan without them, and that they would respond.

5 Now, there was some concern among the
6 newer members of the staff may not have the same
7 dedication we do. I'm trying to quote from the focus
8 groups, and perhaps some of the more peripheral
9 emergency responders may not have the same level of
10 dedication. We heard those things, and can't -- we
11 don't know. I mean, we don't think so, but we have no
12 data. But among the front line emergency responders,
13 we believe we've got a fair data point that they
14 intend to show up and do their job. And if some of
15 them can't make it, the rest of them will step up and
16 do what needs to be done. That's the role conflict.

17 MR. GUNTER: Right. Well, Randy -- I
18 mean, I guess the question and concern is, is that
19 there are studies, as well, that point to key
20 emergency personnel, such as volunteer school bus
21 drivers, that when surveyed by equally competent
22 means, we found that there were a number of bus
23 drivers and teachers that are responsible for
24 evacuating children, and play into this ETE issue,
25 that are simply going to look to personal

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1 responsibilities first. At least these are what the
2 surveys indicated. So, I guess, the -- and it's also
3 what we have actually seen in context of the Three
4 Mile Island accident, which is really the only live
5 evacuation relative to the radiological issue. And
6 that affected a broad range of emergency response
7 personnel, including emergency room physicians,
8 nurses, and technicians in hospitals as far away as 25
9 miles.

10 Again, I guess we'll -- you're going to
11 answer this, you say, but is this part of the Sandia
12 review? And so -- because we submitted extensive
13 documentation and studies to Sandia, and also to Mr.
14 Mamish, and also to Commissioner Merrifield with
15 regard -- and we'd just like to see these specific
16 studies addressed, rather than simply displaced by
17 surveys.

18 MR. SULLIVAN: Yes. As a matter of fact,
19 I believe it's Chapter 6 of Volume I of the PAR Study
20 includes the studies you gave us. I believe they've
21 been accounted for. There are other sociologists who
22 disagree with those studies. But, nevertheless, what
23 I'd like to put forth for your consideration is that
24 the whole EP regulatory regimen we are talking about
25 here today has occurred, and been implemented, and

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1 inspected since TMI, so using TMI as a data point is
2 unsatisfying to us, because we think we've made
3 billions of dollars worth of improvements, and trained
4 literally 100,000 people in the response. We think
5 we've inspected these people for 30 years. We think
6 we have a high level emergency response that post-
7 dates TMI. We think the population is educated at a
8 better level than they were at TMI, so we think
9 there's several changes that have occurred that would
10 say the TMI data may not be representative of what we
11 have today.

12 Now, that being said, I agree with you. I
13 would like to reach down to the next level of
14 emergency responders and have data. And even the
15 focus group, itself, is, indeed, a data point, but
16 it's not statistically significant. So I'm not saying
17 that we've wrapped this issue up and convinced
18 ourselves totally that there's no problem. I'm only
19 saying we've made some steps.

20 For instance, in our survey of the public
21 -- well, hopefully, that will come out soon and we can
22 debate that, too. But the survey of the public shows
23 a reasonably good understanding of emergency response
24 among the public, and that probably did not exist at
25 TMI.

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1 MS. BROCK: Randy, are we planning on
2 having that Volume 2 out in February, as well, or when
3 is that?

4 MR. SULLIVAN: No, it should be out this
5 calendar year. And with any kind of luck, I'll have
6 something preliminary out before then to answer
7 questions like this. But, once again, this is not
8 part of the rulemaking. And, perhaps, you and I can
9 talk some time, drop-ins are permitted among members
10 of the public, and we can exchange views and
11 information. Thank you.

12 MR. MILLER: Thanks, Randy.

13 MR. GUNTER: I think that will conclude my
14 remarks for now.

15 MR. MILLER: Okay. And I want to thank
16 you very much, not only for your own comments, but for
17 representing comments of others, and taking the time
18 to gather those up and come before us.

19 MR. RAKOVAN: Okay. Let's stretch our
20 legs and take about a 10-15 minute break. By my
21 clock, we're going to get things started in 15
22 minutes, which puts us about 25 after 1.

23 (Whereupon, the proceedings went off the
24 record at 2:08:36 p.m., and went back on the record at
25 2:24:11 p.m.)

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1 MR. RAKOVAN: Okay. This is Lance
2 Rakovan, again. Welcome back, everyone. I wanted to
3 do a quick check to see if anyone new has joined us on
4 the phone line. Okay. Having heard no one, I'll
5 assume that we either have the same people, or
6 possibly people have dropped off.

7 For those of you who haven't had a chance
8 to sign in on the sign-in sheets, I'm going to pass
9 this around real quick just to make sure that we have
10 proof that you were here, so to speak. We have the
11 handouts, copies of the slides for the NRC, and I
12 believe we also have copies of Marty's presentation,
13 so if you didn't have a chance to get one of those,
14 I'll bring a stack around, and just flag me down, and
15 I can give you one of those.

16 With that, Chris, I didn't know if you
17 wanted to say anything, or whether we should just go
18 ahead and turn things directly over to Marty.

19 MR. MILLER: Yes. I just have one
20 comment. I think I missed an opportunity earlier to
21 say that over the last year, one of the things that we
22 are trying to do is get out across the country, talk
23 to our stakeholders more. And we have a whole
24 outreach team that we've staffed up, and we're almost
25 at full staffing with our outreach team. And I have

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1 two of the members here, so when we say hey, call us,
2 you've got some of the numbers, like Randy's number,
3 and others on the slides. But our outreach team is
4 designed to take in those comments, and they may not
5 have every answer right away, but they will send your
6 questions and your comments to the right technical
7 staff person to deal with them, or make arrangements
8 for meetings, or whatever. And they've been very
9 active in the last few months as they were getting
10 staffed up to do those kinds of things, get out with
11 more of our stakeholders, set up meetings. They've
12 attended a number of our focus group meetings across
13 the country, and so it doesn't help the people on the
14 phone, but I'll ask Lisa Gibney and Sara Sahn to stand
15 up, or wave your hand there. Those are our folks, and
16 I can give you their phone numbers. They're two of
17 our primary members on our outreach team. Of course,
18 301-415 is the first six digits of their phone
19 numbers, and Lisa is 8376, Sara is 1692. Or you can
20 reach them by email, Lisa.gibney@nrc.gov, or
21 Sara.Sahn@nrc.gov, so that's one of the things that
22 we're very happy about, is getting staffed up in that
23 area. And, once again, they can take your comments
24 and forward them to the technical staff, so we look
25 forward to hearing from you in many of those different

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1 areas.

2 MR. RAKOVAN: Okay. With that being said,
3 then the next group that we want to hear from is Marty
4 Hug and the Nuclear Energy Institute. Thanks, Marty.

5 MR. HUG: Again, Marty Hug from Nuclear
6 Energy Institute. Can you hear me okay on the
7 telephone? Is there anybody on the telephone? Okay.

8 All right. Thank you, Chris, today for
9 the time for the Nuclear Energy Institute to provide
10 additional comments on Emergency Preparedness
11 rulemaking. And I'm very delighted to see also Craig
12 Fiore from FEMA here today, to also hear the comments
13 that people at the table, and the audience are making
14 today, so appreciate your putting the time in on that.

15 Again, my name is Martin Hug, and I'm a
16 Senior Project Manager in Emergency Preparedness at
17 Nuclear Energy Institute, and I am responsible at NEI
18 for Emergency Preparedness rulemaking process.

19 In support of our discussions today, we
20 have a number of representatives from the industry.
21 Hopefully, they're still sitting behind me out there.

22 They laughed, so they must be; rom our Emergency
23 Preparedness Working Group, and Emergency Preparedness
24 Rulemaking Task Force.

25 My remarks today reflect and supplement

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1 our June 6th submittal of formal comments providing
2 feedback from our March 5th meeting. In the June 6th
3 letter, NEI provided the NRC goals for rulemaking, the
4 industry's clarifying questions that we asked during
5 the March 5th meeting, NEI's understanding of the NRC
6 answers to those questions, some cases NEI's position
7 on those answers, and additional industry
8 recommendations, where applicable. And the letter is
9 docketed, and copies of the letter are available on
10 the NRC and regulations.gov website, and actually took
11 a look on that website today, and we saw the letter,
12 so we appreciate getting that posted for us.

13 We look forward to today receiving some
14 answers and possible clarifications that we sought in
15 the June 6th letter during this meeting. Next slide.

16 As illustrated by NRC Bulletin 2005-02,
17 the statement paraphrased on my slide on the monitor
18 above, the NRC states that, "The emergency planning
19 basis remains valid." What I'd like to point out,
20 that since 9/11, even with the NRC concluding that the
21 emergency planning basis remains valid, the industry,
22 as Chris had mentioned, along with various orders and
23 bulletins, the industry have implemented a number of
24 enhancements to Emergency Preparedness to address the
25 concerns from a hostile action event.

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1 For instance, and I'll read off some of
2 these many actions that we've implemented, 15 minute
3 prompt notification of a hostile action event to the
4 NRC to provide fast response from stakeholders and the
5 federal government to that type of an event.
6 Security-based emergency action levels, very extensive
7 process that we underwent with the Nuclear Regulatory
8 Commission. Additions for alternate mustering
9 locations for emergency response organization
10 personnel. Protection of on-site personnel in the
11 event of a hostile action. Coordination with local
12 law enforcement and off-site response organizations, a
13 lot of what Randy mentioned in his presentation. And
14 enhancements to the threat-based notification process
15 that we worked closely recently with the NRC in
16 helping to improve.

17 And most notable is industry's response to
18 the hostile action drill program. And not only do we
19 have a response to that drill program, as Chris
20 indicated, where we demonstrate hostile action drill
21 over the next three years at multiple nuclear power
22 plants, but along with that, extensive guidance that
23 NEI has produced and the NRC has reviewed, and
24 provided comment on, so there is extensive guidance in
25 the hostile action drill program on how to conduct

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1 those drills. And, in addition to that, as Chris had
2 identified, extensive lessons learned that is provided
3 to the industry, and stakeholders on what we have gone
4 forward and learned from those drills. So we're
5 actively involved in that process, and improving
6 Emergency Preparedness in that area.

7 This effort is just not an industry
8 effort, but an effort involving the Nuclear Regulatory
9 Commission, FEMA, state and local response agencies,
10 and the rest of the federal family. And we are
11 practicing a number of the attributes in those hostile
12 action drills that Randy mentioned in his
13 presentation.

14 It is in the best interest of the public
15 when we work transparently, and deliberately. And
16 I'll come back to that theme at the end of my
17 presentation. However, I'd just like to mention, in
18 the thoughts about deliberately, I see Randy Sullivan
19 mentioning just one area, where I see a response to
20 maybe our letter. He just touched upon it briefly in
21 the evacuation time estimate area, where we're working
22 a little bit more deliberately on how to define when
23 the evacuation time estimate needs to be updated.

24 Now, with that said, I would like to
25 provide some observations on certain elements of the

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1 Emergency Preparedness Rulemaking. Next slide.

2 Let me start out with the topic of drills
3 and exercises. First and foremost, it should be noted
4 that this rulemaking has to be treated as a deliberate
5 and transparent effort between NRC and FEMA. Changes
6 in NRC regulations cannot be out of step with changes
7 in the FEMA exercise evaluation manual. As NRC stated
8 in the March rulemaking meeting, the goal of
9 rulemaking in this area is to make exercises less
10 predictable, in keeping with Commissioners' and staff
11 requirements memorandum to avoid pre-conditioning.
12 I'd like to address that comment.

13 Implementing specific requirements
14 associated with general emergency and radioactive
15 releases, as outlined in the draft proposed rule, is
16 counter to the NRC's goal, as stated in the March 5th
17 meeting of avoiding pre-conditioning. In addition,
18 requirement release rates in excess of EPA 400 out
19 passed 5 miles is not credible science. Next slide.

20 Now, I'd like to take the time with FEMA
21 here in the room with us to applaud FEMA for seeking
22 comments from our off-site stakeholders in the focus
23 group meetings that FEMA is conducting across the
24 country. The issues from the previous slides on
25 proposed rulemaking, I believe are echoed by our off-

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1 site counterparts in the FEMA focus group meetings.
2 And, again, I believe Randy mentioned a few of those
3 items in his presentation. I'm hopeful that that
4 collaborative outreach to the states and local
5 agencies in the FEMA focus group meetings will not go
6 unconsidered by the rulemaking process.

7 When we looked at the joint FEMA-NRC
8 exercise task force project schedule, it appears that
9 the schedule has the appropriate tasks and timing on
10 it, on the schedule to consider stakeholder input, so
11 we applaud you on the organization of that process,
12 and, hopefully, look forward to seeing it go forward,
13 and the comments evaluated. Next slide.

14 Now, I'd like to move to the topic of
15 collateral duties. The word "collateral" we believe
16 is not the best choice of words for this rule change.

17 Collateral duties, or however you want to express the
18 concept in the proposed rule, should be allowed, as
19 long as those duties are not mutually exclusive. To
20 this point, the rule language is unclear in this
21 aspect. The language should be modified to clarify
22 which events are to be utilized to evaluate on-shift
23 emergency response duties and functions. And it is
24 imperative that sound guidance and reasonable
25 technical basis for emergency staffing be developed.

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1 In order to achieve this, the issue of collateral
2 duties needs to be addressed, again, in a deliberative
3 and transparent manner. Next slide.

4 In the area of emergency response
5 organization augmentation and the use of alternate
6 facilities during hostile action events, the NRC
7 provided guidance to the industry in Bulletin 2005-02.

8 Bulletin 2005-02 notes that, "The alternate facility
9 should be a place where the emergency response
10 organization can assemble if the plant site is not
11 accessible." Current language in the proposed rule
12 change could be misleading. Let me expand on this.

13 Communications capabilities should be
14 available so that the emergency response organization
15 can contact the control room, or the off-site
16 emergency agencies from the alternate facilities.
17 There is one instance where classification and
18 notification is required at the alternate facility.
19 Let me explain that.

20 In the event that there has been a loss of
21 physical control of the control room, and the control
22 room is not capable of carrying out its emergency
23 preparedness function, the alternate facility should
24 be able to classify that condition, and provide a
25 notification using normal telephone service to the

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1 off-site agencies, and the Nuclear Regulatory
2 Commission. Unless this condition exists, we believe
3 that classification and notification should remain
4 with the control room until the emergency response
5 organization can establish itself in its normal
6 facilities.

7 In addition, in this type of an event, as
8 with other hostile action events, the local law
9 enforcement will be notified by security of a hostile
10 action at the site. Isn't this what Bulletin 2002
11 required? Due to the current wording, however, in the
12 rule language, the intent of the draft rule is not
13 clear in this area. Next slide.

14 Some rulemaking areas, such as alert
15 notification system and coordination of off-site
16 response organizations were identified as gaps during
17 the comprehensive review process. We should let the
18 comprehensive review process run its course, and not
19 include this in rulemaking. And in the case with a
20 number of comprehensive review gaps, the alert
21 notification is not just a nuclear power plant issue.

22 To this end, existing solutions proposed by national
23 guidance and studies should be considered, rather than
24 developing nuclear-specific system requirements. An
25 all-hazards approach to alert and notification, as

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1 detailed in the Presidential Directive, will insure
2 public confidence. This will insure that all hazards
3 are addressed in a consistent manner, not just nuclear
4 power plant hazards, but also, for instance, warnings
5 for tornados.

6 In regard to the off-site collateral duty
7 comprehensive review gap, off-site agencies are
8 addressing this gap through the demonstration of the
9 National Incident and Management System during the
10 hostile action-based drills. NIMS is a system
11 developed to allow integration of additional
12 resources, as they're required. Next slide.

13 Some of the proposed rule language is not
14 a result of 9/11. With respect to this section on
15 event classification timeliness, NRC did not provide a
16 compelling rationale for the proposed change during
17 the March 5th draft rulemaking meeting. Further
18 justification for this rulemaking requirement is
19 needed. The industry recommends that this requirement
20 be removed from the rulemaking process, with continued
21 reliance on the Reactor Oversight process. Next
22 slide.

23 We applaud the staff's approach to reduced
24 NRC and licensee regulatory burden. However, we would
25 like to see additional improvements to 50.54q to

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1 reduce additional burden. To do this, NEI recommends
2 that we model 50.54q after the 50.59 rule. To you in
3 the audience that are not familiar with 50.59, 10 CFR
4 50.59 is a rule that governs what changes to facility
5 design are allowed without prior NRC review and
6 approval. 50.59 does allow for some minimal reduction
7 in commitment without NRC review of those changes, so
8 should 50.54q.

9 In addition, if a change to emergency
10 preparedness process has been generically reviewed and
11 approved by the Staff, and as long as the licensee
12 implements the change as approved generically, prior
13 NRC review should not be required.

14 Requiring emergency plan submittals to
15 follow the 50.90 process will have, we believe,
16 unintended consequences. For instance, there may be a
17 reluctance to submit beneficial improvements if we
18 have to follow the 50.90 process.

19 So, in conclusion, next slide. So, in
20 conclusion, new regulations must be developed in a
21 deliberate and transparent manner, seeking the benefit
22 of input from the FEMA focus groups, national studies,
23 the Comprehensive Review process, industry, and other
24 stakeholders. Until that input is completed,
25 solicited, understood, and addressed, the Staff should

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1 not proceed to the draft rulemaking stage. There is a
2 risk in prematurely addressing rulemaking in a non-
3 deliberate manner. There is no risk in getting the
4 proper input to the rulemaking process.

5 We need to remember that the Staff and the
6 Commission has already concluded that the emergency
7 planning basis remains valid for hostile action, and
8 the industry has made extensive improvements to
9 emergency planning preparedness post 9/11 to protect
10 the health and safety of the plant staff, and the
11 general public in the event of a hostile action.

12 Remember what was stated at the beginning
13 of this presentation. It's the best interest of the
14 public and the public is served when we work in a
15 deliberate and transparent effort together. I want to
16 thank you today for providing me the opportunity to
17 make these comments.

18 MR. MILLER: Thank you, Marty. I
19 appreciate those comments. Are there questions for
20 Marty?

21 MR. RAKOVAN: Doesn't look like it, Chris.

22 MR. MILLER: Okay.

23 MR. RAKOVAN: Do we want to move forward
24 and give the -- Paul, if you could use your
25 microphone, please.

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1 MR. GUNTER: Paul Gunter. Marty, when you
2 referenced the non-radiation-based public notification
3 system, is that -- that is an all event -- I think you
4 referenced it as an all events public notification
5 system, just for clarification.

6 MR. HUG: Marty Hug, NEI. I believe what
7 you're referencing is that any improvements that we
8 make to the warning systems associated with a hostile
9 action program should be informed by current national
10 studies. We have a study, Presidential Directive,
11 that's currently being developed at this time. So
12 we're suggesting that instead of coming up with a
13 nuclear power plant-specific solution, we're not
14 rejecting that enhancements need to be made in this
15 area, but we're saying that the enhancements should be
16 informed by national studies in this area so that
17 we're consistent with what we do to inform the public
18 in the event of, again, say a tornado or something of
19 that nature. Does that answer your question?

20 MR. GUNTER: Well, could you be able to
21 point me to a specific national study that you're
22 referencing here?

23 MR. HUG: I have that quote. If you take
24 a look at the -

25 MR. GUNTER: It's in your comments?

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1 MR. HUG: It's in my comments.

2 MR. GUNTER: Okay.

3 MR. HUG: And if you take a look at our
4 rulemaking letter on regulation.gov, I have a quote in
5 there to that specific study. I could ask some of my
6 August members in back of me, they may be able to
7 provide that to me.

8 MR. RAKOVAN: You are going to have to use
9 a microphone, sir. If you could introduce yourself,
10 please.

11 MR. NELSON: Alan Nelson, NEI. First of
12 all, the presidential directive I think was BDA and
13 the national guidance that has not been finalized yet
14 is CPG-1-17, outdoor warning system guide.

15 MR. HUG: Yes, Alan points out actually it
16 is -- I did have it on my slide. I didn't talk to the
17 title, but it was up on -- if you take a look, it's
18 Slide 7.

19 MR. GUNTER: Could I ask just a follow-up
20 question? With regard to this particular guidance for
21 the outdoor warning systems, does it reference -- if
22 Alan could provide an answer -- does it reference
23 backup power for outdoor warning systems?

24 MR. NELSON: Alan Nelson, NEI. What it
25 looks at is a total holistic communication process

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1 because the only communications and warning of
2 populations is not solely focused solely on sirens
3 themselves. So it takes a broader look, incorporating
4 all types of process. Remember, sirens are simply an
5 outdoor warning system.

6 MR. GUNTER: Right, but in making a system
7 whole, would this guidance document look at back-up
8 power for outdoor public notification systems?

9 MR. NELSON: I don't believe it looks at
10 it as a single entity in the siren process.

11 MR. RAKOVAN: If you could introduce
12 yourself, please?

13 MR. LaVIE: This is Steve LaVie with the
14 staff. In addition to the presidential directive
15 that's referred to, there was an earlier authorization
16 act law passed by Congress that did require
17 publication notification systems to be useable in the
18 absence of AC power. That authorization act provision
19 is still out there as well.

20 MR. GUNTER: Right. Paul Gunter. That
21 back-up power system is applicable only if you have 15
22 million people within 50 miles. Correct?

23 MR. LaVIE: No. You're referring to the
24 Energy Act. The Energy Act was passed separately.
25 The one I was referring to occurred a couple years

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1 prior to the Energy Act in which the Congress stuck
2 into the authorization act a requirement that this
3 public warning system be operable in the absence of AC
4 power.

5 The Congress, in addition, in 2003, I
6 believe it was, also passed as part of the Energy Act,
7 a rider that was intended to direct Indian Point to
8 install battery backup to their sirens.

9 MR. GUNTER: Would you allow me a little
10 back and forth with this?

11 So does that responsibility with that
12 particular guidance, is that to be followed up by FEMA
13 for AC -- in the event of AC failure, that outdoor
14 public notification systems have emergency backup
15 power? Does that reference FEMA as the responding
16 agency?

17 MR. LaVIE: Yes. However, the
18 authorization act was a FEMA authorization act passed
19 by Congress. The presidential directive was also
20 issued to FEMA -- DHS, excuse me.

21 The Energy Act directed the NRC to issue
22 orders or whatever other requirements binding on any
23 licensee who had more than 15 million in a 50-mile
24 radius. There's only one site in the country that met
25 that criteria. That was Indian Point. That Energy

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1 Act specifically directed that there be battery
2 backup.

3 MR. GUNTER: Right.

4 MR. LaVIE: The other acts didn't
5 specifically say battery backup. It said that the
6 system must be operable in the absence of AC power.

7 MR. GUNTER: And that operable meaning
8 that they have public -- or mobile route alerting --

9 MR. RAKOVAN: I'm going to ask that we
10 kind of wrap this up because we're a little bit off
11 the scope here. If you want to give a little bit more
12 and then you two can maybe meet afterwards. I want to
13 try to get us back to the focus of the meeting, if you
14 could close the conversation down is all.

15 MR. LaVIE: The availability of route
16 alerting is something that the NRC has considered as
17 being a backup. I do not believe the presidential
18 directive would allow you to credit backup route
19 alerting, but that's a decision for FEMA when they
20 make the implementation regulations.

21 MR. GUNTER: This is a part of the rule
22 though, isn't it?

23 So I mean it is germane to the rule.

24 MR. MILLER: Not specifically backup
25 power.

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1 MR. GUNTER: Back-up.

2 MR. MILLER: Back-up methods.

3 MR. GUNTER: Back-up methods, right.

4 MR. RAKOVAN: Any other comments or
5 questions for Marty Hugg before we wrap up that
6 session?

7 MR. TAILLEART: This is Don Tailleart,
8 NRC. Just to follow up to the discussion about back-
9 up methods for alert notification system, I was the
10 main person working on the rulemaking in this area and
11 did consider all of the different presidential
12 directives, the House report that was referred to,
13 previous legislation in this area and didn't see
14 anything in any of the existing guidance or any of the
15 changes under consideration for the guidance that
16 really fully addressed the backup method for all types
17 of alert notification systems, not just those that are
18 siren based.

19 So we have been working closely with FEMA
20 on the direction they're headed in in coordinating
21 changes to both the onsite and offsite guidance in
22 this area as well as the regulation itself. So we are
23 trying to take, I think a more global or comprehensive
24 approach to looking at this particular issue. It's
25 really not part of the post-9/11 action items that

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1 came out of any of the bulletins or orders associated
2 with that. So it is following a little bit different
3 path, but we are looking at impacts from all the
4 different areas including changes that are going to be
5 forthcoming in guidance on outdoor warning systems.
6 So we are taking that into account.

7 MR. MILLER: Thank you, Don.

8 MR. RAKOVAN: Any other comments?

9 Craig.

10 MR. FIORE: This is Craig Fiore from FEMA.

11 I'll just attempt to tie this all up and give you
12 FEMA's perspective at the moment is that we are
13 working -- the REP program is working with FEMA's
14 Office of Policy and FEMA's Office of Coordination
15 Programs to supply them with input and what we think
16 is important to be included in this over-arching
17 outdoor warning system guidance that the presidential
18 directive and Executive Order -- I think it was 13407
19 -- that did -- it did place the responsibility with
20 DHS and FEMA to develop this over-arching outdoor
21 public alert and warning system strategy.

22 What we have done in the REP program is
23 to, as we read the presidential directive, as we read
24 the executive order, as we read the appropriation law,
25 we took a stab at interpreting what that would mean to

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1 the REP program specific nuclear power plant alert
2 notification system guidance and tried to incorporate
3 the facets of the PD and the executive order that
4 specifically addressed new technologies and the back-
5 up power requirements. And what we've done is we fed
6 that to FEMA Office of Policy and because this outdoor
7 warning system guidance isn't going to be published by
8 the FEMA REP program. At some point, we're going to
9 have to decide whether we're going to revise and
10 update FEMA REP 10 and ensure that that guidance
11 dovetails and is not in conflict with the national
12 strategy for outdoor warning systems.

13 So I don't know how close FEMA is -- the
14 FEMA component is to publishing this update to CPG-1-
15 17. I don't think -- I think they're closer to
16 publishing it than they are further away, but that's
17 kind of how we envision folding our guidance in to
18 ensure that nothing is in conflict with the national
19 guidance that's going to be published by FEMA and
20 that's really what's delayed us with proceeding
21 forward with revising FEMA REP 10 is we wanted to wait
22 and see what DHS and FEMA published in terms of the
23 outdoor warning system guidance so that we could come
24 into compliance with that and not get ourselves ahead
25 of the -- get our cart ahead of the horse in that

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1 manner so that we wouldn't have to go back later and
2 change it again.

3 So that's a little bit of the historical
4 perspective and where we are today on that. Thank
5 you.

6 MR. HUG: And I think that's the point
7 that I'm trying to make is I would not want to see us
8 go forth with a nuclear-specific solution to this and
9 then have it be counter to the final outcome of the
10 FEMA -- to develop a nuclear-specific solution that
11 now FEMA comes back and says is not the right
12 solution. So I think it's worthwhile to go forward
13 again in a deliberate fashion on this area.

14 MR. MILLER: Other comments?

15 MR. GUNTER: Just one quick comment
16 though. Again, I think it goes back to our initial
17 concern about not only do we need transparency and
18 openness, but we need responsiveness. I think that if
19 there's one issue that demonstrates how emergency
20 planning is currently hogtied it's the public
21 notification system dilemma.

22 MR. MILLER: Okay, thank you. Other
23 comments?

24 Okay, then I think we will move on to the
25 next speaker which is the NRC presentation for this

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1 period and Kathryn Brock is going to be leading it.

2 MS. BROCK: Thank you very much. Kathryn
3 Brock, NRC.

4 We set up this meeting and I'm hoping it
5 worked out okay. We wanted to bring in all of you
6 interested stakeholders who were so kind as to provide
7 comments on our new www.regulations.gov and so we
8 appreciate that you've provided comments and that
9 you've come here today.

10 Our goal was to let you talk first and
11 then kind of wrap it up. Hopefully, NRC can answer
12 some of the questions and comments that came up
13 through our presentation and then also will end up
14 with the public comment period. So we'll be able to
15 chat a little bit more.

16 But to begin my presentation, I wanted to
17 take a quick step back. We've tried to be as open as
18 we can and it's a learning process for NRC too. We
19 had some public meetings back in 2005 and 2006 on EP
20 issues and this was even before what we were doing
21 became a rulemaking issue.

22 So we had those meetings back then. The
23 staff wrote SECY paper SECY 06200. We also then at
24 the regulatory information conference, I don't know if
25 all of you attended, but back in 2007 at that meeting

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1 the staff kind of kicked off the rulemaking and said
2 here's what we're going to do, here's the issues.
3 We've done a technical analysis and here's where we're
4 going.

5 And then as we got farther along and
6 developed the preliminary draft rule language, we had
7 our meeting in March and we talked about many of those
8 issues. So in this presentation I wanted to give you
9 an idea of where we've come even since March so that
10 you can see how all of the stakeholder comments have
11 been incorporated by NRC. Even though we won't
12 discuss each issue, and again, if there's anything
13 that I've left out, we can certainly bring it up. I
14 wanted to illustrate how the staff has considered
15 many of your comments and how they have, in fact,
16 impacted the preliminary draft rule language which
17 will be published in the proposed rule.

18 So again, thank you so much. And if we
19 can go to the next slide, please.

20 Over these next couple of slides, I want
21 to talk about several of the issues that you brought
22 up and we did kind of hash out some of them, for
23 example, evacuation time estimates. This is an issue
24 that NRC heard comments on from stakeholders as far
25 back as 2005 and 2006. And what we wanted to say was

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1 we agreed with those comments and it did become part
2 of the rulemaking effort and as we discussed a little
3 bit ago after Mr. Gunter's presentation. We are doing
4 an extensive update to the ETE regulations which will
5 require, as I said, licensees to update ETEs on a
6 periodic basis beginning with an initial update which
7 will be reviewed by the staff. And this will all be
8 supported by the guidance document.

9 With the reduction in effectiveness issue,
10 in the March 5th meeting, we heard from stakeholders
11 that the proposed rule language was too wordy. There
12 was too much information in it. We were trying to lay
13 out examples of what did and did not constitute a
14 decrease in effectiveness, but after hearing the
15 comments from March 5th, we agree with those comments.

16 And we've decided in the language that you'll see
17 with the proposed rule that will take out those
18 examples. They are better suited for guidance. So we
19 will do that.

20 We just had a lengthy discussion on the
21 alert notification system back up. So for the acronym
22 up there. I keep doing that. The staff has had
23 comments on both sides of the fence. Some
24 stakeholders have said we need to have back-up
25 systems. They need to be powered, power back-up

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1 systems. Other stakeholders have said things are fine
2 the way we are. Maybe it's preliminary, as Marty said
3 that we shouldn't conduct rulemaking.

4 But what the staff has decided in our
5 research is that we do agree with those stakeholders
6 that we should have back-up alert notification system.

7 However, the staff is not going to require any
8 specific back-up system. We're not going to require
9 back-up power. We're going to leave that up to the
10 licensee to do whatever system best suits their site.

11 One size doesn't always -- yes, Howard? Okay.

12 One size doesn't always fit all with our
13 stakeholders.

14 MR. BENOWITZ: Sorry to interrupt, but as
15 Kathryn keeps saying it's the staff's position and she
16 said this may or may not be in the proposed rule that
17 is hopefully published in February 2009. This is what
18 staff envisions, but of course, they don't have the
19 final word.

20 MS. BROCK: Right. I think that is all on
21 the ANS issue. If we can go to the next slide.

22 This issue is tricky. It was the one that
23 was entitled collateral duties at the March 5th
24 meeting and some of the feedback we received was that
25 collateral duties was a confusing term. It was not

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1 well defined and it should be taken out of the rule
2 language. And I'm not trying to redefine it by saying
3 additional responsibilities, but what I do want you to
4 know is that we have taken the words collateral duties
5 out of the new set of rule language that staff is
6 working on right now and so we did hear that comment
7 and we agree with that assessment.

8 Let's see. Now the next two bullets are
9 kind of related, but I put them as separate bullets
10 because we've heard so much from many stakeholders on
11 the incident command system and perhaps I should have
12 engaged a little bit more after Randy's presentation
13 on this.

14 But the staff has thought long and hard
15 about it. We've also interacted quite a lot with FEMA
16 in our working groups related to the hostile action-
17 based exercises and the lessons learned and what we've
18 heard from the focus groups. And some stakeholders
19 believe that because the offsite response
20 organizations are using the NIMS ICS terminology and
21 program that we should -- that the NRC should require
22 licensees to also follow that so that there can be
23 good communication between the onsite and the offsite.

24 The staff agrees that there should be good
25 communication between onsite and offsite. In fact, we

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1 have a regulation in 10 CFR 5047(b)(6) which requires
2 that licensees have provisions that exist to have
3 prompt communications with stakeholders. The staff
4 disagrees with the comment that we should explicitly
5 state in the regulations to have incident command
6 system used by licensees.

7 So the point is that licensees are
8 required to work and communicate with their offsite
9 response organizations, but the staff is not going to
10 explicitly state in regulation that we're going to
11 require incident command. We are considering adding
12 some guidance documents to maybe help bring this
13 along, maybe help the licensees to bridge any gaps
14 that are happening, but we believe that we do have a
15 regulatory piece that would allow the NRC to cite a
16 licensee if they weren't properly communicating with
17 an offsite agency.

18 Next slide, please. Oh, wait. I thought
19 the coordination of OROs.

20 Okay, the coordination with offsite
21 response organizations, again, that's kind of the same
22 thing along the lines with incident command systems.
23 We agree that licensees should ensure that offsite
24 response organizations are able to respond to an event
25 at the plant and to consider how security events could

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1 impact the response. And the way the rule language is
2 currently written is that it would explicitly state
3 that licensees will work with offsite response
4 organizations to determine if resources are available.

5 This is another one of the post 9/11
6 issues, that we have to make sure that consideration
7 is given on all parts, that if there's a security
8 event going on, that we are thinking kind of in the
9 post-9/11 light about response.

10 I mentioned up here clarifying sheltering
11 versus evacuation because we had this discussion with
12 Paul a little bit ago. These are issues that came up
13 back years and years ago, that although we're not
14 specifying rule language about evacuation and
15 sheltering, we are focusing quite a bit of energy on
16 guidance for evacuation and sheltering definitions
17 that Randy was talking about our protective action
18 recommendations study. So I did want to mention it
19 that it's something that the staff agrees with the
20 stakeholders that we needed some enhanced guidance on
21 those issues.

22 Next slide, please.

23 Emergency response organization
24 augmentation and alternate facilities. On March 5th,
25 the staff was giving a presentation on this particular

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1 issue and we stated that we did not intend to go
2 beyond the words or the intent of Bulletin 2000-502.
3 But when you read the words in the draft rule
4 language, it didn't match what we said. And so after
5 further consideration and listening to the comments
6 received at the March 5th meeting, we did decide to
7 remove the requirement in the draft rule language that
8 an alternate facility had the ability to classify an
9 event. So that was one where we did make a change.

10 Challenging drills and exercises. This is
11 a really tough issue and we've had so many comments
12 and NRC has been working really hard with FEMA. And I
13 appreciate, Craig, that you're here and that we talk
14 almost daily and then meet every other day. So I
15 appreciate the work that you and your staff have done.

16 And I do want to make it clear. We've heard comments
17 that we need to incorporate the lessons learned from
18 the focus groups that FEMA is hosting. And we are
19 waiting to finalize the draft rule language until we
20 get a full report back from FEMA on the focus groups.

21 So we are working on that.

22 We agree with the stakeholders who have
23 said that we need to have realistic drills and
24 exercises. However, the staff does not believe that
25 having a realistic drill or exercise means that it's a

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1 worst case scenario each time. So the staff does not
2 believe that having an exercise that is the worst case
3 scenario is protective of public health and safety
4 because we do want to have exercises that avoid
5 preconditioning. We don't want to have the same
6 scenario each time.

7 So in one way we agree with those comments
8 that the exercises should be realistic, but maybe we
9 have a different definition of realism than some of
10 our stakeholders. But the staff does think it's
11 important that we should take the step to require in
12 the regulations that the -- that some scenarios come
13 to NRC headquarters for review. By doing that, we can
14 ensure some consistently and we can ensure that these
15 rules are -- or these scenarios are challenging. So
16 those are some of the steps NRC has taken.

17 That's the discussion of the issues. I
18 have a couple more slides that I could probably go
19 through just as quickly about the process for the
20 rulemaking and then maybe we'll open it up to
21 discussions and questions after that. Does that sound
22 okay?

23 This is a chart that I give in every
24 presentation and part of it, I think, is because it
25 helps me to keep things straight and keep my

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1 milestones straight. Most of these dates were in the
2 rulemaking plan which is what the staff issued to the
3 Commission to let the Commission know here's the path
4 we're taking for the rulemaking. So these February
5 dates are hard and fast where we say the proposed rule
6 will be in the Federal Register in February 2009.

7 And I was explaining earlier that the
8 staff does believe it's very important to have the
9 proposed rule and the guidance documents or the draft
10 guidance documents available at the same time. So
11 we're working on that right now.

12 Internally, we have an internal due date
13 to have the proposed rule into concurrence by the end
14 of next month. So February seems kind of far away,
15 but for the staff we're working furiously to finish up
16 the proposed rule which includes regulatory analysis,
17 backfit analysis, environmental analysis and the draft
18 language. The statements of consideration which
19 Howard mentioned earlier, for those written comments
20 we received on regulations.gov we will in writing
21 consider all of those comments and the statements of
22 consideration. So you will see some answers in
23 writing to your comments.

24 And in addition to the proposed rule and
25 the draft guidance, the staff would like to make the

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1 technical basis available to stakeholders. We've
2 heard of a few comments that you don't have an
3 adequate technical basis for some of these issues, but
4 the staff really did work quite hard and developed a
5 comprehensive technical basis for all of the issues
6 and right now it's 200 pages. The content is good,
7 but the formatting is too draft to share with the
8 public right now. So we're getting some help and we
9 intend to have it into a nice, clean, sleek NUREG
10 document that will be issued in February. So then you
11 can take a look at the technical basis, the draft
12 guidance and the proposed rule and you'll be able to
13 see the complete picture of where the staff has come
14 from, what the staff's intent is and where we came
15 out.

16 And then again, I mentioned this at the
17 March 5th meeting. We'd like to have some public
18 meetings in the spring of 2009. So this would be
19 perhaps just after the proposed rule is issued in the
20 Federal Register and during the -- is it a 90-day
21 comment period? I can't remember. So during the
22 comment period where we can have some one-on-one
23 discussions and maybe hash out some of the questions
24 or comments you have verbally.

25 And then again -- yes?

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1 MR. BENOWITZ: Seventy-five days.

2 MS. BROCK: Seventy-five days. Thank you.

3 And then again, the publication of the
4 final rule and guidance in March of 2010.

5 Next slide, please.

6 Again, I appreciate all of the comments we
7 received. If you haven't gone to regulations.gov,
8 I've listed the docket number here. It's great. I
9 have started to use it as kind of my file cabinet of
10 all documents related to this rulemaking. To me, it's
11 much easier than trying to remember an ADAMS number or
12 messing with ADAMS, although for those of you who do
13 like ADAMS, I've included a couple of those ML numbers
14 for you. And if there's more information you want, I
15 can always get them for you. But clicking on
16 regulations.gov and going to the docket number is
17 really an effective way to have all of our information
18 together.

19 We were required to put in a cutoff date
20 and we chose July 1st as the cutoff date for comments,
21 because we really have to start concentrating on
22 bringing all the information together so that we can
23 get a document to the Commission here pretty soon.

24 I wanted to get some feedback from you
25 about what you think about these public meetings we

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1 intend to have. Right now, the staff is planning on
2 having three or four public meetings. We know we'll
3 have one at headquarters, but I'd like to get some
4 feedback from you. Do you think we should have them
5 in each of our regional meetings? Would you prefer to
6 follow the path we did back in 2005 and 2006 where we
7 focus on stakeholder groups so that you can be among
8 your peers and have those discussions?

9 But we would be open to hearing some
10 feedback so that we can have meetings that are best
11 suited for all those involved. And if that -- that
12 doesn't have to end today. Give me a call and tell me
13 what you think, but we do want to have meetings that
14 will be effective and be able to hear what you have to
15 say.

16 That's all I have for the formal comments.

17 If you have any additional questions based on some of
18 the answers, on specific issues, I'd be happy to talk
19 with you or my esteemed technical group.

20 MR. RAKOVAN: Any further discussion or
21 follow up on Kathryn's presentation?

22 Randy?

23 MR. SULLIVAN: I wanted to talk about the
24 incident command system for a second, but I've had
25 plenty of time if somebody else is anxious to talk.

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1 MR. SULLIVAN: Randy, we appreciate your
2 comments and we really looked at them deeply. We felt
3 that we had the regulatory tools to require licensees
4 to get next to the incident command system without
5 writing a regulation. And I just wanted to explain
6 that a little more deeply.

7 We inspect the critique of exercises. So
8 if there was an incident command system problem, you
9 know, the licensee couldn't speak the language of the
10 offsite responders that resulted in an issue in the
11 exercise, we would expect the critique to capture
12 that, identify ICS as the problem and fix it. We can
13 cite them if they don't capture it. We can cite them
14 if they don't fix it.

15 Now there could be communications snafus
16 that maybe don't rise to the level of an exercise
17 weakness and we'd probably miss those, but we might
18 miss those anyway, even if we wrote the rule so our
19 feeling was that your comments are very important. We
20 think we already have the tools to address them and we
21 think -- at the staff level -- we think that's the way
22 we're going to move off to address that. And that
23 could require additional inspection for the hostile
24 action drills where this gets demonstrated. You know,
25 we don't know that yet because it's still a few years

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1 off. But we are not ignoring ICS. We think it's
2 important. We think licensees need to understand it
3 and be able to interact with OROs effectively. So I
4 wanted to provide that to you.

5 MR. EASTON: Thank you. This is Randy
6 Easton from Pennsylvania.

7 Our concern would be that there is
8 sufficient regulatory push that if this is not in the
9 rule language, but in the guidance that the ICS system
10 is effectively integrated into a response to a major
11 incident of a nuclear power plant, especially a
12 security incident that if it's in the guidance such
13 important things as staging areas, and this is a
14 command post and appropriate communications between
15 the incident command post and the utility EOF and TFC,
16 if necessary, can be established, that the -- during
17 exercises that the interface between this incident
18 command post, if it is established, is evaluated
19 because currently in exercises we don't have incident
20 command post typically established. So you know, from
21 the offsite response organization piece, I guess FEMA
22 would evaluate that, send evaluators there. We want
23 to make sure that that happens because this is
24 something new, frankly, for us.

25 We haven't in all the REP exercises we've

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1 done, we typically don't have one of these and we want
2 to make sure that as we move forward with these
3 hostile action-based exercises what we're bringing in
4 a large component of people who haven't typically
5 participated in exercises and the exercises are
6 intended to prepare us for an actual event. So we
7 want to make sure this works, if we do have an event
8 that things aren't all muddled. But we just would
9 want to make sure that if the NRC's position is that
10 it does not need to be in the rule, but it needs to be
11 in guidance, that there is sufficient authority there
12 and sufficient interest there that the licensees will
13 take this to heart and actually follow through on the
14 training issues for ICS as well as the establishment
15 of communications and so forth that are necessary to
16 make this work.

17 MR. MILLER: If I may, this is Chris
18 Miller.

19 Randy, just if I could address one of your
20 comments and Craig, please jump in, if you have a
21 clarification, but we're very concerned, as Randy
22 said, we think that this is a very important element
23 of response, the incident command system and how
24 that's used been the licensees and the offsite
25 organizations. So we're right with you there.

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1 One of the efforts that we've been doing
2 with the hostile action-based drills over the last two
3 years is making sure that we use those elements and
4 then feed those elements into the standards that FEMA
5 will be using to evaluate against, so we have a task
6 force that's joint between NRC and FEMA that's looking
7 on what kind of standards, when we come out of this in
8 2010, what kind of standards are the FEMA evaluators
9 going to be using and then what the NRC inspectors
10 will be using. So we're in line with your comments
11 and we are taking actions to ensure that there will be
12 some standards.

13 Craig, any other comments there?

14 MR. FIORE: No, Chris, that's -- you've
15 really accurately articulated the approach and the
16 path forward that we're -- both the NRC and FEMA are
17 heading on in regards to the NIMS and how FEMA is
18 going to evaluate that component as we move down the
19 road in future exercises. So that's exactly where we
20 are, thanks.

21 MR. MILLER: Thank you.

22 MR. RAKOVAN: Okay, thank you. There's a
23 comment up on this side of the house. If you could
24 introduce yourself, please, sir?

25 MR. ENNIS: My name is Rick Ennis. I'm a

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1 project manager in the NRC's Office of NRR. I have
2 two comments.

3 In the draft preliminary rule, 10 CFR
4 50.54q has been revised such that emergency plan
5 changes reduce the effectiveness of the plan shall be
6 submitted to the NRC as license amendment applications
7 pursuant to 10 CFR 50.90. The current ruling, the
8 current wording in that regulation requires that those
9 changes be submitted as a report in accordance with 10
10 CFR 50.4.

11 Also in the preliminary draft rule, there
12 were some changes made with respect to emergency
13 action levels in Appendix E of part 50 and
14 specifically Section 4.B. And that incidents that EAL
15 changes would continue to be submitted in accordance
16 with 10 CFR 50.4.

17 My first question is why aren't the
18 emergency action level changes also required to be
19 submitted as license amendment requests in the
20 preliminary draft rule?

21 MR. RAKOVAN: If you wouldn't mind taking
22 the podium mic? Thanks, and if you could introduce
23 yourself again.

24 MR. LaVIE: This is Steve LaVie with the
25 staff.

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1 The situation in Appendix E is that it
2 requires the licensee to submit significant changes in
3 the scheme, EAL scheme to the staff. Don Johnson, who
4 is doing most of our EAL reviews notified the working
5 group here, the task force, is that he expects that by
6 the end of the year, before we publish the final rule,
7 all licensees will have migrated to the NEI 99-01
8 scheme and therefore the language in Appendix E will
9 no longer be active. It will be moot at that point.

10 MR. ENNIS: So the -- after people go to
11 the NEI 99-01 scheme, you don't expect any further EAL
12 changes to be?

13 MR. LaVIE: If there is a further EAL
14 change after they go to the 99-01 change, it will be
15 handle,d whether it's a DIE or non-DIE. If it is a
16 DIE, it will be handled under the 50.90 process. RIE
17 rather, excuse me.

18 MR. ENNIS: If that's the intent, then
19 Appendix E also should be explicit to state that --

20 MS. ZAWALICK: Excuse me, this is Maureen
21 Zawalick from Diablo Canyon. It's really hard to hear
22 the questions being asked.

23 MR. ENNIS: I will try to speak up. If
24 it's the intent that emergency action level changes
25 that are also reductions in effectiveness be submitted

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1 in accordance with 50.90 and that should be explicit
2 in Appendix E because specifically the draft
3 preliminary rule says 50.4.

4 MR. LaVIE: True, the way the language is
5 written in Appendix E that only applies if you're
6 making a major scheme change from NUREG 0654 to NEI
7 9901. It only applies if you're making a major scheme
8 change.

9 MR. ENNIS: And it also has one of the --
10 there's two things. There's a scheme change and
11 there's also decreased of effectiveness.

12 MR. LaVIE: Right. That will be
13 incorporated under the new 50.54Q.

14 MR. ENNIS: What I'm saying is Appendix E
15 should specifically say submit in accordance with
16 50.90. It says 50.4.

17 MR. LaVIE: Right. This will be something
18 we'll have to take back and talk to John about. Our
19 viewpoint is that at some point in time we're just
20 going to eliminate that language in Appendix E because
21 it's no longer applicable.

22 MR. ENNIS: Okay, well --

23 MR. LaVIE: The intent of the rule
24 language is that the direction we've been getting from
25 the Office of the General Counsel and others is that

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1 the licensees have two approaches. It's either a
2 reduction in effectiveness or it's not a reduction in
3 effectiveness and that determines how it's to be
4 handled, whether it's a staffing change, an EAL change
5 or anything else, other type of change. It can only
6 fit in either one or two bins. It is a reduction in
7 effectiveness. It's not a reduction in effectiveness.

8 MR. BENOWITZ: This is clearly an issue
9 that needs a little more internal deliberation, so you
10 said you had a second question or did we touch on
11 both? We did, great.

12 MR. RAKOVAN: Unless there's a reason that
13 all the NRC people need to be speaking to each other,
14 I'd rather move, since this is a public meeting and
15 address the members of the public that we have here.
16 Are you okay with handling your other question outside
17 of a public venue, sir? Okay, thank you.

18 Is there further discussion -- I see a
19 number of hands going up. I'll go to the gentleman,
20 actually that hasn't spoken yet, if that's okay. Can
21 you introduce yourself, please, sir.

22 MR. JONES: Jim Jones from Constellation
23 Energy. A question I have is with regard to
24 collateral duties or additional duties as it's been
25 put. I think I can speak for my colleagues up here

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1 that it is still unclear to us exactly what the
2 rulemaking, where the rulemaking might be heading.

3 We understand that in the context of the
4 rulemaking or the rulemaking is in the context of an
5 enhancement in that the EP planning basis is sound,
6 yet the public meeting that we had in March and
7 today's comments haven't really helped to clarify for
8 us what that rulemaking is going to look like.

9 Is it possible for the staff to share
10 their vision on this, please?

11 MR. RAKOVAN: Could you come to the table,
12 especially if there's going to be a back and forth
13 dialogue? And introduce yourself, please.

14 MR. LAUGHLIN: Yes, this is Jeff Laughlin.
15 I'm on the Reg Improvements Team with Kathryn.

16 I've been responsible for this issue.
17 What we envision is because this has been an on-going
18 issue for many years. We've attempted to start
19 staffing studies and we've enlisted contractors and
20 we've gotten information, but we've never completed
21 it. And yet, after 9/11, it really became clear
22 because of the need for security plan and emergency
23 plan integration, i.e., many of the security officers
24 had emergency plan duties and they are also gong to be
25 expected to respond to a security event. And so we

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1 were concerned that potentially we were over-burdening
2 emergency responders with too many duties.

3 What we envision is the planning basis for
4 the plants requires that you respond to several design
5 basis accidents in accordance with your final safety
6 analysis report. So the direction we're heading is we
7 want licensees to assess by job task analysis their
8 design basis accidents and the design basis threat
9 from a security event, do the assessment through job
10 task analysis and get a good feel for all the tasks
11 that are going to be necessary to be completed within
12 the first -- I'll say, first of all, within the first
13 30 minutes of the emergency, but really within however
14 long it takes to get those augmented responders out.

15 Many responders, as you know, don't have
16 30-minute responders. They've gone to put more people
17 on shift and they have 60-minute responders or some
18 variation of that. So what we're concerned about is
19 ensuring that all those tasks that need to be
20 completed for your suite of design-basis accidents and
21 the design-basis threat, that all those emergency
22 functions and those emergency tasks can be completed
23 by the on-shift staff until those augmented responders
24 come in and obviously can assist. So that's kind of
25 the direction we're headed with it.

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1 MR. JONES: Thanks, Jeff. That helps a
2 little bit. Are you able to share with us any
3 thoughts with regard to what that job task analysis
4 looks like? Specifically, I think one thing we'd be
5 interested in is how many casualties are going on at
6 once, for example, or are we looking at those sorts of
7 accidents that we may have already analyzed the plant
8 for anyway, such as what we call the Chapter 15
9 accidents or are we looking to layer accidents such as
10 a loss of offsite power with a security event, for
11 example?

12 MR. LAUGHLIN: Well, what we envision is
13 like I said, all your design basis accidents, but only
14 one at a time.

15 MR. JONES: I understand.

16 MR. LAUGHLIN: You want to look at each
17 one, do the job task analysis for each one and then as
18 you look at the big picture, you have so many tasks
19 that need to be completed for each.

20 So you just need to make sure that for any
21 one of those, all those tasks can be completed by
22 those on-shift responders.

23 MR. JONES: I understand. So if I can
24 kind of repeat back to make sure I understand it. It
25 looks like where the rulemaking may be heading on

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1 this, the current vision of that rulemaking is that a
2 licensee would conduct a job task analysis for some
3 suite of events and we would be looking for conflicts
4 among the emergency responders in the context of that
5 analysis.

6 MR. LAUGHLIN: Yes, I'd say that's
7 accurate.

8 MR. JONES: Thank you.

9 MR. LAUGHLIN: Each plant has so many on-
10 shift responders that they've assigned, you know, per
11 their emergency plan. Probably following the guidance
12 of Table B1. Table B1 says that you have 10 and so
13 there's probably 10 or so on-shift responders and they
14 should be able to complete their functions without
15 additional responsibilities interfering with that for
16 that suite of design basis accidents. Okay?

17 MR. JONES: Thank you.

18 MR. RAKOVAN: If you could introduce
19 yourself and make sure you let us know who you are?

20 MR. NELSON: Alan Nelson, NEI. I want to
21 follow up on 50.54q, but before I do that there
22 were several topics that were part of the suite of 1
23 through 11 that were not discussed and can I -- let me
24 just run through the four that weren't discussed.
25 Near sight EOF, 15 minute timing; the EALs on-site

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1 PARs were not discussed during the process of your --
2 but they were.

3 Can we assume then that the language that
4 we saw in the preliminary draft is the same -- will
5 not change for those four?

6 MS. BROCK: This is Kathryn Brock, NRC. I
7 think for the most part maybe some of the guys can
8 speak up for that, but I think for the most part those
9 were issues that didn't change the rule language. I
10 won't promise that it won't look a bit different, but
11 I would say in concept, they're about where they were
12 on March 5th.

13 MR. NELSON: I appreciate that. Let me
14 just swing back. I know that 50.54q we spent some
15 time on that, but are you planning as in 50.59 to
16 define minimum as it is in 50.59 and the process of
17 over-commitment? What is the planning basis in which
18 one can evaluate a reduction in effectiveness again?

19 MS. BROCK: You want to come back to the
20 podium?

21 MR. LaVIE: I'm getting a lot of exercise
22 today.

23 This is Steve LaVie. In crafting the
24 language and as I will assure my friend Howard here
25 will jump is is this may change in appearance as it

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1 goes through the chain of command here is that in
2 drafting that I use several documents as guidance.
3 I'm a firm believer in not recreating the wheel if the
4 wheel already exists.

5 I looked at 5059. I looked at 5054(a)
6 which I believe is the QA program; 5054(p) which is
7 the security to find out where there were things that
8 could be adapted to fit the emergency planning regime.

9 I paid particular attention to 5059, because I really
10 thought that was an area where we were probably going
11 to head with some high level language in the rule,
12 supplemented by guidance which is very much how the
13 5059 had ended up.

14 The rule language which is on the
15 preliminary rule language is on the website. It could
16 be looked at. We have attempted and like I say it may
17 change over time is that we've defined terms, okay?
18 We have defined what a change is. We have defined
19 what the emergency plan is. We have also staked out a
20 definition of what a reduction in effectiveness is and
21 linking it to a degradation in the licensee's ability
22 to comply with an emergency planning standard
23 function.

24 If the licensee has over-committed to
25 something and he wants to relax that over-commitment

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1 and I emphasize over-commitment, then in doing his
2 review on 5054q he would just have to show that that
3 change did not degrade his ability to meet the
4 planning standard function as informed by Appendix E
5 or NUREG 654.

6 So in that regard, I think you'll find
7 it's very close in concept to the way 5059 was worded.

8 There will be a guidance document that will provide
9 all sorts of examples and guidance in how to implement
10 that rule. We have very preliminary draft language
11 that also is subject to change and to be quite honest
12 right now it's only my thinking. It is not the
13 Agency's thinking, so you won't see that on the
14 website for a while until we have a chance to do some
15 internal concurrence and reviews. It's too early for
16 us to release that.

17 But did I hit your question, Alan?

18 MR. NELSON: I mean partially. Is the
19 5054q rulemaking on the same timeline track as this
20 rulemaking?

21 MR. LaVIE: Yes. It's going to be
22 published in February 2009 with the other parts of the
23 rule. We expect to have guidance available also in
24 February 2009.

25 MR. NELSON: Yes, because I understand

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1 there was some RIS in development in 5054q?

2 MR. LaVIE: I'll address that. I knew
3 there was going to be some confusion here. As some of
4 you may be aware, we got in the kind of a regulatory
5 bind here with regard to the existing 5054.q and after
6 a lot of work with OCG, Office of Nuclear Reactor
7 Regulation and our office, there was an approach
8 determined. And the project managers have been
9 addressing that approach with the licensees who have
10 submittals in house and directing them to how they are
11 to be handled.

12 To fill the gap until 2010 when this
13 rulemaking will become final and effective is that
14 there will be a RIS issued to explain how it will work
15 with the existing language, okay? Now that RIS, of
16 course will be issued for public comment as well, so
17 you should have an opportunity to comment on that in
18 the near future. I don't have a time line on that.
19 But it's intended to fill the gap --

20 MR. NELSON: I'm concerned that the RIS
21 language and the information we have may not be
22 consistent with the proposed rule language that may
23 come out in the future.

24 MR. LaVIE: That's definitely true.

25 MR. MILLER: Let me --

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1 MR. LaVIE: It's the expectation that they
2 won't be consistent because the RIS will be addressing
3 the current language of 5054q.

4 MR. MILLER: Let me step in and answer a
5 couple of things. This is Chris Miller. And let's
6 see if I can help out a little bit. And then my staff
7 can jump in and tell me you didn't help.

8 Now a very good point on your first
9 question. Are you going to define what is a reduction
10 in effectiveness, decrease in effectiveness, reduction
11 in commitment, however that term gets described. And
12 that's not an easy issue. There's a spectrum in
13 there, as you know, just like in the 10 CFR 50.59
14 regulations. There's a spectrum. Are we going to --
15 a licensee commits to having blue pagers and they want
16 to switch to yellow pagers. That's one end of the
17 spectrum. And then they want to change from 10
18 responders to 5 responders would be towards the other
19 end of the spectrum. Where do you go in this? It's
20 not an easy thing, but we will have some language in
21 there to help make that clear when the licensee can
22 make that determination or when that has to be sent to
23 the Commission for the Commission to approve that
24 through the 50.90 process. So it's a very
25 good point that you make.

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1 Regarding 50.54q, the Commission's intent
2 is for the staff to clarify through the use of this
3 rulemaking, make it clear how the staff should proceed
4 on those kinds of questions. Anything beyond that,
5 there's discussions going on right now with staff
6 between several of the offices on how we might process
7 some of those applications that are in-house or what
8 we call now a decrease in effectiveness; letters or
9 applications or amendment requests that are in-house
10 right now. There's some discussions on that. It's
11 preliminary and we don't have a final proposed rule or
12 proposed path and certainly not a Commission path or
13 Commission-directed or Commission-approved path. So
14 we're working on that.

15 But as far as where we're going in the
16 rulemaking, it's towards clarification of where that
17 line is and the line is the line between whether the
18 licensee can make the call, that it's a reduction in
19 effectiveness or whether the Commission has to approve
20 it.

21 MR. NELSON: I applaud your process and
22 thinking and my hope is that there will be additional
23 meetings and discussions specifically in this area.
24 Since we do have a great experience with the use of
25 50.59 and how it may be applied to 50.54q in itself,

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1 and we have submitted previous white papers on this on
2 some of our thought process which should still be on
3 the docket defining minimal, defining over-
4 commitments, should all be under consideration for
5 this activity.

6 I was going to ask -- let me go on with a
7 couple more topics. I'm a little concerned that your
8 actual draft staff language, I'll call it draft staff
9 language, will be prepared in a months' time. Okay.
10 Is that what you said, Kathryn?

11 MS. BROCK: Well, the staff - -this is
12 Kathryn Brock, NRC. The staff's view is that we have
13 been prepared the draft rule language all along and
14 we're refining it based on the comments from our
15 stakeholders. It may even be better.

16 MR. NELSON: That being said, you don't
17 have final input from the FEMA side and the findings
18 that they're finding in the focus group because each
19 one of those focus groups are maturing and I'm
20 wondering if the deliberate transparent process is
21 taking place between the focus groups, what we're
22 learning from the hostile action drill program and so
23 forth.

24 I think you mentioned a number of items in
25 regard to the drills and exercises which is a broader

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1 issue than just the NRC crossing into FEMA as well as
2 the state and local activity, but I think you
3 addressed the need to go to a general emergency may
4 not be a requirement. The release, limited releases
5 or no release activity should be spoken of, but there
6 was some sense of discussion that we had early on,
7 maybe my comment on the drill frequency and there was
8 some language in there, originally, that talked of you
9 could do possibly a no release in one, but you
10 couldn't do it in any six-year -- you could only do
11 one in six-year period, but it couldn't be consecutive
12 and there was some discussion from that point of view.

13 I was wondering if there was any further deliberation
14 on that, as well as I think there was some discussion
15 on the possible eight-year cycle.

16 MR. MILLER: If I could, Alan, this is
17 Chris Miller. Let me just address the timing issue of
18 when we go about submitting our comments or I'm sorry,
19 our staff draft rulemaking language, as you described
20 it, we specifically worked with FEMA and other
21 stakeholders to set up these focus groups such that we
22 could get the benefit of those comments and see how
23 our stakeholders across the country and we set them up
24 in a number of different places. I think there's
25 probably, is it 11, 12 of those, ballpark? I say we,

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1 there are actually -- FEMA is actually sponsoring
2 these, but we specifically designed the timing of
3 those such that we could hear those comments before we
4 put forth our language.

5 And so that being the case, we will hear
6 those comments. I think probably 90 percent of them
7 will -- of those focus groups, if not 95 percent of
8 the focus groups will be completed by August, am I
9 right there, Joe? So we will have the benefit and
10 then we are summarizing. We're getting the comments
11 wrapped up into a -- rolled up into a summary and
12 we'll have those and we'll be able to feed that
13 summary into the draft rulemaking language.

14 MS. BROCK: Kathryn Brock again. And as
15 we do that, all this information from the focus groups
16 will come together at the end of the summer and we
17 will be putting the proposed rule into concurrence so
18 that the Commission can take a look at it, but again,
19 we will have another opportunity for stakeholders to
20 take a look at the ruling which, when it comes out, in
21 the proposed rule. Okay?

22 MR. GUNTER: Paul Gunter with Beyond
23 Nuclear. Are you posting the FEMA focus group
24 summaries or transcripts to ADAMS?

25 MR. FIORE: This is Craig Fiore from FEMA.

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1 FEMA is posting those documents on LLIS.gov that is
2 DHS's Lessons Learned Information System and we are
3 posting the comments that we're receiving from the
4 focus groups as well as other key documents that have
5 been guiding the FEMA/NRC exercise scenario
6 enhancement task force over the past year or so now.
7 So that's where FEMA is posting, posting those
8 documents.

9 MS. ZAWALICK: Could you repeat that
10 again? I didn't catch where you were posting those?

11 MR. FIORE: Right now they are on the
12 DHS's Lessons Learned Information System and that
13 address is LLIS.gov. Thank you. And if you have an
14 email address with a .gov suffix, you can just log
15 into that initially and set up a password and an
16 account. If you don't have a .gov suffix to your
17 email address what will happen is you'll be prompted
18 to provide a brief justification on why you feel
19 access is necessary for you to have visibility on this
20 website and that's really just a formality. What will
21 happen is I'll get a prompt from DHS saying does this
22 person have a need to know and have a need to have
23 access and certainly anyone listening in on this
24 conversation would have no problems getting
25 authorization at that point. It's a very painless and

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1 quick process to gain access to that site.

2 MS. BROCK: This is Kathryn Brock. We'll
3 make sure that in the meeting summary from this
4 meeting we have that information for everybody.

5 MR. GUNTER: I just want to make clear
6 what I heard, that there is an authorization process
7 in place to review these focus group -- and I assume
8 they would be comments or a summary or something, but
9 can you give me just a ballpark as to whether or not
10 it's an actual clearance process or is it -- to see
11 who is monitoring or -- I'm just curious. With a
12 process that we're trying to have transparent, that it
13 would have an authorization piece to it.

14 MR. FIORE: Well, the reason at the moment
15 that this is the only place that we have posted these
16 documents is that we currently don't have a REP
17 program home page on the FEMA website. We're working
18 to construct that and once we do, then we'll be
19 migrating the same documents from LLIS over to the REP
20 home page and that will be a web page that's open to
21 the public domain that anyone can access, like it used
22 to be when we a few years ago when we were in FEMA
23 before we transferred to DHS. But for now, that was
24 the only available option to us in order to find a
25 place to post these on the web and with LLIS there are

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1 certain -- it's an agency-wide Lessons Learned
2 Information System and there are portions of that that
3 have to be -- will contain some more sensitive
4 information than what we're posting there. So that's
5 the reason for the clearance process.

6 MR. ANDERSON: This is Joe Anderson, staff
7 again. I think one of the things we can work with in
8 interim between you and the outreach group is to try
9 to make them available throughout our outreach team
10 out to other interested stakeholders until we get that
11 FEMA website set up.

12 MR. MILLER: This is Chris Miller, we will
13 have to obviously work with FEMA to see if there's
14 another path, if we can post them somehow on our
15 website, But we will do that and get back to you to
16 make it easier.

17 MR. RAKOVAN: Randy, you've been sitting
18 at the table. Do you want to jump in?

19 MR. SULLIVAN: Not really. This is Randy
20 Sullivan.

21 MR. RAKOVAN: You don't have to.

22 MR. SULLIVAN: I was trying to answer a
23 couple of Alan's questions about exercises and I'm
24 afraid I kind of lost the bubble, but let me try to go
25 back through them. One was that at one time were

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1 considering an eight-year cycle versus a six-year
2 cycle. There's been no more movement on that as far
3 as I know. The draft guidance that's been draft that
4 you'll see in February specifies a six-year cycle. If
5 there's a push to go to an eight-year cycle it can be
6 done, but that was an idea that was being kicked
7 around. It hasn't gone anywhere yet.

8 You had other questions that I forgot.

9 MR. GROSJEAN: I guess there's been
10 dialogue on the EPA limits beyond five miles, I think.

11 MR. SULLIVAN: That is not in our
12 regulations, nor will it be in our guidance. It could
13 be in FEMA's guidance. Maybe it is in FEMA's draft
14 guidance. I don't know. But it's not in ours.

15 MR. GROSJEAN: And I guess the other
16 question I had was based on -- well, I guess it was
17 drill frequency, if you're going to do a hostile
18 action drill. We originally talked about one in six
19 years.

20 MR. SULLIVAN: One in six years. I don't
21 know that the staff is settled on the repetition of
22 the no release. That is being kicked around. That is
23 under discussion. I don't think we would want to have
24 a situation where every hostile action event has no
25 release. I mean that's what we're trying to work

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1 towards is how to specify that, I'm not sure.

2 MR. NELSON: I just have a wrap up comment
3 from the industry. We certainly appreciate the time.

4 It's been well spent and you've given us a great deal
5 of insights into many of the questions that we've had.

6 Obviously, our letter of June 6th goes a little bit
7 further, but I think if we sit down and take a look at
8 that we can probably screen through a lot of the
9 comments and the feedback that we got.

10 But we do, after we leave today, may have
11 some additional thoughts and comments. Are you
12 planning any more public meetings or can we schedule
13 public meetings to talk about specific topics or is --
14 or do we go into a void between now and February?

15 MS. BROCK: At this moment, this is
16 Kathryn Brock. At this moment, we don't have any more
17 public meetings scheduled on the draft portion of the
18 proposed rule, but maybe Howard can help me answer the
19 question.

20 MR. NELSON: I mean I can see where we
21 would want to have some -- ask for a public meeting to
22 clarify specific areas. Say we want to follow up on
23 50.54q issues. Maybe we -- I think there are some
24 more deliberations with the hostile drill action
25 program since we are very deeply involved with it and

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1 we do have a guidance that has some endorsement in it.

2 There may be need to come back and deliberate and
3 discuss some of those lessons learned from our
4 perspective as well.

5 MR. MILLER: Thank you, Alan. Good
6 comments. I'll tell you where we fall out just right
7 now and we'll have additional, in fact, before this
8 meeting, Kathryn Brock and I were discussing if there
9 were additional comments, where would we go with that
10 in this time frame.

11 One of the concerns that we have is as you
12 heard, we don't have a lot of time once we gather a
13 couple of sources of comments. One is any significant
14 hostile action based drills that we can get any
15 insights from between now and August, one is one you
16 pointed out, the focus groups, and then we're going to
17 take a look at the transcripts from this meeting and
18 see what we can pull out of the transcripts of the
19 meeting because that's one of the key purposes of this
20 meeting was to hear what are some other comments that
21 we have that we need to think about that we haven't
22 thought about. But the timing is a little bit
23 limited, so if there's an overwhelming need for
24 something that just sticks out like a sore thumb, I'm
25 sure that we're not going to close the door on it.

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1 We're going to have something where we can deal with
2 that. But we don't --

3 MR. NELSON: On a case-by-case basis.

4 MR. MILLER: Yes, case-by-case, but August
5 is when we're looking at submitting this proposed
6 language forward.

7 MR. NELSON: Let me just take that one
8 step further, just a second, Marty.

9 What if we decide, we on our part, we want
10 to develop guidance that would be and request
11 endorsement of that guidance supporting an activity.
12 You've already endorsed or you're going to endorse 99-
13 01 rev 5, EAL scheme. We may be in the process, we
14 may consider the process where we would want to
15 develop additional guidance. We may think about
16 screening criteria for 5540q. I know you're looking
17 at that as part of the risk, but as it might apply.

18 We're looking at possibly -- and help me
19 here, Marty -- on the near site EOF. We may develop
20 an industry guidance in that.

21 We may go back to NEI 06-04 rev 1. I know
22 we committed to go back and incorporate the lessons
23 learned, both in process and in approaches to those
24 drills.

25 So we do have a number of products that

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1 may or may not affect the rule in itself, but would,
2 in itself affect how the rule would be applied.

3 MR. MILLER: Understand. Let me -- Chris
4 Miller. Let me point out one thing that I didn't get
5 into my last statement and that is that we have the
6 next period. Let me just tell you how this period
7 started.

8 We had basically a good idea, cut-off
9 date, a term that we stole from our FEMA friends over
10 here, but we said look, even before we go into
11 proposed rulemaking, we're going to have a period and
12 that's the period we're in now where we'll take
13 comments, just because we want to inform the proposed
14 rulemaking.

15 We want to hear from our stakeholders. We
16 want it to be well-informed. So we did that. We're
17 at the end of that. Good idea, cut-off period. We
18 cut it off at June 30th and we said okay, now we have
19 to get our comments or proposed rulemaking into the
20 Commission.

21 We do have a period next spring where we
22 do what we would normally do in rulemaking and that's
23 why the rulemaking process takes a while because we do
24 want to hear from our stakeholders. So in February,
25 we will do that.

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1 That being said, Alan, I'm not going to
2 shut the door on any particular issue. If there's an
3 idea to be hashed out and we bring it to our
4 rulemaking staff and we talk about it between NRR and
5 ourselves and OGC and it's something that we can do
6 within the bounds of the rulemaking process, I'm not
7 going to shut the door on that.

8 MR. GROSJEAN: I certainly appreciate that
9 because that's what Marty was really pointing to,
10 deliver and transparent in a way and not be driven by
11 a schedule that doesn't allow the appropriate guidance
12 and implementation of those -- do you have something
13 to add, Marty?

14 MR. HUG: Yes, Mary Hug, NEI. Mr.
15 Gunther, in his presentation said that he would like
16 to see the schedule moved along, if we could, and I
17 think this is what we're getting at here is that as
18 the rule language goes forward, that's one path, but
19 in parallel there's another path and that's in the
20 guidance documents. And for instance, we got
21 information today on what your vision is for the
22 collateral duties rulemaking. I realize you're going
23 to change the name on that, but job task analysis.
24 There's a lot of consideration that goes into how do
25 we go about providing that job task analysis and

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1 instead of the industry going off in a vacuum and
2 coming up with their own guidance document and then
3 providing that to you at the time of the comment
4 period.

5 For the next phase of rulemaking here I
6 would prefer again to move the schedule along in
7 parallel with that if we could have some meetings in
8 some of those areas such as collateral duties. We can
9 move the schedule along and provide those guidance
10 documents a little bit quicker.

11 MS. BROCK: This is Kathryn Brock. If you
12 do have some documents that you would like to submit
13 to NRC, I would ask that you send it to us in a
14 letter, kind of formally. Then when NRC gets it we
15 can put it in ADAMS and also post it on
16 regulations.gov because at this point like Chris said,
17 we had to have a good idea cut-off date. So for
18 regulations.gov at this moment, there aren't any
19 little bubbles that you can click and say provide
20 comments, but we can still through the ADAMS process
21 get those documents up on regulations.gov for everyone
22 to see.

23 And you might also tinker around with it a
24 little bit. You can set it up so that you can get a
25 notification via email if there are any new additions

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1 to our docket. But I think it's also worthy of noting
2 that all of these deliberations we've had and going
3 back and forth about rule language and guidance, we
4 really have come quite far. All of this work we've
5 done up until now would have had to have been done
6 next spring, so all the comments we've received from
7 stakeholders has really made the proposed rule a
8 better document or it will when we publish it. But I
9 appreciate that.

10 MR. GROSJEAN: Randy, I'm not going to let
11 you off the hook yet.

12 Alan Grosjean with Entergy Nuclear. Just
13 again, the other concern is before this proposed
14 language, I'm going to bring something up on ETEs. We
15 talked about where some of this lies in guidance and
16 some of this lies in rulemaking. So I just kind of
17 wonder, go back and revisit the ETEs for an example.

18 You mentioned yourself that the
19 realization that enhancements to ETEs came out of the
20 PARs versus hostile action. So I go back and echo
21 what was stated in the NEI written comments that those
22 enhancements are probably more appropriate for
23 guidance versus rulemaking because they're really not
24 enhancements to hostile actions as a result of 9/11.
25 So the concern is that if there's a consideration of

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1 where that falls, whether it's guidance or rulemaking,
2 going forward with that proposed language in a month's
3 time that still needs to be hashed out.

4 Am I making myself clear as far -- if
5 there's still some decision as to whether it falls
6 strictly in guidance or in rulemaking. I think that's
7 where this concern about some of these issues moving
8 forward in the months time period.

9 MR. SULLIVAN: I'm a little confused that
10 -- are you under the impression that this rulemaking
11 is strictly related to post-9/11 issues, because it's
12 not.

13 We developed a Commission paper which I
14 think is public, 06-200, that gave the Commission a
15 series of areas where we thought the EP regulatory
16 regimen could be enhanced. It is 30 years old and so
17 there was a suite of 9/11 issues, most of which are
18 covered by the bulletin 05-02. We feel those should
19 be codified. And then there was another suite of
20 issues that are really outside of 9/11 space, the ETE
21 business flows from the PAR study and is one of those
22 issues.

23 We think ETEs -- I'm talking about the
24 staff level thinking, as we've said several times
25 today. Especially for the high pop. density sites,

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1 ETEs should be more closely connected to the
2 protective action recommendation logic. The idea that
3 Wolf Creek and Indian Point have exactly the same
4 protective action logic is perhaps unsatisfying. We
5 think we can enhance that. It's not that it's not
6 protective. We believe it is protective. But we
7 think the PAR study shows us there's a more effective
8 way, a more protective way to implement protective
9 actions.

10 We think that's closely coupled to the
11 ETE. We also think the ETE has to be accurate and at
12 least standardized. We're working in that way with
13 the rulemaking and the supporting guidance.

14 You may have seen the ETE guidance we put
15 out a few years ago. We're hoping to rewrite that and
16 make it a more bit directive. In other words, please
17 use these assumptions, unless you have a good reason
18 not to. And that way ETEs could be compared across
19 the country.

20 We think that high pop. sites should be
21 looking at their ETEs on a more regular basis.

22 MR. GROSJEAN: Is that about it?

23 MR. SULLIVAN: Yes, and we think you
24 should have the capability to rerun the ETE when
25 there's demographic changes. We have to put some

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1 bounds on that. We don't expect you to do it every
2 day or every month, but that capability exists. It's
3 a PC-based capability and it can be done without a lot
4 of burden. I realize there is burden.

5 MR. GROSJEAN: I think this may be in an
6 area that, as Alan mentioned, we may want to have some
7 further dialogue.

8 MR. SULLIVAN: Chris said he's not going
9 to close the door on any kind of input, right?

10 MR. MILLER: Chris Miller. On a case-by-
11 case basis, yes. Send us your comments in a letter
12 and as Kathryn said, we'll put it up on
13 regulations.gov so it's wide open, everybody can see
14 and then we'll decide how to address those issues from
15 there.

16 MR. RAKOVAN: Okay, this is Lance.
17 Additional questions, including those who are
18 listening in on the phone?

19 MR. MILLER: Lance, this is Chris Miller.
20 Let me just make it clear. I guess we've kind of
21 shifted to the public participation --

22 MR. RAKOVAN: We shifted there a while
23 ago.

24 MR. MILLER: -- place, so any comments are
25 appropriate. Make sure it's not just comments on

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1 things that the NRC has presented, but anybody that
2 has a question on anything, feel free.

3 MR. RAKOVAN: Hopefully, anything within
4 the scope of the meeting.

5 MR. MILLER: Within the scope.

6 MR. RAKOVAN: Okay.

7 (Pause.)

8 A couple more chances. No one on the
9 phone has any questions?

10 MS. ZAWALICK: No questions.

11 MR. MILLER: Okay, thank you. We will
12 just take the opportunity to mention a couple of
13 things.

14 First of all, once again, thanks. I
15 really do appreciate the efforts. It's not easy to
16 post the set of comments, post the set of slides, to
17 come in and present. It takes time. It takes effort
18 and money in some cases to do that.

19 And the interest. There's a lot of people
20 here who have an interest in doing the same thing. I
21 think we all share the common goal of improving and
22 making effective the emergency preparedness structure
23 that we have in this country, specifically related to
24 nuclear power plants.

25 Let me take a minute to describe what I

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1 think some of the things we've achieved. One is that
2 we've heard some really good comments. They've been
3 in different areas. We've heard some diverse
4 comments.

5 One thing you can be assured of and you
6 have my commitment to it in that we will consider
7 them. When the team got together to decide how we
8 want to structure this meeting, we decided to
9 transcribe it just so we could specifically go back
10 and say well exactly what was the point made there, so
11 that we can go back and with rigor look at the
12 comments and see how we can address those comments.
13 So that was a commitment my staff made much earlier on
14 and I'm thankful that they did that.

15 Like I said, I can't promise you that
16 we'll have a rulemaking that reflects positively on
17 every single comment. Just for the specific case and
18 in some cases we heard that we were taking too long to
19 do our rulemaking and in some cases we heard that we
20 needed to have a longer and more diligent process.
21 You've got to have some reconciliations and there will
22 be some work on both sides of those issues. But we
23 can't do it as Kathryn said if we hadn't heard your
24 comments. We wouldn't have as good of a rulemaking as
25 we have right now.

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1 Specifically, some of the things that I
2 think we heard from State of Pennsylvania and others
3 that ICS is important, the training, staging areas,
4 those kinds of things. We need to get to where we're
5 looking at hostile action based or security based
6 drills like other places in the country are doing. We
7 need to be able to come into the realm that we're
8 addressing emergencies like other areas and ICS and
9 NIMS as part of that.

10 From Mr. Gunter and the folks that he
11 represents, we want to look at things where there
12 might be common-mode failures that could affect
13 evacuations and we want to look at the evacuation time
14 estimates.

15 Marty and the NEI comments pointed out
16 some good things like the Commission pointed out. We
17 want to have less predictability and we want to make
18 sure that not only that we can address less
19 predictable, not as much cookie-cutter kind of
20 exercises, but on the other side of what we also have
21 to have reasonable assurance as Randy Easton pointed
22 out from Pennsylvania. So we will be looking
23 at those issues, the collateral duty issues.

24 I think what we can promise is not that
25 we'll address every comment to your satisfaction, but

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1 that we will consider every single one, so I thank you
2 for that opportunity. We have a process and I know
3 it's painful, you know. The rulemaking process in the
4 Commission is approximately a three-year process, but
5 part of that is because we want to be open. We want
6 to consider the comments of all the stakeholders and
7 make sure that there's opportunities for this kind of
8 interaction. So as painful as that is on one side,
9 it's also a very good opportunity to make sure that
10 stakeholders have an interaction in the process and it
11 is a public process.

12 I want to thank everybody for
13 participating in that process and we look forward to
14 more comments from you as we move forward.

15 With that, we'll close the meeting. Thank
16 you.

17 (Whereupon, at 4:11 p.m., the meeting was
18 concluded.)
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