

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Proposed Implementation Dates of the Draft
Emergency Preparedness Final Rule
Public Meeting

Docket Number: (n/a)

Location: Rockville, Maryland

Date: Monday, November 15, 2010

Work Order No.: NRC-550 Pages 1-166

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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4 PUBLIC MEETING

5 TO DISCUSS THE PROPOSED IMPLEMENTATION DATES

6 OF THE DRAFT EMERGENCY PREPAREDNESS FINAL RULE

7 + + + + +

8 MONDAY

9 NOVEMBER 15, 2010

10 + + + + +

11 The meeting was held at the Hilton Rockville,
12 1750 Rockville Pike, Rockville, Maryland, at 12:30
13 p.m., Lisa Gibney, Facilitator, presiding.

14 PRESENT:

15 LISA GIBNEY, Facilitator

16 CRAIG FIORE, FEMA

17 BOB KAHLER, NRC

18 JEFF LAUGHLIN, NRC

19 CHRIS MILLER, NRC

20 RANDY SULLIVAN, NRC

21 DON TAILLEART, NRC

22

23

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

2 12:31 p.m.

3 FACILITATOR GIBNEY: Okay. I think we've
4 probably given most folks time to get signed in and
5 logged in, so let's go ahead and get started.

6 My name is Lisa Gibney. I'm the team
7 leader for Communication and Outreach here in the
8 Division of Preparedness and Response and I want to
9 thank everybody for coming today.

10 I'm going to serve as kind of our
11 facilitator. Today, it's going to probably be
12 facilitator/traffic cop.

13 The transcription is a wonderful thing for
14 us, but it does give us a couple of more logistics to
15 make sure that we're getting everyone included and
16 identified correctly. So, I do appreciate your
17 patience with us today.

18 Today, we're going to talk about - our
19 public meeting is to discuss the proposed
20 implementation dates for the draft Emergency
21 Preparedness Rule. And you're probably going to hear
22 me have to remind us more than once of that today,
23 too, that we really are just trying to limit the scope
24 of our discussion today to getting your feedback about
25 the dates themselves. Not a discussion on the rule or

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1 its contents, but on the dates, the actual
2 implementation dates.

3 Okay. Just a couple of housekeeping type
4 items that we always need to go through. Of course we
5 believe in safety first. So, if there would be an
6 emergency, we need to exit this room.

7 If you go out the back set of doors past
8 the - where Annette and Sarah are and our
9 transcriptionist are, go out those doors and straight
10 across the hallway, there's two double doors that will
11 lead you outside of the building and out into the
12 patio.

13 Restrooms, you can either go up - again,
14 out these side doors and up the steps that are just
15 outside of our room. There are restrooms immediately
16 at the top of the stairs. Or if the stairs are a
17 challenge, you can go further down the hallway to the
18 marble desk and turn right. It's the first doors on
19 the right-hand side of the hallway as you come out
20 that way.

21 Of course it wouldn't be a meeting if we
22 didn't ask you to put your cell phones and your pagers
23 on vibrate.

24 We will have one break today in our
25 agenda. And I am going to ask right now - I'll ask

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1 you a couple times, but I'll ask right now to please
2 be flexible with us on the break. We're going to try
3 to pick a logical break point based on the discussions
4 that we're having.

5 And one thing that's a little bit
6 different today is that, as I said, our meeting is
7 being transcribed.

8 So, because of the fact that we're being
9 transcribed, we do need to make sure that everyone is
10 using the microphone. And if you have some patience
11 with me, I'll get the microphone to you if you're not
12 close to the audience microphone.

13 Today our agenda, we are slated to run
14 from 12:30 to 4:30 Eastern time today. Our agenda
15 will include some opening remarks, then we'll have the
16 presentation of the draft EP final rule implementation
17 dates, just a brief way to tee that up, and then we'll
18 get right into the discussion.

19 We're going to run through each topic. We
20 are going to ask - initially we're going to try to
21 probably limit it to about 10 or 15 minutes per topic
22 to be sure that we can get through all of them. And
23 then I'm sure we'll have some time at the end and
24 we'll go back. Some of the topics don't - will
25 probably not generate as much discussion as others.

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1 So, we'll be going back to those if we do have to
2 table it. Again, I just ask a little bit of
3 consideration and appreciate your flexibility.

4 We are expecting lots of participation
5 today. So again, one of my jobs is to help keep us
6 moving.

7 Options for today, today we're also able
8 to use our Microsoft Live Meeting webconferencing
9 program that we've been using. So, that does allow us
10 multiple ways for people to participate.

11 We do have several folks here in the room
12 today coming with us in person. We also have folks
13 that are viewing us using the internet, and then also
14 listening to us on our toll free 800 line.

15 So again, it's going to make it really
16 important that we use the microphone today so that
17 everyone can hear.

18 For those of you that are participating
19 remotely, a big welcome to you too. We are going to
20 ask you today if you could please mute your phone.
21 The easiest way to do that for most folks is to use
22 the star - push star and then six.

23 And then - we call this the "Lisa rule."
24 Don't forget to unmute your phone when you want to
25 speak again, which again is star and six, so that

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1 you'll be able to ask your question or give us your
2 feedback.

3 And again, please state your name and
4 organization. That actually does two things for us.
5 It allows us to set the microphone level here in the
6 room, and also gives the transcriptionist a chance,
7 too, to make sure that she knows who is speaking.

8 Okay. With that, my initial work here is
9 done and I'm happy to turn my clicker over officially
10 to Chris Miller who is our deputy director for
11 Emergency Preparedness, and ask, Chris, if you could
12 give us some of your opening thoughts, please.

13 MR. MILLER: Thank you, Lisa, and good
14 afternoon to everyone here and those participating
15 remotely via the internet and by phone.

16 This meeting is another example of what I
17 think the Emergency Preparedness Rulemaking and
18 Guidance Team has done to go above and beyond the
19 normal public interaction steps for the rulemaking
20 process seeking additional opportunities to really
21 understand and incorporate public feedback this
22 particular time on the implementation dates for the
23 rule.

24 To help ensure that everyone has a clear
25 understanding of what we want to accomplish today and

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1 make this session as productive as we can, I would
2 like to go over a couple of key points.

3 First of all as Lisa mentioned early on,
4 it's our purpose to focus on the implementation time
5 frames for the emergency preparedness rulemaking and
6 to gather additional information we should consider in
7 setting those time frames before the final rule goes
8 to the Commission next February.

9 We asked for input on those implementation
10 dates during the public comment period back in 2009,
11 many of you will remember, and we received some good
12 feedback from our stakeholders. The comment period in
13 2009 was initially 75 days, but was extended to 150
14 days to accommodate stakeholders to have more time to
15 comment on the rule language.

16 During that comment period, specific
17 information was sought on the implementation dates
18 included in the rule language.

19 However, today, as the draft final
20 language is being completed, we want to make sure that
21 the impacts of the rule changes on licensees,
22 applicants and also on offsite agencies, have been
23 fully considered and to possibly make adjustments to
24 the implementation dates if appropriate.

25 Today's meeting is part of an initiative

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1 the NRC has undertaken to better understand and
2 address what is being called the cumulative effect of
3 NRC regulations and the ongoing changes to the
4 regulations on our stakeholders.

5 There is another public meeting at NRC
6 headquarters here in Rockville tomorrow morning on the
7 general topic of this cumulative effect.

8 For today's meeting, NRC and FEMA staff
9 members are here to answer questions about the
10 proposed implementation dates and to obtain your
11 discussion and feedback on them.

12 However, as important as what the meeting
13 will cover, I think it's also important to state what
14 it will not cover.

15 This meeting is not intended to discuss
16 the content of the rule or the guidance documents
17 themselves. And the staff will not be discussing the
18 content of the draft final rule or guidance
19 specifically, unless they relate to the implementation
20 time frames.

21 As the notice for this meeting stated, no
22 formal comments on the draft final rule or guidance
23 documents are being sought.

24 I do expect that we'll have an open
25 dialogue about each of the final rule topics. And by

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1 the end of today's session, we'll have a clearer
2 picture of any additional factors that we might want
3 to consider for implementation dates as the final rule
4 goes forward to the Commission.

5 Because there are 11 rule topics to cover,
6 as Lisa also mentioned earlier, we may have to limit
7 some of the discussion and get back to it at the end
8 just to make sure we at least have some time for each
9 of the 11 major topics.

10 To be clear, we want everyone to know that
11 this is not a formal comment period, but we do want to
12 receive feedback on implementation dates in order to
13 make sure we have adequately considered the items on
14 the back end of the rulemaking process.

15 We will be gathering the discussion today
16 and transcribing it to make sure we capture the
17 insights that we discuss. And some people told us
18 hey, we're not able to attend the meeting today, is
19 there another way that you can accommodate getting our
20 comments?

21 And we said okay, for today, we'll also
22 have an electronic way of submitting your comments -
23 I'm sorry - submitting your feedback to us. So, we're
24 also taking it electronically.

25 I've listed the way to do that at the

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1 bottom of the slide there. And I've included on the
2 slide how that feedback can be submitted to us and
3 also the fact that this feedback - this electronic
4 feedback will go on the end of the transcription.

5 So, we'll have a document that has the
6 transcription of the discussion today. And then any
7 electronic comments or feedback that we receive will
8 go at the end of that transcription.

9 We also expect additional meetings in the
10 future, and so I just want to let folks know that
11 that's coming up, that will assist - they'll be
12 informational in nature and they'll assist on how to
13 best implement the rule and the guidance.

14 And we know that FEMA also plans to have
15 these kinds of meetings of an informational nature in
16 the future.

17 With that said, I'm not going to turn the
18 meeting over to Don Tailleart from the Regulatory
19 Improvements Team to take us through the final rule
20 topics and the discussion of the implementation dates.

21 Don.

22 MR. TAILLEART: Thank you, Chris, and good
23 afternoon everyone.

24 Before we start going through the topic-
25 by-topic discussion, I'd like to introduce some other

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1 members of the Panel and staff in the audience today
2 who have been involved with the rulemaking for several
3 years now and are here as subject matter experts to
4 listen to your feedback and to hopefully answer any
5 questions that you may have.

6 To my left I have Bob Kahler, Randy
7 Sullivan and Jeff Laughlin. Also in the audience,
8 Steve LaVie and Milt Murray. Again, these are all
9 folks who have been heavily involved in the rulemaking
10 process pretty much from the beginning.

11 We also have here today representing FEMA
12 on the Panel, Craig Fiore from the Radiological
13 Emergency Preparedness Branch of the Tech Hazards
14 Division.

15 And, Craig, I'll turn the meeting over to
16 you now for some remarks from FEMA.

17 CRAIG FIORE: Thank you, Don.

18 Good afternoon, ladies and gentlemen.
19 It's a pleasure to be here this afternoon to join you
20 in this important public meeting so that we can hear
21 the discussions and the questions surrounding the
22 proposed rule implementation dates.

23 I see this as a valuable opportunity since
24 as I believe you are all aware, within the proposed
25 rule there is language that is both common and

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1 consistent with language in the draft REP program
2 manual and Supplement 4 to NUREG 0654.

3 As Chris mentioned similar to today's
4 meeting, FEMA is also working to identify and schedule
5 additional opportunities to meet with state, local and
6 industry stakeholders to discuss implementation time
7 frames.

8 Three such meetings have already taken
9 place in the last month. One in Albany, New York, one
10 in Kansas City, Missouri, one in Chicago, Illinois.

11 We'll also be meeting in the near future
12 with the NRC and hopefully many of you, to have a
13 meaningful discussion on the most beneficial way to
14 design and structure what will be a series of
15 implementation workshops that will be conducted
16 following the final publication, issuance and rollout
17 of the rule and the associated FEMA guidance.

18 Again, thank you for - I'd like to thank
19 the NRC for affording me the opportunity today to
20 attend and participate in this afternoon's public
21 meeting.

22 With that, I will pass things back over to
23 you, Don. Thank you.

24 MR. TAILLEART: Thank you, Craig. Okay.
25 I'd now like to start the actual discussion of each of

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1 the implementation dates by rulemaking topic.

2 The matrix that you see on this slide, and
3 it's also continued on the next slide, shows the
4 emergency preparedness rulemaking topics that we're
5 going to be going through.

6 For each topic, we've provided the final
7 rule citation along with the implementation dates that
8 were in the proposed rule.

9 There's a column that shows the
10 implementation dates or time frames that were
11 requested in comments received during the public
12 comment period last year.

13 And then finally there's a column showing
14 the implementation dates proposed in the draft final
15 rule and any difference between what was requested
16 during the public comment period and what we currently
17 have as a draft.

18 You can also see that from this slide, and
19 we'll see on the next slide, some of the
20 implementation dates have been adjusted to align with
21 the requested time period when the staff agreed with
22 the basis provided for making that change.

23 In other cases, the staff did not agree
24 with the basis provided by the commenter on making the
25 change, and we either left the implementation date as

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1 it was in the proposed rule or made some adjustments
2 based on some other factors.

3 As we go through each of the topics, we'll
4 discuss the staff's reasons for not agreeing with some
5 of the requested dates in more detail.

6 MR. MILLER: Don, if I could just point out
7 that we also have a handout. Because it's a little
8 bit hard to see the information on the slide if you're
9 far back in the room, there's a handout that has those
10 dates as well. It's on the front table.

11 MR. TAILLEART: Okay. Thank you.

12 MR. MILLER: And electronically, Lisa, that
13 handout - they also have that same slide, right?

14 FACILITATOR GIBNEY: Yes.

15 MR. MILLER: Thank you.

16 MR. TAILLEART: To help standardize the
17 description of the implementation dates, the NRC staff
18 is considering some changes to the implementation date
19 wording.

20 For example, if you scan down through the
21 draft final rule implementation dates, you'll notice
22 that some of them are based on publication date of the
23 final rule, some are based on effective date.

24 We think it would be helpful to
25 standardize all the dates and make them reference just

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1 the effective date.

2 We also are considering some other changes
3 to the final rule implementation date both from a
4 staff perspective, and then also based on additional
5 feedback that we receive today. And we'll discuss
6 some of the changes that are under consideration as we
7 go through each of the topics.

8 As noted earlier, we have a lot of items
9 to cover and we may have to table the discussion on a
10 particular topic so we can move on and make sure that
11 we cover all of them.

12 If we do that for any particular topic, we
13 will return to them later in the meeting after we've
14 gone through all the items and as time permits.

15 So, on to the first topic. As shown on
16 this slide, the Emergency Plan Change Process
17 described in the amended 10 CFR 50.54(q) and for each
18 of the topics that follow, the major actions that we
19 believe licensees would need to complete in order to
20 meet the new requirements are shown.

21 We feel these actions are important as one
22 of several factors that should help us determine what
23 the appropriate implementation time frame should be.

24 For this particular item, the industry had
25 requested a 12-month time period to develop

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1 administrative procedures and processes to implement
2 the license amendment process for emergency plan
3 changes per the amended rule.

4 Because the amended emergency plan change
5 process is primarily an administrative process, it
6 involves a limited number of procedures and a limited
7 number of licensee personnel to implement. And
8 because licensees have some control in the timing of
9 implementation as I'll discuss in a moment, the staff
10 did not believe that a 12-month implementation period
11 would be necessary.

12 We also believe that licensees would
13 benefit from implementing the emergency plan change
14 process as soon as possible as it addresses several
15 uncertainties and inconsistencies in the current
16 process.

17 In Section 5 of the draft final rule
18 Statement of Considerations, it states that the
19 amended 50.54(q) process would take effect 30 days
20 after publication of the final rule in the Federal
21 Register. At this point, the staff has no plans to
22 change this particular provision.

23 However, from a practical standpoint, the
24 time at which each licensee must actually implement
25 the new 50.54(q) requirements will vary depending on

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1 when the licensee makes its first emergency plan
2 change after the effective date of the rule.

3 At that time, the review of the emergency
4 plan change would need to be done in accordance with
5 the methodology in the new Regulatory Guide 1.219 or
6 an acceptable alternative to this guidance.

7 Also, submittal of the emergency plan
8 change documentation to the NRC would need to meet the
9 new requirements for changes both requiring and not
10 requiring prior NRC approval.

11 The staff is considering clarifying when
12 implementation would occur in Section 5 of the final
13 rule Statement of Considerations.

14 What we'd like to do at this time is to
15 hear input from members of the audience on the
16 proposed implementation period, any changes that you
17 recommend we should consider to the implementation
18 period, and the basis for those changes.

19 So, at this point I'll open it up to the
20 audience for discussion.

21 FACILITATOR GIBNEY: Okay. And I
22 appreciate everyone who went ahead and signed up
23 that's here in Rockville. I'll do my best to try to
24 interpret what you meant. But if I've missed it,
25 please don't hesitate to raise your hand and get my

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1 attention and let me know.

2 And before I do that, though, just a
3 reminder to the Panel we are getting some comments
4 through the internet that they're still having a
5 little trouble hearing. So, be sure that you're close
6 to the microphone.

7 Let me see if I'm interpreting right. Don
8 Rickard from STARS?

9 MR. RICKARD: That's correct.

10 FACILITATOR GIBNEY: Is this your issue
11 that you wanted to speak to?

12 MR. RICKARD: Yes, it is.

13 FACILITATOR GIBNEY: Okay. Great. And in
14 the meantime if I've got folks on the phone who are
15 interested in this topic also, you can - I'll come to
16 you folks in just a second. Don.

17 MR. RICKARD: And thanks for leading off.
18 I was actually counting on more prep time. Don
19 Rickard with STARS, Regulatory Affairs.

20 PARTICIPANT: Microphone somehow.

21 MR. RICKARD: I'm not qualified for this.

22 (Off-record comments.)

23 MR. RICKARD: Better? Okay. Don Rickard
24 with STARS, Regulatory Affairs, and my comment was on
25 the first item here and it dealt with the time frame

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1 for the amended change activity.

2 Point blank, I'm going to request that the
3 time frame for implementation of that be 90 days. And
4 the basis for that 90 days is we've gone through and
5 started the project plan activities.

6 The completion of this activity, it may be
7 an administrative change, but it takes more than 30
8 days to move through the administrative change
9 processes for those especially for the EP procedures.

10 Quick time frames, you know, barring an
11 emergency-type condition, is 66 days. With a good
12 change management process and good training using the
13 SAP process, it's closer to 110 days. I'm requesting
14 a 90-day implementation time frame for that.

15 The other item is if you go through the
16 Change Management Program and you look, all these
17 changes kick off on T equals zero if you go by the
18 rule implementation time frames. And whomever is
19 coordinating the activity is going to have a large
20 number of simultaneous tasks. This will be one of
21 those tasks.

22 So, in the aggregate between the resources
23 available to accomplish the change, the time frame
24 that's actually necessary to make the change, I'm
25 requesting a 90-day time frame.

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1 The one last factor, you say that it's a
2 limited population of affected personnel. Depending
3 on when the rule comes out, that limited population of
4 affected personnel are going to have a lot of other
5 tasks.

6 A worst case scenario is this rule comes
7 out in the October time frame. For the seven stations
8 that I'm associated with, we're going to have four of
9 them in an outage.

10 So, immediately those personnel will have
11 other collateral duties in addition to just being
12 trained on what these final - on the amended process.

13 So, we have a lot of activities ongoing
14 and I can talk to you specifically about what we show
15 as a Change Management Plan. I have the Gantt charts.
16 I'm an engineer.

17 I can't give them to you because they have
18 our outage dates and durations, but you can see the
19 overlap of activities that are associated with that.

20 FACILITATOR GIBNEY: Thanks, Don.

21 MR. TAILLEART: Well, thank you for the
22 feedback. Are there any other comments or feedback on
23 this particular issue?

24 It's certainly something that we'll take
25 into consideration.

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1 MR. KAHLER: Yes. Don, right?

2 MR. RICKARD: Correct.

3 MR. KAHLER: If I can, just -

4 FACILITATOR GIBNEY: And you are?

5 MR. KAHLER: Oh, I'm Bob Kahler with the
6 NRC.

7 FACILITATOR GIBNEY: Thank you.

8 MR. KAHLER: I'm sorry. Chief of the
9 Inspection Regulatory Improvements Branch.

10 You're saying the process to make the
11 change, you're talking about your administrative
12 procedure changes. Not to take from the time period
13 the rule becomes effective, if you want to make a
14 change to the emergency plan, that you need to make it
15 within 90 days.

16 Is that what you're saying?

17 MR. RICKARD: No, I was actually not
18 alluding to the time frame for the EP and emergency
19 plan change at all. I was simply talking the
20 administrative time frames for our onsite review
21 committees, for what should be our administrative
22 procedural review times, for the development activity
23 times, and I do tie it to a T equals zero time frame
24 of implementation.

25 And I do that because I just got off the

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1 fatigue rule implementation activities where the
2 requirements were changing right up until the
3 effective date of the rule.

4 So, the licensees could go off and they
5 could start drafting a lot of changes now, but there's
6 no assurance that the guidance in the interim period
7 is going to still be the same. So, they're still left
8 with having to perform a last minute gap analysis.

9 My 90-day time frame is the onsite
10 activities necessary to develop, review, get the
11 onsite review committee approval for the procedure
12 changes, just the administrative procedure changes.

13 MR. KAHLER: I guess just to clarify what
14 you're asking for, though, is time for creation of the
15 process that if you make a change, the change is in
16 compliance with the rule. Because the rule change
17 itself talks to how - talks to making changes, not -
18 you know what I mean?

19 The implementation date is from that date
20 forward if you make a change, it has to be in
21 compliance with the rule.

22 So, what you're asking for is a time
23 period to create the process to meet compliance for
24 your next change.

25 MR. RICKARD: That is correct. That is

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1 correct.

2 MR. KAHLER: Okay.

3 MR. RICKARD: We would need a valid change
4 process by our administrative controls to govern by
5 other Appendix B requirements in order to make the EP
6 changes.

7 The one part of this I really do agree
8 with is it has to come first.

9 MR. KAHLER: But do we anticipate any of
10 your needed EP changes to need to be changed within 90
11 days of the effective date of the rule such that you
12 need that time period in order to create the process,
13 or can it wait that 90 days?

14 MR. RICKARD: Let me pass this to Marty
15 Hug.

16 MR. HUG: I think the answer is you can't
17 anticipate that some issue may -

18 FACILITATOR GIBNEY: Hang on. Hang on.
19 Hang on.

20 MR. HUG: Marty Hug, NEI.

21 FACILITATOR GIBNEY: Thank you. And I'm
22 going to say right now we're not starting pass the
23 microphone.

24 MR. HUG: Okay.

25 FACILITATOR GIBNEY: I got a lot of people

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1 in a short amount of time.

2 MR. HUG: Your person on the Panel asked
3 for clarification. This person is not an EP
4 specialist, so -

5 FACILITATOR GIBNEY: I understand that.
6 I've got a lot of people that have a lot of things to
7 say.

8 MR. RICKARD: Based on input, the answer
9 will be yes. I can't give you a specific example.

10 MR. KAHLER: But you may have a change that
11 needs to be done within 90 days of the effective date
12 of the rule. There's a possibility.

13 MR. RICKARD: I would say yes.

14 FACILITATOR GIBNEY: Okay. And actually
15 there's a couple folks on the phone that had thoughts
16 about this too. Maybe that will help with some of the
17 clarification.

18 Annette, can you bring up the phone for
19 us? Hello.

20 MR. MOTHENA: Don Mothena with -

21 FACILITATOR GIBNEY: One more time, Don.
22 I'm just getting you now.

23 MR. MOTHENA: This is Don Mothena with
24 NextEra Energy/FPL and, one, I'd like to reinforce the
25 STARS outage comment.

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1 We've got six outages scheduled next year
2 and that's a tremendous amount of resources. Add on
3 top of it the amount of energy needed for regulatory
4 support for power uprates that we have going on.

5 There is going to be challenges just to
6 get the right, smart people to be working on the
7 product at the time frame.

8 The next thing is a 30-day change in most
9 plants' world is considered a critical, priority one,
10 drop-dead, make a procedure change.

11 I think that this doesn't constitute that
12 in a sense because we all are identifying this as
13 upgrades and enhancements for our processes.

14 To allow us a little more time to solicit
15 good comments, make sure we have good processes and
16 procedures in place for actually doing the Q review
17 will warrant more than a 30-day time frame.

18 The 90-day is more consistent with that.
19 I know NEI is intending to provide industry guidance
20 to help us move along the way. But no matter what you
21 do, you're still going to have to go through your
22 onsite review process, resolution, and then your
23 review board, and then approval, and then training and
24 implementation.

25 Trying to train and implement with six

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1 outages is going to be a challenge. Thanks for the
2 ability to comment.

3 FACILITATOR GIBNEY: Thank you, Don.

4 Did we have others on the phone who had
5 thoughts about this particular topic?

6 MS. ZAWALICK: Hey, Lisa, it's Maureen
7 Zawalick from Diablo Canyon.

8 FACILITATOR GIBNEY: Okay. One more time,
9 Maureen. I just heard the tail end.

10 MS. ZAWALICK: It's Maureen Zawalick from
11 Diablo Canyon.

12 FACILITATOR GIBNEY: Thank you.

13 MS. ZAWALICK: A question - a little
14 subtlety was said there. The focus has been on
15 implementing changes that result in reduction of
16 effectiveness for this, but I also heard that the
17 submittals under 50.4 for those that do not reduce the
18 effectiveness of the plan, that those have to be
19 effective within 30 days.

20 So, essentially any EPIP submittal or E
21 plan change that doesn't result in reduction of
22 effectiveness has to come under the new rule within 30
23 days.

24 So, it's not going to meet what we're
25 proposing of 90 days. The procedures have to change

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1 right away. We can't like hold onto an E plan change
2 to catch up with making all the process changes.

3 MR. TAILLEART: Maureen, this is Don
4 Tailleart.

5 Yeah, that would be correct. Once the
6 rule is effective, not only would you have to follow
7 the new process for doing the reviews of emergency
8 plan changes, but you'd also have to follow the new
9 requirements for submittal of documentation whether
10 it's a reduction in effectiveness or not.

11 MS. ZAWALICK: So, I'd just ask the NRC to
12 consider that impact because that is, you know, that's
13 across the board how industry submits their 50.4
14 submittals. With the level of detail the rule
15 language says, it says you have to show the basis
16 which really is your 54(q) evaluation and submit that
17 as well within 30 days of a change being made.

18 MR. TAILLEART: That's correct. You'd have
19 to submit at least a summary of the basis for the
20 change.

21 As I understand it based on the feedback
22 provided so far, during the implementation period 90
23 days proposed, licensees if they did have to make an
24 emergency plan change during that implementation
25 period, would continue to follow whatever existing

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1 process they had in place until the new process was
2 fully implemented and put into effect.

3 Okay. I see heads nodding, so -

4 FACILITATOR GIBNEY: Thanks, Maureen.

5 Don, any more comments from the phone on
6 this topic?

7 If not, we'll move on. I'll ask Don to
8 move ahead to Topic Number 2.

9 MR. TAILLEART: Sure. All right. Under
10 the new requirements, all licensees will have to
11 update their evacuation time estimate studies using
12 2010 decennial census data and submit the updated -
13 and submit the - I wonder if I should just hold this.

14 (Off-record comments.)

15 MR. TAILLEART: All right. Let me start
16 over then.

17 Under the new requirements, all licensees
18 will have to update their evacuation time estimate
19 studies using 2010 decennial census data, and then
20 submit the updated studies to the NRC for review.

21 The new guidance document NUREG/CR-7002
22 was developed to provide an acceptable approach for
23 performing these updates and conducting reviews to
24 confirm their adequacy.

25 A 12-month implementation schedule is

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1 requested by commenters because some licensees will
2 need to incorporate subsets of the U.S. census data
3 into their evacuation time estimate studies, and these
4 data subsets may not be available with the initial
5 release of the census data.

6 Also, it may take longer than 180 days to
7 incorporate information from state and local
8 governments regarding special and transient
9 populations.

10 They also noted that there are only a few
11 vendors that have the capabilities to perform these
12 updates, and it would be difficult for the vendors to
13 complete all the ETE studies, the updated studies
14 within 180 days.

15 The staff agrees with the - or agreed with
16 the basis for this request and modified the
17 implementation period as shown.

18 So at the earliest, the submittal of the
19 updated ETE study would be within 165 days of the
20 effective date of the final rule. That's assuming -

21 MR. MILLER: 365.

22 MR. TAILLEART: What did I say?

23 MR. MILLER: You said 165.

24 MR. TAILLEART: Oh, I'm sorry. 365.

25 That's assuming that all the data is

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1 available at the time the final rule becomes effective
2 or 365 days after all of the data that's needed for
3 the ETE update is available.

4 Section 5 of the Final Rule Statement of
5 Considerations will be modified to reflect this
6 change. It's also in the rule language.

7 And at this point, we just would like to
8 know if there's any additional input regarding
9 implementation of this rule change that we should
10 submit or that we should consider for the submittal of
11 these updated ETE studies.

12 FACILITATOR GIBNEY: Okay. Well - okay.
13 All right. Sounds like - we'll go to the phone first
14 this time. There's someone on the phone that had
15 something for this topic.

16 If you could, tell us your name, please,
17 and who you're with.

18 MR. MOTHENA: Thank you. This is Don
19 Mothena with NextEra Energy again.

20 The way I read this, and please correct me
21 if I'm wrong, is you're giving us the 365 days from
22 the date the census data is available for our area.
23 That's not for incorporating it into an emergency plan
24 or onsite or offsite in that particular case. Once we
25 get that information submitted, we could go through

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1 our normal plan changes both in the FEMA world for
2 offsite and the utility world for the NRC.

3 MR. TAILLEART: Don, this is Don Tailleart.

4 Yes, the 365 days is to complete the
5 update to the ETE study and submit that to the NRC for
6 review.

7 We would not expect the licensee to
8 incorporate the updated ETE values until the NRC staff
9 had a chance to review the updated study and provide
10 feedback to the licensee on the adequacy of that
11 update.

12 MR. MOTHENA: Understood, and that makes
13 sense.

14 Now, from the FEMA perspective, the state
15 will be including the population data in their plan,
16 and typically the state plans get submitted on an
17 annual basis.

18 Is FEMA going to provide a quick
19 turnaround on the state plans typical to what they
20 normally do?

21 FACILITATOR GIBNEY: Craig, we'll toss that
22 to you, please.

23 MR. FIORE: Don, this is Craig Fiore.

24 Yes, the way you've described it is how we
25 are planning to approach it at the FEMA end.

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1 MR. MOTHENA: Thank you.

2 FACILITATOR GIBNEY: Thanks, Don.

3 I don't see other sign-ups on my in-room
4 sheet of folks who had feedback for us on this issue.

5 Am I missing anybody in the room on this
6 issue?

7 Okay. How about anybody else from the
8 phone? Anyone else besides Don Mothena have something
9 for us on this issue?

10 No? Okay. Don Tailleart, if you can take
11 us to Number 3, please?

12 MR. TAILLEART: Okay. Number 3. With
13 regard to licensee coordination with offsite response
14 organizations, a 24-month implementation schedule was
15 requested by commenters to revise letters of agreement
16 with offsite response organizations.

17 The commenters felt that this amount of
18 time was needed to make and review changes to the
19 agreements and procedures, negotiate with the offsite
20 response organizations, and for these organizations to
21 develop and implement the processes to support the new
22 requirements.

23 The staff agrees that 180 days as
24 originally proposed may not be sufficient time to
25 obtain these new or update existing letters of

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1 agreement involving offsite resources that support
2 onsite response activities.

3 However, the staff believes that 365 days
4 is a reasonable time frame rather than the 24 months
5 as requested, in which to identify any additional
6 resources that are needed and institute new or revised
7 existing agreements.

8 The staff would like to hear additional
9 information on what new processes these offsite
10 response organizations would need to develop or
11 implement in order for licensees to meet the new
12 requirements and how long this process or this update
13 to their processes would take.

14 So, if we could get some additional
15 feedback or information on what's involved here to
16 help us understand the original request for 24 months,
17 that would be very helpful.

18 FACILITATOR GIBNEY: Thanks, Don.

19 Now, again, my quick perusal of the sign-
20 up sheet for the folks here in the room, I didn't see
21 anyone for this topic, but please raise your hand if
22 I'm missing you or I've misinterpreted what you had to
23 say.

24 Mr. Payne. And if I again could get you
25 to give us your name and your organization into the

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1 microphone and -

2 MR. PAYNE: Steve Payne with the State of
3 North Carolina.

4 You asked what would this require from the
5 offsite for the states and counties. This would
6 require us to take a look at not only what we're
7 providing to the utility at that one time. But if we
8 find as your rules - other rules are stating that you
9 want us to have sufficient resources available not
10 only to address the hostile action event, but a REP
11 event at the same time, it could take us time to
12 consider; one, are these agencies dual-tasked? If so,
13 how and where do we get the additional resources from?

14 Are these resources trained? If so, how
15 do we put them into the plant? If they're not
16 trained, how do we get them trained? And then how do
17 we equip them?

18 So, this can be taking a good amount of
19 time to do the identification, the training and the
20 equipping of the additional resources to meet the
21 requirements that you have placed on the utility.

22 FACILITATOR GIBNEY: Thank you, Steve.

23 MR. KAHLER: Steve, Bob Kahler with the
24 NRC.

25 MR. PAYNE: Yes, Bob.

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1 MR. KAHLER: Give us a little time to think
2 about questions to ask you. But anyway, so what the
3 submittal was last year, was for a 24-month
4 implementation period. And with what you told us
5 today, do you still consider that to be an adequate
6 amount of time?

7 I mean, that's what we're asking for is
8 you've provided us a basis, but is that still what -

9 MR. PAYNE: That would be adequate if the
10 locals and the states had - is this better?

11 That would be adequate if you had the
12 staff to dedicate to this activity. But like the
13 utilities, many of us are already dual, triple and
14 quadruple-tasked to accomplish activities.

15 The same with my county counterparts.
16 Many of them wear enough hats to look like a
17 helicopter.

18 So, 24 months might be. But again, that
19 could be the minimum time it would be done. Probably
20 36 months would look at a better time.

21 FACILITATOR GIBNEY: Thanks, Steve. And I
22 think we had someone on the phone who wanted to
23 comment or give us some feedback on this also.

24 MR. KAMMEL: That's correct. Jim Kammel,
25 Martin County, Florida.

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1 FACILITATOR GIBNEY: One second, Jim. I
2 think it came out a little garbly at the beginning.

3 Can you tell me again, please, Jim?

4 MR. KAMMEL: Jim Kammel, Martin County,
5 Florida.

6 FACILITATOR GIBNEY: Hi, Jim.

7 MR. KAMMEL: The primary issue based on the
8 current status of local governments and are
9 coordinating an effort with a commercial entity and
10 state agencies and other counties and/or other cities
11 within those counties to provide mutual aid agreements
12 that are independent and completely different from the
13 statewide mutual aid agreements we already have in
14 place, and I understand that's the request being asked
15 here, we have to go to their legal departments, to our
16 legal department, to their legal department, to their
17 legal department back and forth, by the time you get
18 12 lawyers or six lawyers or two lawyers involved, two
19 years is insufficient - may well be insufficient time
20 to get them to come to an agreement.

21 Even though we give them very simplified
22 definitions and explanations, they always have to go
23 to some reference going for some Florida statute to
24 delay the process or throw a stick into the spokes and
25 it's just an unbelievably cumbersome process anymore

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1 just for the protection of local government so they
2 don't get sued because there may or may not have been
3 an omission.

4 And when you've got that many entities
5 that have to agree, all it takes is two lawyers with a
6 difference of opinion and you're dead in the water.

7 That's all I have.

8 FACILITATOR GIBNEY: Thanks, Jim, for those
9 thoughts.

10 Anybody else on the phone?

11 Okay, Don. I'm not hearing anything else
12 on this topic. Can you take us to Topic 4, please?

13 (Off-record comments.)

14 MR. TAILLEART: All right. Topic 4
15 involves on-shift multiple responsibilities. A 36-
16 month implementation schedule is requested by
17 commenters based on the time and resources needed to
18 conduct the staffing analysis that would be required,
19 and then budget approval, recruiting, hiring and
20 training of additional staff, if needed, and the
21 potential shortage of qualified individuals.

22 The staff agrees that 180 days may not be
23 sufficient time for licensees to perform a detailed
24 staffing analysis, but we disagree that 36 months
25 should be allowed to perform the staffing analysis,

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1 and then address any on-shift staffing shortfalls.

2 The staffing analysis, we feel, can be
3 completed within 365 days. And this would allow time
4 for reviewing implementing procedures, developing task
5 lists and performing a job task or time task or
6 similar analysis.

7 The staff recognizes that hiring and
8 training of additional staff, if needed, may take
9 longer than one year. But we feel the licensee should
10 take compensatory measures to address any staffing
11 shortfalls as soon as the results of the staffing
12 analysis are available, to help ensure that the
13 emergency plan can be implemented as intended.

14 Otherwise, we're concerned that there
15 might be an extended period of time when the
16 effectiveness of the licensee emergency plan is not
17 being maintained after a staffing shortfall has been
18 identified.

19 We would definitely like to hear
20 additional input from the audience on the basis or
21 justification for requiring or factoring into the
22 implementation period this hiring and training of
23 additional staff if there is a shortfall identified
24 and not taking compensatory measures as soon as that
25 shortfall is known.

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4 MR. SUALESON: You did well.

5 FACILITATOR GIBNEY: I didn't do it too
6 bad? Okay.

7 MR. SUALESON: Yeah, I'm Robert Sualeson
8 with Exelon, and that was the point that I was looking
9 at. It was what did the 365 days encompass or when
10 were you done.

11 So, the analysis part, certainly
12 understand that. If you found a gap - and when I say
13 a "gap," I was looking at this as not something where
14 you found, you know, maybe it was who you had
15 performing those things, and so it needed adjustment
16 of procedures, you know, changes in duty
17 responsibilities. The scenario you gave was the
18 addition of people.

19 And so I think what I heard you say, let
20 me go for clarification first, what I heard you say
21 was if you found a gap or shortfall where you found
22 you weren't meeting your current plan, then you would
23 need to take compensatory measures where that was what
24 was - that was what was initially brought forward as
25 if we found that gap, we would need time to be able to

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1 train.

2 So, is that - just for clarification, was
3 that correct?

4 MR. TAILLEART: Yeah, I think so. You
5 know, if there is a gap or a shortfall that's pointed
6 out by the analysis, now that's known by the licensee.

7 As I said, you know, we understand if
8 there's a long-term need to bring in additional staff
9 and there's training, hiring, whatever qualification,
10 you know, that's required for that, that can take some
11 period of time. But there should be some compensatory
12 measures taken in the near term to address that
13 shortfall, while these longer-term corrective actions
14 are being implemented.

15 I think that's our point.

16 MR. SUALESON: I see. So, then the 365
17 days is the analysis, you find gaps, you put them into
18 your corrective action program. That pretty much
19 meets that part. And if there are shortfalls in
20 staffing, then you would expect those would be dealt
21 with immediately.

22 But as far as the 365 days, that was the
23 analysis and get your reviews done of it. But once
24 you have that, you know, formally put forward, then
25 put it in your corrective action program for any gaps,

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1 that would close out that action item.

2 MR. TAILLEART: Yeah, I think so. You
3 know, the corrective actions and the timeliness of
4 those, I think, would depend on what the particular
5 circumstances were. And that's something that, you
6 know, we would look at I think later on as part of an
7 inspection.

8 But, yes, the 365 days specifically
9 addresses performing the staffing analysis and then
10 the corrective actions would follow from that.

11 MR. KAHLER: All right. Chris.

12 MR. MILLER: Yeah, thanks Bob.

13 I just wanted to give you a big picture
14 and a point that we've probably explained before. So,
15 forgive me if you've heard this comment before, but,
16 you know, it was not the intent of this part of the
17 rule to create additional positions that would have to
18 be staffed in the emergency plan. It was just it was
19 that analysis in that review. That was the intent.

20 Now, just like any other part of your
21 emergency plan if you identify deficiencies that need
22 to be corrected whether it be on a personnel side or
23 an equipment side, you would have to look at it at
24 your site and see how that degrades your emergency
25 plan and take adequate corrective actions.

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1 But as far as the analysis portion, which
2 is what this rule really goes into, we thought that
3 the one year was a sufficient time to perform the
4 analysis.

5 Does that help?

6 MR. SUALESON: Yes.

7 FACILITATOR GIBNEY: Thanks, Chris. Others
8 with - Bill, did you have a - nobody on the phone,
9 right? Okay.

10 MR. RENZ: Yeah, Bill Renz, Entergy. A
11 quick question on the back end of the analysis.

12 Does the implementation period include
13 time for NRC acceptance of the methodology employed
14 during the analysis?

15 FACILITATOR GIBNEY: I know. We're just
16 really having a hard time hearing everybody on the
17 phone.

18 So, if you're not as short as I am, which
19 I'm evidently the model for the microphone, if you're
20 not as short as I am if you could just use the
21 microphone closely, it's appreciated by those on the
22 phone. Thanks.

23 MR. RENZ: Let's see if I can ask this
24 again.

25 Does the implementation period include

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1 time for NRC acceptance of the methodology used for
2 the analysis or is the implementation time the end of
3 when we're done with our analysis regardless of NRC
4 review?

5 MR. KAHLER: What review?

6 MR. RENZ: Well, I imagine the NRC is going
7 to have to find our methodology employed for a job
8 task analysis to be adequate.

9 MR. KAHLER: That's part of the follow-up,
10 but not part of that 365 days.

11 MR. RENZ: Thank you.

12 MR. KAHLER: I mean, there's no period of
13 time for us to come in to perform a review of your
14 analysis. The 365 days is the time period for you to
15 conduct the analysis.

16 FACILITATOR GIBNEY: Thanks, Bob. One last
17 ask for those on the phone for this topic.

18 Okay. Hearing none, Don, could you take
19 us to Topic Number 5, please?

20 MR. TAILLEART: Okay. Number 5, emergency
21 action levels for hostile action. With regard to
22 emergency action levels for hostile action, a 36-month
23 implementation period was requested based on each
24 licensee submitting EAL changes to the NRC for
25 approval.

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1 The commenter that pointed this out noted
2 that NRC approval of an EAL scheme change typically
3 takes 24 months, and that's part of the reason for the
4 36-month implementation period that was requested.
5 After approval, the licensee then needs time for
6 training and drills prior to implementation.

7 It was also proposed that the NRC create a
8 generic approval for sites to change their existing
9 EALs to comply with the new criteria or new
10 requirement.

11 It was noted that if the NRC did implement
12 such a proposal, a shorter implementation period would
13 be acceptable.

14 While the staff disagrees with the 36
15 months for incorporation of hostile action EALs in
16 principle, we believe that licensees should have
17 incorporated one of the versions of hostile action
18 emergency action levels contained in NRC Bulletin
19 2005-02 into their existing EAL schemes. It was our
20 understanding that these hostile action EALs have
21 already been incorporated.

22 The new requirement doesn't require
23 licensees to change existing EALs or to convert their
24 existing EAL scheme to another EAL scheme.

25 Therefore, we don't believe that prior NRC

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1 approval should be needed if licensees feel like they
2 need to make some additional changes to their EALs
3 either to conform to the bulletin or in accordance
4 with their currently approved EAL methodology and 180
5 days is sufficient for making these changes. And if
6 there is any training that's needed, to conduct the
7 training.

8 What we'd like from the audience is any
9 additional information to understand why it appears
10 that some licensees now believe it's necessary to
11 change or upgrade their existing EALs or convert to a
12 different EAL scheme such that prior NRC approval is
13 needed in order to meet the intent of the rule change.

14 FACILITATOR GIBNEY: Thanks, Don. I know
15 I've got one person signed up here in person. Walt
16 Lee.

17 MR. LEE: No, my question has already been
18 answered.

19 FACILITATOR GIBNEY: Your question has been
20 answered. Okay.

21 Anyone else here in the room for thoughts
22 about this Topic 5 about EALs? Anybody on the phone
23 for EALs, this Topic Number 5?

24 Okay. Don, Topic 6, please.

25 MR. TAILLEART: Topic Number 6. With

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1 regard to emergency declaration timeliness, a 12-month
2 implementation schedule was requested by commenters to
3 allow licensees to review their procedures, protocols,
4 training and expectations to ensure that their
5 emergency implementation strategies would meet the new
6 requirements.

7 A 12-month period would also allow for
8 normal training cycles to incorporate the new material
9 if applicable, or to reinforce current expectations.

10 This particular rulemaking is codifying
11 NRC expectations regarding emergency declaration
12 timeliness. And, in fact, this has been industry
13 practice for a number of years.

14 We felt that if any additional procedural
15 changes or training was needed in order to fully
16 address the new requirements, that 180 days would be
17 sufficient time for implementation.

18 Again, we would like to hear any
19 additional feedback on a different implementation
20 period that the audience would feel is more
21 appropriate and the basis for that.

22 FACILITATOR GIBNEY: Let's try the phone
23 first. Anyone from the phone on this topic?

24 Not right now. Anybody from the room for
25 Topic 6 about emergency declaration timeliness?

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1 Okay. Don, I'm not hearing anything. You
2 want to take us to Topic 7, please?

3 MR. TAILLEART: Okay. Well -

4 FACILITATOR GIBNEY: Oh, time for the
5 break.

6 MR. TAILLEART: We thought at this point we
7 might be ready for a break, but we'll keep going.

8 FACILITATOR GIBNEY: How about one more
9 topic and then we'll try to break?

10 MR. TAILLEART: Okay.

11 FACILITATOR GIBNEY: We've been going at it
12 not quite an hour.

13 MR. TAILLEART: Okay. This is the rule
14 topic on backup means for alert and notification
15 system or ANS.

16 Commenters recommended a 36-month
17 implementation schedule to allow licensees to
18 determine the appropriate emergency alert and
19 notification system backup method, to revise
20 agreements with and train offsite response
21 organizations that would be involved with
22 implementation of the backup method, to develop,
23 approve and implement any new procedures that were
24 needed, and to submit the procedures and other
25 documentation to FEMA for review as part of the alert

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1 and notification system design report.

2 Implementation of the backup method means
3 that it's ready for use and could be demonstrated
4 during a biennial exercise as requested by FEMA, which
5 we would expect to occur at the first biennial
6 exercise following implementation.

7 But, in fact, many sites already have
8 backup means for at least part, and, in many cases,
9 all of the alert and notification system in place.
10 And that includes such means as route alerting and
11 multiple emergency alert system stations.

12 Under the new rule, route alerting and
13 multiple emergency alert system stations would
14 continue to be acceptable backup methods. So, for
15 those sites we don't foresee major changes, if any, to
16 what they already have in place for backup methods.

17 The staff had proposed that the backup
18 means for alert and notification system be implemented
19 by the first biennial exercise more than 395 days
20 after publication of the final rule.

21 This results in a minimum of one year, and
22 up to three years for implementation across the
23 industry.

24 The staff believes that this is sufficient
25 time for implementation, but again we're requesting

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1 any additional feedback you have on whether or not
2 this time frame is appropriate.

3 FACILITATOR GIBNEY: Thanks, Don. I
4 actually have a couple of folks that have signed up
5 for this.

6 John, do you want to - since you
7 volunteered by standing, thanks.

8 MR. KAMINSKI: John Kaminski, Constellation
9 Energy, Nine Mile Point.

10 When is the ANS backup implementation
11 specifically satisfied? Is it when the design is
12 submitted to FEMA or when?

13 We're trying to figure out what the time
14 period is. When does the clock end or is it
15 installation is completed following FEMA approval?

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

17 I would say from my perspective it would
18 be - the clock would end when the modification to the
19 design report is submitted to FEMA and FEMA has
20 reviewed it and approved it.

21 MR. KAMINSKI: So, it's following FEMA
22 approval of the submittal. That's when the clock
23 would end. Okay.

24 So, the ready-for-demonstration would be
25 395 or next exercise after that. That's what I'm

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1 trying to figure out.

2 Is that correct?

3 MR. SULLIVAN: Randy Sullivan, NRC.

4 I'm having a little - I'm not seeing
5 things the way you see it. So, I need to ask you a
6 question.

7 MR. KAMINSKI: Certainly.

8 MR. SULLIVAN: Don't you already have
9 backup processes that have been approved in your
10 design report and been using them for years?

11 MR. KAMINSKI: I don't think we have final,
12 firm approval of backup.

13 MR. SULLIVAN: So, it's not in your design
14 report. I guess that's what you said.

15 MR. KAMINSKI: It is in our design report,
16 but we don't have a final approval of that.

17 Reverse 911, for example, do we have final
18 approval of that? We had FEMA come out and observe
19 it. We've gone through an exercise with no comment.
20 Don't know if there's been a final approval letter
21 obtained.

22 So, we're trying to figure out, again,
23 when does the clock end, when do I have to have that
24 final piece of paper in my hand such that when we go
25 to the exercise, we're not in jeopardy?

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1 MR. SULLIVAN: That's a good one.

2 MR. FIORE: This is Craig Fiore again.

3 Again, the intent here from FEMA's side is
4 that you have your primary system. And for whatever
5 reason, it could be a malevolent act or a natural
6 disaster, but for some reason that primary system has
7 either become crippled, corrupt, inoperable and it's
8 going to remain that way for an extended period of
9 time.

10 What we're asking for is to describe to us
11 what you're going to do in that time frame while the
12 primary system is down, to notify the public.

13 And, again, I think a lot of sites already
14 would plan to utilize route alerting and that's still
15 an acceptable means.

16 What we're trying to do here is formalize
17 things a little bit more than perhaps they have been
18 in the past and get this backup system process into,
19 you know, into the design report and sent to FEMA for
20 review, and then get something, again, a formal
21 approval letter from FEMA into your hands so that it
22 becomes, again, codified and more formalized than
23 perhaps it has been historically.

24 MR. KAMINSKI: Okay. Where does IPAWS fit
25 into all of this?

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1 FACILITATOR GIBNEY: Are we getting too
2 much into content? We're getting a little bit off of
3 what our scope is today is to really try to look at
4 things about dates or -

5 MR. KAMINSKI: We're just trying to figure
6 out the rule.

7 FACILITATOR GIBNEY: I understand that,
8 John, but the scope today is to really look at dates.

9 Chris, did you -

10 MR. MILLER: Yeah, let me take a stab at
11 that although I won't be able to answer your IPAWS-
12 specific question.

13 But as it relates to timing if you can
14 help us understand, you know, the difference that
15 IPAWS would make or, you know, what, you know, in your
16 timing, then we maybe could answer the question
17 better.

18 I think one of the things that you did,
19 John, earlier is help us identify that perhaps
20 although many, most or all of the sites have the
21 backup in practice already as Randy identified,
22 perhaps we don't have a formalized process. And
23 you're asking a question well, maybe then that would
24 affect the timing because there's a formalized
25 question on that.

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1 MR. KAMINSKI: That's right. We don't know
2 what we're being expected to.

3 MR. MILLER: Uh-huh. Well, there's - I
4 don't know of anything in the guidance documents that
5 I would tell you to address, but I'll defer to my FEMA
6 partners here.

7 But, you know, there's nothing currently
8 that you're being asked to address from an IPAWS
9 standpoint regarding the rulemaking; is that correct?

10 MR. KAMINSKI: That's correct. We're just
11 trying to figure out where IPAWS will fit into this
12 when we come up with our backup.

13 Is it a possible use of IPAWS as a backup
14 communication method - notification method?

15 MR. MILLER: And I think once we get
16 further guidance on IPAWS we'd be able to answer that,
17 but that's not where we are in this process right now.

18 But as far as your other question goes,
19 you know, do we need to have a formalized process and
20 how long would that take, I mean, we'll - I understand
21 the question there. That's a good - that's a good
22 thought.

23 FACILITATOR GIBNEY: Chris, I had a request
24 from Monica Ray to actually maybe speak for a second
25 about the route alerting.

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1 Monica, can you give us your name and who
2 you're with and really have to almost bite that
3 microphone to get it to work.

4 MS. RAY: Got it. Okay. No problem.

5 FACILITATOR GIBNEY: Thanks.

6 MS. RAY: Monica Ray, APS.

7 Just going back to the route alerting
8 question and maybe I can help you tie that back to our
9 question regarding timing of implementation, my FEMA
10 design report does include route alerting as a backup
11 means.

12 However, route alerting was never meant to
13 address a hundred percent loss of my sirens. It's
14 designed to address loss of one or two sirens.

15 So, in the 45-minute time period cited in
16 the inspection guidance, I can easily meet that.
17 However, I can't possibly use route alerting to cover
18 100 percent of my EPZ in that same 45-minute time
19 period.

20 So, what this is telling me is I need
21 another full backup ANS system. I won't be able to
22 credit route alerting.

23 So, going to the implementation time
24 frame, that's much more challenging than 395 days
25 because I basically have to redo my FEMA submittal

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1 from scratch.

2 So, that's where the question came
3 regarding timeliness.

4 FACILITATOR GIBNEY: Thanks, Monica.

5 Appreciate that.

6 MR. SULLIVAN: Randy Sullivan, NRC.

7 If you look at our - when we got comments
8 on that subject in this part of the rule, we would
9 expect OROs to use their resources as best they can at
10 the time.

11 So, if they, you know, we would expect
12 OROs to notify close to the plant first, and then
13 expand out downwind as best they can with their route
14 alerting or whatever system they have.

15 We haven't changed that.

16 FACILITATOR GIBNEY: Okay. Well, I'm going
17 to put my bad guy hat back on. This is Lisa Gibney.
18 Put my bad guy hat back on and see if I've got - I'll
19 try to focus this a little bit more back onto the
20 dates.

21 Do we have folks on the phone who wanted
22 to speak to this at all on the ANS piece?

23 Okay. Others in the room? Please come to
24 the mic and -

25 MR. SLOBODIEN: I'm Mike Slobodien from

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1 Entergy Corporation.

2 Perhaps you might be able to help us,
3 FEMA, if you could tell us what your experience has
4 been in approving design report changes in terms of
5 timeliness.

6 That way all of us might get a better
7 understanding of how long to expect if we do have to
8 make a change.

9 And I think Monica's point from Arizona
10 Power is, is it affects a number of us. And that is
11 that if we have to make a change to our design because
12 we believe that the current method of backup although
13 it meets what Randy was saying, still might not deal
14 with a widespread loss of notification, i.e., whole
15 system, for example, and we chose to make a change,
16 therefore, that change would be submitted as a design
17 report.

18 FEMA, if you can give us some idea of what
19 your recent experience has been in approving design
20 report changes, how long it takes, we might then be
21 able to give NRC some feedback as to what we would be
22 looking for as well.

23 So, it somewhat goes back to FEMA saying
24 being able to tell us and NRC what to expect from a
25 design report change. What's typical in recent

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1 experience?

2 MR. FIORE: We strive to conduct those
3 reviews as expeditiously as possible. Lately or in
4 recent past when we get a design report in, it's not a
5 full-blown, you know, the last one was Indian Point,
6 but usually it's just a modification to the existing
7 design. We try to conduct those reviews and not sit
8 on those for an extended period of time.

9 I would say that by the time we receive
10 them at headquarters, we usually are able to conduct
11 our analysis and determine the - and render an opinion
12 on whether or not the modification meets the guidance
13 within, I would say, a month, you know. We really try
14 to not take much longer than that.

15 Now, for something like this where I guess
16 the potential could be that 64 plants are going to be
17 submitting modified design reports based on this new
18 requirement, if we get, you know, all those in at the
19 same time, I think you can appreciate that it will
20 take us a little bit longer to review those and
21 analyze those and turn those around.

22 But, you know, I think what we would still
23 strive to do is whatever the - whatever we end up
24 agreeing to as the implementation date, we certainly
25 would do our best at FEMA to not be an obstruction to

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1 you meeting this requirement.

2 So, I guess it's hard for me to commit to
3 an exact time frame, but just know that we will -

4 FACILITATOR GIBNEY: Thanks, Craig.

5 MR. FIORE: We will do our best to turn
6 those around.

7 FACILITATOR GIBNEY: Hang on a second.

8 I've got folks coming from the phone and all kinds of
9 directions.

10 Let me take our person from the phone.

11 Okay.

12 MS. VARDAS: Yes, when I'm looking at -

13 FACILITATORY GIBNEY: Hang on a minute,
14 Tracy. Can you tell us your name, please, and who
15 you're with so we can get the volume good in the room
16 here?

17 MS. VARDAS: Tracy Vardas, Diablo Canyon
18 Power Plant.

19 FACILITATOR GIBNEY: Thank you.

20 MS. VARDAS: Okay. My question goes along
21 with the implementation period and then having to have
22 it available by that first biennial exercise after the
23 rulemaking.

24 And what I'm needing to know is what type
25 of evaluation is going to occur on that backup

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1 alerting mechanism. Because depending upon the
2 evaluation that will be conducted, will let me know if
3 that's going to be enough time for our OROs to get
4 enough people trained and ready for the evaluation.

5 Basically, are you going to be asking us
6 to show you route alerting on all 100 percent of our
7 sirens?

8 MR. FIORE: I don't - this is Craig Fiore.

9 I don't think that's the intent. I don't
10 think that that's what we're going to ask during the
11 scenario development or the extent of play meetings.

12 I think that, again, I don't see there
13 being much of a deviation from what we're going to be
14 evaluating in the future to what we're evaluating now.

15 But, again, I think that's going to have
16 to be - the extent of that's going to have to be
17 determined as you sit down with FEMA, with the FEMA
18 region and the other exercise developers during the
19 extend of play meetings.

20 But, again, the intent here isn't to
21 drastically change what we have historically been
22 evaluating.

23 This is - what we're trying to do is make
24 it more formalized within the design reports and
25 codify it a little bit more formally than it has been

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1 in the past.

2 Again, this is - I think most everyone
3 already has an idea and has measures in place. If the
4 primary system goes down, it's just getting it
5 documented and formalized, you know, within the design
6 report.

7 I think that's really the intent here.

8 FACILITATOR GIBNEY: Thank you, Craig.
9 Thank you, Tracy, for calling in.

10 Let's try one more question here from the
11 room. Be sure you talk into that microphone.

12 MR. VONK: Marty Vonk, EP Consulting.

13 I guess to summarize, we've asked the
14 question a lot of different ways, and I'll try to ask
15 it one more way.

16 With the implementation period, what needs
17 to really be - what does done look like for the first
18 biennial exercise, is really the question we're
19 struggling with as an industry and our offsite
20 partners, too, because this is going to be a
21 collaborative effort of coming to agreement with the
22 utilities, the states and the locals as to what that
23 backup looks like for each site, getting it into the
24 design report, getting it installed as necessary or
25 modified, and then at what level are we demonstrating

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1 the design report, full demonstration with approval?

2 I think the clear answer from the last ten
3 minutes is we don't understand what we're being asked
4 to demonstrate in the implementation period.

5 FACILITATOR GIBNEY: Thanks, Marty.

6 Do we have other thoughts from the -
7 probably have time for one more and then we're going
8 to -

9 MR. SULLIVAN: Yeah, Randy Sullivan, NRC.

10 Let me just say, I mean, I understand that
11 you're asking this question regarding the content of
12 the rule so that you can understand what the
13 implementation date means.

14 So, we had a previous discussion that
15 we're not going to discuss the content of the rule,
16 but we kind of have to for you to understand what the
17 implementation problem is.

18 The intent of the rule, our vision of the
19 rule, I contributed to this piece of the rule, is that
20 most probably you've already got it installed.

21 Now, in FEMA Region 2-3, the typical
22 practice is to test a couple of sirens going out of
23 service during an exercise. And I believe they do
24 that every biennial exercise.

25 I was in FEMA Region 5 and learned that

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1 they almost never do that. So, it's just when you
2 have the exercise planning meeting, you know, you and
3 FEMA will come to an agreement as what the extent of
4 play is just has always been done, and then you'll run
5 that test.

6 But the rule does not say that you must
7 have a capability of doing 360 ten miles immediately.

8 The rule does not say that. So, I hope that helps
9 with the implementation.

10 Our vision was that most design reports
11 already have adequate backup ANS. Now, I understood
12 from Nine Mile Point - I'm sorry, John - that maybe
13 you've made a change to your backup and so you're in
14 the middle of this process. And maybe that's a -

15 MR. KAMINSKI: Three years ago.

16 MR. SULLIVAN: Okay.

17 MR. KAHLER: This is Bob Kahler.

18 But do you have something in place with a
19 current approved design report with a backup?

20 MR. SULLIVAN: Thank you.

21 FACILITATOR GIBNEY: Hang on. We can't get
22 that.

23 MR. KAHLER: Well, you have a current
24 design report for your plant, right? That's approved
25 from whenever you licensed it.

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1 MR. KAMINSKI: Yes.

2 MR. KAHLER: So, with that in mind, that
3 current design report that was approved with your
4 license has some sort of a backup that was in it.

5 MR. KAMINSKI: Correct.

6 MR. KAHLER: So, you have something right
7 now that has a backup ANS methodology included in your
8 approved design report.

9 MR. KAMINSKI: Correct.

10 MR. KAHLER: Okay. All you have is a
11 submittal to change that.

12 MR. KAMINSKI: Correct.

13 MR. KAHLER: Okay. So, you have something
14 now in place that you can meet the rule with.

15 MR. KAMINSKI: I think what the question
16 really comes down to is that the design report that we
17 had submitted and that we're being tested to
18 currently, centers around a loss of one or two of the
19 primary siren systems.

20 Okay. And I believe the way the rule,
21 maybe I'm wrong, but I think we're all of the opinion
22 that the rule says now you have to have a system, your
23 backup system has to accommodate 100 percent of your
24 ten-mile EPZ.

25 MR. KAHLER: I do not believe the rule says

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1 that.

2 MR. KAMINSKI: Well, the complete loss of
3 your siren system, unless I'm misinterpreting it.

4 MR. SULLIVAN: Randy Sullivan again.

5 In response to comments which I think is
6 an approved and public document, you know, we said we
7 would expect OROs to do their best and prioritize
8 resources as they have them to notify the public most
9 at risk first.

10 MR. TAILLEART: This is Don Tailleart.

11 It seems like part of the confusion is
12 over the - having the backup means for the entire
13 alert notification system, but not necessarily, and
14 it's not required in the new rule, to meet the same
15 design objectives or timeliness criteria of the
16 primary system.

17 So, yes, the intent of the new rule was to
18 be able to back up the entire system, but it doesn't
19 have to be done within the same time frame as your
20 primary system.

21 So, if your primary system is siren based
22 and you have 15 minutes to notify the public in the
23 entire EPZ, that's not what we're looking for in the
24 backup means for alert notification system.

25 Still have to be able to cover a hundred

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1 percent of the system going down. But as Randy and
2 others have pointed out, can use the phased approach
3 where, you know, sirens or populations closest to the
4 plant or downwind are notified more quickly or
5 prioritized over those that are in other areas that
6 aren't immediately affected.

7 So, I don't know if - I'm getting a
8 puzzled look on your face there, but, you know,
9 there's two different things.

10 The backup system covers everything, but
11 not in the same time.

12 FACILITATOR GIBNEY: Bob, did you have
13 something to say?

14 MR. KAHLER: Yes, if I can. Let me read
15 from the draft final right now.

16 And it says: The alert and notification
17 capability shall additionally include administrative
18 and physical means for a backup method of public
19 alerting and notification capable of being used in the
20 event the primary method of alerting and notification
21 is unavailable during emergency to alert or notify all
22 or portions of the plume exposure pathway EPZ
23 population.

24 So, it does not say 100 percent. Just to
25 give that word - all or portions. What it's trying to

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1 say is the capability exists for a backup means for
2 all areas of the EPZ, not that it shall be used at the
3 - all at the same time.

4 You have to have a backup means for the
5 entire EPZ. Maybe that's the confusion. And I guess
6 that's something that I hope we just cleared up here.

7 The second part of it is, okay, and I
8 guess we're talking across each other - is that okay?

9 FACILITATOR GIBNEY: That's what I was just
10 going to say. If we could let Bob have a second to
11 try to finish what he's trying to explain.

12 MR. KAHLER: Yeah, and the second part of
13 it is what I'm hearing is there appears to be two
14 different, in reality, implementation dates if you
15 need to have a backup means designed and put into
16 place.

17 The first is how long do you have to be
18 able to design this means to provide it to FEMA for
19 review and approval, okay, once the rule is effective?

20 And then once it gets to FEMA, there's a
21 certain period of time for their review and then you
22 get the approval.

23 How soon after you receive that approval
24 must you be able to implement that and be evaluated on
25 it?

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1 And what we've done is we said that total
2 combined time frame would be that 365 days after your
3 first biennial exercise, so on and so forth. That's
4 the combined time period.

5 Am I hearing that we may need to break
6 that into the two different portions rather than
7 maintaining it as just one totality so you get a
8 better understanding of what's required to be done
9 when along in the process?

10 And I see we have maybe somebody on the
11 phone who wants to comment.

12 FACILITATOR GIBNEY: Okay. Please. Hello,
13 to our phone caller.

14 MR. LEUER: Hello. This is Kevin Leuer
15 with the State of Minnesota.

16 FACILITATOR GIBNEY: Hi, Kevin.

17 MR. LEUER: Hello. In reviewing the
18 interim staff guidance, the new language that was
19 added in there from the NRC has specific language that
20 both the administrative and physical means of backup
21 and alert notification system capable of covering
22 essentially a hundred percent of the population with
23 the entire - within the entire plume exposure pathway
24 when the primary isn't available, that you have to
25 have a backup means to do that in a reasonable time or

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1 the recommended time of 45 minutes.

2 And I think that's part of the confusion
3 that we all have is exactly what the intent of that
4 language is.

5 In Minnesota, we have backup alert
6 routing, a very extensive plan for that for each of
7 our individual sirens.

8 If we're going to take out two or three
9 sirens, backup alert routing can be done in a
10 reasonable time with a reasonable amount of resources.

11 If we're looking at even just taking sub-
12 areas at two mile and five miles downwind, you know,
13 as an example, we have 120 sirens at one of the
14 facilities. And if we say that 30 of those are in the
15 downwind area that we'd have to do alert routing for,
16 those sirens require between one and nine personnel,
17 squad cars, to run out and do alert routing. That
18 could be as many as 150 to do the two mile and five-
19 mile sections impacted downwind.

20 There aren't sufficient resources to do
21 that in even close to a 45-minute time frame. And so
22 as we're talking about the implementation of this, if
23 the goal is to do backup alert routing for entire
24 siren loss, we would need to rerun the routes because
25 of the overlapping coverage between sirens, which

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1 would be really a new design for backup and alert
2 routing with an assumption of no sirens in those
3 impacted areas, which would take a significant amount
4 of time to do.

5 The other component would be to look at
6 technology, alert routing, telephone dialing systems,
7 those types of technologies to cover the area.

8 If we were going to look at that type of
9 an infrastructure, then it would be important that it
10 be coordinated with IPAWS, a system that FEMA is
11 implementing, which is the public alert and warning
12 system, kind of the next generation emergency alert
13 system that's coming out, and I would suggest that we
14 would need the three-year as proposed and requested in
15 the rule from the offsite parties to implement that
16 because we're looking at nearly a two-year time frame
17 yet for IPAWS to be fully functional, and another year
18 after its implementation to be fully integrated at
19 state and local levels, which would then give us
20 redundancy in alert and notification, next generation
21 emergency alert systems that would allow us to meet
22 the intent of this as many of us are reading this.

23 So, I guess my request is that we look at
24 a three-year implementation as many of the requesters
25 have put forward during the rulemaking process, from

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1 the date of implementation of the rule for this
2 section to be implemented. Thank you.

3 FACILITATOR GIBNEY: Thank you, Kevin, for
4 taking the time to call in and for hanging in there
5 with us today.

6 MR. KAHLER: If I can, Lisa, take another
7 moment here to read from the Statements of
8 Consideration from the Federal Register Notice just to
9 come back with the audience here and maybe even help
10 Kevin's position on it.

11 FACILITATOR GIBNEY: And can you just tell
12 us a synopsis of what is the Statements of
13 Consideration and how does that -

14 MR. KAHLER: The Statements of
15 Consideration is what the staff ideas and thoughts
16 were in the creation of the rule language itself and
17 the intent of that rule language, in order to help
18 clarify those words that are contained in the Code of
19 Federal Regulations.

20 And my understanding is as we go forward
21 with the rule language if there needs to be
22 interpretation of that rule language, the first place
23 to look for the legal interpretation would be in the
24 Statements of Consideration while the interpretation,
25 the staff's interpretation of that rule language,

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1 okay, that we can go back to and say this is why we
2 created this rule.

3 And I'm going to read a paragraph, if I
4 can, just to put it out there, put on the record. It
5 says in the Statements of Consideration, the backup
6 method of alerting and notification must be capable
7 providing warning signals and instructional messages
8 to the population in the entire plume exposure pathway
9 EPZ when the primary ANS is unavailable during
10 emergency.

11 And I'll skip on to the next sentence.
12 The backup means may be designed so that it can be
13 implemented using a phased approach in which the
14 populations most at risk are alerted and notified
15 first, followed by alerting and notification of people
16 in less immediately affected areas. The backup method
17 may have the additional capability of being employed
18 only in the specific areas impacted when a portion of
19 the primary ANS, such as a single siren or sirens
20 within a community, fails and the extent of the
21 affected area and population can be determined.

22 So again, what we're trying to say is you
23 can implement the backup means with a phased approach
24 and look at that population that's at risk first, and
25 then go out from there.

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1 So, hopefully that helps. I believe
2 that's - well, I know that's what the intent of the
3 staff was. And the intent was you most likely already
4 have that in place now and that each one of those
5 backup means that you're using for segments of that
6 population, what we're saying is, should have the goal
7 and objective of being able to be implemented within a
8 45-minute time frame.

9 FACILITATOR GIBNEY: Okay. Thanks, Bob.

10 I don't know about anybody else, but I'm
11 ready for a break. And coincidentally, that's also
12 the slide that's up there now, too.

13 So, let's take a - what do we have on the
14 agenda? A ten-minute break? 15-minute break. So, I
15 have two o'clock here in Eastern time. So, let's come
16 back at 2:15. Thanks.

17 (Whereupon, the proceedings went off the
18 record at 1:58 p.m. and resumed at 2:15 p.m.)

19 FACILITATOR GIBNEY: Okay. Thanks
20 everybody for being prompt with our break - relatively
21 prompt.

22 I get two extra minutes because I'm old
23 and it's hard for me to get up all those stairs to be
24 able to use the restroom and get back in the room.

25 So, we'll give just a minute for everybody

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1 on the phone to get back on and unmuted and all those
2 good kinds of things.

3 And let me just take a check with those on
4 the phone. I think we pretty much had wound up the
5 discussions on Topic 7. That was my feeling, anyway,
6 before we went into the break.

7 Anybody on the phone have one last thought
8 about this topic?

9 Okay. I'm not hearing anybody on the
10 phone. Anybody in the room? Chris, you're in the
11 room.

12 MR. MILLER: Thanks. Chris Miller. And I
13 just wanted to first of all thank everybody that
14 participated in the first part.

15 Some of these discussions get a little
16 challenging because you have a different perspective
17 depending on, you know, where you stand and it depends
18 on where you sit.

19 And so we're seeing these things from a
20 different light, and I think we've got some things
21 that carry home.

22 We're transcribing it so we understand the
23 perspectives and it will give us a chance to look
24 through some of the more challenging parts of the
25 discussion and really see what we can do to address

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1 the particular implementation pieces of each one of
2 those.

3 So, I thank you for your participation and
4 look forward to the same kinds of discussion for the
5 future ones, which I think we're starting on Eight.

6 FACILITATOR GIBNEY: That was a pretty good
7 segue. We didn't even practice at the break.

8 Don, how about Topic Number 8 - I'm sorry.
9 One more thing. I'm sorry. Thanks, Marty. And you
10 really do have to still almost eat that microphone.
11 So, you might want to take it out of the - a holder
12 might make it more comfortable for you.

13 MR. HUG: Marty Hug, Nuclear Energy
14 Institute.

15 My question has to do with in our
16 comments, we asked about what we call a robust siren
17 system. And it appears that there's conflicting
18 information when we look at the Statements of
19 Consideration and compare them to some statements in
20 your document where you answer the resolution of the
21 comments that confuses us whether we can use what we
22 call, you know, the robust siren system for the
23 backup.

24 Okay. And I'd like to just draw your
25 attention to the Statements of Consideration on Page

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1 34. It states that the - it would have required that
2 the primary ANS be designed so that no single fault
3 mode for the system existed. For these reasons, the
4 NRC considered this approach to be unacceptable. So,
5 the robust siren system is this no single common fault
6 failure mode.

7 Then in the comment resolution document
8 you state - maybe this is where I'm confused - the NRC
9 disagrees that the proposed language will not have
10 allowed the requirements to be met with a robust siren
11 ANS.

12 So, it appears that in one place you're
13 saying you could use a robust siren system, we could
14 come up with some criteria by which a design of a
15 siren system would have no single fault mode and not
16 require route alerting which is, you know, appears to
17 be tough to implement or reverse 911, getting FEMA
18 approval, we could come up with some methodology by
19 which the existing siren systems with their AC backup,
20 multiple siren activation points, so forth and so on
21 especially for some of these plants that currently do
22 not have any backup system because they do rely on
23 this, you know, a siren system with no single fault.

24 So, if you could - we also put this
25 comment in our letter to you. So if you could comment

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1 on that, I'd appreciate it.

2 FACILITATOR GIBNEY: Thanks, Marty.

3 Appreciate that.

4 Is that something that we're prepared to
5 speak to today, Don?

6 MR. TAILLEART: Don Tailleart, NRC.

7 I mean, this - I understand there's a
8 component of what, Marty, you're asking that is
9 related to implementation, but really this has more to
10 do with the rule language itself and the approach that
11 the staff felt was more appropriate at least from a
12 rulemaking perspective.

13 So, I'll hazard at least a response to
14 part of that to give you a little bit of insight on
15 where we were coming from, and then others may want to
16 add to it.

17 From a rulemaking perspective, we did not
18 feel that putting in provisions for this primary
19 system that would not be subject to any kind of single
20 failure mode would be appropriate.

21 Quite frankly, we are not aware of systems
22 that would meet that criteria. I think it would be
23 very hard to design and install such a system and to
24 demonstrate it and to ensure that there really was no
25 single failure mode that existed within a system such

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1 that there would never been an instance when the
2 button was pushed or the key was pushed and the system
3 failed to activate. So, from a rulemaking perspective
4 we felt that was not the right approach.

5 It's been pointed out to us through the
6 comments that if such a system could be developed and
7 proposed, would that be acceptable?

8 So, our response was at least from a case-
9 by-case basis, we would not rule that out. If a
10 licensee felt that that was the best approach for
11 their particular site, it was something we would
12 consider. But I guess it would be handled more along
13 the lines of an exception to what, you know, we had
14 proposed in the rulemaking rather than a blanket
15 statement that, yeah, this approach could be
16 acceptable.

17 MR. KAHLER: But if I can - this is Bob
18 Kahler.

19 As we stated before, we're not here to
20 discuss why we were looking at various types of
21 systems that would meet or not meet the requirements
22 of the rule language. We're looking for the
23 implementation date for whatever system you ultimately
24 decide upon to meet the rule, but we're not going to
25 be discussing what that type of system would be.

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1 Okay. That's something that is in comment
2 summary and such on that area. So, if I can, we'll
3 continue on with the discussion on the dates and the
4 implementation of putting in a new type of system or
5 whatever.

6 FACILITATOR GIBNEY: Okay. Thanks, Bob.

7 So, any more thoughts or feedback on ANS
8 as far as the dates are concerned from the room here
9 or are we ready to move on to Topic 8?

10 Okay. I'm not seeing any hands. Don, if
11 you could take us into Topic 8, please?

12 MR. TAILLEART: Okay. Topic 8, emergency
13 operations facility, performance-based approach.

14 The staff did not note any comments on
15 this topic regarding implementation date. The staff
16 is not aware of any existing emergency operations to
17 the facilities that would need to be upgraded to meet
18 the performance-based criteria.

19 As we noted in the Statement of
20 Considerations, the consolidation of emergency
21 operations facilities is optional. And the timing of
22 any EOF, emergency operations facility, consolidation
23 would be determined by a licensee that decided that
24 was the approach they wanted to take.

25 This is a little bit different. We had

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1 proposed 180 days for implementation. But unless
2 there are other factors impacting implementation of
3 this particular rule change that we haven't already
4 considered, there really appears to be no need for
5 even having the 180-day implementation period.

6 And the staff may consider making this
7 provision effective as of the effective date of the
8 final rule, unless someone can bring to our attention
9 the need to have this six-month implementation period.

10 FACILITATOR GIBNEY: Okay. Thank you, Don.

11 How about from the phone? Anyone on the
12 phone for this topic about upgrading EOF capabilities?

13 No. In the room? Okay. Don, that will
14 let us slide right into Number 9 where I think we do
15 have a little more interest in this one.

16 MR. TAILLEART: With regard to emergency
17 response organization augmentation and alternative
18 facilities, a 36-month implementation schedule was
19 requested to allow licensees to upgrade facilities,
20 amend letters of agreement if needed and potentially
21 purchase or construct a new facility or facilities.

22 Commenters noted that some facilities
23 don't currently meet all of the proposed requirements
24 specifically for the availability of computer links
25 between the facility and the site, and will have to

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1 make facility changes under their site modification
2 process.

3 However, the staff disagrees that 36
4 months is needed for implementing an alternative
5 facility or facilities to function as staging areas
6 for augmentation of emergency response organization
7 staff during hostile action.

8 Licensees should have already identified
9 these alternative facilities in response to NRC
10 Bulletin 2005-02.

11 The final rule does not require that any
12 new facilities be built. Although, we recognize that
13 some existing facilities may need to be upgraded to
14 meet some of the new requirements.

15 However, we did not envision any major
16 upgrades to be needed to address the required
17 capabilities for alternative facilities and that we
18 felt 180 days would be sufficient time for performing
19 any needed upgrades.

20 However, we would like to hear any
21 additional feedback on the need for a different
22 implementation time.

23 FACILITATOR GIBNEY: Okay. Thanks, Don.

24 I know we had at least one person who had
25 interest in this. Paul, while you're coming to the

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1 microphone, we'll ask if there's anybody on the phone
2 to also be ready and be on standby if you have
3 thoughts about this issue.

4 MR. SERRA: As a preventative, I have to
5 say that this directly impacts the 180-day -

6 FACILITATOR GIBNEY: Can you tell us who
7 you are, please, and who you're with?

8 MR. SERRA: I'm sorry.

9 FACILITATOR GIBNEY: I'm sorry.

10 MR. SERRA: My name is Paul Serra. I'm
11 with Dominion.

12 This directly does impact. If we read the
13 Statement of Consideration and the interim staff
14 guidance, if you have a near-site emergency operations
15 facility, you can actually interpret that the - if the
16 functions that are normally performed within the TSC,
17 OSC and the EOF are not available, then the alternate
18 facility must be able to have those functions.

19 If that is the case, then there are a
20 number of facilities and a number of situations that
21 we are going to have to either build new facilities or
22 do some serious upgrades which will take a lot longer
23 than 180 days.

24 That's my question. So, it may get into
25 clarification again.

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1 FACILITATOR GIBNEY: Thank you, Paul.

2 MR. LAUGHLIN: Yeah, Jeff Laughlin with the
3 NRC.

4 As Don stated, you know, this was one of
5 the bulletin items from 2005. And so we felt that
6 because there potentially were other facilities that
7 may be available for use and, you know, the length of
8 time that you've had to look at this issue, you know,
9 we felt that 180 days was sufficient.

10 MR. SERRA: But, Jeff, if - in the
11 bulletin, if you take a look at the language for 2005-
12 02, it discusses prudence. It talks about, you know,
13 appropriate actions. It talks about - it's much
14 looser. It talks about taking folks and having them
15 assemble and muster to be able to respond.

16 If you - then you take a look at the
17 interim staff guidance and everything else in
18 aggregate. It becomes - it becomes another EOF. It
19 becomes another facility that actually recommends that
20 we do classification of that facility.

21 So, the robustness of the facility that
22 you're asking for in the new rule is significantly
23 more than was in the bulletin.

24 FACILITATOR GIBNEY: So, Paul, can I - is
25 there a way to put your feedback in more terms of a

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1 date or dates that you think you would need if -

2 MR. SERRA: It certainly would if we could
3 get clarification on those points.

4 In other words, if in fact this facility
5 that we're talking about needs to be an alternate
6 emergency operations facility with the ability to do
7 classification, notification, etcetera, then the 180
8 days is certainly inadequate and we need to expand
9 that date.

10 MR. LAUGHLIN: Okay. We did specifically
11 say - we did recommend that you look at, you know,
12 having a backup for event classification. That's
13 true, but that is - that's not part of the rule. That
14 was just a recommendation for you to look at in case,
15 you know, that you may need a backup for the control
16 room.

17 MR. SERRA: Might I suggest that maybe
18 through NEI or someplace that we do - we have some
19 additional clarification that we show what the
20 interpretation is and we see if there's agreement with
21 that.

22 MR. TAILLEART: It seems like - this is Don
23 Tailleart, NRC.

24 Based on what you're stating there, Paul,
25 I'm not sure where the impression that this has to be

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1 a duplicate of existing emergency response facilities
2 such as the technical support center or the emergency
3 operations facility is coming from.

4 In the rule language, there's a relatively
5 short list of very specific capabilities that we would
6 expect to see in these alternative facilities and I
7 just looked at it real quickly.

8 I don't see event classification as part
9 of that. So, I'm not sure where that particular thing
10 is coming from.

11 Let me just read them off real quickly
12 here. Number 1, we want the facility or facilities to
13 be accessible during a hostile action. Communication
14 links with the EOF, emergency operations facility,
15 control room and plant security. The capability to
16 perform offsite notifications and the capability for
17 engineering assessment activities.

18 There is an additional requirement for the
19 facility to be equipped with general plant drawings
20 and procedures, telephones and computer links to the
21 site.

22 I don't think it was our intent that these
23 - that the alternative facilities be a duplicate of an
24 existing emergency response facility, but to have
25 certain key capabilities so that some very basic

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1 functions could still be performed if the primary
2 facilities were not available.

3 And it was our understanding as a response
4 to Bulletin 2005-02, that at least to some extent some
5 of these capabilities had already been addressed.

6 And correct me if I'm wrong, but it sounds
7 like that may not be the case then.

8 MR. SERRA: Don, if I could read you from a
9 Statement of Consideration, it talks it also must have
10 computer links to the site so that the licensee staff
11 at the alternate facility can monitor plant parameters
12 such as those available on the safety parameter
13 display system to facilitate engineering assessment
14 activities, including damage control team planning
15 communication links with the emergency operations
16 facility control room and plant security.

17 Then it goes on to talk about the fact
18 although the final rule does not require the
19 capability to perform event classification in the
20 alternate facility, this facility should be able to
21 access up-to-date plant technical documentation such
22 as drawings so that that capability is possible to be
23 able to do that.

24 Throughout if you take an aggregate, if
25 you take the Statement of Considerations and the

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1 interim staff guidance and you take all those words
2 together, you certainly can come to the conclusion
3 that this is a much more robust facility greater than
4 was in Bulletin 2005-02.

5 Now, I have all these - this documentation
6 for you if you want it.

7 MR. TAILLEART: Okay. In terms of what
8 you're stating, then, how does that affect the
9 implementation time frame that you say would be more
10 appropriate for these facilities?

11 MR. SERRA: Well, if you take in the
12 aggregate the cyber security rule that's forthcoming,
13 if you take into consideration that not having
14 established SPDS links, which were not required, if
15 you take a look at some of the other technology that
16 you're asking for and the ability to do
17 classifications, notifications, a number of other
18 things from an alternate facility not having the
19 capability of the emergency response facilities, that
20 takes on a much different situation and light that we
21 were considering what that facility's capabilities
22 should be.

23 And so we'd have to take a look at that if
24 that is truly the intent of this rule. Three years -
25 I'm speculating right now because we're seeking for

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1 clarification on what are the words, what's the intent
2 of what we need to do.

3 MR. MILLER: Thanks, Paul. This is Chris
4 Miller.

5 So, I think I'm understanding that perhaps
6 when you were envisioning this a couple years back,
7 you were envisioning less of a robust facility than
8 what you get from a conglomerate read of the
9 requirement statements, etcetera.

10 When the 36 months was provided, was that
11 provided with the recognition that this could be an
12 EOF-like facility?

13 Is that where the 36 months - or are you
14 thinking that it's not - 36 months may not be the
15 right time frame?

16 I'm trying to just understand where you
17 are as far as if it were an EOF-like facility, is that
18 36 months? And if it's less than an EOF-like facility
19 if it's more like a backup where you can do some of
20 the limited scope or some of the functions, it would
21 be less than 36 months?

22 MR. SERRA: If it was less - if it had
23 fewer capabilities, then it would be less than the one
24 - it would be 180 days. And it would not - in other
25 words, it's not thinking - it would not reading into

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1 until the ISG and the Statements of Consideration came
2 in, that that facility would be so comprehensive that
3 you would have facilities on site that would not have
4 that capability.

5 FACILITATOR GIBNEY: Thanks, Paul. And
6 Bill, I think, has asked for just a moment to clarify
7 the clarification.

8 MR. LAUGHLIN: Yeah, could I say one more
9 thing real quick? Jeff Laughlin, the NRC.

10 You do understand, too, that you can use
11 an existing EOF or a backup EOF if that facility is,
12 you know, in close proximity to the site, you know.
13 That's somewhat subjective.

14 I'm just saying if, you know, if the
15 licensee does have an EOF that is not in the owner-
16 controlled area or close to the site, they can use
17 that facility, they can use a backup EOF or, you know,
18 a facility like that. I just wanted to point that
19 out.

20 And I understand there are some licensees
21 that would have to have a facility different than the
22 EOF probably.

23 FACILITATOR GIBNEY: Thanks, Jeff.

24 MR. RENZ: Bill Renz again. I just wanted
25 to give you a hypothetical because I think I'm facing

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1 this issue too.

2 You take a site with a near-site EOF
3 coming out of 05-02, we might have reached agreement
4 with the town hall, with the town, and so we use their
5 town hall for mustering.

6 It's still okay because they have
7 communications there, but it's certainly not a
8 licensee emergency response facility.

9 I have a near-site EOF in the OC, in the
10 owner-controlled area, I may not have access to it
11 under all circumstances. From a company's standpoint,
12 my decision might be to build another emergency
13 response facility, perhaps an EOF, at 12 miles.

14 I certainly can't do that in 180 days. I
15 think that's the point here.

16 MR. KAHLER: And I guess - this is Bob
17 Kahler - in consideration of the need to build one
18 versus not the need to build one.

19 Okay. If you have a near-site facility,
20 the performance-based EOF regulations that's going to
21 go out there will identify what's currently in the
22 NUREG 0696 that says you'll have to have one outside
23 of ten miles. Okay. And that's going to be the new
24 rule as it is.

25 So, you most likely have that EOF now

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1 outside of ten miles which has some of those
2 capabilities or should have almost all those
3 capabilities described in the rule for an alternative
4 facility. That's what we're trying to say.

5 So, we're trying to grasp - you're
6 creating a need to build a new facility rather than
7 looking at existing facilities.

8 Now, if you feel that need to build a new
9 facility, we need to understand that more in order to
10 help us understand the need to extend the
11 implementation date.

12 MR. RENZ: Sure. My alternate EOF, my
13 backup EOF might be 25 miles away. Therefore, it's
14 not in close proximity or, you know, within a few
15 miles of the plant. So, therefore, it's not a good
16 place to dispatch - so, therefore, it might not be a
17 good place to dispatch damage control teams, that kind
18 of a thing.

19 So, we haven't made any decisions. We're
20 still trying to understand it. The purpose we're here
21 is to provide a little feedback on is 180 days
22 sufficient. And not in all cases will that be
23 sufficient, in my opinion.

24 MR. KAHLER: Do we have a feeling about - I
25 mean, when you're saying - I mean, you know, Bill,

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1 your sites and, Paul, you know your sites.

2 Is this more the abnorm than the norm? I
3 mean, are we looking at how many sites would be
4 impacted by this that didn't have that, you know,
5 alternative facility that they could turn to and would
6 need to build a new one?

7 MR. RENZ: I'd be making a wild guess. I
8 know a lot of sites have an EOF outside of ten miles
9 and they should be in good shape for their primary
10 EOF.

11 MR. KAHLER: Okay.

12 MR. RENZ: For a great number of sites,
13 though, that, you know, built their ERFs in the early
14 `80s, they have near-site EOFs. And then depending on
15 whether it's right on the property or you have to
16 drive past the plant to get to it, that kind of a
17 thing, you know, that's going to vary.

18 FACILITATORY GIBNEY: Okay. So, while
19 Marty is digging for his information, we had somebody
20 on the phone about this.

21 Is that something you can help us with to
22 help clarify?

23 MR. MEADE: Yeah, this is Ken Meade from
24 First Energy, FENOC.

25 Right now we're - each of our sites has an

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1 onsite EOF. We have alternate facilities for 2005-02.

2 In some cases, the alternate facilities are very
3 limited as far as being able to muster. Maybe a
4 service center garage or that sort of thing.

5 We're looking at having to actually build
6 three separate facilities. One for each station.
7 We've had our real estate people looking and we have
8 to consider where the bulk of the ERO personnel for
9 the site live so that we can get them there in a
10 timely fashion.

11 We need enough space which we don't have,
12 to muster the ERO. When we have an all-call, everyone
13 shows up.

14 And then we have to be able to take those
15 people, have them there so they could be briefed and
16 then sent to the site during hostile action.

17 So, that puts a constraint on us to have
18 enough under-roof area where we can muster the people.

19 We don't always have enough communications to
20 establish communications with the site where we can
21 get the engineering people working on the things they
22 need to be working. We have some. But in some cases,
23 it's not enough.

24 And then establishing the computer ties
25 with the station, the phone links with the various

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1 stations and the offsite, it's quite a project and
2 it's not something that we undertake lightly. We've
3 had to use, you know, contract people to help us
4 design and plan these facilities.

5 So, we're looking at that to meet what we
6 read as the intent of the rule in the interim staff
7 guidance. So, we definitely looked at that closely
8 and it's quite an undertaking.

9 FACILITATOR GIBNEY: Thank you, Ken.
10 Appreciate your sharing your thoughts with us today.

11 Steve Payne, you had a thought on this
12 topic, too, please.

13 MR. PAYNE: Steve Payne, North Carolina.

14 I'm speaking for one of my utilities that
15 I know has a near-site EOF. In fact, it's within the
16 shadow of the - good Lord.

17 (Off-record comments.)

18 MR. PAYNE: Okay. Steve Payne from the
19 State of North Carolina.

20 I'm speaking for one of our utilities that
21 their EOF is within the shadow of their reactor
22 buildings.

23 They have arranged with the county EOC to
24 co-locate with them outside the ten miles. Their co-
25 location is for a skeleton staff from the EOF. No

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1 TSC. No OSC.

2 So, for them to meet this requirement,
3 they're going to have to do something. Either expand
4 the EOC for the county, which I'm sure they'd love, or
5 they've got to build new facilities.

6 So, to do that in 180 days would create
7 something of a problem not only for them, but for the
8 counties.

9 And when we talk about some of the other
10 activities you want us to do in the first year, we're
11 stumbling over each other.

12 FACILITATOR GIBNEY: Thank you, Steve.
13 Thank you for sharing that with us.

14 Did we have other follow-up here? Did we
15 have numbers or anything?

16 MR. SULLIVAN: Lisa, Randy Sullivan, NRC.

17 Before we go on to that, we, the staff,
18 are apparently somewhat missing a big piece of this
19 puzzle.

20 If you have a near-site EOF, our
21 understanding is that you'd have a backup somewhere
22 with pretty robust capabilities.

23 Are we mistaken about that?

24 Well, then a garage near the site and a
25 backup EOF in aggregate would meet - would meet the

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1 requirements.

2 So, I'm not - that's what we thought. And
3 so once again here we are discussing the content of
4 the rule so that you can understand the need for
5 implementation dates.

6 We said we were going to talk about
7 implementation dates, but understand that you need to
8 know what the rule says so you can understand the
9 implementation date.

10 But, I mean, in general, and I know there
11 would be a backup facility that would have
12 communications and probably computer links and -
13 outside the ten-mile EPZ.

14 And then if you had the town hall or the
15 line company garage or whatever you had near the site,
16 wouldn't that - doesn't that meet the rule?

17 MR. KAMINSKI: I think the question comes
18 out because we do have -

19 FACILITATOR GIBNEY: John, John.

20 MR. KAMINSKI: John Kaminski, Nine Mile
21 Point, Constellation Energy.

22 (Off-record comments.)

23 MR. KAMINSKI: We do use a line building.
24 Okay. But in light of cyber security rules that are
25 coming, we can't put - and the building that we use is

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1 owned by a different company. So, we have a letter of
2 agreement to use that facility as a mustering
3 location.

4 Okay. We do have an offsite EOF. It's
5 outside the ten-mile EPZ. We share that facility with
6 James A. Fitzpatrick, and I can't imagine sending 1300
7 people from, you know, the - if we have a hostile
8 action-based event, it's going to impact James A.
9 Fitzpatrick, Nine Mile 1, Nine Mile 2.

10 I have three facilities all within one
11 site. Can't envision sending all of the TSC/OSC staff
12 to that facility. One of us probably could get away
13 with it, but not all three - all three sites.

14 Okay. We set up a line building as the
15 mustering location in accordance with 2005-02 because
16 we did have an EOF that was outside the ten-mile EPZ,
17 had all the capabilities.

18 Don't have that capability any longer with
19 trying to put computer links in, trying to make sure
20 that all of those computers and data links and
21 everything else is there.

22 So, it will take more than 180 days to
23 construct or find another location which we can then
24 use. I don't have a backup EOF.

25 MR. SULLIVAN: Because your EOF - Randy

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1 Sullivan again.

2 Because your EOF is outside of ten miles,
3 you don't have a backup. That's good.

4 MR. KAMINSKI: That's correct.

5 MR. SULLIVAN: How did the ERO get to 1300
6 people? I'm missing that.

7 MR. KAMINSKI: I got 800 people at Nine
8 Mile Point.

9 MR. SULLIVAN: But they don't all need to
10 go there. All we need is the OSC, TSC and I
11 understand you might have three or four teams, but -

12 MR. KAMINSKI: We have five teams.

13 MR. SULLIVAN: Well, then send some of them
14 home. Don't build a new facility. I'm sorry.

15 FACILITATOR GIBNEY: Okay. We're kind of
16 getting off the dates thing here.

17 MR. SULLIVAN: Here we are solving
18 problems.

19 MR. KAMINSKI: I understand, but that's my
20 point is the 180 days isn't sufficient to find another
21 facility. Three years is probably sufficient.

22 MR. KAHLER: Quite honestly - this is Bob
23 Kahler - I think we're getting into the part where
24 once the rule is published, some of these items might
25 be cleared up with the workshops, okay, to give you a

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1 better understanding about what we're looking for.

2 But right now what we're doing is
3 implementation dates and trying to understand what
4 you're telling us to make our decision. And then
5 we'll go forward and let you know about what our
6 intent is and why we believe the time period we're
7 allotting for you would be sufficient to meet the rule
8 language.

9 Okay. Hearing what you're providing us
10 here today. Okay. So, I think we're in agreement
11 that we've - I think the staff - we received the
12 information. We'll digest it and to see where we need
13 to make changes if necessary to implementation dates.

14 FACILITATOR GIBNEY: Thanks, Bob. Okay.
15 Let's move ahead to Number 10. I peeked ahead a
16 little bit, and I think there might be some interest
17 in this topic also.

18 Call me a cheater, but I peeked ahead.
19 Don, can you give us the lead-in to Number 10, please?

20 MR. TAILLEART: Lisa, I have no doubt
21 you're correct.

22 With regard to challenging drills and
23 exercises, a six-month implementation period was
24 requested on behalf of the nuclear power industry to
25 allow sites to revise their emergency plans and drill

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1 and exercise program documents and to negotiate the
2 timing of new exercise cycles with federal, state and
3 local government officials.

4 The staff had proposed that the new drill
5 and exercise program requirements be implemented no
6 later than the first biennial exercise that would
7 occur more than 395 days after the publication date of
8 the final rule.

9 This again results in a minimum of about
10 one year and up to three years for implementation
11 across the industry.

12 The staff believed that this was
13 sufficient time for implementation and the proposed
14 six-month implementation period would be too short for
15 revising the drill and exercise programs, developing
16 scenarios and then coordinating all those new exercise
17 requirements with offsite agencies.

18 One of the questions that came up and that
19 the NRC and FEMA staff recognized was that the initial
20 hostile - well, let's put it this way: The initial
21 exercise under the new requirements would have to be a
22 hostile action exercise. And that this exercise might
23 conflict with the previously scheduled ingestion
24 pathway exercise.

25 In the draft final rule, the six-year

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1 frequency requirement for ingestion pathway exercises
2 would be replaced by a once in an eight-year exercise
3 planning cycle requirement to allow more flexibility
4 in scheduling ingestion pathway exercises.

5 Therefore, the ingestion pathway exercise
6 could be rescheduled for a later time to accommodate
7 the initial exercise being hostile action-based.

8 In Section 5 of the Statement of
9 Considerations, we also added another statement to
10 address a concern raised by multiple licensees and
11 states where multiple licensees were involved with
12 implementing the new exercise requirements.

13 This statement was added to address or to
14 allow licensees in those states to submit alternative
15 implementation schedules for the new exercise
16 requirements when multiple nuclear power plant sites
17 were involved.

18 We did not provide any specific guidance
19 on what those new implementation schedules would look
20 like, because we felt that would be very dependent
21 upon each particular state situation and licensee
22 situation. And it would be best left to those
23 particular states and licensees to work out an
24 implementation schedule that they felt they could
25 support.

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1 So, there were a couple of issues that
2 came out during the comments. We've tried to address
3 at least some of those comments, but we'd like to hear
4 additional input on this implementation schedule and
5 any other changes that you feel we should consider
6 going forward from this point.

7 FACILITATOR GIBNEY: Thanks, Don.

8 And as you might guess, not only did I
9 peek ahead, I had the benefit of the sign-up sheet and
10 there are several people who have signed up to talk
11 about this issue, as well as I believe there's
12 probably some people on the phone that might be
13 interested in this as well.

14 Evidently, Tim East would like to go first
15 since he's already - he's already primed and ready to
16 go to the mic.

17 You know what, Tim, somebody has to go
18 first. So, if you would be so kind. And again I'm
19 going to give you the same - thank you - encouragement
20 I gave everybody else to really take that microphone
21 close.

22 MR. EAST: Is it working now? Okay. I
23 have a - Tim East, Wolf Creek Nuclear Operating
24 Corporation. I have a couple - three questions
25 associated with this.

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1 I've heard the NRC talk about it would be
2 okay to move the ingestion pathway exercise. I
3 haven't heard anything from FEMA. So, this question
4 is to FEMA.

5 We currently have and I know of several
6 utilities that have ingestion pathway exercises
7 scheduled that would conflict with the rule to begin
8 with a hostile action-based exercise.

9 Is FEMA willing to allow us to defer an
10 ingestion pathway exercise sometime within that eight-
11 year cycle even if it's already scheduled?

12 FACILITATOR GIBNEY: Craig, is that
13 something that you can speak to today or is that
14 something that - is that beyond the scope of what you
15 can really speak to or -

16 MR. FIORE: I can attempt to address it.

17 I think that what we're hoping to do is
18 not let too much time lapse between the last time the
19 ingestion phase demonstration criteria were evaluated
20 by FEMA and the next time. So, this is going to,
21 again, when the guidance and the rule are published
22 when it comes to - for all of us to sit down together
23 and chart out the initial eight-year cycle, what we're
24 going to have to do is lay out when the last time
25 certain demonstration criteria were performed and FEMA

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evaluated those and see when we're proposing for the next demonstration to be. And then - and just discuss that in close coordination and come up with some sort of - some sort of agreement on - we just want to be - we think it's sound and prudent that we not let too much time lapse between the ingestion - so, if you had an ingestion phase exercise six years ago and you're planning to have one in 2011 or 2012, I would not be - I would not want to advocate that we allow that next ingestion exercise to be done in - eight years down the road because I feel like that's irresponsible on all of us.

So, again, the best way I can answer this is that we're just going to have to really sit down when everything is published. And as we start looking at the initial eight-year cycle and determining which scenarios are going to be tested, that we - we're going to have to just come to some agreement and compromise during those - during those meetings.

MR. EAST: So, let me see if I understand.

Are you saying then that if a person has - or a person - I say a plant has an ingestion pathway exercise and it falls, according to the rule, when they should be doing hostile action-based, that FEMA would be okay with them sliding that ingestion pathway

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1 exercise out so that they don't have to do, heaven
2 forbid, a hostile action-based and an ingestion
3 pathway on the same exercise.

4 Do I understand you correctly?

5 MR. FIORE: I'm saying that we would have
6 to discuss that. And I would say that if there were
7 issues at the last ingestion exercise, ARCA's that
8 needed to be corrected, that we would have to either
9 conduct the exercise as planned or we'd have to
10 identify some other alternative evaluation methods
11 where FEMA could - even if it's outside of the
12 biennial exercise, where FEMA could come out and
13 somehow observe and evaluate those aspects whether
14 it's an out-of-sequence drill or some other
15 alternative approach.

16 Because, again, we don't want to
17 necessarily let that amount of time lapse in between
18 demonstrations. We want to still stay within the time
19 frame of what's being proposed in the rule and the
20 guidance with when the first HAB exercise is going to
21 be conducted, but I think there's just certain things
22 that are going to have to be worked out on a case-by-
23 case basis.

24 MR. EAST: It sounds pretty specific as far
25 as the NRC is concerned, but it doesn't sound very

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1 specific from FEMA.

2 MR. KAHLER: Excuse me. If I can, Tim?

3 MR. EAST: Sure.

4 MR. KAHLER: This is Bob Kahler.

5 Okay. I don't think at this meeting we're
6 going to be able to take a case-by-case basis and
7 provide you a definitive answer to aid you in coming
8 up with an understanding about if -

9 MR. EAST: I thought we were supposed to
10 look at the -

11 MR. KAHLER: - you're going to have an
12 implementation date that's doable for your particular
13 site based upon what you currently have on a proposed
14 schedule for something down the road.

15 FEMA is, I believe, giving you - Craig is
16 trying to give you an indication that it's something
17 that will need to be discussed on a case-by-case basis
18 and a decision made according to your particular
19 conditions at that time.

20 But what we're trying to say is that, yes,
21 the rule does take away the six-year frequency for an
22 ingestion exercise, and the NRC and FEMA are in
23 lockstep with that.

24 We have agreed to that and we've taken it
25 out to an eight-year planning cycle such that when the

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1 effective date of the rule occurs, you are now at that
2 HAB exercise now in this eight-year exercise planning
3 cycle, which would also include an ingestion exercise.

4 So, if you do have one that's scheduled to
5 occur during whatever was originally scheduled on your
6 schedule as an ingestion exercise to accompany a
7 biennial evaluated exercise that's now an HAB, okay,
8 that that drill begins your eight-year planning cycle
9 and the ingestion exercise falls within that eight-
10 year planning cycle.

11 What I think I hear Craig saying is we
12 don't want it to go the additional eight years such as
13 you have 14 years between ingestion exercises. We'll
14 sit down and talk with you and I think that's what
15 we're trying to say.

16 And we're in lockstep with that. We've
17 discussed that situation, that possibility that could
18 occur.

19 MR. EAST: So, would an exemption be
20 required, an exception request have to be -

21 MR. KAHLER: Again, case by case because
22 you may not need to have one. If your state says you
23 know what, I want to do it this year anyway, I got
24 everybody all geared up for it, it's my time to do it,
25 the counties want to do it, I can handle this.

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1 Can you ask for an exemption? You're
2 always permitted to ask for an exemption on any of the
3 requirements or to have a delay in the implementation
4 date.

5 MR. EAST: It sounds like that you're
6 assuming this might be just one site or maybe two
7 sites.

8 Any site that falls for an ingestion
9 pathway exercise during the two-year period where
10 you've indicated that the hostile action-based will
11 occur, has to deal with this. And so we're trying to
12 formulate how best to handle the situation.

13 I guess it also brings up the question in
14 regards to predictability of drills. And, you know,
15 if everybody knows that we're going to have a hostile
16 action-based and then we're going to have an ingestion
17 pathway exercise because it got slid in order to
18 accommodate if indeed it's allowed to be slid, well,
19 that doesn't leave very much possibility open for the
20 next one.

21 So, rather than - I heard it said rather
22 than telling predictability by what time it is, oh,
23 that means the general emergency's coming, we'll be
24 using a calendar instead to tell okay, it's going to
25 be a hostile action-based or it's going to be an

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1 ingestion pathway or we've already had those two, so
2 now it's going to be a different kind.

3 MR. MILLER: Tim, Chris Miller. Let me
4 address a couple of your points.

5 First of all, predictability, we've talked
6 about that in the comment phase and we got to, I
7 think, an acceptable approach to you have to balance,
8 you know, what's predictable and what's, you know,
9 what's an effective time length of the cycle.

10 And on your first point you've heard from
11 NRC, but you haven't heard from FEMA, you have heard
12 from NRC and FEMA because we were - in the comment
13 period, we were in a joint adjudication process where
14 FEMA and NRC both got together on the applicable
15 parts. And this was certainly a big issue, the eight-
16 year cycle versus the six-year cycle.

17 So, I just want to assure you that yes, we
18 thought about, you know, the change that
19 implementation dates would cause and change in the
20 length of the cycle to address the predictability.
21 So, we have thought about that.

22 In the current process, there is a way to
23 sit down and discuss, you know, what the proposed
24 dates for your next particular drills or things that
25 are coming up on your cycle are. So, we'll have to

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1 address that.

2 But as far as whether we are going to go
3 back into predictability if you could reference a time
4 specific comment, we perhaps could address it, but
5 we're not -

6 MR. EAST: I thought I was in regards to
7 the hostile action-based.

8 The original language that was in the
9 draft language indicated that within the exercise
10 after the exercise associated with when the drill - or
11 the rule was being implemented, which for most of us
12 it looked like okay, we would be able to have a couple
13 of options to do the hostile action-based drill.

14 Well, that changed rather dramatically and
15 it got a lot tighter with the language associated with
16 the final. And so, now it's two-year window that
17 everybody is going to have to do the hostile action-
18 based drill.

19 And so, in fact, we even had some people
20 ask well, don't they have to send that back out for
21 public comment because that's a significant -

22 MR. KAHLER: Excuse me, Tim. There was no
23 change in implementation date for the hostile action
24 exercise.

25 The only change that was made was whether

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1 it was on a frequency of every eight years or whether
2 it was once during the exercise planning cycle. The
3 implementation date for hostile action exercise, I
4 don't believe, changed. It was always the first
5 biennial exercise more than 395 days from the
6 publication date.

7 MR. EAST: Well, that's - well, I
8 apologize. We must have missed - all misinterpreted
9 that. We thought that the draft language indicated
10 something different than that.

11 At least at several sites we were looking
12 at a 2015 time frame based on the language associated
13 with the draft language.

14 MR. KAHLER: No, then you must have
15 misinterpreted it. The staff never had that
16 interpretation.

17 MR. EAST: Okay.

18 MR. KAHLER: Because there's - you had an
19 eight-year - you had a six-year - or excuse me.

20 You had an eight-year frequency between
21 hostile action exercises, but what you also had was an
22 implementation date that said when you must perform
23 your first hostile action exercise.

24 MR. EAST: All right. Well, I guess the -
25 I thought I misunderstood.

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1 Chris, going back to your comment, I
2 thought I heard Craig say that we may very - Craig
3 Fiore say we may very well need to go ahead and
4 perform an ingestion pathway exercise the same year
5 that we do the hostile action-based.

6 So, that would make it seem to me then
7 that the eight-year cycle isn't quite what you were
8 talking about, but that's - I thought I understood you
9 to say that.

10 So, I think that's all the questions I
11 have.

12 MR. SULLIVAN: Well, before you leave -
13 Randy Sullivan, NRC - I just wanted to point out a
14 couple of aspects of the rule.

15 The first one I wanted to say is that the
16 rule will be effective 30 days after it's published.
17 That's the effective date. And I think that's when
18 the rule is in place, right?

19 Now, the implementation date is different.
20 I hope I don't get tangled up here. We want to see
21 an HAB exercise, the first exercise more than 365 days
22 out of that effective date. Okay. But you will then
23 be in the eight-year cycle.

24 The previous cycle is a thing of the past.
25 So the eight-year cycle, I guess, begins with that

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1 first biennial exercise more than 395 days from the
2 publish date, 365 days from the effective date.

3 So, you know, pending there's not
4 problems, I think we heard Craig say that it can be
5 discussed.

6 If there's a lot of ingestion pathway
7 problems, well, then they're going to ask for a
8 different mechanism to address those problems.

9 I think I heard Craig right when he said
10 that. He said it before the same way. So, I think
11 I'm getting it.

12 And then one final nuance. The rapidly
13 developing minimal release HAB do not have to be the
14 same exercise. Those things are not tied.

15 We want to see those aspects in your drill
16 program, drill and exercise program. They don't all
17 have to happen at the same time.

18 You can have - you can spread that out
19 over three different exercises if that's what you
20 want.

21 FACILITATOR GIBNEY: Thanks, Tim. Let me
22 just check with our folks on the phone.

23 Anyone on the phone have a thought or some
24 feedback on this issue? We'll come back to you.

25 MS. EGAN: Yes. This is Pat Egan. I do

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1 have a comment.

2 FACILITATOR GIBNEY: Good ahead, Pat.

3 MS. EGAN: Good afternoon. This is Pat
4 Egan from Oswego County, New York.

5 Here in Oswego County we have the
6 distinction of being the only site with two licensees
7 operating reactors. And because of that, we're
8 concerned about both licensees having to meet the
9 implementation period.

10 Our offsite response organization,
11 including county workforce, county and state agencies
12 and volunteers, could not support more than the
13 biennial exercise schedule we currently are operating
14 under.

15 We're committed to and the county
16 officials strongly support at least one state-
17 evaluated full exercise every year, and then the
18 biennial FEMA-evaluated exercise.

19 Because of our two-licensee site, Oswego
20 County strongly recommends that a two-licensee
21 collaboratively developed HAB exercise to be
22 undertaken within the rule implementation period being
23 one of those exceptions you were just talking about
24 that we asked for.

25 FACILITATOR GIBNEY: Thank you, Pat. We

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1 appreciate you taking the time to call in and give us
2 your thoughts on that today.

3 MR. SULLIVAN: So, if I understood your
4 suggestion correctly, there's no problem with the
5 implementation date, but you would like to propose a
6 state-specific solution to performing the HAB and -

7 MS. EGAN: I fully expect that the
8 licensees here and the county could meet - should and
9 could meet the implementation period ruling. I just
10 because of the two licensees, I don't want to see us
11 have to do double duty.

12 Our ORO force could not support that kind
13 of an exercise prior to the end of the implementation
14 period.

15 MR. SULLIVAN: Well, that's a pretty unique
16 situation, but the rule invites states with multiple
17 sites to send us the schedule that they think makes
18 sense.

19 So, although we didn't specify multiple
20 licensee sites, we said states with multiple sites
21 could send us a proposed implementation and FEMA and
22 NRC would consider that.

23 MS. EGAN: And I appreciate that. From
24 your response, I am assuming that once the clock
25 starts ticking, only one of those licensees would be

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in line to have their HAB exercise evaluated - in my case, by FEMA - prior to the end of the implementation period.

8 MR. TAILLEART: This is Don Tailleart, NRC.

Would this be similar to how ingestion pathway exercises are done for Nine Mile Point and Fitzpatrick currently?

12 MS. EGAN: No, actually 18 years ago
13 Constellation had the scenario responsibility for
14 ingestion pathway. In 2011, it will be Entergy that
15 takes the lead on the ingestion pathway.

16 So, no, it is different.

17 FACILITATOR GIBNEY: Well, thanks, Pat. I
18 can tell by the look on the staff's faces, you've
19 given us a lot to think about.

20 MS. EGAN: Well, I'm glad, because it
21 certainly gives us cause to consider things too.

22 MR. KAHLER: And this is Bob Kahler.

23 And quite honestly, I think what Randy
24 told you was yes. And after the rule becomes
25 effective, we need to understand better that

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1 particular situation and to identify how the rule
2 language and such and maybe a request can be generated
3 for how the state and how the two licensees at one
4 site can meet the rule. Okay?

5 MS. EGAN: I appreciate it. Thank you.

6 MR. KAHLER: Thank you.

7 FACILITATOR GIBNEY: Thanks, Pat. And
8 thanks, Bob.

9 We also had a couple of state and local
10 partners here in the room that had signed up to talk
11 about this.

12 Is Russ Stukey still here? Excellent.
13 Russ, would you be kind enough to share us your
14 thoughts? And, you know, I'm going to give you the
15 same microphone and - there you go.

16 MR. STUKEY: My name is Russel Stukey,
17 Coffey County, Kansas, Emergency Manager.

18 And under the proposed implementation
19 schedule, we are one of the counties that would be
20 required to participate in a HAB and that would fall
21 on the same schedule as we currently have an IPX
22 schedule. And that would - a concurrent drill like
23 that would be too much for the local responders and we
24 couldn't handle that.

25 So, we also recently volunteered to do a

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1 HAB and - myself and my county commissioners. It
2 doesn't appear anywhere in this that there's any
3 credit given for volunteering to participate in that
4 and no extra incentive to do that in the future if
5 we're required to right away go ahead and do another
6 one in the implementation phase of this and change our
7 schedule for ingestion pathway.

8 So, we would like to see the
9 implementation of that pushed out farther so that it
10 better fits into what we already had planned and isn't
11 such a burden on our local resources.

12 And we also feel that it would affect the
13 initiative that we understood was underway for the
14 unpredictability and the challenging things that
15 obviously makes it pretty predictable.

16 And I think that's really the bulk of my
17 comments.

18 FACILITATOR GIBNEY: Thank you very much.
19 Appreciate that and appreciate you coming out to - all
20 the way out here to visit us.

21 Steve Payne, you had signed up for this,
22 too. And then I've got a couple folks on the phone
23 that are waiting, too.

24 So, Steve?

25 MR. PAYNE: I learned.

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1 FACILITATOR GIBNEY: I don't know. Did you
2 learn? Let's see.

3 MR. PAYNE: Yes, I've learned.

4 FACILITATOR GIBNEY: Excellent.

5 MR. PAYNE: Okay. I'm in a situation a lot
6 like what the gentleman here is with the folks in New
7 York where I've got multiple utilities, multiple sites
8 that could fall within that along with ingestion
9 pathway.

10 My question and clarification wanting that
11 plus an extension on some of this, and most of this
12 goes to you, Craig, for this, one, we keep hearing the
13 talk about the utility requesting the change in the
14 activity. The utility talks to the NRC.

15 Now, is the NRC going to be responsible
16 for changing a FEMA schedule for exercises? Okay.
17 That's one question.

18 Second is if we're going to do this for
19 sites or states that have multiple sites, and I'm in
20 Region 4 and many of the Region 4 states have
21 multiples in there, are we going to have another
22 scheduling conference to resolve this?

23 We just recently had a conference that
24 took our schedule out to 2016 figuring in IPZs, full
25 participation, partial participation and getting these

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1 done within the framework of the outages that the
2 utilities have to go through.

3 So, are we going to have to basically go
4 back, trash the current schedule that we have and redo
5 a new schedule? And then who's going to make the
6 final decision on that schedule? Will it be FEMA?
7 Will it be NRC?

8 FACILITATOR GIBNEY: Thanks, Steve.

9 MR. FIORE: I think once the rule on the
10 guidance is published, it's again not across the
11 board, but I think likely it's going to require
12 everyone to get back together and sit down and I don't
13 know necessarily trash the schedule that's already
14 been created, but there's probably going to have to be
15 some revisions made so that we can incorporate these
16 new scenario variations that we can incorporate the -
17 conducting the hostile action-based exercise within
18 the implementation phase.

19 Again, I don't want to - I know that we're
20 trying to focus our attention at this meeting on
21 timelines, but - and I don't want to belabor the
22 point. But rather than try to say it's going to be
23 FEMA's decision, NRC's decision or anyone else's
24 decision, I think what we're shooting for and striving
25 for is to have it be a very collaborative effort.

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1 And just like at your exercise scheduling
2 meetings, everyone is at the table and they're
3 factoring in things like outages and factoring in
4 things like when evaluation criteria have been last
5 performed and when they need to be performed again.

6 So, I think it's just going to - it's
7 going to be - it's going to take a little more effort
8 at the front end. Yeah, we're probably going to have
9 to sit down and have some pretty detailed discussions
10 and we're going to have to make adjustments to the
11 exercise schedule, but I don't think any of this is
12 being driven by the NRC in particular or by FEMA in
13 particular. It's being done jointly in a partnering
14 kind of way.

15 So, I'll just leave it at that.

16 MR. STUKEY: I understand that, you know,
17 you all are working together on this. And our concern
18 is that the implementation schedule as you have it
19 laid out here, forces the utilities to go to do these
20 exercises, which then turns around and forces the OROs
21 to either be able to support them or come up and say
22 hey, we can't support you. Now, we've got a problem
23 out there with them trying to do too much too fast.

24 If we can come in a scheduling to where we
25 can look at okay, we do a hostile action-based on this

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1 one this year, and next year we do another one, next
2 year another one so that we have a rolling schedule,
3 not a discrete schedule, which is what seems to be in
4 here.

5 You have a discrete schedule. It starts
6 in about one to two years for every site here in the
7 United States, and then moves on a very repetitive
8 basis every eight years across the country.

9 MR. KAHLER: Oh, Steve, I hope not. This
10 is Bob Kahler from the NRC.

11 That's why we did away with the eight-year
12 frequency on HAB. That created the flexibility that
13 was requested by everybody in the comments we
14 received.

15 The other idea is the schedule and whose
16 going to approve it or such. As Craig said, that's a
17 collaborative effort at your scheduling conference
18 where everybody gets together.

19 And it's not one single approval. It is
20 the effort of the state, the NRC, FEMA and of the
21 licensee. Everything being put into consideration to
22 come up with those dates and who can support what.

23 As we stated in the past - can they hear
24 me now, Holly, or - no, not yet? Come closer. She
25 told me they're still having trouble hearing me out

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1 there on the phone.

2 That we also saw that states with multiple
3 sites, okay, that there is going to be consideration
4 given if you request to have some sort of
5 consideration for the fact that you have a state with
6 multiple sites.

7 That's in there. So, your implementation
8 schedule for your HAB can be kind of customized to
9 what is something that's agreed upon by the NRC and
10 FEMA and you, the state.

11 So, I think what we're trying to create is
12 an implementation schedule that takes that into
13 consideration. But what we didn't want to do with an
14 implementation date and schedule was to say that
15 because of your particular situation, another site's
16 in a state situation, a one-state one-site situation,
17 has to fall into some other, you know, type of regime
18 and create an implementation date for if you have one
19 site, if you have two sites, if you have three sites,
20 if you have four sites, what do you do? So, that's
21 why the Statements of Consideration are written as
22 such.

23 Now, we understand that that's why the
24 implementation date when you were saying it's the
25 first biennial exercise greater than 395 days from the

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1 publication date, that's going to span, you know,
2 approximately two-and-a-half years, possibly.

3 So, we want to make sure that there is
4 some time lag between those, but we don't want it to
5 go too far out beyond when the rule was published,
6 because we're looking at the fact that once we did
7 something with a bulletin, we did the pilot exercises,
8 there's this lag in between, and now we need to get to
9 the business of evaluating whether we could respond to
10 the new threat environment we're living in since 9/11,
11 and we need to get that off the ground and we need to
12 move on.

13 And so, we're looking for a state and such
14 to do that within the first, at least, two-and-a-half
15 years and not extend that out for eight years.

16 I hope that answers it. But if there's a
17 reason why you think it should be extended out to
18 eight years for your particular situation, for your
19 first time you do it, we need to understand that.

20 MR. STUKEY: I'll be in touch with our
21 folks then.

22 MR. KAHLER: Okay.

23 FACILITATOR GIBNEY: Thanks, Bob. And I
24 think we have someone on the phone. I'm just going to
25 push the magic button.

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1 MR. LEUER: Kevin Leuer from the State of
2 Minnesota.

3 FACILITATOR GIBNEY: Hi, Kevin.

4 MR. LEUER: Hi. The question I have or
5 really comment in regards to the timeline as you
6 proposed the one biennial exercise, you know, more
7 than 395 days after final implementation of the rule,
8 in theory, correct me if I'm wrong, but that could be
9 396 days.

10 If you happen to have an exercise that
11 fall that you had done at the right time, it may be
12 396 days for you to demonstrate this based on
13 publication.

14 From our perspective in Minnesota, I can't
15 meet that requirement. We are working very hard right
16 now in updating plans and procedures and training, but
17 the HAB event is extremely complicated as you get into
18 protective actions and additional sheltering and
19 moving forces in and it's requiring additional
20 emergency alert messages, follow-on messages, public
21 media messages, a number of things that are very
22 different and unique because of hostile action.

23 And then when you look at the difference
24 between hostile action air, hostile action land,
25 hostile action water, they're all very distinctly

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1 different scenarios, all very distinctly different
2 players involved in those types of events, which means
3 additional training, planning, tabletops, drills to
4 get us to this evaluated scenario exercise.

5 I can tell you that if we're required to,
6 we'll do one, but it's not going to be a very pretty
7 exercise 396 days after rule implementation.

8 I'd like to see us look at, you know,
9 within a year of that rule implementation, that we are
10 required to give you and have concurrence on a new
11 eight-year cycle that lays out a reasonable time frame
12 to demonstrate all of these new things with an
13 emphasis that the HAB exercises are implemented as
14 early in that schedule as practicable.

15 And, you know, I think I might be able to
16 hit a two-year mark. I know I can hit a three-year
17 mark on demonstrating, and, with a significant degree
18 of confidence, all of the messaging in the systems,
19 the integration of the command post, the interface
20 between offsite emergency preparedness and onsite
21 security, the protection of those initial responders
22 at the site, you know, we have to take these scenarios
23 not only potential no release, but to a release as
24 well. And there's a lot of complexities in that
25 planning.

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1 And we've done tabletops, we've done
2 drills here in the state with both of our sites
3 multiple times. And every time we do them, the list
4 gets longer.

5 And we're still working on that list. But
6 if you look at the worst case scenario and say 396
7 days, we and the state would not be prepared to
8 demonstrate criteria to the extent of like we would
9 for ingestion or other - I mean, the criteria hasn't
10 even been fully developed yet of what we're being
11 evaluated against, and we're trying to score what the
12 time line is for implementation.

13 As we looked at the rest of the rule
14 changes in the REP program manual, there are
15 significant impacts on offsite agencies, both state
16 and local jurisdictions, that all have to be
17 implemented.

18 And so we're trying our best to figure out
19 the reasonable time line to implement this. I think
20 our approach should be we should look at that schedule
21 in a short, reasonable time frame and come up with a
22 plan when can we do these, when can we demonstrate
23 these and work through that schedule?

24 But I can affirmatively say 396 days is
25 not sufficient time. I'm not sure where the requested

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1 implementation period of six months came from, because
2 I know we were requesting three years in this
3 particular topic area.

4 So, I don't know if I got it submitted in
5 the right section of this or the overall
6 considerations that were put forward, but there is a
7 substantial amount of work. There is a substantial
8 amount of training with very different and new players
9 that we have to budget for, that local government
10 needs funding for to support the additional training
11 that's required for these exercises.

12 And we have to budget, we've got to put
13 those into the plan. We've got to have those plans
14 reviewed and approved so we can exercise the actual
15 plan.

16 And so I would just respectfully say that
17 the time frame needs to be longer. I think we should
18 have a year or maybe even less to say we need to be
19 able to propose a new eight-year exercise schedule,
20 recognize we need to move HAB up as early in that as
21 we can and have some flexibility to work with the
22 states and the utilities and the local jurisdictions,
23 FEMA and NRC on what's practicable here to implement
24 this so that we can be fully prepared and be able to
25 demonstrate that criteria. Thank you.

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1 FACILITATOR GIBNEY: Thanks, Kevin.

2 Appreciate you taking the time to hang in there with
3 us today and give us your thoughts.

4 Before we go on, we did have a follow-up
5 request. Ken, are you with us?

6 MR. EVANS: Yes, I am.

7 FACILITATOR GIBNEY: Okay. Ken had a
8 follow-up thought for you, Bob, about one of your
9 earlier thoughts.

10 Ken, I'm going to ask you to speak up a
11 little bit. I was having a little trouble hearing
12 you. If you could tell us who you are and who you're
13 with, and then what your follow-up question was for
14 Bob.

15 MR. EVANS: Okay. This is Ken Evans and I'm
16 with the Illinois Emergency Management Agency here in
17 Illinois.

18 And as I think most people know, we have
19 six sites here in the state of Illinois, more than
20 anybody else. So, obviously this is a topic that gets
21 our attention.

22 And I was following along, you know, what
23 the Statement of Consideration says, you know, that
24 we'll be flexible, we'll work with you as far as the
25 state and the utility is concerned.

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1 All of that sounded good and I thought I
2 was pretty clear, but again have some trouble here
3 hearing Bob today. So, I may have misunderstood
4 something.

5 But what I thought I heard was the
6 statement that we want to have these hostile action
7 exercises occur within two-and-a-half years, and I'm
8 hoping that that's not meaning that like here in
9 Illinois that you'd expect to see all six stations
10 have a hostile action exercise in two-and-a-half
11 years, because that's definitely going to be a
12 problem.

13 I mean, even if we implement one within
14 the 395 days, we've still got five others to go. And
15 even if we were to do two hostile action exercises a
16 year, that would still take us three years to get to
17 all six stations.

18 So, I was just wanting a little bit of
19 clarification about if I misinterpreted something that
20 Bob had said earlier.

21 MR. KAHLER: Ken, this is Bob Kahler.

22 I believe you heard me correctly. We want
23 to have all the utilities have a hostile action-based
24 scenario, an exercise in that time frame, the first
25 biennial exercise greater than 395 days from date of

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1 publication. That's what the staff would like to see.

2 Now, we also have out there the
3 acknowledgment that there are states that have
4 multiple sites.

5 So, we would give consideration to the
6 states that have those multiple sites and how we're
7 going to go about evaluating a hostile action exercise
8 at a site versus state participation, versus what
9 other type of action we can take to satisfy the
10 requirement of the rule and still have a hostile
11 action.

12 The intent conduct wants at every site in
13 the first whatever it is, three-and-a-half years I
14 believe it is, actually, or two-and-a-half, but that's
15 our intent. But the Statements of Consideration do
16 identify and acknowledge that, of course, and you are
17 lucky enough to have six sites in your state, that you
18 fall into that special case of possibly having to have
19 six of these exercises in a very short period of time.

20 So, we would have to look at that and
21 consider that. That's something we definitely
22 acknowledge.

23 MR. EVANS: Okay. So, just if I could just
24 for a check for understanding what I'm hearing is that
25 since we do have the six, we would get special

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1 consideration and your expectations would be different
2 than if we just had one site?

3 MR. KAHLER: I would say that's probably a
4 fairly good synopsis of what I was saying, yes.

5 MR. EVANS: Thank you.

6 FACILITATOR GIBNEY: Thank you, Ken.

7 And let me just go back to the phone and
8 see if there's anyone else on this topic. I'm looking
9 - I've got one eye on the clock making sure that we're
10 going to leave enough time for the one other topic
11 that we have, but I want to be fair to this topic,
12 too.

13 So, anybody else on the phone with
14 thoughts for Topic 10?

15 MR. STEVENSON: Yes, I have a question.

16 FACILITATOR GIBNEY: Okay. I need you to
17 speak up just a little bit, tell us who you are and
18 who you're with, please.

19 MR. STEVENSON: Okay. This is John
20 Stevenson with Progress Energy.

21 And understanding the desire to have these
22 hostile action-based drills early in the cycle with
23 that proposed implementation versus selecting a year
24 within the eight-year cycle to have the HAB drill,
25 have the implications of the future scheduling been

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1 considered in the long term really with the issue
2 being that the entire industry are going to have HAB
3 drills front-end-loaded in this first cycle, and then
4 really virtually forever in cycles to come, unless a
5 site chooses to volunteer to short cycle their HAB
6 drill, have one three or four or five years later.

7 And I guess the overall question is why
8 don't we see that as a problem that we're going to
9 really leave to our future EP organizations and really
10 to the regulators who have to evaluate that to where,
11 you know, the third or fourth or fifth cycle are all
12 going to be - the same problem is going to be
13 exacerbated where all of these folks are - all of us -
14 all the sites are going to have our HAB drills in the
15 first two to three years of every cycle.

16 That's all I got.

17 FACILITATOR GIBNEY: Thanks, John. Let's
18 see if we can get - Don, you reached for the
19 microphone first.

20 MR. TAILLEART: Yeah, I'll take a stab at
21 it. Don Tailleart, NRC.

22 John, that's - I think we understand your
23 concern and we got that during the public comment
24 period last year as well. And that's really the
25 primary reason why in the draft final rule language we

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1 took out the requirement to do the hostile action
2 exercises on an eight-year frequency, which was in the
3 proposed rule, recognizing that that would severely
4 limit flexibility in scheduling these exercises.

5 So, what we foresee in going forward is
6 that during the initial cycle the hostile action
7 exercises would be all occurring during the early part
8 of that cycle.

9 But in the next eight-year cycle although
10 we would not want to see a lot of the exercises pushed
11 out towards the end of the second cycle, there would
12 be flexibility in scheduling those hostile action
13 exercises so they would not all have to occur in the
14 first couple of years of that next cycle. And then
15 that would be the same for all the other cycles
16 afterwards.

17 So, again we attempted to address that by
18 eliminating that frequency requirement just having the
19 hostile action exercises once within an eight-year
20 exercise planning cycle.

21 And we think that pretty well addressed it
22 unless you still have some concerns about what impact
23 this would have on implementation for those types of
24 exercises.

25 MR. STEVENSON: No, that's certainly

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1 acceptable and I obviously missed that myself. So,
2 thank you.

3 MR. TAILLEART: No problem.

4 FACILITATOR GIBNEY: Thanks, John.

5 Okay. Other in the room here, other
6 thoughts for this topic?

7 MR. ROSE: Lisa, this is Mike Rose.

8 FACILITATOR GIBNEY: Hello? I missed
9 somebody.

10 MR. ROSE: Hi, Lisa. It's Mike Rose on the
11 phone.

12 FACILITATOR GIBNEY: Oh, hi, Mike.

13 Can you speak up just a tiny bit?

14 MR. ROSE: I will do what I can.

15 FACILITATOR GIBNEY: Great. That's much
16 better. Thanks.

17 So, if you could tell us again who you are
18 and who you're with?

19 MR. ROSE: Okay. My name is Mike Rose.
20 I'm with the City of Dana Point here in southern
21 California.

22 FACILITATOR GIBNEY: Okay.

23 MR. ROSE: And I want to bring this back to
24 Craig a little bit if I can in terms of FEMA and the
25 offsite relationship with the implementation timeline

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1 of this particular rule.

2 And my question goes to whether FEMA is
3 going to have a completed final REP program manual for
4 the off-sites to be working with in time for this NRC
5 rule implementation.

6 If in fact NRC and FEMA are working all on
7 the same page and the licensees and the off-sites are
8 all working on the same page so that, in effect, we
9 are all in lockstep as we are saying that we are, it
10 seems to me that we need to have all the off-sites on
11 the same page with FEMA with a final REP program
12 manual as we enter this new eight-year cycle.

13 Whether it's we're all starting with
14 hostile action-based exercises or not, we all need to
15 be evaluated on site and off site based on the same
16 criteria.

17 Just to give some specifics here just to
18 try and specify what I'm talking about as an example,
19 FEMA is talking about the development of a crosswalk
20 to link the existing objective-based REP program
21 evaluation criteria and moving the transition to
22 performance-based agency criteria.

23 Don't we need to establish and finalize
24 all of that stuff before we implement - and everyone
25 that's starting to be evaluated in the new - the new

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1 exercise cycle just so that we're all evaluated across
2 the country, across the industry on the same things.

3 Does that make sense?

4 MR. FIORE: Mike, this is Craig Fiore.

5 It makes perfect sense, and I think you're
6 right on point on everything you just said. And from
7 our perspective is that that information and that
8 guidance will indeed be in the REP program manual.
9 And also what we're trying to do is ensure that the
10 staff both at headquarters and the regions are trained
11 over the next few months and familiar with the entire
12 content of the program manual and Supplement 4.

13 So that on Day 1 when all of this is
14 published and issued, that FEMA is totally prepared
15 and ready to provide you or any of our state and local
16 stakeholders with as much or as little assistance as
17 requested to help you incorporate these guidance
18 revisions into your plans and into your exercise
19 program.

20 So, yeah, that's absolutely what we're
21 committed to doing and we're committed to working with
22 you on - even between now and final publication,
23 having these meetings to discuss potential impacts on
24 implementation.

25 But then when the guidance is - and

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1 rulemaking is published and final, on that very first
2 day we're going to be fully prepared to assist you and
3 all our other stakeholders as we face this revised or
4 new guidance.

5 Does that address any of your concerns?

6 MR. ROSE: Yes, that's answering my
7 question. I'm, you know, hopeful that it works out
8 that way.

9 Will we as off-sites have an opportunity
10 to comment on the crosswalk development and prior to
11 being evaluated on it?

12 MR. FIORE: I would say, yeah, absolutely.

13 Once you get your hands on the final
14 version of the program manual, I think we've always
15 been open to meeting and discussing on any questions
16 regarding REP program policy and guidance. So, I
17 don't see that we would stray or deviate from that
18 with this new guidance.

19 And, yeah, we would, you know, welcome any
20 comments that you have once you have a chance to
21 review anything within the program manual.

22 MR. ROSE: Thank you.

23 FACILITATOR GIBNEY: Thanks, Mike.

24 Okay. Let me try once again to the phone.
25 Anybody else on the phone with thoughts on this

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1 topic?

2 MR. ROSE: Hi, this is Dan Rose from the
3 State of Delaware.

4 FACILITATOR GIBNEY: Mike Rose's brother,
5 right?

6 MR. ROSE: Maybe a distant cousin.

7 FACILITATOR GIBNEY: I'm kidding you.
8 You're coming through loud and clear, Dan.

9 What's your thoughts and feedback for us
10 today?

11 MR. ROSE: Oh, great. Thank you.

12 Just to piggyback off the previous
13 gentleman's question, what is the anticipated publish
14 date of the final version of the program manual or
15 when can the states expect to have a chance to review
16 that?

17 FACILITATOR GIBNEY: Well, Craig, that's a
18 little outside of what we're talking about today.

19 Is that something you have an answer for
20 at this point?

21 MR. FIORE: I think the only answer I could
22 give with any certainty is that we're going to - the
23 plan all along has been for FEMA to publish the
24 program manual and Supp 4 concurrently with when the
25 NRC publishes the rulemaking. So, everything is going

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1 to be published at the same time.

2 Right now, again this is a bit
3 speculative, but projections are sometime late summer
4 or later in 2011. But even that's subject to change
5 as the rulemaking tracks through the Commission and
6 our guidance tracks through the FEMA and DHS and OMB
7 concurrence process.

8 FACILITATOR GIBNEY: Thanks, Craig.

9 MR. ROSE: Thank you, sir.

10 MR. FIORE: You're welcome.

11 FACILITATOR GIBNEY: Okay. Anyone else
12 from the phone with thoughts?

13 Okay. Walt, are you asking me to be my
14 last person from the room?

15 MR. LEE: Sure.

16 FACILITATOR GIBNEY: Excellent.

17 MR. LEE: Walt Lee with Tennessee Valley
18 Authority.

19 I just want to make sure - we talked a lot
20 about HAB and the consideration for states with
21 multiple sites for HAB-type drills.

22 The ingestion pathway the way I read the
23 rule, has gone from an N times six to every eight
24 years.

25 That is a correct statement? And I see a

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1 lot of heads nodding yes. So, the -

2 MR. KAHLER: That's correct, Walt.

3 MR. LEE: Okay. Thank you. That was Bob
4 Kahler.

5 (Laughter.)

6 MR. LEE: My question is will the same
7 considerations as for the states with two or four to
8 six different utilities in that same state be given
9 for these planning conferences associated with
10 ingestion, because you're talking now for Ken in
11 Illinois, six ingestions every eight years.

12 I've got two states that I deal with two
13 utilities. So, I have two every - one every four
14 years.

15 So, is the same considerations being given
16 for ingestion pathway?

17 MR. TAILLEART: This is Don Tailleart, NRC.

18 Really didn't intend to change, Walt,
19 consideration for ingestion pathway exercises to be
20 treated any differently than they currently are under
21 the current scheme.

22 The only change at least from an NRC
23 regulatory point of view was to eliminate the six-year
24 frequency requirement for ingestion pathway and just
25 state, you know, ingestion pathway would have to be

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1 done once every eight-year cycle.

2 The rest of the regulation which talks
3 about states with multiple sites rotating
4 participation amongst the different sites, that part
5 did not change.

6 And then however ingestion pathway
7 exercises are being scheduled currently for a given
8 state and licensees that are within that state, we
9 really didn't anticipate that changing.

10 So, if there's already consideration being
11 given for ingestion pathway exercises, that would
12 continue again on a state-by-state basis.

13 MR. LEE: Walt Lee with Tennessee Valley
14 Authority again.

15 Just to make sure, let me give an example
16 so I'm really clear. So, we shook our heads earlier
17 saying yes, it's changed. So, I have to do - each
18 utility must do an ingestion pathway exercise every
19 eight years with their state.

20 MR. TAILLEART: I would say they have to
21 do an ingestion pathway exercise once every eight-year
22 cycle, not every eight years.

23 MR. LEE: Once every eight-year cycle.
24 Okay.

25 So, if I have a state - I have a - I'm a

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1 utility and I have let's say Tennessee, I have two
2 sites, I must do an ingestion pathway with each one of
3 those sites for the State of Tennessee every eight-
4 year period; is that correct?

5 So, they would have two ingestion
6 pathways. Right now they would be doing one utility -
7 one site would do an ingestion pathway in a 12-year
8 period, and the other one would do it offset from
9 that. So, they would be doing it every six years.

10 That's what I'm trying to make sure
11 everybody is clear on.

12 MR. KAHLER: As Randy is frantically trying
13 to find what the rule language actually states, it is
14 that a state must do an ingestion pathway exercise
15 once every eight-year planning cycle.

16 You got it? A state should fully
17 participate in the ingestion pathway portion of
18 exercises at least once every exercise planning cycle.

19 In states with more than one site, the state should
20 rotate this participation from site to site.

21 So, that's once every eight-year planning
22 cycle you have to do - the state has to do an
23 ingestion pathway exercise. And you should if you
24 have more than one site, the next exercise planning
25 cycle you should consider exercising with a different

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1 site.

2 MR. LEE: All right. Thank you very much.

3 MR. KAHLER: And that really was no change
4 in the language other than the eight-year exercise
5 planning cycle.

6 FACILITATOR GIBNEY: Okay. Thanks, Bob, for
7 clarifying that.

8 I understand that Teri on the phone has
9 what I think we're going to call our last piece of
10 feedback at this point.

11 I want to make sure that we can address
12 that last remaining topic and we can always come back
13 if we still have more thoughts.

14 So, Teri, can you give us our last
15 thoughts on Topic 10 for this moment, please?

16 MS. ENGLEHART: Sure. This is Teri
17 Englehart with the State of Wisconsin.

18 FACILITATOR GIBNEY: Hang on a minute. We
19 didn't hear that.

20 Can you tell us who you are and who you're
21 with again, please?

22 MS. ENGLEHART: This is Teri Englehart with
23 the State of Wisconsin.

24 Can you hear me okay?

25 FACILITATOR GIBNEY: It's very quiet. I'll

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1 ask everybody in the room to be real quiet so we can
2 be sure we hear you, Teri. Go ahead.

3 MS. ENGLEHART: Okay. I guess the question
4 is as we're watching this, we can see that the NRC has
5 a pretty well-developed timeline for the utilities to
6 meet these new requirements.

7 On the other side of the house with FEMA
8 and the REP program manual, we're not really seeing
9 this type of a timeline and we also don't know what
10 the final product is going to look like at this point.

11 So, I guess my question is for Craig.
12 When could we expect to see a timeline like this?
13 Because if we don't see it soon, we can't begin to
14 implement anything until publication, which could be a
15 year from now.

16 And if we're supposed to be in alignment
17 with the utilities, you know, I guess that presents a
18 gap in what we'd be planning.

19 MR. FIORE: Teri, this is Craig. Thanks
20 for the question.

21 In an effort to mitigate some of that,
22 what we've done is we've drafted up seven, what we're
23 calling, impact papers. And these are what we as a
24 staff at FEMA have envisioned to be the significant
25 revisions from the 2002 interim REP program manual to

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1 what will ultimately, I guess, be the 2011 final
2 version of the REP program manual.

3 And what we're attempting to do as I
4 mentioned at the beginning of the meeting in my
5 introduction, is we're attempting to conduct these
6 outreach meetings and stakeholder meetings with the
7 state and locals and the licensees to discuss these
8 papers and discuss implementation issues that revolve
9 around these topics.

10 I mention we've had three meetings so far.

11 One in Albany at the New York State Power meeting.
12 We had one in Kansas City at the Region 7 RAC meeting.

13 And one in Chicago at the Region 5 Annual REP
14 Conference.

15 We've posted these draft impact papers on
16 regulations.gov and I can at the end of the meeting, I
17 can provide everyone with the docket numbers for
18 those.

19 And what we're encouraging stakeholders to
20 do is review these impact papers and then attend some
21 of these meetings that FEMA's having out in the
22 regions to discuss these in more detail so that we
23 can, you know, as precisely as possible identify the
24 most beneficial implementation timeline and strategy
25 as we can.

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1 So, I guess my answer to you, Teri, is
2 that we're doing the best we can to have this - engage
3 with you all and have this dialogue in the months
4 leading up to the final publication.

5 And then once you do finally have the
6 manual in your hands, again the commitment I made
7 earlier to Mike Rose is that we're going to be
8 standing ready to assist and provide support to all of
9 you with actually incorporating and transitioning and
10 implementing the changes to the REP program manual.

11 So, I think that that's the best strategy
12 that we can employ at this point, and hopefully it
13 will be one that really serves all of our interests.

14 MS. ENGLEHART: Thank you for that, but do
15 I understand then that the outreach that you're doing
16 with the regions is what you're using to build up to a
17 timeline?

18 MR. FIORE: I think that's a fair
19 categorization of what we're trying to do. Correct.

20 MS. ENGLEHART: Okay. Thank you.

21 FACILITATOR GIBNEY: Thanks, Teri. And
22 thanks to everybody. This was a - not only did I peek
23 ahead, but I was right. There was a lot of interest
24 in this topic and there still may be.

25 But, Don, if you could make sure we hit

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1 Topic 11 while we still have plenty of time to
2 discuss? If we need to, we can come back, but if you
3 could give us Topic 11, please, Don?

4 MR. TAILLEART: Sure. Don Tailleart, NRC.

5 With regard to protective actions for
6 onsite personnel, we did receive some comments
7 indicating that a 90-day implementation schedule would
8 be sufficient for implementation.

9 Licensees had indicated that specific
10 areas would require additional review such as site
11 evacuation by opening security gates and the
12 arrangements for accounting for personnel during or
13 after a hostile action.

14 The staff had originally proposed a
15 hundred eighty day implementation period for this
16 particular rule change based on our thoughts that
17 there might be some additional procedure changes
18 needed and perhaps some additional training of site
19 personnel.

20 So in this particular case, what we had
21 proposed was in fact longer than what the commenters
22 had suggested.

23 At this point, we intended to keep that at
24 180 days in case there are any licensees that do need
25 additional time for procedure changes or training to

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1 address this, but we did want to check and see if
2 there were any additional thoughts or comments on this
3 particular item.

4 FACILITATOR GIBNEY: Thanks, Don.

5 Okay. Anyone from the phone with thoughts
6 about this particular topic?

7 Okay. How about here in the room?

8 No. Okay. Do we need to go back to Topic
9 10?

10 Okay. The grumbling is not appreciated
11 here in the room. We want to make sure we've given
12 everybody a fair chance to have their say.

13 MR. TAILLEART: We have one more slide.

14 FACILITATOR GIBNEY: One more. Okay. I'm
15 sorry. I missed a slide.

16 MR. TAILLEART: One more topic.

17 FACILITATOR GIBNEY: Okay. I'm sorry.
18 Let's make sure we hit that. You're right, Don. I'm
19 sorry. I was thinking 11 topics.

20 MR. TAILLEART: You are correct. There
21 were 11 topics, but there was a note associated with
22 the implementation dates in the matrix that we saw
23 earlier.

24 And this had to do with combined license
25 and early site permit applicants. And I just wanted

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1 to highlight that in the final rule, the draft final
2 rule Statement of Considerations, we did add in
3 additional language, and also in the rule language, to
4 address a period of what we're calling deferred
5 compliance for combined license and early site permit
6 applicants.

7 This was in response to a request in the
8 proposed rule for comments on the potential impacts of
9 the final rule on combined license and early site
10 permit applications and schedules for reviewing those
11 applications.

12 And we did receive a number of comments
13 from stakeholders indicating that they did not feel
14 the NRC should require pending combined license and
15 early site permit applicants to implement the final
16 rule changes until after the NRC would issue a license
17 or permit.

18 So, what we are proposing in the draft
19 final rule, is to offer applicants the option to defer
20 compliance with the final rule until a time after the
21 license or permit is issued.

22 And that period of compliance deferral,
23 which would be between the effective date of the final
24 rule and December 31st, 2013, was selected
25 specifically to apply only to those applications that

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1 have already been docketed.

2 We decided to limit the duration of that
3 deferral because we felt future applicants would have
4 ample time to bring their applications into compliance
5 with the final rule without the need to defer
6 compliance.

7 And there's some specific conditions that
8 would have to be met during this deferred compliance
9 period.

10 So, I just wanted to highlight that to see
11 if there was any feedback or questions or comments on
12 this particular provision.

13 FACILITATOR GIBNEY: Okay. How about
14 feedback from those on the phone on the combined
15 license/early site permit applicants?

16 Okay. Those in the room?

17 Okay. We still have one person. Sue, you
18 had asked to save your time to the end in case we were
19 running short. If you had wanted to touch on your
20 topics now -

21 MR. KAHLER: If I can, Lisa, I'm sorry, is
22 there any need to go back to any of the topics?

23 I mean, is there, you know, to reopen any
24 of the topics again?

25 FACILITATOR GIBNEY: Steve?

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1 MR. KAHLER: Because, you know, to go back
2 -

3 MR. PAYNE: I don't know if this is -

4 FACILITATOR GIBNEY: Hang on.

5 MR. PAYNE: This is Steve Payne, State of
6 North Carolina.

7 I'm not sure whether it's going back, Bob,
8 but it's just a couple of things I'd like to clarify.

9 Something that I heard from you and Don, just to make
10 sure.

11 I've got some of the implementation papers
12 that FEMA had been using with CRCPD and a couple
13 things, and I just wanted to make sure that I got
14 something correct because it's a change from what I'm
15 reading here.

16 Starting with the eight-year cycle, it
17 said here that beginning in 2014 each power plant's
18 first graded exercise must be an HAB. I think we all
19 know now that that has to be. It says additionally
20 the new eight-year exercise scenario cycle must begin
21 with an HAB.

22 I think I heard from you, Don, that that
23 is not the case anymore.

24 MR. TAILLEART: Don Tailleart.

25 No, Steve, I don't think you - if you did

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1 hear that, then that was incorrect. The first
2 exercise in the new cycle would have to be hostile
3 action.

4 MR. PAYNE: Okay. And that's what this
5 states. But it also states that subsequent cycles
6 must start with an HAB, and I think you said that is
7 not the case.

8 MR. TAILLEART: That is correct.

9 MR. PAYNE: Okay.

10 MR. TAILLEART: That is not the case.

11 MR. PAYNE: Okay. And one other -

12 MR. SULLIVAN: Wait, wait, wait. Before we
13 leave that - Randy Sullivan - that is unless the
14 State, you know, asks for a different schedule due to
15 multiple sites.

16 MR. PAYNE: I understand.

17 MR. SULLIVAN: Okay.

18 MR. PAYNE: This one just had it written
19 out such that every eight years we start with an HAB.

20 The other one is, again, looking at what
21 the language was - and this one was from you, Randy -
22 that, again, with the new rulemaking and the manual,
23 that you all will require - will require all licensees
24 to host a full-scale, full-participation hostile
25 action-based drill by the end of 2014.

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1 MR. KAHLER: I think what I said was it is
2 the intent of the NRC in the rule language that every
3 site conduct an HAB drill by the end of 2014.

4 MR. PAYNE: So, they will. It's not a - in
5 here it says -

6 MR. KAHLER: Well, that's what the rule
7 says.

8 MR. PAYNE: Okay. And I'm just making sure
9 we got it right.

10 MR. KAHLER: That's exactly what the rule
11 says.

12 MR. PAYNE: Okay.

13 MR. KAHLER: Yes. But I also kind of - not
14 kind of. I also stated, however, that the Statements
15 of Consideration identified that those states with
16 multiple sites will be given consideration if they so
17 request. So, that's in the SOC.

18 The rule language, though, says that all
19 sites must conduct an HAB within that time frame which
20 would end up by the end of 2014. That's correct.

21 MR. PAYNE: Thank you.

22 FACILITATOR GIBNEY: Thanks, Steve.

23 We can certainly turn it around. Anyone
24 else on the phone on any of the topics that we didn't
25 touch base on or anything we need to go back to?

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1 Okay. How about here in the room? Any of
2 the topics that we might -

3 MS. SHEPHERD: Hi.

4 FACILITATOR GIBNEY: Okay.

5 MS. SHEPHERD: Carol Shepherd from the
6 Bureau of Nuclear Engineering.

7 FACILITATOR GIBNEY: I don't see any other
8 topics that we need to go back to - wait. What? I'm
9 sorry. One second. What? I'm sorry. We do have
10 someone on the phone. I'm sorry.

11 MS. SHEPHERD: Yes. Carol Shepherd, Bureau
12 of Nuclear Engineering, Department of Environmental
13 Protection, State of New Jersey.

14 FACILITATOR GIBNEY: Hi, Carol. Thanks for
15 joining us today.

16 MS. SHEPHERD: Hi.

17 FACILITATOR GIBNEY: Which topic did you
18 want to go back to?

19 MS. SHEPHERD: I just wanted to confirm
20 that you have a letter from Patrick Mulligan who is
21 our manager?

22 FACILITATOR GIBNEY: I do indeed.

23 MS. SHEPHERD: He wrote a letter that he
24 wanted to be part of the transcript today.

25 FACILITATOR GIBNEY: Yes, ma'am.

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1 MS. SHEPHERD: And if you have it, that's
2 fine. If you don't have it, then I can read it.

3 FACILITATOR GIBNEY: No, we do have that.
4 And Chris Miller mentioned that in his earlier opening
5 comments.

6 We did have a couple folks who were not
7 able to join us that submitted their feedback for us
8 electronically. And that will be - we do have Pat's
9 thoughts and will be adding that along with the
10 transcript at the end of the meeting.

11 MS. SHEPHERD: Okay. Thank you very much.

12 FACILITATOR GIBNEY: Thank you, Carol, for
13 checking on this.

14 Okay. Others from the phone?

15 Okay. Sue, I promise it's the last time
16 I'll ask you to come up and down and up and down.

17 MS. PERKINS-GREW: I can handle it.

18 Hi. First of all I wanted to - this is
19 Sue Perkins-Grew, Nuclear Energy Institute.

20 I'd like to thank the NRC and FEMA for
21 hosting this meeting. It's always a good opportunity
22 for us to share our comments and our concerns with
23 you.

24 I especially would like to thank all the
25 licensees who have made the trip to join us today

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1 physically and particularly our offsite partners who
2 are here in this room.

3 Not only those that are here in this room,
4 but those who have joined us via teleconferencing.
5 So, thanks to everyone.

6 I think what I heard today that there
7 still remains some issues with intent and
8 interpretation. And most have been cleared up today,
9 I believe. And I guess the transcripts will help us
10 in figuring all that out as we process through all the
11 good dialogue that we had today.

12 However, you know, I go back to the
13 principles of good regulation, and one of the key
14 principles is clarity in regulation. And with the
15 ambiguity and the questions that still seem to be
16 looming out there, it brings to bear what will this
17 mean down in inspection space years down the road.

18 You know, when you want to look for stable
19 inspection, stable regulation, I think this is a big
20 concern of ours.

21 You know, with phrases such as I don't
22 think it's the intent, from my perspective, all or
23 some of the portions of the EPZ, well, we can work out
24 in a workshop - and I have another one. So, hold on
25 because I have to hold the microphone.

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1 That's a fairly good synopsis, and
2 recommendation such as a backup to the control room,
3 you know, that's loose language now.

4 And we're all in this room together, we
5 all have a lot of experience, we can all continue to
6 dialogue whether it be in future public meetings or
7 perhaps in these workshops that we're going to be
8 planning them further.

9 But this loose language that we are
10 dealing with and wrestling with now certainly will
11 have an impact on implementation and inspection down
12 the road and the consequences, I think, really need to
13 be looked at.

14 I think one of the things that we need to
15 carefully also consider at this point in time is what
16 further guidance is necessary for our licensees and
17 our offsite response organizations to consistently
18 implement this the way it's intended, all those
19 phrases that we heard today, and to meet the
20 Statements of Consideration that help us understand
21 what the intents were.

22 Part of that would be we know that NEI
23 0604, Rev 2, the guidance for hostile action-based
24 drills, that's already in the process for hopeful NRC
25 endorsement. That will give us a consistent approach

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1 to implementing hostile action-based exercises.

2 Again, with this on-shift staffing
3 analysis regulation, we will be submitting to the NRC
4 NEI 10-05 that will provide a logical, cohesive
5 approach to meeting the intent of the rule with
6 performing the on-shift staffing analysis.

7 So, I'm looking forward to making sure
8 that we provide those tools that are necessary. And
9 whether they be workshops or further guidance, we need
10 to really take a close, hard look and work together
11 making sure our stakeholders have everything that they
12 need. There might be other guidance.

13 I also heard challenges today. What I
14 heard were the sites that have several outages that
15 have been planned.

16 We also know that our EP staffs that are
17 responsible for implementing all 11 changes within 395
18 days, that staff number is limited. They are not
19 solely dedicated to emergency preparedness. They also
20 have outage jobs and other jobs at their stations.

21 We know the same is the case for offsite
22 partners and their agencies on limited budgets,
23 limited resources with a whole host of other
24 obligations that they have to meet to serve public
25 health and safety. So, they are also equally

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1 challenged with limited resources.

2 We know the NRC has limited resources,
3 but, you know, we're putting a lot of, you know, a
4 hundred pounds in a five-pound bag within a two-and-a-
5 half-year period. We all have to be considerate of
6 that and I'm not sure what the answer is.

7 But I think when we get a little bit
8 further into implementation detail, the requests will
9 be coming in for either exemptions or extensions
10 because I think the status of our local governments
11 has somewhat been overlooked in some of this.

12 And that brings up the point that, you
13 know, FEMA, we understand. We respect that fact that
14 you're on a whole different schedule, but it's a very
15 big concern to the licensees.

16 We're following the process, we're getting
17 to understand closer, we're working on preparation for
18 implementation, but it's very, very disconcerting that
19 the final REP program manual is not going to be
20 available to our offsite and our licensee stakeholders
21 until the summer.

22 So, how can we possibly understand what
23 the total impact is?

24 The impact papers are helpful. But when
25 you look at the depth and the breadth of the REP

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1 program manual, are seven impact papers really
2 sufficient for us to understand the changes?

3 Being a total rewrite from 2002, I'm not
4 sure they are sufficient enough. And I'm very
5 concerned about that because I think once we go down
6 and we start to roll up our sleeves and implement, I
7 think there's going to be bifurcation between what the
8 licensees have to do and what our offsite partners
9 have to do in order to meet their responsibilities
10 with the REP program manual.

11 So, lastly, I think it's imperative,
12 you've heard it already from some of the speakers
13 today, but it's imperative that the NRC and FEMA
14 continue to work together to further refine this
15 alignment because I think it's quite frightening
16 considering all that's at stake here.

17 And I guess my question is, you know, we
18 had some interpretation issues, a lot of good clarity
19 provided today. The next step is just wait for the
20 workshops? I guess I'm unclear on that.

21 NEI will be submitting 10-05 to you this
22 week for review and consideration for endorsement. I
23 know NEI is planning on conducting a few workshops.

24 I'm not sure when all these things are
25 taking place. So, I guess I have to ask how are we

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1 going to work together to best utilize all the
2 resources that are in this room and on the phone?

3 And that concludes my remarks, but thank
4 you all for the time today.

5 FACILITATOR GIBNEY: Thank you, Sue.

6 Chris, do you have some closing thoughts
7 for us? I'm not sure if you want to start with Craig
8 or how you prefer to do it, but can you -

9 MR. MILLER: Yes. Chris Miller.

10 FACILITATOR GIBNEY: Thank you. Boy, could
11 have left that out there though. Can you? Okay.
12 Great.

13 MR. MILLER: Craig and I already worked
14 this out.

15 Thanks, Sue, for your comments. There's
16 many good points that we heard, so let me start off
17 with some upper-level just big-picture thoughts.

18 Change is never easy. We've been working
19 on these processes - is that better? Thank you.

20 Working on these processes to improve some
21 of our rulemaking and guidance since we understood a
22 threat environment change in 2001.

23 We've been working closely with our
24 stakeholders over the last six years in conjunction
25 with our FEMA partners, but other federal partners to

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1 make sure that these processes were addressed.

2 And it's not easy and we've, you know,
3 we've heard a number of the, you know, there's a lot
4 of moving parts here, a lot of moving pieces, and it's
5 never easy to implement the change.

6 But I think if you keep your eye on the
7 goal, we're pretty close to getting some alignment on
8 - well, we're very close to getting the alignment on
9 the changes, and then it's the implementation pieces.

10 So, you've brought up some good things
11 that we need to consider, you know. Some things that
12 are relatively easy, changing 30 days to 60 days
13 because of some administrative requirements, all the
14 way to where it may take a couple of years to address
15 some of the concerns that you brought up.

16 And I can't make you promises that, you
17 know, we'll move the timelines in every case to adjust
18 every commenter that we've had, but I will make you
19 this promise that we're going to - first of all we're
20 going to document the discussions that we've had today
21 because they've been very valuable discussions.

22 We are going to make those available along
23 with the comments - I'm sorry - the discussions and
24 the feedback that we have electronically. We're going
25 to put those out.

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1 Then NRC and FEMA as a team, are going to
2 look and see that feedback and how we need to adjust
3 our processes.

4 So, the messages that you provide us have
5 not been lost. Again, there's some overriding
6 concerns and we have to look at the goal and, you
7 know, how long is acceptable to move some of the stuff
8 out?

9 We've been working on it since 2001.
10 What's an acceptable time to let it move out to? But
11 we do hear that it is painful to make the changes and
12 that we need to consider those changes and do it
13 effectively, and we will do that.

14 We look forward to having workshops in the
15 future. We've discussed those with NEI, some of our
16 other stakeholders, including states and licensees
17 that we do want to have implementation workshops in
18 the future to make this process more effective. And
19 some of our speakers have alluded to the fact that we
20 think that some of these will be made more clear in
21 some of those workshop.

22 And then FEMA has told us that they are
23 also going to have workshops that will help make the
24 implementation of these things more effective.

25 So, I know it's not easy, I know there re

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1 some concerns, but I do feel like we have had a lot of
2 discussion in the past and really some valuable
3 discussion today.

4 So, although it's not been easy, there's
5 been a lot of concerns brought up. We do promise to
6 look at those, have a robust discussion, and see how
7 we can accommodate those concerns.

8 So, I thank everybody who took the time.
9 We're a little bit over. I apologize for that, but
10 thank you, Lisa, and your team for making this
11 available to a widespread audience. And I look
12 forward to working with you folks in the future as we
13 move towards this goal. Thank you.

14 FACILITATOR GIBNEY: Thanks, Chris.

15 Craig, did you have anything that you
16 wanted to add?

17 MR. FIORE: No, I just wanted to echo the
18 thoughts and sentiments that Chris just shared with
19 us.

20 I do want to thank everyone for - not only
21 in the room, but on the phone for carving out time out
22 of all your very busy schedules to join us this
23 afternoon.

24 This was really precisely the sort of
25 discussion and feedback that I was hoping that we

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1 would have at this meeting.

2 I do look forward to follow-on discussions
3 and follow-on meetings over the next several weeks and
4 months to further hash some of this stuff out.

5 As you're all aware, some of this is
6 pretty complex and can be pretty complicated. But
7 like Sue Perkins just said, there's a wealth of
8 corporate emergency preparedness knowledge and skills
9 even just in this room and I don't envision there's
10 anything here that we can't work through.

11 So, again, thank you for joining us today.

12 I did promise you a docket number on regulations.gov
13 where - if you wanted to access the draft impact
14 papers that we've created. That docket number if
15 FEMA, F-E-M-A, dash, 2010, dash, 0032.

16 FACILITATOR GIBNEY: Great. Thanks, Craig.

17 Well, again, thanks everyone for your time
18 in joining us. One last reminder for those of you
19 that are here in person. If you needed parking, you
20 could come up and see Holly or me at the table and
21 we'll get you your little pass.

22 Thanks again for all your participation
23 and we'll look forward to seeing everyone at the next
24 public meeting. Thank you.

25 (Whereupon, the meeting was adjourned at

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1 4:13 p.m.)

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