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Title: Enhancing Security During Transport of  
Radioactive Materials in  
Quantities  
of Concern: Public Meeting

Docket Number: (n/a)

Location: Oakland, California

Date: Thursday, January 17, 2008

Work Order No.: NRC-1965

Pages 1-102

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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Public Meeting to Discuss Enhancing

Security During Transport of

Radioactive Materials in Quantities of Concern

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Thursday, January 17, 2008

+ + + + +

held at the:

Ronald V. Dellums Federal Building

Edward R. Roybal Auditorium

1301 Clay Street, Second Floor

Oakland, California 94612

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1 From the U.S. NRC:

2 Susan Bagley, Transportation Security Specialist

3 Robert Caldwell, Branch Chief, Fuel Cycle and

4 Transportation Security

5 Rebecca Clinton, Assistant

6 Adelaide Giantelli, Team Leader, Transportation

7 Security

8 Gary Purdy, Senior Health Physicist

9 Lance Rakovan, Communications Assistant, Meeting

10 Facilitator

11 James Thompson, Inspector

12  
13  
14 Audience and Speakers:

15 Barbara Byron, California Energy Commission

16 Mark L. Carver, Entergy Services, Inc.

17 Conte C. Cicala, Esq., Partner, Flynn Delich &

18 Wise, LLP

19 Grace Miranda, Sandia National Laboratories

20 Kent Prendergast, California Department of Health

21 Services, Radiologic Health Branch

22 Randall Shepard, Impēva Labs

23 Jerry Tucker, Industrial Nuclear Co.

24 Kathleen Yhip, Southern California Edison

25

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

(12:32 p.m.)

1  
2  
3 MR. RAKOVAN: Welcome, everyone. My name  
4 is Lance Rakovan. I'm a Communications Assistant at  
5 the Nuclear Regulatory Commission.

6 We decided not to use the  
7 amplification/microphones and all that because it  
8 seemed whenever we turned them on we got a great deal  
9 of feedback. So we figure given this is a fairly  
10 small venue, that we would go ahead and just kind of  
11 hopefully project to the point that you can hear us.

12 We are, however, transcribing today's  
13 meeting, so you'll notice that we have a couple  
14 microphones for the transcriber specifically that are  
15 scattered throughout.

16 So just wanted to start out today and  
17 we'll go through a few groundrules and a little bit as  
18 to, you know, how we'd like you to make comments or  
19 ask questions to make sure that we pick you up on the  
20 transcript in a minute.

21 But I wanted to welcome you to today's  
22 public meeting to discuss enhancing security during  
23 transport of radioactive materials in quantities of  
24 concern.

25 Just to give you an idea of what we're

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1 going to be doing today, I'll start out with just a  
2 few little administrative notes and laying down some  
3 groundrules. We're going to go over a presentation  
4 that kind of goes a little bit into the background of  
5 radioactive materials of concern, kind of how we got  
6 to the point that we are today. And then we're going  
7 to go through some of the proposed security  
8 enhancements.

9           These are just kind of our starting point.

10          These are kind of, you know, what we've thought of so  
11 far. And we're going to go through them more or less  
12 individually by topic. And then we're going to ask if  
13 any of you have any comments, perspective that you'd  
14 like to share specifically on those. And then we'll  
15 go ahead and close up the meeting.

16           I'd like to take a moment to introduce the  
17 staff that will be our primary speakers today.

18           First we have Bob Caldwell, who is the  
19 Branch Chief of the Fuel Cycle and Transportation  
20 Security at the NRC;

21           Adelaide Giantelli, who is a Team Leader  
22 for Transportation Security, and she'll be the one  
23 giving the presentation on the background today;

24           Susan Bagley who is our Transportation  
25 Security Specialist who will be going through our

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1 requirements today;

2 Gary Purdy, Senior Health Physicist, who  
3 actually isn't going to be presenting today but he  
4 just knows a lot of stuff, so we figured he'd be good  
5 to have around;

6 And finally of course I'm Lance Rakovan  
7 and I'm going to be facilitating today's meeting.

8 Just a few groundrules: Even though we  
9 are not using the microphones specifically to amplify,  
10 in order to make sure that we do have a clean  
11 transcript and we do pick up all the conversations,  
12 we're going to ask that you are standing near one of  
13 the mics when you speak. Now I'll walk down to show  
14 it to you there, but there's one on the corner there  
15 on the front row. And so basically if you're going to  
16 ask a question or make a comment, I'm probably going  
17 to ask you to go ahead and come up to speak somewhere  
18 in the vicinity of that microphone so our transcriber  
19 picks you up and we can make sure that we have a clean  
20 transcript.

21 We're going to be discussing only  
22 publicly-available information here today. Again,  
23 just so we have a clean transcript, we want to make  
24 sure that there's only one person speaking at a time.

25 So if we could keep side conversations down to a

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1 minimum, that'll help a lot.

2 And again we're here to kind of exchange  
3 information to gather ideas. Not everybody's  
4 necessarily going to agree, and that's fine. But  
5 we're just here for a discussion today. So let's keep  
6 that in mind. So if somebody says something that you  
7 don't necessarily agree with, that's all right.

8 If everyone could make sure that you  
9 silence your cellphones, I've been specifically asked  
10 by our transcriber that if you have a BlackBerry or  
11 anything like that, if you could turn it off, not just  
12 silence it. Apparently it has a possibility of  
13 interfering with the equipment.

14 If everybody probably picked up a copy of  
15 the slides on their way in and also a Public Meeting  
16 Feedback form, the Public Meeting Feedback form is  
17 just a way that if you can give us how you thought the  
18 meeting went today, if there was something we could  
19 have done better, etc., you can fill it out today and  
20 give that to any of us NRC staff or you can drop it in  
21 the mail, it's free, I'll get to us. And those really  
22 do help us try to figure out what we can do  
23 differently or how we can improve on our public  
24 meetings.

25 If you're not aware, the restrooms are

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1 immediately when you go through those doors. The  
2 men's is on the right, the women's is on the left. We  
3 will be taking at least one break today, but of course  
4 if you've got to take care of business during, then  
5 please by all means take care of business.

6 With that I'm going to turn things over to  
7 Bob Caldwell to kind of give a brief overview on what  
8 today's all about.

9 Bob.

10 MR. CALDWELL: Okay. Well, thank you very  
11 much. Welcome and thank you for your time, coming out  
12 here to talk about what we consider is a pretty  
13 important issue, and that is specifically  
14 transportation security of radioactive materials.

15 Prior to 9/11 the NRC, its regulations  
16 basically said -- were written to prevent inadvertent  
17 or accidental exposures, and this we felt basically  
18 provided for security. After 9/11 we took a little  
19 bit broader view to figure out how these materials  
20 could be used in a little more malevolent fashion.  
21 And we identified basically some additional security  
22 measures.

23 We identified those security measures. We  
24 provided them to the licensees in the form of security  
25 advisories, which are basically an NRC staff

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1 communication tool to the licensees. And the  
2 licensees, as far as we can tell from what we've  
3 looked at, took heart and actually implemented them.

4 As you remember, after 9/11 there was a  
5 lot of items going on and the NRC took a graded  
6 approach to looking at what the most significant  
7 things that need to be protected and then worked our  
8 way down. And by 2005 we had completed sending out,  
9 basically taking those security orders -- or, excuse  
10 me -- taking the security advisories and putting it  
11 into legally-binding orders to all the licensees. And  
12 we'll go into that in a little bit more detail.

13 But all this was done pretty much because  
14 of the sensitivity of the information out of the  
15 public view. The public knew we were given orders.  
16 You can read the orders on the web, but you can't see  
17 what the additional security measures that those  
18 orders implemented are.

19 So now we're basically at the point in  
20 time, today is the second in a series of public  
21 meetings we're doing on this topic. So although those  
22 legally-binding orders can stay in place forever and  
23 provide adequate security for the materials that we're  
24 discussing from our perspective, this process has not  
25 been open to the public. And the NRC's mission, part

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1 of its mission is to maintain an openness with the  
2 public.

3 We are at the start of the more formal  
4 process of taking the regulations, as you can read  
5 right now in the 10 CFR, and basically doing the next  
6 set, doing the next revision of those regulations.  
7 And that's going to take into account the things that  
8 we've done since the last time those regulations were  
9 revised, and I suspect that was in the '90s or some  
10 time like that. So that would take into account the  
11 things that we've learned since 9/11.

12 And what we're planning on doing, which  
13 you'll see here, is we've taken the orders -- excuse  
14 me -- the additional security measures that we  
15 identified in the orders and we're using those as a  
16 framework to build upon what the current regulations  
17 are. And that's what we're here to ask you about  
18 today.

19 We want both -- we want public and  
20 stakeholder input on where the regulations need to go  
21 from where they are right now in order that everybody  
22 understands what regulations or what security measures  
23 or what activities need to be done to protect the  
24 material at the proper level.

25 The orders that we put in place since 9/11

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1 are not the final answer. The orders we put in place  
2 provide us adequate assurance that the security is  
3 being maintained. But what we're looking for from the  
4 public and from the stakeholders is perspectives on  
5 what can be done, whether it's what we've issued in  
6 the orders or something else entirely; and then the  
7 basis for why you want to see that.

8 At the technical basis. We are getting  
9 ready to put together a technical basis within the  
10 next couple months. That technical basis will provide  
11 us a roadmap for how we're going to change the  
12 regulations.

13 We need to make sure that we understand  
14 the scope to put that together so we can give it to --  
15 ultimately develop a proposed rule to give to the  
16 Commission that provides both the positives and the  
17 negatives for each of the courses of actions, and  
18 that's what we're looking for.

19 So there's two sides to every one of these  
20 ASMs, and we're trying to get both sides of that so we  
21 can put that up and the Commission can make a decision  
22 on which way it wants to go.

23 So basically, as you see here, we're  
24 looking for what improvements you think can be made,  
25 the efficiency of what those -- the feasibility and

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1 the effectiveness of those improvements, and any  
2 alternate measures.

3 So please -- this is a little bit  
4 different. This is not the way the NRC has normally  
5 done business that ever I've known, where we've gone  
6 out and solicited comments in the technical basis  
7 stage of the regulations. So, please, even if you  
8 don't have a comment today, please take it home, take  
9 a look at what we've provided, think over the  
10 discussions we've had, and provide input. This is the  
11 ultimate opportunity to get in as early as it is on  
12 where to change the regulations.

13 And, again, thank you very much for being  
14 here. We consider this very important.

15 Lance.

16 MR. RAKOVAN: Thank you, Bob.

17 Adelaide is going to go over some  
18 background material before we go into the proposed  
19 requirements. She's got a presentation. And, if  
20 possible, if you could, if you have any questions, if  
21 you could hold until she's done. Once Susan starts  
22 with the requirements, we're going to kind of change  
23 up a little bit, but if you could hold your questions.

24 And then we'll go ahead and open up the floor to  
25 questions.

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1 So, Adelaide.

2 MS. GIANTELLI: Thank you, Lance.

3 Good afternoon, everybody, and thank you  
4 for taking the time to be here today. Can everyone  
5 hear me? Okay, great.

6 Today we're here to discuss NRC's plans to  
7 increase security during shipments of radioactive  
8 materials in quantities of concern, and we're provide  
9 some background information to help explain the  
10 requirements that you'll hear in Susan's part of the  
11 presentation.

12 First I'm going to go through a brief  
13 summary of what I'll talk about, because my  
14 presentation is going to jump around a little bit.

15 First I'm going to talk about the NRC's  
16 authority, where it comes from, how we use it, how we  
17 use it to interact with both our state and federal  
18 partners to ensure safety and security of radioactive  
19 -- excuse me -- ensure safety and security during  
20 transport of radioactive materials.

21 Next I'll talk about the uses of these  
22 radioactive materials. The types of materials we're  
23 talking about today are primarily used in medical,  
24 academic, and industrial applications. And, to a  
25 lesser extent, they are also found in the waste from

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1 nuclear power plants. And then, finally, I'll discuss  
2 the term we keep using, that term radioactive  
3 materials in quantities of concern, or RAMQC. I'll  
4 discuss where it came from, what it is, and what we've  
5 done at NRC to improve security for this category of  
6 materials since the events of September 11th.

7 And throughout all this I'll try to keep  
8 reminding everyone why we're here today and how we are  
9 interested in gathering your opinions and keeping our  
10 communications open on this very important topic.

11 So now I'm going to start by saying: The  
12 NRC doesn't regulate transportation security of  
13 radioactive materials alone. We share the  
14 responsibility for transportation security with both  
15 our federal, state, and tribal partners. We share  
16 authority with the Department of Transportation, the  
17 Department of Homeland Security, and the state and  
18 tribal governments.

19 And you can see the list here on the  
20 slide. It looks like a lot of government, but over  
21 the years we've worked out agreements among our  
22 agencies to try to minimize some of the overlap. And  
23 one longstanding agreement I want to put out is the  
24 agreement between the Nuclear Regulatory Commission  
25 and the Department of Transportation.

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1           The NRC has broad authority to regulate  
2 any transfer of radioactive material. And DOT has  
3 authority to regulate commerce. So the transport of  
4 radioactive materials falls both under NRC and DOT.

5           In general, the NRC is responsible for  
6 regulating licensees, which are pretty much the  
7 shippers and receivers of the radioactive material.  
8 That is, the company that has the material, possesses  
9 it, and then wants to move it to somewhere else to a  
10 company that's receiving it. The NRC would regulate  
11 both the shipper and the receiver of the material.

12           In general, NRC does not regulate  
13 commercial carriers of radioactive material. These  
14 are the trucking and rail companies that actually pick  
15 up the material from point A to point B and move it  
16 from one location to the other. So -- excuse me. And  
17 regulating carriage either by road or rail is a  
18 responsibility of the Department of Transportation and  
19 the Department of Homeland Security.

20           I wanted to note this because when we get  
21 to the security measures that Susan's going the talk  
22 about, you'll notice that all the requirements are on  
23 the NRC licensee and not on commercial carriers.

24           Where do we get our authority from. The  
25 Atomic Energy Act of 1954, as amended, gives the NRC

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1 its authority to license and regulate the civilian use  
2 of radioactive material.

3 In addition, the law requires us to ensure  
4 adequate protections of the public health and safety  
5 and to promote the common defense and security and  
6 protect the environment.

7 The law gives us authority to regulate  
8 civilian use of radioactive material, which means our  
9 role at NRC is not to promote the use of radioactive  
10 material but instead our responsibility is to ensure  
11 that the material is handled safely and securely.

12 First we regulate civilian use of  
13 radioactive material by issuing licenses. Licenses  
14 are the authorization that the company or individual  
15 or entity receives that allows them to possess, use,  
16 and transfer the radioactive material.

17 Besides the issuance of a license, the law  
18 gives us mechanisms to put in place requirements to  
19 ensure that the material is handled safely and  
20 securely. One process we use is -- it's called an  
21 order. And that's a way we impose a requirement  
22 effective middle.

23 An order modifies that licensee's license  
24 to possess, use, and transfer radioactive material.  
25 The one thing to notice: An order does not involve

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1 the public in our process.

2 In the area of transportation security,  
3 and Bob alluded to this, and I'll discuss it a little  
4 bit more in my later slides, the staff identified  
5 areas where transportation security could be improved.

6 And we issued orders to companies transporting  
7 radioactive materials in quantities of concern in  
8 2003, 2004, and 2005. And in those orders we required  
9 them to put in place additional security measures.

10 Now I'd like to go back and say one thing:

11 Imposing orders by -- excuse me -- imposing  
12 requirements by order is not something we take lightly  
13 at the NRC. The security orders issued in the area of  
14 transportation security were not -- were not done at  
15 the staff level. That decision to issue orders was  
16 made by our Commission.

17 Besides the orders, the NRC sets standards  
18 and requirements in the form of rules. And our  
19 rulemaking process is a public process. It's  
20 deliberative and it allows time for us to gather  
21 everyone's input and take it into consideration before  
22 making a final decision on the regulations. And  
23 that's why we're here today. We're here today to  
24 discuss the NRC's plans to enhance security during  
25 transport of radioactive materials in quantities of

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1 concern, and this public meeting is one of our first  
2 steps towards setting additional requirements. And  
3 right now we are listening and gathering information.

4 As I mentioned earlier, the law gives the  
5 NRC the authority to regulate civilian uses of  
6 radioactive material. That term civilian use covers  
7 many different types of radioactive material. And  
8 today we're focusing primarily on the radioactive  
9 materials used by the medical, academic, and  
10 industrial community. And, as I said earlier, to a  
11 lesser extent we are referring to waste products from  
12 nuclear power plants.

13 Now I'm going to mention another part of  
14 the Atomic Energy Act. The Atomic Energy Act also  
15 gives the authority to enter into what are called  
16 agreements with the states. And I'm going to read  
17 this from the slide. "NRC relinquishes to the States  
18 portions of its regulatory authority to license and  
19 regulate specific types of radioactive materials."

20 I'm going to break that statement down  
21 into pieces and focus on each piece. First I'm going  
22 to focus on the specific types of radioactive  
23 material. What specific types of radioactive material  
24 are we talking about.

25 It's byproduct material. But, to put it

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1 simply, this refers to medical, academic, and  
2 industrials uses of radioactive material. It does not  
3 apply to nuclear power plants.

4 In the first part of that statement, "NRC  
5 relinquishes to the States." That means we  
6 effectively create a partnership with the state. We  
7 can give our authority to regulate medical, academic,  
8 and industrial uses of radioactive material within a  
9 state to the state.

10 In this case, the state informs us of  
11 their decision to regulate radioactive material within  
12 their state. They send up a program. We review that  
13 program and if it's compatible with the NRC  
14 requirements we then relinquish our authority to the  
15 state.

16 We also periodically review the state's  
17 programs to ensure that the state remains compatible  
18 with NRC requirements.

19 And once we've relinquished our authority,  
20 the state is the authority over that byproduct  
21 material use within their state. As of today, 34  
22 states have entered into agreements with NRC and  
23 others are being evaluated. Soon the state of  
24 Pennsylvania is going to come onboard.

25 Now I'll focus on another part of that

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1 statement: "The NRC relinquishes to the States  
2 portions of its regulatory authority..." The Atomic  
3 Energy Act only allows the NRC to relinquish our  
4 authority to protect public health and safety to the  
5 states. We cannot relinquish our authority to promote  
6 the common defense and security.

7 As I said earlier, the NRC can enter into  
8 an agreement with the state and relinquish its  
9 authority over byproduct material and give that  
10 responsibility to protect the public health and safety  
11 to the state. The agreement state then has the  
12 primary authority to regulate and inspect and take  
13 enforcement action against licensees in their  
14 respective jurisdiction.

15 However, the NRC as a federal agency  
16 cannot relinquish its authority to promote the common  
17 defense and security. The responsibility to promote  
18 common defense and security belongs to the federal  
19 government.

20 In this case if -- for transportation  
21 security, the NRC would regulate and inspect and take  
22 enforcement actions against licensees in state  
23 jurisdictions. At the end of the discussion we'd like  
24 to gather your comments about how much involvement, if  
25 any, should the state have in the enforcement of

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1 transportation security regulations.

2 NRC Actions. Immediately after the events  
3 of September 11th, NRC issued security advisories. In  
4 general, security advisories are nonpublic  
5 communications between NRC to its licensees that  
6 provide information from the intelligence community or  
7 local law enforcement agencies on changes in the  
8 threat environment. And it provides guidance to  
9 licensees to take some action promptly.

10 After September 11th we issued several  
11 security advisories recommending security enhancements  
12 during transport of radioactive materials in  
13 quantities of concern.

14 And, as Bob said before, in general  
15 licensees understood the change in the threat  
16 environment and implemented the security advisories.  
17 But one thing to note is that security advisories are  
18 not legally binding. And by legally binding what I  
19 mean is NRC can't compel compliance with a requirement  
20 in an advisory.

21 So while the advisories were in place the  
22 NRC issued orders. We issued orders to licensees in  
23 2003, 2004, and 2005 that enhanced security --  
24 enhanced transportation security -- enhanced security  
25 during transport of radioactive materials in

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1 quantities of concern. Excuse me.

2 And I guess you're wondering why so many  
3 orders and why they span so many years. The reason  
4 was we used a risk-informed approach when issuing the  
5 orders. There were a lot of security activities going  
6 on at NRC after the events of September 11th, and this  
7 is a bit of a simplification but, in essence, we took  
8 a graded approach and we took the most risk-  
9 significant radioactive material and issued orders to  
10 them first.

11 By 2005 essentially every licensee  
12 transporting radioactive materials in quantities of  
13 concern received an order. At the end of the process,  
14 orders were issued to more than 2,000 NRC in  
15 agreement-state licensees.

16 So now I'm going to get back to why we're  
17 here today. As Bob said earlier, we do have adequate  
18 security measures in place and the orders can stay in  
19 place indefinitely. But now for us it's time to put  
20 in place requirements that everyone has had a say in.

21 That's our process to ensure that everyone gets a  
22 chance to provide their comment and help inform our  
23 regulations.

24 We are at the beginning stage of revising  
25 our regulations. We are at the stage of developing

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1 what's called the technical basis. This basically  
2 identifies what we want to change or add into our  
3 requirements.

4 To start the discussions today we are  
5 using the security concept of the advisories and the  
6 orders as a basis. Some of the advisories and orders  
7 contain sensitive information and are not publicly  
8 available, but the general security concepts of those  
9 items can be used to start our discussions.

10 So for today and the next few weeks our  
11 plans are to gather your comments on our proposed  
12 policy change.

13 Now I'm going to change focus a little bit  
14 and I'm going to provide some background information  
15 on medical, academic, and industrial uses of  
16 radioactive material. And, again, the NRC's role is  
17 not to promote radioactive material uses but, rather,  
18 to ensure that the material is used safely and  
19 securely.

20 These are photographs of medical uses of  
21 radioactive material. The smaller photo is an older  
22 style teletherapy unit that was used commonly for  
23 cancer treatments. Its use in the United States is  
24 being replaced by newer techniques, but it still uses  
25 some medical use -- in medical institutions and it's

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1 still used outside the United States.

2 The larger photo is what's called a gamma  
3 knife teletherapy unit. These units focus beams of  
4 radiation to a specific site within the brain. And  
5 they're used to target cancers or other conditions  
6 where the location of the tumor is not reachable by  
7 surgery when surgery is considered too invasive.

8 Another medical use of radioactive  
9 materials is for blood irradiation. This is used for  
10 people with weakened immune system. When someone with  
11 a weakened immune system is receiving blood from a  
12 donor, the donor blood is irradiated to destroy its  
13 antibodies. This prevents the donor blood from  
14 attacking the recipient.

15 Next I'll discuss some industrial uses of  
16 radioactive materials. This is a schematic of a large  
17 industrial irradiator that sterilizes medical  
18 equipment. On the photo the medical equipment would  
19 enter in on the left-hand side. In its final -- it  
20 would come in in its final shipping configuration, be  
21 placed in a container onto a conveyor belt. As it's  
22 passed on the conveyor belt through the facility and  
23 through the irradiator, the strength of the radiation  
24 field and the length of time it's left in the  
25 radiation field will result in sterilization of the

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1 medical equipment. Then the sterilized equipment is  
2 shipped to the hospital or medical facility that plans  
3 to use it.

4 I'm going to just point out this is  
5 another area where NRC shares authority with another  
6 regulatory agency. We provide the license for  
7 possessing radioactive material and we ensure that the  
8 material is used safely and securely within the  
9 facility, but the approval for the sterilization  
10 process is given by the Food and Drug Administration.

11 These are more industrial and research  
12 uses of radioactive material. The upper left-hand  
13 photo is a picture of Czm-137 irradiator which is used  
14 for research purposes. The lower photograph is of a  
15 radiography camera. Radiography cameras are used to  
16 check the integrity of welds. Welds can be found  
17 everywhere. They're in piping systems, submarines,  
18 bridges, buildings. These are just a few places they  
19 are.

20 Everyone expects welds to hold up. So  
21 during the fabrication process an x-ray is taken of  
22 the weld. And that's used to ensure that there isn't  
23 a defect in that weld. In general, the shielded  
24 radioactive source is put on one side of the weld and  
25 the radiographic film is put on the other. After the

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1 correct safety precautions are taken, the source is  
2 unshielded for a certain amount of time, which exposes  
3 the film.

4 And I think everyone here has seen a  
5 photograph of an x-ray of a broken bone. The concept  
6 is the same for checking a weld. After the process,  
7 you end up with an x-ray picture of the weld. And if  
8 the weld is fine, the process moves on. If there's a  
9 defect, the weld is fixed.

10 The last photo in this slide is a fixed  
11 gauge. The gauges in these photos are used at  
12 processing facilities and they're used to detect flow  
13 rates within the pipe that they're mounted on.

14 And underneath that photo it says, "in  
15 aggregate quantities." A single one of these gauges  
16 is not considered a quantity of concern, but multiple  
17 gauges brought together would be.

18 So now I'm going to get to what is RAMQC.  
19 "RAMQC" is an acronym for radioactive materials in  
20 quantities of concern. There are hundreds of  
21 radioactive materials that exist, but RAMQC refers  
22 specifically to 16 radioactive materials. And I'll  
23 discuss this a little more in a later slide, but these  
24 are specific radioactive materials that are commonly  
25 used in medical, academic, industrial settings that

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1 someone could use with an intent to cause harm.

2 One thing I want to emphasize when we are  
3 talking about RAMQC we are not talking about spent  
4 fuel. Spent fuel is another separate category of  
5 radioactive material.

6 Prior to 9/11 the NRC focus was on the  
7 safety and security of people and the environment by  
8 protecting them from the inadvertent or accidental  
9 release of radioactive material. The attacks of 2001  
10 led NRC and the Department of Energy to rethink how  
11 far a terrorist would go to hurt the public, perhaps  
12 even using medical and industrial radioactive  
13 materials to cause this harm.

14 As part of this process, the NRC reviewed  
15 the chemical, physical, radiological characteristics  
16 of each radioactive material. The NRC also joined  
17 with the international community to look at medical  
18 and industrial radioactive materials with this as its  
19 main consideration. This international effort was led  
20 by the International Atomic Energy Agency, and we  
21 actively participated in this effort.

22 The international effort identified 16  
23 commonly-used radioactive materials that could pose a  
24 serious threat to people and the environment if it  
25 gets into the wrong hands. This effort further

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1 identified quantities or thresholds of materials that  
2 could be useful to someone intent on a malicious act.

3 The IEAA -- excuse me -- the International  
4 Atomic Energy Agency published these results in a  
5 document titled "The Code of Conduct on the Safety and  
6 Security of Radioactive Sources." And there is a link  
7 to this document on the NRC website.

8 So what are radioactive materials in  
9 quantities of concern? The 16. You can see them on  
10 the slide. These are the 16 commonly-used radioactive  
11 materials and their associated threshold limits. As  
12 you can see, the Category 1 quantity is a hundred  
13 times greater than the Category 2 quantities. And the  
14 value's in there, it's probably not completely legible  
15 in this slide. It's in your handouts and there is a  
16 poster with them all shown as well.

17 As I was pointing out, the Category 1  
18 quantities are a hundred times the Category 2  
19 quantities. If you think in terms of a gallon of  
20 paint, that would be a Category 2 quantity. If you  
21 have a hundred gallons of paint or essentially two 55-  
22 gallon drums of paint, you have a Category 1 quantity.

23 I talked about the orders that were issued  
24 after September 11. There were four main -- major  
25 orders that were issued in 2003, 2004, and 2005. The

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1 first one that was issued was for Large Panoramic  
2 Irradiator Licensees. The second one was for  
3 Manufacturing and Distributor Licensees. The third  
4 one was for Transporters of Radioactive Materials in  
5 Quantities of Concern. And then finally for Other  
6 Material Licensees. And based on this, like I said  
7 earlier, we issued orders to more than 2,000 licensees  
8 through these efforts.

9 Okay. Now I'm going to talk a little bit  
10 about our process. Here at the NRC we value the  
11 public involvement in our regulatory process and we're  
12 committed to keeping the public also informed.

13 By its nature the rulemaking process is  
14 deliberative and takes time. The process has now  
15 started and our first step is developing what I  
16 mentioned: The technical basis. And the technical  
17 basis is the document that identifies the regulations  
18 the staff believes need to be either revised or added  
19 and have new requirements.

20 All the information gathered during these  
21 meetings and from the written comments will be  
22 considered in our technical basis. Once the technical  
23 basis is complete and goes through all sorts of review  
24 within the NRC, it will be used to develop a draft  
25 proposed rule.

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1           And, again, the draft proposed rule will  
2 go through all sorts of review within NRC and will go  
3 up to our Commission for approval.

4           After Commission approval the draft  
5 proposed rule will also be published for public  
6 comment. Again we'll gather and disposition all those  
7 comments. And those comments will be used to inform  
8 the final rule. Again, the final rule will go through  
9 all sorts of review within the NRC and it will go  
10 again to the Commission for approval.

11           After the public -- after all the public  
12 comments are resolved, the final rule is published.  
13 And usually a final rule is effective 30 days after  
14 publishing.

15           Right now our plans to complete the  
16 technical basis this spring, spring of 2008, and the  
17 comments we receive at these meetings and written into  
18 us will be answered on our public website.

19           The draft proposed rule is scheduled for  
20 publication spring 2009. And then the new rule is  
21 expected to be published in 2010.

22           The basically ends what I have to say.

23           MR. RAKOVAN: Thanks, Adelaide.

24           I just wanted to open up the floor up in  
25 case anybody had any questions about the material that

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1 Adelaide covered.

2 Okay. Seeing no hands shoot up, let's go  
3 ahead and take a break before we get into the security  
4 requirements. We don't have a clock up in here  
5 unfortunately, so let's go by my watch. I have  
6 approximately ten after 1:00, so we'll start up again  
7 in about 15 minutes. So about -- I'm sorry -- 1:10,  
8 so that would be 1:25. I know what time zone I'm in,  
9 really.

10 (Recess taken from 1:10 p.m. to 1:25 p.m.)

11 MR. RAKOVAN: Okay. We're going to go  
12 ahead and get started again. Just to give you an idea  
13 of what to expect, Susan Bagley here is going to go  
14 through some of the requirements that we've thought  
15 about in terms of what should be incorporated into  
16 these regulations.

17 Now these are just kind of our first  
18 thoughts. These are just kind of our starting points.

19 What we're looking for, and of course you can share  
20 them here during the meeting in terms of discussion  
21 or, as Bob said earlier, if you want to send them to  
22 us in writing, or whatever, what we're looking for is  
23 your perspective on, you know, what should be  
24 incorporated into these regulations. 'Well, you know,  
25 I see you guys have thought about this, but, no, what

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1 I think you should do is this. And this is my  
2 reasoning behind that.'

3 So Susan's going to go kind of topic by  
4 topic and then we're going to open the floor up to see  
5 if anybody has any questions or comments that they'd  
6 like to share.

7 We're going to probably have to play  
8 around a little bit depending on the microphones to  
9 make sure that we can catch everybody. And so I'll be  
10 looking to our transcriber just to make sure that  
11 we're picking you up.

12 The one microphone that we have in the  
13 audience is right here. So, again, we'll just kind of  
14 play with it as it goes.

15 But, Susan, why don't you go ahead and  
16 start us off.

17 MS. BAGLEY: Thank you, Lance.

18 Good afternoon. Again, I'm Susan Bagley  
19 and I'd like to thank you for coming. And I  
20 appreciate you giving us your comments today.

21 Adelaide provided you some background on  
22 the NRC, Nuclear Regulatory Commission, and our  
23 mission to protect people and the environment. She  
24 explained there are several methods we use to do that:  
25 Advisories, orders, and regulations; and that at this

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1 point we're at the regulation phase so that we can  
2 include more public comment.

3 Prior to 9/11, as Adelaide said,  
4 regulations focused on protecting the public from  
5 inadvertent or accidental exposure to radioactive  
6 material. Since 9/11 we've been working to ensure  
7 that we can protect the public from a purposeful  
8 attempt to misuse radioactive material. In light of  
9 that, these security measures are designed to  
10 protect against theft and diversion.

11 In the event of an attempted theft or  
12 diversion, ensure that the attempt is promptly  
13 detected, assessed, and reported. What do we mean by  
14 "prompt"? Right away or without delay. We also want  
15 to ensure prompt law enforcement notification and  
16 response.

17 The final enhancement we are looking at is  
18 delivery confirmation, which ensure that none of this  
19 material goes unaccounted for, somehow lost in  
20 transit.

21 So now I'd like to review the individual  
22 security measures that we have kind of formulated as a  
23 basis to gather your comment. They're kind of  
24 designed to elicit as much response from you as we --  
25 as we can. So please -- that's why we're here, is to

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1 get your response.

2 Each of these requirements exist today --  
3 it's not time for the next slide.

4 MR. RAKOVAN: Sorry.

5 MS. BAGLEY: Okay. Each of these  
6 requirements -- I forgot my glasses, so if I stand  
7 back there my notes are too low. So I have to stand  
8 up here.

9 Each of these requirements exist today in  
10 different orders and are being followed today and  
11 every day for the past few years. But, as Adelaide  
12 explained, orders are a more immediate solution to a  
13 new or changed situation, i.e., the terrorist threat  
14 of 9/11.

15 Changing federal regulations takes longer  
16 and one of the reasons it takes longer is so we can  
17 gather comments and concerns from the public to ensure  
18 that we have a comprehensive requirement when we are  
19 done.

20 Oh, you're right. I show have changed  
21 sooner, shouldn't I.

22 Okay. These are the seven areas that  
23 we've -- we've grouped it to kind of focus your  
24 comments in each of these. Okay, here we go.

25 Verification. Valid license to possess

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1 and valid address to send the shipment to.

2 Planning and coordination. Plan the  
3 routes, coordinate with the effective states.  
4 Coordinate with the receiver.

5 Notifications. Advanced planning on who  
6 to call in different situations. That includes both  
7 required and courtesy calls. Have a plan.

8 Communications. This has to do with the  
9 truck itself. Two ways for that driver to communicate  
10 while the shipment's on the road.

11 Drives and assistants. They're a key  
12 piece to the security of this material. Keep it  
13 moving and watch it when it's stopped.

14 Finally, procedures. Plan in advance  
15 responses to an event. Protect the information from  
16 unnecessary disclosure. This is your need-to-know  
17 area.

18 The finally enhancement are: Portable and  
19 mobile devices. Adelaide showed you photos of some of  
20 these devices during her presentations. They're  
21 basically industrial, medical equipment that travels  
22 from site to site in a company or a private vehicle.

23 The highlighted category at the end of  
24 each line indicates the category of material we are  
25 suggesting these enhancements should apply to.

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1 Because we're covering both Category 1 and Category 2  
2 material in this rule, we are going to discuss all the  
3 enhancements. But some of the -- because we're  
4 measuring the threat against -- and the misuse of this  
5 material, not all of the measures will apply to the  
6 smaller or lesser quantity of material.

7 The verification enhancements we are  
8 suggesting. They apply to shipments involving the  
9 larger quantities of material.

10 Requirement 1 is not a new requirement.  
11 Many of you in this audience know that. However, the  
12 requirement for the shipper to make direct contact  
13 with the NRC or the licensee agency, i.e., the  
14 agreement state is currently the regulations provide  
15 for several ways to verify the license of the  
16 receiver. These new requirements will -- they'll only  
17 have the one option. They have to directly contact  
18 the regulatory authority.

19 Requirement 2 is for unusual purchases,  
20 which would be the amount of material, the type of  
21 material that the company is requesting. These  
22 companies have longstanding relationships. It's  
23 really a relatively small field. People understand  
24 what kind of material you should be ordering. So when  
25 they see an order out of the norm or an order for

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1 material that you've never used before, they need to  
2 call and verify that that's a legitimate order.

3 Requirement 3 should also include the word  
4 "different," not just "temporary," because the point  
5 is to make sure the material is protected from being  
6 purposefully misdirected. So whether it's a temporary  
7 location or a different location from where the  
8 material's normally shipped, any time that happens the  
9 shipper needs to verify with the receiver that that's  
10 the correct address they want the material sent to.

11 This is the end of the verification  
12 category. And, as Lance said at the beginning,  
13 instead of waiting to the end of my presentation,  
14 we're going to try to take questions on each category.

15 MR. RAKOVAN: So if anybody has any  
16 insulate or any perspective that they'd like to share  
17 on this specific category, if they have any questions  
18 you can do it now or obviously you can do it later on  
19 in the meeting as well. We're not going to say,  
20 'Okay, the door's closed on verification, we're moving  
21 onto the next topic. So heck with you.'

22 But any particular comments or questions  
23 on this particular topic at this time?

24 MR. SHEPARD: Could we expand on the word  
25 "direct contact"?

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1 MR. RAKOVAN: Sir, if you could let us  
2 know who you are?

3 You can pick him up from there all right?

4 THE REPORTER: Yes.

5 MR. RAKOVAN: Okay. If you could just let  
6 us know who you are and who you're with?

7 MR. SHEPARD: I'm Randy Shepard with  
8 Impēva Labs.

9 What is intended by direct contact? Is  
10 that you pick up the phone, you can mail something?

11 MS. BAGLEY: Well, direct -- I mean mail  
12 would work if you're talking snail mail. But direct  
13 contact would be -- you'd want to expedite it. I mean  
14 obviously these are companies that are in business, so  
15 they're going to call. They're going to call the NRC,  
16 they're going to call the agreement state, they're  
17 going to call the licensing or the program -- what we  
18 call the program manager, the licensing manager and  
19 say, 'Hey, I got a request from ABC Radiography. I've  
20 never heard of them before. Do they actually have a  
21 license? And do they -- you know, can they possess  
22 this amount?'

23 And then whoever they speak to is going to  
24 say yes or no. So that's what we mean by direct.

25 Again, if you have a relationship with

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1 your regulator, then it could -- the mailing says,  
2 'Hey, Jane, got this request by email,' you know. So  
3 there are different ways to do direct, but it must be  
4 from the shipper to the regulator. That's what we  
5 mean by direct.

6 MR. THOMPSON: May I ask that the --

7 MR. RAKOVAN: Can you let us know who you  
8 are for the transcript?

9 MR. THOMPSON: Yeah.

10 MR. RAKOVAN: And I'm not sure she can  
11 pick you up over there.

12 MR. THOMPSON: James Thompson and I'm a  
13 Region IV NRC Inspector. I think in the past what we  
14 did is what licensees would do is have on file  
15 licensees, or if you get an order from a new company  
16 that you haven't heard of, they fax you a copy of  
17 their license. Well, we no longer want just for you  
18 to receive a copy of a faxed license from a licensee.

19 We want you to make contact with the issuing  
20 authority whether it's the agreement state or the NRC  
21 to make sure that license is legitimate. I think  
22 that's the driver behind that.

23 MS. BAGLEY: Yes. Thank you, James.

24 MR. RAKOVAN: Any other questions or any  
25 comments on this particular topic?

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1 MS. BAGLEY: And we do need agreement-  
2 state input on this because obviously this is adding  
3 to your workload. It's also something that you're  
4 going to have to figure out how to handle. If the  
5 requirement is out there, people are going to call.  
6 So your licensees are going to need to know who to  
7 call and how to do it. So -- and you may have that in  
8 place, so.

9 MR. RAKOVAN: Sure. If you could just  
10 identify yourself.

11 MR. PRENDERGAST: Kent Prendergast,  
12 Radiologic Health Branch, we're the agreement state,  
13 for the State of California, and we're already  
14 implementing that. That's just part of stuff that  
15 came along with ICs and has been moving along since  
16 then.

17 We go out and inspect all new licensees  
18 who we're not familiar with and any changes to their  
19 licenses or other things along those lines.

20 MR. RAKOVAN: So this is something that  
21 you would support?

22 MR. PRENDERGAST: This is something that  
23 we support and we're already doing.

24 MR. RAKOVAN: Very good.

25 MS. BAGLEY: Great. And if then in that

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1 case if you had any suggestion of smooth ways,  
2 smoother ways or ways to refine how we write it in the  
3 reg, that's also appreciated.

4 MR. SHEPARD: As part of that contact, are  
5 you also validating a delivery address more than just  
6 a license?

7 MS. BAGLEY: Yes. Yes. And there's a  
8 later -- there's a later one that specifically  
9 mentions that you confirm the delivery or the  
10 temporary worksite is valid.

11 In other words, a license -- when you make  
12 that direct contact, you verify the license and the  
13 address that they are authorized to receive shipments  
14 at.

15 But I do need to remind you, I think Lance  
16 will, if we all state our names first, then it's  
17 easier for her when she has to transcribe to attribute  
18 your comments.

19 MR. RAKOVAN: Thanks, Susan.

20 MS. BAGLEY: Thanks.

21 MR. RAKOVAN: I'll pause one more time  
22 just to see if anybody else has anything else they  
23 want to throw out on this one at this time.

24 Sir, again, if you could just identify  
25 yourself for the record.

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1 MR. PRENDERGAST: Kent Prendergast,  
2 Radiologic Health Branch.

3 MR. RAKOVAN: Thank you.

4 MR. PRENDERGAST: There wasn't in the last  
5 one: Verify the addresses for the temporary worksite  
6 as valid. Now that's something that the licensee is  
7 going to do. Like an example, industrial  
8 radiographers are going to do a field shot somewhere  
9 near the Martinez location. Now how do they verify  
10 that the field site is valid, other than the fact that  
11 someone says, 'Hey, I need you to go take some shots  
12 of this piling or this bridge or this apartment  
13 building, check the rebar'?

14 MR. RAKOVAN: Gary, you want to...

15 MR. PURDY: Oh, yes. Gary Purdy, NRC.  
16 These requirements are for the transfer of material  
17 from one licensee to another. For example, from an  
18 M&D to someone else.

19 MR. PRENDERGAST: This doesn't involve  
20 like the standard industrial --

21 MR. RAKOVAN: Right. Sorry, Gary. "M&D"?

22 MR. PURDY: Oh, manufacturer and  
23 distributor licensee.

24 MR. RAKOVAN: Thank you.

25 MR. PURDY: Thank you. Sorry.

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1 MR. RAKOVAN: That's all right.

2 Sure. If you could, just start talking,  
3 let us know who you are, and I'll make sure that we  
4 pick you up from back there.

5 MS. GIANTELLI: Lance? I just -- this is  
6 Adelaide Giantelli. I just want to add one more thing  
7 to what Gary said. We will get into portable and  
8 mobile devices in a later one, so if you can hold that  
9 comment we can possibly address it then. Thank you.

10 MR. RAKOVAN: All right. Sir, if you  
11 could let us know who are and then --

12 MR. CARVER: Mark Carver with Entergy.

13 THE REPORTER: I'm going to need him to  
14 move forward.

15 MR. RAKOVAN: Yeah. Do you mind? Come  
16 forward. Okay.

17 MR. CARVER: Mark Carver with Entergy  
18 Services. The question is, and I think it was  
19 mentioned earlier, is this going to affect the  
20 verification process out of 10 CFR 30, Part .41, which  
21 allows you other measures to verify the licensee's  
22 information?

23 MS. BAGLEY: Yes.

24 MR. CARVER: So is it going to be a change  
25 to Part 30.41 or is it just going to be a new portion

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1 of the regulation?

2 MS. BAGLEY: If it's a new portion of the  
3 regulation, it will also change that part. It will be  
4 a pointer. There will be a pointer in both places, so  
5 that you won't be able to read it in one place and not  
6 know, because in the -- where it is now it will say:  
7 However, if you're dealing with such-and-such  
8 quantities, see paragraph so-and-so.

9 MR. RAKOVAN: Is that -- is that --

10 MS. BAGLEY: You know, because we hadn't  
11 gotten to the writing part, but that's how we would do  
12 it.

13 MR. RAKOVAN: Yeah. So I mean I guess my  
14 follow-up question would be is that something that you  
15 would support, the way that she's explained it, or do  
16 you have a different way of doing it?

17 MR. CARVER: Yes.

18 MR. RAKOVAN: Yes, you'd support?

19 (Laughter.)

20 MR. RAKOVAN: I gave you two choices. It  
21 wasn't a yes or no question.

22 MR. CARVER: Yes, because we have a very  
23 limited place we send things. So my concern wouldn't  
24 be a problem.

25 MR. RAKOVAN: Okay. You got that?

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1 THE REPORTER: Yes.

2 MR. RAKOVAN: All right. Shall we go  
3 ahead and move to the next category then?

4 All right. Susan.

5 MS. BAGLEY: Okay. There are two slides  
6 in Planning and Coordination. Departure time is  
7 coordinated with state authorities to allow states the  
8 opportunity add any additional security measures they  
9 deem necessary when the shipment moves through their  
10 state. This is a very important piece of the  
11 planning, planning your route.

12 Timing is everything. It's a money issue  
13 for the licensee and it's a money issue for the state.

14 They got to pay their workers if they're meeting you  
15 at the border. Licensees have to pay the trucker if  
16 they're meeting. So this is an important piece that  
17 both the states and the licensees have to work  
18 together on.

19 And anybody who has comments on how to  
20 make this work smoothly is appreciated.

21 Arrival time is coordinated for both  
22 categories of material, not just the larger amounts.  
23 Why is that? Goes back to my statement earlier today,  
24 that we don't want any of this material to be missing  
25 or lost. We want it all to be accounted for. So both

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1 the shipper and receiver are responsible to talk to  
2 each other, to set an arrival time, and then at that  
3 arrival time to talk to each other. 'Did it arrive?'

4 'Didn't arrive.' 'Why didn't it arrive.'

5 Receipt confirmation. Again, requirement  
6 on both the shipper and receiver to contact one  
7 another. It's a good business practice. Make sure  
8 what you send somebody actually arrives. For us it's  
9 a good security and safety practice. Make sure the  
10 material arrives.

11 Preplanning and coordinating the shipment  
12 with state authorities allows the states the  
13 opportunity to develop emergency procedures, arrange  
14 escorts, and require preplanned actions for drivers,  
15 shippers, and receivers. Again, licensees have to  
16 contact the state.

17 This is the state's opportunity to say,  
18 'If there's an emergency, these are the places we want  
19 you to go. If you feel like you're being followed,  
20 these are the places we want you to go. If you get a  
21 flat tire. If anything happens, this is the phone  
22 number we want you to call.' That's what this is  
23 about. Gives the states the opportunity to put some  
24 more control without costing anybody really any money.

25 It's not going to cost the state any money. It's not

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1 going to cost the licensee any money, but it's going  
2 to put that shipment in contact with someone in that  
3 state, if the state so desires. If the state doesn't  
4 desire it, it doesn't have to happen. But this gives  
5 the states a little more control of that shipment as  
6 it goes through their borders.

7 Carriers differ from shippers in that  
8 carriers are the actual trucking company that  
9 physically moves the material and carriers are not  
10 normally NRC-license companies. Carriers are  
11 regulated by the Department of Transportation. And  
12 DOT regulations include strict requirements for moving  
13 radioactive material on public highways and roadways.

14 So when we talk about commercial tracking  
15 systems, these systems are available from your USPS,  
16 the regular Postal Service; FedEx; UPS; DHL. Those  
17 tell you where the package was last. This is for  
18 movement of Category 2 material. There's a delivery  
19 time attached to these.

20 Continuous and active monitoring means the  
21 tracking system can pinpoint the shipment to a  
22 relatively small geographic area

23 The driver needs to be able to contact  
24 assistants if they need it. It requires the drivers  
25 have physical or visual control of the material at all

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1 times and the ability to call for assistance. So  
2 that's the final one there, the final two.

3 The driver maintains control. He's got it  
4 on his truck. He maintains control of that shipment.

5 He's planned -- his route is planned. He knows where  
6 he's going. He knows where he's stopping if he needs  
7 to stop. And if he has to stop, then he needs to make  
8 sure that he stays in control of that material.

9 The last three are Category 1.

10 MR. PRENDERGAST: Kent Prendergast,  
11 Radiologic Health Branch. Will there be any  
12 requirements on the workers or drivers of the common  
13 carriers or these gentlemen here that you're referring  
14 to?

15 MS. BAGLEY: The DOT already has  
16 requirements on people who have a license to drive  
17 this type of material. So the DOT requirements on the  
18 driver will be satisfactory, but they have to be --  
19 you know, under DOT requirements, have the appropriate  
20 licenses to move this type of material.

21 MR. PRENDERGAST: So is that more than  
22 like 49 CFR or 172700 for a specific IC training,  
23 increased-controls training or...

24 MS. BAGLEY: Well, James, do you want to  
25 answer this? Go ahead.

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1 MR. THOMPSON: Yeah. This is James  
2 Thompson, Inspector. The DOT has certain requirements  
3 and one of those requirements is in order to transfer  
4 radioactive material you have to have a commercial  
5 driver's license. Well, in order to transfer  
6 hazardous materials such as radioactive material you  
7 have to have what's considered a hazardous material  
8 endorsement on your CDL. And that's required. I  
9 think there's 40 hours of training for that. It's a  
10 one-week course. It includes fingerprinting. You  
11 have to have a criminal history background check, all  
12 that stuff, just to get an HME to attach to your CDL  
13 to be able to transport this material per DOT  
14 regulations.

15 MR. RAKOVAN: James, "CDL," please?

16 MR. THOMPSON: I'm sorry. Commercial  
17 driver's license, CDL.

18 MR. RAKOVAN: Thank you.

19 MR. THOMPSON: HME, hazardous material  
20 endorsement. DOT, Department of Transportation.

21 MR. PRENDERGAST: Very good. Very good.

22 MR. RAKOVAN: Very thorough. Thank you.

23 MR. THOMPSON: Does that answer the  
24 question?

25 MR. PRENDERGAST: Yes.

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1 MR. THOMPSON: Okay.

2 MR. RAKOVAN: Please. If you could, yeah.  
3 Just make sure that we get you in the...

4 MR. CICALA: Sure. Conte Cicala. I'm a  
5 transportation lawyer. And my follow-on question is  
6 just related to that, is there any expectation that  
7 this process will also result in any changes to the  
8 transport regulations that were just alluded to?

9 MS. BAGLEY: We do and are working with  
10 DOT to make sure that our regulations work hand in  
11 hand. And we have -- right now we have no specific  
12 plans with DOT, but in the future, again, we want  
13 theirs to mirrors ours. So whether they then pick up  
14 some of this, we really can't address because we  
15 aren't that far. But, yes, it could happen, but right  
16 now --

17 MS. GIANTELLI: Let me jump in.

18 MS. BAGLEY: Go ahead.

19 MS. GIANTELLI: Adelaide Giantelli. We're  
20 not going to speculate on what DOT's planning to do in  
21 the future. It wouldn't be appropriate for us to  
22 speculate on that. But as Susan said, our plans are  
23 that our requirements will work together with anything  
24 the Department of Transportation and DHS, the  
25 Department of Homeland Security, put in place. And we

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1 are in discussions with them to assure that that  
2 happens. We are trying to be considerate of not  
3 overlapping requirements.

4 MR. CALDWELL: And this is Bob Caldwell.  
5 Specifically on the third meeting we've invited them  
6 in and they're supposed to be there. So they should  
7 be at our third meeting here in Washington, D.C. on  
8 this particular subject in, again, an effort to  
9 coordinate between the different government agencies  
10 so that we're all marching to the same tune so we're  
11 all working together. Thank you.

12 MS. MIRANDA: Grace Miranda, Sandia  
13 National Labs, Livermore. If these requirements do  
14 make it into the Code of Federal Regulations, then  
15 they become law and they're subject to audits and  
16 things like that. The number 3 requirement is confirm  
17 receipt of the shipment. Is that a phone call or if  
18 you don't document it, it didn't happen? Would that  
19 be something we'd need to get in writing? Or keep a  
20 record of it, document that you did call somebody and  
21 confirm the receipt?

22 MS. BAGLEY: Well, don't move away because  
23 you're probably going to have to answer my question.

24 MS. MIRANDA: Oh, okay.

25 MS. BAGLEY: That's exactly what we want

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1 to know from you. We want your comment on should we  
2 be very prescriptive and say: Confirmation of receipt  
3 must be documented in writing and kept for three  
4 years, must be in writing, you know. Again, in  
5 writing means you don't know, I got it, till I mail  
6 you a letter, or documented in writing. We understand  
7 there are different things.

8 MS. MIRANDA: Well, I would think that  
9 that would be something that, you know, should be  
10 auditable. I mean if it's important enough --

11 MS. BAGLEY: Yes. Okay.

12 MS. MIRANDA: -- to --

13 MS. BAGLEY: Yes.

14 MS. MIRANDA: -- require, then I would  
15 think that maybe not mandating that you get something  
16 in writing or a signature in writing, but at least  
17 documenting the date and who you spoke with, so.

18 MS. BAGLEY: And that's actually what  
19 we're looking for, things like auditable that we may  
20 think is intuitive but because we didn't prescribe  
21 that it must be documented that, you know, it could be  
22 overlooked. Thank you.

23 MR. PRENDERGAST: Kent Prendergast, RHB.  
24 I guess three years is a nice requirement for those  
25 kinds of records, and it should be somebody authorized

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1 to pick up that shipment or to sign for a receipt.  
2 Not the guy who's working down the warehouse who  
3 nobody knows.

4 MS. BAGLEY: Right. Confirmation from the  
5 individual who's authorized to receive the material?

6 MR. PRENDERGAST: Right. Yes.

7 MS. BAGLEY: Great. Thank you.

8 MR. SHEPARD: Randy Shepard, Impēva Labs.  
9 So does that imply a signature is simple enough for  
10 audit or were you talking biometrics?

11 MS. BAGLEY: No, sir. What I'm thinking  
12 is if I talk to you and you're the person who's  
13 supposed to receive it and you say, 'Yeah, I got it,'  
14 then as the shipper I make that in my log. 'Spoke to  
15 John on such-and-such day. Received shipment 5:07.'  
16 And that log is then maintained by me for inspectable,  
17 auditable purposes.

18 MR. THOMPSON: This is James Thompson,  
19 Inspector. I probably talk loud enough for everyone  
20 to hear me. I'll move over anyway. What we've seen  
21 in the past, when through the inspections is  
22 everything from a telephone call that was written  
23 down, 'I spoke to such-and-such on this date,' no --  
24 I've never seen a signature required on any of this  
25 documentation, by the way. But just a -- and an email

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1 is a very popular way. You can print it out and keep  
2 it there for inspection purposes. A facsimile; I've  
3 even seen some of those maintained for inspection  
4 purposes.

5 But it is actually a requirement as of now  
6 under the order to maintain this documentation for  
7 inspection. I think part of what Susan is asking for  
8 public input about whether we should codify that and  
9 take it from the order and make it into the rulemaking  
10 process that we're talking about. So as of now it is  
11 required under order, but we're kind of wondering the  
12 stakeholder input as to whether that should be brought  
13 over and put into the rule.

14 MR. PRENDERGAST: Kent Prendergast again,  
15 Radiologic Health Branch. Part 30 already requires  
16 records, the receipt, use, and disposal. So we're  
17 asking a verification and so you're really not asking  
18 for too much.

19 MR. RAKOVAN: Well, it depends. What  
20 should we be asking for.

21 MR. PRENDERGAST: No, I think what you're  
22 asking for is appropriate.

23 MR. RAKOVAN: Okay, there we go.

24 MR. PRENDERGAST: You twisted my arm.

25 MR. RAKOVAN: That's the input we're

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1 looking for.

2 Randy.

3 MR. SHEPARD: Randy Shepard with Impēva  
4 Labs. On your last point, 5.d., you talk about  
5 immediate capabilities. Somewhat earlier you had  
6 mentioned redundancy there, at least two means. Could  
7 you expand on that?

8 MS. BAGLEY: Yes. And I will touch again  
9 on it in communications. But redundant we mean two  
10 separate types of communication. So that doesn't mean  
11 two cellphones, AT&T and Sprint. It means a cellphone  
12 and CV.

13 It doesn't mean your computer in your car  
14 and your CV, both of which operate off your car  
15 battery. Because if your car battery goes, then  
16 you've got neither. So you need to have two different  
17 types that, one, don't rely on the same transmittal  
18 mode, cell towers; and, two, the same power mode, your  
19 car battery. So that if one doesn't work, the other  
20 one does. So that's what we mean by separate and  
21 redundant.

22 MR. RAKOVAN: Anything else on this  
23 particular subject before we move onto the next topic?  
24 Again, we're not necessarily closing discussion.

25 All right. Susan.

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1 MS. BAGLEY: Okay. Notifications. First,  
2 shippers must notify the NRC and affected is Texas  
3 before shipping. Seven-day requirement right now is  
4 in the orders.

5 Notification could be electronic or  
6 written. What's ever working best. I know for us  
7 electronic works really well at the NRC.

8 Requirement 2 ensures shippers and  
9 receiver are in touch at delivery time and initiate an  
10 investigation if the shipment is missing. And I know  
11 a lot of these things seem to appear in the different  
12 categories. It's just because we want to capture  
13 everything in every way we can so that there is no  
14 room to say, 'But I didn't know.'

15 Investigation would include calling a  
16 driver in the case of Category 1 shipment and tracking  
17 the package through the online process for Category 2  
18 shipments.

19 And Requirement 3 requires that law  
20 enforcement, NRC, and the state authorities be  
21 notified if investigation reveals that the shipment  
22 may be lost, missing, or have been stolen. Here we're  
23 specifically looking for comments on the agreement  
24 state licensees and the method they use to contact the  
25 NRC. Because they are agreement-state licensees,

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1 however we feel very strongly that there is a shipment  
2 missing and it is an agreement-state licensee, that we  
3 would like to be notified. So whether that should be  
4 the responsibility of the licensee or the agreement  
5 state, because we are talking about prompt and  
6 immediate notification is an area we are looking for  
7 comments.

8 MR. RAKOVAN: Okay. Any discussion, input  
9 on notifications?

10 MR. SHEPARD: Randy Shepard, Impēva Labs.  
11 Again your point up above about the driver requiring  
12 to maintain control. One other type of notification  
13 that might be appropriate is if he or the shipment is  
14 compromised such that he is no longer able to maintain  
15 control, you know, i.e., a traffic accident or some  
16 type of breakdown or maybe a loss of his means of  
17 redundant communications, wouldn't that prompt a  
18 requirement for information?

19 MS. BAGLEY: That's a very good comment.

20 MR. PRENDERGAST: Kent Prendergast,  
21 Radiologic Health Branch. Currently the way it works  
22 now in the State of California is the licensees notify  
23 us, then we notify you guys. So in my opinion, again  
24 this is my personal opinion, that it would be -- it  
25 would be fine for the licensee to notify the HOO

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1 because they're there 24 hours a day. I know it's a  
2 little more difficult to dig us up out of 24 hours a  
3 day.

4 MR. RAKOVAN: And by the "HOO" you're  
5 talking about the NRC Operation Center?

6 MR. PRENDERGAST: Right. Um-hum.

7 MR. RAKOVAN: Okay. Just want to make  
8 sure that everyone knows who the HOO is.

9 MR. PRENDERGAST: The World Health  
10 Organization.

11 MR. RAKOVAN: Oh, okay. I thought they  
12 were a rock group of some sort. You know, why are we  
13 calling Roger Daltry on that.

14 MS. BAGLEY: I think Dr. Suess has a whole  
15 village called the Who.

16 MR. PRENDERGAST: The rock band.

17 MR. RAKOVAN: Any other serious comments  
18 on this particular topic?

19 (Laughter.)

20 MR. THOMPSON: This is James Thompson  
21 again. I would just like to bring up -- since we are  
22 discussing different ways to comply with certain rules  
23 if it becomes rule, and one of the things that I saw  
24 through my RAMQC inspections over the past year was  
25 that -- or should I say 12, 13 months -- is that that

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1 notification time, some licensees were waiting till  
2 they had all the information to notify the NRC. Well,  
3 sometimes they didn't have all the information seven  
4 days in advance. So some of them was notifying the  
5 NRC with the information that they had before the  
6 seven-day time period and some of the licensees just  
7 waited until they had all the information, which  
8 sometimes was a day before the shipment.

9 And this seems to be a problem across the  
10 board because sometimes the carriers can't give them  
11 the exact information, all that seven -- I think there  
12 was about seven things they have to have in the  
13 notification, and they didn't have all that, so some  
14 of them wait.

15 And I guess what I'd like to see is what  
16 we come out with on those inspections findings is that  
17 licensees are expected to contact us within seven days  
18 of what they know about the shipment and then follow  
19 that up as soon as they get the other information,  
20 okay, because you're not -- it's obvious now to me  
21 after doing these inspections, the licensee is not  
22 always going to know everything at least seven days in  
23 advance.

24 So we're expecting as of now is for them  
25 to contact us with what they have at least seven days

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1 in advance and then after that follow it up.

2 MR. RAKOVAN: Does anybody want to react  
3 to what James said, positive, negative? Anybody want  
4 to piggyback on his comment?

5 All right. Fair enough.

6 Any other discussion on the topics that  
7 we've gone over so far or should we go ahead and move  
8 forward?

9 All right. Let's move forward.

10 Susan.

11 MS. BAGLEY: Okay. Before we begin to  
12 discuss the suggested communications enhancements, I'd  
13 like to define the concept of a communication center.

14 A communication center is a seven-day-a-week, 24-hour  
15 number, place physically occupied by people who work  
16 there.

17 Now it could be your own company, if you  
18 have that capability and you set up a communication  
19 center. You don't have to call it communication  
20 center. You can call it operations center. You can  
21 call it central control, you can call it whatever you  
22 want. Or you can hire a company. There are lots of  
23 companies, they're the same companies that monitor  
24 home alarms and business alarms. They're a 24-hour  
25 company whose business is to respond and be there if

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1 needed. So that's what we mean by a communication  
2 center.

3 It doesn't mean you have to, you know,  
4 hire people and create your own. But you have to  
5 either hire a company or do it yourself.

6 In the area of communications we've talked  
7 about redundant meaning back up or a second means of  
8 communication. Well, not only does -- I mean I went  
9 through this earlier. While it doesn't mean the  
10 driver needs a second means of communication, but the  
11 second type of communication cannot be subject to the  
12 same interference or failures as the first. Okay,  
13 we've gone over that concept.

14 The third enhancement up here provides a  
15 passive mean of communication. This is the GPS type  
16 tracking where we -- because you're constantly sending  
17 a signal, there's a way for that company to know where  
18 you are. That communication center, that company  
19 that's doing the GPS tracking for you. Whether it's  
20 the carrier, a separate company or your own company.

21 The fourth enhancement requires the driver  
22 to periodically call the communication center. This  
23 goes back to that gentleman's comment there about what  
24 does the driver do if he has an accident, and things  
25 like that.

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1           The driver will set up before he leaves  
2 periodic call-in times with the communication center.

3           If he misses any of those times, then the  
4 communication center has a set of procedures on what  
5 they're going to do if he misses those.

6           The driver -- they can also have  
7 arrangements on, you know, what happens. And later  
8 we'll talk about some of those procedures on what  
9 happens if the driver needs to stop.

10           Notifications and procedures need to be in  
11 place.

12           And the final assurance feeds right into  
13 this with the procedures in place to provide guidance  
14 to the driver. Back, again, if he has an accident,  
15 what is he supposed to do, who is he supposed to call.

16           Who does he call first. Does he need to call more  
17 than one person.

18           This is important because the carrier's  
19 already going to have this in place for his driver.  
20 It's his truck. The driver already pretty much knows  
21 what to do, but that doesn't satisfy those of us in  
22 this room's requirement because we're interested in  
23 the cargo. We're not so interested in that truck.  
24 We're interested in the cargo, where is the cargo.

25           So the driver also needs to know besides

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1 his carrier, is it then the carrier that's going to  
2 call the agreement state, the licensee, the NRC. Who  
3 -- or is it the driver who's going to be responsible  
4 to call the licensee, who's then going to call the  
5 agreement state, who's then going to call us. So that  
6 all needs to be defined.

7 Again, not necessarily prescribed in the  
8 regulation, but defined in procedures. Unless you  
9 have comments.

10 MR. RAKOVAN: That's all right. Any  
11 questions, comments, insight on communications? Yes.

12 MR. PRENDERGAST: I guess two things. One  
13 is who's going to authorize or register or determine  
14 whether a communication center is adequate or not? I  
15 guess will that be something that someone will provide  
16 and there will be a set of -- a checklist to see  
17 whether it meets all this requirement? Then that  
18 communication center is deemed appropriate, seeing as  
19 you --

20 MS. BAGLEY: I think -- maybe James can  
21 help out here. What happens is you set one up. James  
22 comes to check your program and then he validates  
23 whether it meets the requirements or not.

24 MR. PRENDERGAST: Because we see all kinds  
25 of things on licensees who listed a 24-hour emergency

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1 response number and they list my office number. They  
2 list -- and that needs to be looked at.

3 MR. RAKOVAN: Shall we turn it back --

4 MS. GIANTELLI: Yes.

5 MR. RAKOVAN: -- on you and ask you what  
6 you think it should be?

7 MS. GIANTELLI: Yeah, that's what I was  
8 going to ask.

9 MR. PRENDERGAST: Well, I think the NRC  
10 should probably go out and authorize or register or  
11 certify the appropriateness of some of these things or  
12 provide very clear guidance so that someone looks at  
13 them to make sure they contain the capability we  
14 expect.

15 The other one would be you contact a local  
16 law enforcement agency. I guess if you've got a long  
17 route and there's going to be a whole bunch of  
18 different jurisdictions along the way, who do you --  
19 what kind of procedures are you guys expecting him to  
20 have with an local law enforcement agency.

21 MS. BAGLEY: So we've got two issues I  
22 hear you say.

23 MR. RAKOVAN: "LOCAL LAW ENFORCEMENT  
24 AGENCY"?

25 MR. PRENDERGAST: Local law enforcement

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1 agency.

2 MR. RAKOVAN: Thank you. I just want to  
3 make sure.

4 MS. GIANTELLI: Lance, can I -- this is  
5 Adelaide Giantelli.

6 MR. RAKOVAN: Of course.

7 MS. GIANTELLI: Shall I -- as Susan was  
8 saying, you've identified two different issues. I  
9 wanted to flesh out the first one a little bit.

10 You are saying that for the communication  
11 center you'd like to see NRC authorizing them or do  
12 you want to see possibly in the proposed regulation a  
13 set of performance criteria for a communication  
14 center?

15 MS. BAGLEY: Yeah. Or well written  
16 definitions.

17 MR. PRENDERGAST: That sounds good to me,  
18 a set of performance criteria that someone can look at  
19 and it's, again like I brought this up earlier, it's  
20 auditable.

21 MS. GIANTELLI: Okay. Okay. So then --  
22 and then for the second one, -- I apologize. The --

23 MR. PRENDERGAST: I guess you find out  
24 you're missing a shipment somewhere between Nevada and  
25 Sacramento, you know, that's not good news. And the

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1 other part is: Okay, who do we contact to go check  
2 and see where that shipment is.

3 MS. BAGLEY: So that leads to the  
4 procedures. So when we say you must have procedures,  
5 again you -- are you suggesting that we should include  
6 in those procedures local law enforcement contacts as  
7 you drive through specific counties or 24-hour local  
8 law enforcement contacts; is that --

9 MR. PRENDERGAST: That would be difficult,  
10 but I don't know how else you would do it to get the  
11 right information. Kent Prendergast, Radiologic  
12 Health Branch again, if you're worried about me.

13 MR. RAKOVAN: No, no. I just -- there was  
14 a -- there was a nonverbal reaction in the back of the  
15 room and I was prompting the person who made it to see  
16 if she would come up and comment.

17 MR. PRENDERGAST: Well, bring it up.  
18 That's a difficult -- it's a difficult issue of, you  
19 know, who are you going to call.

20 MR. RAKOVAN: Did you want to come up and  
21 say something or are you just --

22 MS. YHIP: Kathleen Yhip, Southern  
23 California Edison. The requirement for licensees to  
24 check -- the proposed requirement for licensees to  
25 start contacting the local law enforcement agencies

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1 along a very long transportation route has a couple of  
2 challenges, first and foremost being the contact  
3 information. The contact person for a local law  
4 enforcement agency can change from time to time. And  
5 if I'm in California and I'm shipping to South  
6 Carolina, it is in many ways impractical for me to  
7 keep abreast of who the contact is for each local law  
8 enforcement agency in the various counties along the  
9 route.

10 The second aspect of that is as the  
11 licensee, while I understand security of a shipment is  
12 ultimately my responsibility, we narrow it in carrier  
13 space, which I believe, as the NRC said earlier today,  
14 is under DOT jurisdiction more so than NRC. So there  
15 are a couple of challenges I think when you look at  
16 imposing regulations on the licensee, not the carrier,  
17 in order to contact LLEAs.

18 MR. RAKOVAN: Thank you. Thanks for  
19 allowing me to bring you up.

20 Any other discussions or -- okay.

21 MR. SHEPARD: Randy Shepard, Impēva Labs.  
22 The requirement for passing -- or telematics or  
23 automated tracking, does the redundant communications  
24 also apply to that?

25 MS. BAGLEY: Yes.

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1 MR. SHEPARD: Okay. Now a type of  
2 interval seems appropriate; is that, you know, hourly  
3 kind of updates? Obviously continuous is impractical.

4 MS. BAGLEY: Yeah. When I say redundant,  
5 the GPS, you don't have to have two GPS systems. I  
6 thought you were asking do they also have to have the  
7 cellphone, yes.

8 MR. SHEPARD: Well, the information that  
9 the GPS records on a vehicle is -- needs to be  
10 communicated to the command, the communications  
11 center.

12 MS. BAGLEY: Right. Yes.

13 MR. SHEPARD: Does it have to have two  
14 ways redundancy in how it communicates that  
15 information to the communication center?

16 MR. RAKOVAN: Should it?

17 MS. GIANTELLI: The intention --

18 MS. BAGLEY: No. That --

19 MR. SHEPARD: We think it should.

20 MR. RAKOVAN: Okay. There you go.

21 MR. SHEPARD: Commercial -- commercial  
22 products that do that, so we think it should.

23 MR. RAKOVAN: I'm sorry. I'm sorry, what  
24 was that?

25 MR. PRENDERGAST: Telephone. A handheld

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1 GPS or a handheld telephone, cellphone, and the GPS  
2 would meet that criteria, because you've got two ways  
3 of communicating where you're at.

4 MS. BAGLEY: Okay. They're two separate  
5 -- they're two separate requirements, first of all.  
6 One is for the driver to be able to communicate that  
7 he is in trouble, okay. So that's where the  
8 cellphone, the CV radio, the computer in the car, the  
9 computer Qualcomm thing, that's -- or we want to find  
10 the driver. That's -- that's one requirement.

11 The other requirement, which is on  
12 Category 1 only, is to have something on that truck  
13 that's passive. The driver has no control over it, so  
14 that the communication center has a way of just  
15 knowing where that truck is, knowing where it is.

16 There are a lot of systems, geofencing can  
17 be used, and I don't want to get too technical here.  
18 But you can like put a big circle around New York City  
19 because you know the driver has family there and he's  
20 going to Brunswick and you want him to go -- you know  
21 his route is outside that way. And if he hits that  
22 border, it goes beep, beep, beep. Ah, he's going home  
23 to get some fried chicken from mom.

24 The systems are that sophisticated. And I  
25 know the systems will go to different cellphones. But

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1 we had really -- I mean cell towers and different ways  
2 to do that. But I mean that's a good comment on how  
3 prescriptive you want to describe the type of GPS that  
4 you --

5 MR. SHEPARD: Yeah. And the other one  
6 would be related to geofencing, --

7 MS. BAGLEY: Right.

8 MR. SHEPARD: -- so you could vary the  
9 interval of updates depending on where you're at.

10 MS. BAGLEY: Right. Right. Right.

11 MR. SHEPARD: Or then the third you  
12 mentioned is route deviation. You know, is that a  
13 requirement. And these --

14 MS. BAGLEY: Right.

15 MR. SHEPARD: -- I think, you know, with  
16 the state of commercial technology, these are things  
17 that should go in the regulation.

18 MS. BAGLEY: So they're available and you  
19 think that we should include --

20 MR. SHEPARD: Yes. Route deviation,  
21 geofencing, redundant communications or the GPS data.

22 MS. BAGLEY: Okay. Thank you, Randy.

23 MR. SHEPARD: Um-hum.

24 MR. THOMPSON: This is James Thompson.  
25 Can I ask a clarifying question on that? Are we

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1 talking about Category 1 only? Category 1 and 2?

2 MR. SHEPARD: No. I think Category 1 is  
3 fine. I think Category 2, you said FedEx was fine, so  
4 FedEx, UPS. So I'm -- on the same category, right.

5 MR. RAKOVAN: Anything additional  
6 involving communications?

7 I see some grins towards the back, but  
8 that's all right. We'll go ahead and move forward.

9 Susan.

10 MS. BAGLEY: Okay. This might get more  
11 grins here. Enhancements that affect drivers. Preset  
12 call-in times, preset stops. The driver should know  
13 when we expect to hear from him and where he's allowed  
14 to stop.

15 One driver always stays with the shipment,  
16 always stays awake; and if the shipment is stopped,  
17 checks the trailer for tamper indications while it's  
18 stopped.

19 For rail shipments, an escort is required  
20 whenever the railcar is not attached to a moving  
21 train. And I know we talked about this a little bit  
22 earlier. So that's for rail shipments. There's an  
23 escort in what they call the marshalling area, that  
24 would be required.

25 Not a good idea, good idea, too hard to

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1 do?

2 MS. YHIP: We provide written comments.

3 MR. RAKOVAN: You'll provide written  
4 comments?

5 MS. YHIP: Yes.

6 MR. RAKOVAN: Don't want to get into it  
7 right now?

8 MS. YHIP: No.

9 MR. RAKOVAN: All right. We respect that.

10 MS. BAGLEY: All right. That's what we  
11 want, comments.

12 MS. GIANTELLI: This is Adelaide  
13 Giantelli.

14 MS. BAGLEY: And suggestions.

15 MS. GIANTELLI: That's what we want to  
16 hear. We are gathering that type of information. We  
17 want to hear what works, what doesn't work. You know,  
18 that's the type of feedback we are looking for in  
19 these meetings, and that's how we want to help inform  
20 this new rule.

21 If something is truly impractical and --  
22 but the concept of what we're trying to reach, you  
23 agree with, give us a suggestion. I mean we want to  
24 hear it. Thank you.

25 MR. CALDWELL: This is Bob again. And

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1 that's the other item that you've alluded to. This is  
2 not the only time that we're going to take comments.  
3 Please, as you go through this, you see we've got it  
4 broken up into our seven different areas. you can  
5 scratch out those requirements, written in your new  
6 requirements, give us a little information of why you  
7 think this is good, this is bad. We're looking for  
8 anything. There's nothing sacred on any of these.

9 The only thing we're really asking for is  
10 your comments, your thoughts, and again I want to  
11 stress the basis. Because when we put together this  
12 technical basis, when we put together the proposed  
13 rule we've got to provide the Commission the pluses  
14 and the minuses to each of the actions and so that  
15 they can make an informed decision. And the only  
16 thing we want to do is the right thing. And so we  
17 want to make sure it's in the right perspective. We  
18 will only get that from the public and the  
19 stakeholders.

20 MR. RAKOVAN: And we'll be going -- at the  
21 end of the meeting, we'll be going over how you can  
22 get your comments in after today's meeting as well.  
23 So we'll probably finish today with that information.

24 MR. THOMPSON: And this is James Thompson  
25 again. I went through the last 12, 13, 14 months of

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1 doing the RAMQC instructions. And I'm just now  
2 healing up from all the bruises. I got pretty beat  
3 up. So, you know, I heard a lot of very good  
4 constructive comments on how difficult some of the  
5 portions of the rule was to follow because of the  
6 circumstances which were out of the licensee's  
7 control. And I took note of all those.

8 But open forums like this are really good  
9 to discuss those issues because it's someone else  
10 thinking, remembering about something that happened to  
11 them eight months ago. 'Oh, yeah, now I remember.  
12 That was a problem with me too because when I tried to  
13 go to this safe haven, they wouldn't let me in because  
14 they didn't want the litigation liabilities.' Those  
15 are the kind of things that we need to discuss so we  
16 can -- when we come up with the rulemaking, it helps  
17 everyone out to do their job and not to introduce  
18 unrealistic burdens.

19 MR. RAKOVAN: Okay. You want to go first?

20 Please.

21 MS. YHIP: Sure. Kathleen Yhip, Southern  
22 California Edison. A strong recommendation is that  
23 you guys talk to the railroads. They have unique  
24 constraints in terms of their labor for security  
25 clearances and also with regards to having an escort

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1 from outside the railroads themselves. At least  
2 during discussions prior to the original orders and  
3 advisories, railroads don't allow escorts that are not  
4 railroad employees.

5 So I strongly recommend you actively  
6 solicit comments from the railroads because when the  
7 Nuclear Energy Institute went out and developed  
8 guidance in response to the original safeguards  
9 advisories and orders, some of the challenges that  
10 were identified were clearly unique to the railroad.  
11 So you probably want to make sure that you address  
12 those.

13 MR. RAKOVAN: Thank you.

14 Randy.

15 MR. SHEPARD: Randy Shepard, Impēva Labs.

16 Given the technology for telematics devices, now  
17 something you should consider is associated with your  
18 geofencing is automated notification of unscheduled  
19 stops. You can basically designate in the geofence  
20 that the vehicle shouldn't stop and if it does that  
21 that sends a message.

22 MR. RAKOVAN: Anything else on drivers and  
23 assistants at this point?

24 All right. Susan, you want to go ahead  
25 and move onto the next one.

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1 MS. BAGLEY: Need to know. Shipment  
2 information is only shared with individuals with a  
3 need to know and information is not left on in the  
4 open on desks and computers.

5 Understanding what is normal and preparing  
6 for the unusual. That's Number 2, understanding what  
7 is normal.

8 Normal: Driver calls prior to departure.  
9 Sets up call-in times, provides name of assistant  
10 driver, verifies duress codes. That's normal. So  
11 everyone needs to understand what normal is so they  
12 can understand what is not normal.

13 Contingency planning. Contingency  
14 planning could include some of the following:  
15 Identifies when to use authentication or duress codes;  
16 provides training to drivers and assistants and  
17 communication center personnel on procedures. During  
18 an emergency should not be the first time an  
19 individual reads a procedure. That's it for this  
20 slide.

21 MR. RAKOVAN: Okay. Comment on procedure,  
22 I'm guessing?

23 MR. CARVER: I have -- Mark Carver,  
24 Entergy.

25 MR. RAKOVAN: Thank you.

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1 MR. CARVER: Have you thought about or how  
2 do you think that you'll have the inner involvement of  
3 the Safeguards Modified Handling Requirements,  
4 especially the ones that can't be disclosed? How are  
5 you going to make that part of the rulemaking?

6 A lot of the things we went over, the  
7 previous slides, have a lot of challenges for people  
8 when they have to deal with a communications center  
9 where they're not sure. If you talk about a company  
10 that just does home alarm system monitoring, how do I  
11 violated that they're the right people. At what level  
12 do I have to have somebody that's got a safeguards  
13 program in place and not to mention all the other  
14 requirements? Have you guys thought about that?

15 MS. BAGLEY: We understand the challenges  
16 and we appreciate the comments. What we're looking  
17 for and -- is there are assurances that these  
18 companies must give the other -- the commercial  
19 companies. There are assurances that they must give  
20 the other businesses that they protect. If they're  
21 monitoring alarms for companies and homes, there must  
22 be some assurances that they have put in place to make  
23 sure that their people are trustworthy and reliable.  
24 So we're not saying that they have to do it just on  
25 your behalf. So.

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1 MR. RAKOVAN: Adelaide.

2 MS. GIANTELLI: Susan, I'm sorry.

3 This is Adelaide Giantelli. Your -- Mr.  
4 Carver, you're saying that you want the regulation to  
5 also be informed on how to handle communication  
6 centers and information managed at communication  
7 centers. And whether or not that material is  
8 designated safeguards or official use only or  
9 proprietary, what level of classi- -- designation --  
10 excuse me -- that material will have, is that what  
11 you're asking us to consider in the rule?

12 MR. CARVER: That is not only just the  
13 communication center, you're talking about the  
14 notifications, changes in notifications. If you look  
15 at the communications within the states, the initial  
16 contact from a list is put out to the Federal  
17 Register. You may make the contact, but the person  
18 there makes a -- contacts somebody else. So --

19 MS. GIANTELLI: Okay.

20 MR. CARVER: -- I need -- is that going to  
21 be part of something that's put out that we'll know  
22 how to do that. Or is that something that's even a  
23 concern? Because for a nuclear utility, every nuclear  
24 utility has a safeguards program. Whether we changed  
25 it and adopted the modified handling is different.

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1 But going out and imposing requirements on carriers,  
2 carriers who are my communication center or dealing  
3 with sending a fax, which is not encrypted, to the  
4 NRC, sending a fax or a communication to a state, how  
5 do I handle that as far as the inner relations between  
6 requirements and being --

7 MS. GIANTELLI: And -- I'm sorry.

8 MR. CARVER: Go ahead.

9 MS. GIANTELLI: Adelaide Giantelli again.

10 So you're also asking for some criteria on how to  
11 verify the state officials that you're working with as  
12 well. Is that what I'm hearing as well? And --

13 MS. BAGLEY: I think he's talking about  
14 our -- is this shipment information going to be  
15 safeguards -- or safeguards modified information; is  
16 that what your question is?

17 MS. GIANTELLI: Right.

18 MR. CARVER: We make a lot of  
19 communications. We make a lot of notifications. And  
20 we do a lot of different things and at the beginning  
21 in the planning stage of the shipment and the  
22 coordination, it's some -- a lot of the information  
23 may be safeguards modified handling. Some of it may  
24 not be. It may be business disclosure. So --

25 MS. GIANTELLI: You're asking -- I was

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1 hearing two questions. I was hearing first that -- or  
2 two considerations. First, make it clear what the  
3 information is designated if it safeguards business,  
4 proprietary, or, you know, whatever they are. Make it  
5 clear what our expectations are; is that correct?

6 MR. CARVER: Correct.

7 MS. GIANTELLI: And then the second  
8 comment, I heard that you were talking -- you were  
9 alluding to the state person can change. It's  
10 published every year in the Federal Register, but  
11 sometimes it's changed and you get told to call  
12 somebody else. Are you talking about verification of  
13 that second person or are you talking about limiting  
14 the number of people in the state you have to notify,  
15 that it's not, you know, ten people within a state  
16 that have to be notified?

17 MR. CARVER: Yes.

18 MS. GIANTELLI: Yes to both?

19 (Laughter.)

20 MR. CARVER: So it can be both. I mean it  
21 may be a different person, but the individual  
22 designated in the Federal Register may be the right  
23 person, but they're going to tell you somebody else.  
24 That's just the way it has happened at some utilities  
25 and some contacts.

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1           The third one you missed and I don't know  
2 if that's important or not, but are you going to  
3 codify some of the requirements that are still  
4 safeguard, some of the time requirements, some of the  
5 things that are in the enforcement action? Is that  
6 going to be part of the thought process or are you  
7 going to still have a separate publication?

8           MS. GIANELLI: The -- what's the -- the  
9 plan right now is the rule will be publicly available,  
10 so the performance criteria, the physical protection  
11 plan you have to have I place, that's going to be  
12 publicly available.

13           MR. CALDWELL: Guidance on how you achieve  
14 that, we're going to try to minimize that, but there  
15 could be -- some of that could be safeguarded in terms  
16 of response times and things like that. But the rule  
17 is going to be publicly available. So.

18           MR. RAKOVAN: James, did you have  
19 something you wanted to add, interject earlier?

20           MR. THOMPSON: Yeah. I'd just like to say  
21 I think those -- or some of the more important  
22 comments I've heard as far as safeguarding material,  
23 the RAMQC order has some very interesting concepts in  
24 that it and that there were portions of it marked  
25 safeguards, okay. But transmitting this information

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1 to facilitate the transportation of the material, you  
2 could transmit it as official use only, security-  
3 relating information. I'm not transmitting it as  
4 safeguards. The communication center to the NRC, to  
5 the agreement statements.

6 So that was something that I was not used  
7 to. And it was a little more difficulty to inspect  
8 against, but I think that's a very important question  
9 as to who gets the information and who -- how you get  
10 it to them.

11 And that's something that we talked about  
12 in the regions and with headquarters as well. And I  
13 think an important part of safe urgent information is  
14 a need to know. And the licensee can determine if  
15 someone has a need to know that information to get a  
16 specific job done. And so the way it's been, the way  
17 it is now with the orders that are out, you can  
18 transmit this information on a nonsecure fax and  
19 everything to your communication center, to the  
20 agreement-state people.

21 I guess I would ask maybe is that  
22 something that we're, as an agency, going to continue  
23 with and the rulemaking process is to allow something  
24 that -- in this bucket is safeguards information, but  
25 when it gets to this bucket we can treat it as not

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1 safeguards to facilitate the transport of this  
2 material. What are your comments on that, Adelaide,  
3 or anyone?

4 MS. GIANTELLI: We're going to take that  
5 into consideration.

6 MS. BAGLEY: Right.

7 MS. GIANTELLI: That's the kind of  
8 information we're trying to gather here.

9 MS. BAGLEY: Right. We obviously support  
10 the way it's being done now. We actually support.  
11 And if that's working, we need to hear that. But if  
12 it's not working or you have other suggestions, then  
13 that's part of this meeting. But we understand that  
14 the material has to go to a lot of people, and  
15 transmitting it is the issue, which is why we've  
16 allowed the use of fax or email to do it. Because the  
17 other part is getting -- getting them the information  
18 at the last minute. There may not be enough time for  
19 the adversary to have planned to attack.

20 So that's our rationale behind that.  
21 Whereas while you are planning the shipments at your  
22 company, there's a much more over-time involved  
23 adversary obtaining that information. So we to make  
24 it work without making it too onerous, so that's the  
25 rationale behind the way we do it now.

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1 MR. RAKOVAN: Does anybody want to  
2 piggyback on that discussion or throw something else  
3 out at this point?

4 MR. PRENDERGAST: We're going to wait for  
5 you guys.

6 MR. RAKOVAN: You're going to wait for us.  
7 That's all right because, as we'll talk later, we'll  
8 let you know when the next, you know, chances you'll  
9 have for public involvement. And there will be more.

10 MS. BAGLEY: Right. Right.

11 MR. RAKOVAN: All right. Susan, you want  
12 to...

13 MS. BAGLEY: Okay. This is my last  
14 category for today: Portable and mobile devices.  
15 Again, these are the devices that are used in the  
16 course of someone's work. They -- by the mere fact of  
17 what they are, they do not stay in one place. They go  
18 to the worksite. For these specifically, they must  
19 have two separate locking devices when they're in the  
20 vehicle that's transporting them.

21 The vehicle must have a disabling feature  
22 itself. The third bullet, on maintain access control,  
23 is more than just locking the vehicle. It's also  
24 maintaining control of those keys to that vehicle. Or  
25 if not specifically the keys, maintaining access

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1 control to that vehicle.

2 And the vehicle alarm system, is a way to  
3 know that someone has illegally or unofficially  
4 entered the vehicle.

5 Again, this is specifically for those  
6 portable and mobile devices.

7 MR. RAKOVAN: These are Category 2 only,  
8 right?

9 MS. BAGLEY: Category 2.

10 MR. RAKOVAN: Comments? Insight?

11 MR. PRENDERGAST: I've just got a  
12 question.

13 MR. RAKOVAN: Sure. Can you list who you  
14 are just one more time.

15 MR. PRENDERGAST: Kent Prendergast,  
16 Radiologic Health Branch.

17 MR. RAKOVAN: Just to be sure.

18 MR. PRENDERGAST: Uh-huh. This will be --  
19 I guess the issue here is if you guys have, you know,  
20 10 CF- -- will this be part of 10 CFR, part 20? I  
21 guess I'm looking for how the agreement states will --

22 MS. BAGLEY: You're going to my next  
23 slide.

24 (Laughter.)

25 MS. BAGLEY: So that will be on the next

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1 slide. I'll get right back to it.

2 MR. PRENDERGAST: Because we do some of  
3 these things through license condition right now and  
4 our particular license conditions is severely flogged,  
5 so it doesn't carry out a bunch of those things.

6 MR. RAKOVAN: Hold that thought.

7 MS. WELCH: Yes.

8 MS. GIANTELLI: Carry on.

9 MR. RAKOVAN: Any further discussion on  
10 this particular set of requirements or, really, any  
11 that we've covered up to this point because I think  
12 after this point we've got a few questions that we're  
13 going to throw out specifically, just to try to  
14 facilitate some discussion. So just, you know, any  
15 thoughts or -- as you've been mulling things over...?

16 Okay. Adelaide, do you want to go through  
17 the additional questions?

18 MS. GIANTELLI: Yeah. Yes, we have three  
19 additional questions that we wanted to solicit  
20 specific input on. The first question is: Should the  
21 staff revise Part 20 or Part 73 of our regulations?

22 And we can see reasons for revising either  
23 parts of those regulations to address these type --  
24 these requirements that we just discussed. 10 CFR  
25 Part 20 is the standards for protection against

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1 radiation. And in there there are specific  
2 requirements for reporting thefts or loss of licensed  
3 material. So in some cases there is some precedent  
4 for putting it in that part of our regulations.

5 10 CFR Part 73 is where we have physical  
6 protection of plants and materials. And that's where  
7 we have some requirements on other types of shipments,  
8 other types of material that are in transport.

9 Or if you think it should be somewhere  
10 else, we'd like to hear that. But we're -- as we've  
11 been saying, we are still open. We're all -- we can  
12 see pros and cons of different locations in the Code  
13 of Federal Regulations, but whatever suggestions you  
14 can give, we'd like to hear it.

15 MR. RAKOVAN: Anyone have some input that  
16 they'd like to share on this particular question, or  
17 does it even matter to you? I mean that's certainly a  
18 consideration.

19 MR. PRENDERGAST: Kent Prendergast,  
20 Radiologic Health Branch. Part 20 being the standard.

21 Yeah, I guess that's how we implement radiation  
22 safety and security in the State of California, is  
23 through Part 20. So that's always a nice thing  
24 because everybody has that in common, so that's how we  
25 go from the agreement state program to the California

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1 Radiologic Health Branch program, and carry those out.

2 So that's just a suggestion, but I'm sure there's  
3 other ways to key it in.

4 MR. RAKOVAN: Okay. Any other input on  
5 this particular topic?

6 Mark.

7 MR. PRENDERGAST: Is that a specific --  
8 would you alter 2201 or 10 CFR Part 20, 20201 to  
9 change that just a little bit specifically or...

10 MS. GIANTELLI: We -- truthfully, we  
11 haven't thought that far in advance, whether it's  
12 modifying that particular or adding another set of  
13 requirements within Part 20 or even possibly pointing  
14 --

15 MR. PRENDERGAST: Because that's where  
16 your current thing for loss is.

17 MS. GIANTELLI: -- Part 20 to Part 73.  
18 It's -- it's -- that's why we want to hear everybody's  
19 comments because your comment that, you know, you use  
20 Part 20 to maintain compatibility --

21 MR. PRENDERGAST: And that's our reporting  
22 requirements, right.

23 MS. GIANTELLI: -- with your state  
24 program, that is something we want to hear.

25 MR. THOMPSON: James Thompson. I almost

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1 feel like I'm part of the group asking questions here.

2 MR. RAKOVAN: Yeah. Okay. Let's -- shall  
3 we remind you you do work for the NRC, James.

4 MR. THOMPSON: Got a paycheck to prove it,  
5 no.

6 So my question, I guess, is standards for  
7 protection against radiation almost -- to me that's  
8 protection against radiation exposure, okay. Part 30  
9 is kind of a catch-all part that deals with specific  
10 licenses for Part 39 or '6.

11 So I guess my question would be since the  
12 -- since the increased security for portable gauges  
13 was put under Part 30, has it been entertained of  
14 putting then presecurity requirements for  
15 transportation under Part 30 as well?

16 MS. GIANTELLI: I guess -- like I said,  
17 it's an open book. We can -- we can consider that,  
18 yes.

19 MR. PURDY: Well, part of -- Gary Purdy,  
20 NRC -- part of the argument to put it into Part 20  
21 because Part 20 applies to everybody. Part 30 doesn't  
22 apply to reactor licensees unless they have a specific  
23 Part 30 license.

24 MR. PRENDERGAST: It doesn't apply to our  
25 license, to agreement states either.

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1 MS. BAGLEY: Got you.

2 MR. RAKOVAN: Okay. okay, should we go  
3 ahead and move onto the next question?

4 Okay, Adelaide.

5 MS. GIANTELLI: Okay. The next question,  
6 Question 2. This isn't quite worded correctly, but  
7 the topic that we're interested in is how much  
8 involvement should the states have in our process?  
9 Should the NRC allow states to compel compliance with  
10 security regulations or should NRC maintain that sole  
11 responsibility?

12 MR. RAKOVAN: This ties back into what you  
13 were saying earlier, right, Adelaide, about the common  
14 defense and security. NRC can only have that, but  
15 then there's also the protection of public health and  
16 safety, which can be, you know, given to an agreement  
17 state, so.

18 MS. GIANTELLI: Which meet -- yeah.

19 MS. MIRANDA: Just a comment.

20 MR. RAKOVAN: Please.

21 MS. MIRANDA: Grace Miranda.

22 MR. RAKOVAN: Hold on. Hold on. Pause.

23 Okay. Play. Who are you again, please?

24 MS. MIRANDA: Grace Miranda.

25 MR. RAKOVAN: Thank you.

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1 MS. MIRANDA: Just a thought. If the  
2 states are able to govern that, wouldn't that be a  
3 problem when transporting through the different  
4 states, that you'd have to meet different rules and  
5 regulations for that state? I'm thinking of  
6 transportation, so maybe that's -- this isn't the time  
7 to bring that up.

8 MR. RAKOVAN: No, that's a valid concern.

9 MS. MIRANDA: Okay. So I think I'd like  
10 to see it at the higher level.

11 MR. RAKOVAN: So you're saying --

12 MS. MIRANDA: Where everyone's --

13 MR. RAKOVAN: -- common defense and  
14 security?

15 MS. MIRANDA: Yeah, the NRC. So there's  
16 consistency.

17 MR. RAKOVAN: Okay.

18 MS. GIANTELLI: Okay.

19 MR. RAKOVAN: Thank you.

20 MR. PRENDERGAST: Kent Prendergast,  
21 Radiologic Health Branch. You guys would do a much  
22 better job than the states would do it. My  
23 application will be on the desk.

24 MR. PURDY: This is Gary Purdy from NRC  
25 again. Just to clarify that issue of consistency

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1 across the states, there are different compatibility  
2 levels between our regulations and the agreement-state  
3 regulations. We can make it a compatibility B, which  
4 would be essential the states' regulations would have  
5 to match ours verbatim, so we could handle it that  
6 way.

7 MR. PRENDERGAST: The states are a lot  
8 slower, though. Kent Prendergast again. Like it  
9 takes the State of California up to four years to, you  
10 know, make a regulation that's specifically compatible  
11 to NRC's.

12 MR. THOMPSON: James Thompson. Doesn't  
13 that mean they have to be at least as stringent but  
14 they can be more stringent?

15 MR. PURDY: Not for compatibility.  
16 There's other ones that can be the other -- that are  
17 the --

18 MR. PRENDERGAST: They can try real hard  
19 in some cases, --

20 MR. PURDY: -- compatibility.

21 MR. PRENDERGAST: -- but they just don't  
22 change the regulations in the proper amount of  
23 timeframe.

24 MR. THOMPSON: Because I understand the  
25 young lady's comment about we run into problems like

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1 -- our licensees run into problems like that when it  
2 comes to reciprocity. You know, you'll be doing work  
3 in this state and then when you go to to this state  
4 the rules are different and then this state they're  
5 even more different, so they have to memorize all kind  
6 of different rules for each state they move in. A  
7 two-person rule, for example.

8 MR. PRENDERGAST: Question -- well, just a  
9 comment on that. Under reciprocity you've got two  
10 sets of rules you have to follow: The one that's in  
11 the license, so you have to do everything the license  
12 says you have to do, and this particular state itself  
13 rule. So in most cases it's a lot harder.

14 MR. RAKOVAN: Any further reaction to this  
15 particular question?

16 Okay. Adelaide, do you want to...

17 MS. GIANTELLI: Okay. Our last question,  
18 this goes to a petition that we received last year  
19 from the State of Washington. In that petition the  
20 State of Washington asked us to require GPS tracking  
21 on every portable or mobile device.

22 What we're calling for here is a bit of a  
23 straight survey question where we're interested in  
24 what basic technology companies are using to track the  
25 packages. We're interested if they're using global

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1 positioning satellite technology, radio frequency,  
2 indicating devices, is it accounting based, where  
3 we're trying to get a good idea of what technologies  
4 are being used out there. So any input that we can  
5 get on that, that would be helpful.

6 I want to -- and I should -- let me take a  
7 step back, too. We did grant consideration of the  
8 Washington state -- of the petition received from  
9 Washington state. It's not a given that we're going  
10 to implement what they said, but we said we would  
11 consider it part of our rulemaking process. And this  
12 is where we're going to consider that petition, as  
13 part of this process and take technical basis  
14 development.

15 MR. RAKOVAN: Anybody want to share some  
16 input right now? Again of course we'll -- you know,  
17 this question and everything else we've discussed  
18 today we'll definitely be taking input on after the  
19 meeting, but anybody want to expound upon this one?

20 Doesn't look like it?

21 MS. MIRANDA: No, the only --

22 MR. RAKOVAN: Come on. You got it. You  
23 do it. You opened your mouth. You knew I was going  
24 to make you move.

25 MS. MIRANDA: Grace Miranda. Just a

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1 suggestion. And you've probably thought about this,  
2 to contact carriers to get some of their input, some  
3 of the information from like the big trucking  
4 companies like Tristate Motor Transit and those kind  
5 of carriers.

6 MR. RAKOVAN: Thank you.

7 Randy.

8 MR. SHEPARD: Randy Shepard, Impēva Labs.

9 Is the NRC considering any type of demonstration,  
10 trial or pilot activity associated with technologies  
11 in preparation for this regulation?

12 MS. GIANTELLI: This is Adelaide  
13 Giantelli. No, we're not -- we're not planning it as  
14 part of this. We are -- we are part of other  
15 government working groups that are doing these types  
16 of pilot checks.

17 MS. BAGLEY: Yeah. TSA has a pilot going  
18 on.

19 MS. GIANTELLI: And we stay in contact  
20 with them, but we are not planning any specific pilot  
21 study on tracking methods. We are participating in  
22 the greater federal government program, looking at it.

23 And I'm not sure if you remember the name of the  
24 committee, but we are participating in the working  
25 groups that do this at the federal government level.

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1 But we're not specifically doing anything, no.

2 MR. SHEPARD: Because obviously DOE has  
3 programs.

4 MS. GIANTELLI: DOE --

5 MR. SHEPARD: Possibly Department of  
6 Defense we know is very active.

7 MS. BAGLEY: Yes.

8 MR. SHEPARD: And it might be recommended  
9 that you look at the technologies that they're  
10 implementing for their -- their higher priority. The  
11 Department of State has also implemented a three-year  
12 study and has conclusions.

13 MS. GIANTELLI: And Department of Homeland  
14 Security has been doing several pilot studies. And  
15 even -- even the Environmental Protection Agency has  
16 done some as well, so we are in touch with them.  
17 We're trying -- we're not overlapping studies. We're  
18 trying to avoid that.

19 MR. SHEPARD: Or I guess our  
20 recommendation would be to look beyond just the  
21 Department of Homeland Security and TSA.

22 MS. GIANTELLI: Okay. Thank you.

23 MR. RAKOVAN: Anything else on any of the  
24 questions or such before we go ahead and move forward?

25 Please. If you could identify yourself.

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1 MS. BYRON: I'm Barbara Byron with the  
2 California Energy Commission and I just have not a  
3 question associated with these, but a question  
4 regarding train shipments. I know they're not part of  
5 this rulemaking, but to what extent do the current  
6 advisories and orders on a voluntary basis are they  
7 communicated with companies that are shipping  
8 materials through the United States, but they're  
9 located outside of the United States?

10 MS. GIANTELLI: We have asked the  
11 companies that transship through the United States to  
12 voluntarily follow orders in our advisories. To their  
13 credit, they have agreed to follow them. The -- right  
14 now the NRC does not have a mechanism to impose a  
15 requirement on those kinds of companies, because  
16 they're not an NRC licensee.

17 What I'm going to ask is are you asking us  
18 to reconsider our policy to this policy to consider  
19 transshipments?

20 MS. BYRON: I would think that in light of  
21 the number of shipments, transshipments through the  
22 state of California, that it would be -- it would be a  
23 good -- I think it would be a good recommendation to  
24 consider.

25 MR. RAKOVAN: Thank you.

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1 MS. GIANTELLI: Thank you.

2 MR. RAKOVAN: Any further discussion on  
3 any of the topics before go ahead and kind for one  
4 close things down, more or less?

5 Okay. Why don't we go ahead and go  
6 through the last couple of slides that we have.

7 Adelaide, are you going to do these?

8 MS. GIANTELLI: Yeah, I can do them  
9 quickly.

10 Our path forward, I've said this before,  
11 our plans are to complete this technical basis.  
12 Basically write the document that says what  
13 requirements we want to add or revise in the existing  
14 regulations. And that's -- we're expected to do that  
15 by this spring, 2008. That will be used to inform a  
16 draft proposed rule or as the basis of the draft  
17 proposed rule, I should say. The plan is for that to  
18 be written and published -- while written, approved by  
19 the Commission and published spring 2009.

20 Again, we'll go through another public  
21 comment period at that time, gather comments, use  
22 those comments to -- respond to them and use those  
23 comments to inform the final rule. Again, it'll go  
24 through to the Commission for approval. And, if  
25 everything goes as planned, publish the final

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1 rulemaking in 2010.

2 Okay, next slide. Here is how to provide  
3 your comments now. We have a transcript of the  
4 meeting, so we have whatever comments we received  
5 today at the meeting on the transcripts. You can also  
6 put them on the form 659, the Public Meeting Feedback  
7 form, and that's another way to get the information to  
8 us.

9 Another way is by email to this  
10 nrcrep@nrc.gov. And you can also send it by regular  
11 mail to the chief, and here's the address. I don't  
12 think you need me to read that out.

13 And all the comments, we'd like to have  
14 them by February 8th, 2008. If we receive them by  
15 February 8th, 2008, they will definitely be considered  
16 in the technical basis and we will address them on our  
17 public -- respond to them on our public website on how  
18 we disposition the comment.

19 Any comments we receive after February 8th  
20 we will do our best to consider, but we can't  
21 guarantee consideration, so.

22 And that's really it.

23 MR. RAKOVAN: Okay. Before I turn things  
24 over to Bob just to kind of close this out, I just  
25 wanted to give one more opportunity in case anybody

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1 had any questions they wanted to ask or anything they  
2 wanted to interject?

3 Becca. Becca, there's no way we're going  
4 to be able to hear you, get you on the transcript, so  
5 you better get up here if you're going to say  
6 something. Come on. Don't be shy, and tell us who  
7 you are.

8 MS. CLINTON: Rebecca Clinton, NRC. I was  
9 just going to mention I think the website's on the  
10 next slide. There was one more added. If they need  
11 the location of the website.

12 MS. GIANTELLI: Okay.

13 MS. CLINTON: Okay.

14 MR. RAKOVAN: Sorry, Bob. Why don't you  
15 go ahead and close us down.

16 MR. CALDWELL: Okay. Well, first off,  
17 again, thank you very much for coming here. We really  
18 appreciate it. We appreciate your time and effort.  
19 Obviously we were hoping to have this auditorium  
20 filled. That's what we -- you know, one of the  
21 reasons why we came to California. Obviously it's  
22 such a beautiful day outside and have a hard time  
23 getting people in. And I want to be outside myself.  
24 It's beautiful out here.

25 But as you go back, you know, we got some

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1 good comments today, thank you very much, as you go  
2 back and you look through the documentation, I request  
3 that you pass it out to the other folks at your  
4 agencies, in your working groups, or whatever.  
5 Because the more comments we get now, the better the  
6 rule's going to be.

7 This is a unique opportunity. We're going  
8 out and trying to reach out for the public before  
9 we've formulated what we plan on doing. So please,  
10 you know, the more comments you give us, and comments  
11 with the basis for why to do one thing, why to do  
12 another, what issues have arisen in the past, what  
13 issues you think you can resolve, is going to make the  
14 document better. It's going to provide better balance  
15 when we provide it to the Commission, so that before  
16 it comes out and you get your next shot at it,  
17 hopefully it's not a complete rewrite from your  
18 perspective.

19 So again I request you go back, take a  
20 look at it. You can take these things that Susan just  
21 went through, cross them out, put in your new  
22 requirements and give us a basis for the facts in  
23 back. That doesn't bother me at all. The more  
24 information I get before we're doing this, the better  
25 product we're going to have right upfront. So this is

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1 a unique opportunity. Please avail yourself of it.  
2 Please kick around anybody that you know should have  
3 been here and have them do something with it. We  
4 really need the information. And the sooner we get  
5 it, the better it is. But thank you very much for  
6 being here. Thanks for the weather too, you all.

7 (Applause.)

8 MR. RAKOVAN: Thanks.

9 (The meeting was concluded at 2:50 p.m.)

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