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Title: Public Meeting to Discuss the Proposed Rulemaking on "Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning"

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Pages 1-65

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING TO DISCUSS THE PROPOSED RULEMAKING
ON "REGULATORY IMPROVEMENTS FOR PRODUCTION AND
UTILIZATION FACILITIES TRANSITIONING TO
DECOMMISSIONING"

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TUESDAY,

APRIL 19, 2022

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The meeting convened at the NRC Region II
Office, Marquis One Tower, 245 Peachtree Center
Avenue, NE, Atlanta, Georgia, and by video
teleconference, at 6:00 p.m. EDT, Steven Smith,
Facilitator, presiding.

NRC STAFF PRESENT:

STEVEN SMITH, Facilitator, R-II

JAMES ANDERSON

KRISTINA BANOVA

HOWARD BENOWITZ

JENNIFER DAVIS

MARLAYNA DOELL

DANIEL DOYLE

1 CHRISTINA ENGLAND
2 JULIE EZELL
3 DUANE HARDESTY
4 MAI HENDERSON
5 TARA INVERSO
6 BRETT KLUKAN
7 ERIC LEE
8 ANGELLA LOVE BLAIR
9 CARRIE McCANN
10 JOHN PELCHAT
11 LANCE RAKOVAN
12 AARON SANDERS
13 MAURIN SCHEETZ
14 DIANE SCRENCI
15 SOLY SOTO LUGO
16 TRENT WERTZ
17 LYNNEA WILKINS
18 BRIAN ZALESKI
19
20 ALSO PRESENT:
21 GEORGE ODOM
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C-O-N-T-E-N-T-S

	<u>PAGE</u>
Welcome and Logistics	4
Opening Remarks	6
Background and Status	9
Overview of the Proposed Rule	13
Tips for Preparing Comments	50
Public Feedback and Questions	55
Next Steps and Wrap-up	65

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

(6:00 p.m.)

1
2
3 MR. SMITH: Hello, everyone. My name is
4 Steve Smith. I'm a Branch Chief at the U.S. Nuclear
5 Regulatory Commission, or NRC. And it's my pleasure
6 to facilitate today's meeting, along with the NRC
7 staff who are here with me in Atlanta.

8 And with the staff on Teams joining us
9 virtually, this meeting will have a hybrid format, and
10 we're going to do our best to help make this meeting a
11 work -- make this meeting work well for everyone.

12 Next slide, please.

13 So the purpose of this public meeting is
14 to provide information to inform you on the comment
15 process for the proposed decommissioning rule and
16 draft regulatory guidance. We will be going through
17 the various ways you can participate in this
18 commenting process as part of our presentation.

19 Next slide, please.

20 Here is our agenda for today. After I
21 finish with logistics, I'll have some opening remarks,
22 and then we'll provide our presentations, which will
23 include details on background and status, an overview
24 of the proposed rule, tips for preparing comments, and
25 the next steps. We will then open the floor for

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1 feedback and questions.

2 Next slide, please.

3 So logistics. Please note that today's
4 meeting is being recorded and transcribed. We'd ask
5 that you help us get a full, clear accounting of the
6 meeting by staying on mute if you are on the phone, on
7 Teams, and not speaking. Please keep your electronic
8 devices silent and side discussions to a minimum if
9 you are in the room.

10 Also, it would help us out greatly if all
11 speakers can identify themselves and any group they
12 are with when you first talk.

13 All meeting attendees have microphones
14 muted and cameras disabled during the presentation.
15 When we get to the Q&A portion of the meeting, those
16 of you on Teams can use the raise your hand feature to
17 signal that you have a question. Those on the phone
18 can use the -- star five.

19 Once our Teams facilitator enables your
20 microphone, you will have -- you will have to unmute
21 yourself before you ask your question. Please note
22 that the chat feature on Teams has been disabled.

23 If you are having trouble seeing the
24 slides, or if they cannot -- or if they are not
25 advancing for you, the slides that will be shown on

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1 Microsoft Teams can be found in the NRC's ADAMS
2 library at ML22108A142. You can also go to the
3 meeting notice page in the NRC's website, and there is
4 a link there to the slides.

5 Any phone attendees, please email
6 dan.doyle@nrc.gov for attendance. That's D-A-N dot D-
7 O-Y-L-E at nrc.gov.

8 One other item. I'm hoping we'll fill out
9 -- I'm hoping you will fill out -- this is our public
10 meeting feedback form. You can link to the public
11 meeting feedback form from the NRC public meeting
12 schedule page for this meeting. Your opinion on how
13 this meeting went will help us improve upon future
14 meetings. So please take a moment to let us know what
15 you think.

16 Those of you in the room today, please
17 note that the emergency exits are in the back of the
18 room. There is a restroom outside the meeting room to
19 the left.

20 Slide 5, please.

21 I would like to introduce Tara Inverso,
22 Deputy Director, Division of Rulemaking,
23 Environmental, and Financial Support, to give some
24 opening remarks.

25 MS. INVERSO: All right. Thank you,

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1 Steve. And good evening, everyone. I am Tara
2 Inverso, the Deputy Director of the NRC's Division of
3 Rulemaking, Environmental, and Financial Support.

4 I want to thank everyone for joining us
5 today to talk about the NRC's decommissioning proposed
6 rule. The NRC's goal for this rulemaking are to
7 maintain a safe, effective, and efficient
8 decommissioning process, incorporate lessons learned
9 from the decommissioning process, and support the
10 NRC's principles of good regulation, including
11 openness, clarity, and reliability.

12 The proposed rule would implement specific
13 regulatory requirements for different phases of the
14 decommissioning process consistent with the reduced
15 risk that occurs over time while continuing to
16 maintain safety and security.

17 The proposed rule would incorporate
18 lessons learned from plants that have recently
19 transitioned to decommissioning and that would improve
20 the effectiveness and efficiency of the regulatory
21 framework while protecting public health and safety.

22 Public comment has twice played an
23 important role in the development of this proposed
24 rule. We first published an advance notice of
25 proposed rulemaking and later a draft regulatory basis

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1 for comment.

2 We are seeing public input on the proposed
3 rule to implement regulations that will guide future
4 nuclear plant decommissioning. The rule addresses
5 several regulatory areas that you will hear about in
6 more detail during this public meeting.

7 We hope today's meeting will help you
8 better understand the proposed rule. We look forward
9 to your feedback and questions, but please note that
10 the NRC will not be responding in writing to verbal
11 comments from today's meeting. Comments must be
12 submitted in writing through the methods described in
13 the Federal Register Notice to receive formal
14 consideration in the rulemaking process.

15 This is our fourth public meeting on the
16 proposed rule. We will be having additional meetings
17 in other locations around the country with the option
18 of participating virtually. Please check the NRC's
19 public website for additional details about upcoming
20 public meetings and for other resources to help you as
21 you review the proposed rule.

22 Thank you.

23 MR. SMITH: Thank you, Tara.

24 Now I'll go ahead and turn it over to Dan.

25 MR. DOYLE: All right. Thank you. I'll

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1 just turn on my camera here. Good evening. My name
2 is Dan Doyle. I'm a Senior Project Manager at the
3 NRC. I will be giving -- providing an overview of the
4 rulemaking this evening.

5 If you attended any of our previous
6 meetings -- this is our fourth public meeting. We
7 have two more coming up. If you attended any of the
8 previous meetings, just please note that the first
9 half of this meeting will probably be about an hour.
10 But the NRC staff presentation is the same material as
11 the previous meetings, and then we will open it up for
12 Q&A. So that will be -- be different.

13 One final note before we move ahead is
14 about the meeting platform that we're using. We're
15 streaming this meeting using Microsoft Teams. So you
16 should see the slides in the window, how you're
17 joined. Underneath that you should see arrows that
18 would allow you to move to a different slide.

19 Just be aware that that only affects your
20 view. That doesn't affect anyone else. So you can
21 feel free to move around and check out any of the
22 other slides if you want to. You should also be able
23 to click the links in the slides to access any of the
24 documents.

25 We have included several links that we

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1 hope will be helpful to -- for your review of this
2 proposed rule. And if you have any trouble with that,
3 I'll have a link and show you a website where you can
4 get additional information or you can reach out to me
5 and I will be happy to help you.

6 Okay. Next slide, please. And next
7 slide.

8 All right. So I'll start off with just a
9 very brief background on why the NRC started this
10 rulemaking and the current status. There was an
11 increase in nuclear power plant shutdowns that focused
12 the NRC's attention on making some changes to the
13 regulations related to decommissioning for the NRC-
14 initiated rulemaking in December 2015 to explore
15 changes related to that process.

16 We have already completed some extensive
17 public outreach. We solicited early comments on an
18 advance notice of proposed rulemaking, and we also
19 issued a regulatory basis document. We had public
20 comment periods on both of those and also public
21 meetings.

22 We do have information about both of those
23 early outreach efforts on our public website, which is
24 I believe highlighted later in our slides.

25 So the recent update with this project,

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1 and the reason we're having this meeting today, is
2 because we published the proposed rule in the Federal
3 Register on March 3, 2022. The citation is 87 FR
4 12254.

5 So we are in the public comment period
6 right now. It's 75 days, so that will end in about a
7 month on May 17th, 2022.

8 Next slide, please.

9 For convenience, we have two slides that
10 list all of the key documents associated with this
11 proposed rule, with links to access them directly. So
12 this is the first slide. So, again, there is the
13 citation for the proposed rule with links to a web
14 version or the printed version.

15 We have supporting and related materials
16 listed here. First is a draft regulatory analysis,
17 which discusses the costs and benefits associated with
18 this action. We have a draft environmental assessment
19 for compliance with the National Environmental Policy
20 Act and draft supporting statements for information
21 collection.

22 So we do have some changes to information
23 collection requirements in this rulemaking. So those
24 are discussed in the supporting statements for
25 compliance with the Paperwork Reduction Act.

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1 There is an additional document listed at
2 the bottom. That's the unofficial redline rule text.

3 So we have a slide later to show a little bit more
4 about that. So basically what that is, it shows how
5 the proposed rule would modify the current rule
6 language in a redline strikeout format. So showing
7 what words, language that would be inserted, what
8 would be deleted from the current regulation. So that
9 may be helpful, to see that in context.

10 Just wanted to emphasize -- hopefully the
11 title makes it clear that this is an unofficial
12 document, so please don't rely just on that for your
13 public comment. The official legal version is what is
14 published in the Federal Register.

15 Thank you.

16 Next slide.

17 We are also updating four guidance
18 documents as part of this rulemaking. So they are
19 available for public comment as well. They are listed
20 here on the slide. The first one would be a new
21 regulatory guide, and the other three are updates to
22 existing NRC regulatory guides.

23 The first one, Draft Guide 1346, is
24 related to emergency planning for decommissioning
25 nuclear power plants. The second one, Draft Guide

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1 1347, would be an update to Regulatory Guide 1.184,
2 decommissioning nuclear power plants.

3 Next one, Draft Guide 1348, is an update
4 to Reg Guide 1.159, availability of funds for
5 decommissioning production or utilization facilities.

6 And the last one on the list, Draft Guide 1349, would
7 be an update to Reg Guide 1.185, standard format and
8 content for post-shutdown decommissioning activities
9 report.

10 So these four documents are also out for
11 public comment now. If you have comments on the rule
12 and the guidance, please go ahead and submit it all
13 together in the same document. It's all going to the
14 same place.

15 Next slide, please.

16 So for this part of the meeting, we will
17 give an overview of the proposed rule. I'll start
18 with a general discussion of the graded approach
19 concept and how that has been applied to several
20 technical areas. The rest of the slides are going to
21 give an overview of each of the 16 technical areas or
22 topics in the proposed rule.

23 I would also like to point out that I am
24 the rulemaking project manager and serving as a
25 spokesperson for the rule today, but we have a great

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1 team of NRC staff who are the subject matter experts
2 on these topics, and many of them are on the line here
3 today available for the question and answer session
4 later in the meeting.

5 Next slide, please.

6 The proposed rule takes a graded approach
7 to decommissioning where different levels of
8 requirements apply at different stages of the
9 decommissioning process. Across the top of this table
10 are the four levels used in the proposed rule as a
11 facility goes through the decommissioning process.

12 Level 1 begins after the facility docket
13 the two required certifications. One is for permanent
14 cessation of operations, and the other is that the
15 fuel has been removed from the reactor vessel.

16 Level 2 is after a period of sufficient
17 decay of the spent fuel, which would generically be 10
18 months for a boiling water reactor or 16 months for a
19 pressurized water reactor if they meet the criteria in
20 the proposed rule.

21 Level 3 would then -- would be when all
22 fuel is in dry cask storage.

23 And Level 4 would be when all fuel is
24 offsite.

25 The rows in this table show the topic

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1 areas that have updated requirements linked at these
2 levels. Emergency preparedness would use all four
3 levels, starting with the post-shutdown emergency plan
4 in Level 1 through Level 4 where there is no longer a
5 need for an onsite radiological emergency response
6 plan because all fuel is offsite.

7 Other topic areas that use the graded
8 approach include physical security, cyber security,
9 and onsite/offsite insurance, which we'll discuss in
10 the upcoming slides.

11 Next slide, please.

12 This is the first of the topic slides. So
13 for each of these topic slides you will see a summary
14 of the proposed changes. There is a box in the upper
15 right corner that identifies the section in the
16 proposed rule with a more detailed discussion of the
17 topic as well as the page numbers. And we have also
18 listed all of the sections of the CFR, or Code of
19 Federal Regulations, that would be changed.

20 Where it says specific request for
21 comments on each slide, we will mention if there are
22 any questions related to this topic in Section V of
23 the proposed rule where the NRC included a number of
24 questions for the public to consider as it provides
25 comment.

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1 On the bottom of the slide, we have a
2 progress bar showing which topic we're on, the ones
3 that we did recently, and the ones that are coming up
4 next. We also had additional information where we may
5 include some information we'd like you to be aware of.

6 All right. So jumping into the first
7 topic here, emergency preparedness. Because the
8 current regulations do not provide a means to
9 distinguish between the EP requirements that apply to
10 an operating reactor and the EP requirements that
11 apply to a reactor that has permanently ceased
12 operations, decommissioning licensees have
13 historically requested exemptions from EP
14 requirements.

15 The proposed rule would provide common EP
16 requirements for reactors in decommissioning,
17 eliminating the need for specific exemptions or
18 license amendments. Because of the decreased risk of
19 offsite radiological release and the fewer types of
20 possible accidents that can occur at a decommissioning
21 reactor, the proposed EP requirements aligned with
22 that reduction in risk while maintaining safety.

23 So the changes that we are proposing.
24 We're proposing to add a new section, 10 CFR 50.200,
25 which would provide planning standards and

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1 requirements for post-shutdown and permanently
2 defueled emergency plans. The proposed standards and
3 requirements for emergency plans are consistent with
4 the level of planning the Commission has previously
5 approved for decommissioning facilities.

6 The proposed planning requirements also
7 ensure close coordination and training with offsite
8 response organizations is maintained throughout the
9 decommissioning process. The NRC is also proposing to
10 amend 10 CFR 50.54(q) to provide licensees with the
11 option to use the tiered requirements and standards at
12 the appropriate time in decommissioning and to add a
13 new process by which licensees can make changes to the
14 emergency plans to transition between levels.

15 There are two specific questions related
16 to this topic. So the first one, we'd like to know
17 what you see as the advantages and disadvantages of
18 requiring dedicated radiological emergency planning,
19 including a 10-mile EPZ until all spent nuclear fuel
20 at a site is removed from the spent fuel pool and
21 placed in dry cask storage.

22 Is there additional information the NRC
23 should consider in evaluating whether all hazards
24 planning would be as effective as dedicated
25 radiological emergency planning?

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1 The NRC has determined that 10 hours would
2 be a sufficient amount of time for an emergency
3 response to the spent fuel pool accident based on an
4 all hazards plan. Is there additional information the
5 NRC should consider in evaluating this issue?

6 And then the second question is related to
7 emergency response data systems. Nuclear power
8 facilities that are shut down permanently or
9 indefinitely are currently not required to maintain
10 emergency response data systems. These systems
11 transmit near real-time electronic data between the
12 licensee's onsite computer system and the NRC
13 operations center.

14 Licensees in Level 1 would maintain a
15 capability to provide meteorological, radiological,
16 and spent fuel pool data to the NRC within a
17 reasonable timeframe following an event. What are the
18 advantages and disadvantages of requiring nuclear
19 power plant licensees to maintain those aspects of the
20 emergency response data system until all spent fuel is
21 removed from the pool?

22 And then additional information, just
23 pointing out that we have developed guidance
24 corresponding to the proposed changes on this topic.
25 For EP, we have this new -- proposed new regulatory

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1 guide, emergency planning for decommissioning nuclear
2 power reactors, Draft Guide 1346. The NRC staff
3 believes that these changes will establish EP
4 requirements commensurate with the reduction in
5 radiological risk as licensees proceed through the
6 decommissioning process while continuing to provide
7 reasonable assurance that protective actions can and
8 will be taken, and maintaining EP as a final
9 independent layer of defense in depth.

10 Next slide, please.

11 All right. I will now turn it over to Mr.
12 Howard Benowitz from the Office of the General
13 Counsel.

14 MR. BENOWITZ: Thanks, Dan.

15 Hi, everyone. My name is Howard Benowitz.

16 I'm in the NRC's Office of the General Counsel. And
17 on slide 14 we will be discussing the proposed changes
18 to the backfit rule.

19 The NRC's backfit rule is found in 10 CFR
20 Section 50.109. And in the proposed rule we would
21 provide a new backfitting provision for nuclear power
22 reactor licensees in decommissioning. The proposed
23 rule would renumber the paragraphs in Section 50.109,
24 so Section 50.109(a) would be the current backfit
25 rule, and a new Section 50.109(b), Bravo, would be the

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1 new rule text for decommissioning nuclear power
2 reactor licensees.

3 The NRC is also proposing edits to the
4 backfitting provision in Part 72, so that that
5 provision applies during the decommissioning of an
6 independent spent fuel storage installation, or an
7 ISFSI, or a monitored retrievable storage facility.

8 The proposed rule would also revise the
9 compliance exception to the requirement to perform a
10 backfit analysis, and the proposed rule would
11 specifically require the NRC to consider the costs of
12 imposing a backfit when the basis for backfitting is
13 use of that compliance exception.

14 This change is based on a 2019 update to
15 the Commission's backfitting policy that you can find
16 in Management Directive 8.4, and that's available on
17 our public website.

18 There is a specific request for comment in
19 the Federal Register Notice regarding these proposed
20 changes, and that's essentially, should we apply the
21 backfit rule to power reactor licensees in
22 decommissioning? So please give us your thoughts on
23 that.

24 Next slide, please.

25 MR. DOYLE: Okay. Back to me. So we are

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1 on environmental considerations. The proposed rule
2 clarifies various environmental reporting
3 requirements, including those related to the content
4 of the post-shutdown decommissioning activities
5 reports, or PSDARs.

6 In part, the proposed rule change would
7 clarify that licensees at the PSDAR stage are required
8 to evaluate the environmental impacts from
9 decommissioning and provide in the PSDAR the basis for
10 whether the proposed decommissioning activities are
11 bounded by previously issued site-specific or generic
12 environmental reviews.

13 The Commission provided additional
14 direction to the staff in its staff requirements
15 memorandum with respect to the consideration of any
16 unidentified -- I'm sorry, of any identified unbounded
17 impacts. The rule changes would allow licensees to
18 use appropriate federally issued environmental review
19 documents prepared in compliance with the Endangered
20 Species Act, National Historic Preservation Act, or
21 other environmental statutes, rather than just
22 environmental impact statements.

23 The rule would also remove language
24 referencing amendments or authorizing decommissioning
25 activities in 10 CFR Part 51.

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1 In developing the original proposed rule,
2 the NRC staff considered but dismissed a proposal that
3 staff approve each licensee's PSDAR before allowing
4 major decommissioning activities to begin. This was
5 done on the basis that requiring approval of a PSDAR
6 would have no additional benefit in terms of public
7 health and safety.

8 However, we have included a specific
9 request for comment about whether the NRC should
10 require approval of the PSDAR, a site-specific
11 environmental review, and a hearing opportunity before
12 undertaking any decommissioning activity.

13 Other than NRC review and approval of the
14 PSDAR, are there other activities that could help to
15 increase transparency and public trust in the NRC
16 regulatory framework for decommissioning, should the
17 rule provide a role for the states or local
18 governments in the process, and what should that role
19 be?

20 A few regulatory guides related to PSDARs
21 were revised to include clarifying language consistent
22 with the rule changes. And we would also like to note
23 that the decommissioning generic environmental impact
24 statement will be updated by the NRC, but that will be
25 a separate action apart from this rulemaking activity.

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1 So that will be updated in the future.

2 Next slide, please.

3 MR. BENOWITZ: Back to me for slide 16.
4 We're on license -- this one concerns license
5 termination plan requirements.

6 So in the proposed rule, the NRC would
7 clarify that 10 CFR 50.82 and 52.110 do not apply
8 before fuel has been loaded into the reactor
9 consistent with historical NRC practice. These
10 license termination provisions are written for
11 reactors that have commenced operation, and the NRC
12 has historically viewed operation as beginning with
13 the loading of fuel into the reactor, which is -- this
14 is discussed in the proposed rule Federal Register
15 Notice.

16 The NRC is proposing this change because
17 some confusion arose about whether 10 CFR 52.110 was
18 applicable when certain combined license holders
19 sought to terminate their licenses during construction
20 or before construction had begun. At that time, the
21 NRC informed the licensees that Section 52.110 did not
22 apply for the reasons that are also documented in the
23 proposed rule.

24 And there is not a specific request for
25 comment on this provision.

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1 I'll turn it back to Dan.

2 MR. DOYLE: Okay. Next topic, please.

3 Decommissioning funding assurance. So for
4 this topic we have two slides. So the first one
5 providing a summary of changes related to this topic.

6 The proposed rule modifies the Biennial
7 Decommissioning Trust Fund reporting frequency for
8 operating reactors in 10 CFR 50.75 to be consistent
9 with the three-year reporting frequency for
10 independent spent fuel storage installations, or
11 ISFSIs.

12 We're making two changes related to ISFSI
13 funding reports. One is that it would allow licensees
14 to combine the reports required by the regulations
15 listed on the slide, 50.82(a)(8)(v), 50.82(a)(8)(vii),
16 and 10 CFR 72.30.

17 The other related change is that the
18 proposed rule would remove the requirement for NRC
19 approval of the report filed under 10 CFR 72.30(c).

20 The proposed rule would clarify that when
21 a licensee identifies a shortfall in the report
22 required by 50.75(f)(1), the licensee must obtain
23 additional financial assurance to cover the shortfall
24 and discuss that information in the next report.

25 And then the final item to highlight, the

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1 proposed rule would make administrative changes to
2 ensure consistency with 10 CFR 50.4, written
3 communications regarding the submission of
4 notifications and to eliminate 10 CFR 50.75(f)(2),
5 because 50.75(f)(1) fully encompasses paragraph
6 (f)(2).

7 Next slide, please.

8 We do have several specific questions on
9 this topic. So I'm just going to briefly go through
10 each of those.

11 Related to financial assurance, what are
12 the advantages and the disadvantages -- what are the
13 advantages and disadvantages of updating the formula
14 to reflect recent data and to cover all estimated
15 radiological decommissioning costs rather than the
16 bulk of the costs?

17 For a site-specific cost analysis, what
18 are the advantages and disadvantages of requiring a
19 full site investigation and characterization at the
20 time of shutdown and of eliminating the formula and
21 requiring a site-specific cost estimate during
22 operations?

23 Decommissioning Trust Fund. Should the
24 NRC's regulations allow Decommissioning Trust Fund
25 assets to be used for spent fuel management if, one,

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1 there is a protected surplus in the fund based on a
2 comparison to the expected costs identified in a site
3 specific cost estimate; and, two, if the assets are
4 returned to the fund within an established period of
5 time.

6 What are the advantages and disadvantages
7 of allowing Decommissioning Trust Fund assets to be
8 used for those purposes? What are the advantages and
9 disadvantages of allowing Decommissioning Trust Fund
10 assets to be used for non-radiological site
11 restoration prior to the completion of radiological
12 decommissioning?

13 Timing of the decommissioning fund
14 assurance report -- reporting. What are the
15 advantages and disadvantages of extending the
16 reporting frequency from two years to three years?
17 Does this change affect the risk of insufficient
18 decommissioning funding?

19 And we also have a question about
20 identical requirements under 10 CFR 50.82 and 52.110.

21 Besides proposing conforming changes to 10
22 CFR Part 52, the NRC is asking whether the NRC should
23 continue to maintain identical requirements in 10 CFR
24 52.110 and 10 CFR 50.82.

25 We are also -- so, finally, on this slide,

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1 we are also proposing conforming changes to Regulatory
2 Guide 1.159, assuring the availability of funds for
3 decommissioning production or utilization facilities.

4 Next slide, please.

5 So for offsite and onsite financial
6 protection requirements, and indemnity agreements,
7 these changes would provide regulatory certainty by
8 minimizing the need for licensees of decommissioning
9 reactors to request regulatory exemptions for relief
10 from requirements that should apply only to operating
11 reactor licensees.

12 We do have two specific requests for
13 comment on this topic regarding insurance. What are
14 the advantages and disadvantages of requiring the
15 existing level of insurance to be maintained until all
16 spent fuel is in dry cask storage, which would be
17 Level 3?

18 And the other question related to
19 insurance for specific license ISFSIs. The NRC
20 recognizes that as a reactor site is decommissioned,
21 eventually all that remains of the 10 CFR Part 50 or
22 Part 52 license site is a general license ISFSI under
23 10 CFR Part 72, which is essentially the same as a
24 specific license ISFSI under 10 CFR Part 72.

25 Considering that 10 CFR Part 72 specific

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1 license ISFSIs have no financial protection
2 requirements, should the NRC address the disparity
3 between specific license and general license ISFSIs as
4 part of this rulemaking? Please provide an
5 explanation for your response.

6 Next slide, please.

7 MR. BENOWITZ: Slide 20 concerns foreign
8 ownership, control, or domination. That really
9 focuses on -- this change focuses on, what is a
10 production or utilization facility during the
11 decommissioning process?

12 The Atomic Energy Act and the NRC's
13 regulations provide definitions for a utilization
14 facility and production facility. Additionally,
15 certain other provisions of the Atomic Energy Act and
16 the NRC's regulations, including the foreign
17 ownership, control, or domination prohibition, apply
18 only to a utilization or production facility.

19 During the decommissioning process, a
20 utilization facility or production facility will be
21 dismantled to the point at which it no longer meets
22 the definition of a utilization facility or production
23 facility.

24 The proposed rule adds language to the
25 regulations to establish the criteria for when exactly

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1 a production facility or utilization facility is no
2 longer a production facility or utilization facility.

3 The proposed rule also adds language to
4 affirm that despite the change, the NRC continues to
5 have statutory authority over the existing 10 CFR Part
6 50 or Part 52 license, and that the NRC regulations
7 applicable to utilization or production facilities
8 will continue to apply to the older of that Part 50 or
9 52 license, unless regulations explicitly state
10 otherwise.

11 And one of those regulations is the
12 foreign ownership, control, or domination provision,
13 and the proposed rule would amend that provision to
14 state that the prohibition on foreign ownership,
15 control, or domination no longer applies once the Part
16 50 or 52 facility is no longer a utilization or
17 production facility.

18 Therefore, the NRC's regulations would not
19 prohibit the transfer of a Part 50 or 52 license for a
20 facility that is no longer a utilization or production
21 facility to a foreign-owned, controlled, or dominated
22 entity.

23 There is no specific request for comment
24 on this -- on these proposed changes. You can see in
25 the top right corner that there are several provisions

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1 that would be affected or amended. So please take a
2 look at that and provide any comments that you might
3 have.

4 Thanks.

5 Next slide, please.

6 MR. DOYLE: So physical security. The
7 proposed rule would allow certain changes to eliminate
8 licensee requests for approvals via exemptions,
9 amendments, and for certain adjustments to their
10 physical security programs.

11 Current security requirements do not
12 reflect the reduced risk of a decommissioning facility
13 after fuel is removed from the reactor vessel. When
14 the fuel is transferred to a spent fuel pool, the
15 amount of plant equipment that is relied upon for the
16 safe operation of the facility is significantly
17 reduced, which allows for certain security measures to
18 be eliminated because their implementation is no
19 longer needed or the security measures can be adjusted
20 for the physical protection program during
21 decommissioning.

22 Because certain security measures can be
23 adjusted or no longer are necessary for
24 decommissioning, commonly requested exemptions and
25 amendments have been submitted by licensees to address

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1 this new posture. For example, the control room is
2 specifically identified in current security
3 requirements as an area that must be protected as a
4 vital area.

5 The proposed rule would potentially
6 eliminate the need to identify the control room as a
7 vital area when all vital equipment is removed from
8 the control room and when the area does not act as a
9 vital area boundary for other vital areas.

10 Also, current security regulations for a
11 power reactor licensee require the use of licensed
12 senior operators for the suspension of security
13 measures during emergencies. For permanently shut
14 down and defueled reactors, licensed senior operators
15 are no longer required. The proposed rule would allow
16 certified fuel handlers to be used to suspend security
17 measures during emergencies at a decommissioned
18 facility.

19 And then, lastly, to eliminate the need
20 for the submission of license amendments and
21 exemptions for licensee transitions to ISFSIs, the NRC
22 is proposing that once all spent nuclear fuel has been
23 placed in dry cask storage, licensees may elect to
24 protect the general license ISFSI in accordance with
25 the physical security requirements that are consistent

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1 with Part 72 Subpart H and 10 CFR 73.51.

2 Licensees would continue to address the
3 applicable security-related orders associated with an
4 ISFSI that are conditions of the license.

5 Next slide, please.

6 Cybersecurity. Consistent with the graded
7 approach, the proposed rule would continue to apply
8 cybersecurity requirements to decommissioning plants
9 until the risk to public health and safety is
10 significantly reduced.

11 Specifically, the cybersecurity
12 requirement would be applicable until the fuel is
13 permanently removed from the reactor vessel to the
14 spent fuel pool and there has been a sufficient decay
15 such that there is a very low risk that the spent fuel
16 could heat up to clad ignition temperature within 10
17 hours if the spent fuel pool were drained.

18 Under the proposed rule, power reactor
19 licensees under Part 50 or Part 52 -- Part 50 and Part
20 52 -- would be subject to the same requirement. For
21 Part 50 reactor licensees, the proposed rule would
22 remove the license condition that requires the
23 licensee to maintain its cybersecurity plan. And for
24 Part 52 combined license holders, the proposed rule
25 would extend the requirement to maintain their

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1 cybersecurity plan during decommissioning, which would
2 be a new requirement.

3 For currently operating or recently
4 shutdown 10 CFR Part 50 reactor licensees, because the
5 licensee's cybersecurity plan is included as a license
6 condition, this license condition to maintain the
7 cybersecurity program per their cybersecurity plans
8 remains in effect until the termination of the license
9 or the NRC removes the condition from the license; for
10 example, if the licensee submits a license amendment
11 request and the NRC approves it.

12 Therefore, the proposed rule would not
13 constitute backfitting because it would codify the
14 already imposed requirements of the cybersecurity plan
15 license conditions during Level 1 of decommissioning
16 or until the spent fuel in the spent fuel pool has
17 sufficiently cooled.

18 This is not the case for combined license
19 holders currently. The proposed revision would
20 constitute a new requirement because the operational
21 program, such as security programs that include a
22 cybersecurity program, are requirements in the
23 regulations and not separately identified as license
24 conditions like for Part 50 licensees.

25 Presently, combined license holders are

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1 required to maintain a cybersecurity program only as
2 long as 10 CFR 73.54 is applicable to them. This
3 means that combined license holders are not required
4 to maintain their cybersecurity programs during
5 decommissioning because a power reactor licensee is
6 not authorized to operate a nuclear power reactor
7 during decommissioning.

8 We do have a specific request for comment
9 on this topic. The proposed rule applies the
10 cybersecurity requirements to Level -- plants in Level
11 1. However, a licensee in Level 2 would not be
12 required to maintain a cybersecurity plan because the
13 NRC has determined that there is little chance that
14 the spent fuel in the spent fuel pool could heat up to
15 clad ignition temperature within 10 hours.

16 So we do have a question. Let's see here.
17 What are the advantages and disadvantages of
18 extending the cybersecurity requirements to shut down
19 nuclear power plants until all spent fuel is
20 transferred to dry cask storage. So that's what the
21 specific question is about.

22 The change to 10 CFR 73.54 is identified
23 in the proposed rule as a change affecting issue
24 finality for 10 CFR Part 52 combined license holders
25 as defined in 10 CFR 52.98. So, therefore, the

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1 proposed rule includes a backfit analysis in Section
2 9(d).

3 Next slide, please.

4 The drug and alcohol testing topic. The
5 proposed rule would make several changes related to
6 requirements for drug and alcohol testing. There are
7 three items that I'd like to highlight related to this
8 topic. The first one for 10 CFR Part 26, which is
9 related to fitness for duty, the proposed rule would
10 amend 10 CFR 26.3, scope, to correct an inconsistency
11 in the applicability of Part 26 to Part 50 and 52
12 license holders of nuclear power reactors.

13 Part 26 does not apply to a Part 50
14 license holder once the NRC docket's licensee's 10 CFR
15 50.82(a)(1) certification that the power reactor has
16 permanently ceased operations, which formally begins
17 the decommissioning process.

18 However, Part 26 continues to apply to the
19 holder of a combined license issued under Part 52
20 throughout decommissioning. No technical basis exists
21 for this inconsistency, so Section 26.3 would be
22 revised to specify that Part 26 also no longer applies
23 to a Part 52 license holder once the NRC docket's
24 licensee's 52.110(a) certification that the power
25 reactor has permanently ceased operations.

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1 The second topic or second item related to
2 this topic is Part 26 criminal penalties. Section
3 26.3 includes a substantive requirement for certain
4 entities to comply with the requirements in 10 CFR
5 Part 26 by a specific deadline, and violations of this
6 regulation should be subject to criminal penalties.

7 The specific deadlines in 10 CFR 26.3(a)
8 were added in a 2008 Part 26 final rule, but 10 CFR
9 26.825(b) was not updated to reflect this change,
10 which was an oversight. Therefore, the proposed rule
11 would remove 10 CFR 26.3 from the list of provisions
12 that are not subject to criminal penalties if violated
13 in 10 CFR 26.825(b).

14 Last item. This relates to the insider
15 mitigation program. Section 73.55(b)(9)(ii)(B)
16 requires that a licensee's insider mitigation program
17 contained elements of a fitness for duty program
18 described in Part 26, but does not identify which
19 fitness for duty program elements must be included in
20 the insider mitigation program.

21 The proposed rule would establish the
22 required elements of a fitness for duty program in the
23 insider mitigation program for operating and
24 decommissioning reactors under Parts 50 and 52.

25 Next slide, please.

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1 MR. BENOWITZ: Slide 24 concerns the
2 removal of license conditions and the withdrawal of an
3 order. The NRC would propose to withdraw an order and
4 remove license conditions that are substantively
5 redundant with existing provisions in the NRC's
6 regulations.

7 The order is Order EA-06-137, which
8 concerns mitigation strategies for large fires or
9 explosions at nuclear power plants. The license
10 conditions are the conditions associated with that
11 order and Order EA-02-026, which was an order issued
12 right after the events of 9/11.

13 There is also a license condition that Dan
14 just mentioned regarding the cybersecurity license --
15 the cybersecurity license condition that also would be
16 removed. Now, these license conditions are currently
17 parts of licenses, but under the proposed rule, these
18 license conditions would be deemed removed, and then
19 the NRC staff would actually remove them through
20 administrative license amendments after the effective
21 date of the final rule.

22 In this way, licensees would not need to
23 submit license amendment requests. The NRC can, on
24 its own initiative, do that, and essentially just --
25 it would mail or email, or however, the new pages --

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1 the marked up pages and new pages of the license to
2 reflect the removal of the license conditions.

3 We did include in the Federal Register
4 Notice a request for comment on this topic. We are
5 interested in if there are any potential redundant
6 requirements that we did not include in this proposed
7 rule that you think we should remove because, again,
8 they are substantively redundant. And, therefore, we
9 are not -- don't need to have more than one of the
10 same requirement.

11 Next slide, please.

12 MR. DOYLE: Slide 25, spent fuel
13 management planning. So brief background on this
14 topic. The NRC staff identified ambiguity in the
15 spent fuel management and decommissioning regulations
16 due to a lack of cross referencing between Part 72 and
17 Part 50. The rulemaking clarifies the information for
18 consistency.

19 Specifically, the regulation in 10 CFR
20 72.218 states that the 50.54(bb) spent fuel management
21 program, the irradiated fuel management plan, or IFMP,
22 must show how the spent fuel will be managed before
23 starting to decommission systems and components needed
24 for moving, unloading, and shipping the spent fuel.

25 Section 72.218 also requires that an

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1 application for termination of a reactor operating
2 license submitted under 10 CFR 50.82, or 52.110, must
3 also describe how the spent fuel stored under the Part
4 72 general license will be removed from the reactor
5 site.

6 Although 10 CFR 72.218 states what
7 information must be included in these Part 50
8 documents, the corresponding regulations in Part 50 do
9 not contain this information. Therefore, the NRC
10 proposes to clarify and align the regulations in
11 50.54(bb), 50.82, and 52.110, and 72.218, to ensure
12 appropriate documentation -- whew, I need some more
13 water here -- to ensure appropriate documentation of
14 spent fuel management plans and decommissioning plans.

15 I think I'm going to have to come back to
16 this one. I can't really -- let me see if we have
17 another slide here.

18 Can we skip to slide 28? Sorry.

19 MR. BENOWITZ: No. No problem, Dan.
20 Slide 28. That concerns proposed changes to make our
21 regulations consistent in how we -- in how they apply
22 to Part 50 licensees and Part 52 licensees in
23 decommissioning.

24 Right now, we have regulations -- quite a
25 few. If you look in the top right corner of the

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1 slide, you can see that we have many regulations that
2 reference -- for the most part they reference only the
3 Part 50 decommissioning regulation, 50 -- 10 CFR
4 50.82. They do not also reference Section 52.110, or
5 maybe -- or 110(a). Sometimes there are references to
6 52.110(a)(1) when it should be just 52.110(a).

7 And so there are several -- I won't call
8 them typos, but in some cases they are just to the
9 wrong paragraph within the section. Sometimes we
10 don't -- the section itself is not included in that
11 regulatory provision. That's just the nature of,
12 unfortunately, doing rulemaking over the years, not
13 catching every one, but then this rule we hope that we
14 have done that, gone through all of the regulations,
15 Part 50 and 52, where one or the other provision is
16 referenced and without the other. And so our proposal
17 is to include both, to capture the 50 and 52
18 licensees.

19 If you find that we missed one, please let
20 us know. I think we -- I think we got them all.

21 Dan, that's all I have. I can keep
22 talking, but if you're okay to come back, that would
23 be great.

24 MR. DOYLE: I apologize for that.
25 Hopefully, I'll be able to -- I'll be able to keep it

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1 together here. Sorry. Allergies are -- I'm having
2 some trouble with, having some trouble here.

3 Okay. So we're back on slide 25, please.

4 Spent fuel management planing. So I was about to
5 explain the rule changes that we are proposing. I had
6 pointed out the inconsistency that the staff had
7 discussed.

8 We do have changes to 10 CFR 50.54(bb).
9 We propose moving the 72.218 provisions to 50.54(bb)
10 to clarify that the IFMP must be submitted and
11 approved before the licensee starts to decommission
12 systems, structures, and components needed for moving,
13 unloading, and shipping the spent fuel.

14 The NRC proposes to clarify the current
15 IFMP approval process and the 50.54(bb) provisions
16 regarding preliminary approval and final NRC review of
17 IFMP as part of any proceeding for continued licensing
18 under Part 50 or Part 72 as these proceedings no
19 longer exist as they did when 50.54(bb) was first
20 promulgated.

21 The NRC proposes to require submittal of
22 the initial IFMP and any subsequent changes to the
23 IFMP as a license amendment request.

24 Changes to 72.218. The NRC proposes
25 revising 72.218 to address requirements related to the

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1 decommissioning and termination of the Part 72 general
2 license as the current title of 72.218, termination of
3 licenses, suggests.

4 MR. BENOWITZ: Dan, don't mean to
5 interrupt, but seriously, if you want me to continue
6 at any point, just let me know. Okay?

7 MR. DOYLE: Okay. I appreciate that.

8 So, specifically, the proposed 72.218
9 notes that the general license ISFSI must be
10 decommissioned, consistent with the requirements in
11 50.82 or 52.110, as the general license ISFSI is part
12 of the Part 50 or Part 52 license site.

13 Also, the proposed 72.218 notes that the
14 general license is terminated upon termination of the
15 Part 50 or Part 52 license. We do have a specific
16 request for comment on this topic. The proposed rule
17 clarifies that the current IFMP approval process, by
18 requiring submittal of the initial IFMP and any
19 changes to the IFMP, for review and approval by
20 license amendment, we would like to know if
21 stakeholders see any challenges with implementing this
22 part of the proposed rule.

23 We are also considering including a change
24 control provision to specify what changes a licensee
25 can make to the IFMP without NRC approval. We'd like

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1 to know what stakeholders -- we'd like to know
2 stakeholders' opinions on a change control process,
3 including the criteria for changes that licensees
4 could make without NRC approval, and any associated
5 recordkeeping or reporting for those changes.

6 The undeveloped guidance corresponding to
7 proposed rule changes for the IFMP, we added guidance
8 to Draft Guide 1346, Section (c)(3), to outline the
9 information to be included in the licensee's IFMP.

10 And then for general license ISFSI
11 decommissioning, we added references to general
12 license ISFSIs in both Draft Guide 1347 and 1349 to
13 make it clear that the general license ISFSI must be
14 decommissioned, consistent with the requirements in 10
15 CFR 50.82 and 52.110.

16 The NRC staff believes that these changes
17 will provide regulatory clarity and enhance overall
18 regulatory transparency and openness regarding
19 decommissioning and spent fuel management planning.

20 Next slide, please.

21 Low-level waste transportation. When a
22 plant is actively being decommissioned, the plant
23 typically generates large volumes of bulk low-level
24 radioactive waste. To officially manage the
25 transportation of the waste to a licensed disposal

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1 site, most licensees ship waste by rail.

2 The railroads control the schedule for the
3 transportation of the railcars to the destination, and
4 the time to reach the disposal site destination is
5 generally more than the current 20-day notification
6 requirement.

7 So licensees -- under the proposed rule,
8 the licensees would continue to monitor and track the
9 location and progress of their low-level waste
10 shipments, but notifications to the NRC would no
11 longer be required unless the new proposed 45-day
12 limit is exceeded.

13 All right. Next slide here? So we're on
14 slide 27.

15 Certified fuel handler definition and
16 elimination of the shift technical advisor. So it's
17 kind of two topics combined under one heading.

18 Certified fuel handlers are non-licensed
19 operators who are commonly used at permanently
20 defueled nuclear facilities with irradiated fuel in
21 their spent fuel pools. A certified fuel handler is
22 intended to be the on-shift representative who is
23 responsible for safe fuel handling activities and is
24 always present on shift to ensure safety of the spent
25 fuel and any decommissioning-related activities at a

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1 facility.

2 Currently, a certified fuel handler is
3 qualified through a training program that must be
4 reviewed and approved by the NRC. The proposed rule
5 would modify the definition of a certified fuel
6 handler and add a provision that removes the need for
7 NRC approval of the training program if the training
8 program for certified fuel handlers is derived from a
9 systems approach to training and includes specific
10 topics which are outlined in the proposed rule
11 language.

12 Specifically, the training program must
13 address the safe conduct of decommissioning
14 activities, safe handling and storage of spent fuel,
15 and appropriate response to plant emergencies.

16 And then regarding the technical advisor,
17 the proposed rule would clarify that the shift
18 technical advisor is not required for decommissioning
19 nuclear power reactors.

20 Next slide, please.

21 Okay. This is the one that Howard
22 covered. Appreciate the pinch hit help there, Howard,
23 so we can move ahead to slide 29.

24 Record retention requirements. As noted,
25 when a plant is no longer operating in

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1 decommissioning, most plant components, such as pumps
2 and valves, are no longer in service and will
3 eventually be removed as part of the dismantlement
4 activities. Therefore, there is no longer a need to
5 retain certain records associated with these
6 components, and the rulemaking eliminates many
7 recordkeeping retention requirements.

8 This proposed change would not impact the
9 records that are required to be maintained in support
10 of decommissioning and license termination activities.

11 The proposed rule also includes a specific question
12 concerning the recordkeeping requirements for
13 facilities licensed under 10 CFR Part 52.

14 One of the rulemaking's few proposed
15 changes to Part 52 would be in 10 CFR 52.63 regarding
16 the recordkeeping and retention requirements for
17 departures from the design of a facility. However,
18 these changes would not apply to a combined license
19 holder that references one of the certified designs in
20 the Part 52 appendices because those appendices have
21 their own recordkeeping provisions.

22 The NRC is asking in this proposed rule if
23 we should revise the Part 52 appendices to conform
24 those recordkeeping requirements with those proposed
25 in 10 CFR 52.63.

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1 Next slide, please.

2 Okay. So we're on slide 30. So we have
3 completed all of the topic slides. There were 16 of
4 them. So this slide lists the specific requests for
5 comment. We have already highlighted most of these.
6 As I mentioned, in Section V of the proposed rule, we
7 do have these areas where we're trying to highlight
8 for stakeholders information that would be
9 particularly helpful for the NRC.

10 Just to point out, there were three of
11 them that were not mentioned in the previous topic
12 slides, so I'll just briefly summarize them here.

13 The timeframe for decommissioning, the
14 second one of the left, the NRC is not proposing
15 changes to the decommissioning timeframe requirements,
16 but we are asking a question. What are the advantages
17 and disadvantages of requiring prompt decontamination
18 rather than allowing up to 60 years to decommission a
19 site?

20 As part of its review of a PSDAR, what are
21 the advantages and disadvantages of NRC evaluating and
22 making a decision about timeframe for decommissioning
23 on a site-specific basis?

24 Related to exemptions, which is the second
25 one on the right, as stated in the proposed rule, one

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1 of the goals of amending these regulations is to
2 reduce the need for regulatory exemptions. 10 CFR
3 50.12 -- 10 CFR 50.12 states that the Commission may
4 grant exemptions from the requirements of the
5 regulations in 10 CFR Part 50 if the request will not
6 present an undue risk to public health and safety and
7 is consistent with the common defense and security.

8 What are the advantages and disadvantages
9 of the current 10 CFR 50.12 approach to
10 decommissioning-related exemptions? What standard
11 should the NRC apply in determining whether to grant
12 exemptions from the new or amended regulations? What
13 are the advantages and disadvantages of providing an
14 opportunity for the public to weigh in on such
15 exemption requests?

16 Are there other process changes the NRC
17 should consider in determining whether to grant
18 exemptions from the new or amended regulation?

19 And then the final one to highlight is
20 applicability, the third one on the right.
21 Specifically, there is a discussion related to
22 applicability to NRC licensees during operations and
23 to ISFSI only and standalone ISFSI decommissioned
24 reactor sites. Permanently shut down nuclear power
25 plants will be at different stages of the

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1 decommissioning process when the new decommissioning
2 regulations become effective and will have -- may have
3 previously received varying regulatory exemptions.

4 Can you foresee any implementation issues
5 with the proposed rule as it's currently written
6 related to applicability for these licensees? For any
7 new or amended requirement included in the proposed
8 rule, how should the requirement apply to sites
9 currently in decommissioning -- the different stages
10 of decommission?

11 Next slide, please.

12 Okay. As I mentioned earlier, we do have
13 a regulatory analysis document for this rulemaking, as
14 we do for many other rulemaking activities, where we
15 discuss the cost and benefits associated with this
16 action. So this slide is just to provide an overview
17 and a summary of this -- of the conclusions from our
18 analysis.

19 So, overall, the proposed rule was
20 determined to be overall cost beneficial with the
21 estimated net averted cost, meaning costs that
22 otherwise would have taken place -- so savings -- of
23 approximately 17.9 million at a seven percent net
24 present value.

25 So the net present value, as mentioned on

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1 the slide a few times, that's just referring to, you
2 know, bringing dollars to present -- you know, future
3 dollars to present day, so you can compare apples to
4 apples, or 37 million at a three percent net present
5 value.

6 And then just highlighting several of the
7 areas that had the biggest influence on this
8 conclusion, the emergency preparedness alternative
9 would result in about a 7.74 million averted cost,
10 drug and alcohol testing would be about seven million,
11 and decommissioning funding assurance about 1.18
12 million.

13 Next slide, please.

14 Okay. So just a few tips. We thought
15 this might be helpful. I'm sure many of the people
16 attending this meeting may have already reviewed and
17 commented on NRC regulations in the past. But if you
18 haven't, then welcome. And even if you have, then
19 hopefully this will still be helpful.

20 So let's see. Next slide, please.

21 So Tip Number 1 as you're considering your
22 comments is to review the commenter's checklist. This
23 is available on regulations.gov. It's actually right
24 there on the comment submission forms. This is not an
25 NRC document. This is something that is on

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1 regulations.gov, which is used by many federal
2 agencies for providing information and collecting
3 public comments on rulemaking activities.

4 So it has some helpful tips about how to
5 review the proposed rule and how to -- what kind of
6 information is helpful in general for agencies to
7 provide in your public comments.

8 Okay. Next slide, please.

9 So Tip Number 2 is to review the
10 unofficial redline rule language document. I
11 mentioned this earlier. This document shows how the
12 proposed rule would modify the current regulations in
13 this redline strikeout format, what would be inserted
14 and deleted, because sometimes that can be hard to
15 decipher from the required format in the Federal
16 Register.

17 But, again, this is an unofficial
18 document. Please do not rely on this for your -- for
19 your public comments.

20 Thank you.

21 Next slide.

22 Okay. Tip Number 3 is we have provided a
23 dedicated public website intended to be one-stop shop
24 for information about this proposed rule. So we have
25 a link to that. There is a short link on the slide

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1 there that should work if you wanted to click on that
2 or you could scan it with your -- scan the QR code
3 there with your phone.

4 If you have any trouble with that, please
5 don't hesitate to reach out to me and I'll make sure
6 that you're able to access it.

7 So the information -- some of the
8 information that we have on this website, we have a
9 link directly to the proposed rule, all of these
10 related documents that I've mentioned. There is a
11 direct link to the comment form, to make it easier to
12 submit a comment. There is also information about our
13 past and upcoming public meetings, and there are some
14 additional background documents from the earlier
15 stages of rulemaking that we mentioned.

16 Next slide, please.

17 Okay. And then, just to summarize how to
18 actually submit a comment, the instructions are in the
19 proposed rule, Federal Register Notice. But just to
20 make it clear here, we do have three different
21 methods. Our preferred method would be for you to go
22 to regulations.gov and submit using that comment form.

23 You can either type in your comment or have it in a
24 separate document which you upload. So either would
25 be fine.

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1 Or you could send it to the NRC as an
2 email, and the address is there. That's the same
3 email address for all rulemaking activities, so just
4 make sure you identify which rulemaking you are
5 commenting on. Or you can send it in the mail to the
6 address shown there.

7 Just a note, you know, please don't submit
8 the same comment multiple methods just to make sure
9 that we get it because that would create duplication.
10 We will get it. Just go ahead and submit it to --
11 using one of those methods.

12 Thank you.

13 Next slide, please.

14 Okay. Slide 37. Just wrapping up the
15 staff presentation portion of the meeting here, the
16 next steps after -- you know, moving forward, public
17 comment period, as I mentioned, ends in about a month,
18 May 17th.

19 Following that, the staff will collect and
20 review, address all the public comments, and develop a
21 final rule, which we will send up to our Commission.
22 We have Commissioners who set policy for the Nuclear
23 Regulatory Commission. So the staff would provide it
24 to them. It's scheduled in October of 2023.

25 And then the estimated publication date of

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1 the final rule when these rules would actually go into
2 effect -- well, the publication date would be May
3 2024, and then the rules would actually go into effect
4 30 days after that.

5 So those are estimated dates. It's
6 subject to change. There are a lot of things that
7 could happen, depending on the types of comments that
8 we get or other -- other factors or priorities.
9 Sometimes rulemaking schedules may change.

10 We do have a website, though, that -- that
11 lists these milestones for this rulemaking and for
12 every other rulemaking that we are working on. We
13 have these key milestones of when we would deliver it
14 to the signature authority and when we expect to
15 publish it. So if there are changes to our schedule
16 in the future, we will update it there, and you can --
17 you can find it on that website.

18 So that concludes the staff presentation.

19 Thanks for sticking with me, and I apologize again
20 for challenges with my allergies and voice here.
21 Thank you.

22 All right. So I will turn it back over to
23 Steven.

24 MR. SMITH: Thanks, Dan. Thanks.

25 So before we go into the Q&A session, we'd

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1 like to take a quick break. The time is now 7:11.
2 Let's take 10 minutes, and we'll be back at 7:21. All
3 right?

4 (Whereupon, the above-entitled matter went off the
5 record at 7:11 p.m. and resumed at 7:21 p.m.)

6 MR. SMITH: So it's 7:21. Let's go ahead
7 and transition to our public Q&A session. Please
8 remember that our goal today is to help you provide
9 informed written comments. So we ask that your
10 questions focus on any clarification you or others may
11 need in terms of the proposed decommissioning rule and
12 draft regulatory guidance.

13 Our intent is not to discuss specific
14 details about any particular facility. So we ask that
15 you keep your questions on the decommissioning rule
16 and related topics in general.

17 I will take questions from the Teams line
18 over the phone. Remember, those of you on Teams can
19 raise your hand with the hand feature, and I can see
20 that. Those on the phone can use star five. You can
21 call up and ask a question. If you are on Teams, you
22 can use your unmute button. And if you're on the
23 phone, use star six to unmute yourself.

24 I will take the hands in the order that I
25 see them, and I will alternate between Teams and the

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1 phone.

2 To ensure each person who wants to speak
3 or ask a question gets a chance, please limit your
4 speaking time to three minutes. You will have the
5 option for one follow-up question. If you need more
6 time, please wait and I will take -- I will advise you
7 to take a second turn later. This will happen towards
8 the end of the meeting.

9 So, with that, let's go ahead and start.
10 Anyone on the phone or Teams have a question? I do
11 not see any hands. I don't see any indication from
12 anyone on the phone. So I'll give it a minute.

13 While we're waiting, did you want to share
14 the website for comments?

15 MR. DOYLE: Sure. So we're not -- we're
16 not in a rush to get out of here. We did schedule
17 this meeting, and we're available -- as I said, many
18 of the subject matter experts are available on the
19 line to answer if you do have a question. If you're
20 wondering if there may be other people out there with
21 the same question, please don't -- don't hesitate to
22 go ahead and raise your hand.

23 So let me -- let me share the website. So
24 this is a little different from the previous meeting.
25 What I'm going to do is I'm going to share my screen

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1 here, and then share the screen.

2 So if someone could just kind of keep an
3 eye on the chat there, see if there are any questions,
4 but I'm just going to -- I'm just going to talk for a
5 little bit here.

6 And if anything I say, or if anything you
7 see, you know, prompts a question, feel free to just
8 go ahead and ask, or just go ahead and raise your
9 hand.

10 This is that -- the website that we put
11 out. This is the, you know, kind of one-stop shop for
12 this rulemaking activity. There is the -- the link
13 that was earlier in the slides. So what we have --
14 this right here, this link, you know, proposed rule,
15 read it in the Federal Register.

16 So if you click on that, this is the web
17 version of the proposed rule. And you can see this is
18 the link to submit a formal comment. That's right up
19 here. This is the -- let me go ahead and click on it.

20 So there's a dropdown form. You can type in a
21 comment right there.

22 You can -- let me see here. Go back. You
23 can also see, you know, other -- other comments that
24 have already been submitted. It actually might be
25 easier to show you from here.

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1 If you wanted to see, say, what other
2 people have said about this proposed rule, you could
3 click that link right here, read comments received,
4 and that will bring you over to regulations.gov and
5 filter for the comments that have already been posted.

6 So you can see, as of today, we have
7 received and posted four public comment submissions
8 from other individuals. So as they come in, they will
9 be available there.

10 Many commenters tend to wait until right
11 towards the end of the comment period, so just be
12 aware of that. And also, if you submit something and
13 then don't see it immediately, it doesn't mean there
14 is a problem. There is kind of a holding -- holding
15 area basically where we -- where we -- the agency, you
16 know, sees what was submitted and then just confirms
17 that it's okay to be posted publicly. So there may be
18 a few days between when you submit something and when
19 you see it posted.

20 We do have these -- the handy links to the
21 related documents. There is the four draft regulatory
22 guides, the EP, decommissioning, availability of
23 funds, post-shutdown decommissioning activities
24 reports. So those are all right here. Reg analysis,
25 the environmental assessment, the support statements.

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1 This is the redline rule text.

2 This -- so here is our introduction just
3 explaining, you know, what this document is showing,
4 that I've already explained. Each of these headings
5 here in the table of contents are links. So you could
6 actually click to that, so, say, in 10 CFR 50.82,
7 termination of licensees, you could just click on
8 that. It will jump you right to the page that has
9 50.82.

10 So, again, this is showing, you know, the
11 current rule language. You don't see any red text
12 here. So what that's saying is that we're not
13 proposing any changes to this paragraph right here.
14 So, but if you scroll down, so you can see, you know,
15 what it says and what it would continue to say, and
16 then how we would actually be -- how the NRC is
17 proposing to modify this regulation.

18 So this text would be inserted. Make this
19 a little bit bigger. So this text is there and would
20 continue to be there, but with these edits, we would
21 be adding this new paragraph 2.

22 Let see. Anything else here that would be
23 interesting to point out. We put in the -- the entire
24 section is there. So if we're making at least one
25 change in a section, we included the entire section,

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1 just to kind of err on the safe side for context. So
2 it does make the document longer. It's a 260-page
3 document. But, you know, hopefully that's helpful, to
4 have that context. So these are all the sections in
5 eight different parts.

6 All right.

7 MR. SMITH: All right. Anyone on the
8 phone who has questions, please press star five to
9 indicate that you'd like to talk, and star six to
10 unmute yourself.

11 For those using Teams, again, there is a
12 raise hand function that is at the top. I think it's
13 under React. You click on that, and there should be a
14 little -- little handle that comes up just like that.

15 Again, we'll give it about 10 minutes to
16 give anyone an opportunity to talk. And if that -- if
17 we don't get anything, we'll wrap the meeting up.

18 Soly, can you pull the slides back up?
19 We'll go ahead and go to slide 39, which is the
20 comments, opportunities for comments. Okay. We're
21 having some difficulties. Just bear with us. There
22 it is.

23 (Pause.)

24 MR. SMITH: I don't see any hands or any
25 indication of any questions so far.

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1 MR. DOYLE: Yeah. And that's totally
2 fine. I think, you know, probably, you know, some
3 folks who are joining are interested in the
4 rulemaking, maybe wanted to hear, you know, what other
5 people might have to say about it, and that's totally
6 fine.

7 So we can -- just in case someone joined
8 or in case something came to mind, again, we didn't
9 want to just rush out.

10 I don't think there was too much else. I
11 think the website is pretty self-explanatory. So
12 hopefully that was -- that was helpful.

13 We did have -- down in the bottom part of
14 that website, there is the additional background
15 documents. If -- you know, if people have been
16 following this rulemaking, it's -- you know, as I
17 mentioned from the background, this has been going on
18 for a few years.

19 People may be aware that there was, you
20 know, a version that the staff had generated that was,
21 you know, submitted and publicly released in 2018. So
22 that's available in the additional background
23 documents, but that's -- that's historical. That is
24 not the current version.

25 But I do -- I do know that there were some

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1 people that were reaching out to me about that
2 document. That's -- so that 2018 draft proposed rule
3 is listed under the additional background documents.
4 The Commission approved publication with several
5 changes in November, and that brought us to where we
6 are today, to the proposed rule that was published on
7 March 3rd.

8 So we have some previous Federal Register
9 Notices, the regulatory basis document, the ANPR,
10 previous public outreach, summaries of the public
11 meetings. So that is all there on the website.

12 MR. SMITH: I'm not seeing any comments or
13 questions from the chat.

14 Excuse me. Soly, could you go ahead and
15 go to slide 39.

16 So while we're waiting on -- you know,
17 we'll go ahead and pull this up. Again, you can just
18 scan the QR code or click on the link. Actually, I
19 don't think you have the option for that. But just
20 you can scan the QR code with your phone, and that
21 will take you to the meeting feedback form.

22 MR. DOYLE: Yes. And this -- this form is
23 just for the meeting itself, not about the rulemaking.

24 But if you have any suggestions for how we can make
25 meetings like this more effective, we're very

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1 interested in that feedback.

2 We did just have one more slide after this
3 one, which is the acronyms. There are too many
4 acronyms here that we have used in some of the slides
5 as we were speaking.

6 (Pause.)

7 MR. DOYLE: All right. I think we're
8 good.

9 MR. SMITH: Okay. So I want to thank
10 everyone for participating.

11 MR. DOYLE: Hold on.

12 MR. SMITH: Oh.

13 MR. DOYLE: We got somebody.

14 MR. SMITH: Got a question?

15 MR. DOYLE: Perfect.

16 MR. SMITH: Okay.

17 MR. DOYLE: We're not trying to rush out
18 of here.

19 MR. SMITH: Okay. Mr. Odom. Please turn
20 on your mic.

21 MR. DOYLE: You should be able to unmute
22 yourself now.

23 MR. ODOM: I didn't quite -- I really
24 enjoyed the presentation today, but I scanned your QR
25 code and it's not -- it's not really working.

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1 MR. DOYLE: I apologize for that. Let me
2 --

3 MR. ODOM: It says invalid meeting code,
4 and it's asking for a meeting code.

5 MR. DOYLE: Hmm. You know what? I think
6 the system -- I think there might be a problem with
7 the system because I do know that this is the code for
8 the meeting, and it goes into the form. And you're
9 right, so you are completely right. I apologize.

10 So I'm going to need to submit a ticket
11 for that. Sorry about that.

12 MR. SMITH: Thank you for pointing that
13 out, Mr. Odom.

14 MR. ODOM: No problem.

15 MR. SMITH: Any other questions? Any
16 comments?

17 MR. DOYLE: We did get a comment, by the
18 way, from one of the other staff that it -- just
19 confirmed that it is a problem with the system,
20 unfortunately, and that it has been submitted. But
21 I'll be following up on that also.

22 So if you could, if you wouldn't mind just
23 checking back in a day or two, hopefully we'll get
24 that resolved quickly.

25 MR. ODOM: Will do.

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1 MR. DOYLE: Thank you for confirming that
2 the raise the hand feature is working.

3 All right. And think we were just
4 wrapping up there. So, again, thank everybody for
5 your time, for your interest in this rulemaking. We
6 are looking forward to your -- any feedback that you
7 may have.

8 Again, as the PM, you can reach out to me.
9 My name and contact information is in the proposed
10 rule and this presentation here, if there is anything
11 that I can do to help you as you are reviewing this.

12 And, again, thank you. That concludes the
13 meeting today. Have a wonderful day. Thank you.

14 (Whereupon, the proceedings in the above-
15 entitled matter went off the record at 7:36 p.m.)

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